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SENATE FILE 115 EDUCATION  
BY BOETTGER

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to school corporations by changing the date of  
2 the election of directors of local school districts and merged  
3 areas, changing the terms of office for elective offices,  
4 changing the date of the organization meeting of a school  
5 board, requiring the oath of office for school corporation  
6 board members to be taken at the organization meeting, and  
7 including an effective date, applicability, and transition  
8 provision.

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

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EDUCATION

1 Section 1. Section 39.24, Code 2005, 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, 275.37, or 275.37A.

9 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code  
10 2005, 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 2005, 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~~ December  
33 following the regular school election. Organization of the  
34 board shall be effected by the election of a president and  
35 other officers from the board membership as board members

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

13 Sec. 4. Section 260C.13, subsection 1, Code 2005, 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 1 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 2005,  
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 or  
12 at the last regular board meeting in September, canvass the  
13 abstracts of votes cast and declare the results of the voting.  
14 The commissioner shall at once issue certificates of election  
15 to each person declared elected, and shall certify to the  
16 merged area board in substantially the manner prescribed by  
17 section 50.27 the result of the voting on any public question  
18 submitted to the voters of the merged area. Members elected  
19 to the board of directors of a merged area shall qualify by  
20 taking the oath of office prescribed in section 277.28 at the  
21 organization meeting.

22 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code  
23 2005, 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, subsection 4, unnumbered paragraph  
11 1, Code 2005, is amended to read as follows:

12 The board of directors of each area education agency shall  
13 meet and organize at the first regular meeting in October of  
14 each year at a suitable place designated by the president.  
15 Directors whose terms commence at the organization meeting  
16 shall qualify by taking the oath of office required by section  
17 277.28 at ~~or-before~~ the organization meeting.

18 Sec. 8. Section 274.7, Code 2005, is amended to read as  
19 follows:

20 274.7 DIRECTORS.

21 The affairs of each school corporation shall be conducted  
22 by a board of directors, the members of which in all community  
23 or independent school districts shall be chosen for a term of  
24 three ~~four~~ years.

25 Sec. 9. Section 275.1, subsections 2 and 5, Code 2005, are  
26 amended to read as follows:

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

32 5. "Regular board" means the board of a reorganized  
33 district that begins to function at the organizational meeting  
34 following the ~~fourth~~ third regular school election held after  
35 the effective date of the school reorganization, and is

1 comprised of members who were elected to the current terms or  
2 were appointed to replace members who were elected.

3 Sec. 10. Section 275.12, subsection 2, paragraphs b, c, d,  
4 and e, Code 2005, are amended to read as follows:

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

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

31 d. Division of the entire school district into designated  
32 geographical single director or multi-director subdistricts on  
33 the basis of population for each director, to be known as  
34 director districts, each of which ~~director-districts~~ shall be  
35 represented on the school board by one or more directors who

1 shall be residents of the director district and who shall be  
2 elected by the voters of the director district. Place of  
3 voting in the director districts shall be designated by the  
4 commissioner of elections. Changes in the boundaries of  
5 director districts shall not be made during a period  
6 commencing sixty days prior to the date of the ~~annual~~ regular  
7 school election.

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

18 Sec. 11. Section 275.25, subsection 3, Code 2005, is  
19 amended to read as follows:

20 3. The directors who are elected and qualify to serve  
21 shall serve until their successors are elected and qualify.  
22 At the special election, the three newly elected ~~director~~  
23 directors receiving the most votes shall be elected to serve  
24 until ~~the-director's-successor-qualifies~~ their successors  
25 qualify after the ~~fourth~~ third 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 ~~third~~ second regular school  
30 election date occurring after the effective date of the  
31 reorganization; ~~and-the-two-newly-elected-directors-receiving~~  
32 ~~the-next-largest-number-of-votes-shall-be-elected-to-serve~~  
33 ~~until-the-directors'-successors-qualify-after-the-second~~  
34 ~~regular-school-election-date-occurring-after-the-effective~~  
35 ~~date-of-the-reorganization~~. However, in districts that

1 include all or a part of a city of fifteen thousand or more  
2 population and in districts in which the proposition to  
3 establish a new corporation provides for the election of seven  
4 directors, ~~the three newly elected directors receiving the~~  
5 ~~most votes shall be elected to serve until the directors'~~  
6 ~~successors qualify after the fourth regular school election~~  
7 ~~date occurring after the effective date of the reorganization~~  
8 time lines specified in this subsection for the terms of  
9 office apply to the four newly elected directors receiving the  
10 most votes and then to the three newly elected directors  
11 receiving the next largest number of votes.

