



Special Report

IASB Commentary on Education Issues

New Election Law and Change in Terms for Board Members

HF 2620 makes significant changes to Iowa law as it applies to elections of school corporations – school districts, area education agencies and community colleges [hereinafter “school board”]. The law changes school board members’ terms of office from three years to four years with elections in September of odd-numbered years. The law also limits special elections to four dates per year.

This *Special Report* **only addresses the term of office change** due to the urgency of the transition. Depending on each school board’s situation, some may need to make decisions prior to July 7, 2008, the date school board candidates start taking out papers for the 2008 school election. The special election limitation does not take effect until January 1, 2009. More information on that transition is forthcoming.

The primary elements of HF 2620 are:

- Effective with the September 2009 election, school board members will be elected to four-year terms and the September school election will occur only in odd-numbered years. That means 2010 is the first year in which there will be no September school board election but there may be school special elections.
- By August 1, 2008, each school board must determine a transition plan to accommodate the shift to four-year terms, and file a resolution outlining the plan with the Iowa Secretary of State’s Office. For practical purposes, however, it is recommended the transition plan be completed by July 7, the date when candidates can begin filing nomination papers, so candidates running in September 2008 will know the impact on their term, if any.
- The September 2008 school election will be a transition year during which candidates will be elected for either one-year or three-year terms, depending on the transition plan adopted by the school board.

To better understand the transition, this guidance provided in this *Special Report* is in a question and answer format.

When does the law take effect?

There are a number of dates that are important to note in the bill. While the new terms in the bill are not effective until after the September, 2009 election, the September, 2008, election may be impacted depending upon each school board’s decision about terms ending in 2008, 2009 and 2010.

The law also requires school boards to file a resolution, which reflects the transition plan, on file with the Secretary of State no later than August 1, 2008. The resolution outlines how the school board will incorporate the change to four year terms and every other year elections to sitting board members and, potentially, those elected in September, 2008.

What is the “transition plan?” and what does it need to contain?

The transition plan is a school board resolution adopted by the school board at an open, public regular or special meeting. (The Iowa Association of Community College Trustees and IASB have developed a sample resolution which is on the IASB web site at: www.ia-sb.org/assets/CACC3C3A-334B-44A4-81B7-55878784C DFA.doc.) The transition plan includes the specificity of the implementation from three-year to four-year terms with no election in 2010. An example for at-large and director districts follow below.

Example – five board members, all elected at-large, no director districts

Director	Last elected	Current system + 3 years	Next election Option 1:	Next election Option 2:	Other option?
1	2006	2009	2009	2009	2009
2 *	2007	2010	2011	2009	2011
3	2007	2010	2009	2011	2011
4 *	2008	2011	2011	2011	2009
5	2008	2011	2009	2011	2009

* Received the highest number of votes in the year they were elected.

What procedure should the school board follow to adopt a transition plan?

The plan should be adopted by a simple majority vote in an open meeting. There are no exceptions or exemptions to have this discussion in a closed session and individual votes must be recorded.

What do we do if we have school board members elected from director districts as well as at-large?

The school board needs to ensure that the two groups are balanced. For example, if the school board is a seven member board with three at-large members and four members from director districts, in one year there should be one at-large member and two members from director districts standing for election and in the other year, there should be two at-large members and two members from director districts standing for election.

Will we have to shorten or lengthen terms of office?

Yes. The school board members elected in 2007 have terms that expire in 2010. Since there will be no September school board election that fall, the terms of those board members either need to be lengthened to 2011 or shortened to 2009. Also, depending on the terms of seated school board members, some school board members elected at the 2008 September school election may only be running for one-year terms.

Can we lengthen and shorten terms of office by board action?

Yes, the law gives the board the specific authority to either shorten or lengthen terms of office in order to implement the new law.

How do we make the decision whether to shorten or lengthen a term of office?

The law suggests you shorten and lengthen terms based upon the number of votes school board members received in their last election. Since the law is clear that the length of the transition terms are a local school board decision, school board members may voluntarily agree to a shorter or longer term.

Let’s look at each year individually

- **Terms expiring in 2008** – school board members could either run for three-year terms or one-year terms at the September school election. If the school board decides that one or more of the school board members elected in September, 2008, will have only a one-year term, the school board can choose one of two processes.
 - The school board can either have candidates take out papers for either the one or three year terms; or
 - The school board can run the September school election as it normally would have prior to the law’s adoption, and have the elected school board members’ terms assigned by vote count. For

example, Dreamfield School District will elect two school board members at the September 2008 election; one will be a for three-year term and the other for a one-year term. After the election, the individual with the highest number of votes will hold a three year term and the individual with the next highest number of votes will hold a one-year term.

If the school board's transition plan calls for one-year terms elected at the 2008 September school election, the school board needs to make that decision by July 7, so individuals running for a school board position know when they take out their papers whether they are running for a one- or three-year term.

- Terms expiring in 2009 – School board members will run for four-year terms in the 2009 September school election.
- Terms expiring in 2010 – All school board members' terms will need to be adjusted in the transition plan. The school board will either have to shorten or lengthen the terms of each individual board member's term. If the school board has a concern about shortening terms of individual board members, then the school board will have to lengthen terms. The lengthening of 2010 terms will result in candidates running for one year terms in the 2008 September school election. Should the board lengthen the terms expiring in 2010, then the positions automatically up in 2008 will likely be running for one year terms. The terms that expire in 2010 that may be shortened or lengthened by board action, the board members do not need to run for the new terms.

Another issue to consider is whether you want your majority up in 2009 or 2011.

What do we do if we have positions up this fall that are filling vacancies?

Current school board members, who were appointed to fill a vacancy, will stand for election at the 2008 September school election and any vacancy that occurs prior to July 26, 2008, will also be required to be on this ballot as well. For school board vacancies, the term to be elected in the September 2008 school election depends on the original term of office. If the vacancy is for a school board position whose term expires in 2009, the term shouldn't be an issue. But, if it's one where the term expires in 2010, then the board needs to make a decision so candidates are running for either one- or three-year terms or the board will use the number of votes cast as the decision-maker on who gets the one year and three year term.

Is there anything to help us figure out our options?

Yes. At this point, this is the link to the Secretary of State presentation and worksheets from the May 13th School Law Conference that will help: www.ia-sb.org/RecentPresentations.aspx?id=5052 It is hoped to have a Web site available by which school boards can not only try out some different plans but also file their resolutions online.

Once our transition plan is written, what do we do with it?

It needs to be filed with the Iowa Secretary of State's Office. IASB is currently working with the Secretary of State's Office to determine a method whereby school boards can fill in their transition plan and file it online. We will keep you posted on that development.

Where can we go for help?

Contact Mary Gannon for K-12 and AEA questions at IASB, 800-795-4272 or e-mail at mgannon@ia-sb.org. For Community Colleges contact M.J. Dolan at IACCT, 800-440-4692 or e-mail at mjdolan@iacct.com.