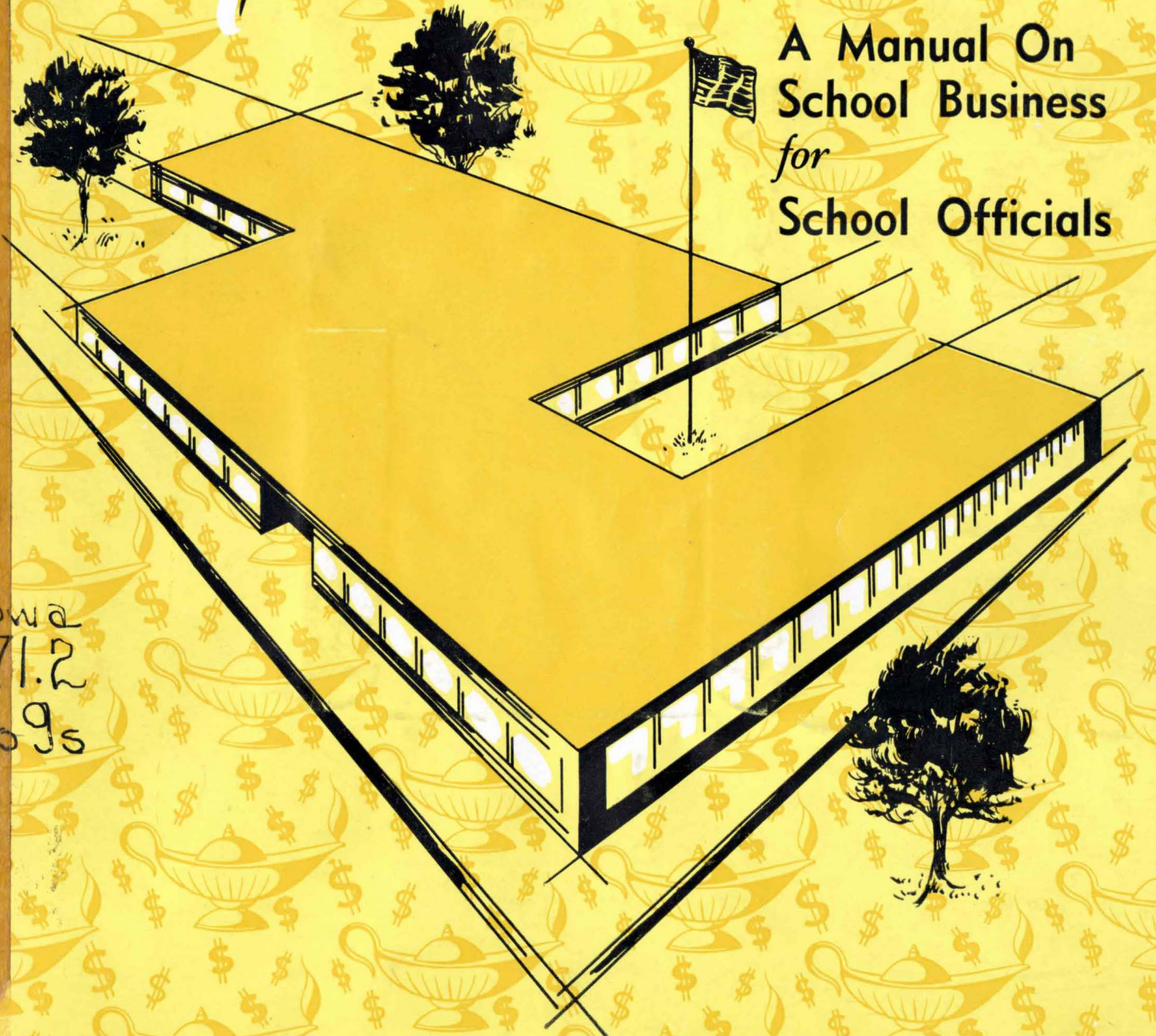


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# SCHOOL *Business*

A Manual On  
School Business  
*for*  
School Officials



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State of Iowa  
1958

# SCHOOL BUSINESS

A MANUAL  
for  
SCHOOL OFFICIALS

by  
A. B. Grimes  
Supervisor of Plant Facilities  
and  
I. N. Seibert  
Director, Administration and Finance

DEPARTMENT OF PUBLIC INSTRUCTION

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## **ACKNOWLEDGMENTS**

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## **LEGEND OF CITATIONS**

(Chapter 257) refers to an entire chapter of the 1958 Code of Iowa.

(298.1) refers to a section of the 1958 Code of Iowa.

"Fuchs v. City of Cedar Rapids, 158 Iowa, 392" refers to a court decision.

"1936 Report" refers to the Biennial Report of the Attorney General.

"Ltr. OAG" refers to a letter opinion from the office of the Attorney General.

## FOREWORD

The passing years have brought about an evolution of curriculum and instructional methods. These changes, in turn, have demanded new types of school facilities, new concepts of school district adequacy, new techniques of school administration, and more efficient practices of financing and budgeting.

Schools exist to educate children. The entire area of school administration and business management is, therefore, a means to an end rather than an end in itself. It is easy, however, for today's school official to become burdened by a minutiae of administrative details which sometimes seem to interfere with, rather than promote, a sound educational program. The modern educational system needs more than a teacher, a boy, and a log, but the "bonds, buildings, budgets, and buses" should always support the best possible classroom activities.

The purpose of this manual is to expedite the work of the busy school official by pointing up facts, laws, rules, regulations, and practices which may save some time and effort in the detailed aspects of school administration and management.

The information relating to the subjects covered herein will be changing as times and conditions change. New laws will be passed. Better practices will be discovered. This Department will endeavor to keep the school officials of Iowa informed of these changes by a revision of this manual from time to time.

J. C. WRIGHT  
State Superintendent of Public Instruction

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## Chapter I

### LOCAL SCHOOL OFFICIALS

The purpose of this chapter is to deal briefly with the election, appointment, and major duties of those people who are ordinarily considered to be local "school officials" in the sense that they are concerned with the administration and business management of the school district. These include the school board members, the superintendent, the secretary, and the treasurer.

#### The School Board

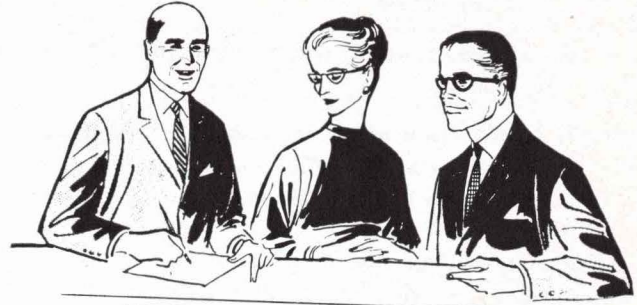
Historically, local school boards have evolved from school committees set up by the New England town meetings after school problems became too complex to be handled by the town meeting itself. Since that time state constitutions, legislative acts and court decisions have consistently defined education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

Thus the school board is both a local agency and a state agency. The members are elected by the citizens of the local school district. The board which they comprise has extensive local authority subject only to certain broad state educational policies established by the legislature in the common interest of all the people of the state. Examples of such state-established policies or standards are teacher certification regulations, length of school year, school district boundaries and compulsory attendance age.

The duties and functions of an Iowa school board are far too extensive and varied to be enumerated here. They may range from the approval of plans for a five million dollar school building to policy decisions regarding kindergarten report cards. The most important concept of a good school 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.

There are many excellent references on school board functions, ethics, policies and relationships. (See bibliography at the end of this chapter.)

In the typical Iowa high school district the school board is composed of either five or seven members. In a district including all or part of a city of fifteen thousand or more population the board has seven members; in other districts the board has five members. (277.23)



In high school districts the term of office is three years, except that in those districts embracing a city of one hundred twenty-five thousand or more the term is six years. (277.24)

Except for rural township school districts, board members have typically been elected "at large" in Iowa school districts. There is now a provision in the law, however, which provides some choice in newly-formed districts as to election "at large" or by one of three other methods involving "director districts." There is also a further provision that any existing district or hereafter created or enlarged district may change its method of election by petition and a vote of the electorate. (275.35)

At the time of his election to the board, a school board member must be a qualified voter of the school district. (277.27) To qualify, the newly-elected board member must take the oath of office, on or before the third Monday in March, in substantially the form as prescribed in section 277.28 of the Code of Iowa. The oath may be administered by any qualified board member, the secretary of the board, or the county superintendent of schools.

At the organization meeting on the third Monday in March each year, the board elects a president from its membership, and he is entitled to vote as a member of the board. (279.1)

#### Vacancies

A vacancy is created on a school board by any one of the following circumstances:

1. Failure to elect at the election or to appoint within the time fixed by law.
2. Failure of the officer elected or appointed to qualify within the time prescribed by law.
3. The incumbent ceasing to be a resident of the district.

4. Resignation or death of the incumbent or of the officer-elect.
5. Removal of incumbent from, or forfeiture of, his office.
6. Decision of a court declaring the office vacant.
7. Conviction of an incumbent of an infamous crime or of any public offense involving the violation of his oath of office. (277.29)

Vacancies occurring on the board are filled by appointment by the board. A person so appointed holds office until the third Monday in March following the next regular election and until his successor is elected and qualified. (279.6) If a vacancy occurs among the school board members, and the remaining board members have not filled the vacancy within ten days, the secretary is required to call a special election. If the secretary fails for more than three days to call the election, the county superintendent is required to call it. This same procedure is followed when the board is reduced below a quorum for any cause. Any person so elected must qualify within ten days after his election. (279.7)

When a vacancy is filled at a regular school election, the election is for the number of years required to complete the term of office. (277.30)

### Compensation

A board member may not receive a salary or other compensation for his services and he may not act as agent for any school textbooks or school supplies during his term of office. (279.29, 301.28) 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.

### The Superintendent of Schools

Iowa law provides that the school board of a typical high school district may employ a superintendent of schools for one year. After serving at least seven months he may be re-employed for a term of not to exceed three years, but such re-employment shall not be prior to the organization of the board of the year during which an existing contract expires. (279.14) (The organization meeting of the board is on the third Monday of March each year.)

In addition to the authority to employ a superintendent of schools as cited above, the Iowa Code

makes the following references to that particular position:

1. The superintendent shall be the executive officer of the board and shall have such powers and duties as prescribed by rules of the board or by law. (279.14)

2. He shall use those forms and procedures prescribed by the state superintendent of public instruction in making required reports. (This also applies to all other school officials.) (257.18, subsection 11)

3. He shall issue work permits for children employed while between the ages of fourteen and sixteen and shall cooperate in the enforcement of the child labor laws. (Work permit blanks may be obtained from the department of public instruction.) (92.6, 92.16)

4. If an evening school is maintained as a branch of a city or town school system, it shall be under the supervision of the superintendent. (288.3)

5. A school district may become indebted for the purpose of purchasing or building and furnishing a superintendent's home. (296.1, 275.32)

6. It is unlawful for any school district to rebate tuition or grant any special privileges to certain pupils and any superintendent responsible for such unlawful act is personally liable to a fine of not to exceed one hundred dollars. (282.20)

7. The superintendent is entitled to receive copies of the school law book and pamphlets indicating the changes made by each session of the General Assembly. (257.18, subsection 22, 257.18, subsection 23)

8. Before purchasing textbooks and supplies, the school board may consult with the superintendent. (301.8)

No one can deny that the superintendency of a local school district is a responsible professional position. It is obvious from the limited recognition in the law, however, that the responsibility of the position has developed in spite of, rather than because of, its treatment in the Code of Iowa.

The evolution of public school administration in Iowa has apparently been founded primarily on the legal basis of that one section of the Code which provides that 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. . ." (279.14)

## The School District Secretary

At its meeting on the first secular day of July each year the school board appoints a secretary for a term of one year. The secretary may not be a member of the school board and he may not be a teacher or other employee of the board. He must qualify by taking the oath of office (see section 277.28) and posting bond within ten days. (279.3) The bond may be either individual or commercial, and in such amount as the board may require, but in no case less than five hundred dollars. (291.2) The cost of a commercial bond may be paid from the General Fund.

The secretary must be a qualified voter of the district at the time of his appointment, and removal from the district creates a vacancy in the office. (277.27, 277.29)

The salary of the secretary is fixed by the school board which appoints him. (279.29)

The major duties of the secretary are as follows:

1. File and retain copies of all reports to the county superintendent, and all papers transmitted to him which pertain to the business of the school district. (291.6, subsection 1)

2. Keep complete minutes of all school board meetings and keep records on all regular and special school elections. (291.6, subsection 2)

3. Keep an accurate, separate account of each school fund with the treasurer, charge him with all warrants and drafts drawn in his favor, and credit him with all orders drawn on each fund. (291.6, subsection 3)

4. Keep an accurate account of all bills and present them to the board for audit and approval for payment. (291.6, subsection 4)

5. Keep the pollbook at all school elections, record the name of each person voting, the number of votes cast for each candidate, and for and against each proposition. (291.6, subsection 5)

6. Make and file with the board monthly financial statements, showing receipts, disbursements, and the remaining balance in each fund. (291.7)

7. Countersign all warrants and drafts upon the county treasurer drawn or signed by the president. Draw warrants for claims allowed by the board, countersign, and keep a record of them, showing fund upon which the warrant is drawn, the date, name of payee, purpose, and the amount. (291.8) (Department of Public Instruction, Bulletin No. 15,

“Uniform Financial Accounting for Iowa School Districts.”)

8. Take the school census between June first and July first of each even-numbered year. (291.9)

9. File required reports with the county superintendent. (291.10)

10. Report to the county superintendent, county auditor, and county treasurer the name of the president, the secretary, and the treasurer of the school board as soon as practicable after each such officer has qualified. (291.11)

11. Request reports from private schools regarding the attendance of pupils between the ages of seven and sixteen. (299.3)

12. Request reports regarding private instruction of pupils between the ages of seven and sixteen. (299.4)

13. Have custody of all records pertaining to compulsory school attendance. (299.7)

14. Receive reports and notify the president of the board regarding any violation of the truancy law. (299.15)

15. Prepare and publish the annual and quarterly financial statements for the district. (279.32-279.34)

16. Mail itemized tuition statements on or before February 15 and June 15 of each year. (282.20)

## The School District Treasurer

In districts composed in whole or in part of cities and towns the treasurer is elected for a two-year term at the regular school election and his term begins on the first secular day of the following July. (277.26) In all other school districts the treasurer is appointed for a one-year term at the board meeting on the first secular day of July. (279.3)

He must be a qualified voter of the district at the time of his election or appointment and removal from the district creates a vacancy in the office. (277.27)

The treasurer serves without pay, except that in rural districts and in consolidated districts containing a town having a population of less than one thousand, the board may pay him a “reasonable compensation.” (277.26, 279.29)

He must qualify by taking the oath of office and filing bond, which may be either individual or commercial. The amount of the bond is set by the school board but it may not be less than five hundred dollars. (279.3, 291.2, 291.4)

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

1. Receive all moneys belonging to the school district. (291.12)
2. Pay warrants signed by the president and countersigned by the secretary of the school board. (291.12)
3. Keep an accurate record of all receipts and expenditures of school funds. (291.12)
4. Register all orders drawn and reported to him by the secretary, showing the number, date, to whom drawn, fund upon which it is drawn, the purpose and amount. (291.12)
5. Keep an accurate separate account of the General Fund, the Schoolhouse Fund, and the Special Courses Fund. (291.13, 286A.7)
6. Render a financial statement whenever required by the board and keep books open for inspection at all times. (291.14)
7. Make an annual report to the board at its regular July meeting and file a copy with the county superintendent. (291.15)
8. Deposit school funds in the bank designated by the board as the official depository and file with the county treasurer and the treasurer of state a list of such depositories with any changes authorized by the board. (453.1, 453.3, 454.6)
9. Stamp warrants "not paid for want of funds," keep a record of warrants so issued, and call for payment when funds are available. (Chapter 74)
10. Redeem bonds when funds on hand are sufficient. (298.23)
11. Keep a record of bond buyers. (298.24)
12. Furnish to the board a sworn statement from each depository bank, showing balance as of June 30. (279.30)
13. Receive and have custody of forfeitures imposed on school officers. (277.32)
14. Receive apportionment of school funds and monthly payment of taxes from the county treasurer. (298.11, 298.13)
15. Receive and disburse playground fund. (300.4)
16. Report violations of the truancy law. (299.15)

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## Chapter II

### SCHOOL ELECTIONS



School elections are held for the purpose of permitting qualified voters of the district or subdistrict to vote on the election of board members and on other matters as legally submitted to them. Unless otherwise specifically provided by statute, school elections should be conducted in the same manner as general elections.

