

CHAPTER 1

GOVERNANCE

The purpose of this chapter is to deal briefly with the major duties of those people who are ordinarily considered to be local "officials" in the sense that they are concerned with the administration and business management of the school district or of the area education agency (AEA). These include the school board members, the president of the board of directors, the district secretary, the district treasurer, and the superintendent in the case of a school district or the administrator in the case of an AEA. Specific duties in key areas are included in later chapters of this manual.

Each school district shall continue a body politic as a school corporation, unless changed as provided by law, and as such may sue and be sued, hold property, and exercise all the powers granted by law, and shall have exclusive jurisdiction in all school matters over the territory therein contained (274.1). An AEA is a body politic as a school corporation for the purpose of exercising powers granted under chapter 273; and may sue and be sued (273.2(2)).

AEAs, like local school districts, are school corporations. Some Code chapters do not define the term "school corporation" as used in that chapter, and may or may not include AEAs. Inclusion of the AEAs may depend on the context in which the term "school corporation" is used. When guidance is not given to AEAs on an issue but is given to school districts, generally AEAs would follow the guidance given for school districts.

The affairs of each school corporation shall be conducted by a board of directors (274.7).

The School Board

Historically, local school boards evolved from school committees set up by the New England town meetings after school problems became too complex to be handled by the town meeting itself. Since that time state constitutions, legislative acts and court decisions have consistently defined education as a state function; this represents the recognition of the principle that the education of all children is in the best interest of all the people of the state.

Thus, the school board has both local and state functions. The members are elected by the citizens of the local district. The board which they comprise has extensive local authority subject to certain broad state educational policies established by the legislature and the state department of education in the common interest of all the people of the state.

The AEA Board

Iowa's three-tiered system of education agencies dates to 1858 when county superintendents were placed between those local school districts and the Department of Education (then called the Department of Public Instruction). The county superintendent's job was to oversee all county school districts, which numbered 5,022 in 1910.

During the next 70 years following 1858, the number of districts steadily declined. In 1957 the state legislature allowed counties to jointly employ one superintendent to handle the smaller number of districts.

In 1965 the legislature approved the merger of two or more counties into joint county school systems. In the same year the area community college system was established, creating boundaries for 15 service areas in the state.

In 1974, the legislature passed Senate File 1163 which replaced county and joint county systems with 15 AEAs as of July 1, 1975. The intent of the legislature was to provide an effective, efficient, and economical means of identifying and serving children from under five years of age through grade twelve who require special education and any other children requiring special education as defined in section 256B.2; to provide for media services and other programs and services for pupils in grades kindergarten through twelve and children requiring special education as defined in section 256B.2; to provide a method of financing the programs and services; and to avoid a duplication of programs and services provided by any other school corporation in the state; and to provide services to school districts under a contract with those school districts (273.1).

Because the law specifically defined services to accredited public and nonpublic schools in three general areas—special education services, media services, and educational services—the AEAs evolved to contain three major divisions. Later, AEAs organized around key program and service areas when the accreditation of AEAs began July 1, 1997.

Originally, there were established throughout the state fifteen (15) AEAs each of which is governed by an AEA board of directors (**273.2(1)**). Since that time, AEAs have reorganized, and as of July 1, 2010, there are nine (9) AEAs.

Department of Education

The department of education is established to act in a policymaking and advisory capacity and to exercise general supervision over the state system of education including all of the following:

- a. Public elementary and secondary schools.
- b. Community colleges.
- c. Area education agencies.
- d. Vocational rehabilitation.
- e. Educational supervision over the elementary and secondary schools under the control of an administrator of a division of the department of human services.
- f. Nonpublic schools to the extent necessary for compliance with Iowa school laws (**256.1(1)**).

The department shall act as an administrative, supervisory, and consultative state agency (**256.1(5)**).

Dillon Rule

Iowa school districts and area education agencies operate under Dillon's Rule which states that school corporations possess and can exercise the following powers and no others: Those granted in express words, those necessarily implied or necessarily incident to the powers expressly granted, and those absolutely essential to the declared objects and purposes of the school corporation--not simply convenient or desired, but indispensable (**Merriam v. Moody's Executors, 25 Iowa 163, 170 (1868)**). School districts cannot do by indirect means anything they do not have direct authority to do, and laws granting powers to school districts shall be construed narrowly to limit district authority to the precise language of the authorizing statute (**Bishop v. Iowa State Board of Pub. Instr., 395 NW2d Iowa 838, 891 (1986)**). The mere absence of a prohibition against an action or activity in Code does not give a school district or area education agency authority to initiate that action or activity. It is fundamental that school districts are creatures of statute, with only those powers expressly conferred by statute or reasonably and necessarily implied incident to exercise of a power or performance of a duty expressly conferred or imposed (**Silver Lake Cons. Sch. Dist. V. Parker, 238 Iowa 984, 29 N.W. 2d 219; Ind. Sch. Dist. of Danbury v. Christiansen, 242 Iowa 963, 49 N.W. 2d 263**). Interpretation of school law and rules relating to the school laws may only be done by the Iowa Attorney General's Office and the Iowa Department of Education (**256.9(16)**). These Opinions or Rules, once given, have the effect of law on school corporations. The Department of Education has explicit authority to interpret school law (**Iowa District Court, Polk County, IASB v. IDoE, CV5557 (2005)**); **Affirmed by the Iowa Supreme Court (No. 51/05-1255 (2007))**. Interpretation of school law under chapter 256 is in addition to authority to promulgate rules or issue declaratory orders/rulings.

Attorney General's opinion may be requested by members of the general assembly, state officers (elected or appointed), and county attorneys. Local officials such as school board members, citizens, or governmental staff cannot directly request opinions of the Attorney General.

Unless otherwise specifically provided by the general assembly, whenever the following words are used in a statute enacted after July 1, 1971, their meaning and application shall be:

- a. The word "*shall*" imposes a duty.
- b. The word "*must*" states a requirement.
- c. The word "*may*" confers a power. (**4.1(30)**).

Boards

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules (**279.8**).

The board shall carry into effect any instruction from the regular election upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law (**279.12**).

The board shall establish and maintain adequate administration, school staffing, personnel assignment policies, teacher qualifications, certification requirements, facilities, equipment, grounds, graduation requirements, instructional requirements, instructional materials, maintenance procedures, and policies on extracurricular activities. In addition the

board shall provide such principals as it finds necessary to provide effective supervision and administration for each school and its faculty and student body **(280.14(1))**.

The general rule of law as set forth by the Iowa Supreme Court is that, absent an express statutory provision to the contrary, a local governmental body may not bind its successors in matters that are essentially legislative or governmental, as opposed to business or proprietary, in nature **(OAG #83-6-4(L))**.

The other duties and permitted functions of an Iowa school board or Iowa AEA board are far too extensive and varied to be enumerated here. The most important concept of a good board is that it is a policy-making body and that a member has no authority except as a part of that body. The law gives broad authority to the board as a whole, but an individual member, outside of an official meeting, has no legal power to act nor exemption from prosecution.

Elector Powers

The electors also have certain powers and can override certain board decisions. If the voters of a district at a regular election forbid the use of any schoolhouse or grounds for other than school purposes, the board shall not permit that use until the action of the voters is rescinded by the voters at an election **(297.11, 278.1”d”)**. In addition, the voters at the regular election shall have the power to direct a change of textbooks regularly adopted; to direct the sale, lease, or other disposition of any school property except when restricted by section 297.25; to determine additional branches to be taught; to direct the transfer of any surplus in the debt service fund, physical plant and equipment levy (PPEL) fund or other capital projects funds, or public education and recreation levy (PERL) fund to the general fund; to authorize the board to obtain roads for proper access to its schoolhouses; to authorize a change to either five or seven directors; to authorize a change in the method of conducting elections or in the number of directors as provided in sections 275.35 and 275.36; or to change the name of the school district **(278.1)**. One hundred (100) or more eligible electors may also petition for a complete or partial reaudit **(11.6(4)”a”(3))**. Upon the written request of one hundred (100) eligible electors or a number of electors which equals thirty percent (30%) of the number of electors who voted in the last regular school board election, whichever number is greater, the board shall direct the county commissioner of elections to provide in the notice of the regular election for submission of any proposition authorized by law to the voters **(278.2)**.

Nothing in 278.1 shall be construed to prevent the sale, lease, exchange, gift, or grant and acceptance of any interest in real or other property of the corporation to the extent authorized in section 297.22 **(278.1”b”)**. The power vested in the electors by section 278.1 shall not affect or limit the power granted to the board in subsection 297.7(2), and the authority granted in said subsection shall be construed as independent of the power vested in the electors by section 278.1 **(278.3)**.

Whenever a petition signed by one hundred (100) eligible electors residing in the school district or a number of eligible electors residing in the school district equal to at least ten percent (10%) of the number of voters in the last preceding regular school election, whichever is greater, is filed with the secretary sixty (60) days or more before the regular election, asking that the question of providing free textbooks for the use of pupils in the school district’s attendance centers be submitted to the voters at the next regular election, the secretary shall cause notice of such proposition to be given in the notice of such election **(301.24)**. If, at such election, a majority of the legal voters present and voting by ballot thereon shall authorize the board of directors of said school district to loan textbooks to the pupils free of charge, then the board shall procure such books as shall be needed, in the manner provided by law for the purchase of textbooks, and loan them to the pupils **(301.25)**. The electors may, at any election called as provided in section 301.24, direct the board to discontinue the loaning of textbooks to pupils **(301.27)**.

If the board does not provide for an election and adopts a resolution to participate in the instructional support program, the district shall participate in the instructional support program unless within twenty-eight (28) days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that the question to approve or disapprove the action of the board in adopting the instructional support program be submitted to the voters of the school district. The petition must be signed by eligible electors equal in number to not less than one hundred (100) or thirty percent (30%) of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commission of elections to submit the question to the registered voters of the school district at an election. If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not participate in the instructional support program. If a majority of those voting on the question favors approval of the action, the board shall certify the results of the election to the department of management and the district shall participate in the program **(257.18(2)”a”)**.

No action shall be brought questioning the legality of the organization, reorganization, enlargement, or change in the boundaries of any school corporation in this state unless brought within six (6) months after the date of the filing of the written description in the office of the county auditor or county auditors. When the period of limitations has passed, it

shall be conclusively presumed that all acts and proceedings taken with reference to the organization, reorganization, enlargement or change in boundaries were legally taken for every purpose whatsoever and that a de jure school corporation exists **(274.5)**.

Number of Directors

By Iowa statute the number of directors in school districts shall be as follows:

1. Seven directors
 - (a) in any school district including all or part of a city of 15,000 or more population **(277.23)**.
 - (b) in any school district in which the voters have authorized seven directors at an election **(275.35, 277.23)**.
 - (c) in any school district in which the board as provided in section 275.23A(2) has authorized seven directors by resolution following a federal decennial census **(277.23)**.
2. Five directors
 - (a) in all other school districts **(277.23)**.

A majority of the board of any school corporation shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time **(279.4)**.

Term of Office

The affairs of each school corporation shall be conducted by a board of directors, the members of which in all community or independent school districts shall be chosen for a term of four years except as otherwise provided by law **(274.7, 39.24)**.

The board shall appoint a temporary president or secretary, in the absence of the regular officers **(279.5)**.

Board members are typically elected "at large" in Iowa school districts. A provision in the law allows some choice in newly-formed school districts as to election "at large," or by one of the methods involving "director districts," or by a combination of the two methods. Further provisions allow any existing school district or any school district hereafter created or enlarged to change its method of election and change the number of directors to five or to seven by petition and vote of the electors **(275.35, 277.23, 278.1 "g" and "h", 275.12)**.

Following each federal decennial census the school board shall determine whether the existing director district boundaries meet the standards in subsection 275.23A(1) according to the most recent federal decennial census. If necessary, the board of directors shall redraw the director district boundaries **(275.23A(2))**.

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

1. In districts having three directors, two directors shall be elected for two years, and one for four years.
2. In districts having five directors, three shall be elected for two years, and two for four years.
3. In districts having seven directors, four shall be elected for two years, and three for four years **(277.25)**.

School board members for a newly-organized school district appointed to the new board pursuant to Iowa Code section 275.41 who are subsequently defeated for reelection to the board of the old districts remain members of the board of directors of the newly-organized district **(OAG #93-4-5(L))**.

Except when otherwise provided, every officer elected or appointed for a fixed term shall hold office until a successor is elected and qualified, unless the officer resigns, or is removed or suspended, as provided by law **(69.1A)**. A member of the board shall, at the time of election or appointment, be an eligible elector of the corporation or subdistrict **(277.27)**. Each director elected at a regular district or director district election shall qualify by taking the oath of office on or before the time set for the organization meeting of the board and the election and qualification entered of record by the secretary. The oath may be administered by any qualified member of the board or the secretary of the board. If the oath of office is taken elsewhere than in the presence of the board in session it may be administered by any officer listed in sections 63A.1 and 63A.2. The oath shall be properly verified by the administering officer and filed with the secretary of the board **(277.28)**.

Board members may take the oath of office orally from some person authorized to give the oath. It is not necessary to sign or subscribe to a written oath **(OAG #32-4-28)**.

The oath may not be taken before a foreign notary **(OAG #66-3-31)**.

The board of directors of each school corporation shall meet and organize at the first regular meeting after the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of the meeting shall be given by the secretary to each member and member-elect of the board. Such organization shall be effected by the election of a president from the members of the board to serve for one [1] year, who shall be entitled to vote as a member **(279.1)**.

Vacancies

Any of the following shall constitute a vacancy:

- (a) Failure to elect at the proper election or to appoint within the time fixed by law.
- (b) Failure of the officer elected or appointed to qualify within the time prescribed by law.
- (c) The incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict.
- (d) Resignation or death of the incumbent or of the officer-elect.
- (e) Removal of incumbent from, or forfeiture of, the office.
- (f) Decision of a competent tribunal declaring the office vacant.
- (g) Conviction of incumbent of a felony or of any public offense involving the violation of the incumbent's oath of office **(277.29)**.

Each school officer or member of the board upon the termination of the officer or member's term of office shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor **(277.31)**.

Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified, unless the person so appointed resigns or is removed or suspended. Any person so appointed shall qualify within ten (10) days thereafter. **(279.6, 69.1A)**.

A vacancy shall be filled at the next regular school election if a member of a school board resigns from the board not later than 45 days before the election and the notice of resignation specifies an effective date at the beginning of the next term of office for elective school officials. The president of the board shall declare the office vacant as of the date of the next organizational meeting. Nomination papers shall be received for the unexpired term of the resigning members. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members **(279.6)**.

If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty (30) days after the vacancy becomes known by the secretary or the board, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the AEA administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. If the secretary fails for more than three (3) days to call an election, the administrator shall call it. An appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided herein shall be null and void. In the case of a special election as provided in this section to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten (10) days thereafter in the manner required by section 277.28 and shall hold the office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified. Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than twenty-five (25) days before the date set for the election **(279.7)**. When vacancies are to be filled by election, the provisions of section 69.12 shall control **(277.30)**.

A board member may remain on the board if the member changes residence from one county to another providing the member remains in the same school district and was elected "at large" by the entire district **(OAG #58-5-1(L))**.

A vacancy is created when a board member moves from one director district to another director district in the same corporation **(OAG #69-4-6(L))**.

A director who moves from the district and later returns is not entitled to finish the term **(1912 Op. Att'y Gen. 739 (#12-7-13))**.

Compensation

Notwithstanding any contrary provision of the Code, a member of the board shall not receive compensation directly from the board unless the compensation is for part-time or temporary employment and does not exceed the limitation set forth in section 279.7A **(277.27)**.

No member of the board, other than the secretary and treasurer, shall receive compensation for official services. The board shall fix the compensation to be paid the secretary. The board may pay the treasurer a reasonable compensation **(279.32)**.

A member of the board of directors of a school corporation shall not have an interest, direct or indirect, in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school corporation. A contract entered into in violation of this section is void. This section does not apply to contracts for the purchase of goods or services, which benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed two thousand five hundred dollars (\$2500) in a fiscal year, and contracts made by a board, upon competitive bid in writing, publicly invited and opened **(279.7A)**.

Contracts in which a board member has any interest are void as contrary to public policy **(Kagy v. Independent School District, 117-694; Town of Hartley v. Floete Lumber Company, 185-861)**.

All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport the member's own children **(285.5(7))**.

A school district director, officer, or teacher shall not act as agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the school district during such term of office or employment. An area education agency director, officer, or teacher shall not act as an agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the area education agency or any school district located within the area education agency during such time of office or employment. A school district or area education agency director, officer, or teacher who acts as agent or dealer in school textbooks or school supplies during the person's term of office or employment in violation of this section shall be deemed guilty of a serious misdemeanor **(301.28)**.

Actual and necessary expenses, including travel, incurred by the board or individual members thereof in the performance of official duties may be paid or reimbursed **(279.32)**. Board members who serve on conference boards as representatives of the school board may seek mileage reimbursement, to the extent provided by statute, from their respective governmental entities for travel between their homes and conference board meetings **(OAG #00-8-3(L))**.

School board members may be reimbursed for actual and necessary expenses including expenses incurred in attending national school board conventions in distant states **(OAG #77-12-5)**.

Legal Advice

The county attorney shall cooperate with the auditor of state to secure correction of a financial irregularity as provided in section 11.53 **(331.756(11))**. If an audit or examination discloses any irregularity in the collection or disbursement of public funds, in the abatement of taxes, or other findings the auditor believes represent significant noncompliance, a copy of the report shall be filed with the county attorney, and it shall be the county attorney's duty to cooperate with the state auditor, and, in proper cases, with the attorney general, to secure the correction of the irregularity **(11.53)**.

It shall be the duty of the department of education to interpret the school laws and rules relating to the school laws **(256.9(16))**.

It shall be the duty of the attorney general to give an opinion in writing, when requested, upon all questions of law submitted by the general assembly or by either house thereof, or by any state officer, elective or appointive. Questions submitted by state officers must be of a public nature and relate to the duties of such officer **(13.2(1)"e")**.

A school corporation may employ an attorney to represent the school corporation as necessary for the proper conduct of the legal affairs of the school corporation **(279.37)**.

Attorneys to defend individual directors for acts in their official capacity may be paid from district funds **(1936 Op. Att'y Gen. 273; 1940 Op. Att'y Gen. 26 (#39-1-18))**.

Authority of Law, Rules, Opinions and Departmental Regulations

Iowa school districts and AEAs operate under Dillon's Rule, by state constitution, which states that they possess and can exercise the following powers and no others: Those granted in express words, those necessarily implied or necessarily incident to the powers expressly granted, and those absolutely essential to the declared objects and purposes of the school corporation--not simply convenient or desired, but indispensable. Interpretation of school law may be done by the Iowa Attorney General's Office and the Iowa Department of Education. These Opinions and Rules, once given, have the effect of law on LEAs.

Under Iowa Code section 256.9(16), the director of the Department of Education shall interpret the school laws and rules relating to school laws and under Iowa Code section 256.9(17), the director of the Department shall hear and decide appeals arising from the school laws not otherwise specifically granted to the state board. As such, the Department of Education has explicit authority to interpret school law and this Court gives appropriate deference to the Department of Education's interpretation (**Iowa District Court, Polk County, IASB v. IDoE, CV5557 (2005)**). **Affirmed by the Iowa Supreme Court (No. 51/05-1255 (2007))**.

It is well established that where the language of a statute is plain and unambiguous and its meaning clear and unmistakable, there is no room for construction, and we may not search for its meaning beyond the statute itself (**OAG #84-5-1(L)**).