12 Sec. 12. Section 275.37, Code 2005, is amended to read as  
13 follows:

14 275.37 INCREASE IN NUMBER OF DIRECTORS.

15 At the next succeeding ~~annual~~ regular school election in a  
16 district where the number of directors has been increased from  
17 five to seven, and directors are elected at large, there shall  
18 be elected a director to succeed each incumbent director whose  
19 term is expiring in that year, and two additional directors.  
20 Upon organizing as required by section 279.1, either one or  
21 two of the newly elected ~~director~~ directors who received the  
22 fewest votes in the election shall be assigned a term of  
23 ~~either one year or~~ two years if as necessary in order that as  
24 nearly as possible ~~one-third~~ one-half of the members of the  
25 board shall be elected ~~each year~~ biennially. If some or all  
26 directors are elected from director districts, the board shall  
27 assign terms appropriate for the method of election used by  
28 the district.

29 Sec. 13. Section 275.37A, Code 2005, is amended to read as  
30 follows:

31 275.37A DECREASE IN NUMBER OF DIRECTORS.

32 1. A change from seven to five directors shall be effected  
33 in a district at the first regular school election after  
34 authorization by the voters in the following manner:

35 a. If at the first election in the district there are

1 ~~three~~ four terms expiring, ~~one-director~~ three directors shall  
2 be elected. At the second election in that district, if ~~two~~  
3 three terms are expiring, two directors shall be elected. At  
4 ~~the-third-election-in-that-district,-if-there-are-two-terms~~  
5 ~~expiring,-two-directors-shall-be-elected-~~

6 b. If at the first election there are two three terms  
7 expiring, ~~no~~ two directors shall be elected. At the second  
8 election in that district, if ~~two~~ four terms are expiring, two  
9 directors shall be elected. ~~At-the-third-election-in-that~~  
10 ~~district,-if-there-are-three-terms-expiring,-three-directors~~  
11 ~~shall-be-elected,-two-for-three-years-and-one-for-one-year-~~  
12 ~~The-newly-elected-director-who-received-the-fewest-votes-in~~  
13 ~~the-election-shall-be-assigned-a-term-of-one-year-~~

14 c. ~~--If-at-the-first-election-there-are-two-terms-expiring,~~  
15 ~~no-directors-shall-be-elected.--At-the-second-election-in-that~~  
16 ~~district,-if-three-terms-are-expiring,-three-directors-shall~~  
17 ~~be-elected,-two-for-three-years-and-one-for-two-years.--The~~  
18 ~~newly-elected-director-who-received-the-fewest-votes-in-the~~  
19 ~~election-shall-be-assigned-a-term-of-two-years.--At-the-third~~  
20 ~~election-in-that-district,-if-there-are-two-terms-expiring,~~  
21 ~~two-directors-shall-be-elected-~~

22 2. If some or all of the directors are elected from  
23 director districts, the board shall devise a plan to reduce  
24 the number of members so that as nearly as possible one-third  
25 one-half of the members of the board shall be elected each  
26 year biennially and so that each district will be continuously  
27 represented.

28 Sec. 14. Section 275.38, Code 2005, is amended to read as  
29 follows:

30 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

31 If change in the method of election of school directors is  
32 approved at a regular or special school election, the  
33 directors who were serving unexpired terms or were elected  
34 concurrently with approval of the change of method shall serve  
35 out the terms for which they were elected. If the plan

1 adopted is that described in section 275.12, subsection 2,  
2 paragraph "~~b~~", "~~c~~", "~~d~~", or "~~e~~", "b", "c", "d", or "e", the  
3 board shall at the earliest practicable time designate the  
4 districts from which residents are to be elected as school  
5 directors at each of the next ~~three~~ two succeeding ~~annual~~  
6 regular school elections, arranging so far as possible for  
7 elections of directors as residents of the respective  
8 districts to coincide with the expiration of terms of  
9 incumbent members residing in those districts. If an increase  
10 in the size of the board from five to seven members is  
11 approved concurrently with the change in method of election of  
12 directors, the board shall make the necessary adjustment in  
13 the manner prescribed in section 275.37, as well as providing  
14 for implementation of the districting plan under this section.

