

H- 2/14/02 Do Pass

3/20/02 Rereferred To: State Gov.

JAN 14 2002
STATE GOVERNMENT

HOUSE FILE 2008
BY DRAKE, JONES, and
RICHARDSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the election of directors of local school
2 districts, area education agencies, and merged areas on the
3 date of the general election, and including an effective date,
4 applicability, and transition provision.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H- 2008

1 Section 1. Section 39.24, Code 2001, is amended to read as
2 follows:

3 39.24 SCHOOL OFFICERS.

4 Members of boards of directors of community and independent
5 school districts, and boards of directors of merged areas
6 shall be elected at the school election. Their terms of
7 office shall be ~~three~~ four years, except as otherwise provided
8 by section 260C.11, 260C.13, or 275.23A.

9 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code
10 2001, is amended to read as follows:

11 The governing board of a merged area is a board of
12 directors composed of one member elected from each director
13 district in the area by the electors of the respective
14 district. Members of the board shall be residents of the
15 district from which elected. Successors shall be chosen at
16 the ~~annual~~ regular school elections for members whose terms
17 expire. The term of a member of the board of directors is
18 ~~three~~ four years and commences at the organization meeting.
19 Vacancies on the board shall be filled at the next regular
20 meeting of the board by appointment by the remaining members
21 of the board. A member so chosen shall be a resident of the
22 district in which the vacancy occurred and shall serve until a
23 member is elected pursuant to section 69.12 to fill the
24 vacancy for the balance of the unexpired term. A vacancy is
25 defined in section 277.29. A member shall not serve on the
26 board of directors who is a member of a board of directors of
27 a local school district or a member of an area education
28 agency board.

29 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code
30 2001, is amended to read as follows:

31 The board of directors of the merged area shall organize at
32 the first regular meeting in October ~~of each year~~ following
33 the regular school election. Organization of the board shall
34 be effected by the election of a president and other officers
35 from the board membership as board members determine. The

1 board of directors shall appoint a secretary and a treasurer
2 who shall each give bond as prescribed in section 291.2 and
3 who shall each receive the salary determined by the board.
4 The secretary and treasurer shall perform duties under chapter
5 291 and additional duties the board of directors deems
6 necessary. However, the board may appoint one person to serve
7 as the secretary and treasurer. If one person serves as the
8 secretary and treasurer, only one bond is necessary for that
9 person. The frequency of meetings other than organizational
10 meetings shall be as determined by the board of directors but
11 the president or a majority of the members may call a special
12 meeting at any time.

13 Sec. 4. Section 260C.13, subsection 1, Code 2001, is
14 amended to read as follows:

15 1. The board of a merged area may change the number of
16 directors on the board and shall make corresponding changes in
17 the boundaries of director districts. Changes shall be
18 completed not later than June 1 ~~for the regular school~~
19 ~~election to be held the next following September~~ of the year
20 of the regular school election. As soon as possible after
21 adoption of the boundary changes, notice of changes in the
22 director district boundaries shall be submitted by the merged
23 area to the county commissioner of elections in all counties
24 included in whole or in part in the merged area.

25 Sec. 5. Section 260C.15, subsections 1 and 4, Code 2001,
26 are amended to read as follows:

27 1. Regular elections held ~~annually~~ by the merged area for
28 the election of members of the board of directors as required
29 by section 260C.11, for the renewal of the twenty and one-
30 fourth cents per thousand dollars of assessed valuation levy
31 authorized in section 260C.22, or for any other matter
32 authorized by law and designated for election by the board of
33 directors of the merged area, shall be held on the date of the
34 school election as fixed by section 277.1. The election
35 notice shall be made a part of the local school election

1 notice published as provided in section 49.53 in each local
2 school district where voting is to occur in the merged area
3 election and the election shall be conducted by the county
4 commissioner of elections pursuant to chapters 39 to 53 and
5 section 277.20.