#### Time and Types of Elections

##### Regular Elections

Regular elections shall be held annually on the second Monday of March except in independent districts embracing a city and having a **district population** of one hundred twenty-five thousand or more, in which case the election shall be held biennially on the second Monday in March of odd-numbered years. (277.1)

##### Special Elections

Special elections are limited to matters enumerated or implied in the statutes. These include: (1) the sale of school property and the use of the proceeds, (2) the authorization of a schoolhouse tax or indebtedness for the purchase of a site and the construction of a schoolhouse, (3) obtaining roads to a

site and a school building. Special elections may be called by a board of directors at any time. (277.2)

A community school district cannot legally call an election authorizing bonded indebtedness until after the first regular school election. Ltr. OAG, August 22, 1955.

#### Methods of Voting

The method of voting in all school elections shall be by ballot or by voting machines. (277.13)

Rural independent districts and rural subdistricts are not required to have nominations or printed ballots.

The school board shall provide each voting precinct with a ballot box or voting machine and poll-books. (277.14)

Voting machines may be used where they were used in the general election and shall be provided free by the state or county. The use of such machines shall be, as far as possible, the same as in general elections. The arrangement of names and propositions shall be as defined by the law. (277.15)

#### Judges of Election

##### One Voting Precinct

In districts of one voting precinct the judges of election shall consist of the president, the secretary of the board and one of the directors. If any judge is absent or refuses to serve, the voters at the polls shall appoint one of their members. (277.10)

##### Two or More Voting Precincts

The board appoints three voters of the precinct as judges of election and one voter as clerk. A voter can act as judge of but one voting precinct. If a judge fails to act or is absent, the attending judges shall select a voter present to fill the vacancy. If all the judges fail to be present or qualify their vacancies shall be filled by the voters in attendance. (277.10)

##### Subdistrict Elections

The subdirector and two qualified voters present at the polling place shall constitute the judges of election. If any of these are absent or refuse to act, the voters present shall select qualified judges to take their places. (277.10)

##### Oath of Judges

All judges and clerks of election must take the following oath before the polls are open: "I .....

..... do solemnly swear that I will impartially, and to the best of my knowledge and ability, perform the duties of judge (or clerk) of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same.” (49.75) Any clerk or judge present may administer the oath to the others, and it shall be entered in the pollbooks subscribed by the person taking it, and certified by the officer administering it. (49.76)

### Notice of Election

Notice of all regular or special elections must comply with these laws:

1. Notice must be given not less than ten days next preceding the day of the election, except as otherwise provided.
2. Notice shall contain the date, polling place, the hours which the polls will be open, the number of directors to be elected and the terms to serve.
3. Notice must state the proposition to be submitted and voted upon by the voters. (277.3)

### Posting of Election Notices

Notice of election shall be posted by the secretary of the board in five public places in districts where registration is not required and where there is only one voting precinct. (277.3)

In districts where registration is required and where there are two or more voting precincts, the secretary shall post the notice of election in each precinct, and shall also have the notice published each week for two consecutive weeks preceding the election in some newspaper published in the county and of general circulation in the district. (277.3)

In subdistricts the subdirectors shall post the notice of election on the front of the school building and in two other public places within the school district.

If there is no subdirector in the district, and the notice is not posted ten days previous to the election, then any voter in the district may get the required form from the county superintendent, fill it out properly, sign it along with the signature of the county superintendent and post it in the three required places, not less than five days next preceding the day of the election (277.3)

● In the event of failure to post the proper notices by the proper parties in a subdistrict, the county superintendent of schools should post the notices, signing the names of the secretary and the board by

himself as county superintendent of schools. Ltr. OAG, Feb. 23, 1926.

● If an election is held and the polls remain open for the time prescribed in the statute, the election will not be void, even though the notice prescribes that the polls shall be open for a shorter period of time than prescribed in the statute, and any bonds issued under the authorization voted by the electors of the school district will be voted and binding. Ltr. OAG, April 12, 1927.

● If the election notice were posted and it prescribed the closing of the polls an hour or more before the time set out in the code, the election would not be void unless it could be shown that some injustice and prejudice had resulted which would change the result of the election. Ltr. OAG, March 23, 1927.

### Nomination Papers

1. Nomination papers are required for all candidates for election in each independent city, town or consolidated school district.
2. Papers must be filed with the secretary of the school board not earlier than thirty days nor later than noon on the tenth day prior to election. The code reads, “. . . not earlier than thirty days nor later than noon of the tenth day prior to said election.” Suppose the regular school election is March 14th. The tenth day prior would be March 4th, and noon of that day is the last day and hour for filing nomination papers. Ltr. OAG, March 1, 1952.
3. Candidates must be nominated by a petition signed by at least ten qualified voters of the district, except in city independent districts where elections are held biennially, the petition must bear the names of at least fifty qualified voters of the district.
4. Each petition must include an affidavit of a qualified elector of the district, stating that all signers of the petition are qualified and their signatures are their own. (277.4)

### Voting Precincts

1. In subdistrict elections the subdistrict is considered a single voting precinct. (277.5)
2. School districts other than city, town, or village independent districts shall constitute a voting precinct. (277.5)



3. In districts where part or all of the district lies within a city, town, or village, the voting precincts shall be the same as for the last general state election; however, the board may consolidate two or more precincts into one for voting purposes unless the voters in such proposed consolidated precincts file with the secretary of the board a petition signed by twenty-five or more electors of a precinct requesting their precinct not to be consolidated with any other precinct. This petition must be filed twenty days before the election, and contain an affidavit of a qualified elector stating that the signers are electors of the district, and the signatures are genuine. (277.5)
4. If a school district includes a city, or town along with some territory not within the city or town limits, the board may divide the outside territory into additional precincts, or may attach the outside territory to contiguous city precincts, whichever will best serve the convenience of the outside electors. No registration is required by the voters in this outside territory. (277.6)

#### **Place to Vote**

In subdistricts the subdirector shall select the polling place. If there is no subdirector or he fails to act then the person authorized under 277.3 shall select the polling place.

In all other school districts the school board shall select a suitable polling place in each district, and this should be the same as the place used by the last city or state election, if practicable. (277.7)

#### **Printed Ballots**

Printed ballots are not required in rural school elections.

In school districts where nomination of candidates for election to office is required, ballots must be printed, and the names of all candidates for each office must be listed alphabetically, with a blank line for each officer to be elected. (This may be used for write-in candidates.) The ballot must include a square at the left of each name and blank line, and directions as to the number of candidates to be voted. (277.8)

#### **Open Polls**

1. In districts where registration of voters is required the polls shall be open from seven o'clock a.m. to seven o'clock p.m.

2. In districts where the board has combined voting precincts, the board may order the polls to be open from seven o'clock a.m. to seven o'clock p.m.
3. In districts where registration is not required, composed in whole or in part of cities or towns, and in consolidated school districts the polls shall be open from twelve o'clock noon to seven o'clock p.m.
4. In all other independent school districts and school townships the polls shall be opened at one o'clock p.m. and remain open not less than two hours.
5. In rural districts the polls shall open not earlier than nine o'clock a.m. nor later than seven o'clock p.m. and shall remain open not less than two hours. (277.9)

All persons entitled to vote who are within the polling place at the time said polls are closed shall be permitted to vote. (49.74)

#### **Who May Vote**

The following people have the right to vote in a school election:

1. Naturalized or native born citizens of the United States, twenty-one years of age or over, who have resided in Iowa six months, and the county of their residence sixty days, and in the school district ten days preceding election. (277.12)
2. "Adult unmarried school teachers become residents of the county in which they teach, within the meaning of the constitutional provision governing suffrage, when the employment is entered upon with the good faith-intention of making the place of employment their permanent home or residence so long as the employment continues." *Dodd v. Lorenz*, 210-513.

If an elector had resided in a school district several years and moved into another county the day before election he would be ineligible to vote in either school district. (In order to vote in a new county he must have been a resident sixty days.) Even though the school district into which he moved was the same one he left, he is not entitled to vote. *Ltr. OAG*, April 26, 1927.

Any person residing in the district, who intends that this shall be his voting residence, shall be entitled to vote. No one can judge what this intention is but it is to be drawn by the acts of the party. The general rule is that a person who is present in the

community and who has or expresses no intention to remove therefrom is entitled to vote. Ltr. OAG, April 1, 1929.

### **Marking Ballot**

Section 49.83 requires that when a voter appears at the polls in person to cast his ballot, the clerk of election shall write his name in the pollbook.

When a voter presents himself at the polls and his name is entered in the pollbook, one of the judges shall hand him an initialed ballot. No ballot shall be deposited in the ballot box unless it has a judge's endorsement. (49.82)

The voter should retire to the booth, secretly mark his ballot, fold it to conceal his vote, and hand it to the judge of the election. (49.84)

The judge inserts it in the ballot box without unfolding it. (49.85)

### **Absentee Ballots**

The voter must be present in person to vote at a school election in a subdistrict, a school township, or in a rural or village district. The absent voter's law applies only to school elections in city, town, and consolidated districts. (53.1)

(For details on the absent voter's law see Chapter 53, Iowa Code.)

### **Challenging Votes**

Voters at school elections may be challenged as unqualified by any judge or elector. It is the duty of judges to challenge any person wanting to vote if they think or know the voter is not duly qualified. No judge shall receive a ballot from a challenged voter until such voter shall have established his right to vote. (49.79)

"When any person is challenged, the judges shall explain to him the qualifications of an elector, and may examine him under oath touching his qualifications as a voter." (49.80)

"If the person challenged be duly registered, or if such person is offering to vote in a precinct where registration is not required, and insists that he is qualified, and the challenge be not withdrawn, one of the judges shall tender to him the following oath:

'You do solemnly swear that you are a citizen of the United States, that you are a resident in good faith of this precinct, that you are twenty-one years of age as you verily believe, that you have been a resident of this county sixty days, and of this

state six months next preceding this election, and that you have not voted at this election.'

"If said person takes such an oath, his vote shall be received." (49.81)

● Any elector has a right to raise the question as to the right of another to vote, in which event, it is clearly the duty of the board to determine the question. Ltr. OAG, January 17, 1924.

● Any group of voters interested in the election might have a representative present at the polls, either for the purpose of making a list of those who vote or checking voters from a list already prepared. The same person could act as a challenger. Ltr. OAG, February 4, 1924.

### **Assistance in Voting**

If a voter cannot read English or is physically disabled so that he is unable to mark his ballot, upon request, he may be assisted by two officers who were selected by the judges at or before the opening of the polls. This assistance shall be entered in the pollbook. (49.80, 49.90, 49.91)

### **Voting Mark**

Many voters spoil their ballots because they fail to mark a cross in the circle at the head of a ticket, or in the squares opposite the names of candidates. (49.92)

### **Spoiled Ballots**

If a voter has spoiled his ballot he may return it to the judges, and receive another, but no voter shall receive more than three ballots. Only legal ballots properly marked shall be counted. (49.100)

Spoiled ballots are not votes and should not be included in the total number of votes cast. Ltr. OAG, June 11, 1941. Such ballots cannot be counted in determining whether or not a bond election has carried by sixty per cent of the votes cast.

### **Voting Regulations**

1. If a voter receives a ballot but decides not to vote, he must give his ballot to election officers and his action shall be entered on the pollbook. If he fails to surrender his ballot he is subject to immediate arrest. (49.86)
2. No voter shall vote or offer to vote any ballot except such as he receives from the judges of election.  
No voter shall remove a ballot from the polling place before the polls close. (49.87)

3. No voter may occupy a voting booth occupied by another.
4. A voter shall not remain in the polling space more than ten minutes or in the voting booth more than five minutes.
5. No voter shall again enter the inclosed space after having voted.
6. Except by the authority of the election officials, not more than two voters in excess of the whole number of voting booths shall be allowed at any one time in the inclosed space. (49.88)
7. If more than one public measure is to be voted upon, they shall be printed upon the same ballot, one below the other, with one inch space between the two measures. (49.48)
8. Public measure propositions shall be printed upon yellow colored paper, and on the back of this ballot shall be words printed to denote that the ballot relates to some public measure. This is to distinguish it from the official ballot for candidates.
9. When a public measure is to be presented, it shall be printed in full upon a separate ballot preceded by these words, "Shall the following amendment to the constitution (or public measure) be adopted?" Yes   
No  (Here the public measure should be inserted in full) (49.43, 49.44, 49.45)

#### **Acts Not Allowed on Election Day**

Under penalty certain acts are prohibited in or near a polling place on election day. Such acts include:

1. Loitering, congregating, electioneering, treating voters, or soliciting votes within one hundred feet of any outside door of the polling place.
2. Interrupting, hindering, or opposing any voter in or approaching the polling place for the purpose of voting.
3. A voter allowing any person to see how his ballot is marked.
4. A false statement by a voter as to his ability to mark his ballot.
5. Interfering with a voter marking his ballot or inside the inclosed space.
6. Trying to induce a voter to show how he marks, or has marked his ballot.

7. Marking any ballot for the purpose of identifying such ballot. (49.107)

#### **Canvass of Voters**

The judges of election must, **before adjournment:**

1. Count the votes.
2. Ascertain the result of the vote.
3. Check the number of votes cast with the number of names on the pollbook and correct all errors.
4. Cause each clerk to keep a tally of the count. (50.1)

#### **Defective Ballots**

Defective ballots shall be indorsed "Defective" on the back of each ballot. Two or more marked ballots folded together and cast as one ballot shall be indorsed "Rejected as double" by the judges and shall not be counted. (50.3)

#### **Tie Vote**

In the case of tie votes, election shall be determined by lot as described in section 50.44, Code of Iowa. (277.21)

#### **Certificate of Election**

The results of the election shall be declared and a certificate of election issued to the person or persons elected to the office. The secretary in all school corporations makes a permanent record of the vote on each office and on each proposition submitted to the electors. (277.19)

In school corporations of more than one precinct, and in school townships having an even number of subdistricts, the board shall, on the next Monday after election, canvass the returns made to the secretary, ascertain the results of the election, cause a record to be made, and at once issue a certificate to each person elected. (277.20)

All qualifications being met, a person elected to a school board is entitled to a certificate of election, even though he or his company has been, or is doing business with the school. However, after he is qualified, he or his company may not under the law enter into a contract with said school district, and this statute should be fully observed by the board. Ltr. OAG, March 19, 1927.

Where officers fail to qualify the county superintendent may consider the office vacant and call an election. Ltr. OAG, April 8, 1929.

### **Director-at-Large**

A director-at-large must be elected in school townships that are divided into an even number of sub-districts. (277.19, 277.20)

### **Registration**

#### **Precincts**

In districts where registration is required, except where permanent registration is provided by statute, the board may consolidate registration precincts as provided by law for general election registration. (277.16)

#### **Registrars**

Where registration is required of school corporations the board of directors shall:

1. Appoint two registrars (not less than ten days before the election) in each registration district. These registrars shall have the same qualifications, and get the same pay as for general elections. They shall be paid by the school corporation.

2. Registration books, records and pollbooks shall be obtained from the same person who has custody of such for general elections, and he shall distribute them to the several precincts the same as he does for general elections. These must be returned to him within ten days after the school election. (277.17)

#### **Registration Days**

The registrars meet and remain in session only during the time the polls are open. All laws pertaining to registration in general elections shall prevail except that the president and secretary of the school board shall perform the duties of the mayor and city clerk. (277.18)

A qualified voter is one who is qualified to vote pursuant to the statutes of Iowa, and whether he has registered or not is immaterial. Ltr. OAG, February 20, 1934. Of course, this does not mean that an elector may vote before he registers. Registration is simply a prescribed regulation for a qualified voter to follow in order to vote.

### **Contested Elections**

School elections may be contested under the same laws that relate to contesting of county officials. (277.22, 57.6, Chapter 57.)

#### **Who May Contest**

Contest proceedings can be instituted only by a person who is eligible for that office and who was a candidate for that office. (57.1)

If an eligible person wishes to contest an election he must:

File with the county auditor within twenty days after the day when the incumbent was declared elected, a written statement of his intentions to contest the election. The statement must also set forth:

1. The name of the contestant.
2. That the contestant is qualified to hold the office.
3. The name of the incumbent.
4. The office contested.
5. The time of the election.
6. The particular causes of the contest.