An administrative rule, violation of which is a crime, may incorporate federal standards by reference, provided these standards are explicit and readily ascertainable (**OAG #87-10-2(L)**).

An attorney general's opinion establishes the substantive interpretation of a Code section until it is overruled, revised, withdrawn upon consideration or upset by court decision (**OAG #87-1-5**).

A footnote in **OAG #92-11-3** indicates that an opinion based on a Code section which is repealed but replaced with a section having much the same language would continue to apply.

Care should be taken when reviewing older opinions of the attorney general (OAG) that terminology must be viewed as it was defined at the time that the opinion was issued. Some terms have been reused with a different meaning and that OAG cannot be interpreted based on the new definition. For example, the term "General Fund" has taken on new meaning. Districts were required to convert to GAAP basis of accounting and reporting beginning with July 1, 1996. The entire chapter of Code, 298A, was developed in the 94 Acts to establish funds in compliance with GAAP, and was effective July 1, 1995. Terminology for those funds was based on GAAP as promulgated by GASB. The General Fund was established in the 94 Acts because that was the title of that governmental fund as defined by the GASB. Prior to the enactment and effective date of chapter 298A, school districts in Iowa had only two actual funds per Iowa Code: General Fund and Schoolhouse Fund. The basic difference between the two funds, was that Schoolhouse Fund was for capital expenditures, and General Fund was for everything else. Inside of the old Schoolhouse Fund, there were sub-funds called 67.5 center schoolhouse fund (the predecessor to voter approved PPEL), Playground levy fund (now PERL), Debt Service Levy Fund, capital projects funds (bond issues), and site fund (the predecessor to regular PPEL). Inside of the General Fund, there were sub-funds called Tort Liability Fund, Unemployment Fund, Early Retirement Fund (those three combined into Management Fund), Student Activity Fund, School Nutrition Fund, Trust Funds, Agency Funds, and Operating Fund (now called General Fund). Obviously, this reuse of the term "General Fund" with a new meaning is confusing. OAGs issued before July 1, 1995, will use the term "operating fund" if they mean what is called "general fund" today. OAGs issued before July 1, 1995, that used the term "general fund" are referring to the overall fund that was non-capital in nature and included a variety of non-capital sub-funds.

Joint Exercise of Power

The purpose of Iowa Code chapter 28E [joint exercise of governmental powers] is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to cooperate in other ways of mutual advantage (**28E.1**).

"Public agency" shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state (**28E.2**).

"Private agency" shall mean an individual and any form of business organization authorized under the laws of this or any other state (**28E.2**).

Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such

other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by chapter 28E upon a public agency **(28E.3)**.

Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or cooperative action pursuant to the provisions of chapter 28E including the creation of a separate entity to carry out the purpose of the agreement. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies involved shall be necessary before any such agreement may enter into force **(28E.4)**.

Any contract or agreement authorized by chapter 28E shall not be limited as to period of existence, except as may be limited by the agreement or contract itself **(28E.14)**.

Any such agreements under chapter 28E shall specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters **(28E.5)**.

If the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall also include:

- a. Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.
- b. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking **(28E.6(1))**.

No agreement made pursuant to chapter 28E shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility **(28E.7)**.

Before entry into force, an agreement made pursuant to chapter 28E shall be filed, in an electronic format, with the secretary of state in a manner specified by the secretary of state **(28E.8(1)“a”)**.

If an agreement entered into pursuant to chapter 28E is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact. Such agreements shall, before entry into force, be approved by the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state **(28E.9)**.

The Department of Education, in conjunction with the state board of regents, shall explore the need for coordination between school districts, AEAs, regents institutions, and community colleges for purposes of delivery of courses, use of telecommunications, transportation, and other similar issues. Coordination may include, but is not limited to, coordination of calendars, programs, schedules, or telecommunications emissions **(256.9(41))**.

The school budget review committee (SBRC) may recommend that two [2] or more school districts jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in section 280.15 **(257.31(13), 280.15(1))**.

AEAs may cooperate and contract between themselves and with other public agencies to provide special education programs and services, media services, and educational services to schools and children residing within their respective areas **(273.3(6))**.

Whole Grade Sharing

Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to section 256.13, 280.15, or 282.7, subsection 1 or 3. Whole grade sharing may either be one-way or two-way sharing. A whole grade sharing agreement shall be signed by the boards of the districts involved

in the agreement no later than February 1 of the school year preceding the school year for which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of teacher quality funding provided under chapter 284 **(282.10)**.

The boards of two or more school districts may by agreement provide for attendance of pupils residing in one district in the schools of another district for the purpose of taking courses not offered in the district of their residence. The boards may also provide by agreement that the districts will combine their enrollments for one or more grades. The boards of districts entering into such agreements may provide for sharing the costs and expenses of the courses. If the agreement provides for whole grade sharing, the costs and expenses shall be paid as provided in sections 282.10 through 282.12 **(256.13)**.

If students attend classes in another school district under section 280.15 under an agreement that provides for whole grade sharing, the boards of the districts entering into these agreements shall provide for sharing the costs and expenses as provided in sections 282.10 through 282.12 **(280.15(1))**.

When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, provided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the AEA board, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service **(285.4)**.

The board of directors of a school district by record action may discontinue any or all of grades seven through twelve and negotiate an agreement for attendance of the pupils enrolled in those grades in the schools of one or more contiguous school districts having accredited school systems. If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school districts of attendance of the pupils. The portion of a district so designated shall be contiguous to the accredited school district designated for attendance. Only entire grades may be discontinued under this subsection and if a grade is discontinued, all higher grades in that district shall also be discontinued. The boards entering into an agreement under this section shall provide for sharing the costs and expenses as provided in sections 282.10 through 282.12. The agreement shall provide for transportation and authority and liability of the affected boards **(282.7(1))**.

For purposes of supplementary weighting pursuant to **IAC 281—97.2(7)**, if all or a substantial portion of the students in any grade are shared with another one or more school districts for all or a substantial portion of a school day, the arrangement is considered to be whole grade sharing even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12.

Interstate Sharing

If an agreement entered into pursuant to chapter 28E is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact. Such agreements shall, before entry into force, be approved by the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state **(28E.9)**.

An Iowa school corporation may, through its board of directors, enter into an interstate grade-sharing agreement which provides for joint exercise of control over some affairs of the Iowa school corporation. The Iowa school corporation may not, however, delegate obligations statutorily imposed upon its governing board. Guidelines for the composition of such joint board and selection of its members should be included within the agreement of the parties **(OAG #90-3-6)**.

The board of directors of school districts located near the state boundaries may designate schools of equivalent standing across the state line for attendance of both elementary and high school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the chief state school officers of the respective states **(282.8)**.

Notwithstanding sections 28E.9 and 282.8, a school district may negotiate an agreement under subsection 282.7(1) for attendance of its pupils in a school district located in a contiguous state subject to a reciprocal agreement by the two state boards in the manner provided in 282.7(3). Prior to negotiating an agreement with the school district in the contiguous state, the board of directors shall file a written request with the state board of education for a determination whether the school district in the contiguous state meets requirements substantially similar to those required for accredited or approved school districts in this state and the school district receives or has available services equivalent

to those that would be provided in this state by an AEA. The school district shall also obtain approval by the Department of Education of the sharing proposal, before the agreement becomes effective. Six (6) months before making the request for approval, the district shall request a feasibility study from the Department of Education. Such an agreement is not eligible for supplementary weighting under section 257.11 as a result of that agreement **(282.7(3))**.

Accredited Nonpublic School Sharing

Students enrolled in private schools may enroll in public schools for specified courses when the courses in which they seek enrollment are not available to them in their private schools, provided the students have satisfactorily completed prerequisite courses, if any, or have otherwise shown equivalent competence through testing. This does not deprive the boards of school districts of any of their legal powers, statutory or otherwise, and in accepting the specially enrolled students, each of the boards shall prescribe the terms of the special enrollment, including but not limited to scheduling of courses and the length of class periods **(256.12(1) and (2))**.

School districts and AEA boards shall make public school services, which shall include special education programs and services and may include health services, services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. Service activities shall be similar to those undertaken for public school students. Health services, special education support, and related services provided by AEAs for the purpose of identifying children with disabilities, assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter may be provided on nonpublic school premises with the permission of the lawful custodian of the property. Other special education services may be provided on nonpublic school premises at the discretion of the school district or AEA provider of the service and with the permission of the lawful custodian of the property. Students enrolled in nonpublic schools who receives these special education services shall be weighted at the level provided for in subsection 256B.9(1) **(256.12(2))**.

Sharing Personnel, Services or Facilities

Two or more public school districts may jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment and facilities **(280.15(1))**.

The school budget review committee (SBRC) may recommend that two [2] or more school districts jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in section 280.15 **(257.31(13), 280.15(1))**.

The board of an AEA shall not establish programs and services which duplicate programs and services which are or may be provided by the community colleges under the provisions of chapter 260C. An AEA shall contract, whenever practicable, with other school corporations for the use of personnel, buildings, facilities, supplies, equipment, programs and services **(273.2(6))**.

AEA boards are authorized, subject to the approval of the director of the Department of Education, to enter into agreements for the joint use of personnel, buildings, facilities, supplies, and equipment with school corporations as deemed necessary to provide authorized programs and services **(273.3(8))**.

The board of any school district or AEA may employ public health nurses at periods each year and in numbers as deemed advisable. The council of any city, or the board of any school district, [or the board of any AEA], or any of them acting in cooperation, may contract with any nonprofit nurses' association for public health nursing service. The compensation and expenses shall be paid out of the general fund of the political subdivision employing nurses **(143.1)**.

The board of directors of a school district may employ a superintendent of schools for a term of not to exceed three years. Boards of directors may jointly exercise the powers conferred **(279.20)**.

The board of directors of any school district in the state of Iowa may enter into contract with the state board of regents for furnishing instruction to pupils of that school district and for practitioner preparation for the schools **(262.30)**. The contract shall be in writing and shall extend over a period of not to exceed two years, and a copy shall be filed in the office of the administrator of the AEA **(262.32)**.

If a school district or nonpublic school does not provide an interscholastic activity for its students, the board of directors of that school district or the authorities in charge of the nonpublic school may complete an agreement with another school district to provide for the eligibility of its students in interscholastic activities provided by that other school district. It is not necessary that school districts that are parties to shared activities agreement must be engaged in sharing academic programming **(280.13A)**.

The AEA board shall meet at least annually with the members of the boards of directors of the merged areas in which the AEA is located to discuss coordination of programs and services and other matters of mutual interest to the boards **(273.3(16))**.

The board of an AEA or a consortium of two or more AEAs shall contract with one or more licensed dietitians for the support of nutritional provisions in individual education plans (IEPs) developed in accordance with chapter 256B and to provide information to support school nutrition coordinators **(273.2(7))**.

Pending audit and allowance of claims under section 279.29, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law **(279.29)**.

The AEA board is authorized, subject to rules of the state board of education, to provide directly or by contractual arrangement with public or private agencies for special education programs and services, media services, and educational programs and services requested by the local boards of education as provided in chapter 273, including but not limited to contracts for the AEA to provide programs or services to the local school districts and contracts for local school districts, other educational agencies, and public and private agencies to provide programs and services to the local school districts in the AEA in lieu of the AEA providing the services. Contracts may be made with public or private agencies located outside the state if the programs and service comply with the rules of the state board. **(273.3(5))**.

AEAs may cooperate and contract between themselves and with other public agencies to provide special education programs and services, media services, and educational services to schools and children residing within their respective areas. The AEA may provide print and nonprint materials to public and private colleges and universities that have teacher education programs approved by the state board of education **(273.3(6))**.

Before proceeding to construct or purchase a facility as otherwise provided by law, a public agency shall inquire of other public agencies having facilities with the same general geographic area concerning the availability of all or part of those facilities for rent or sharing by agreement with the inquiring public agency. If there are no suitable facilities available for rent or sharing, the governing body of the public agency shall record its findings in its meeting minutes **(28E.18)**.

The board of directors shall notify the cities located within the school district, the counties in which the school district may be located, and the Department of Administrative Services annually of the facilities and buildings owned by the public school corporation which are vacant and available to be leased or purchased **(297.4)**.

A county, city, fire district, or school district, which has areas within its boundaries which overlap areas within the boundaries of another county, city, fire district, or school district, or whose boundaries are contiguous with another county, city, fire district, or school district, may execute an agreement pursuant to Iowa Code section 28E.41 for the joint construction or acquisition, furnishing, operation, and maintenance of a public building or buildings for their common use. Such an agreement regarding a joint public building may allow for, but is not limited to, any of the following:

- a. Acquisition of a construction site and construction of a public building for common use.
- b. Purchase of an existing building for joint public use, or conversion of a building previously owned and maintained by a county, city, fire district, or school district for joint public use.
- c. Equipping or furnishing a new or existing building for joint public use.
- d. Operation, maintenance, or improvement of a joint public building.
- e. Any other aspect of joint public building construction, acquisition, furnishing, operation, or maintenance mutually agreed upon by the county, city, fire district, or school district and not otherwise prohibited by law **(28E.41(1))**.

It is the intent of the general assembly to encourage school districts to jointly issue general obligation bonds to fund separate projects proposed in each district and, by pooling their debt obligations, to realize a savings for taxpayers in each of the participating districts. Two or more school districts may enter an agreement pursuant to chapter 28E for the purpose of financing projects for which debt obligations may be or have been incurred pursuant to chapter 296 or 298 **(28E.42(1))**.

The boards of local school districts may approve cooperation and pooling of funds with other school districts to establish and provide for the general supervision of a community education program to the extent that residents of the districts have provided funding pursuant to the levy in chapter 300 **(276.10(7))**.

Public funds may not be spent to support voluntary programs provided by nonprofit private agencies. However, the services provided by such agencies may be obtained under chapter 28E agreements where joint exercise of governmental power is warranted (**OAG #76-9-2**).

A school district may not assume the sole responsibility for maintenance of a playground constructed by a city for public use (**OAG #65-5-3**).

The boards in the respective district, the boundaries of which have been changed through concurrent action, complete in all respects except for the passage of time prior to the effective date of the change, and when the right of appeal of the change has expired, may enter into joint contracts for the construction of buildings for the benefit of the corporations whose boundaries have been changed, using funds accumulated under the PPEL levy in section 298.2. The district in which the building is to be located may use any funds authorized in accordance with chapter 75 [bond issues]. This section does not permit the changed districts to expend any funds jointly which they are not entitled to expend acting individually (**274.37**).

Revenue Sharing

The sales and services tax for school infrastructure revenues shall be expended for the purposes specified in the revenue purpose statement (**423F.3(4)**). A school district shall be authorized to enter into a chapter 28E agreement to share its sales and services tax for school infrastructure revenues with one or more cities or a county whose boundaries encompass all or a part of the area of the school district. A city or cities entering into a chapter 28E agreement shall be authorized to expend its designated portion of the revenues for any valid purpose permitted in chapter 423E or authorized by the governing body of the city. A county entering into a chapter 28E agreement with a school district shall be authorized to expend its designated portion of the revenues to provide property tax relief within the boundaries of the school district located in the county. A school district is also authorized to enter into a chapter 28E agreement to share its sales and services tax for school infrastructure revenues with another school district, a community college, or an AEA which is located partially or entirely in or is contiguous to the county where the school district is located. The school district or community college shall only expend its designated portion of the revenues for infrastructure purposes. The AEA shall only expend its designated portion of the revenues for infrastructure and maintenance purposes (**423E.5(2)**).

Although a school district cannot be a direct recipient of a city or county local option sales and services tax under Iowa Code 423B, it could be a secondary recipient. A secondary recipient as defined in section 423B.9(1)“c” is a political subdivision of the state which is to receive revenues from a local option sales and services tax over a period of years pursuant to the terms of a chapter 28E agreement with one or more cities or counties. Therefore, if there is a chapter 28E contract between the school district and a city or county under which the school district is entitled to receive revenues from a city or county local option sales and services tax, the school district would be a secondary recipient for purposes of chapter 423B. A school district could use its share of the city or county local option tax proceeds for any lawful purpose which is consistent with both the chapter 28E agreement and with the uses of the city or county local option tax approved by the voters, including retiring school bonds (**OAG #97-9-2(L)**).

Interchange of Federal, State and Local Government Employees

Any department, agency, or instrumentality of the state, county, city, municipality, land-grant college, or college or university operated by the state or any local government is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, another state or locality, or other agencies, municipalities, or instrumentalities of Iowa as a sending or receiving agency. The period of individual assignment or detail under an interchange program shall not exceed twenty-four (24) months, except that an employee may be assigned for an additional twenty-four month period upon the agreement of the employee and both the sending and receiving agencies. No employee shall be assigned or detailed without the employee’s expressed consent or by using undue coercion to obtain consent (**28D.3**).

If funds are appropriated by the general assembly, an Iowa teacher exchange program is established to permit school districts to exchange licensed instructional personnel with other districts in order to promote the exchange and enhancement of instructional methods and materials and encourage the educational development of Iowa’s teachers. Community colleges may exchange their instructional personnel only with other community colleges under this program (**279.55**).

Powers and Responsibilities

Policy Making

State Policy on Education Effectiveness

It is the policy of the state of Iowa to provide an education system that prepares the children of this state to meet and exceed the technological, informational, and communications demands of our society. The general assembly finds that the current education system must be transformed to deliver the enriched educational program that the adults of the future will need to have to compete in tomorrow's world. The general assembly further finds that the education system must strive to reach the following goals:

1. All children in Iowa must start school ready to learn.
2. Iowa's high school graduation rate must increase to at least ninety percent (90%).
3. Students graduating from Iowa's education system must demonstrate competency in challenging subject matter, and must have learned to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in a global economy.
4. Iowa students must be first in the world in science and mathematics achievement.
5. Every adult Iowan must be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
6. Every school in Iowa must be free of drugs and violence and offer a disciplined environment conducive to learning **(256.37)**.

The Iowa Constitution does not contain an education clause.

School Improvement

The board of directors of each public school district shall appoint a school improvement advisory committee to make recommendations to the board. The advisory committee shall consist of members representing students, parents, teachers, administrators, and representatives from the community, which may include representatives of business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall have balanced representation with regard to race, gender, national origin, and disability **(280.12(1))**.

The board shall utilize the recommendations from the school improvement advisory committee to determine the following:

- a. Major educational needs.
- b. Student learning goals.
- c. Long-range and annual improvement goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement.
- d. Desired levels of student performance.
- e. Progress toward meeting the goals set out in paragraphs "b" through "d".
- f. Harassment or bullying prevention goals, programs, training, and other initiatives **(280.12(2))**.

In addition, the board shall consider recommendations from the school improvement advisory committee to infuse character education into the educational program **(280.12(3))**.

Comprehensive school improvement

The general accreditation standards are minimum, uniform requirements. However, school districts are encouraged to go beyond the minimum with their work toward ongoing improvement. As a means to this end, local comprehensive school improvement plans shall be specific to a school or school district and designed, at a minimum, to increase the learning, achievement, and performance of all students. As a part of ongoing improvement in its educational system, the board shall adopt a written comprehensive school improvement plan designed for continuous school, parental, and community involvement in the development and monitoring of a plan that is aligned with school or school district determined needs. The plan shall incorporate, to the extent possible, the consolidation of federal and state planning, goal setting, and reporting requirements. The plan shall contain, but is not limited to, the following components:

- a. *Community involvement.*
 - (1) Local community. The school district shall involve the local community in decision-making processes as appropriate. The school district shall seek input from the local community about, but not limited to, the following elements at least once every five years:
 1. Statement of philosophy, beliefs, mission, or vision;
 2. Major educational needs; and
 3. Student learning goals.
 - (2) The board shall appoint and charge a school improvement advisory committee to make recommendations to the board. Based on the committee members' analysis of the needs assessment data, the committee shall make

recommendations to the board about the following components:

1. Major educational needs;
 2. Student learning goals;
 3. Long-range goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement; and
 4. Harassment or bullying prevention goals, programs, training, and other initiatives.
- (3) At least annually, the school improvement advisory committee shall also make recommendations to the board with regard to, but not limited to, the following:
1. Progress achieved with the annual improvement goals for the state indicators that address reading, mathematics, and science;
 2. Progress achieved with other locally determined core indicators; and
 3. Annual improvement goals for the state indicators that address reading, mathematics, and science achievement.

b. Data collection, analysis, and goal setting.