15 Sec. 15. Section 275.41, subsection 3, Code 2005, is  
16 amended to read as follows:

17 3. Prior to the effective date of the reorganization, the  
18 initial board shall approve a plan that commences at the  
19 ~~second~~ first regular school election held after the effective  
20 date of the merger and is completed at the ~~fourth~~ third  
21 regular school election held after the effective date of the  
22 merger, to replace the initial board with the regular board.  
23 If the petition specifies a number of directors on the regular  
24 board to be different from the number of directors on the  
25 initial board, the plan shall provide that the number  
26 specified in the petition for the regular board is in place by  
27 the time the regular board is formed. The plan shall provide  
28 that as nearly as possible ~~one-third~~ one-half of the members  
29 of the board shall be elected ~~each-year~~ biennially, and if a  
30 special election was held to elect a member to create an odd  
31 number of members on the board, the term of that member shall  
32 end at the organizational meeting following the ~~fourth~~ third  
33 regular school election held after the effective date.

34 Sec. 16. Section 277.1, Code 2005, is amended to read as  
35 follows:

## 1 277.1 REGULAR ELECTION.

2 The regular election shall be held ~~annually~~ biennially on  
3 the ~~second~~ first Tuesday after the first Monday in September  
4 November of each even-numbered year in each school district  
5 for the election of officers of the district and merged area  
6 and for the purpose of submitting to the voters any matter  
7 authorized by law.

8 Sec. 17. Section 277.2, Code 2005, is amended to read as  
9 follows:

## 10 277.2 SPECIAL ELECTION.

11 The board of directors in a school corporation may call a  
12 special election at which the voters shall have the powers  
13 exercised at the regular election with reference to the sale  
14 of school property and the application to be made of the  
15 proceeds, the authorization to change the method of election  
16 of school directors to any method authorized by section  
17 275.12, the authorization of seven members on the board of  
18 directors, the authorization to establish or change the  
19 boundaries of director districts, and the authorization of a  
20 voter-approved physical plant and equipment levy or  
21 indebtedness, as provided by law.

22 Sec. 18. Section 277.20, unnumbered paragraph 1, Code  
23 2005, is amended to read as follows:

24 On the next ~~Friday~~ Monday after the regular school  
25 election, the county board of supervisors shall canvass the  
26 returns made to the county commissioner of elections from the  
27 several precinct polling places and the absentee ballot  
28 counting board, ascertain the result of the voting with regard  
29 to every matter voted upon and cause a record to be made  
30 thereof as required by section 50.24. Special elections held  
31 in school districts shall be canvassed at the time and in the  
32 manner required by that section. The board shall declare the  
33 results of the voting for members of boards of directors of  
34 school corporations nominated pursuant to section 277.4, and  
35 the commissioner shall at once issue a certificate of election

1 to each person declared elected. The board shall also declare  
2 the results of the voting on any public question submitted to  
3 the voters of a single school district, and the commissioner  
4 shall certify the result as required by section 50.27.

5 Sec. 19. Section 277.25, Code 2005, is amended to read as  
6 follows:

7 277.25 DIRECTORS IN NEW DISTRICTS.

8 At the first election in newly organized districts the  
9 directors shall be elected as follows:

10 1. In districts having three directors, ~~one-director~~ two  
11 directors shall be elected for ~~one-year, one-for~~ two years,  
12 and one for ~~three~~ four years.

13 2. In districts having five directors, ~~two~~ three shall be  
14 elected for ~~one-year, two-for~~ two years, and ~~one~~ two for ~~three~~  
15 four years.

16 3. In districts having seven directors, ~~two~~ four shall be  
17 elected for ~~one-year, two-for~~ two years, and three for ~~three~~  
18 four years.

19 Sec. 20. Section 277.28, Code 2005, is amended to read as  
20 follows:

21 277.28 OATH REQUIRED.