This statement must be verified by the affidavit of the contestant or some elector of the county. (62.5)

The contestant must file with the county auditor a bond with surety, to be approved by said auditor and conditioned to pay all costs in case the election be confirmed, or the statement dismissed, or the prosecution fail. (62.6)

#### **Contest Court**

The chairman of the county board of supervisors and one member selected by the contestant and one by the incumbent shall constitute the contest court. (62.1)

The contest court has the power to require any person called as a witness, who voted at such election, to answer questions as to his qualifications as a voter. If he was not qualified to vote in the district, he must state where he voted and for whom he voted at the election being contested. (62.17)

#### **Rejected Votes**

An election will not be set aside unless the rejected votes are sufficient in number to change the result of election. (57.4)

#### **Right to Appeal**

The losing party in the contest court may within twenty days thereafter appeal to the district court by filing bond to cover the costs of appeal. (62.20)

#### **Costs of Contest**

The three judges of the contest court are entitled to receive four dollars per day for the time occupied by the trial. (62.23)

The fees of officers and witnesses shall be the same as in the district court so far as the nature of the case admits. (62.22)

The person who loses the contest is obligated to pay the costs of the contest. (62.24)

### **Grounds of Contest**

The grounds for contesting school elections are the same as for the election of county officials. They are as follows:

1. Misconduct, fraud, or corruption on the part of judges of election, or board of canvassers or any member of either board, sufficient to change the result of election.
2. Ineligibility of incumbent to the office at the time of election.
3. The incumbent has been duly convicted of an infamous crime before the election and the judgment has not been changed at the time of election.
4. The incumbent has given or offered bribes for the purpose of winning his election.
5. Legal votes were rejected at the polls, or illegal votes were cast sufficient to change the result of election.
6. Errors in counting votes, or in declaring the election results if the errors would affect the result.
7. Any other cause which shows that another person was the person duly elected. (57.1)

### **Propositions to be Voted by Electors**

Chapter 278 of the Iowa Code enumerates the powers of electors at regular school elections. (278.1)

1. Direct a change of textbooks regularly adopted.
2. Direct the sale, lease or other disposition of school property except as determined by Section 297.22.

3. Decide what additional subjects shall be taught.

4. Determine whether or not school buildings may be used for meetings of public interest.

5. Direct the transfer of any surplus in the Schoolhouse Fund to the General Fund.

6. Authorize the board to obtain roads for proper access to its school buildings.

7. Vote a schoolhouse tax, not exceeding 2½ mills, for buildings and sites, procuring libraries and opening roads to schoolhouses.

8. Authorize the establishment and maintenance of schools ranking higher than the approved four-year high school course. (280.18)

Electors may vote at a special election to sell school property, or to levy a tax to purchase a site or construct a school building or obtain roads thereto. (277.2)

(See chapter on School Buildings and School Sites for information on bond elections.)

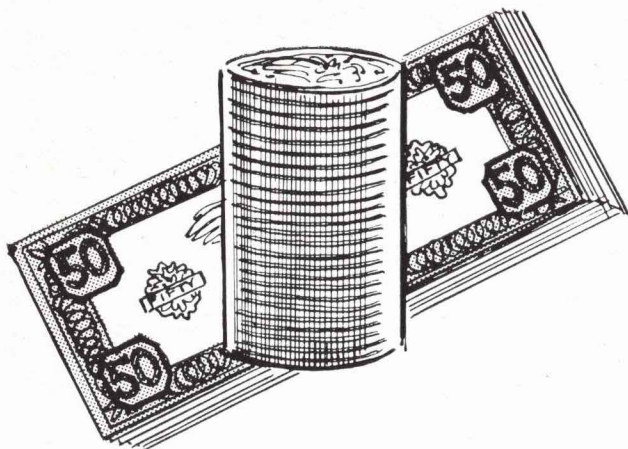
### **Election of Board Members in Newly Reorganized School Districts**

The election of the first school board in a reorganized district is called by the county superintendent. In conformity with the reorganization petition and the approval of the county board of education, these members may be elected by one of four different methods—either “at large” or by one of three other methods involving “director districts.”

There is also a further provision whereby any existing district or hereafter created or enlarged district may change its method of election by petition and a vote of the electorate. (275.35)

## Chapter III

### SCHOOL FUNDS



The funding system for Iowa public school districts provides for three separate funds: Schoolhouse Fund, Special Courses Fund, and General Fund. All receipts and expenditures of public moneys should be accounted for under these three funds.

#### Schoolhouse Fund

##### Receipts

School district receipts from the following sources should be deposited in the Schoolhouse Fund:

1. Proceeds of a schoolhouse tax authorized by the electors. (278.1, subsection 7, 291.13)
2. Proceeds of the sale of bonds authorized by law. (291.13)
3. Proceeds of a tax levied to pay principal and interest on bonded indebtedness. (291.13, 298.18)
4. Proceeds of a tax levied for the purchase of sites. (Authority to certify such a levy, not exceeding one mill, rests with the board of directors only in independent districts where the territory of the district is composed wholly or in part of territory occupied by a city. A "city" is defined by law as any municipal corporation which has a population of two thousand or more.) (297.5, 363.4)
5. Proceeds of a tax levied for the establishment and maintenance of playgrounds. (This tax, not to exceed one-half mill, may be levied by the board of directors of any district containing a city, upon authorization of the voters.) (300.2)

6. Proceeds from the sale of a schoolhouse or site, unless the voters have directed that such proceeds shall revert to the General Fund. (278.1, subsection 2)
7. Proceeds from the sale of other property, providing the voters have directed that such proceeds shall revert to the Schoolhouse Fund. (278.1, subsection 2)
8. Proceeds of insurance on buildings. Ltr. OAG, Feb. 26, 1924.
9. Sales tax refund on construction.
10. Transfers from the General Fund. (279.31)

##### Expenditures

Expenditures from the Schoolhouse Fund include the following:

1. Payments to contractors and architects for construction. (If a bond issue for new construction carries, the architect's fees should be paid from the Schoolhouse Fund. If the bond issue does not carry, any architect's fees already incurred should be paid from the General Fund.) Ltr. OAG, Oct. 14, 1954.
2. Purchase of sites. (296.1)
3. Improvement of sites. (296.1)

#### Special Courses Fund

Legislation creating the Special Courses Fund was enacted in 1947 for the purpose of preventing any state aid money from being used to pay for costs of instruction and supervision in the teaching of any courses other than those included in the "basic curriculum."

The law provides that the "basic curriculum" shall include only the following courses:

1. **Elementary**  
Kindergarten courses, reading, writing, arithmetic, spelling, grammar (including written and oral language and speech), geography, United States history, history of Iowa, elementary principles of American government, music, health and sanitation, physiology and hygiene (including the teaching of the effects of alcohol, narcotics and poisons upon the human system), physical education, elementary sciences, art, and other courses expressly authorized by law.

## 2. Junior and Senior High School

Principles of American government, constitutions of the United States and Iowa, history, economics, sociology, physical education, music, industrial arts, English, mathematics, science, language, business education, home economics, agriculture, vocational education, and other courses expressly authorized by law.

3. Any additional subjects which may be required to be taught by law. (286A.7)

### Receipts

Receipts for the Special Courses Fund are strictly limited to the proceeds of a tax levy for this purpose, as certified by the board of directors under regular budgetary procedure. Funds cannot be transferred from the General Fund to the Special Courses Fund.

It is the obligation of each board of directors to evaluate its entire school program in relation to the basic curriculum as defined by law. If instructional services are offered in any areas outside the basic curriculum, the board should certify a Special Courses Fund levy in an amount necessary to pay the cost of instruction and supervision in such areas.

It is doubtful that any typical Iowa high school district would not have some areas of instruction which would be classified as outside the "basic curriculum." Although this will vary among the individual school districts of the state, the most common areas of instructional services which should be financed through the Special Courses Fund are interscholastic athletics, music contest activities, high school art courses, and driver education courses.

### Expenditures

Expenditures from the Special Courses Fund are limited to salaries of teachers and supervisors of subjects which are not included in the basic curriculum. In order to avoid duplicate bookkeeping, it is recommended that all salaries be paid from the General Fund throughout the year and that a "reimbursement transfer" should be made later from the Special Courses Fund in the amount of total salaries that should be charged to the Special Courses Fund.

### General Fund

The General Fund is intended to take care of all moneys received for any purpose other than those listed above under Schoolhouse Fund and Special Courses Fund.

### Receipts

General Fund receipts are further divided for accounting purposes into:

1. Revenue receipts—those coming either directly or indirectly from taxation and which neither increase indebtedness nor deplete school property, and
2. Nonrevenue receipts—those which increase indebtedness of the district or deplete the assets in some form.

Following is an outline of the major sources of receipts for the General Fund:

## I. Revenue Receipts

### A. Local Taxes

1. District tax (298.1)
2. Special tax for textbooks (301.4)
3. Special tax for transportation (298.4)
4. Emergency levy (298.2)
5. Moneys and Credit Tax (429.2)
6. Pension Fund Tax (97B.9, 97C.10, 294.9)
7. Tax loss reimbursement (Chapter 284)

### B. State Appropriations

1. General Aid (Chapter 286A)
2. Supplemental Aid (Chapter 286)
3. Transportation Aid (Chapter 285)
4. Handicapped Children Aid (281.9)
5. Vocational Aid (State) (258.8)
6. Semi-Annual Apportionment (298.11)

### C. Federal Appropriations

1. School Lunch (unless handled through a separate account)
2. Vocational Aid (Federal)
3. Maintenance and Operation (Public Law 874)

### D. Tuition

1. High school and junior high school (282.17-282.24)
2. Elementary (279.18)

### E. Transportation

### F. Rents and donations

## II. Nonrevenue Receipts

### A. Revolving Fund

- B. Sale of Supplies, Property, and Equipment (Receipts from sale of real property should be deposited in the Schoolhouse Fund un-

less otherwise directed by the voters as provided in Section 278.1, subsection 2)

### C. Transfers

#### **Expenditures**

Expenditures from the General Fund cover those items which are normally considered to be "operating costs." Following is a brief summary of the General Fund expenditures classifications as provided in the Iowa Uniform Financial Accounting System:

##### 1. **General Control**

This includes all general administrative costs such as salaries of superintendent, secretary, and office personnel, office supplies, census costs, election costs, publication costs, legal fees, and travel expense for administrators and board members.

##### 2. **Instruction**

This classification covers salaries of all teachers, supervisors and principals to the extent that they provide instruction or supervision of those areas of the school program which are included in the basic curriculum. Expenditures for all instructional supplies, textbooks and library books are also included under instruction.

##### 3. **Auxiliary Services**

This includes all transportation costs except the purchase of new buses, which should be recorded under General Fund, Capital Outlay. Other expenditures which should be classified under Auxiliary Services include health services, revolving fund, community services and tuition payments.

##### 4. **Operation**

This classification includes those expenditures which are necessary in order to keep school buildings open and operating, such as custodians' salaries, custodial supplies and utilities.

##### 5. **Maintenance of Plant**

Maintenance includes all costs (labor and materials) for repairs and upkeep of the school building and equipment.

A school board cannot, under the guise of "repairs," build an addition to a school building, or remodel an existing building, and pay the costs from the General Fund. The term "repair" means to restore a building, as nearly as possible, to its **original** condition. New construction and alterations must be authorized by the electors

and paid for from the Schoolhouse Fund. Ltr. OAG, September 9, 1950.

##### 6. **Fixed Charges**

This account includes those expenses which are recurring and which are fairly uniform from year to year, such as insurance premiums, rent, surety bond premiums, and the district's share of the state and federal retirement payments. (When a remittance is made to a retirement system, that portion representing the amount withheld from salaries should be charged to the appropriate salary account; the district's share of the payment should be charged to Fixed Charges.)

##### 7. **Capital Outlay**

This classification refers to an expenditure which increases the amount of property owned by a school district.

The purchase of **additional** furniture or equipment should be charged to this account in the General Fund unless authorized by the electors as indicated below. (Replacement of old furniture and equipment should be charged to Maintenance.) Purchase of school buses, both additional and replacement, should be charged to Capital Outlay. If the electors of a district have authorized a bond issue for the purpose of erecting **and equipping** a building, the cost of furniture and equipment should be recorded under Capital Outlay in the Schoolhouse Fund. However, if the purchase of such furniture and equipment is made upon authorization of the school board (without a vote of the electors), the cost should be charged to Capital Outlay in the General Fund.

##### 8. **Debt Service**

The major item under this classification is the interest paid on General Fund warrants stamped "not paid for want of funds." (Chapter 74) The original face amount of such warrant should be charged to the proper account as determined by the purpose of the payment.

##### 9. **Transfer to Schoolhouse Fund**

Any transfers from the General Fund to the Schoolhouse Fund, as provided in Section 279.31, should be charged to this account.

#### **Special Activity Fund**

There is no specific provision in the Iowa Code for the establishment of an "Activity Fund." However, the general philosophy of education has tended to



embrace the so-called "extra-curricular" activities as an integral component area within the total educational program. The legal machinery for financing the total educational program has not kept pace with this philosophy and consequently the Special Activity Fund has been developed as a means of financing this portion of the school program.

The fact that the source of money for the Activity Fund is other than public taxes does not lessen the stewardship responsibilities of school officials for such funds. The school board should adopt definite policies regarding the raising and expenditure of these funds and the accounting should be the responsibility of a designated school employee who is properly bonded.

Although individual pupils may have contributed in time and effort toward the raising of such funds, they have no vested interest in these funds as individuals. It is important to remember that these funds were accumulated under school sponsorship, in many cases on school time, and under the supervision of school employees who are being paid from public tax funds.

The Report of the Attorney General, 1936, page 375, is the most common authority on the question regarding payment of extra-curricular expenses from public tax funds (General Fund). A brief summary of that opinion is presented below.

The following expenditures may not be made from public funds (General Fund) and hence shall be made from the Activity Fund.

1. Travel expenses for supervisors and participants in interscholastic contests such as athletic contests, music contests, etc.
2. Expenses incurred in providing uniforms for such participants.
3. Expenditures incurred in paying claims for hospital services and for injuries sustained by students participating in interscholastic and intramural contests and exhibitions.
4. Expenses for referees' fees and judges' fees in connection with the above noted contests and exhibitions.
5. Expenses incurred in promoting or sponsoring interscholastic and intramural contests and exhibitions. (Supplies, royalties for class plays, tickets, etc.)
6. Membership fees in national, state, or local associations, the purposes of such associations being to benefit, directly or indirectly, the students or groups who may be members.

The following expenditures may be made from public funds:

1. Expenses incurred in providing basketballs, footballs and similar equipment, whether they are to be used for interscholastic activities or for regular physical education classes.
2. Expenses incurred in building and lighting athletic fields to be used for interscholastic athletics.

(The opinion pointed out that the above classification was not intended to be all-inclusive, but rather was intended to serve as a guide for such expenditures.)

Complete details of activity fund accounting procedures will be found in Research Bulletin No. 17, Special Activity Fund Accounting, Department of Public Instruction, 1955.

### **Transfer of Funds**

#### **Transfer from General Fund to Schoolhouse Fund**

If, after the annual settlement (on the first secular day in July), it appears that there is a surplus in the General Fund, the school board may, at its discretion, transfer any or all of such surplus to the Schoolhouse Fund. (279.31)

The actual transfer indicated above may be made at the annual settlement meeting or at a subsequent meeting of the board, but if a surplus is declared and transferred to the Schoolhouse Fund, such money cannot then be spent without a vote of the electors. Ltr. OAG, Dec. 10, 1926.

The board should make the decision regarding the existence and declaration of a surplus at the July first meeting, even though the actual transfer is not made at that time. Any existing surplus in the General Fund, over and above a reasonable reserve (encumbered balance), should either be transferred to the Schoolhouse Fund or used to apply on the current year's budget and thus reduce the amount to be raised by taxation for the General Fund.

The school board cannot legally certify a high tax in order to build up a large surplus in the General Fund and then transfer that surplus to the Schoolhouse Fund and proceed to build a building without a vote of the electors. To do so ". . . would, in effect give the board power to do indirectly what it cannot do directly. . ." 1926 Report, p. 403. New construction must be paid from the Schoolhouse Fund and must be authorized by a vote of the electors, regardless of the source of the money.