(1) Policy. The board shall adopt a policy for conducting ongoing and long-range needs assessment processes. This policy shall ensure involvement of and communication with the local community regarding its expectations for adequate preparation for all students as responsible citizens and successful wage earners. The policy shall include provisions for keeping the local community regularly informed of progress on state indicators, other locally determined indicators within the comprehensive school improvement plan as required by Iowa Code section 280.12, and the methods a school district will use to inform kindergarten through grade 3 parents of their individual child's performance biannually. The policy shall describe how the school district shall provide opportunities for local community feedback on an ongoing basis.

(2) Long-range data collection and analysis. The long-range needs assessment process shall include provisions for collecting, analyzing, and reporting information derived from local, state, and national sources. The process shall include provisions for reviewing information acquired over time on the following:

1. State indicators and other locally determined indicators;
2. Locally established student learning goals; and
3. Specific data collection required by federal and state programs.

School districts shall also collect information about additional factors influencing student achievement which may include, but are not limited to, demographics, attitudes, health, and other risk factors.

(3) Long-range goals. The board, with input from its school improvement advisory committee, shall adopt long-range goals to improve student achievement in at least the areas of reading, mathematics, and science.

(4) Annual data collection and analysis. The ongoing needs assessment process shall include provisions for collecting and analyzing annual assessment data on the state indicators, other locally determined indicators, and locally established student learning goals.

(5) Annual improvement goals. The board, with input from its school improvement advisory committee, shall adopt annual improvement goals based on data from at least one district-wide assessment. The goals shall describe desired annual increase in the curriculum areas of, but not limited to, mathematics, reading, and science achievement for all students, for particular subgroups of students, or both. Annual improvement goals may be set for the early intervention program, other state indicators, locally determined indicators, locally established student learning goals, other curriculum areas, future student employability, or factors influencing student achievement.

c. Content standards and benchmarks.

(1) Policy. The board shall adopt a policy outlining its procedures for developing, implementing, and evaluating its total curriculum. The policy shall describe a process for establishing content standards, benchmarks, performance levels, and annual improvement goals aligned with needs assessment information.

(2) Content standards and benchmarks. The board shall adopt clear, rigorous, and challenging content standards and benchmarks in reading, mathematics, and science to guide the learning of students from the date of school entrance until high school graduation. Included in the local standards and benchmarks shall be the core content standards from Iowa's approved standards and assessment system under the applicable provisions of the federal Elementary and Secondary Education Act. Standards and benchmarks may be adopted for other curriculum areas defined in 281—Chapter 12, Division V. The comprehensive school improvement plan submitted to the department shall contain, at a minimum, the core content standards for reading, mathematics, and science. The educational program shall incorporate career education, multicultural and gender fair education, technology integration, global education, higher-order thinking skills, learning skills, and communication skills.

d. Determination and implementation of actions to meet the needs. The comprehensive school improvement plan shall include actions the school or school district shall take district-wide in order to accomplish its long-range and annual improvement goals as required in Iowa Code section 280.12(1) "b."

(1) Actions shall include, but are not limited to, addressing the improvement of curricular and instructional practices to attain the long-range goals, annual improvement goals, and the early intervention goals as described in IAC

281 subrule 12.5(18).

(2) A school district shall document consolidation of state and federal resources and requirements, as appropriate, to implement the actions in its comprehensive school improvement plan. State and federal resources shall be used, as applicable, to support implementation of the plan.

(3) A school district may have building-level action plans, aligned with its comprehensive school improvement plan. These may be included in the comprehensive school improvement plan or kept on file at the local level.

e. Evaluation of the comprehensive school improvement plan. A school district shall develop strategies to collect data and information to determine if the plan has accomplished the goals for which it was established.

f. Assessment of student progress. Each school district shall include in its comprehensive school improvement plan provisions for district-wide assessment of student progress for all students. The plan shall identify valid and reliable student assessments aligned with local content standards, which include the core content standards. These assessments are not limited to commercially developed measures. School districts receiving early intervention funding shall provide for diagnostic reading assessments for kindergarten through grade 3 students.

(1) State indicators. Using at least one district-wide assessment, a school or school district shall assess student progress on the state indicators in, but not limited to, reading, mathematics, and science. At least one district-wide assessment shall allow for, but not be limited to, the comparison of the school district's students with students from across the state and in the nation in reading, mathematics, and science. A school district shall use additional assessments to measure progress on locally determined content standards in at least reading, mathematics, and science.

(2) Performance levels. A school district shall establish at least three performance levels on at least one district-wide valid and reliable assessment in the areas of reading and mathematics for at least grades 4, 8, and 11 and science in grades 8 and 11 or use the achievement levels as established by the Iowa Testing Program to meet the intent .

g. Assurances and support. A school district shall provide evidence that its board has approved and supports the five-year comprehensive school improvement plan and any future revisions of that plan. This assurance includes the commitment for ongoing improvement of the educational system (**IAC 281—12.8(1)**).

A school district shall submit to the Department of Education and respective AEA, a multiyear comprehensive school improvement plan on or before September 15, 2000. Beginning July 1, 2001, a school district shall submit a revised five-year comprehensive school improvement plan by September 15 of the school year following the comprehensive site visit specified in Iowa Code section 256.11 which incorporates, when appropriate, areas of improvement noted by the school improvement visitation team. A school district may, at any time, file a revised comprehensive school improvement plan (**IAC 281—12.8(2)**).

A school district shall, at minimum, report annually to its local community about the progress on the state indicators and other locally determined indicators.

a. State indicators. A school district shall collect data on the following indicators for reporting purposes:

(1) The percentage of all fourth, eighth, and eleventh grade students achieving proficient or higher reading status using at least three achievement levels and by gender, race, socioeconomic status, students with disabilities, and other subgroups as required by state or federal law.

(2) The percentage of all fourth, eighth, and eleventh grade students achieving proficient or higher mathematics status using at least three achievement levels and for gender, race, socioeconomic status, students with disabilities, and other subgroups as required by state or federal law.

(3) The percentage of all eighth and eleventh grade students achieving proficient or higher science status using at least three achievement levels.

(4) The percentage of students considered as dropouts for grades 7 to 12 by gender, race, students with disabilities, and other subgroups as required by state or federal law.

(5) The percentage of high school seniors who intend to pursue postsecondary education/training.

(6) The percentage of high school students achieving a score or status on a measure indicating probable postsecondary success. This measure should be the measure used by the majority of students in the school district, or attendance center who plan to attend a postsecondary institution.

(7) The percentage of high school graduates who complete a core program of four years of English-language arts and three or more years each of mathematics, science, and social studies.

b. Annual progress report. Each school district shall submit an annual progress report to its local community, its respective AEA, and the department. That report shall be submitted to the department by September 15, 2000, and by September 15 every year thereafter. The report shall include, but not be limited to, the following information:

(1) Baseline data on at least one district-wide assessment for the state indicators. Every year thereafter the school district shall compare the annual data collected with the baseline data. A school district is not required to report to the community about subgroup assessment results when a subgroup contains fewer than ten students at a grade level. A school district shall report district-wide assessment results for all enrolled and tuitioned-in students.

(2) Locally determined performance levels for at least one district-wide assessment in, at a minimum, the areas of reading, mathematics, and science. Student achievement levels as defined by the Iowa Testing Program may be used to fulfill this requirement.

(3) Long-range goals to improve student achievement in the areas of, but not limited to, reading, mathematics, and science.

(4) Annual improvement goals based on at least one district-wide assessment in, at a minimum, the areas of reading, mathematics, and science. One annual improvement goal may address all areas, or individual annual improvement goals for each area may be identified. When a school or school district does not meet its annual improvement goals for one year, it shall include in its annual progress report the actions it will take to meet annual improvement goals for the next school year.

(5) Data on multiple assessments for reporting achievement for all students in the areas of reading and mathematics by September 15, 2001, and for science by September 15, 2003.

(6) Results by individual attendance centers, as appropriate, on the state indicators and any other locally determined factors or indicators. An attendance center, for reporting purposes, is a building that houses students in grade 4 or grade 8 or grade 11.

(7) Progress with the use of technology as required by Iowa Code section 295.3.

(8) School districts are encouraged to provide information on the reading proficiency of kindergarten through grade 3 students by grade level. However, all school districts receiving early intervention block grant funds shall report to the department the progress toward achieving their early intervention goals.

(9) Other reports of progress as the director of the department requires and other reporting requirements as the result of federal and state program consolidation (**IAC 281—12.8(3)**).

Strategic Planning and Rule-Making

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules (**279.8**).

The board of each school district subject to the provisions of chapter 280 shall establish and maintain adequate administration, school staffing, personnel assignment policies, teacher qualifications, certification requirements, facilities, equipment, grounds, graduation requirements, instructional requirements, instructional materials, maintenance procedures, and policies on extracurricular activities (**280.14**).

The AEA board shall determine the policies of the AEA for providing programs and services (**273.3(1)**).

The board of directors of each public school district shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least 148 days, to be met by attendance for at least 37 days each school quarter, for the schools under their jurisdictions. The minimum educational program shall be the curriculum set forth in subsection 280.3(3) and section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status or place of national origin. The board of directors of each public school district shall do all of the following:

- a. Adopt an implementation plan by July 1, 2010, which provides for the adoption of at least one core curriculum subject area each year as established by the state board of education for grades 9 through 12. The core curriculum established for grades 9 through 12 by the state board of education shall be fully implemented by each school district and school by July 1, 2012.
- b. Adopt an implementation plan, by July 1, 2010, which provides for the full implementation of the core curriculum established for kindergarten through grade eight (8) by the state board of education by the 2014-2015 school year (**280.3(1) to (3)**).

The board of directors of each public school district shall establish and maintain attendance centers based upon the needs of the school age pupils enrolled in the school district. Kindergarten programs shall and prekindergarten programs may be provided. In addition, the board of directors may include in the educational program of any school such additional courses, subjects, or activities which it deems fit the needs of the pupils (**280.3(5)**).

The board of directors of a public school district shall set the number of days of required attendance for the schools under its control. The board of directors of a public school district may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school (**299.1**).

The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law **(279.11)**.

A representative from the board of directors of the school districts and AEAs shall serve on the regional vocational education planning board. The regional planning boards are established to assist school corporations in providing an effective, efficient, and economical means of delivering sequential vocational educational programs for students in grades seven through fourteen, which use both local school district services and community college services **(258.16)**.

A board does not have the authority to arbitrarily require pupils to attend school on Saturday instead of Monday **(1910 Op. Att’y Gen. 105 (#9-11-23))**.

A school board has the authority to make and enforce rules and regulations pertaining to the operation of automobiles by students during the school noon intermission **(OAG #57-5-17)**.

A school board has no authority to retain a student's report card to coerce payment of school fees when the student has completed scholastic requirements **(OAG #65-3-12(L); OAG #62-8-8)**.

A board cannot refuse a diploma to a senior who refuses to wear a cap and gown at graduation ceremonies or refuses to pay a graduation fee **(OAG #37-5-17)**.

A board has no power to impose requirements of one year's resident work on a bona-fide resident otherwise qualified for graduation **(1938 Op. Att’y Gen. 230 (#37-5-37))**.

Each board shall adopt by written policy a system for maintaining accurate records. The system shall provide for recording and maintaining the minutes of all board meetings, coding all receipts and expenditures, and recording and filing all reports required by the Iowa Code or requested by the director of the department of education. Financial records of school districts shall be maintained in a manner as to be easily audited according to accepted accounting procedures **(IAC 281—12.3(1))**.

The board shall develop and maintain a policy manual which provides a codification of its policies, including the adoption date, the review date, and any revision date for each policy. Policies shall be reviewed at least every 5 years to ensure relevance to current practices and compliance with the Iowa Code, administrative rules and decisions, and court decisions **(IAC 281--12.3(2))**.

The results of the annual audit of all school district funds conducted by the state auditor or a private auditing firm shall be made part of the official records of the board as described in Iowa Code section 11.6 **(IAC 281—12.3(8))**.

The board shall adopt a policy concerning the accessibility and confidentiality of student records that complies with the provisions of the federal Family Educational Rights and Privacy Act of 1974 and Iowa Code chapter 22 **(IAC 281—12.3(4))**.

Each board providing a program through grade 12 shall adopt a policy establishing the requirements students must meet for high school graduation. This policy shall make provision for early graduation and shall be consistent with these requirements, Iowa Code section 280.14, and the requirements in the introductory paragraph of IAC subrule 12.5(5) **(IAC 281—12.3(5))**.

The board shall adopt student responsibility and discipline policies as required by Iowa Code section 279.8. The board shall involve parents, students, instructional and noninstructional professional staff, and community members in the development and revision of those policies where practicable or unless specific policy is mandated by legislation. The policies shall relate to the educational purposes of the school or school district. The policies shall include, but are not limited to, the following: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff as detailed in IAC subrule 12.3(13); violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship. The policies shall ensure due process rights for students and parents, including consideration for students who have been identified as requiring special education programs and services. The board shall also consider the potential, disparate impact of the policies on students because of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, gender identity as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, disability, religion, creed, or socioeconomic status. The board shall publicize its support of these policies, its support of the staff in enforcing them, and the staff's accountability for implementing them **(IAC 281—12.3(6))**.

The board operating an elementary school shall develop and adopt staffing policies designed to attract, retain, and effectively utilize competent personnel. Each board operating an elementary school shall employ at least one elementary principal. This position may be combined with that of secondary principal or with a teaching assignment at the elementary or secondary level, provided the individual holds the proper licenses/certificates and endorsements. When grades seven and eight are part of an organized and administered junior high school, the staffing policies adopted by the board for secondary schools shall apply. When grades seven and eight are part of an organized and administered middle school, the staffing policies adopted by the board for elementary schools shall apply (**IAC 281—12.4(5)**).

The board operating a secondary school shall develop and adopt staffing policies designed to attract, retain, and effectively utilize competent personnel. Each board operating a secondary school shall employ at least one secondary principal. This position may be combined with that of elementary principal or with a teaching assignment at the elementary or secondary level, provided the individual holds the proper licenses/certificates and endorsements. This position cannot be combined with that of superintendent (**IAC 281—12.4(6)**).

Any person who operates or permits to be operated as a school bus to transport pupils, any vehicle which does not comply with the requirements provided by law or by the rules and regulations of the department of education, or for which there is not a valid temporary certificate for operation, shall be guilty of a simple misdemeanor. A vehicle used for an approved driver education course in which the driver education teacher transports driver education students from their residences for street or highway driving is not a school bus (**285.14**).

The failure of any local district to comply with the provisions of chapter 285 or any other laws relating to the transportation of pupils, or any rules made by the Department of Education or the final decisions of the AEA board, or the final decisions of the Department of Education shall during the period such failure to comply existed forfeit the rights to collect transportation costs from school or parents while operating in such illegal manner. Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a simple misdemeanor (**285.15**).

The directors of all schools shall enforce the provisions of Iowa Code section 287.1 and shall have full power and authority to make, adopt, and modify all rules and regulations which, in their judgment and discretion, may be necessary for the proper governing of such schools and enforcing all the provisions of 287.1 (**287.2**). It shall be unlawful for any public school pupil, registered as such, and attending any public high school, district, primary or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of, any fraternity or society wholly or partially formed from the membership of pupils attending any such schools, or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the directors of such schools (**287.1**).

The board of directors of each and every school district is hereby authorized and empowered to adopt textbooks for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools, and to contract for and buy said books and any and all other necessary school supplies at said contract prices, and to sell the same to the pupils of their respective districts at cost, loan such textbooks to such pupils free, or rent them to such pupils at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund. Textbooks adopted and purchased by a school district may, and shall to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent under comparable terms as made available to pupils attending public schools. Textbook expenditures made in accordance with subsection 301.1(2) shall be kept on file in the school district. In the event that a participating accredited nonpublic school physically relocates to another school district, textbooks purchased for the nonpublic school with funds appropriated for that purpose shall be transferred to the school district in which the nonpublic school has relocated within the state of Iowa and may be made available to the nonpublic school. Funds distributed to a school district for purposes of purchasing textbooks in accordance with subsection 301.1(2) which remain unexpended and available for the purpose of textbooks for the nonpublic school that relocated in the fiscal year in which the funds were distributed shall also be transferred to the school district in which the nonpublic school has relocated. The term "textbooks" means any of the following:

- a. Books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process.
- b. Electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media.
- c. Laptop computers or other portable personal computing devices which are used for nonreligious instructional purposes only. (**301.1**).

These textbooks are those used by the pupils and do not include materials for teachers such as teacher editions of textbooks or software to monitor student work.

Books and supplies purchased for use by public students or by nonpublic students shall be under the charge of the board of the public school district **(301.2)**. All books and other supplies purchased under the provisions of chapter 301 shall be paid for out of the General Fund **(301.4)**.

The board shall hold pupils responsible for any damage to, loss of, or failure to return any such books, and shall adopt such rules and regulations as may be reasonable and necessary for the keeping and preservation thereof. Any pupil shall be allowed to purchase any textbook used in the school at cost. No pupil already supplied with textbooks shall be supplied with others without charge until needed **(301.26)**.

The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions **(279.8)**.

The board may make necessary rules to provide for the policing, control and regulation of traffic and parking of vehicles and bicycles on school grounds **(279.8A)**.

The board shall have the authority to include in its rules provisions allowing school corporation employees to use school credit cards to pay for the actual and necessary expenses incurred in the performance of work-related duties **(279.8)**.

The board shall make rules which prohibit the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance by any student of the schools and the board may suspend or expel any student for any violation of the rule **(279.9)**. The rules shall provide that upon the request of school officials of a school to which the student seeks to transfer or has transferred, school officials of the sending school shall provide an accurate record of any suspension or expulsion actions taken, and the basis for those actions taken, against the student under sections 279.9, 280.19A, 280.21B, 282.3, 282.4, and 282.5. The designated representative shall disclose this information only to those school employees whose duties require them to be involved with the student. For purposes of this section, "school employees" means persons employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district. **(279.9A)**.

The board shall not adopt rules which require its employees to reside within the boundaries of the school district **(279.22)**.

In carrying out the provision of chapter 29C, the governor and the director of the Department of Public Defense, and the executive officers or governing boards of political subdivisions of the state shall utilize, to the maximum extent practicable, the services, equipment, supplies and facilities of existing departments, officers, and agencies of the state and of political subdivisions at their respective levels of responsibility **(29C.12)**.

Upon the receipt by a public employer of a request from an employee organization to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit **(20.16)**.

Religious books such as the Bible, the Torah, and the Koran shall not be excluded from any public school nor shall any child be required to read such religious books contrary to the wishes of the child's parent or guardian **(280.6)**.

The board of directors of each public school district shall make adequate educational provisions for each resident child requiring special education appropriate to the nature and severity of the child's disability **(256B, 280.8)**.

The board of directors of each local public school district shall incorporate into the educational program the total concept of career education to enable students to become familiar with the values of a work-oriented society **(280.9)**.

