



## ***BILL SUMMARY***

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# **“Home Rule” HF 573**

Status of Bill: On House Floor  
Committee: Education (13-9)  
Lead Democrats: Representative Nielsen  
Floor Manager: Representative Forristall  
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### **Background “Dillions Rule”**

Iowa’s current education system operates under "Dillon’s Rule" which grants powers to school districts that are expressly allowed by statute. It tells school districts what they can do. Judge Forest Dillon, the chief justice of the Iowa Supreme Court expounded this famous rule, which was quickly adopted by state supreme courts around the nation.

Under "Home Rule," school districts would be allowed to adopt policies that they want to, unless expressly forbidden by statute. Under "Home Rule," districts would be told what they cannot do. County "Home Rule" was amended to the Iowa Constitution in 1978 under Article III, amendment 39. Doing this by changing the statute may not accomplish the intended action, since there would be conflicting statutes. House File 573 could be abdicating the general assembly’s constitutional authority to control and manage school funds or set school standards statewide. In fact, there is another bill introduced by House Republicans HJR 3, which is a "Home Rule" authority for school districts as an amendment to the state constitution.

### **Bill Summary**

HF 573 would create a new code section that would direct school boards to have home rule for certain programs. This code section would be in conflict with other code sections requiring school boards to perform certain duties or functions to facilitate the education of Iowa’s PreK-12 students. If the bill were to become law it would be more than likely it would be left up to the courts to decide how to interpret its implementation.

The bill requires school districts to "operate, control and supervise schools" within their boundaries, and allows them to "exercise any implied power, not inconsistent with the laws and the administrative rules related to the operation, control and supervision of those public schools." School Boards do not have power to levy any taxes unless expressly authorized by the general assembly.

Chapters that are included in the bill that would be "liberally construed to effectuate the purposes" of the bill, include the following:

**Chapter 257 - School Finances.** Among the items included in this chapter is the school aid formula and school property taxes, the instructional support levy, the enrichment levy, Area Education Agencies (AEA’s) payments including special education services, funding for at-risk, alternative school, and returning dropouts and dropout prevention programs, Talented and Gifted programs and categorical state appropriations. Categoricals include the Teacher Salary Supplement, Professional Development, Class Size Reduction, Early Intervention (under 256D) and Teacher Leadership Compensation (TLC).

**Chapter 257B - School Funds.** This chapter includes items such as the permanent fund (or general fund of school district), sale of lands, liability and exemption of county, loans, interest, land enchantments, school fund account settlement, and the Sheriff's deed to state.

**Chapter 274 – Powers and Jurisdictions of School Districts.** This includes all the general provisions of school districts. Under 274.2, it states, "The provisions of law relative to common schools shall apply alike to all districts." Also boundary changes of school boards under 274.37, that can be changed "by the concurrent action of the respective boards." In addition, this section deals with situations of "National Defense." This could be where the Federal Government would need land for a project which may be deemed desirable for the development of the national defense, and the school district is authorized to sell and convey such property at a price and upon terms as may be agreed upon.

**Chapter 275 - Reorganization of school districts.** This is the processes which schools follow for redistricting and the dissolution of a school district.

**Chapter 276 - Community Education.** The purpose of the Community Education Act to "mobilize community resources to solve identified community concerns and to promote a more efficient and expanded use of existing school buildings and equipment, to provide leadership in working with other entities, to mobilize the human and financial resources of a community, and to provide a wide range of opportunities for all socioeconomic, ethnic, and age groups." This includes requirements for the duties of district-wide advisory council, and the local advisory council.

**Chapter 277 - School Elections.** This is all matters and requirements for school board elections including vacancies.

**Chapter 278 - Powers of the Electors.** This chapter involves the rights of the people of the school district to effect change within the school district. This includes the ability to direct a change of textbooks regularly adopted, change the name of a school district, and the people's ability to effect change through petition including the requirements for that petition. Assuming if this bill would go into effect, it is not known what powers a local school district would have then to limit this chapter's powers to act as a check and balance of a school board.

**Chapter 279 - The Director's Powers and Duties of a School District.** This chapters outlines all the requirements of a Director of a school district.

**Chapter 280 - Uniform School Requirements.** These regulations of schools include English Language Learners (ELL) weighting, dental clinics, student eye care, school improvement advisory committee, requirements for interscholastic athletic contests which includes concussion protocols (which requirements are being considered in another bill), Epinephrine auto-injector (or Epi-Pens) supply, procedures for handling child abuse reports, procedures for handling dangerous weapons including suspensions and expulsions, plans for at-risk children, Career and Technical Education (CTE, which was just overhauled last year), corporal punishment, student health services, procedures for reporting drug or alcohol possession, and the prohibition of bullying and harassment.