It should be noted that there is no statutory provision for transferring money from the General

Fund to the Schoolhouse Fund by a vote of the electors; consequently, the only method for making such transfer is that provided in Section 279.31 as described above.

#### **Transfer from Schoolhouse Fund to General Fund**

There is a statutory provision whereby the electors may direct the transfer of any surplus in the Schoolhouse Fund to the General Fund. (278.1, subsection 5) If this proposition is to be submitted to a vote of the electors, it may be done only at the regular school election since the provisions for special elections do not include this question. (277.2)

The only other possible method of transferring from the Schoolhouse Fund to the General Fund is one which provides for the transfer of inactive or "dead" funds. Under this provision, the board may transfer from a fund once the necessity for maintaining such fund has ceased to exist. (24.21) It is doubtful, however, that the need for maintaining a Schoolhouse Fund would ever cease to exist in a typical high school district.

#### **Transfers to and from the Special Courses Fund**

Iowa law provides that no transfer may be made from the General Fund to the Special Courses Fund. (286A. 7)

There is no legal provision whereby either the board or the electors have authority to transfer from the Special Courses Fund to the General Fund or to the Schoolhouse Fund. (Any transfers from the Special Courses Fund to the General Fund should be made only as a **reimbursement** for salary payments occasioned by the teaching of courses outside the basic curriculum.)

#### **The Permanent School Fund**

The Permanent School Fund is a fund established by the Constitution of the State of Iowa (Article IX) and the Code of Iowa (Chapter 302) for the support of the common schools throughout the state.

Chapter 302 also provides for a "temporary school fund" and states that this fund shall be received and appropriated annually in the same manner as the interest of the permanent fund. This temporary fund is apparently not mentioned elsewhere in the Code and is, therefore, normally considered as a part of the permanent fund insofar as allocations to local districts are concerned.

The major sources of income for these two funds are as follows (302.2, 302.3):

1. The proceeds of all intestate estates escheated to the state.

2. The proceeds of the sale of the sixteenth section of each township (as provided in the Ordinance of 1785).
3. All forfeitures which are authorized to be made for the benefit of the school fund.
4. The proceeds of all fines collected for violation of the penal laws, and for the nonperformance of military duty.
5. The proceeds of the sale of lost goods and estrays.

The local school district receives financial benefit from these funds as follows:

1. **Semi-annual Apportionment**—On the first Monday in April and the first Monday in October the county auditor makes this apportionment to each district in the county on the basis of the school census. (298.11) The funds apportioned in this manner include:
  - a. The proceeds of the county school levy, if any. (298.10) (The county board of supervisors **may** levy a tax of from one-fourth to three-fourths mill for the support of schools within the county.)
  - b. Rents on unsold school lands.
  - c. Proceeds of fines collected for the violation of penal laws, and for the nonperformance of military duty.
2. **Library Fund** (292.1)—The interest on the permanent school fund is allocated annually by the county auditor to the several school districts of the county, on the basis of school census, for the purchase of library books. This is commonly known as the County Library Fund and the money is expended by, or under the jurisdiction of, the county board of education.

#### **Depository Banks**

School district funds may be deposited only in such bank or banks as have been designated by the school board as official depository banks for the funds of that district. Such banks must be located within the State of Iowa but they need not necessarily be within the district or within the county where the district is located. (453.1, 453.4)

The approval of a depository bank should be by written resolution entered of record in the minutes of the approving board, and should specify the maximum amount which may be kept on deposit in each such bank. The original resolutions and any subsequent resolutions increasing the maximum

amount must be approved by the treasurer of state. (453.2, 453.3)

Resolution forms may be obtained from the treasurer of state (Iowa Official Form No. 697). Two completed copies should be sent to the office of the treasurer of state; after approval, one copy will be returned to the local school district. It is also the duty of the school district treasurer to keep on file with the county treasurer a list of such depositories. (454.6)

The State of Iowa maintains a state sinking fund for the guarantee of public deposits. The above provisions must be complied with fully in order to assure that school district fund deposits are properly protected.

### Investment of School Funds

School district funds which have been created by a direct vote of the people may be invested in United States government bonds or may be placed on time deposit. All or any portion of such funds may be so invested or deposited at the discretion of the school board. (453.10) (Such funds must be deposited within the State of Iowa.)

Interest income on such investments should be credited to the Schoolhouse Fund and should be used toward retiring indebtedness of the district so long as any indebtedness exists.

It should be noted that the authority for investment applies only to those funds which are "created by a direct vote of the people." Thus, this authority would apply only to certain moneys in the Schoolhouse Fund such as:

1. Proceeds of a bond issue. (296.6, 75.1)
2. Proceeds of a two and one-half mill levy. (278.1, subsection 7)

The authority for investment **would not** apply to such funds as:

1. Any portion of the General Fund.

2. Any portion of the Special Courses Fund.
3. Proceeds of a levy for the purchase of sites. (297.5)
4. Proceeds of insurance adjustments.
5. Any surplus transferred from the General Fund to the Schoolhouse Fund. (279.31)

If such investments are made, the following accounting procedure should be followed:

#### 1. Purchase of Securities

When a Schoolhouse Fund warrant is written for the purchase of securities, the expenditure should be coded No. 985, and the amount should be recorded as a "blue-pencil" entry in column 53 of the Warrant Distribution Register. This amount should then be omitted from the **total** of Schoolhouse Fund expenditures. (Do not add in the "blue-pencil" figures in arriving at a total.)

#### 2. Redemption of Securities

When money is received from the redemption of such securities, the **principal** amount (that amount originally invested) should be coded No. 1640 and recorded as a "blue-pencil" entry in column 30 of the Cash Receipts Register. This amount should then be omitted from the **total** of Schoolhouse Fund receipts. (Do not add in the "blue-pencil" figures in arriving at a total.)

The amount representing **interest** income should be coded No. 1550 and entered as a **regular** entry in column 26 of the Cash Receipts Register. This amount **would** be included in arriving at a total of Schoolhouse Fund Receipts.

The above procedure will prevent the overstatement of total receipts and expenditures and it will also show the actual balance as of any given date to include both securities and cash.

## Chapter IV

### THE BUDGET AND TAX LEVIES



A public school district budget should be a well-conceived program of the educational activities of the community for a given period of time, with reasonably accurate plans for making expenditures and raising the necessary revenue.

Although existing legal provisions require an annual budget, the preparation of a budget should not be considered as a periodic activity; it is a continuous process and should involve long-term thought, study, and planning by the board, the superintendent, the faculty, and the citizens.

It is almost axiomatic that the preparation of a sound school budget involves three distinct plans: the educational plan, the expenditures plan, and the financing plan.

#### 1. The Educational Plan

Since the education of children is the only reason for the existence of a school district, the first consideration should be the plan to provide a sound educational program. This plan should give a picture of the entire school program and will indicate the number and type of personnel needed to carry out such a program. The educational philosophy and policies of the board should be expressed in sufficient detail to justify the financial plan which is to follow.

#### 2. The Expenditures Plan

This plan should contain an analysis of the cost of the proposed educational program. An adequate school budget will show considerable detail in regard to salary schedules, bond retirement schedules, material and equipment costs, and unit costs.

#### 3. The Financing Plan<sup>1</sup>

This plan should show detailed revenue estimates for the school year. Such estimates should be based on those of previous years and also on trends in property valuations, state support funds, tuition receipts, and general economic conditions.

Revenues must be estimated accurately and the expected revenue must fully satisfy the demands of the expenditures plan. When a budget becomes unbalanced, it ceases to perform the function for which it was intended.

The budget document should show a detailed breakdown of receipts and expenditures by code numbers as prescribed in the Iowa Uniform Financial Accounting System. (See Section III, Research Bulletin No. 15, "Uniform Financial Accounting for Iowa School Districts," Department of Public Instruction, 1954. Printed copies of the detailed budget outline are available from several commercial printing companies.)

The purpose of this chapter is not to explore the development of the complete budget document, but rather to outline in some detail the legal procedure for certifying a local tax levy for school purposes and for authorizing expenditures for the fiscal year.

#### Certifying Board

The board of directors of a local school district is a certifying board. This means it has the authority and obligation to certify the tax to be levied and the amount of money to be collected by taxes to the levying board. The levying board in this case is the county board of supervisors. (24.2)

#### Fiscal Year for School Districts

The fiscal year for school districts is the period of twelve months beginning on the first day of July of the **current** calendar year and ending on the thirtieth day of June of the next calendar year. (24.2, 24.3) Thus, the budget which is certified to the county auditor in August of a given year is actually for the period of twelve months beginning on the preceding July first and ending on the next June thirtieth.

Local property taxes are collected on a calendar year basis (January 1 to December 31). This means

<sup>1</sup> De Young, Chris A., "Budgeting in Public Schools," New York: The Odyssey Press, Inc., 1936.

that a tax levy certified by a school board in August of a given year will not yield any revenue to the school district until early in the following calendar year (the second semester of the school year for which the budget was made).

#### **Requirements of Local School District Budget**

The school board cannot certify a local property tax levy for the support of schools unless and until the following estimates have been made, filed and considered (24.3):

1. The amount of income for the several funds from sources other than taxation.
2. The amount proposed to be raised by taxation.
3. The amount proposed to be expended in each and every fund and for each and every purpose during the fiscal year. (See definition of fiscal year above.)
4. A comparison of such amounts so proposed to be expended with the amounts expended for like purposes for the two preceding years.

#### **Expenditures Limited by the Budget**

A school board may not spend a greater amount of money during a fiscal year than that amount estimated and appropriated by the adopted budget. Thus, the budget is not only the authority for certifying tax levies, but it is also the authority for all expenditures which are to be made throughout the year. (24.14)

#### **Limitations on General Fund Tax Levy; Approval for Emergency Increases**

Iowa law provides that the amount to be raised by taxation for the General Fund shall not exceed the following sum per person of school age (5 to 21):

1. In districts having a school census of one thousand two hundred or more, one hundred forty dollars.
2. In districts having a school census of less than one thousand two hundred and more than two hundred fifty, one hundred sixty dollars.
3. In all other school districts, one hundred seventy-five dollars, except districts not maintaining an approved high school, two hundred dollars, and such additional amount as may be necessary to pay the tuition on high school pupils. (298.1)

In addition to the amounts indicated above, a school board may include in the General Fund estimate an amount not exceeding five dollars per

census child for transportation, and not exceeding one dollar and fifty cents per pupil for textbooks and supplies. (298.4, 301.4)

If these statutory limitations prevent a school board from raising sufficient General Fund revenue to meet budgetary requirements, the board may apply to the state comptroller for permission to levy an additional amount up to thirty-five per cent of the maximum allowance. It is further provided in the law that the state comptroller may give permission to exceed the thirty-five per cent upon recommendation of the county board of education or the county board of supervisors of the county in which the school is located. (298.2)

Application blanks (Iowa Official Form No. 699-B) for requesting such special permission are available from the office of the county auditor.

#### **Filing of Budget Estimate; Notice of Hearing**

The school board is required to file the Budget Estimate with its secretary at least twenty days before the date fixed by law for certifying the estimate to the county auditor. The school board is also required to fix a date for a hearing on the Budget Estimate and to publish the estimate with a notice of the time and place of the hearing at least ten days prior to the hearing. Since the estimate must be certified to the county auditor not later than August fifteenth, the final date for filing it with the secretary of the district would be July twenty-fifth. (24.9, 24.17)

The publication of the Budget Estimate and Notice of Hearing should be in a newspaper published in the district; if no newspaper is published in the district, the publication should be in some newspaper of general circulation within the district. (Rural independent and township districts may post the estimate and notice in three public places within the district in lieu of publication.) (24.9)

The school board is required to meet at the time and place designated in the notice, and any person who would be subject to the school district tax levy shall be heard in favor of or in opposition to the estimate or any part thereof. (24.11)

#### **Budget Estimate Form**

The School District Budget Estimate form (Iowa Official Form No. 632) is shown on the following page.

#### **General Fund Amounts Subject to Limitation**

Line "a" should show the amount for the General Fund, exclusive of the amounts for transportation,

BUDGET ESTIMATE

SCHOOL DISTRICT

Notice: The Board of Directors of \_\_\_\_\_  
 \_\_\_\_\_ (School District)

\_\_\_\_\_, \_\_\_\_\_ County, Iowa

will meet \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ M., at \_\_\_\_\_

Taxpayers will be heard for or against the following estimate of expenditures for the year beginning July 1, 19\_\_\_\_\_, and ending June 30, 19\_\_\_\_\_. A detailed statement of receipts and disbursements, both past and anticipated will be available at the hearing.

\_\_\_\_\_  
 District Secretary

FUNDS	1	2	3 Proposed Expenditures Estimated This Year	4 Estimated Unencumbered Balance to Apply Upon This Budget	5 Estimated Income Other Than Taxation	6 Amount Necessary to be Raised by Taxation
	Expenditures for Year					
	(Two Yrs. Ago)	(Last Yr.)				
a. General						
b. Transportation						
c. Text Books and Supplies						
d. TOTAL GENERAL FUND						
e. Library						
f. Pension—Own System						
g. Old Age Surv. Ins. (Federal)						
h. Public Emps. Ret. (State)						
i. $\left. \begin{array}{l} \text{F.} \\ \text{H.} \\ \text{S.} \end{array} \right\}$ Playground (Voted)						
j. $\left. \begin{array}{l} \text{F.} \\ \text{H.} \\ \text{S.} \end{array} \right\}$ School Site						
k. $\left. \begin{array}{l} \text{F.} \\ \text{H.} \\ \text{S.} \end{array} \right\}$ Schoolhouse (Voted)						
l. $\left. \begin{array}{l} \text{F.} \\ \text{H.} \\ \text{S.} \end{array} \right\}$ Bonds and Interest						
m. Special Courses Fund						
n. TOTAL ALL PURPOSES						

Secretary's balance (beginning of current fiscal year):

1. GENERAL FUND . . . . . \$ .....	Est. Tax per \$1,000 assessed value . . . \$ .....
2. Less Unpaid Bills . . \$ .....	Number of persons of school age . . . . .
3. Less Balance Reserved \$ .....	Taxable valuation . . . . . \$ .....
Net Unencumbered Bal. (G.F.) . . * \$ .....	Moneys and Credits . . . . . \$ .....
SCHOOLHOUSE FUND . . . . . \$ .....	
SPECIAL COURSES FUND . . . . . \$ .....	

\*Amount left after deducting items 2 and 3 from item 1 and to be transferred to column 4 above.

textbooks and supplies, the special levies for library, and local, state and federal retirement systems. In other words, this line should show the General Fund amount for "general purposes" and would include everything except those General Fund amounts for which a separate line is provided.

Line "b" is for transportation costs and line "c" is for the cost of textbooks and supplies.

The total on line "d" is necessary since this is the amount to which the maximum levy in dollars per census child applies. (298.1) If the amount on line "d" in column 6 exceeds the maximum levy per census child (298.1) plus five dollars per census child for transportation and one dollar and fifty cents per pupil for textbooks and supplies, then it will be necessary to seek approval for an emergency increase in the General Fund levy. (298.2) (The title, "Total General Fund" on line "d" is somewhat misleading since the amount shown on this line is **not** a total of **all** amounts levied for the General Fund. An actual total for the General Fund would include the amount shown on line "d" plus the amounts shown on lines "e" through "h." This arrangement is necessary because of the statutory limitations and the separate statutory authorizations for the several levies within the General Fund.)