The board of directors of each local public school district shall provide the eye-protective safety devices required by section 280.10. Such devices may be paid for from the general fund, but the board may require students and teacher to pay for the safety devices and shall make them available to student and teachers at no more than the actual costs to the district **(280.10)**. Note: this Code does not mean that the devices could be paid for from a fund other than the general fund, however.

The board of directors of each local public school district shall provide the ear-protective safety devices required by section 280.11. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to student and teachers at no more than the actual cost to the

district **(280.11)**. Note: this Code does not mean that the devices could be paid for from a fund other than the general fund, however.

The board of each school district may appoint a truancy officer. The board of each school district, which does not appoint a truancy officer for the district, shall designate a suitable person to collect information on the numbers of children in the district who are truant. The board may appoint a member of the police force, marshal, teacher, school official, or other suitable person to serve as the district truancy officer **(299.10)**.

The board of directors of each school district may develop and offer a program which provides outreach and incentives for the voluntary participation of expectant parents and parents of children in the period of life from birth through age five, who reside within district boundaries, in educational family support experiences designed to assist parents in learning about the physical, mental, and emotional development of their children. A board may contract with another school district or public or private nonprofit agency for provision of the approved program or program site. Each district shall maintain a separate account within the district budget for moneys allocated for family support programs. A district may receive moneys from state and federal sources, and may solicit funds from private sources, for deposit into the account. [Note: these are specific categorical funding sources and not the general fund general purpose funds.] A district shall coordinate a family support program with district special education and vocational education programs and with any related services or programs provided by other state, federal, or private nonprofit agencies **(256A.4)**.

The board of directors of a public school shall prescribe procedures, in accordance with the guidelines contained in the model policy developed by the department of education in consultation with the department of human services, and adopted by the department of education pursuant to chapter 17A, for the handling of reports of child abuse alleged to have been committed by an employee or agent of the public school **(280.17)**.

The board of directors of a public school shall prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon possessed on school premises in violation of school policy or state law **(280.17A)**. The board of directors of a public school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion **(280.17B)**.

The board of directors of each public school district shall incorporate, into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs **(280.19)**. Each school district shall adopt a plan to provide alternative options education programs to students who are either at risk or dropping out or have dropped out **(280.19A)**.

The board of directors of a school district which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board. However, the superintendent of the school district may modify expulsion requirement on a case-by-case basis. This Code section shall not be construed to prevent the board of directors of a school district that has expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting **(280.21B)**.

The board of directors of each public school shall prescribe procedures to report any use or possession of alcoholic liquor, wine, or beer or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law **(280.24)**.

The board of directors of each public school district shall not require non-administrative personnel to perform any special health services or intrusive nonemergency medical services for students unless the non-administrative personnel are licensed or otherwise qualified and have consented to perform the services **(280.23)**.

The board of directors of each public school shall adopt a policy and the superintendent of each public school shall adopt rules which provide that the school district may share information contained within a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system **(280.25)**.

Each board of directors of a public school shall adopt rules in the form of a written [student] publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities [student exercise of free expression] within its jurisdiction **(280.22(4))**.

The district or AEA shall approve written investment policies which incorporate the guidelines specified in section 12B.10, sections 12B.10A through 12B.10C, and any other provisions deemed necessary to adequately safeguard invested public funds **(12B.10B(1))**. The written investment policy shall be delivered to all of the following:

- a. The governing body or officer of the public entity to which the policy applies.

- b. All depository institutions or fiduciaries for public funds of the public entity.
- c. The auditor of the public entity (**12B.10B(2)**).

Each school board shall provide age-appropriate and research-based instruction in human growth and development. A pupil shall not be required to take instruction in human growth and development if the pupil's parent or guardian files with the appropriate principal a written request that the pupil be excused from the instruction (**279.50**).

The board of directors shall require that all students in grades 9 through 12 complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting systems in the election process, and the method of acquiring and casting an absentee ballot (**280.9A(1)**).

A school district shall operate or provide for the operation of lunch programs at all attendance centers in the district. A school district may operate or provide for the operation of school breakfast programs at all attendance centers in the district, or provide access to a school breakfast program at an alternative site to students who wish to participate in a school breakfast program. The programs shall provide students with nutritionally adequate meals and shall be operated in compliance with the rules of the state board of education and pertinent federal law and regulation. The school lunch program shall be provided for all students in each district who attend public school four (4) or more hours each school day and wish to participate in a school lunch program. School districts may provide school breakfast and lunch programs for other students (**283A.2(2)**). Each school district that operates or provides for a school breakfast or lunch program shall provide for the forwarding of information from the applications for the school breakfast or lunch programs, for which federal funding is provided, to identify children for enrollment in the medical assistance program pursuant to chapter 249A or the healthy and well kids in Iowa program pursuant to chapter 514I to the Department of Human Services (**283A.2(3)**).

IAC 281--12.7(1) requires that school districts shall make provisions for school district professional development.

- a. Each school district shall incorporate into its comprehensive school improvement plan provisions for the professional development of all staff, including the district professional development plan required in 281—paragraph 83.6(2)“a.” To meet the professional needs of all staff, professional development activities shall align with district goals; shall be based on student and staff information; shall prepare all employees to work effectively with diverse learners and to implement multicultural, gender fair approaches to the educational program; and shall adhere to the professional development standards in 281—paragraph 83.6(2)“b” to realize increased student achievement, learning, and performance as set forth in the comprehensive school improvement plan.
- b. Each school district shall ensure that every attendance center has an attendance center professional development plan that addresses, at a minimum, the needs of the teachers in that center; the Iowa teaching standards; the district professional development plan; and the student achievement goals of the attendance center and the school district as set forth in the comprehensive school improvement plan.
- c. Each school district shall ensure that every teacher as defined in rule 281—83.2(284,284A) has an individual teacher professional development plan that meets the expectations in 281—subrule 83.6(1).
- d. The board shall annually budget specified funds to implement the plan.

Each board shall sponsor a pupil activity program sufficiently broad and balanced to offer opportunities for all pupils to participate. The program shall be supervised by qualified professional staff and shall be designed to meet the needs and interests and challenge the abilities of all pupils consistent with their individual stages of development; contribute to the physical, mental, athletic, civic, social, moral, and emotional growth of all pupils; offer opportunities for both individual and group activities; be integrated with the instructional program; and provide balance so a limited number of activities will not be perpetuated at the expense of others (**IAC 281—12.6(1)**). If the board sponsors a voluntary program of supervised intramural sports for pupils in grades seven through twelve, qualified personnel and adequate facilities, equipment, and supplies shall be provided. Middle school grades below grade seven may also participate (**IAC 281—12.6(2)**).

A public school shall not participate in or allow students representing a public school to participate in any extracurricular interscholastic athletic contest or competition which is sponsored or administered by an organization unless the organization is registered with the department of education, files the required financial statements, and is in compliance with rules which the state board of education adopts (**280.13**).

The board of each school district shall estimate the amount of the proposed expenditures and proposed receipts for the general school purposes at a time and in a manner to effectuate the provisions of chapter 257 and sections 256B.9 and 256B.11. Compliance with chapter 24 shall be observed (**298.1**).

The administrative expenditures as a percent of the school district's general fund for a base year exceed five percent. Annually, the board of directors shall certify to the department of education the amounts of the school district's administrative expenditures and its general fund. For the purposes of this section, "*base year*" means the same as defined in section 257.2, and "*administrative expenditures*" means expenditures for executive administration **(279.45)**. AEs have the same limitation and requirement.

The board of directors of each school district utilizing telecommunications as an instructional tool shall participate in procedures adopted by the state board of education regarding telecommunications and database development **(279.47)**.

A school district has the implied authority under section 280.14 to hire a lobbyist to act on its behalf **(OAG #93-3-4(L))**.

Boards of directors of school corporations may pay, out of funds available to them, reasonable annual dues to the Iowa association of school boards. Each board that pays membership dues to the Iowa association of school boards shall annually report to the local community and to the department of education the amount the board pays in annual dues to the Iowa association of school boards, the amount of any fees paid and revenue or dividend payments received for services the board receives from the association or from any of the association's affiliated for-profit entities, and the products or services the school district received inclusive with membership in the association. Membership in such an Iowa association of school boards shall be limited to those duly elected members of the board of directors of local school corporations **(279.38)**. Duly elected members of boards of directors and designated administrators of school corporations may join, including the payment of dues, and participate in local, regional and national organizations which directly relate to the functions of the board of directors. Each board that pays membership dues to an organization in accordance with this section shall annually report to the local community and to the department of education the amount the board pays in annual dues to the organization, the amount of any fees paid and revenue or dividend payments received for services the board receives from the organization, and the products or services the school district received inclusive with membership in the organization. If the organization administers federal education grants on behalf of school districts or distributes federal education grant funds to school districts, the organization shall submit to the general assembly copies of all reports the organization provides to the United States department of education, on the date on which each such report is provided to the United States department of education, relating to federal grants and grant amounts that the organization administers for or distributes to school districts. The governing board of the organization is subject to chapters 21 and 22 relating to open meetings and public records **(279.38A)**.

A school board has no authority to distribute to the taxpayers on a pro rata basis [or any other basis] the surplus in the General Fund when the school district goes out of existence **(OAG #59-7-23)**.

The board of directors of each public school district shall provide and maintain a suitable flagstaff on each school site under its control, and the United States flag and the Iowa state flag shall be raised on all school days when weather conditions are suitable **(280.5)**.

At least twice during each school year, the board of directors of each public school district operating a high school shall offer the opportunity to register to vote to each student who is at least seventeen and one-half (17 ½) years of age, as required by section 48A.23 **(280.9A(3))**.

The school corporation in which the student resides shall pay from the general fund to the secretary of the corporation in which the student is permitted to enroll, a tuition fee as prescribed in section 282.24 **(282.20)**. If payment is not made, the board of the creditor corporation shall file with the auditor of the county of the pupil's residence a statement certified by its president specifying the amount due for tuition, and the time for which the same is claimed. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such account from the funds of the debtor corporation to the creditor corporation, and the county treasurer shall pay the same accordingly **(282.21)**.

No school attendance center fence shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten (10) feet of any school attendance center. [The ten feet limit refers to the property on which a school is located rather than referring to the facility itself.] Any person violating the provisions of this section shall be guilty of a simple misdemeanor **(297.14)**.

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface. A violation of this labeling requirement shall be a serious misdemeanor **(721.8, 721.9)**.

A motor vehicle purchased by or used under the direction of the board of directors to provide services to a school corporation shall not operate on gasoline other than ethanol blended gasoline. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline **(279.34)**.

The board shall have the authority to include in its rules provisions allowing school corporation employees to use school credit cards to pay for the actual and necessary expenses incurred in the performance of work-related duties **(279.8, 273.3(18))**.

The AEA board shall meet annually with the members of the boards of directors of the school districts located within its boundaries if requested by the school district boards **(273.3(22))**.

The AEA board shall employ personnel to carry out the functions of the AEA which shall include the employment of an administrator who shall possess a license issued under chapter 272. The salary of an AEA administrator shall be established by the board based upon the previous experience and education of the administrator, and shall be approved by the director of the Department of Education **(273.3(11), 256.9(30))**.

The board shall have the authority to charge user fees for certain materials and services that are not required by law or by rules of the state board of education and are specifically requested by a school district or accredited nonpublic school, pursuant to rules adopted by the state board of education **(273.3(19))**.

The AEA board shall provide for advisory committees to carry out the provisions of Iowa Code section 273.2 as deemed necessary **(273.3(4))**.

A community empowerment area board shall designate a public agency of this state, as defined in section 28E.2, a community action agency as defined in section 216A.91, an AEA established under section 273.2, or a nonprofit corporation, to be the fiscal agent for grant moneys and for other moneys administered by the community board **(28.7(1)“a”)**.

The board of regents shall develop a center for early development education at one of the regents' institutions. The center's programs shall be conducted in a laboratory school setting to serve as a model for early childhood education. The programs shall include, but not be limited to, programs designed to accommodate the needs of at-risk children. The teacher education programs at all three state universities shall cooperate in developing the center and its program. The center's programs shall take a holistic approach and the center shall, in developing its programs, consult with representatives from a number of agencies including an early childhood development specialist from an AEA **(262.71)**.

The AEA board is authorized to perform all other acts necessary to carry out the provisions and intent of chapter 273 **(273.3(10))**.

The AEA boards shall jointly develop a three-year statewide strategic plan that supports goals adopted by the state board of education pursuant to section 256.7, subsection 4, and the accreditation standards established pursuant to section 256.11; establish performance goals; and clearly identify the statewide efforts to improve student learning and create efficiencies in management operations for AEAs and school districts. The statewide strategic plan shall be approved by the state board of education. The AEA boards shall jointly provide the state board with annual updates on the performance measures **(273.2(9))**.

The AEA board shall collaborate with the department of education to provide a statewide infrastructure for educational data to create cost efficiencies, provide storage and disaster mitigation, and improve interconnectivity between schools and school districts. In addition, the AEA boards shall work with the department to provide systemwide coordination in the implementation of the statewide longitudinal data system consistent with the federal American Recovery and Reinvestment Act of 2009. The AEAs shall provide support to school districts' information technology infrastructure that is consistent with the statewide infrastructure for the educational data collaborative **(273.2(8))**.

The AEA board shall appoint two [2] persons to serve on the education telecommunications council **(8D.5)**.

If, on or after July 1, 1994, a state mandate is enacted by the general assembly, or otherwise imposed, on a political subdivision and the state mandate requires a political subdivision to engage in any new activity, to provide any new service, or to provide any service beyond that required by any law enacted prior to July 1, 1994, and the state does not appropriate moneys to fully fund the cost of the state mandate, the political subdivision is not required to perform the activity or provide the service and the political subdivision shall not be subject to the imposition of any fines or penalties for the failure to comply with the state mandate unless the legislation specifies the amount or proportion of the cost of the state mandate which the state shall pay annually. However, this subsection does not apply to any

requirement imposed on a political subdivision relating to public employee retirement systems under chapters 97B, 410, and 411. For the purposes of this subsection, any requirement originating from the federal government and administered, implemented, or enacted by the state, or any allocation of federal moneys conditioned upon enactment of a state law or rule, is not a state mandate. For the purposes of this subsection, “*political subdivision*” includes community colleges and AEAs **(25B.2(3))**. It is difficult for the district or AEA to utilize this section related to program or operating requirements and mandates because the majority of the funding in the General Fund of school districts and AEAs is provided by the state and therefore is not unfunded.

Evaluation and Oversight

The board shall establish written evaluation criteria and shall establish and annually implement evaluation procedures. The board shall also establish written job descriptions for all supervisory positions **(279.23A)**.

Each board shall adopt evaluation criteria and procedures for all contracted staff. The evaluation processes shall conform to Iowa Code sections 272.33, 279.14, and 279.23A **(IAC 281--12.3(3))**.

The board shall establish evaluation criteria and shall implement evaluation procedures **(279.14(1))**. The determination of standards of performance expected of school district personnel shall be reserved as an exclusive management right of the school board and shall not be subject to mandatory negotiations under chapter 20 **(279.14(2))**.

A school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. The appraisal shall be updated at least one time every five [5] years **(282.24)**.

The board of any school corporation shall establish attendance centers and provide suitable buildings for each school in the district **(279.39)**.

If funds have been made available to a school district to pay the costs of an energy audit, the board of directors of each school district shall file with the economic development authority the results of an energy audit of the buildings owned and leased by the school district. The board shall initially file between July 1, 1986 and June 30, 1991, and then file on a staggering annual basis each five [5] years thereafter **(279.44)**.

The board shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed. In any district in which the board consists of five or more members, an audit made by one or more members of the board designated by the board or by a certified public accountant employed by the board, and certified to the board by such member or members of the board or by such accountant, shall satisfy the requirements of this section with respect to the audit of a claim. [Allowance of a claim, however, must be done by the board as a whole.] **(279.29)**. The board of directors of a school district or an AEA may by resolution authorize the secretary [but not a designee], upon approval of the superintendent or designee, or administrator, in the case of an AEA, to issue payments when the board of directors is not in session in payment of reasonable and necessary expenses, but only upon verified bills filed with the secretary or administrator, and for the payment of salaries pursuant to the terms of a written contract. Each payment must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the payment is issued. All bills and salaries for which payments are issued prior to audit and allowable by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary **(279.30)**.

The board shall from time to time examine the accounts of the treasurer and make settlements with the treasurer **(279.31)**.

At a regular or special meeting held on or after August 31 of each year, and prior to the organizational meeting held after the regular school election, the board of each school corporation shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer fails to make proper reports for the settlement, the board shall take action to obtain the balance information **(279.33)**.

Provision of AEA Services to School Districts

Duplication of Services Disallowed

The board of an AEA shall not establish programs and services which duplicate programs and services which are or may be provided by the community colleges under the provisions of chapter 260C. An AEA shall contract, whenever practicable, with other school corporations for the use of personnel, buildings, facilities, supplies, equipment, programs and services **(273.2(6))**.

In-service training programs for employees of school districts and AEAs, at the time programs and services are established, shall not duplicate programs and services available in that area from the universities under the state board of regents and from other universities and four-year institutions of higher education in Iowa **(273.2(5)(a))**.

Educational Services

The AEA board shall furnish educational services and programs as provided in sections 273.1-273.9 and chapter 256B to the pupils enrolled in public or nonpublic schools located within its boundaries which are on the list of accredited schools pursuant to section 256.11. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974. The programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines **(273.2(3))**.

The AEA shall cooperate with local boards within the AEA in considering and developing plans for the improvement of the educational programs and services in the AEA **(273.4(1))**.

The AEA shall provide, when requested, such other assistance as possible to school districts of the AEA for the general improvement of their educational programs and operations **(273.4(2))**.

The AEA shall arrange for professional teachers' meetings, demonstration teaching, or other field work for the improvement of instruction as best fits the needs of the public schools in each area **(256.9(25))**.

Each AEA shall periodically offer a staff development program for teachers who provide instruction in human growth and development **(279.50(7))**.

Each AEA shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency **(280.19A)**.

Special Education Services

The AEA board shall provide for special education services for the local school districts in the area **(273.2(4))**.

The AEA shall establish a division of special education for the AEA which shall provide for special education programs and services to the local school districts. The division shall be headed by a director of special education who meets DE certification standards. The director of special education shall have the responsibility for implementation of state regulations and guidelines relating to special education programs and services. The director of special education shall have the following powers and duties:

1. Properly identify children requiring special education. [See **257.6(3)** for timelines.]
2. Insure that each child requiring special education in the area receives an appropriate special education program or service.
3. Assign appropriate weights for each child requiring special education programs or services as provided in section 256B.9.
4. Supervise special education support personnel.
5. Provide each school district within the area served and the Department of Education with a special education weighted enrollment count, including the additional enrollment because of special education for December 1 of each year.
6. Submit to the Department of Education special education instructional and support program plans and applications, subject to criteria listed in chapter 256B and 273, for approval by February 15 of each year for the school year commencing the following July 1.
7. Coordinate the special education program within the area served **(273.5)**.

A school district shall determine its additional enrollment because of special education by November 1 of each year and shall certify its additional enrollment because of special education to the Department of Education by November 15 of each year, and the Department shall promptly forward the information to the Department of Management **(257.6(3))**.

The program plans submitted to the Department of Education pursuant to section 273.5 for approval shall establish all of the following:

1. That there are sufficient children requiring special education within the area.
2. That the service or program will be provided by the most appropriate educational agency.
3. That the educational agency providing the service or program has employed qualified special educational personnel.
4. That the instruction is a natural and normal progression of a planned course of instruction.
5. That all revenue raised for support of special education instruction and services is expended for actual delivery of special education instruction or services.
6. Other factors as the state board may require **(256B.11)**.