22 Each director elected at a regular district or director  
23 district election shall qualify by taking the oath of office  
24 ~~on-or-before~~ at the time set for the organization meeting of  
25 the board and the election and qualification entered of record  
26 by the secretary. The oath may be administered by any  
27 qualified member of the board or the secretary of the board  
28 and may be taken in substantially the following form:

29 "Do you solemnly swear that you will support the  
30 Constitution of the United States and the Constitution of the  
31 state of Iowa and that you will faithfully and impartially to  
32 the best of your ability discharge the duties of the office of  
33 ..... (naming the office) in ..... (naming the district) as  
34 now or hereafter required by law?"

35 ~~If-the-oath-of-office-is-taken-elsewhere-than-in-the~~

1 presence-of-the-board-in-session-it-may-be-administered-by-any  
2 officer-listed-in-sections-63A-1-and-63A-2-and-shall-be  
3 subscribed-to-by-the-person-taking-it-in-substantially-the  
4 following-form:

5 "I,-----do-solemnly-swear-that-I-will-support-the  
6 Constitution-of-the-United-States-and-the-Constitution-of-the  
7 state-of-Iowa-and-that-I-will-faithfully-and-impartially-to  
8 the-best-of-my-ability-discharge-the-duties-of-the-office-of  
9 -----(naming-the-office)-in------(naming-the-district)-as  
10 now-or-hereafter-required-by-law."

11 Such-oath-shall-be-properly-verified-by-the-administering  
12 officer-and-filed-with-the-secretary-of-the-board.

13 Sec. 21. Section 278.2, unnumbered paragraph 2, Code 2005,  
14 is amended to read as follows:

15 Petitions filed under this section shall be filed with the  
16 secretary of the school board at least seventy-five days  
17 before the date of the annual regular school election, if the  
18 question is to be included on the ballot at that election.  
19 The petition shall include the signatures of the petitioners,  
20 a statement of their place of residence, and the date on which  
21 they signed the petition.

22 Sec. 22. Section 279.1, unnumbered paragraph 1, Code 2005,  
23 is amended to read as follows:

24 The board of directors of each school corporation shall  
25 meet and organize at the first regular meeting after-the  
26 canvass-for in January following the regular school election  
27 at some suitable place to be designated by the secretary.

28 Notice of the place and hour of the meeting shall be given by  
29 the secretary to each member and member-elect of the board.

30 Sec. 23. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.  
31 This Act, being deemed of immediate importance, takes effect  
32 upon enactment, for purposes of the transition from election  
33 of directors of community and independent school districts and  
34 merged areas annually from terms of three years each to the  
35 staggered election of such directors biennially for terms of

1 four years each. This Act shall be applied so that the first  
2 election at which directors, due to the expiration of  
3 predecessor director terms, shall be elected to serve regular  
4 four-year terms is the regular school election held in  
5 November 2006.

6 The board of directors of each affected school district and  
7 each merged area shall review the expiration dates of the  
8 terms of office of its directors and shall adopt by resolution  
9 a plan for shortening or lengthening terms of members for the  
10 annual school election held in September 2005 so that all  
11 members whose terms expire at the regular school election held  
12 in November 2006 will be elected to four-year terms with the  
13 remaining members of the board having their terms expire at  
14 the regular school election held in November 2008. The board  
15 shall submit a copy of the resolution adopting its plan to the  
16 office of the state commissioner of elections no later than  
17 August 1, 2005. In developing the plan, the board of  
18 directors shall take into consideration the terms for which  
19 the members were elected and the number of votes the members  
20 received in relation to the number of votes other candidates  
21 received at the applicable election.

22

EXPLANATION

23 This bill provides for the election of the directors of  
24 local school districts and merged areas on the general  
25 election day in November in even-numbered years. In order to  
26 accomplish these purposes, the bill changes the terms of these  
27 directors from three to four years and provides for a  
28 transition period.

29 The bill also changes the date of the organization meeting  
30 of the board of directors of a school district. The bill  
31 provides that the organization meeting shall be at the regular  
32 board meeting in January following the election rather than at  
33 the first regular meeting after the canvass of votes of the  
34 election.

35 The bill also provides that new members of school district

1 boards, merged area boards, and area education agency boards  
2 shall be sworn in at the organization meeting of each of the  
3 boards of directors.

4 The bill takes effect upon enactment for purposes of making  
5 the transition from annual election to three-year terms to  
6 biennial election to four-year terms.

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