6 4. The votes cast in the election shall be canvassed and
7 abstracts of the votes cast shall be certified as required by
8 section 277.20. In each county whose commissioner of
9 elections is responsible under section 47.2 for conducting
10 elections held for a merged area, the county board of
11 supervisors shall convene on the ~~last Monday in September~~
12 after the regular school election or at the last regular board
13 meeting in September, canvass the abstracts of votes cast and
14 declare the results of the voting. The commissioner shall at
15 once issue certificates of election to each person declared
16 elected, and shall certify to the merged area board in
17 substantially the manner prescribed by section 50.27 the
18 result of the voting on any public question submitted to the
19 voters of the merged area. Members elected to the board of
20 directors of a merged area shall qualify by taking the oath of
21 office prescribed in section 277.28.

22 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
23 2001, is amended to read as follows:

24 a. In addition to the tax authorized under section
25 260C.17, the voters in any a merged area may at the ~~annual~~
26 regular school election vote a tax not exceeding twenty and
27 one-fourth cents per thousand dollars of assessed value in any
28 one year for a period not to exceed ten years for the purchase
29 of grounds, construction of buildings, payment of debts
30 contracted for the construction of buildings, purchase of
31 buildings and equipment for buildings, and the acquisition of
32 libraries, for the purpose of paying costs of utilities, and
33 for the purpose of maintaining, remodeling, improving, or
34 expanding the community college of the merged area. If the
35 tax levy is approved under this section, the costs of

1 utilities shall be paid from the proceeds of the levy. The
2 tax shall be collected by the county treasurers and remitted
3 to the treasurer of the merged area as provided in section
4 331.552, subsection 29. The proceeds of the tax shall be
5 deposited in a separate and distinct fund to be known as the
6 voted tax fund, to be paid out upon warrants drawn by the
7 president and secretary of the board of directors of the
8 merged area district for the payment of costs incurred in
9 providing the school facilities for which the tax was voted.

10 Sec. 7. Section 273.8, subsections 1 and 6, Code 2001, are
11 amended to read as follows:

12 1. BOARD OF DIRECTORS. The board of directors of an area
13 education agency shall consist of not less than five nor more
14 than nine members, each a resident of and elected in the
15 manner provided in this section from a director district that
16 is approximately equal in population to the other director
17 districts in the area education agency. Each director shall
18 serve a ~~three-year~~ four-year term which commences at the
19 organization meeting.

20 6. BOUNDARY LINE CHANGES. To the extent possible the
21 board shall provide that changes in the boundary lines of
22 director districts of area education agencies shall not
23 lengthen or diminish the term of office of a director of an
24 area education agency board. Initial terms of office shall be
25 set by the board so that as nearly as possible the terms of
26 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

27 Sec. 8. Section 273.8, subsection 2, unnumbered paragraph
28 2, Code 2001, is amended to read as follows:

29 The director district conventions shall be called and the
30 locations of the conventions shall be determined by the area
31 education agency administrator. ~~Annually~~ Biennially the
32 director district conventions shall be held within two weeks
33 following the regular school election. Notice of the time,
34 date and place of a director district convention shall be
35 published by the area education agency administrator at least

1 forty-five days prior to the day of the district conventions
2 in at least one newspaper of general circulation in the
3 director district. The cost of publication shall be paid by
4 the area education agency.

5 Sec. 9. Section 273.8, subsection 3, unnumbered paragraph
6 1, Code 2001, is amended to read as follows:

7 The board of directors of each area education agency shall
8 meet and organize at the first regular meeting in October of
9 each-year following the regular school election at a suitable
10 place designated by the president. Directors whose terms
11 commence at the organization meeting shall qualify by taking
12 the oath of office required by section 277.28 at or before the
13 organization meeting.

14 Sec. 10. Section 274.7, Code 2001, is amended to read as
15 follows:

16 274.7 DIRECTORS.