A child of compulsory attendance age who is identified as requiring special education under chapter 256B is eligible for placement under competent private instruction with prior approval of the placement by the director of special education of the AEA of the child's district of residence **(299A.9)**.

When a special education personnel pooling agreement, which has been entered into between an AEA and a public school district pursuant to section 273.5, is terminated, the public school district shall assume the contractual obligations for any teachers assigned to the district under the agreement **(280.15(2))**.

Specific requirements on AEAs related to special education services can be found in Iowa Administrative Code Chapter 281—41.

Media Services

The AEA board shall provide for media services for the local school districts in the area **(273.2(4))**. Media centers shall contain:

- a. A materials lending library, consisting of print and nonprint materials.
- b. A professional library.
- c. A curriculum laboratory, including textbooks and correlated print and audiovisual materials.
- d. Capability for production of media-oriented instructional materials.
- e. Qualified media personnel.
- f. Appropriate physical facilities.
- g. Other materials and equipment deemed necessary by the Department of Education **(273.6(1))**.

The AEA board shall assist in facilitating interlibrary loans of materials between school districts and other libraries **(273.2(4))**.

AEAs may provide print and nonprint materials to public and private colleges and universities that have teacher education programs approved by the state board of education **(273.3(6))**.

The AEA shall submit program plans each year to the Department of Education for approval by the state board of media centers and by the director of the department of education, to reflect the needs of the AEA for media services as provided in section 273.6 **(273.4(3))**. The program plans shall include all of the following:

- a. Evidence that the services proposed are based upon an analysis of the needs of the local school districts in the area.
- b. Description of the manner in which the services of the AEA media center will be coordinated with other agencies and programs providing educational media.
- c. Description of the means for delivery of circulation materials.
- d. Evidence that the media center fulfills the requirements of 273.6(1) **(273.6(2))**.

Gifted and Talented Programs

The AEA board shall encourage and assist school districts in the area to establish programs for gifted and talented children **(273.2(4))**.

The AEAs in which the school districts having approved gifted and talented children programs are located shall cooperate with the school district in the identification and placement of gifted and talented children and may assist school districts in the establishment of such programs **(257.47)**.

At the written request of one or more boards of school districts in an AEA, the AEA board shall establish one or more gifted and talented children advisory councils and shall appoint members for four-year staggered terms. If an AEA has

a weighted enrollment of more than 35,000, the board may appoint additional advisory councils for each 35,000 weighted enrollment or fraction of 35,000 **(257.48)**.

The gifted and talented children advisory council shall:

1. Elect a chairperson and vice chairperson from the membership of the advisory council.
2. Meet as often as deemed necessary by the advisory council.
3. Advise and assist a local board of directors in the establishment of gifted and talented children programs, when requested by the local board.
4. Review program plans and proposed budgets for a gifted and talented children program, in consultation with a gifted and talented children consultant employed by the AEA, when requested by a local board.
5. When requested by a local board, evaluate the results of a gifted and talented children program and file a written report together with recommendations for improvement or change with the board of directors of the applicable school district, the AEA, and the Department of Education. The evaluation shall be conducted by three or more members of the advisory council **(257.49)**.

Student Transportation

Distance to school or to a bus route shall in all cases be measured on the public highway only and over the most passable and safest route as determined by the AEA board, starting in the roadway opposite the private entrance to the residence of the pupil and ending in the roadway opposite the entrance to the school grounds or designated point on bus route **(285.1(9))**.

When the school designated for attendance of pupils is engaged in the transportation of pupils, the sending or designating school shall use these facilities and pay the pro rata cost of transportation except that a district sending pupils to another school may make other arrangements when it can be shown that such arrangements will be more efficient and economical than to use facilities of the receiving school, providing such arrangements are approved by the board of the AEA **(285.1(6))**.

If a local board closes either elementary or high school facilities and is approved by the board of the AEA to operate its own transportation equipment, the full cost of transportation shall be paid by the board for all pupils living beyond the statutory walking distance from the school designated for attendance **(285.1(7))**.

At the option of the public school district of the pupil's residence, subject to approval by the area education agency of the pupil's residence, under section 285.9, subsection 3, the public school district of the pupil's residence may transport a pupil to a school located in a contiguous public school district outside the boundary lines of the public school district of the pupil's residence. The public school district of the pupil's residence may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupils to the school of attendance within the boundary lines of the contiguous public school district. The public school district in which the pupil resides may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupil from the pupil's residence or from designated school bus collection locations to the school located within the boundary lines of the contiguous public school district, subject to the approval of the area education agency of the pupil's residence. The public school district of the pupil's residence may utilize the reimbursement provisions of section 285.1, subsection 3. **(285.2(4))**.

When a local board fails to pay transportation costs due to another school for transportation service rendered, the board of the creditor corporation shall file a sworn statement with the AEA board specifying the amount due. The AEA board shall check such claim and if the claim is valid shall certify to the county auditor. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such claim from the funds of the debtor corporation to the creditor corporation and the treasurer shall pay the same accordingly **(285.1(13))**.

When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, provided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the AEA board, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service **(285.4)**.

The powers and duties of the respective AEA boards shall be to:

1. Enforce all laws and all rules and regulations of the Department of Education relating to transportation.
2. Review and approve all transportation arrangements between districts in the AEA and in all districts in the AEA not operating high schools. If such transportation arrangements, designations, and contracts are not in conformity to law or established uniform standards for the locating and operating of bus routes, the AEA board shall, after

receiving all facts, make such alterations or changes as necessary to make the arrangements, designations, and contracts conform to the legal and established requirements and shall notify local boards of such action.

3. Approve all bus routes outside the boundary of the district of the school operating buses.
4. When a local board fails to make designations and other necessary arrangements for transportation as required by law, the AEA board shall, after due notice to the local board, make necessary arrangements in conformity with law and established requirements. Notice shall be given to the local board of the arrangements as made. The arrangements shall be binding on the local board which shall pay the costs for service as arranged **(285.9)**.

In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal to the AEA board **(285.12)**. In the event of a disagreement between the board of a school district and the board of an AEA, the board of the school district may appeal to the director of the Department of Education **(285.13)**.

Other Services

The AEA board may provide within the limits of funds available the following programs and services to local school districts, and at the request of the local school districts to providers of children development services who have received grants under chapter 256A from the child development coordinating council:

- a. In-service training programs for employees of school districts and AEA, provided at the time programs and services are established they do not duplicate programs and services available in that area from the Iowa universities and 4-year institutions of higher education. The in-service training programs shall include but are not limited to regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.
- b. Educational data processing pursuant to subsection 256.9(11).
- c. Research, demonstration projects and models, and educational planning for children under five years of age through grade twelve and children requiring special education as defined in section 256B.2 as approved by the state board of education.
- d. Auxiliary services for nonpublic school pupils as provided in section 256.12. However, if auxiliary services are provided their funding shall be based on the type of service provided.
- e. Other educational programs and services for children under five years through grade twelve and children requiring special education as defined in section 256B.2 and for employees of school districts and AEAs as approved by the state board of education **(273.2(5))**.

If sixty percent of the number of local school boards located in an AEA, or if local school boards representing sixty percent of the enrollment in the school districts located in the AEA, request in writing to the AEA board that an additional service be provided them, for pupils in grades kindergarten through twelve or children requiring special education as defined in section 256B.2 or for employees or board members of school districts or AEAs, the AEA board shall arrange for the service to be provided to all school districts in the area within the financial capabilities of the AEA **(273.7)**.

The board of an AEA may provide services to school districts located in the AEA under contract with the school districts. These services may include, but are not limited to,

- Superintendency services,
- Personnel services,
- Business management services,
- Specialized maintenance services, and
- Transportation services.

In addition, the board of the AEA may provide for furnishing expensive and specialized equipment for school districts. School districts shall pay to AEAs the cost of providing the services **(273.7A)**.

The board of an AEA may also provide services authorized to be performed by AEAs to other AEAs in this state and to provide a method of payment for these services **(273.7A)**.

The AEA board shall be vested with the powers of the board of directors of the local school district for purposes of a sale of land to the federal government for an ordinance plant or other project which may be deemed desirable for the development of the national defense or for purpose of flood control whenever a majority of the directors of that school corporation have moved from the district and have ceased to be residents thereof thereby creating vacancies on the school board and reducing it to less than a quorum. The instrument of conveyance shall be executed on behalf of the school district by the president of the AEA board until an election is called pursuant to chapter 277 **(274.40)**.

The AEA board is authorized to perform all other acts necessary to carry out the provisions and intent of chapter 273 (273.3(10)).

Whole Grade Sharing Feasibility Surveys and Studies

The Department of Education shall conduct or shall direct the AEA to conduct feasibility surveys and studies, if requested under section 282.11 [whole grade sharing], of the school districts within the AEA service areas and all adjacent territory, including but not limited to contiguous districts in other states, for the purpose of evaluating and recommending proposed whole grade sharing agreements requested under section 282.7 and section 282.10, subsections 1 and 4. The surveys and studies shall be revised periodically to reflect reorganizations which may have taken place in the AEA, adjacent territory, and contiguous districts in other states. The surveys and studies shall include a cover page containing recommendations and a short explanation of the recommendations. The factors to be used in determining the recommendations include, but are not limited to:

- a. The possibility of long-term survival of the proposed alliance.
- b. The adequacy of the proposed educational programs versus the educational opportunities offered through a different alliance.
- c. The financial strength of the new alliance.
- d. Geographical factors.
- e. The impact of the alliance on surrounding schools.

Copies of the completed surveys and studies shall be transmitted to the affected districts' boards (256.9(34)).

Notwithstanding sections 28E.9 and 282.8, a school district may negotiate an agreement under subsection 282.7(1) for attendance of its pupils in a school district located in a contiguous state subject to a reciprocal agreement by the two state boards in the manner provided in 282.7(3). Prior to negotiating an agreement with the school district in the contiguous state, the board of directors shall file a written request with the state board of education for a determination whether the school district in the contiguous state meets requirements substantially similar to those required for accredited or approved school districts in this state and the school district receives or has available services equivalent to those that would be provided in this state by an AEA. The school district shall also obtain approval by the Department of Education of the sharing proposal, before the agreement becomes effective. Six (6) months before making the request for approval, the district shall request a feasibility study from the Department of Education (282.7(3)).

Reorganization Feasibility Surveys and Studies

The AEA boards shall develop detailed studies and surveys of the school districts within the AEA and all adjacent territory for the purpose of providing for reorganization of school districts in order to effect more economical operation and the attainment of higher standards of education in the schools. The plans shall be revised periodically to reflect reorganizations which may have taken place in the AEA and adjacent territory (275.1(3)).

The scope of the studies and surveys shall include the following matters in the various districts in the AEA and all districts adjacent to the AEA:

- The adequacy of the educational program,
- Pupil enrollment,
- Property valuations,
- Existing buildings and equipment,
- Natural community areas,
- Road conditions,
- Transportation,
- Economic factors,
- Individual attention given to the needs of students,
- The opportunity of students to participate in a wide variety of activities related to the total development of the student, and
- Other matters that may bear on educational programs meeting minimum standards required by law.

The plans shall also include suggested alternate plans that incorporate the school districts in the AEA into reorganized districts that meet the enrollment standards specified in section 275.3 and may include alternate plans proposed by school districts for sharing programs under section 28E.9, 256.13, 280.15, 282.7, or 282.10, as an alternative to school reorganization (275.2).

No new school district shall be planned by an AEA board nor shall any proposal for creation or enlargement of any school district be approved by an AEA board or submitted to electors unless there reside within the proposed limits of

such district at least three hundred (300) persons of school age who were enrolled in public schools in the preceding school year **(275.3)**.

In developing studies and surveys the AEA board shall consult with the officials of school districts in the area and other citizens, and shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans for reorganization. In addition, the AEA board shall consult with the director of the Department of Education in the development of surveys and plans. The director of the Department of Education shall provide assistance to the AEA boards as requested and shall advise the AEA boards concerning plans of contiguous AEAs and the reorganization policies adopted by the state board of education. Completed plans shall be transmitted by the AEA board to the director of the Department of Education **(275.4)**.

A proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the AEA board following the procedures prescribed in chapter 275. Following receipt of a petition pursuant to section 275.12, the AEA board shall review its plans and determine whether the petition complies with the plans which had been adopted by the board. If the petition does not comply with the plans which had been adopted by the board, the board shall conduct further surveys pursuant to section 275.4 prior to the date set for the hearing upon the petition. If further surveys have been conducted by the board, the board shall present the results of the further surveys at the hearing upon the petition **(275.5)**.

It is the intent of chapter 275 that the AEA board shall carry on the program of reorganization progressively and shall, insofar as is possible, authorize submission of proposals to the electors as they are developed and approved **(275.6)**.

The AEA board shall include in the budget submitted each year such sums as it deems necessary to carry on its reorganization work under chapter 257 **(275.7)**.

Planning of joint districts shall be conducted in the same manner as planning for single districts, except as provided in this section. Studies and surveys relating to the planning of joint districts shall be filed with the AEA in which one of the districts is located which has the greatest taxable property base **(275.8(3))**. "Joint districts" means districts that lie in two [2] or more adjacent AEAs **(275.1(1)"c")**.

The provisions of sections 275.1 to 275.5, relating to studies, surveys, hearings and adoption of plans shall constitute a mandatory prerequisite to the effectuation of any proposal for district boundary change. It shall be the mandatory duty of the AEA board to dismiss the petition if the above provisions are not complied with fully **(275.9)**.

Boundary Changes

A proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the AEA board **(275.5)**.

In any case where, by reason of natural obstacles, any portion of the inhabitants of any school corporation in the opinion of the AEA administrator cannot with reasonable facility attend school in their own corporation, the AEA administrator shall, by a written order, in duplicate, attach the part thus affected to an adjoining school corporation, the board of the same consenting thereto, one copy of which order shall be at once transmitted to the secretary of each corporation affected thereby, who shall record the same and make the proper designation on the plat of the corporation. Township or county lines shall not be a bar to the operation of this section **(274.13)**.

When the natural obstacles by reason of which territory has been set off by the AEA administrator from one school district and attached to another in the same or an adjoining county have been removed, the territory may, upon the concurrence of the respective boards, be restored to the school district from which set off and shall be so restored by said boards upon the written application of two-thirds of the electors residing upon the territory so set off together with the concurrence of the AEA administrator and the board of the school district from which such territory was originally set off by the administrator **(274.14)**.

The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings called for that purpose. Such concurrent action shall be subject to the approval of the AEA board but such concurrent action shall stand approved if the board does not disapprove such concurrent action within thirty (30) days following receipt of notice thereof. The corporation from which territory is detached shall, after the change, contain not less than four (4) government sections of land **(274.37)**.

The provisions of sections 275.1 to 275.5, relating to studies, surveys, hearings and adoption of plans shall constitute a mandatory prerequisite to the effectuation of any proposal for district boundary change. It shall be the mandatory duty of the AEA board to dismiss the petition if the above provisions are not complied with fully **(275.9)**.

Objections

Any person residing or owning land within the territory described in the petition, or who would be injuriously affected by the change petitioned for, may file an objection with the AEA administrator on forms obtained from the AEA administrator and prescribed by the Department of Education (275.14). Forms are available on the Department of Education website at

<https://www.educateiowa.gov/documents/reorganization-dissolution-sharing/2013/04/reorganization-dismissal-form>

Public School Officials

Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any of the following conduct:

- a. Outside employment or an activity that involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment to give the person or member of the person's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public.

For purposes of this paragraph, a person is not "*similarly situated*" merely by being or being related to a person who serves or is employed by the state or a political subdivision of the state.

- b. Outside employment or an activity that involves the receipt of, promise of, or acceptance of money or other consideration by the person, or a member of the person's immediate family, from anyone other than the state or the political subdivision for the performance of any act that the person would be required or expected to perform as a part of the person's regular duties or during the hours during which the person performs service or work for the state or political subdivision of the state.
- c. Outside employment or an activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment **(68B.2A(1))**.

If the outside employment or activity is employment or activity described in subsection 1, paragraph "a" or "b", the person shall immediately cease the employment or activity. If the outside employment or activity is employment or activity described in subsection 1, paragraph "c", or constitutes outside employment or an activity prohibited under rules adopted pursuant to subsection 4 or under the senate or house codes of ethics, unless otherwise provided by law, the person shall take one of the following courses of action:

- a. Cease the outside employment or activity.
- b. Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. For purposes of this paragraph, "*official action*" or "*official duty*" includes but is not limited to participating in any vote, taking affirmative action to influence any vote, granting any license or permit, determining the facts or law in a contested case or rulemaking proceeding, conducting any inspection, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity **(68B.2A(2))**.

Unless otherwise specifically provided the requirements of this section shall be in addition to, and shall not supersede, any other rights or remedies provided by law **(68B.2A(3))**.

The board shall adopt rules pursuant to chapter 17A further delineating particular situations where outside employment or activity of officials and state employees of the executive branch will be deemed to create an unacceptable conflict of interest **(68B.2A(4))**.

The doctrines of incompatibility of office and conflict of interest do not preclude an individual from serving both as a member of the county board of supervisors and as a member of the board of directors of a local school district **(OAG #92-9-1)**.

An assistant county attorney is a public employee, not a public officer. Therefore, incompatibility doctrine is inapplicable and assistant county attorneys may serve on school district boards **(OAG #91-7-2)**.

The offices of county assessor and secretary of the school board are not incompatible **(#89-10-3(L))**.

The Board President

The president of the board of directors shall:

- preside at all of its meetings,
- sign all contracts made by the board, and
- appear in behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary **(291.1)**.

No other individual may be designated to perform these duties instead of the president/vice president of the board.

The president or the president's designee shall sign, using an original or facsimile signature, all school district payments drawn and authorize electronic funds transfers as provided by law. The board of directors, by resolution, may designate an individual, who shall not be the secretary, to sign payments or authorize electronic funds transfers on behalf of the president **(291.1)**.

In case of a breach of the bond of the secretary or treasurer, the president shall bring action thereon in the name of the school corporation **(291.5)**.

All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge, and the secretary shall inform the president of the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as the facts justify **(299.15)**.

The board shall appoint a temporary president or secretary in the absence of the regular officer **(279.5)**.

The Board Secretary

The board secretary is a public officer who is responsible for carrying out fiscal and legal matters for the school corporation. The board secretary position is not a clerical position.

The board shall appoint a secretary who shall not be a teacher employed by the board but may be another employee of the board. The board shall also appoint a treasurer who may be another employee of the board. However, the board may appoint one person to serve as the secretary and the treasurer. These officers shall be appointed from outside the membership of the board and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten (10) days following appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until their successors are appointed and qualified **(279.3)**. The secretary and treasurer, within ten (10) days after appointment and before entering upon the duties of the office, shall execute to the school corporation a surety bond in an amount sufficient to cover current operations as determined by the board. All such bonds shall be continued to the faithful discharge of the duties of the office. The amount and sufficiency of all surety bonds shall be determined and approved by the board and shall be filed with the president. The cost of the surety bond shall be paid by the school corporation. If a single person serves as secretary and treasurer, pursuant to section 279.3 or 260C.12, only one bond is necessary for that person. The secretary and treasurer may give bond under a single bond covering other employees of the district **(291.2)**. If the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation **(291.3)**. Each shall take the oath required of civil officers, which shall be endorsed upon the bond, and shall complete the qualification within ten (10) days **(291.4)**. The board shall appoint a temporary president or secretary in the absence of the regular officer **(279.5)**.