#### **Library**

Line "e" is to be used if the district has no free public library and if the school board contracts for the use of some free public library in another school district. The levy for paying such contractual amount shall not exceed one-fourth mill. (298.7)

#### **Pension—Own System**

Line "f" is to be used only by those districts which have a **local** teachers' pension system. Such systems are limited to those independent districts located in whole or in part within a city of twenty-five thousand one hundred population or more. In a city having a population of less than seventy-five thousand, the establishment of a local retirement system must be ratified by a vote of the people at a general election. (294.8)

#### **O. A. S. I.—Federal**

Line "g" is for the amount necessary to pay the school district's share of the Federal Social Security retirement program. (97C. 10)

#### **I. P. E. R. S.—State**

Line "h" is for the amount to pay the school district's share to the Iowa Public Employees Retirement System. Each school district is authorized and

directed by law to levy a tax sufficient to meet this obligation. (97B. 9)

#### **Playground (Voted)**

Line "i" is the first line on the Budget Estimate which applies to the Schoolhouse Fund. This line is to be used for the amount represented by a tax voted by the people for the establishment, maintenance, and supervision of playgrounds. This tax may be voted only in those districts containing or contained in a city. (A city is a municipal corporation of two thousand or more population.) This tax shall not exceed one-half mill. (300.1-300.3)

#### **School Sites**

Line "j" should show the amount resulting from a special school site levy certified by the school board. Authority to certify such levy, not exceeding one mill, rests only with the school board in independent districts where the territory of the district is composed wholly or in part of territory occupied by a city (municipal corporation of two thousand population or more). (297.5)

#### **Schoolhouse (Voted)**

Line "k" will apply to those districts where a schoolhouse tax has been voted by the people. This is ordinarily referred to as a "two and one-half mill levy" although that represents the statutory maximum; a lesser amount may be voted by the people. (278.1, subsection 7)

#### **Bonds and Interest**

Line "l" is for the amount necessary to make principal and interest payments on bond issues voted by the people. The amount certified for this purpose shall not require a levy of more than seven mills. (298.18) Iowa law requires that a school board shall, before issuing bonds, file with the county auditor a resolution providing for an annual levy upon all property in the district sufficient to pay the principal and interest on the bonds over a stated period of time, but not to exceed twenty years. If this resolution is filed prior to October first, the annual levy will begin with the tax levy of the year of filing; otherwise the levy will not be effected until the next year. (76.2)

#### **Special Courses Fund**

Line "m" should show the total amount for the Special Courses Fund. This includes expenditures for the cost of instruction and supervision in the teaching of those courses which are not included in the basic curriculum. (286A.7)

### **Disposition of General Fund Balance**

The table at the lower left-hand corner of the Budget Estimate page should be accurately completed, since these figures will determine the amount of the General Fund balance which will apply to the new budget in order to reduce the amount necessary to be raised by taxation.

Line 1 should show the secretary's General Fund balance as of July first (beginning of the current fiscal year). Line 2 is for the total amount of unpaid bills as of the beginning of the fiscal year, and line 3 is for the balance to be reserved. The Balance Reserved is a very important figure in any budget estimate. It should be remembered that the fiscal year runs from July first through June thirtieth but that tax revenue comes in mainly during October and April. Thus, the budget should provide for a sufficient reserve to take care of necessary expenses during July, August, and September.

On line 3, the sum of the unpaid bills and the balance reserved is subtracted from the secretary's balance at the beginning of the current fiscal year. The remainder is the net **unencumbered** balance of the General Fund and will be applied to the new budget in order to reduce the amount necessary to be raised by taxation. This net unencumbered balance must be transferred to column 4, line "a."

### **Income Other Than Taxation**

The total amount of estimated income other than taxation should be entered in column 5, lines "a" and "d." This amount should include tuition, state aids, federal aids, military service tax credit, semi-annual apportionment, transfers, and any other anticipated income aside from taxes.

### **Amount Necessary to be Raised by Taxation**

The amount necessary to be raised by taxation (column 6) will be computed by subtracting the sum of the amounts in columns 4 and 5 from the amount in column 3. The millage levy may be found by dividing the amount necessary to be raised by taxation by the assessed valuation of the district. The millage levy is numerically equal to the tax in dollars per one thousand dollars assessed valuation.

### **Adopted Budget and Certificate of School Taxes**

Immediately after the budget hearing, and not later than August fifteenth, two copies of the Adopted Budget and Certificate of School Taxes (Iowa Official Form No. 636) should be submitted to the county auditor of each county in which the school district is located. (24.17)

(An excellent reference on budgetary procedures is a booklet entitled, "Tax Levies, Expenditures,

Budgets." This booklet is published biennially by the State of Iowa; it is compiled in the office of the state comptroller and is available through the office of the county auditor.)

### **Protest to Budget**

The decision of the school board regarding a proposed budget may be appealed not later than the first Tuesday in September by a number of persons equal to one-fourth of one per cent of those voting for the office of governor at the last general election in the district, but in no event less than ten. At least three of such persons must have filed a joint written objection at or before the budget hearing meeting of the school board.

The protest must be in writing and should be filed with the county auditor. There are no official forms for filing an appeal; it is suggested that the written protest be filed in duplicate. The county auditor will immediately prepare a true and complete copy of the written protest, together with the budget, proposed tax levy, or expenditure to which objections are made. One copy will be sent to the State Appeal Board and one copy to the local school board.

The State Appeal Board is composed of the state comptroller, the auditor of state and the treasurer of state. This board fixes a date for an initial hearing on the protest and sends notices of the time and place to the school board and to the first ten property owners whose names appear on the protest.

It is the duty of the State Board of Appeal to review and finally pass upon all proposed budget expenditures, tax levies, and tax assessments from which appeal is taken. It has the authority to approve, disapprove, or reduce all such proposed budgets, expenditures, and tax levies but it may not increase any of them. The state board certifies its decision to the county auditor and its decision is final. (24.25-24.31)

### **Budget Amendments**

Once a budget has been adopted and certified, there is no way to amend it in order to increase the amount of money to be raised by taxation. However, a budget may be amended in order to increase appropriations and expenditures, provided such increase can be financed by cash balances or sources of income other than taxation which were not anticipated when the budget was originally adopted.

Such amendments may be considered and adopted at any time during the fiscal year by filing, publication, and hearing in the same manner as required for the original budget. Within twenty days of the de-



cision or order of the school board regarding the amendment it shall be subject to protest in the same manner as that provided for protesting the original budget. (24.9, 24.26-24.31)

### **Tax Loss Reimbursement; Tax-Free Lands**

Iowa law provides that a school district shall be reimbursed for loss of taxes due to the fact that unplatted lands within the district are owned by the government and are, therefore, removed from taxation for school purposes. This applies to such lands owned by the federal government, the State of Iowa, the county, or a municipal corporation. However, it applies only to lands owned by a municipal corporation in those cases where the municipal corporation is located wholly outside the boundaries of the school district in which the tax-free lands are located. (284.1)

It should be noted that this reimbursement applies only to **unplatted** lands; it does not apply to buildings or improvements of any kind. Unplatted lands are lands which have not been subdivided into lots, streets and alleys. *McDaniel v. Mace*, 47-510.

The amount of tax loss reimbursement is computed by the county board of supervisors in the county in which such lands are located and the computation is made on or before the first day of September. There are two different methods provided for such computation:

1. On the basis of the proportion that the assessable value of the total number of acres owned by the governmental unit in the school district bears to the assessable value of the total number of acres in such school district. The average assessable value per acre of the tax-free lands within the district shall not exceed the average assessable value per acre of all taxable lands within the district.
2. If the tax-free land or any part thereof is being operated by a municipal corporation for veterans or public housing purposes, and the municipal corporation does not furnish school facilities for the tenants' children of school age, then the municipal corporation is obligated to provide its proportionate share of the education and building costs of the school district in which the project is located. This computation is made on the basis of the proportion the number of pupils attending the district from tax-free lands bears to the total number of pupils attending the district.

The use of either of the two methods of computation provided for above is determined on the basis of whichever is the greater. (284.2)

After the amount of reimbursement is determined by the county board of supervisors the payment to the school district is made by the city council if the land is owned by a municipal corporation; by the county auditor if the land is owned by the county; and by the secretary of the State Executive Council if the land is owned by the state or federal government. (284.3, 284.4)

It is the duty of the secretary of the school district, when certifying the taxes on or before August fifteenth to file a statement with the county auditor of the proper county showing the amount of such tax-free land, its description, and the branch of government by which owned.

It is also the duty of the secretary at that time to file with the county auditor a certified statement showing:

1. Names of employees of the state or federal government who live on government-owned land and who have children attending school outside the home district as provided by law.
2. By whom employed.
3. Capacity of their employment.
4. The names of the children for whom tuition is to be paid.
5. The name of the school district to be attended.
6. Total period of attendance.
7. Amount of tuition the district is required to pay for each of such children.

Blanks for filing such statements may be obtained from the State Executive Council, State House, Des Moines. (284.5)

The county auditor computes the millage levy by dividing the budget asking in column 6 of the Adopted Budget by the "gross" assessed valuation (including tax-free lands). This millage levy is then spread only on those lands and property which are not tax-free. The remainder of the budget asking is then made up of the tax loss reimbursement payment. (284.6)

In reporting assessed valuation on the Annual Report to the county superintendent and on the Application for Supplemental Aid, the gross valuation, including tax-free lands, should be given.

## Chapter V

### RECORDS, AUDITS AND PUBLICATIONS

A school board is a state agency as well as a local agency. Its members are elected by the voters of the local school district but it operates within a sphere of legal duties, authorizations and limitations which are prescribed by the state legislature.

The stewardship of funds, the keeping of accurate and complete records, and the provision for required publications are all obligations of the local board in complying with the law and providing information to the public.

#### Minutes of School Board Meetings

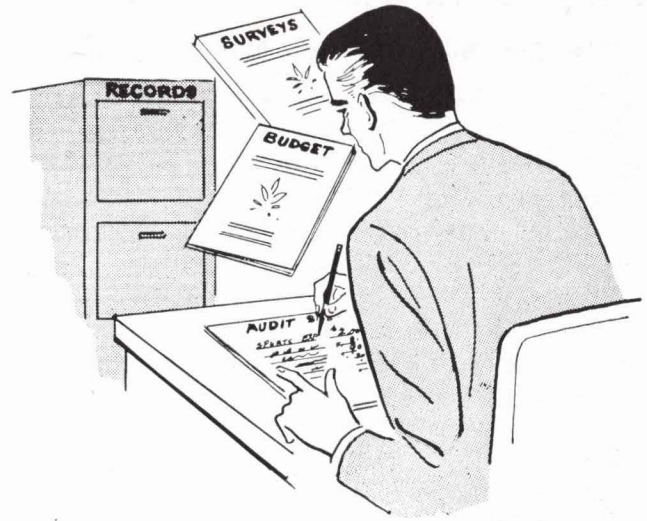
The importance of keeping minutes of school board proceedings was expressed by a Kentucky court as follows, "The board of education can act only in its official capacity. It is made by the statute a body politic and corporate and all of its acts and doings should be a matter of record . . ." Board of Trustees and Hartford Graded School v. Ohio County Board of Education. 174 Ky. 424.

Iowa law does not prescribe a fixed order of business which must be followed in a school board meeting. Where a board has not already adopted a regular order of business, the following is suggested:

1. Reading and approval of minutes of previous meeting.
2. Reading and disposal of bills.
3. Reports of committees, petitions, and communications and disposal of same.
4. New business.

The secretary's minutes for any particular board meeting should show:

1. Date, hour, and place of meeting.
2. Kind of meeting—regular, special, adjourned, or annual.
3. By whom called.
4. Who presided.
5. Who served as secretary.
6. Names of members present.
7. Record of each motion properly presented, whether adopted or not, with name of persons making and seconding the motion. (Motions



withdrawn or declared out of order need not be recorded.)

8. Record of the number of votes cast for and against each motion. (If taken by voice vote, show of hands, or by ballot, the record need show only the number for and the number against. A roll call vote should be so recorded as to show the vote of each member.)
9. All reports of committees, petitions, and communications received and the action taken on each. (Such reports, petitions, etc., should be placed on file and referred to in the minutes for identification.)
10. Identification of all bills audited by the board and a record showing whether such bills were allowed or rejected.
11. Signature of secretary or acting secretary.
12. Record of approval of minutes by the board and the date of approval.

#### Financial Accounting Records

Under Iowa statutes financial accounting procedures are prescribed by the state superintendent of public instruction, subject to approval of the state board of public instruction. (257.10, subsection 5, 257.18, subsection 11)

For details pertaining to the prescribed financial accounting system for public school districts see:

1. "Uniform Financial Accounting for Iowa School Districts," Department of Public Instruction, Research Bulletin No. 15, 1954.
2. "Uniform Financial Accounting for Iowa School Districts, Special Activity Fund Accounting," Department of Public Instruction, Research Bulletin No. 17, 1955.

### **Preservation of Records**

Iowa law makes no particular reference to the retention of school district records except that the school board is authorized to make rules and regulations for the care of school property. (279.8) The Statute of Limitations (Chapter 614) is the basis for the following suggested procedures:

1. The secretary's and treasurer's financial accounting records should be kept permanently.
2. The minutes of the school board should be kept permanently.
3. Pollbooks should be kept as permanent records. (Ballots should be retained for six months after the date of election.)
4. Canceled warrants, check stubs, bank statements, bills, invoices and receipt forms should be retained for five years.
5. Bonds should be held for ten years from date of recall. Bond coupons should be stamped "paid" and retained for ten years.
6. A copy of each year's budget and financial report should be retained for research purposes.
7. Written contracts should be retained for ten years.
8. The record of payment of judgments against the district should be retained twenty years.

### **School District Audits**

An annual audit is required by law in all school districts containing a city of five thousand population or over. In any such district the school board may request that the audit be made by an examiner from the state auditor's office or it may employ a public accountant who is certified and registered in the State of Iowa. If the school board elects to have the audit made by a public accountant, the state auditor must be so notified within sixty days after the end of the fiscal year to be examined. (The fiscal year ends June thirtieth.) If the state auditor

does not receive this notification within the required period he is authorized to make the examination and cover any period which has not been previously examined. (11.18) The school district is required to pay the cost of all audits; the cost should be charged to General Control under the General Fund (Code No. 150).

The department of public instruction does not make school audits. Any requests or correspondence pertaining to audits should be sent to the State Auditor's Office, School Audit Division, State Capitol Building, Des Moines, Iowa.

If an audit is made by a public accountant, he has all of the powers and authority of state examiners employed by the state auditor. Upon completion a signed copy of each audit report must be filed by the accountant with the state auditor. All audit reports are open to public inspection.

Notice that the report has been filed shall be sent by the accountant to each newspaper, radio station and television station located in the school district; if there is no newspaper, radio station or television station located in the district the notice must be sent to the official newspapers of the county. (11.19)

It is recommended that every high school district have an annual audit. Upon action of the school board such audits may be requested and completed under the same procedure as those indicated above for required audits. (11.18)

In a school district which is not required to have an annual audit (by virtue of not containing a city of five thousand population or more), an audit may be required:

1. By application of one hundred or more taxpayers, or if there are fewer than five hundred taxpayers, then by five per cent thereof. (11.18)
2. By written request of the county superintendent of schools. (11.18)
3. By written request of the state board of public instruction. (257.18, subsection 12)

### **Publication of Quarterly and Annual Financial Statements**

The school board of each high school district in which a newspaper is published is required to publish an **annual** summarized statement showing the receipts and disbursements of all funds for the preceding school year. This publication must be made by one insertion in at least one newspaper during the first week of July. In all such districts of more than one hundred twenty-five thousand population,

the statement of disbursements must show the names of the persons, firms, or corporations, and the total amount paid to each during the year. (279.32)

The publication fee for the **annual** financial statement is at the full legal rate of fifteen cents per line for straight matter and twenty-two and one-half cents per line for the list of warrants. (618.11)

In non-high school districts and in every district wherein no newspaper is published, the **annual** statement must be filed with the county superintendent during the first week of July each year, and copies of the statement must also be posted in three conspicuous places within the district. (279.33)

High school districts in which a newspaper is published, and which have a total population of less than one hundred twenty-five thousand, are also required to publish a **quarterly** financial statement by one insertion in at least one newspaper published in the district. (279.34)

The **quarterly** statement should show a summary of the proceedings of the school board pertaining to financial matters or expenses to the district for the previous quarter, including a list of all warrants issued, the names of the payees, the amount, and the reasons therefor. However, warrants issued to regular employees (teachers, janitors, etc.) need be listed not oftener than annually. (Thus, salaries for each quarter may be published as one lump sum.) (279.34)

The publication fee for the **quarterly** statement shall not exceed one-half the legal rate. (279.34, 618.11) A newspaper is considered to be published where it is distributed, not necessarily where it is printed. Ltr. OAG, Sept. 22, 1930.