17 The affairs of each school corporation shall be conducted
18 by a board of directors, the members of which in all community
19 or independent school districts shall be chosen for a term of
20 three four years.

21 Sec. 11. Section 275.1, subsections 2 and 5, Code 2001,
22 are amended to read as follows:

23 2. "Initial board" means the board of a newly reorganized
24 district that is selected pursuant to section 275.25 or 275.41
25 and functions until the organizational meeting following the
26 fourth third regular school election held after the effective
27 date of the reorganization.

28 5. "Regular board" means the board of a reorganized
29 district that begins to function at the organizational meeting
30 following the fourth third regular school election held after
31 the effective date of the school reorganization, and is
32 comprised of members who were elected to the current terms or
33 were appointed to replace members who were elected.

34 Sec. 12. Section 275.12, subsection 2, paragraphs b, c, d,
35 and e, Code Supplement 2001, are amended to read as follows:

1 b. Division of the entire school district into designated
2 geographical single director or multi-director subdistricts on
3 the basis of population for each director, to be known as
4 director districts, each of which ~~director-districts~~ shall be
5 represented on the school board by one or more directors who
6 shall be residents of the director district but who shall be
7 elected by the vote of the electors of the entire school
8 district. The boundaries of the director districts and the
9 area and population included within each district shall be
10 such as justice, equity, and the interests of the people may
11 require. Changes in the boundaries of director districts
12 shall not be made during a period commencing sixty days prior
13 to the date of the ~~annual~~ regular school election. ~~Insofar~~ As
14 far as ~~may-be~~ practicable, the boundaries of the districts
15 shall follow established political or natural geographical
16 divisions.

17 c. Election of not more than one-half of the total number
18 of school directors at large from the entire district and the
19 remaining directors from and as residents of designated
20 single-member or multi-member director districts into which
21 the entire school district shall be divided on the basis of
22 population for each director. In such case, all directors
23 shall be elected by the electors of the entire school
24 district. Changes in the boundaries of director districts
25 shall not be made during a period commencing sixty days prior
26 to the date of the ~~annual~~ regular school election.

27 d. Division of the entire school district into designated
28 geographical single director or multi-director subdistricts on
29 the basis of population for each director, to be known as
30 director districts, each of which ~~director-districts~~ shall be
31 represented on the school board by one or more directors who
32 shall be residents of the director district and who shall be
33 elected by the voters of the director district. Place of
34 voting in the director districts shall be designated by the
35 commissioner of elections. Changes in the boundaries of

1 director districts shall not be made during a period
2 commencing sixty days prior to the date of the annual regular
3 school election.

4 e. In districts having seven directors, election of three
5 directors at large by the electors of the entire district, one
6 no more than two at each annual regular school election, and
7 election of the remaining directors as residents of and by the
8 electors of individual geographic subdistricts established on
9 the basis of population and identified as director districts,
10 no more than two at a regular school election. Boundaries of
11 the subdistricts shall follow precinct boundaries, insofar as
12 far as practicable, and shall not be changed less than sixty
13 days prior to the annual regular school election.

14 Sec. 13. Section 275.25, subsection 3, Code 2001, is
15 amended to read as follows:

16 3. The directors who are elected and qualify to serve
17 shall serve until their successors are elected and qualify.
18 At the special election, the newly elected director directors
19 receiving the most votes shall be elected to serve until ~~the~~
20 ~~director's successor qualifies~~ their successors qualify after
21 the ~~fourth~~ third regular school election date occurring after
22 the effective date of the reorganization, and the two newly
23 elected directors receiving the next largest number of votes
24 shall be elected to serve until the directors' successors
25 qualify after the ~~third~~ second regular school election date
26 occurring after the effective date of the reorganization, ~~and~~
27 ~~the two newly elected directors receiving the next largest~~
28 ~~number of votes shall be elected to serve until the directors'~~
29 ~~successors qualify after the second regular school election~~
30 ~~date occurring after the effective date of the reorganization.~~
31 However, in districts that include all or a part of a city of
32 fifteen thousand or more population and in districts in which
33 the proposition to establish a new corporation provides for
34 the election of seven directors, the ~~three newly elected~~
35 ~~directors receiving the most votes shall be elected to serve~~