A board may cancel an official bond and obtain a new bond from a different carrier prior to expiration of an official's term, provided that the provisions of chapter 64 are followed in procuring the new bond, and provided that no language in the original bond instrument prohibits such cancellation **(OAG #96-10-1(L))**.

The board shall fix the compensation to be paid the secretary **(279.32, 260C.12, 273.8(4))**.

The secretary appointed by the board of directors is an "officer" whether the person is serving in a community district or any other type of school district/corporation **(OAG #56-9-24)**.

It is not permissible for the school district to employ a person as secretary. The secretary is an appointed officer rather than an employee. The board may assign business management duties in addition to the statutory duties **(OAG #76-4-15)**. However, an employee other than a teacher could be appointed as secretary **(279.3)**. In this case, this person holds two legally separated, though possibly integrated, positions with the district--one an appointed position and one an employed position.

The major duties of the secretary are as follows:

File and preserve copies of all reports made and all papers transmitted pertaining to the business of the corporation. **(291.6(1))**. The secretary is the custodian of all official papers and all reports filed with and by the school corporation.

Keep a complete record of all the proceedings of the meetings of the board and of all regular or special elections in the corporation in separate books **(291.6(2))**.

Keep an accurate accounting record of each payment or electronic funds transfer from each fund which shall be provided monthly to the board of directors. The secretary of the creditor district shall prepare and deliver to debtor districts an itemized statement of tuition fees charged in accordance with sections 275.55A and 282.11, and section 282.24, subsection 1 **(291.6(3))**. The secretary shall make each authorized payment, countersign using an original or facsimile signature, and maintain accounting records of the payments or electronic funds transfers, showing the number, date, payee, originating fund, the purpose, and the amount, and shall provide to the board at each regular annual meeting a copy of the accounting records maintained by the secretary **(291.8)**.

The president or president's designee shall sign, using an original or facsimile signature, all school district payments drawn and authorize electronic funds transfers as provided by law. The board by resolution may designate an individual, who shall not be the secretary, to sign payments or authorize electronic funds transfers on behalf of the president. The secretary or board is not authorized to designate an individual to perform duties on the secretary's behalf. All payments drawn on funds of the school corporation will have two signatures, one of which shall be the secretary's signature, and the other of which shall be the signature of the president or president's designee **(291.1, 291.8)**.

Keep an accurate accounting of all expenses incurred by the corporation, and present the same to the board for audit and payment **(291.6(4))**. The board shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim has been audited and allowed **(279.29)**. Each payment must be made payable to the person entitled to receive the money or deposited directly into an account at a financial institution, as defined in section 527.2, specified by the person entitled to receive the money. The board of directors of a school district or an AEA may by resolution authorize the secretary, upon approval of the superintendent or designee, or upon the approval of the administrator in the case of an AEA, to issue payments when the board is not in session in payment of reasonable and necessary expenses, but only upon verified bills filed with the secretary or administrator, and for the payment of salaries pursuant to the terms of a written contract. Each payment must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the payment is issued. All bills and salaries for which payments are issued prior to audit and allowance by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary **(279.30)**.

The secretary of each district shall file monthly with the board of directors a complete statement of all receipts and disbursements [revenues and expenditures] from each individual fund during the preceding month, and also the balance remaining on hand in each individual fund at the close of the period covered by the statement, which monthly statements shall be open to public inspection **(291.7)**. School districts and AEAs shall prepare financial reports in conformity with generally accepted accounting principles (GAAP) **(275.31(4))**.

At a regular or special meeting held on or after August 31 of each year, and prior to the organizational meeting held after the regular school election, the board shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer fails to make proper reports for the settlement, the board shall take action to obtain the balance information **(279.33)**.

The secretary shall appear in behalf of the corporation in all action brought by or against it when the president of the board of directors is individually a party in the action **(291.1)**.

If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members have not filled the vacancy within thirty (30) days after the vacancy occurs, or when the board is reduced below a quorum, the secretary of the board shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. If the secretary fails for more than three (3) days to call an election, the AEA administrator shall call it **(279.7)**.

In the event of a disagreement [pertaining to school transportation] between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal the same to the AEA board,

notifying the secretary of the district in writing within ten (10) days of the decision of the board and by filing an affidavit of appeal with the agency board within the ten-day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the agency board which shall hear the appeal within ten (10) days of the receipt of the papers and decide it within three (3) days of the conclusion of the hearing and shall immediately notify all parties of its decision **(285.12)**.

An affected pupil, or the parent or guardian of an affected pupil who is a minor, who is aggrieved by a decision or order of the board of directors of a school corporation in a matter of law or fact, or a decision or order of a board of directors under section 282.18(5) may, within thirty (30) days after the rendition of the decision or the making of the order, appeal the decision or order to the state board of education **(290.1)**. The state board of education shall, within five (5) days after the filing of such affidavit, notify the secretary of the proper school corporation in writing of the taking of such appeal, who shall, within ten (10) days after being thus notified, file with the state board a complete certified transcript of the record and proceedings relating to the decision appealed from **(290.2)**.

The secretary shall receive from each teacher immediately at the close of school the daily register of student attendance **(294.4)**. In current practice, this would be an attendance report created with the information required by Iowa Code section 294.4 (by school building: student name, age, attendance, course enrollment, and district of residence) from the student record system. The purpose of submitting a certified copy of the daily enrollment and attendance record to the board secretary is to facilitate correct charging of tuition and reporting of student attendance to the district of residence. The latter was not practical until attendance was collected electronically within the student record system.

The board of a school corporation may delegate its investment authority under the provisions of chapter 12C to the treasurer or other financial officer of the governmental unit, who shall thereafter be responsible for handling investment transactions until such delegation of authority is revoked **(12C.11)**. The secretary is the other financial officer besides the treasurer in a school corporation, and could therefore be delegated with this authority.

A school corporation, as a governmental subdivision of the state of Iowa, may be garnished upon a judgment against an employee. No debt of the garnishee is subject to garnishment other than the wages of the public employee. Service of the original notice with a copy of the judgment against the defendant, and with a copy of the questions specified in Iowa Code section 642.5, shall be made to the secretary or legal counsel of the school corporation. The garnishee shall be required to answer within thirty (30) days following receipt of the notice. A judgment in garnishment shall be enforceable against a garnishee only to the extent of the defendant's wages actually in the possession of the garnishee, and shall not be enforceable against any property, claims or other rights of the garnishee **(642.2)**. Worker compensation is exempt from garnishment, attachment, execution, and assignment of income, except for the purposes of enforcing child, spousal, or medical support obligations, in which case the garnishment shall be limited **(627.13)**.

The secretary shall request a certificate and report in duplicate from accredited nonpublic schools located within the district of the names and ages of each pupil who is of compulsory attendance age and the grade level of each pupil. In addition, the report shall identify all students of compulsory attendance age who were truant and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school. The secretary shall retain one of the reports and file the other with the secretary of the AEA **(299.3)**.

The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by a school district or accredited nonpublic school, shall furnish a report in duplicate to the district by the earliest stating date specified in section 279.10(1). The secretary shall retain and file one copy and forward the other copy to the AEA. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term "*outline of course of study*" shall include subjects covered, lesson plans, and time spent on the areas of study **(299.4)**.

A home school assistance program operated by a school district or accredited nonpublic school shall furnish a report on forms provided by the department. The report shall, at a minimum, state the name and age of the child and the period of time during the school year in which the child has been or will be under competent private instruction by the home school assistance program **(299.4)**.

All certificates, reports, and proofs related to compulsory education shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of that office, and the secretary shall furnish certified copies thereof to any person requesting the same [within the parameters of state and federal law] **(299.7)**.

All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge, and the secretary shall inform the president of the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as the facts justify **(299.15)**.

The proceedings of each regular, adjourned, or special meeting of the board, including the schedule of bills allowed, shall be published after the adjournment of the meeting in the manner provided in this section and section 279.36, and the publication of the schedule of the bills allowed shall include a list of claims allowed, including salary claims for services performed. The schedule of bills allowed may be published on a once monthly basis in lieu of publication with the proceedings of each meeting of the board. The list of claims allowed shall include the name of the person or firm making the claim, the purpose of the claim, and the amount of the claim. If the purpose for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the board shall provide at its office upon request an unconsolidated list of all claims allowed. Salaries paid to individuals regularly employed by the district shall only be published annually and the publication shall include the total amount of the annual salary of each employee. The secretary shall furnish a copy of the proceedings to be published within 2 weeks following the adjournment of the meeting. **(279.35)**. All bills and salaries for which payments are issued prior to audit and allowance by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary **(279.30)**.

On or before February 15 and July 15 of each year, the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of tuition fees **(282.20)**. Tuition under open enrollment, however, shall be paid on a quarterly [rather than semester] basis **(282.18(9)"c")**.

The secretary shall designate some suitable place for the organization meeting of the board of directors of the school corporation and shall notify each member and member-elect of the place and hour **(279.1)**.

Nominations papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than 64 days, nor less than 40 days before the election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers. On the final date for filing nomination papers the office of the school board secretary shall remain open until 5:00 p.m. The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary shall deliver all nomination petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections on the day following the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day **(277.4)**.

When an election on the proposition of organizing, reorganizing, enlarging, or changing the boundaries of any school corporation, or on the proposition of dissolving a school district, carries by the required statutory margin, or the boundary lines of contiguous school corporations are changed by the concurrent action of the respective boards of directors, the secretary of the school corporation shall file a written description of the new boundaries of the school corporation in the office of the county auditor of each county in which any portion of the school corporation lies **(274.4)**.

Each school officer [including the secretary] or member of the board upon the termination of the officer or member's term of office shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor **(277.31)**.

The secretary on behalf of the school district shall file an annual report with the director of the Department of Education on forms prepared for that purpose. The annual report shall include the financial information required in section 423F.5, subsection 1, as related to moneys received under chapter 423E or 423F, as applicable, for each budget year **(291.10)**. This report is called the Certified Annual Report and is due by September 15 following the end of the fiscal year and is filed as a chart of account upload through the Department's education portal.

The secretary shall report to the director of the Department of Education, the county auditor, and county treasurer the name and post office address of the president, treasurer and secretary of its board as soon as practicable after the

qualification of each **(291.11)**. The report to the Department of Education is part of the School Officials data collection through the Department's education portal .

The School District Treasurer

The board treasurer is a public officer who is responsible for carrying out fiscal matters for the school corporation.

The board shall appoint a secretary who shall not be a teacher employed by the board but may be another employee of the board. The board shall also appoint a treasurer who may be another employee of the board. However, the board may appoint one person to serve as the secretary and the treasurer. These officers shall be appointed from outside the membership of the board and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten (10) days following appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until their successors are appointed and qualified **(279.3)**. The secretary and treasurer, within ten (10) days after appointment and before entering upon the duties of the office, shall execute to the school corporation a surety bond in an amount sufficient to cover current operations as determined by the board. All such bonds shall be continued to the faithful discharge of the duties of the office. The amount and sufficiency of all surety bonds shall be determined and approved by the board and shall be filed with the president. The cost of the surety bond shall be paid by the school corporation. If a single person serves as secretary and treasurer, pursuant to section 279.3 or 260C.12, only one bond is necessary for that person. The secretary and treasurer may give bond under a single bond covering other employees of the district **(291.2)**. If the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation **(291.3)**. Each shall take the oath required of civil officers, which shall be endorsed upon the bond, and shall complete the qualification within ten (10) days **(291.4)**.

A board may cancel an official bond and obtain a new bond from a different carrier prior to expiration of an official's term, provided that the provisions of chapter 64 are followed in procuring the new bond, and provided that no language in the original bond instrument prohibits such cancellation **(#96-10-1(L))**.

The board may pay a school district treasurer a reasonable compensation **(279.32, 260C.12, 273.8(4))**.

A treasurer of a school district is an officer of the district, and service of notice on the treasurer binds the district **(Kennedy v. Independent School District of Derby Grange, 1978, 48 Iowa 189)**.

The major duties of the school district treasurer are as follows:

Receive all moneys belonging to the school corporation, pay the same out only upon the order of the president countersigned by the secretary, and shall keep an accurate accounting record of all receipts and expenditures. The treasurer shall register all payments and electronic funds transfers made and reported to the treasurer by the secretary, showing the number, date, to whom drawn, the fund from which each payment and transfer was made, the purpose and amount **(291.12)**.

The treasurer shall keep a separate account for each fund, and shall not pay an order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied **(298A.14)**.

No order shall be drawn upon the treasury until the claim therefor has been audited and allowed **(279.29)**. Each payment must be made payable to the person entitled to receive the money or deposited directly into an account at a financial institution, as defined in section 527.2, specified by the person entitled to receive the money. Each payment must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the payment is issued **(279.30)**.

The treasurer shall render a statement on the finances of the corporation whenever required by the board, and the treasurer's accounting records shall always be open for inspection **(291.14)**.

The board shall from time to time examine the accounts of the treasurer and make settlements with the treasurer **(279.31)**. At a regular or special meeting held on or after August 31 of each year, and prior to the organizational meeting held after the regular school election, the board shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer fails to make proper reports for the settlement, the board shall take action to obtain the balance information **(279.33)**.

At the time of any examination or at the time of any settlement with the treasurer in charge of public funds, the treasurer is not required to produce and count in the presence of the officer or officers making such examination or settlement, unless otherwise requested by the board, all moneys or funds then on deposit in the safe or vault in the treasurer's office. The treasurer shall produce a statement of all money or funds on deposit with any depository wherein the treasurer is authorized to deposit such funds, and shall correctly show the balance remaining on deposit in such depository at the close of business on the day preceding the day of such settlement. The treasurer shall also file a statement setting forth the numbers, dates, and amounts of all outstanding checks, or other items of difference, reconciling the balance as shown by the treasurer's books with those of the depositories **(12B.11)**.

Pending audit and allowance of claims under section 279.29, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law **(279.29)**.

The board of directors of a school corporation may delegate its investment authority to the treasurer or other financial officer of the governmental unit, who shall thereafter be responsible for handling investments transactions until such delegation of authority is revoked **(12C.11)**.

All funds held by the treasurer shall be deposited in one or more depositories first approved by the board of directors of the school corporation. The treasurer shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories or in investment permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record **(12C.1(1))**. The treasurer of each school corporation shall at all times keep funds coming into their possession as public money in a vault or safe to be provided for that purpose or in one or more depositories approved by the board. Any public funds not currently needed shall be invested **(12B.10)**.

If a warrant other than an anticipatory warrant is presented for payment, and is not paid for want of funds, or is only partially paid, the treasurer shall endorse the fact thereon, with the date of presentation, and sign the endorsement, and thereafter the warrant or the balance due thereon, shall bear interest at the rate specified in section 74A.2 **(74.2)**.

The treasurer shall keep a record of each interest-bearing obligation which shall show the number and amount, the date interest commences, the rate of interest, and the name and post office address of the holder of the obligation **(74.3)**.

When a nonnegotiable interest-bearing obligation is assigned or transferred, the assignee or transferee shall notify the treasurer in writing of the assignment or transfer and of the post office address of the assignee or transferee. Upon receiving notification, the treasurer accordingly shall correct the record maintained **(74.4)**.

When a fund contains sufficient money to pay one or more interest-bearing obligations which are outstanding against the fund, the treasurer shall call those obligations for payment. Obligations may be paid in the order of presentation. This does not authorize a fixed-term obligation to be called at a date earlier than is provided by the conditions and terms upon which it was issued **(74.5)**.

When an obligation which legally draws interest is paid, the treasurer shall endorse upon it the date of payment, and the amount of interest paid. The treasurer shall enter into the records maintained the date of payment and the amount of interest paid **(74.7)**.

Whenever the amount in the hands of the treasurer, belonging to the funds set aside to pay bonds, is sufficient to redeem one or more of the bonds which by their terms are subject to redemption, the treasurer shall give the owner of said bonds thirty (30) days' written notice of the readiness of the district to pay and the amount it desires to pay. The treasurer shall enter the date of mailing of the notice in the records maintained. If not presented for payment or redemption within thirty (30) days after the date of such notice, the interest on such bonds shall cease and the amount due thereon shall be set aside for its payment whenever it is presented **(298.23, 74.6)**.

All redemptions on bonds shall be made in the order of their numbers. The treasurer shall keep a record of the parties to whom the bonds are sold, together with their post office addresses, and notice mailed to the address as shown by such record shall be sufficient **(298.24)**.

Any school officers willingly violating any law relative to schools, or willfully failing or refusing to perform any duty imposed by law, shall forfeit and pay into the treasury of the school corporation in which the violation occurs the sum of \$25, action to receive which shall be brought in the name of the proper school corporation, and be applied to the use of the schools therein **(277.32)**.

All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge (299.15).

Each school officer [including the treasurer] or member of the board upon the termination of the officer or member's term of office shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor (277.31).

The School Business Official (SBO)

It is the duty of the state board of education to set standards and procedures for the approval of training programs for individuals who seek an authorization issued by the board of educational examiners for the following:

- a. Employment as a school business official responsible for the financial operations of a school district.
- b. Employment as a school administration manager responsible for assisting a school principal in performing noninstructional duties (256.7(30)).

- a. The board of educational examiners (BOEE) shall issue a school business official authorization to an individual who successfully completes a training program that meets the standards set by the state board of education pursuant to section 256.7, subsection 30, and who complies with rules adopted by the board pursuant to subsection 4.
- b. A person hired on or after July 1, 2012, as a school business official responsible for the financial operations of a school district who is without prior experience as a school business official in Iowa shall either hold the school business official authorization issued pursuant to paragraph "a" of this subsection or obtain the authorization within two years of the start date of employment as a school business official.
- c. An individual employed as a school business official prior to July 1, 2012, who meets the requirements of the board, other than the training program requirements of paragraph "a", shall be issued, with no fee for issuance, an initial authorization by the board, but shall meet renewal requirements for an authorization within the time period specified by the board.
- 3. The board shall issue a school administration manager authorization to an individual who successfully completes a training program that meets the standards set by the state board pursuant to section 256.7, subsection 30, and who complies with rules adopted by the state board pursuant to subsection 4.
- 4. The board shall adopt rules under chapter 17A for authorizations, including but not limited to approval of courses, validity and expiration, fees, and suspension and revocation of authorizations.
- 5. The state board of education shall work with institutions of higher education, private colleges and universities, community colleges, area education agencies, and professional organizations to ensure that the courses and programs required for authorizations under this section are offered throughout the state at convenient times and at a reasonable cost (272.31(2)).

School business officials shall demonstrate content knowledge, professional knowledge, and skills in accordance with the following standards and supporting criteria. In addition, each school business official candidate shall meet all requirements established by the board of educational examiners for an authorization for which the candidate is recommended. Programs shall submit curriculum exhibit sheets for approval by the board of educational examiners and the department.

81.7(1) Standard 1. Each school business official shall demonstrate an understanding of Uniform Financial Accounting, governmental GAAP accounting, and statutory concepts. The school business official:

- a. Is responsible for understanding and adhering to the Uniform Financial Accounting Manual and the current, accepted chart of accounts.
 - (1) Codes all salaries and benefits to the appropriate function, program, and project (if applicable) on a monthly basis;
 - (2) Ensures revenues, expenditures, and expenses are appropriately coded to the correct account on a monthly basis; and
 - (3) Ensures balance sheet items are properly coded as directed.
- b. Understands and ensures implementation of state and federal law related to employment, personnel, and payroll.
- c. Has an understanding of all projects and grants for which the district receives funding.
- d. Understands the certified budgeting process and the content and purpose of each section of the aid and levy worksheet as well as other certified budget forms.
- e. Understands the concept of spending authority.