Following is a brief summary of the provisions pertaining to publications of the annual and quarterly financial statements:

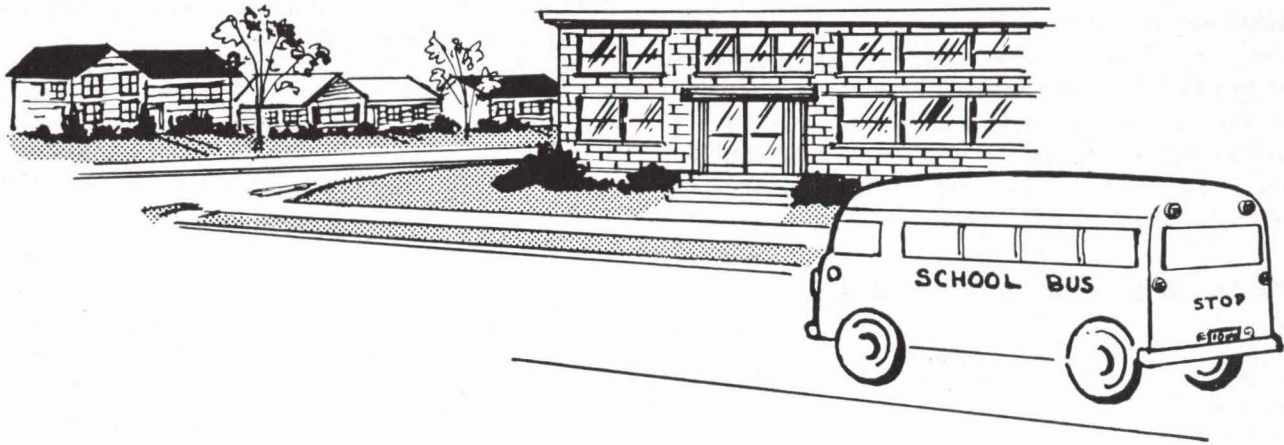
1. In districts of more than one hundred twenty-five thousand population, the **annual** publication is required, but **quarterly** publications are not required. For these districts the annual statement must show the name of each payee and the total amount paid to each during the year.
2. In high school districts having a population of less than one hundred twenty-five thousand, and in which a newspaper is published, the **quarterly** publications are required in addition to the **annual** publication.

The **quarterly** statements should show all salaries lumped together in one amount but all other payees should be listed separately and the amount paid to each and the reason therefor should be shown. (No payee need be listed more than once in a single publication even though he may have received several warrants. In such cases the several warrant numbers should be listed on the same line with the name of the payee, the reason, and the total of the several payments.)

The **annual** statement should show the name of each employee and the amount paid to each. (Salaries cannot be lumped together in the **annual** statement.) Other expenditures may be shown on the **annual** statement as a lump sum of the amounts previously itemized in the **quarterly** statements.

3. In non-high school districts and in any district in which no newspaper is published, the **quarterly** statement is not required. The **annual** statement for these districts must be filed with the county superintendent and copies must be posted in three conspicuous places in the district.

Chapter VI  
STATE AND FEDERAL AIDS



Although the major portion of financial support for public education in Iowa comes from local property taxes, there are several sources of income for school districts through state and federal aids.

State aids are paid from appropriations made by each biennial session of the legislature. In all cases the law provides that if the amount appropriated is insufficient to pay the claims in full, then each payment shall be made in the ratio that the total amount appropriated and available bears to the total amount of the valid claims. In other words the available money is prorated and paid to all qualified districts on the same percentage basis.

It is the responsibility of the department of public instruction to audit and verify all state aid claims. The claims are then certified to the state comptroller for payment.

Application blanks for General, Supplemental, and Transportation Aid are distributed to local school districts before the end of the school year and the completed applications should be in the office of the state superintendent immediately following the end of the school year. Promptness and accuracy in the completion of these applications are extremely important. Since most of these aids must be prorated, no payments can be certified until the claims have been received from **all** qualifying districts in the state.

#### Types of Aids

The annual appropriation for each of the state aids shown below is the amount applying to each year of the 1957-1959 biennium.

**General Aid** (Chapter 286A) (Annual Appropriation \$14,610,000)

General Aid is a flat-grant type of aid which is paid to all approved school districts on the basis of average daily attendance. In order to qualify, the district must have levied at least 15 mills for the General Fund.

The General Aid formula provides for a payment of seventeen cents per day per elementary pupil twenty cents per day per high school pupil, and one dollar per day per junior college pupil. This formula applies to the actual number of days school was officially in session, but not to exceed one hundred eighty days. General Aid is paid for a day of county institute. (However, pupils should **not** be counted present on the day when school is closed for county institute. If school is **actually in session** for one hundred seventy-nine days, the average daily attendance for the year should be computed as follows: divide one hundred seventy-nine into the aggregate days of attendance for the one hundred seventy-nine days.) The average daily attendance figures on the General Aid application must agree with those on the annual report to the county superintendent.

For all state aid purposes, elementary pupils are defined as kindergarten through eighth grade, and high school pupils are defined as ninth through twelfth grade.

Kindergarten pupils who attend **half-day** sessions for the **full** year may be counted full time for state aid and tuition purposes. However, kindergarten pupils attending **all day** for only **half** the year are counted only half-time.

Thus, average daily attendance for kindergarten pupils attending **all** day for **half** the year (either every day for one semester or every other day all year) should be computed as follows: divide the **actual** aggregate days of attendance for those pupils by the number of days the remainder of the school system was in session for the full year (one hundred seventy-nine, one hundred eighty, etc.). It should be noted therefore that in no case will a pupil be given credit for two days of school attendance in any one calendar day.

#### **Time Lost Adjustment on General Aid**

The law provides that in cases of unnatural weather hazards, bad roads, and epidemics, the state superintendent may adjust the General Aid formula in order to avoid penalizing a district. Such adjustment may apply to days lost or to a reduction of average daily attendance due to these causes.

No adjustment will be made for days lost if the school term is ended before May twentieth. No adjustment will be made for loss of school attendance due to common colds or any other ailments which are not of a true "epidemic" nature.

Special time lost adjustment blanks are provided with the regular General Aid blanks. This adjustment is discretionary with the state superintendent and will be made only when all necessary information is provided and verified.

#### **Supplemental Aid** (Chapter 286) (Annual Appropriation \$4,000,000)

Supplemental Aid is an equalization type of aid with the most money going to those districts having the least local ability (in terms of assessed valuation per pupil) to support public education.

The formula provides for state subsidy to those approved school districts which cannot raise one hundred twenty dollars per elementary pupil and one hundred seventy dollars per high school pupil on a levy of fifteen mills in high school districts and ten mills in non-high school districts. In addition to qualifying under this formula, a district must have levied at least fifteen mills for the General Fund.

The average daily attendance figures, the millage levy, and the assessed valuation of the district, as shown on the Supplemental Aid application blank, should agree with the corresponding figures on the annual report to the county superintendent. The assessed valuation should include the value of tax-free lands on which tax loss reimbursement is received.

#### **Transportation Aid** (Chapter 285) (Annual Appropriation \$3,000,000)

Those districts which provide pupil transportation according to law and prescribed standards are reimbursed by state funds.

The formula provides for a base amount of thirty dollars per bus-transported pupil per year with this amount adjusted for each district on the basis of:

- (1) average number of pupils transported
- (2) miles per pupil per year
- (3) road conditions

In cases where school bus transportation is not practicable or available, the state aid is based on a flat amount of twenty-three dollars per pupil per year. (This applies in those cases where pupils are transported by parents or by common carrier.)

Application blanks for transportation aid are distributed and collected through the county superintendent's office. Applications are due in the department of public instruction on or before July first.

For details regarding regulations and procedures in school transportation, see the following department of public instruction bulletins:

Bulletin TR-B-1, "The Transportation Program"

Bulletin TR-B-3, "The School Bus"

Bulletin TR-B-5, "Pupil and Financial Accounting for School Transportation"

#### **Special Education Aid** (Chapter 281) (Annual Appropriation \$800,000)

Special Education Aid is provided to help pay the cost of education for handicapped children, which, as defined by law, include those under twenty-one years of age who are crippled, or who have defective sight, speech, or hearing, heart disease, tuberculosis, or who by reason of physical defects cannot attend the regular public school classes with normal children. It also includes those certified by a physician to be emotionally maladjusted or intellectually incapable of profiting from ordinary instructional methods.

When a local school district maintains an approved program of special education it is entitled to receive reimbursement from the state for the excess cost of that program above the cost of instruction of pupils in the regular curriculum of the district. In those cases where the program is operated by the county board of education, the excess cost is com-

puted on the basis of the average per pupil cost of the participating districts.

In order to qualify for state aid, special education programs must have prior approval of the special education division of the department of public instruction. Claim blanks are distributed and collected through the county superintendent's office and are due in the department of public instruction by June twentieth following the close of the school term.

**Vocational Education Aid** (Chapter 258) (Annual State Appropriation \$300,000)

In order to receive Vocational Education Aid, either state or federal, a school must have its vocational program approved by the division of vocational education of the department of public instruction. Approval standards are related to the following factors: minimum number of pupils, qualifications of teachers, adequate facilities and equipment.

Federal funds are appropriated through the Smith-Hughes Act of 1917 and the George-Barden Act of 1946. The areas of vocational education include agriculture, distributive education, home economics, practical nurses' training, trades and industrial education, and occupational information and guidance.

**Mining Camp Aid** (Chapter 6, Act of the Fifty-Seventh General Assembly) (Annual Appropriation \$72,000)

The Mining Camp Aid appropriation is intended to provide some state subsidy to those school districts which contain mining camps and consequently have a very low assessed valuation per pupil. Distribution is at the discretion of the state superintendent of public instruction.

**Emergency Aid** (Chapter 6, Acts of the Fifty-Seventh General Assembly) (Annual Appropriation \$50,000)

Emergency Aid is provided to give some financial relief to those districts which cannot maintain reasonable educational standards without levying a tax in excess of one hundred mills. Distribution is at the discretion of the state superintendent of public instruction.

**Federal School Lunch Aid**

Under the terms of the National School Lunch Act as passed by Congress in 1946, the department of public instruction is charged with administering the school lunch programs in the public schools of Iowa. The department is also the designated agent for the handling and distribution of government-donated commodities to school lunch programs and to state institutions.

The monthly claims for reimbursement from Federal School Lunch Funds are audited by the school lunch division of the department of public instruction and an abstract of these claims is submitted to the state treasurer for payment.

## SCHOOL CENSUS AND PUPIL ATTENDANCE ACCOUNTING



School census in Iowa is taken as of June first on the even-numbered years. A school census child is one who, as of that date, is between five and twenty-one years of age. In other words, he has reached his fifth birthday but has not yet reached his twenty-first birthday. (291.9)

A child is of compulsory attendance age if he has reached his seventh birthday but has not yet reached his sixteenth birthday. (299.1) This enumeration is required at the time the school census is taken.

In addition to the above enumerations required by law, it is recommended that each census-taking official also record the name and age of each child below five years of age. This pre-school census is important for the prediction of future enrollment and classroom needs.

Because of the legal and financial implications of school census figures, a complete and accurate school census is an important obligation of school officials. Those sections of the Iowa Code which outline the duties of various officials regarding school census are quoted below.

(273.18, subsection 27) **County Superintendent—**

“Keep accurate school census records for the county and file annually, on or before the last secular day in July, with the county auditor, a statement of the number of persons of school age in each township and independent district in the county and make such other reports thereon as may be required by law.”

(273.18, subsection 28) **County Superintendent—**

“Report on or before August 1 of each year, to the superintendent of the school for the blind, the name, age, residence, and post-office address of every person resident of the county, without regard to age, so blind as to be unable to acquire an education in the common schools; to the superintendents of the school for the deaf, with corresponding detail, persons under the age of thirty-five, whose faculties with respect to speech and hearing are so deficient as to prevent them from obtaining an education in the common schools; and to the institution for the feeble-minded all persons of school age, who, because of mental defects are entitled to admission therein.”

(279.22) **Subdirector (Rural Township Districts)—**

“Each subdirector shall, between the first and fifteenth days of June in each even-numbered year, make a list, on blanks prepared for that purpose by the superintendent of public instruction, showing, as of June 1, the following:

1. The name and post-office address of parents and guardians in his subdistrict with the



name, sex, and age of all children or wards residing in the subdistrict who are between five and twenty-one years of age.

2. The name, age, and post-office address of every person resident of the subdistrict without regard to age so blind as to be unable to acquire an education in the common schools.
3. The name, age, and post-office address of every person between the ages of five and thirty-five whose faculties with respect to speech and hearing are so deficient as to prevent him from obtaining an education in the common schools.
4. The name, sex, age, and disability of every physically handicapped or feeble-minded person of school age, with the name and post-office address of the parent or guardian.

By the twentieth day of said month, the sub-director shall send this list to the secretary of the school township who shall make full record thereof as required by law."

(291.9) **Secretary—**

"He shall, between the first day of June and the first day of July of each even-numbered year, enter in a book prepared by the superintendent of public instruction for that purpose the following, taken as of June 1:

1. The name and post-office address of parents and guardians in his district with the name, sex, and age of all children or wards residing in the district who are between five and twenty-one years of age.
2. The name, age, and post-office address of every person resident of the district without regard to age so blind as to be unable to acquire an education in the common schools.
3. The name, age, and post-office address of every person between the ages of five and thirty-five whose faculties with respect to speech and hearing are so deficient as to prevent him from obtaining an education in the common schools.
4. The name, sex, age, and disability of every physically handicapped or feeble-minded person of school age, with the name and post-office address of the parent or guardian."

(299.16) **All School Officers—**

"All school officers empowered to take the school census shall ascertain the number of children over seven and under sixteen years of age, in their respective districts, the number of such children who do not attend school, and so far as possible the cause of the failure to attend."

(299.17) **Assessor** (Blind, deaf or severely handicapped children)—

"The assessor shall at the time of making assessment, record on suitable blanks furnished to him for that purpose, by the secretary of the state board of regents, the names, ages, sex and post-office addresses of all deaf or blind or severely handicapped persons within the county. The county or city assessor shall forward to the secretary of the state board of regents such returns within thirty days after the same are computed."

**Accounting for Pupil Attendance**

Pupil attendance figures constitute an important part of any public school data, whether such data be collected for the local, county, state, or national level. Since these figures are also used in computing state aid claims, it is important that they be recorded, compiled, and reported on a uniform basis throughout all school districts in the state.

Following are definitions and explanations of some of the more important terms used in pupil attendance accounting:

**ENROLLMENT**—A pupil is considered to be enrolled in a public school when he has been registered and is taking part in the full public school program at his grade level.

**SCHOOL YEAR**—The minimum length of the school year is one hundred eighty days; the day devoted to the county institute is counted as one of the one hundred eighty days but the other one hundred seventy-nine days shall be days of school in session as defined below.

**SCHOOL DAY**—The time that school is actually in session for any given division of the school; the minimum length shall be five and one-half hours for all grades above the third; four hours for grades one, two, and three, respectively; and two and one-fourth hours for the kindergarten

or primary grade. (The above minimum hours in session are exclusive of lunch intermission.)

**DAY OF SCHOOL IN SESSION**—A day on which the school is open and the pupils are under the guidance and direction of teachers in the teaching process. School shall be considered in session during field trips and excursions only if pupils are engaged in school projects or activities under the direction of a regular teacher.

**DAY OF ATTENDANCE**—A day on which a pupil is present for the full school day under the direction of a teacher while school is in session. If kindergarten is conducted on a half-day basis, each such half-day session is counted as a day of attendance. (This principle also applies both for tuition and state aid purposes.) Pupils are not counted in attendance on a day when school is dismissed for county institute. (Pupils are neither present nor absent; school is simply not in session.)

**AGGREGATE DAYS OF ATTENDANCE**—The sum of the days present (actually attended) of all pupils when school was actually in session during the school year.

**AVERAGE DAILY ATTENDANCE**—The average obtained by dividing the aggregate days of attendance for the school year by the number of

days school was actually in session. (If school was in session one hundred seventy-nine days and dismissed one day for county institute, the average daily attendance is computed by dividing the **aggregate days of attendance for the one hundred seventy-nine days by one hundred seventy-nine.**)

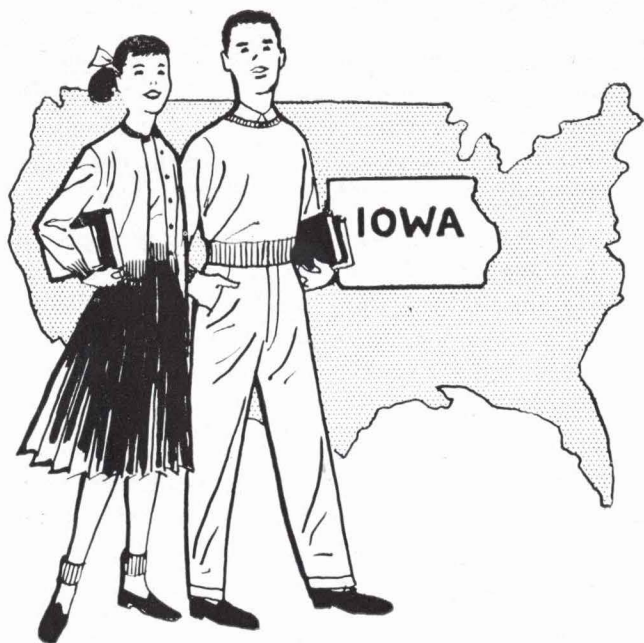
**MEMBERSHIP**—A pupil is a member of a class or a school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school. The date of permanent withdrawal from membership should be the date on which it is officially known that the pupil has left school, and not necessarily the first day, the third day, or the fifth day after the date of last attendance. Membership is obtained by adding the total original entries and the total re-entries and subtracting the total withdrawals; it may also be obtained by adding the total number present and the total number absent. (This term is also known as the "number belonging.")