~~1 until the directors' successors qualify after the fourth~~
~~2 regular school election date occurring after the effective~~
~~3 date of the reorganization~~ timelines specified in this
~~4 subsection for the terms of office apply to the four newly~~
~~5 elected directors receiving the most votes and then to the~~
~~6 three newly elected directors receiving the next largest~~
~~7 number of votes.~~

8 Sec. 14. Section 275.36, Code 2001, is amended to read as
9 follows:

10 275.36 SUBMISSION OF CHANGE TO ELECTORS.

11 If a petition for a change in the number of directors or in
12 the method of election of school directors, describing the
13 boundaries of the proposed director districts, if any, signed
14 by eligible electors of the school district equal in number to
15 at least thirty percent of those who voted in the last
16 previous ~~annual~~ regular school election in the school
17 district, but not less than one hundred persons, and
18 accompanied by affidavit as required by section 275.13 ~~be~~ is
19 filed with the school board of a school district, not earlier
20 than six months and not later than sixty-seven days before a
21 regular or special school election, the school board shall
22 submit ~~such~~ the proposition to the voters at the election. If
23 a proposition for a change in the number of directors or in
24 the method of election of school directors submitted to the
25 voters under this section is rejected, it shall not be
26 resubmitted to the voters of the district in substantially the
27 same form within the next three years; if it is approved, no
28 other proposal may be submitted to the voters of the district
29 under this section within the next six years.

30 Sec. 15. Section 275.37, Code 2001, is amended to read as
31 follows:

32 275.37 INCREASE IN NUMBER OF DIRECTORS.

33 At the next succeeding ~~annual~~ regular school election in a
34 district where the number of directors has been increased from
35 five to seven, and directors are elected at large, there shall

1 be elected a director to succeed each incumbent director whose
2 term is expiring in that year, and two additional directors.
3 Upon organizing as required by section 279.1, either one or
4 two of the newly elected director directors who received the
5 fewest votes in the election shall be assigned a term of
6 ~~either one year or~~ two years if as necessary in order that as
7 nearly as possible ~~one-third~~ one-half of the members of the
8 board shall be elected ~~each year~~ biennially.

9 Sec. 16. Section 275.38, Code 2001, is amended to read as
10 follows:

11 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

12 If change in the method of election of school directors is
13 approved at a regular or special school election, the
14 directors who were serving unexpired terms or were elected
15 concurrently with approval of the change of method shall serve
16 out the terms for which they were elected. If the plan
17 adopted is that described in section 275.12, subsection 2,
18 paragraph "~~b~~"-"~~e~~"-"~~d~~"-~~or~~"-"~~e~~" "b", "c", "d", or "e", the
19 board shall at the earliest practicable time designate the
20 districts from which residents are to be elected as school
21 directors at each of the next ~~three~~ two succeeding ~~annual~~
22 regular school elections, arranging so far as possible for
23 elections of directors as residents of the respective
24 districts to coincide with the expiration of terms of
25 incumbent members residing in those districts. If an increase
26 in the size of the board from five to seven members is
27 approved concurrently with the change in method of election of
28 directors, the board shall make the necessary adjustment in
29 the manner prescribed in section 275.37, as well as providing
30 for implementation of the districting plan under this section.

