

Reorganization Petition Contents

Iowa Code Chapter 275, particularly section 275.12, lists several components that must be included in a reorganization petition. These items, along with a few optional elements are listed below. Those marked with the larger bullets are mandatory. The others are not always included in the petitions or are optional.

- Legal description of the proposed boundary lines
- Conformance to area education agency reorganization plans
- Name of proposed district
- Number of directors (5 or 7)
- Method of election of the directors
- ★ No passage of bond election within past six months
- ★ Voter approved physical plant and equipment levy and/or revenue purpose statement
- ★ Plan for division of assets and liabilities
- ★ Alternate method of election of initial board

Districts are strongly encouraged to engage the services of an attorney when they seriously consider the development of a reorganization petition. Seldom do private citizens write and circulate their own reorganization petitions; however, the same advice applies if they do.

Major Decisions in the Petition

General. Some of the ingredients included in the petition are fairly routine, or major decision making elements are not usually encountered. For example, the legal descriptions of the two old districts and the proposed district often require intense legal work, but the boards and citizens drawing the petitions usually leave such matters to the hired attorneys. The only decision that may arise is to exclude territory. Although this has been done, it is not the common practice. The references to the AEA plans and the fact that a bond referendum has not carried within the past six months are also routine items that are handled by the attorneys.

Name. Selecting a name for the new district sometimes proves to be difficult. However, this is not a matter that is subject to appeal to the Department.

Board Members and Election Method. The most common areas of decision making involve the selection of the number of board members, the choice of method of election, and the possibility of using the alternative method for selecting the initial board. This section elaborates upon some of the decision elements.

A petition for reorganization must specify the number of members to be on the board of the new district and must state the method of election. The number of members may be either five or seven. The method of election shall be one of the following plans, which are noted in the section 275.12, subsection 2.

- a. Election at-large from the entire district by the electors of the entire district.
- b. Division of the entire district into director districts based upon population, with the entire school district voting on all candidates. Changes in boundaries of director districts shall not be made during the 60 days prior to the date of the annual school election.
- c. Election of not more than one-half of the members at-large from the entire district and the remainder divided into director districts, with voters voting on all five or all seven. Changes in boundaries of director districts shall not be made during the 60 days prior to the date of the annual school election.

- d. Division of the entire school district into director districts, with the voters voting for the candidate of their own director district only. Changes in boundaries of director districts shall not be made during the 60 days prior to the date of the annual school election.
- e. In districts having seven directors, election of three directors at-large by all voters in the district and election of the remaining directors from subdistricts (director districts), with the voters voting only upon directors in their own director district. Boundaries of the subdistricts shall follow precinct boundaries, as far as practicable, and shall not be changed less than 60 days prior to the regular school election.

Methods b-e allow for multi-director districts. For example, a given town could have two directors, with no boundary distinction within the town. The rest of the directors could come from three other single director districts.

After the passage of the reorganization election, the area education agency administrator will call for a special election for the initial board of the new district. Such election will be scheduled as soon as possible, but no later than the third Tuesday in January of the calendar year in which the reorganization takes effect. (**§ 275.25(1)(a)**)

The election will put into place the initial board according to the method of election stated in the petition, and for the number of directors specified. The directors who are qualified to serve and are elected shall serve until their successors are elected and qualify. The board shall organize within 15 days after the special election and shall have control of the employment of personnel for the newly formed district for the next following school year. The board shall appoint an acting board secretary and an acting superintendent. The appointment of the acting superintendent is not subject to the continuing contract provisions in Code. Following the organizational meeting of this board, the board may establish policy, organize curriculum, enter into contracts, complete planning, and take action as necessary for the efficient management of the newly formed district. (**§ 275.25, subsections 3, 4, & 6**) During the period of time from the organization of the initial board and the effective date of the reorganization, the two original boards will continue to meet and govern their districts, and the initial board will assume activities for starting the new district.

The third common decision making area involves the possibility of an initial board that is selected from among the existing members of the current boards. As an alternative to conducting a special election for the initial board of directors, the petition may state the "alternative method" is to be used. (**§ 275.41**) The board of the newly formed district shall organize within 45 days of the affirmative vote on the reorganization proposition. The overall difference between the two choices is that the alternative method allows the original boards to select the initial board from among themselves, whereas the regular method involves a special election.

If the petition specifies the alternative method it must still specify the number of directors and the method of election, since the initial board selected according to the alternative method is replaced over a period of approximately four years. At that time, the new district will be on a standard three-year board election cycle.

The petition must specify either five (5) or seven (7) members to be on the initial board, or it shall indicate seven (7) or nine (9) members if three or more districts are involved. How many members are to be retained from each district must be specified, and such designation shall be proportionate to the populations of the districts. All affected districts shall retain at least one member. (**§ 275.41(1)**)