**AGGREGATE DAYS OF MEMBERSHIP**—The sum of the days present and absent of all pupils when school was actually in session during the school year.

**AVERAGE DAILY MEMBERSHIP**—The aggregate days of membership divided by the number of days school was actually in session.

## Chapter VIII

### RESIDENCE AND TUITION



#### Residence

The matter of tuition rests solely on the residence of the pupil and considerable litigation has been carried on involving the fact of residence and the collection of tuition. School residence is determined by the residence of the parents, but where this would unreasonably deprive a child of school privileges, another school residence may be established where it appears that a child's residence is primarily for the purpose of having a home and not merely to enjoy the school privileges of the district. The intent of the persons involved has a rather decisive bearing upon the establishment of school residence. It must be determined from the established facts that such residence has some degree of permanency and is in good faith.

The theory generally followed in Iowa holds that a child does not need to establish a legal domicile in the school district for the purpose of school attendance free of tuition, but is entitled to attend the school of the district in which he is living, provided he lives there for some purpose other than to take advantage of the schools.

Each case involving the bona fide residence of a pupil must be decided upon its own individual merits. The school board is obligated to secure all the evidence, weigh it carefully without bias or prejudice, then render its decision upon the record

of facts established, keeping in mind that all children are entitled to an education in the public schools of Iowa free of personal payment of tuition until their graduation from a four-year approved public high school or until the age of twenty-one. (282.6)

A pupil is restricted in his right to attend school free of tuition to the district of his residence, unless otherwise provided by statute. Where the law prescribes a way for a student to attend a public school free of tuition in a district other than that of his residence, the manner prescribed by the statute must be followed.

Where children have been separated from their parents, school residence becomes a fact matter that must be determined by local school authorities, subject to appeal to the county and state superintendents in Iowa.

The courts have frowned upon temporary make-shifts to avoid payment of tuition, though every reasonable doubt has been decided in favor of the child. Intent and permanency are two important factors in the determination of residence.

The Iowa Supreme Court stated: "Ordinarily, the legal residence of a minor is the same as that of his parents but a minor may have a residence for school purposes other than that of his parents. The test of residence which will confer school privileges is not the same as the test for taxation or for the exercise of the right of suffrage." The court construed "residence" to mean the place, abode, or dwelling of the person and this opinion is quite carefully followed in determining pupil residence for school purposes.

#### Tuition

The word tuition, as applied to schools, means "the price of instruction."

In Iowa certain salient factors are included in tuition costs and the payment of such costs:

1. The superintendent of public instruction each year determines a maximum tuition rate that may be charged for pupils in the elementary school, the junior high school and the senior high school, living in one school district and attending school in another school district. (282.20, 282.24)

2. Between July first and September first of each year each school district shall be notified by the superintendent of public instruction regarding the maximum tuition rates for that school year. (282.24)
3. No school district may legally charge a tuition rate exceeding the maximum declared by the state, but a school district may pay more than the maximum rate, "if the actual per pupil cost of the preceding year so warrants." (282.24)
4. A school district is only allowed to charge either the maximum tuition rate set by the state, or the actual tuition rate, whichever is smaller.
5. Each school district must submit its tuition rate with its computation to the county board of education not later than July thirtieth for approval. Such tuition rate is based on the costs of the previous year. No school district has any authority to collect tuition until the county board of education has granted approval. (282.20)
6. Where there is a disagreement over tuition between a school district and the county board of education the right of appeal is provided in sections 285.12 and 285.13.
7. In determining rates of tuition the following expenditures shall be included (279.18, 282.20):

**General Fund**

- a. General Control
- b. Instruction
- c. Auxiliary Agencies—except } Auxiliary  
transportation costs } Services
- d. Co-ordinate Activities }
- e. Operation of Plant
- f. Maintenance of Plant
- g. Fixed Charges (including insurance on buildings and contents)
- h. Capital Outlay
- i. Debt Service (interest)

**Schoolhouse Fund**

- a. Interest and principal paid from the Schoolhouse Fund
- b. Depreciation on school buildings
  - (1) Two per cent per annum on the appraised value less bonded indebtedness. (This itemized appraised value was to have been determined on or before July 15, 1953 and filed with the county superintendent.)

(2) No depreciation charge shall be made for the portion of the initial cost of buildings and equipment purchased with federal grants.

8. Instructions as to the break-down in tuition rates and the method used in allocating tuition costs to the several divisions in a school may be found in Bulletin 15, "Uniform Financial Accounting," Department of Public Instruction.
9. No district is allowed to rebate to any pupils or their parents, directly or indirectly, any portion of tuition costs, or any benefit, compensation or special privilege, or anything of value that is not available to all the other pupils in its schools. (282.20)
10. The receiving district shall send an itemized statement of tuition fees to the sending district on or before February fifteenth, and June fifteenth, of each year. (282.20)

**Non-Tuition Pupils**

Certain children are free of tuition charges. These include:

1. All actual residents of the school district between the ages of five and twenty-one years or until graduation from high school.
2. Resident honorably discharged soldiers, sailors, and marines, as many months after becoming twenty-one years of age as they have spent in the military or naval service of the United States before they became twenty-one. (282.6)
3. Pupils who have been designated residents of a school district by a court. For example: A boy from one school district has been paroled to an uncle in another school district; or boys and girls who have been committed to the state training schools but have been placed on contract in homes in some school districts.
4. Children who are wards of guardians or other persons who stand in loco parentis. (If the ward attends school in another school district in which the person standing in loco parentis owns property on which he pays taxes, said person is entitled to an offset of the school taxes paid in said district on any tuition he is personally required to pay for his ward.)
5. Children of state employees who are residents of the school district, including minor children of alien parents.

A school board has the authority to establish and maintain evening schools for all residents of the district regardless of age and for which no tuition is charged. Temporary residents of the district and pupils outside the district may attend these evening schools upon such terms as the board may determine. (282.1)

### **Tuition Pupils**

By Iowa statute school districts must charge tuition for the following pupils:

1. Graduates from a four-year course in any approved high school or its equivalent. This would include honorably discharged service men and women. (282.6)
2. Pupils residing in another school district.
3. Pupils who are visiting relatives in the district or are temporary residents unaccompanied by parents or guardian.
4. Non-resident pupils in boarding homes and charitable institutions, licensed and operating under the laws of Iowa. (If there is no elementary school or high school in the district maintaining the boarding school or charitable institution, then the pupils may attend any approved school that will receive them, and are entitled to transportation and tuition as per statute and regulations.) These costs are paid by the treasurer of state, with warrants drawn by the state comptroller upon requisition of the superintendent of public instruction. Receiving districts should obtain forms for reimbursement from the superintendent of public instruction before the end of the school year. (282.18, 282.22, 282.23)

### **Who Pays Tuition Costs**

A school board by record action may discontinue any or all its school facilities but when it does so it must designate an appropriate approved public school for attendance of its pupils. Tuition shall be paid by the sending district to the receiving district. High school pupils may attend any approved public high school they wish and are entitled to tuition but in order to qualify for transportation they must attend the school designated by the board. (282.7, 285.4)

For pupils residing in charitable institutions or licensed boarding homes, the tuition is paid by the state of Iowa. (282.18, 282.22, 282.23)

## **Opinions and Decisions Concerning Residence and Tuition**

**Residence**—"In the acquisition of a school domicile two factors concur—actual residence and intention." If a pupil leaves his home with the intention of making his own way and making his home where he works, he is entitled to all the privileges of a resident, including free schooling but all surrounding facts must be considered to determine whether or not residence was established only for school purposes. Ltr. OAG, Feb. 19, 1937.

● The place where the occupant mainly and substantially performs those acts and offices which characterize his home, such as sleeping, sitting, eating and receiving visitors, is determined as his residence. If it is impossible to determine in which school district the occupant performs these acts and offices, then he must elect one for the purposes of taxation and school attendance and his election would be binding upon the statutory authorities in those matters. Ltr. OAG, Sept. 5, 1946.

● Residence for school purposes is not the same as legal domicile. A temporary residence, if not taken for the primary purpose of obtaining free schooling, may be sufficient for school privileges. For instance: Children residing in mobile home parks, by reason of employment of parents, are entitled to tuition-free schooling in the school district where the mobile home park is located. Ltr. OAG, Sept. 7, 1955.

**State Employees**—Pupils of school age whose parents are residents of the school district are entitled to free tuition even though their parents are state employees, that is, if the parents reside in the district and have no other place of residence. Ltr. OAG, Nov. 24, 1924.

**School Absence**—If a nonresident pupil enters school at the beginning of the school year but is forced by sickness or other reasons to be absent from school several weeks, and if he returns and makes up his work, the receiving district is entitled to full tuition. This would not apply for the part of the year in which he was not enrolled if the pupil enrolled after the beginning of the term. Ltr. OAG, Aug. 12, 1930.

**Land in More than One District**—A land owner may have a farm in two or more school districts. The question arises as to whether his children may go to both schools tuition free.

Residence must be determined in this case. Just where does he reside? He cannot reside in both dis-

tricts so this fact question must be decided. His children are only entitled to free tuition in the resident district, and must pay tuition if they attend the school in the other district even though the farm is in two districts. He is entitled to deduct from the tuition the amount of school taxes which he pays to the tuition district. (282.2)

● A tenant rents property in two districts. He lives in one district where there is a school but sends his children to a school in another district. He must pay tuition, but if he pays any school tax in the district where his children attend school he is entitled to deduct such school tax from the amount of tuition. Ltr. OAG, Feb. 10, 1923.

**Discrimination in Tuition Rate**—A school corporation cannot discriminate in the rate of tuition which it charges pupils for the same school advantages whether the pupils live within the state or without the state. Ltr. OAG, May 24, 1928.

**Tuition to Non-Public School**—A school board cannot use the funds of a district to pay tuition to a private or parochial school. Ltr. OAG, Aug. 27, 1928.

**Transportation and Tuition Where School is Closed and Board Fails to Act**—A parent is not required to furnish transportation when a local board fails to do what the law requires. If there is an established bus service available, and the local board fails to provide transportation, the parent can lawfully make use of the bus service, subject to action by the county board of education. Children are entitled to the educational facilities and transportation (as per Iowa statutes) in their own district.

The local board may not escape liability for the cost of transportation and tuition if it fails to provide either the schooling or the bus service for its pupils.

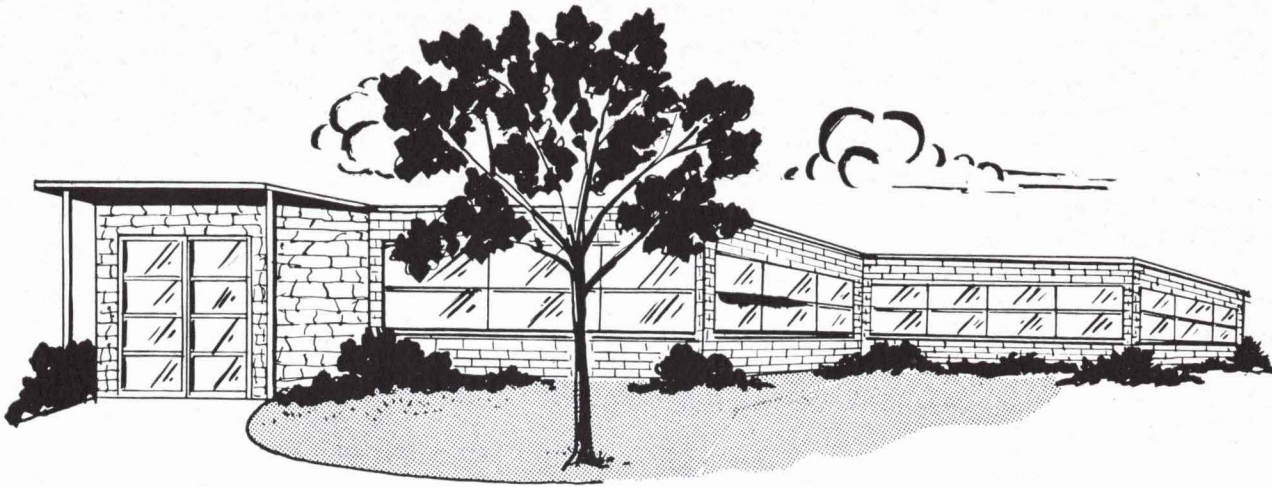
(Section 282.21 sets up the method for the collection of tuition fees. Section 285.1, subsection 13 provides the method of collection of transportation costs owing from one local board to another.) Ltr. OAG, Feb. 7, 1952.

**What Constitutes a School Day**—The Iowa Departmental Rules, which are based on Iowa statutes and approved by the Attorney General's Office, set up the minimum requirements as to what constitutes a school day. If the kindergarten pupils attend school two and one-fourth hours per day or one-half day, all year, full tuition may be collected. If they attend a full day every day, full tuition must be collected. However, if they attend a full day every other day, only one-half tuition can be collected.

**Attending School Outside State**—Section 282.8, as amended, authorizes (but does not require) local school boards in a reorganized district to designate high school and elementary pupils residing in such districts and nearer to an out-of-state school than to any school in the district or in Iowa, for attendance at such out-of-state schools with tuition and transportation paid by the reorganized district, provided a reciprocal agreement exists between the state superintendent of public instruction of Iowa and the other state involved. (282.8) Ltr. OAG, Dec. 30, 1957.

## Chapter IX

### SCHOOL BUILDINGS AND SCHOOL SITES



Inasmuch as school sites and school buildings are so closely related they will be discussed under one subject heading.

#### School Sites

The Schoolhouse Fund covers business concerned with capital outlay such as the acquiring of sites, the improvement of sites, and the disposal of sites. School officials should be aware that all transactions relative to school sites must be carried on through the Schoolhouse Fund and that no money can be spent from this fund without a vote of the electorate of the school district.

#### Size of School Site

The present Iowa statute is somewhat confusing as to how much land may be acquired for a school site. Section 297.4 gives consolidated schools the right to purchase not to exceed ten acres for any one site, but the district may acquire any amount of additional land by donation. Section 297.3 allows **any** school district including a city, town, village, or city under special charter, to take and hold two blocks for a schoolhouse site, and not to exceed thirty acres for playground, stadium or fieldhouse, or **other purposes**. As a city block 300 ft. by 300 ft. contains 2.1 acres of ground, this would allow approximately thirty-four acres for a site for any district including a city, town, village, or city under special charter.

Any school district other than one containing a city, town, village, or city under special charter would be allowed to acquire any amount of land not to exceed ten acres for a school site. (297.2)

A school district including a city, town, village, or city under special charter may purchase more land for sites providing each site is for a different school, and it makes no difference if the sites adjoin. For example, if a district desired to build an elementary school on a site under Section 297.3, a junior high school under Section 297.3, and a senior high school under Section 297.3, it may buy two blocks plus 30 acres for each site in three different locations quite remote from each other or the district might buy the three sites adjoining each other. Ltr. OAG, June 16, 1955.

#### Location of a School Site

There is no Iowa law that requires a school district to submit the question of the location of a site or a school building to the voters of the district. (Section 276.25 of the Iowa Code permitted the voting on site location but this chapter was deleted by the 55th General Assembly.)

A school board may select a school site, but the site:

1. Shall be on a public highway already established or procured by the board. (A street is considered a public highway.) A school district cannot legally acquire a site either by purchase or condemnation if it is not on some public highway. 1906 Report, p. 58.
2. Shall not be in any public park.
3. Shall not be less than thirty rods from the residence of any landowner who objects to its location, except in cities, towns, and villages. (No one but the landowner may raise an objection.) 1899 Report, p. 218.