31 Sec. 17. Section 275.41, subsection 3, Code 2001, is
32 amended to read as follows:

33 3. Prior to the effective date of the reorganization, the
34 initial board shall approve a plan that commences at the
35 ~~second~~ first regular school election held after the effective

1 date of the merger and is completed at the fourth third
2 regular school election held after the effective date of the
3 merger, to replace the initial board with the regular board.
4 If the petition specifies a number of directors on the regular
5 board to be different from the number of directors on the
6 initial board, the plan shall provide that the number
7 specified in the petition for the regular board is in place by
8 the time the regular board is formed. The plan shall provide
9 that as nearly as possible ~~one-third~~ one-half of the members
10 of the board shall be elected ~~each-year~~ biennially, and if a
11 special election was held to elect a member to create an odd
12 number of members on the board, the term of that member shall
13 end at the organizational meeting following the fourth third
14 regular school election held after the effective date.

15 Sec. 18. Section 277.1, Code 2001, is amended to read as
16 follows:

17 277.1 REGULAR ELECTION.

18 The regular election shall be held ~~annually~~ biennially on
19 the ~~second~~ first Tuesday after the first Monday in September
20 of each odd-numbered year in each school district for the
21 election of officers of the district and merged area and for
22 the purpose of submitting to the voters any matter authorized
23 by law.

24 Sec. 19. Section 277.2, Code 2001, is amended to read as
25 follows:

26 277.2 SPECIAL ELECTION.

27 The board of directors in a school corporation may call a
28 special election at which the voters shall have the powers
29 exercised at the regular election with reference to the sale
30 of school property and the application to be made of the
31 proceeds, the authorization to change the method of election
32 of school directors to any method authorized by section
33 275.12, the authorization of seven members on the board of
34 directors, the authorization to establish or change the
35 boundaries of director districts, and the authorization of a

1 voter-approved physical plant and equipment levy or
2 indebtedness, as provided by law.

3 Sec. 20. Section 277.23, unnumbered paragraph 2, Code
4 2001, is amended to read as follows:

5 A change from five to seven directors shall be effected in
6 a district at the first regular election after authorization
7 by the voters or when a district becomes wholly or in part
8 within a city of fifteen thousand population or more in the
9 following manner: If the ~~term~~ terms of ~~one-director~~ two
10 directors of the five-member board ~~expires~~ expire at the time
11 of ~~said~~ the regular election, ~~three~~ four directors shall be
12 elected to serve until the ~~third~~ second following regular
13 election thereafter; if the terms of ~~two~~ three directors
14 expire at the time of ~~said~~ the regular election, three
15 directors shall be elected to serve until the ~~third~~ second
16 following regular election thereafter and ~~one-director~~ two
17 directors shall be elected to serve ~~a-term-the-expiration-of~~
18 ~~which-coincides-with-the-expiration-of-the-term-of-the~~
19 ~~director-heretofore-singly-elected~~ until the next regular
20 election.

21 Sec. 21. Section 277.25, Code 2001, is amended to read as
22 follows:

23 277.25 DIRECTORS IN NEW DISTRICTS.

24 At the first election in newly organized districts the
25 directors shall be elected as follows:

26 1. In districts having three directors, ~~one-director~~ two
27 directors shall be elected for ~~one-year,~~ one-for two years,
28 and one for ~~three~~ four years.

29 2. In districts having five directors, ~~two~~ three shall be
30 elected for ~~one-year,~~ two-for two years, and one two for ~~three~~
31 four years.

32 3. In districts having seven directors, ~~two~~ four shall be
33 elected for ~~one-year,~~ two-for two years, and three for ~~three~~
34 four years.

35 Sec. 22. Section 278.2, unnumbered paragraph 2, Code 2001,

1 is amended to read as follows:

2 Petitions filed under this section shall be filed with the
3 secretary of the school board at least seventy-five days
4 before the date of the ~~annual~~ regular school election, if the
5 question is to be included on the ballot at that election.
6 The petition shall include the signatures of the petitioners,
7 a statement of their place of residence, and the date on which
8 they signed the petition.