**Chapter 282 - School Attendance and Tuition.** This includes suspension and expulsion, when tuition would be required, whole grade sharing opportunities, open enrollment, students in advanced courses, children living in psychiatric hospitals or institutions, children placed by district court, and any changes to the law that were effected in a bipartisan bill last session dealing with the abuse of children at Midwest Academy.

**Chapter 283 - Distribution of Federal Funds.** This includes the process for the state's authority to accept and administer federal funds including matching funds.

**Chapter 284 - Teacher Performance Compensation and Career Development.** Effected areas under these regulations include the recent Teacher Leadership and Compensation passed in the 2013 Ed Reform bill, career ladders and teacher professional development.

**Chapter 285 - State Aid for Transportation.** This includes all the requirements to bus a student to and from school and when it is required.

**Chapter 287 - Societies and Fraternities.** This law prevents any public school student from registering or joining, or soliciting other students to become a member of any fraternity.

**Chapter 290 - Appeal from Decisions of Boards of Directors.** This is the appeal process for students to appeal decisions of a school board.

**Chapter 291 - President, Secretary, and Treasurer of a School Board.** This outlines the duties and requirements of the officers of a school board.

**Chapter 292 - School Infrastructure.** This outlines the school infrastructure program to provide financial assistance in the form of grants to school districts. The money to this comes from the Secure an Advanced Vision for Education program (SAVE) under chapter 423F which is NOT included on the list.

**Chapter 294 – Teachers.** This chapter outlines the qualifications of a teacher and the ability to establish a pension program for teachers.

**Chapter 296 - Indebtedness of School Corporations.** Outlines the bonding procedures for schools, and their approval process through an election.

**Chapter 297 - School houses and School House Sites.** Regulations on school buildings and their locations.

**Chapter 298 - School taxes and bonds.** This includes the Physical Plant and Equipment Levy (PPEL), various other levies including library, special and cash reserve.

**Chapter 299 - Compulsory Education.** Included in this chapter is the truancy and age requirements for when a child is required to attend school, reports from accredited nonpublic schools, and education of children with disabilities.

**Chapter 299A - Private Instruction.** This chapter includes all the regulations (or lack there of) on home schoolers.

**Chapter 300 - Educational and Recreational Tax.** This includes the regulations on the ability for a school district to provide the necessary accommodations for the recreation places and playgrounds, in the public school buildings and grounds.

**Chapter 301 - Text Books.** This is the regulations around the adoption and purchase of textbooks by a school district.

## **CHAPTERS THAT MAY OR MAY NOT BE INCLUDED:**

The bill also includes "other statutes, relating to the Boards of Directors of a school district and to the school district." It is unclear if code sections not specifically mentioned in the bill dealing with education would fall under that general direction. Those code sections include the following:

**Chapter 139A – Requirements for child immunizations at public schools.** Requires the parent or guardian to assure that their child is properly immunized against diseases if they are to attend school.

**Chapter 256 - Department of Education.** This includes requirements and programs through the Department of Education including "Offer and Teach" - what is required of school districts to be taught in the classroom and the Iowa Core requirements.

**Chapter 256A - Child Development Assistance.** The Child Development Council's duties is under this section. One of their requirements is to establish minimum guidelines for comprehensive early child development services.

**Chapter 256B - Special Education.** This includes the requirements for providing quality special education in Iowa.

**Chapter 256C - Statewide Volunteer Preschool.** This includes all the regulations of Iowa's four year old preschool program included in the school aid formula.

**Chapter 256D Iowa Early Intervention Block Grant.** This includes funding for reading programs and class size reduction funded through categorical funding.

**Chapter 256F - Charter Schools and Innovation Zones.** State regulations on how a school board would form a charter school or innovation zone.

**Chapter 256G - Research and Development School.** This is the statute for the Research and Development School at the University of Northern Iowa.

**Chapter 256H - Interstate Compact of Military Children.** This is compact with other states to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.

**Chapter 256I - Early Childhood Iowa.** This is Iowa's program with regulations on local boards to implement programs to effecting young children.

**423F – SAVE program collection.** This is the collection of the 1 cent that goes into school's infrastructure program.