81.7(2) Standard 2. Each school business official shall demonstrate the ability to implement effective internal controls and accounting processes. The school business official:

- a. Provides data on a monthly basis in sufficient detail as to be informative and useful for decision makers and stakeholders in providing educational and co- and extracurricular programs.
- b. Ensures delivery, on a monthly basis, of a statement of receipts, disbursements, and amount on hand for every fund.
- c. Ensures reconciliation of bank statements on a monthly basis.

- d.* Consistently follows the procedure by which products and services may be purchased (state bidding requirements, purchase orders, and purchasing processes).
- e.* Ensures that an annual line item budget that aligns with the district-certified budget revenues and expenditures is completed in a timely manner for each fund.
- f.* Maintains an itemized statement no more than five years old of the appraised value of all buildings and other capital assets and a list of historical costs.
- g.* Invests moneys not needed as authorized under Iowa Code and district policy.
- h.* Uses only depositories approved by the local school board.
- i.* Makes payments only to the person entitled to the payment and only for verified bills.
- j.* Understands and implements the various mechanisms by which to borrow money as well as the appropriate account coding and repayment processes.
- k.* Is able to produce budget forecasts and analyses of spending.
- l.* Is capable of preparing employee collective bargaining costing models and estimates.

81.7(3) Standard 3. Each school business official shall demonstrate an understanding of and compliance with federal, state, and local reporting requirements. The school business official:

- a.* Produces for the local school board periodic reports reflecting a financial statement in relation to spending authority and published budget control lines.
- b.* Ensures that an accurate and separate account of each fund is maintained.
- c.* Ensures the filing of all quarterly and annual payroll taxes and reports in a timely fashion, including but not limited to IRS Forms 941, 1099, W-2, and W-3 and OMB Circular A-87.
- d.* Files with the department of education, the department of management, and the state auditor all required reports in a timely fashion.
- e.* Understands the local collective bargaining agreement as well as nonemployee contracts.

81.7(4) Standard 4. Each school business official shall demonstrate compliance with applicable federal, state, and local laws. The school business official:

- a.* Understands the district board's policies and procedures and effectively implements applicable policies and procedures.
- b.* Implements effective records management processes and procedures.
- c.* Has a working knowledge of laws applicable to school districts and area education agencies.
- d.* Understands and implements employment laws.
- e.* Understands and implements bidding and construction laws.
- f.* Understands and implements pension processes, including but not limited to retirement plans, IPERS, and 403B investments.
- g.* Ensures that the school board president's and secretary's signatures are on all checks and that the school board president's signature is on all contracts.
- h.* Ensures that billing for all tuition items is completed on the current prescribed timeline.
- i.* Manages scheduling and preparation for the local audit, including any request for proposals for audit services as applicable.

81.7(5) Standard 5. Each school business official shall demonstrate competence in technology appropriate to the school business official position. The school business official:

- a.* Effectively manages an integrated accounting system for fund accounting by the district and is able to assess technology needs for fiscal management issues.
- b.* Maintains all funds in one integrated accounting system.
- c.* Displays a working knowledge of other software programs if required to be used by the school business official.
- d.* Is able to use Word, database, and spreadsheet documents effectively to meet the needs of the district.
- e.* Displays competence in using the department's secured Web site for reporting purposes and has attended applicable training sessions on its use.
- f.* Is able to upload the chart of accounts and understands the relationship of the chart of accounts to the other reports, including but not limited to the special education supplement, the annual report on use of sales tax revenue, and the annual transportation report. This duty includes testing the functionality of accounts used for accuracy. The testing is carried out in a manner that allows for identification of issues prior to the actual submission deadline.

81.7(6) Standard 6. Each school business official shall demonstrate appropriate personal skills. The school business official:

- a.* Is an effective communicator with all stakeholders, including but not limited to colleagues, policy makers, community members, and parents.
- b.* Works effectively with employees and stakeholders.
- c.* Ensures the timely flow of information.
- d.* Maintains confidentiality with personal, restricted and embargoed information.
- e.* Is able to analyze, evaluate, and solve problems.
- f.* Timely and accurately performs the duties of a school business official.
- g.* Maintains an environment of mutual respect, rapport, and fairness.
- h.* Participates in and contributes to a school culture that focuses on improved student learning.

81.7(7) Standard 7. Each school business official shall engage in professional growth. The school business official:

- a. Stays current with accounting technologies and the department's financial reporting system.
- b. Demonstrates habits and skills of continuous inquiry and learning.
- c. Works collaboratively to improve professional practice.
- d. Applies research, knowledge, and skills acquired from professional development opportunities to improve practice.
- e. Engages with administration on an annual review of the effectiveness of district accounting and reporting processes and on an individual performance evaluation consistent with district policy.
- f. If the school business official has not earned full authorization as a school business official, participates in the school business official mentoring program.

81.7(8) Standard 8. Each school business official shall fulfill professional responsibilities established by the school district. The school business official:

- a. Adheres to school board policies, district procedures, and contractual obligations and ensures that applicable district policies are not in conflict with state law.
- b. Demonstrates professional and ethical conduct as defined by state law and district policy.
- c. Contributes to efforts to achieve district goals.
- d. Is able to contribute to cost/benefit analyses.
- e. Participates in the board of educational examiners ethics program.
- f. Follows the code of professional conduct and ethics and the rights and responsibilities described in 282—Chapters 25 and 26 of the Iowa Administrative Code.

81.7(9) Standard 9. If a school business official is also employed as the secretary or treasurer of the school board, the school business official shall:

- a. Take the oath of office within ten days following appointment.
- b. File a bond and ensure the level of coverage is adequate.
- c. Hold office until a successor has been appointed and qualified.
- d. Publish minutes, bills, and salaries on a timely basis.
- e. Ensure that the department, the county auditor, and the treasurer are informed timely of the names and addresses for board officers as well as any changes therein.
- f. File and preserve copies of all required reports and all papers transmitted pertaining to the business of the school corporation, including all certificates, reports, and proofs related to compulsory education.
- g. Maintain separate books for minutes and elections and ensure that the records are complete.
- h. Deliver all claims to the board for audit and allowance (**IAC 281—81.7**).

The Superintendent of Schools

The board of directors of a school district may employ a superintendent of schools for a term of not to exceed three (3) years. However, the board's initial contract with a superintendent shall not exceed one year if the board is obligated to pay a former superintendent under an unexpired contract. The superintendent shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by section 279.20 (**279.20**).

In addition to the authority cited above, the Iowa Code makes the following additional references to that particular position:

An individual who is employed or contracted as a superintendent by a school or school district may also serve as an elementary principal in the same school or school district (**280.14(2)**).

A work permit, except for migrant laborers, shall be issued only by the superintendent or a person authorized by the superintendent in writing, or where there is no superintendent, by a person authorized in writing by the local school board where the child resides, upon the application of the parent, guardian, or custodian of the child desiring such permit. The work permits shall be issued for resident children employed who are at least fourteen and less than sixteen years of age, only if the proof required in section 92.11 has been received and examined (**92.11**). The superintendent and school truant and attendance officers shall cooperate in the enforcement of chapter 92 and furnish the labor commissioner and designees with all information coming to their knowledge regarding violations of chapter 92 (**92.22**).

The board may confer upon any teacher, principal or superintendent the power temporarily to suspend a pupil, notice of the suspension being at once given in writing to the president of the board (**282.4(1)**). When a student is suspended by a teacher, principal, or superintendent, pursuant to section 282.4, the student may be readmitted by the teacher, principal, or superintendent when the conditions of the suspension have been met, but when expelled by the board the student may be readmitted only by the board or in the manner prescribed by the board (**282.5**).

All school officers and employees shall promptly report to the secretary any violations of the truancy law of which they have knowledge (**299.15**).

Contracts with administrators shall be in writing and shall contain all of the following:

- a. The term of employment.
- b. The length of time during the school year that services are to be performed.
- c. The compensation per week of five consecutive days or month of four consecutive weeks.
- d. A statement that the contract is invalid if the administrator is under contract with another board of directors in this state covering the same period of time, until such contract shall have been released or terminated by its provisions.
- e. Such other matters as may be agreed upon **(279.23)**.

An administrator's contract shall remain in force and effect for the period stated in the contract. The contract shall be automatically continued in force and effect for additional one-year periods beyond the end of its original term, except and until the contract is modified or terminated by mutual agreement of the board of directors and the administrator, or until terminated as provided by section 279.24 **(279.24(1))**.

An administrator may file a written resignation with the secretary of the board on or before May 1 of each year or the date specified by the board for return of the contract, whichever date occurs first **(279.24(3))**.

Administrators employed in a school district for less than two consecutive years are probationary administrators. However, a board may waive the probationary period for any administrator who has previously served a probationary period in another school district and the board may extend the probationary period for an additional year with the consent of the administrator **(279.24(4))**.

An administrator may be discharged at any time during the contract year for just cause. The administrator shall be notified in writing that the board has voted to consider termination of the administrator's contract and the applicable procedures of section 279.24 apply **(279.25)**.

The AEA Administrator

The AEA board shall employ personnel to carry out the functions of the AEA which shall include the employment of an administrator who shall possess a license issued under chapter 272. The administrator shall be employed pursuant to section 279.20 and sections 279.23, 279.24 and 279.25. The salary for an AEA administrator shall be established by the board based upon the previous experience and education of the administrator. Section 279.13 applies to the AEA board and to all teachers employed by the AEA. Sections 279.23, 279.24, and 279.25 apply to the AEA board and to all administrators employed by the AEA **(273.3(11))**. Sections 279.23, 279.24, and 279.25 cover continuing contracts and discharge. Section 279.20 covers employment and term limits on contracts. The salary of the AEA administrator shall be approved by the director of the Department of Education **(256.9(30))**.

The board of directors may employ a superintendent of schools [AEA administrator] for a term of not to exceed three (3) years. However, the board's initial contract with a superintendent [administrator] shall not exceed one year if the board is obligated to pay a former superintendent [administrator] under an unexpired contract. The superintendent [administrator] shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by this section **(279.20))**.

Contracts with administrators shall be in writing and shall contain all of the following:

- (1) The term of employment.
- (2) The length of time during the school year that services are to be performed.
- (3) The compensation per week of five consecutive days or month of four consecutive weeks.
- (4) A statement that the contract is invalid if the administrator is under contract with another board of directors in this state covering the same period of time, until such contract shall have been released or terminated by its provisions.
- (5) Such other matters as may be agreed upon **(279.23)**.

The board shall establish written evaluation criteria and shall establish and annually implement evaluation procedures. The board shall also establish written job descriptions for all supervisory positions **(279.23A)**.

An administrator's contract shall remain in force and effect for the period stated in the contract. The contract shall be automatically continued in force and effect for additional one-year periods beyond the end of its original term, except and until the contract is modified or terminated by mutual agreement of the board of directors and the administrator, or until terminated as provided by section 279.24 **(279.24(1))**.

An administrator may file a written resignation with the secretary of the board on or before May 1 of each year or the date specified by the board for return of the contract, whichever date occurs first **(279.24(3))**.

Administrators employed in a school district [AEA] for less than two consecutive years are probationary administrators. However, a board may waive the probationary period for any administrator who has previously served a probationary period in another school district [AEA] and the board may extend the probationary period for an additional year with the consent of the administrator **(279.24(4))**.

An administrator may be discharged at any time during the contract year for just cause. The administrator shall be notified in writing that the board has voted to consider termination of the administrator's contract and the applicable procedures of section 279.24 apply **(279.25)**.

The AEA administrators shall jointly appoint a member to serve on the Iowa public broadcasting board **(256.82(4)“b”(3))**.

The AEA administrators shall select an early childhood specialist of an AEA to serve on the child development coordinating council that is established to promote the provision of child development services to at-risk three-year- and four-year-old children **(256A.2(1)“e”)**.

If a vacancy or vacancies occur among the elective offices or members of a school board and the remaining members of the board have not filled the vacancy within thirty (30) days after the vacancy becomes known by the secretary or the board, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the AEA administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty (30) days nor later than forty (40) days after the thirtieth (30th) day following the day the vacancy becomes known by the secretary or the board. If the secretary fails for more than three (3) days to call an election, the administrator shall call it **(279.7)**.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or as established in section 314.1B, are necessary in order to ensure the continued use of any school or school facility, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However before such emergency repairs can be made to any schoolhouse or school facility, it shall be necessary to procure a certificate from the AEA administrator that such emergency repairs are necessary to ensure the continued use of the school or school facility **(297.8)**. The competitive bid threshold is \$100,000, or the adjusted competitive bid threshold established in section 314.1B **(26.3)**. A state-level vertical infrastructure bid threshold subcommittee for public improvements shall be appointed to review the competitive bid thresholds applicable to governmental entities under chapter 26. The subcommittee shall review price adjustments for all types of construction, reconstruction, and public improvement projects based on the changes in the construction price index, building cost index, and material cost index from the preceding adjustment. Upon completion of the review the subcommittee may make adjustments in the applicable bid thresholds for types of work based on the price adjustments. The subcommittee shall not make an initial adjustment to the competitive bid threshold in section 26.3 to be effective prior to January 1, 2012. Each subcommittee shall meet to conduct the review and make the adjustments described on or before August 1 of every other year, or of every year if determined necessary by the subcommittee. By September 1 of each year in which a subcommittee makes adjustments in the bid or quotation thresholds, an advisory notice shall be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the adjusted bid and quotation thresholds to be in effect on January 1 of the following year, as established by the subcommittees **(314.1B)**.

Ethics

If a local school board allows a superintendent or other employee to receive benefits that are not reflected in contract or written policy, there is a potential for an ethics complaint to the Board of Educational Examiners (BOEE) based on a perceived lack of transparency and financial malfeasance. Therefore, best practice is to set forth any atypical or unique benefits arrangement in a written document that is at least available for public scrutiny. It is the responsibility of both the employee in question and the local school board to make sure matters of compensation and benefits are handled in a way that avoids even the appearance of impropriety **(BOEE guidance, May 13, 2013)**.

Standard 8 of the school business official candidates knowledge and skills standards and criteria requires that each school business official shall participate in the board of educational examiners ethics program **(IAC 281—81.7(8)“e”)** and shall follow the code of professional conduct and ethics and rights and responsibilities described in chapters 25 and 26 of the 282 Iowa Administrative Code **(IAC 281—81.7(8)“f”)**.

The adherence to certain professional and ethical standards is essential to maintaining the integrity of the education profession (**IAC 282-25.1**).

“Administrative and supervisory personnel” means any licensed employee such as superintendent, associate superintendent, assistant superintendent, principal, associate principal, assistant principal, or other person who does not have as a primary duty the instruction of pupils in the schools.

“Discipline” means the process of sanctioning a license, certificate or authorization issued by the board.

“Ethics” means a set of principles governing the conduct of all persons governed by these rules.

“Fraud” means knowingly providing false information or representations on an application for licensure or employment, or knowingly providing false information or representations made in connection with the discharge of duties.

“License” means any license, certificate, or authorization granted by the board.

“Licensee” means any person holding a license, certificate, or authorization granted by the board.

“Responsibility” means a duty for which a person is accountable by virtue of licensure.

“Right” means a power, privilege, or immunity secured to a person by law (**IAC 282—25.2**).

Licensees are required to abide by all federal, state, and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

25.3(1) Standard I—conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse. Violation of this standard includes:

a. Fraud. Fraud means the same as defined in rule 282—25.2(272).

b. Criminal convictions. The commission of or conviction for a criminal offense as defined by Iowa law provided that the offense is relevant to or affects teaching or administrative performance.

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:
 - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
 - Lascivious acts with a child;
 - Assault with intent to commit sexual abuse;
 - Indecent contact with a child;
 - Sexual exploitation by a counselor;
 - Lascivious conduct with a minor;
 - Sexual exploitation by a school employee;
 - Enticing a minor under Iowa Code section 710.10; or
 - Human trafficking under Iowa Code section 710A.2;
3. Incest involving a child as prohibited by Iowa Code section 726.2;
4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;
5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;
6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1); or
7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1).

(2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)“b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:

1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
2. The time elapsed since the crime or founded abuse was committed;
3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
4. The likelihood that the person will commit the same crime or abuse again;
5. The number of criminal convictions or founded abuses committed; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

c. Sexual involvement or indecent contact with a student. Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or

breasts of a student; permitting or causing to fondle or touch the practitioner's inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in Iowa Code section 702.17.

d. Sexual exploitation of a minor. The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code chapter 709 or 18 U.S.C. Section 2252A(a)(5)(B).

e. Student abuse. Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:

- (1) Committing any act of physical abuse of a student;
- (2) Committing any act of dependent adult abuse on a dependent adult student;
- (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
- (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
- (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee;
- (6) Failing to report any suspected act of child or dependent adult abuse as required by state law; or
- (7) Committing or soliciting any sexual conduct as defined in Iowa Code section 709.15(3) "b" or soliciting, encouraging, or consummating a romantic relationship with any person who was a student within 90 days prior to any conduct alleged in the complaint, if that person was taught by the practitioner or was supervised by the practitioner in any school activity when that person was a student.

25.3(2) Standard II—alcohol or drug abuse. Violation of this standard includes:

a. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.

b. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.

25.3(3) Standard III—misrepresentation, falsification of information. Violation of this standard includes:

a. Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.

b. Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.

c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.

d. Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 20.

e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

25.3(4) Standard IV—misuse of public funds and property. Violation of this standard includes:

a. Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.

b. Converting public property or funds to the personal use of the practitioner.

c. Submitting fraudulent requests for reimbursement of expenses or for pay.

d. Combining public or school-related funds with personal funds.

e. Failing to use time or funds granted for the purpose for which they were intended.

25.3(5) Standard V—violations of contractual obligations.

a. Violation of this standard includes:

(1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.

(2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.

(3) Abandoning a written professional employment contract without prior unconditional release by the employer.

(4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.

(5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.

b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:

(1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or

(2) The practitioner provided notice to the employing board no later than the latest of the following dates:

1. The practitioner's last work day of the school year;

2. The date set for return of the contract as specified in statute; or

3. June 30.

25.3(6) Standard VI—unethical practice toward other members of the profession, parents, students, and the community. Violation of this standard includes:

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1) "b"(1) which requires revocation of the practitioner's license.
- l. Delegating tasks to unqualified personnel.
- m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n. Allowing another person to use one's practitioner license for any purpose.
- o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.
- p. Falsifying, forging, or altering a license issued by the board.
- q. Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
- r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

25.3(7) Standard VII—compliance with state law governing obligations to state or local governments, student loan obligations, child support obligations, and board orders. Violation of this standard includes:

- a. Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.
- b. Failing to comply with 282—Chapter 9 concerning repayment of student loans.
- c. Failing to comply with 282—Chapter 10 concerning child support obligations.
- d. Failing to comply with a board order.

25.3(8) Standard VIII—incompetence. Violation of this standard includes, but is not limited to:

- a. Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.
- b. Willfully or repeatedly failing to practice with reasonable skill and safety (**IAC 282-25.3**).

Standard 8 of the school business official candidates knowledge and skills standards and criteria requires that each school business official shall follow the code of professional conduct and ethics and rights and responsibilities described in chapters 25 and 26 of the 282 Iowa Administrative Code (**IAC 281—81.7(8)"F"**). Even though chapter 26 uses the term "educator" throughout, Standard 8 applies these same responsibilities and rights to school business officials as well.

The code of professional conduct and ethics in 282—Chapter 25 defines unprofessional and unethical conduct justifying disciplinary sanction. The board of educational examiners (BOEE) acknowledges that the discharge of professional obligations should occur in recognition of certain fundamental rights and responsibilities. Accordingly, the board recognizes the following rights and responsibilities of all educators licensed under Iowa Code chapter 272 and agrees that the exercise of these rights and responsibilities may present mitigating facts and circumstances in the board's evaluation of allegations of unprofessional or unethical conduct (**IAC 282—26.1**).

