



Special Report

Commentary on Education Issues

Director Districts and Method of Election

Changing the Method of Election or Number of Board Members

The term “method of election” generally refers to how school board members are elected – how many board members, whether the district is divided into director districts and, if so, who votes for district directors. The statutes pertaining to changes in the method of electing school district directors and the number of directors are found in various sections of the *Iowa Code*. In some cases the same action can be taken under two different sections of the Code. We have attempted to harmonize these statutes and this Special Report describes what actions can be taken under certain statutes and how the procedures differ.

It appears that, if a petition is filed requesting a change in director districts that could be made under different sections of the code - and the petition does not specifically set out the section of Code under which such change was requested - the board could proceed under any section which applies. Generally, it is recommended, under the conditions set forth above, the board not reject a petition if it meets the timelines of one code section - even though the timelines under the other section have passed.

The statutory authority and the procedures for changes related to the election of school district directors are found in *Iowa Code* §§ 275.35; 275.36; 278.1(g); and 278.1(h). Section 278.2 sets forth the procedures for submitting a proposition to the voters - either board initiated or petition initiated - under the authority in *Iowa Code* §§ 278.1(g) and (h). As a preview to a more detailed discussion to follow, we have prepared the following chart which shows Proposed Changes and the Statutory Authority for such changes.

Proposed Change	Statutory Authority	
	Board Initiated	Petition Initiated
in number of directors	275.35, 278.1(g)*	275.36 or
in method of electing directors	275.35, 278.1(h)*	275.36 or 278.1(h)*
in establishing or abandoning director	275.35, 278.1(h)*	278.1(h)*
in changing the boundaries of director	275.35	

**The procedures to submit a proposition to the voters under this subsection are found in Iowa Code section 278.2.*

Note: If a school district includes a city with a population greater than 15,000, the school board must have seven members. Iowa Code § 275.25.

Change in Method of Election Initiated by the Board

Under *Iowa Code* § 275.35

Pursuant to *Iowa Code* § 275.35, a board has the power to change the method of electing school directors and the number of directors to either five or seven. The procedure requires the board to place the proposed new method of election before the electors at any regular or special school election. Should the resolution pass, the board then draws the new the boundaries of the director districts within 40 days of the election. Boards are also under the restriction in *Iowa Code* § 275.12(2) that boundaries of director districts cannot

be changed within 60 days of the annual school election. The proposed method must be one allowed under Iowa Code § 275.12(2). The proposal is adopted if approved by a majority of votes cast at the election. The methods specified under Iowa Code § 275.12 are:

- 1) Method A: Election of all directors at-large (voted on by all the voters in the school district)
- 2) Method B: District is divided into single-member or multimember districts, but all directors are elected at-large
- 3) Method C: Not more than half of the directors are at-large; others must be residents of single-member or multimember districts; all are elected at-large
- 4) Method D: The entire district is divided into single or multimember director districts, and directors are elected by voters of each district.
- 5) Method E: District has seven directors. Three directors are elected at-large (no more than two at each regular school election). Four directors are elected from single-member director districts voted on by the voters of each district.

Change in Method of Election Initiated by Petition

Under Iowa Code § 275.36

Iowa Code §275.36 provides that the electors of a school district can petition for a change in the number of directors or in the method of election of school directors. The petition must be signed by eligible electors of the school district. The required number of signatures is at least 30 percent of those who voted in the last annual school election, or 100 electors, whichever is greater. The petition can call for a change in the number of directors or in the method of election of school directors. Further, if the petition asks for a change in the method of election, it must be one authorized by Iowa Code §275.12(2). If all the foregoing requirements are met, the school board must submit the proposition to the voters at a school election. Should the resolution pass, the board then draws the new the boundaries of the director districts within 40 days of the election.

In summary, the school board is mandated by Iowa Code § 275.36 to place the electors' proposition before the voters only if the petition:

- contains the required number of signatures;
- is filed not earlier than six months or later than 60 days before a regular or special school election; calls for a change in number of directors or change in method of election of school directors;
- uses a method of election authorized by Iowa Code §275.12(2); and,
- Is accompanied by an affidavit as required in §275.13.
- If the board decides, after consultation with legal counsel, that a petition is invalid, it should adopt a resolution outlining its specific reasons for rejecting the petition. If the proposition is valid, but ultimately rejected by the voters, it cannot be resubmitted to the voters in substantially the same form within the next three years; if the voters approve the proposition, it cannot be changed for six years.

Under Iowa Code §§ 278.1(g) and (h) and 278.2

Electors can proceed under Iowa Code § 278.1(g) and petition for a change to either five or seven directors specifying which method of electing directors should be used. Under Iowa Code § 278.1(h) electors can petition for a change in the method of election. The number of signatures required for such a petition is the same as under Iowa Code § 275.36 or 30 percent of those who voted in the last regular school election, or 100, whichever is greater. The proposition will be submitted at the next regular school election. Iowa Code § 278.2.

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Please Note - This publication is designed to provide accurate and authoritative information about the subject matter covered. It is furnished with the understanding that IASB is not engaged in rendering legal or other professional service. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.