9 Sec. 23. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

10 This Act, being deemed of immediate importance, takes effect
11 upon enactment, for purposes of the transition from election
12 of directors of community and independent school districts,
13 merged areas, and area education agencies annually from terms
14 of three years each to the staggered election of such
15 directors biennially for terms of four years each. This Act
16 shall be applied so that the first election at which
17 directors, due to the expiration of predecessor director
18 terms, shall be elected to serve regular four-year terms is
19 the regular school election held in September 2003 or the
20 director district conventions held in September 2003.

21 The board of directors of each affected school district and
22 each merged area and area education agency shall review the
23 expiration dates of the terms of office of its directors and
24 shall adopt by resolution a plan for shortening terms of the
25 members for the annual school election or director district
26 convention held in September 2002 so that the members whose
27 terms expire at the regular school election or director
28 district convention held in September 2003 will be elected to
29 four-year terms. The board shall submit a copy of the
30 resolution adopting its plan to the office of the state
31 commissioner of elections no later than August 1, 2002. In
32 developing the plan, the board of directors shall take into
33 consideration the terms for which the members were elected and
34 the number of votes the members received in relation to the
35 number of votes other candidates received at the applicable

1 election or director district convention.

2 EXPLANATION

3 This bill provides for the election of the directors of
4 local school districts and merged areas in September in odd-
5 numbered years. Area education agencies are required by law
6 to hold their director district conventions within two weeks
7 of the regular school election. Area education agency board
8 directors are elected at those conventions. In order to
9 accomplish these purposes, the bill changes the terms of all
10 of these directors from three to four years and provides for a
11 transition period.

12 The bill takes effect upon enactment for purposes of
13 holding the area education agency director district
14 conventions in September 2003, and the first biennial regular
15 school election in September 2003.

16 Additional conforming amendments to the Code may be
17 necessary to fully implement the bill's provisions.

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Legislative Fiscal Bureau

Fiscal Note

HF 2008 - School Board Member Terms (LSB 5235 HH)

Analyst: Robin Madison (Phone: (515) 281-5270) (Robin.Madison@legis.state.ia.us)

Fiscal Note Version - New

Requested by Representative Libby Jacobs

Description

House File 2008 provides for the election of directors of local school districts, area education agencies, and community colleges in odd-numbered calendar years. These elections are currently conducted annually, and the cost of the elections is passed along by the counties to the local entities.

To accomplish the change from annual to biennial elections, HF 2008 also changes the terms of the directors from three to four years and provides a transition process, beginning with the September 2003 elections. The Bill takes effect upon enactment.

Assumptions

1. The approximate cost of an election for local school districts was estimated for three enrollment categories, based upon an earlier survey of districts regarding these costs.
2. The approximate cost for area education agencies was assumed to be equal to the cost for the smallest school districts. Area education agency directors are elected at director district conventions by representatives of the school boards in their director districts. The costs of these conventions are minimal.
3. The approximate cost for community colleges was assumed to be equal to the cost for the largest school districts.
4. House File 2008 provides for a transition to biennial elections beginning with the ~~September~~ September 2003 elections, and there is no fiscal impact is provided ~~for~~ in FY 2003 or FY 2004. The fiscal impact of the Bill would not be realized until FY 2005, the first fiscal year with no school elections.

Fiscal Impact

House File 2008 savings to local school districts, area education agencies, and community colleges is estimated to total \$1.5 million in each even-numbered year, beginning with FY 2005. The following table shows the calculation:

<u>FY 02 Enrollment Category</u>	<u>Number of Districts/Areas</u>	<u>Est. Cost per District/Area</u>	<u>Total</u>
Less than 400	79	\$ 480	\$ 37,920
400-999	177	1,200	212,400
1,000-7,500	106	3,400	360,400
Greater than 7,500	9	36,500	328,500
Area Education Agencies	15	480	7,200
Community Colleges	15	36,500	<u>547,500</u>
Total			<u>\$1,493,920</u>

Source

Department of Education

_____/s/ Dennis C Prouty_____

February 7, 2002

The fiscal note and correction impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