Educators licensed under Iowa Code chapter 272 have the following rights:

1. The educator has a right to be licensed and endorsed under professional standards established and enforced by the board.

2. The educator has a right to refuse assignments for which the educator is not legally authorized, in terms of holding a valid Iowa license with the appropriate endorsement(s) or approval(s).
3. The educator has a right, subject to board and administrator authority, to exercise professional judgment in the evaluation, selection, and use of teaching methods and instructional materials appropriate to the needs, abilities, and background of each student (**IAC 282—26.2**).

Educators licensed under Iowa Code chapter 272 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator's professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.
5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for personal advantage.
7. The educator shall not discriminate against any student on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student's family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.
10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, shall make all reports required by law and the Iowa Administrative Code and which are necessary to ensure the safety and well-being of the student.
11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.
14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate assigned tasks to unqualified personnel (**IAC 282—26.3**).

Official Misconduct--Directors, Officers, Employees

Any public officer or employee, who knowingly does any of the following, commits a class "D" felony:

1. Makes or gives any false entry, false return, false certificate, or false receipt, where such entries, returns, certificates, or receipts are authorized by law.
2. Falsifies any public record, or issues any document falsely purporting to be a public document.
3. Falsifies a writing, or knowingly delivers a falsified writing, with the knowledge that the writing is falsified and that the writing will become a public record of a government body (**721.1**).

Public records include all records, documents, tapes, or other information, stored or preserved in any medium, of or belonging to the school corporation. Public records also include all records relating to the investment of public funds including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party (**22.1(3)**).

Any public officer or employee, or any person acting under color of such office or employment, who knowingly does any of the following, commits a serious misdemeanor:

1. Makes any contract which contemplates an expenditure known by the person to be in excess of that authorized by law.
2. Fails to report to the proper officer the receipt or expenditure of public moneys, together with the proper vouchers therefor, when such is required of the person by law.
3. Requests, demands, or receives from another for performing any service or duty which is required of the person by law, or which is performed as an incident of the person's office or employment, any compensation other than the fee, if any, which the person is authorized by law to receive for such performance.
4. By color of the person's office and in excess of the authority conferred on the person by that office, requires any person to do anything or to refrain from doing any lawful thing.
5. Uses or permits any other person to use the property owned by the school district or AEA for any private purpose and for personal gain, to the detriment of the district or AEA.
6. Fails to perform any duty required of the person by law.

7. Demands that any public employee contribute or pay anything of value, either directly or indirectly, to any person, organization or fund, or in any way coerces or attempts to coerce any public employee to make any such contributions or payments, except where such contributions or payments are expressly required by law.
8. Permits persons to use the property owned by the district or AEA to operate a political phone bank for any of the following purposes:
 - a. To poll voters on their preferences for candidates or ballot measures at an election.
 - b. To solicit funds for a political candidate or organization.
 - c. To urge support for a candidate or ballot measure to voters **(721.2)**.

Any appointive or elective officer holding any public office may be removed from office by the district court for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the campaign finance disclosure provisions of chapter 68A **(66.1A)**.

Any person who willfully violates any provisions of chapter 68A on campaign finance shall upon conviction be guilty of a serious misdemeanor **(68A.701)**.

Except as allowed in 68B.22, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor nor solicit any gift or series of gifts from a restrict donor at any time **(68B.22(1))**.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates a provision of section 68B.2A through 68B.8, section 68B.22 through 68B.24, or sections 68B.35 through 68B.38 regarding government ethics and lobbying is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned **(68B.34)**. Complaints regarding conduct of local officials or local employees which violates chapter 68B, except for sections 68B.36 and 68B.38, shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney. Complaints alleging conduct of local officials or local employees which violates section 68B.36 or 68B.38 shall be filed with the ethics committee of the appropriate house of the general assembly if the conduct involves lobbying activities before the general assembly or with the board if the conduct involves lobbying activities before the executive branch. **(68B.34A)**.

All lobbyists shall, on or before the day their lobbying activity begins, register by electronically filing a lobbyist's registration statement at times and in the manner provided in this section. In addition to any other information required by the general assembly, a lobbyist shall identify in the registration statement all clients of the lobbyist and whether the lobbyist will also be lobbying the executive branch. Lobbyists engaged in lobbying activities before the general assembly and before the office of the governor or any state agency shall file the statement with the chief clerk of the house of representatives or the secretary of the senate. The chief clerk of the house and the secretary of the senate shall establish an internet site for the electronic filing of lobbyist registrations **(68B.36(1))**. A lobbyist means an individual who, by acting directly, receives compensation or is a designated representative of an organization for the purpose of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by members of the general assembly, state agency, or any statewide elected official **(68B.2(13))**. For more detail on the definition of what constitutes lobbying, read chapter 68B.

It shall be a serious misdemeanor for any person or political organization either directly or indirectly to solicit or demand from any employee any contribution of money or any other thing of value for election purposes or for the purpose of paying expenses of any political organization or any person seeking election to public office **(721.3, 721.7)**.

It shall be a serious misdemeanor for any person to use or permit to be used any motor vehicle owned by the district or AEA for the purpose of transporting any political literature or any person or persons engaging in a political campaign for any political party or any person seeking an elective office **(721.4, 721.7)**.

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface. A violation of this labeling requirement shall be a serious misdemeanor **(721.8, 721.9)**.

A public officer or employee who, by reason of the officer's or employee's employment, has access to any public record, or to any file, dossier, or accumulation of information of any kind, and who gives or transfers to any person, in exchange for anything of value other than fees authorized by law, any such record, file, dossier, or accumulation of information, or any part thereof, or who imparts to any person any information contained therein, in exchange for anything of value other than fees authorized by law, commits a serious misdemeanor (**721.10**).

Any officer or employee of the district or AEA who is directly or indirectly interested in any contract to furnish anything of value to the state or any subdivision thereof where such interest is prohibited by statute commits a serious misdemeanor. This section shall not apply to any contract awarded as a result of open, public and competitive bidding (**721.11**).

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, or a referee who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state (**722.2**).

Refusal by any public official to permit public inspection of audit reports when such reports have been filed with the state auditor shall constitute a simple misdemeanor (**11.14(1)**).

Failure on the part of a public official to perform any of the duties prescribed in chapters 73A [contracts and bonds] and 24 [local budgets] , and sections 8.39 and 11.1 to 11.5, constitutes a simple misdemeanor, and is sufficient ground for removal from office (**24.24**).

No public officer shall directly or indirectly or in any manner whatsoever, at any other time or in any other manner than as provided by law, open any sealed bid or convey or divulge to any person any part of the contents of a sealed bid, on any proposed contract concerning which a sealed bid is required or permitted by law (**72.3**). A violation of the provisions of section 72.3 shall, in addition to criminal liability, render the violator liable, personally and on the violator's bond, if any, to liquidated damages in the sum of one thousand dollars (\$1000) for each violation, to inure to and be collected by the school corporation of which the violator is an officer (**72.4**).

An officer or person who is connected with or is a member or agent or representative of a board or officer of a board of a school district who fails to give preference to Iowa products and labor as required by chapter 73 is guilty of a simple misdemeanor. Each separate case of failure to give preference is a separate offense (**73.5**).

A school district director, officer, or teacher shall not act as agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the school district during such term of office or employment. An AEA director, officer, or teacher shall not act as an agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the AEA or any school district located within the AEA during such time of office or employment. A school district or AEA director, officer, or teacher who acts as agent or dealer in school textbooks or school supplies during the person's term of office or employment in violation of this section shall be deemed guilty of a serious misdemeanor (**301.28**).

It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board member responsible for such unlawful act shall be personally liable to a fine not to exceed one hundred dollars (\$100). Action to recover such penalty or action to enjoin such unlawful act may be instituted by the board of any school district or by a taxpayer in any school district (**282.20**).

Any person who operates or permits to be operated as a school bus to transport pupils, any vehicle which does not comply with the requirements provided by law or by the rules and regulations of the department of education, or for which there is not a valid temporary certificate for operation, shall be guilty of a simple misdemeanor. A vehicle used for an approved driver education course in which the driver education teacher transports driver education students from their residences for street or highway driving is not a school bus (**285.14**).

Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a simple misdemeanor (**285.15**).

A school board, individual, or organization shall not purchase, construct, or contract for use, to transport pupils to or from school, any school bus which does not comply with the minimum requirements of section 321.373 and any individual, or any member or officer of such board or organization who authorizes, the purchase, construction, or contract for any such bus not complying with these minimum requirements commits a simple misdemeanor (**321.379**).

No school attendance center fence shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten (10) feet of any school attendance center. Any person violating the provisions of this section shall be guilty of a simple misdemeanor (**297.14**).

Failure by any school district to provide information or appear before the school budget review committee (SBRC) as requested for the accomplishment of review or hearing is justification for the committee to instruct the director of the Department of Management to withhold any state aid to that district until the committee's inquiries are satisfied completely (**257.31(11)**). Failure by an AEA to provide information or appear before the SBRC as requested for the accomplishment of review or hearing constitutes justification for the committee to instruct the Department of Administrative Services to withhold payments for the AEA until the committee's inquiries are satisfied completely (**257.32(4)**).

The director of the Department of Education shall prepare forms and procedures as necessary to be used by AEA boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify the AEA board, district board, or school authorities when a report has not been filed in the manner or on the dates prescribed that the school will not be accredited until the report has been properly filed (**256.9(18)**).

A prosecution for a simple misdemeanor or violation of a municipal or county rule or ordinance shall be commenced within one year after its commission (**802.4**).

The county attorney shall prosecute or assist in the prosecution of actions to remove public officers from office as provided in section 66 (**331.756(16)**).

Any school officers willingly violating any law relative to schools, or willfully failing or refusing to perform any duty imposed by law, shall forfeit and pay into the treasury of the school corporation in which the violation occurs the sum of \$25, action to receive which shall be brought in the name of the proper school corporation, and be applied to the use of the schools therein (**277.32**).

A person commits the crime of election misconduct in the first degree if the person willfully:

- pays, offers to pay, or causes to be paid money or any other thing of value to a person to influence the person's vote (**39A.2(1)"d"(1)**).
- pays, offers to pay, or causes to be paid money or any other thing of value to an election official conditioned on some act done or omitted to be done contrary to the person's official duty in relation to an election (**39A.2)"d"(2)**).
- intimidates, threatens, or coerces, or attempts to intimidate, threaten or coerce, a person to do or reframe of doing signing of a petition nominating a candidate for public office or a petition requesting an election for which a petition may legally be submitted (**39A.2(1)"c"(3)**).

Election misconduct in the first degree is a class "D" felony (**39A.2(2)**).

A person commits the crime of election misconduct in the fourth degree if the person, as an employer, willfully denies an employee the privilege conferred by section 49.109, or subjects an employee to a penalty or reduction of wages because of the exercise of that privilege (**39A.5(1)"a"(1)**). Election misconduct in the fourth degree is a simple misdemeanor (**39A.5(2)**). Any person entitled to vote at an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total three consecutive hours during the time the polls are open. Request for such absence shall be made in writing prior to the date of the election. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence (**49.109**).

A person commits the crime of election misconduct in the third degree if the person willfully commits any of the following acts on election day:

1. Loitering, congregating, electioneering, posting signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of any polling place or within three hundred (300) feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway or other means of reaching the room where the polls are held.

This does not apply to the posting of signs on private property not a polling place, except that the placement of a sign that is more than 90 square inches in size on a motor vehicle, trailer, or semitrailer, or its attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred (300) feet of a polling place is prohibited.

2. Interrupting, hindering, or opposing a voter while in or approaching the polling place for the purpose of voting.
3. A false statement by a voter as to the voter's ability to mark a ballot.
4. Interfering or attempting to interfere with a voter when inside the enclosed voting space, or when marking a ballot.
5. Endeavoring to induce a voter to show how the voter marks or has marked a ballot.
6. Marking, or causing in any manner to be marked, on a ballot, any character for the purpose of identifying such ballot **(39A.4(1)"a")**.

Election misconduct in the third degree is a serious misdemeanor **(39A.4(2))**.

A person commits the crime of election misconduct in the third degree if the person,

- as a candidate, makes a promise to name or appoint another person to a position or to secure a position for another person in violation of section 49.120.
- as a public official or employee, or a person acting under color of a public official or employee, knowingly requires a public employee to act in connection with an absentee ballot in violation of section 53.7.
- as an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress, serves as a member of a challenging committee or observer **(39A.4(1)"c")**.

Election misconduct in the third degree is a serious misdemeanor **(39A.4(2))**.

It shall be unlawful for any candidate for any office to be voted for at any election, prior to nomination or election, to promise, either directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate or using the person's influence in securing the candidate's nomination, election, or appointment **(49.120)**.

It shall be unlawful for any person to solicit from any candidate for any office to be voted for at any election, or any candidate for appointment to any public office, prior to nomination, election, or appointment, a promise, directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or a promise either directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate, or using the person's influence in securing the candidate's nomination, election, or appointment **(49.121)**.

Removal from Office

In the event an audit or examination discloses any grounds which would be grounds for removal from office, a copy of the report shall be provided and filed by the auditor of state in the office of the attorney general of the state, who shall thereupon take such action as, in the attorney general's judgment, the facts and circumstances warrant **(11.54)**.

The remedies provided by section 21.6 against state [and local] governmental bodies shall be in addition to those provided by section 17A.19. Any aggrieved person, taxpayer to, or citizen of, the state of Iowa, or the attorney general or county attorney, may seek judicial enforcement of the requirements of this chapter. Suits to enforce this chapter shall be brought in the district court for the county in which the governmental body has its principal place of business **(21.6(1))**.

Once a party seeking judicial enforcement of this chapter demonstrates to the court that the body in question is subject to the requirements of this chapter and has held a closed session, the burden of going forward shall be on the body and its members to demonstrate compliance with the requirements of chapter 21 **(21.6(2))**.

Upon a finding by a preponderance of the evidence that a governmental body has violated any provision of this chapter [open meeting laws], a court:

- a. Shall assess each member of the governmental body who participated in its violation damages in the amount of not more than five hundred dollars [\$500] nor less than one hundred dollars [\$100]. However, if a member of a governmental body knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars [\$2,500] and not less than one thousand dollars [\$1,000]. These damages shall be paid by the court imposing it to the state of Iowa, if the body in question is a state governmental body, or to the local government involved if the body in question is a local governmental body. A member of a governmental body found to

have violated this chapter shall not be assessed such damages if that member proves that the member did any of the following:

- (1) Voted against the closed session.
 - (2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of this chapter.
 - (3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.
- b.* Shall order the payment of all costs and reasonable attorney fees in the trial and appellate courts to any party successfully establishing a violation of this chapter. The costs and fees shall be paid by those members of the governmental body who are assessed damages under paragraph “a”. If no such members exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful party from the budget of the offending governmental body or its parent.
- c.* Shall void any action taken in violation of this chapter, if the suit for enforcement of this chapter is brought within six [6] months of the violation and the court finds under the facts of the particular case that the public interest in the enforcement of the policy of this chapter outweighs the public interest in sustaining the validity of the action taken in the closed session. This paragraph shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.
- d.* Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter for which damages were assessed against the member during the member’s term.
- e.* May issue a mandatory injunction punishable by civil contempt ordering the members of the offending governmental body to refrain for one [1] year from any future violations of this chapter **(21.6(3))**.

Ignorance of the legal requirements of this chapter shall be no defense to an enforcement proceeding brought under this section. A governmental body which is in doubt about the legality of closing a particular meeting is authorized to bring suit at the expense of that governmental body in the district court of the county of the governmental body’s principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body **(21.6(4))**.

The rights and remedies provided by this section 22.10 are in addition to any rights and remedies provided by section 17A.19. Any aggrieved person, any taxpayer to or citizen of the state of Iowa, or the attorney general or any county attorney, may seek judicial enforcement of the requirements of this chapter in an action brought against the lawful custodian and any other persons who would be appropriate defendants under the circumstances. Suits to enforce this chapter shall be brought in the district court for the county in which the lawful custodian has its principal place of business **(22.10(1))**.

Once a party seeking judicial enforcement of this chapter [open records] demonstrates to the court that the defendant is subject to the requirements of this chapter, that the records in question are government records, and that the defendant refused to make those government records available for examination and copying by the plaintiff, the burden of going forward shall be on the defendant to demonstrate compliance with the requirements of this chapter **(22.10(2))**.

Upon a finding by a preponderance of the evidence that a lawful custodian has violated any provision of chapter 22, a court:

- a. Shall issue an injunction punishable by civil contempt ordering the offending lawful custodian and other appropriate persons to comply with the requirements of this chapter in the case before it and, if appropriate, may order the lawful custodian and other appropriate persons to refrain for one [1] year from any future violations of this chapter.
- b. Shall assess the persons who participated in its violation damages in the amount of not more than five hundred dollars [\$500] nor less than one hundred dollars [\$100]. However, if a person knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars [\$2,500] and not less than one thousand dollars [\$1,000]. These damages shall be paid by the court imposing them to the state of Iowa if the body in question is a state government body, or to the local government involved if the body in question is a local government body. A person found to have violated this chapter shall not be assessed such damages if that person proves that the person did any of the following:
 - (1) Voted against the action violating this chapter, refused to participate in the action violating this chapter, or engaged in reasonable efforts under the circumstances to resist or prevent the action in violation of this chapter.
 - (2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of this chapter.

- (3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing.
- c. Shall order the payment of all costs and reasonable attorney fees, including appellate attorney fees, to any plaintiff successfully establishing a violation of this chapter in the action brought under this section. The costs and fees shall be paid by the particular persons who were assessed damages under paragraph “b” of this subsection. If no such persons exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful plaintiff from the budget of the offending government body or its parent.
 - d. Shall issue an order removing a person from office if that person has engaged in a prior violation of this chapter for which damages were assessed against the person during the person’s term (**22.10(3)**).

Ignorance of the legal requirements of this chapter is not a defense to an enforcement proceeding brought under this section. A lawful custodian or its designee in doubt about the legality of allowing the examination or copying or refusing to allow the examination or copying of a government record is authorized to bring suit at the expense of that government body in the district court of the county of the lawful custodian’s principal place of business, or to seek an opinion of the attorney general or the attorney for the lawful custodian, to ascertain the legality of any such action (**22.10(4)**).

According to the Iowa Attorney General in the, if a second violation occurs while the injunction is in place, the official could be held in civil contempt. This can mean additional damages, or even time in jail (**AG Sunshine Advisory, June 2005**). The punishment for contempt, where not otherwise specifically provided, shall be:

1. In the supreme court or the court of appeals, by a fine not exceeding one thousand dollars [\$1000] or by imprisonment in a county jail not exceeding six [6] months, or by both such fine and imprisonment.
2. Before district judges, district associate judges, and associate juvenile judges by a fine not exceeding five hundred dollars [\$500] or imprisonment in a county jail not exceeding six [6] months or by both such fine and imprisonment.
3. Before judicial magistrates, by a fine not exceeding one hundred dollars [\$100] or imprisonment in a county jail not exceeding thirty [30] days (**665.4**).

Except as expressly provided otherwise by another statute referring to this chapter 17A by name, the judicial review provisions of this chapter shall be the exclusive means by which a person or party who is aggrieved or adversely affected by agency action may seek judicial review of such agency action. However, nothing in this chapter shall abridge or deny to any person or party who is aggrieved or adversely affected by any agency action the right to seek relief from such action in the courts (**17A.19**).

There is no provision in the statutes granting the voters of a school district the right to remove school directors (**OAG #19-5-23**).