4. Shall be as well-located geographically and for convenience as possible to all children of the district. (297.1)

A school site cannot be in a public park but many new school buildings are being located adjoining or near a town or city park so the children will have access to the park play area including its apparatus the year round. Some high school sites adjoin town parks where sports areas, swimming pools, parking areas, and picnic spaces are common to both the school and the community.

A site must be inside the district limits. The 1928 Report, p. 58, expressed the opinion that a district might maintain a school in a building outside the boundaries of its own district although it was entirely extraordinary to do so. This opinion was reversed in 1956.

A school board may purchase land in more than one location. 1928 Report, p. 187. Sites for a building and for play purposes need not be contiguous. When schools were first established many were placed as near the center of the town as possible, usually on a site of one block or less with little attention being given to play spaces. With the increase of population it was necessary to make additions to these buildings which naturally reduced the play area even more. In order to provide adequate playgrounds many boards purchased or condemned property sometimes across the street from the present building, sometimes several blocks away. According to Section 297.3, as much as thirty acres may thus be obtained for a school playground providing the present site is not over two blocks in area.

● The power of the board of education to fix the location of schoolhouses and to determine the type of building to be erected is absolute, subject to statutory limitation, and is entirely independent of the control of a city council or a zoning commission of a city. This gives a board the power to locate a building in an area termed "restricted" by a council or commission. Ltr. OAG, Sept. 22, 1927.

#### Acquiring School Sites and School Buildings

School sites and buildings may be obtained:

1. By bonds voted by the electors of a district at a regular election, or a special election called for such purpose. (298.21, 296.1)
2. By a schoolhouse tax voted by the people, not to exceed  $2\frac{1}{2}$  mills per dollar per year. (278.17)
3. By gifts or bequests.

## Bond Elections

### Bonds for Buildings and Sites

An outline of the procedure for setting up a financial program is presented on pages 36, 37, and 38 of "Before You Build," published in 1953 by this department. The content of this outline is presented here with supplementary laws and rulings. Some information concerning bond elections is presented elsewhere in this chapter but is included here in order to effect a sequence of thought and procedure in determining a financial program for securing sites and constructing school buildings.

### Bonding Limitations

1. Any school corporation is allowed to become indebted to a limit of 5% of the actual valuation of its district as ascertained by the last county tax. This actual valuation includes moneys and credits. Actual value is defined as one and two-thirds times the assessed value. (441.13, 407.2, 296.1)

For example, a school district has an assessed valuation of \$2,400,000, moneys and credits of \$600,000, and an outstanding debt of \$30,000, and wants to build an addition to the school building. To arrive at the amount for which bonds could be voted this is the procedure that should be followed:

\$2,400,000	Assessed valuation
x 1 2/3	
\$4,000,000	Actual valuation
600,000	Moneys and credits
\$4,600,000	Bonding base
x 5%	Legal bonding rate
\$ 230,000	Bonding limit
—30,000	Outstanding debt
\$ 200,000	Amount for which bonds could be voted.

2. The amount to be levied annually to apply on interest and principal and on bonded indebtedness cannot exceed seven mills on the assessed valuation of the taxable property of the school district, unless the bonds were issued prior to 1934. This limitation does not apply to funding or refunding bonds outstanding on March 31, 1934. (298.18)

● After the annual settlement, money may be transferred from the General Fund to the Schoolhouse



Fund, but it cannot be spent without a vote of the people. A high tax cannot be levied in the General Fund and transferred to the Schoolhouse Fund for the purpose of erecting a building without an election. The surplus may be transferred but a vote of the people is required before it can be spent out of the Schoolhouse Fund for anything. 1926 Report, p. 403. (See explanation of the different school funds.)

● Regular bonds for sites and buildings cannot be voted for more than 20 years but may be paid sooner if so stated in the bond.

● A school district may be bonded for the purpose of buying or building a superintendent's or teacher's house or houses. (296.1, 275.32, subsection 2) 1946 Report, p. 185.

● A school board has the authority to purchase a house for a superintendent as well as to build and furnish one. Ltr. OAG, June 5, 1946.

● A board cannot, under the name of "repairs," erect an addition to a building, or rebuild a structure. If a board were given such power there would be little need for bond elections. "The word 'repair' contemplates an existing structure or thing which has become imperfect, and means to supply **in the original structure** that which is lost or destroyed, and thereby restore it to the condition in which it originally existed, as near as may be." Fuchs v. City of Cedar Rapids, 158 Iowa, p. 392, 1913. Thus "repair" means **restore** rather than alter. This leaves all construction tending to alter or add to the original construction within the meaning of "erection." (297.7) Ltr. OAG, June 4, 1952.

● School sites may be purchased from a school board member. This is an unusual procedure and such a transaction should be so "above-board" that no accusation of collusion as to sale and price could be justified. Ltr. OAG, April 16, 1929.

● If there is a surplus in the Schoolhouse Fund after the retirement of bonds this surplus, by a vote of the people, may be used for sites and the erection of buildings. Ltr. OAG, April 12, 1926.

● An athletic field to be used solely for interscholastic athletics can be built and lighted, and paid for from public funds. If the site is to be purchased its cost must come from the Schoolhouse Fund and be voted by the district.

● All transactions regarding the purchase and sale of school sites and school buildings must go through the Schoolhouse Fund. Town and rural districts are

not authorized to purchase sites without a vote of the people and payment must be made from the Schoolhouse Fund, not from the General Fund. 1934 Report, p. 223 (291.13) 1938 Report, p. 210.

### Proposition

If a bond proposition specifies a "new" site or a certain site it mandates the action of the board; but if the bond proposition is general in its terms, the board could erect a building on the old site or on a new site. Suppose the proposition on the ballot is as follows: "Shall the independent school district of \_\_\_\_\_, in the county of \_\_\_\_\_, and State of Iowa, issue bonds in the sum of \$100,000, for the purpose of constructing and equipping an elementary building and procuring a site therefor?" Here no site is specified; neither is a new site mentioned. This allows the board the discretion of either obtaining a new site or placing the building on the old site.

Care should be taken in wording the proposition to be submitted at an election. The question should be distinctly stated. If the proposition were to erect a building then the money could not be used for a site and vice versa. If the proposition states that a building is to be erected on a certain site, then it must be placed on that site and no other.

A proposition should conform to the petition submitted by the electors. A general statement such as "to be used for the purchase of a site and the erection of a school building" gives the board a great deal of leeway and does not bind it to any particular site or building. The proposition might include "an elementary building," or a "high school building," or a "bus garage," but it should not go into detail either as to building or site.

● If electors voted for two grade schools, or an elementary school and a high school, one of these could not be started and the other delayed unless such action was on the proposition and voted by the electors. Ltr. OAG, Sept. 21, 1939.

● A proposition to sell a school site or school building and use the proceeds in a certain way is a single proposition and may be so stated on a ballot. However, if there is more than one public measure to be voted upon, they may be printed on the same ballot but as single propositions, one below another with one inch space between them. 1944 Report, p. 139.

● A school board is not required to submit a proposition to the voters to sell school property which is in use. The petition may be tabled. Ltr. OAG, Jan. 7, 1952.

● A school board may submit any proposition authorized by law to the voters at the regular election if a petition is presented carrying a legal number of signatures. In school township, rural independent, or consolidated districts, five signers are required on the petition; in town or city independent districts having less than 5,000 population, twenty-five signers; in any district requiring registration, fifty signers. (278.2)

### Procedure in Bond Elections

1. School boards should be cognizant of the legal limit of indebtedness of their districts, the project to be voted, and the amount of bond to cover the cost of the project. Indebtedness may be for the purpose of building and furnishing a schoolhouse or schoolhouses and additions thereto, gymnasium, stadium, fieldhouse, school bus garage, teachers' or superintendent's home or homes, site or sites, addition to sites, or athletic fields. (296.1, 298.21) This includes the purchase of furniture and equipment.
2. If bonds to be issued exceed  $1\frac{1}{4}\%$  of the assessed valuation of the district, a petition is required. This petition must be signed by at least 25% of those voting at the last **regular** school election. (296.2) The petition must:
  - a. Be filed with the president of the board.
  - b. Ask that an election be called.
  - c. State the amount of bonds to be issued.
  - d. Declare the purpose for which the indebtedness is to be created.
  - e. State that the project cannot be effected within the limit of  $1\frac{1}{4}\%$  of the valuation of the district. (The board may call the election without a petition if the bond calls for a sum within the  $1\frac{1}{4}\%$  limit.) (296.2, 298.21)
3. After receiving the petition the president of the board must within ten days call a meeting of the school board who shall in turn set the time, date, and place of the election, which may be held at a regular election. (296.3)
4. The notice of the election shall be publicized once each week for four weeks in some newspaper published in the district, or if there is none, in some newspaper published in the county and of general circulation. (296.4)
5. The form of the ballot shall be somewhat the same as is used in submitting special questions at general elections. (296.4)
6. The bond election shall be held not less than five nor more than twenty days after the last publication of notice. (296.5)

7. A bond election for school buildings and/or sites must be approved by at least 60% of the votes cast. (75.1)

### Selling Bonds

1. Where school bonds are offered for sale, the notice of sale must be published for two or more successive weeks in at least one newspaper located in the county. The time, place of sale, the amount to be offered for sale, and any further pertinent information must be included. (75.2)
2. Sealed bids may be received at any time prior to the calling for open bids. (75.3)  
Officials may call for open bids only after all sealed bids are filed. The best open bid is noted in the minutes, then the sealed bids are opened and the best sealed bid is noted in the minutes. (75.3)
3. The lowest bid may be accepted but any or all of the bids may be rejected and a new sale advertised. (75.4)
4. Bonds may be sold at a private sale but the price may not be more than the most favorable bid made at the advertised sale. (75.4)
5. No bonds may be sold at less than par plus accrued interest. (75.5)
6. No commission may be paid in connection with the sale of school bonds. The only allowable expenses are those incurred in advertising. (75.6)

### Retiring Bonds

1. School bonds may be issued for a term of years not exceeding twenty years from date of issue. (298.22, 76.1)
2. Bonds may be paid before the retirement date if so nominated in the bond. (298.22)
3. The bonds must be numbered serially and must mature serially as numbered. (76.1)
4. Bonds subject to redemption may be recalled by giving the owner a written notice thirty days in advance. If the bond is not presented for redemption the interest on the bond ceases (298.23) All redemptions must be made in order of their numbers and a record must be kept. (298.24) (Interest terminates thirty days after notice.) (Bonds are redeemable at any time from maturity until the statute of limitations—ten years—makes them void.) (614.1, subsection 6) Ltr. OAG, Oct. 21, 1947.
5. The rate of interest on bonds shall not exceed 5% per annum, payable semiannually. (298.22)

6. School bonds shall be registered in the office of the county auditor. (298.22)
7. Bonds shall be in denominations of not more than \$1,000 or less than \$100 each. (298.22)
8. Bonds must be signed by the president of the board and countersigned by the secretary. (298.22)
9. The expenses of printing and engraving bonds may be paid from the General Fund. (298.22)
10. By board resolution, funding or refunding bonds may be issued to meet school district indebtedness. (298.20, 75.9)
11. Where a school has on hand certain funds that were derived from any other source than taxation, these funds may be used to pay the principal and interest on bonds thus reducing the levy for the payment of the bonds. (76.4)
12. Bonds are retired by means of levy which is made annually until the bonds are paid in full. (76.2)

#### Bonding Rates

Bonding companies usually set up a schedule whereby the combined annual principal and interest payments are fairly constant. The following table should be of some value to school districts that plan bond issues:

Length of Bond Issue	Bond Payments						
	2%	2 1/2%	3%	3 1/2%	4%	4 1/2%	5%
10 Years .....	.1113	.1143	.1172	.1202	.1233	.1264	.1295
15 Years .....	.0778	.0808	.0838	.0868	.0899	.0931	.0963
20 Years .....	.0612	.0641	.0672	.0704	.0736	.0769	.0802

To learn the amount of money necessary each year to pay the principal and interest on a bond issue, multiply the amount of bond issue by the appropriate figure from the table above. Interest rates other than those mentioned in this table can be interpolated to approximate values.

For example: A \$300,000 bond issue is to mature in 20 years at 3 1/2% interest rate. The annual payment could be determined by multiplying \$300,000 by .0704 which would give \$21,120, the approximate amount due each year for twenty years for interest and payment on the principal.

#### Bond Elections in Newly-Formed Community Districts

The question is often asked: "How soon after a newly-formed community district becomes effective may an election be held to vote bonds for sites and buildings?" Section 296.2 states that a petition must be presented to the board signed by twenty-five per cent of those voting at the last **regular** school election.

Section 277.1 defines a "regular" election as one held annually on the second Monday in March, except in school districts containing a city of 125,000 population or more. Thus, if a new community district went into effect on July 1st, there would be no "regular" school election until the second Monday in March of the following calendar year.

The election of the first board of directors in a new community district is designated as a "special election" (275.25) and therefore does not qualify as a "regular" election. After the "regular" election in March, it can then be determined how many residents voted at this "regular" election, and a petition for a bond issue for sites and buildings can then be presented by twenty-five per cent or more of qualified voters. Ltr. OAG, Aug. 22, 1955.

**Condemnation**

If a school board desires some real estate for a site or a school building, and the owner of the property is dead, or unknown, or if he refuses to sell or if the board thinks the asking price is unreasonable, then the board may take the property under condemnation proceedings as described in Chapter 472. (297.6) Proceedings in Iowa school districts are conducted by the county attorney. However, he is under no duty to represent the board **on appeal** and is entitled to be paid the same as any other attorney for services in connection with condemnation appeals.

#### Options

A board may take an option on a site but it has no authority to give consideration for such option. An option without consideration is not binding. An option with consideration is a binding priority of purchase. The statutes give authority to purchase sites but no authority to purchase priorities.

#### Borrowing Money

A school board is not authorized to borrow money for buying a site, erecting a schoolhouse, or any

other purpose. Neither is there any statutory authority that allows electors to vote on borrowing money. Ltr. OAG, June 23, 1927.

### Renting

● The board of supervisors has the authority to lease or to sell buildings that are no longer needed for county purposes and school districts have the authority to buy or lease them. 1932 Report, p. 231.

If there is no schoolhouse and if there are at least ten children needing a schoolhouse, a board may rent a room and employ a teacher. (297.12)

● A board may not lease a temporary site and remove a building from a permanent site to the temporary site. 1928 Report, p. 293.

● There is no provision in the statute for loaning school property to any person or organization. Ltr. OAG, Oct. 19, 1929.

● A school board does not have the power to rent a room of a schoolhouse under their supervision to a parochial school. 1928 Report, p. 146.

A school board may authorize the use of its school property for the purposes of meetings of:

1. Granges
2. Lodges
3. Agricultural societies and similar rural secret orders and societies
4. Parent-Teacher Association
5. Community recreational activities
6. Public forums and similar community groups—providing any group does not hold views that are in conflict with the republican form of government as set forth in the Constitution of the United States.

The board may also authorize the use of its school property for election purposes and for meetings of public interest.

The use of school property by "outside groups" must not interfere with school activities.

The board may fix the terms and conditions and compensation for the use of school property. (297.9)

All moneys received from the rental of a school building shall be paid into the General Fund and expended for upkeep and repairs of the building and grounds and the purchasing of supplies. (297.10)

### Supplementary Bond Data

● There is nothing in Iowa law that demands that a school board must employ an architect, but if an

architect is employed he must have a certificate of registration. (118.6)

● Architect's fees can be paid from the proceeds of a bond issue. Such fees are considered as part of the cost of construction of a building and should be paid out of the same fund as a building. Ltr. OAG, Feb. 4, 1929.

● A school board may employ an architect to make preliminary sketches and present informative data, and if the bond issue fails the costs may be paid out of the General Fund. Ltr. OAG, Nov. 19, 1953. It is advisable that no final plans or blue prints be prepared until a vote of the people assures the construction of a building. Certainly a school board needs the advice and aid of specialists in planning for school sites and buildings and has the power to obtain such service and pay for it.

● If a bond issue fails the fees of the bond attorney may be paid from the General Fund providing his services were in the public interest rather than the interest of a bonding company or the bonding attorney himself. His services as to public interest would center about such questions as to the amount of bonds the district could sell, the type of proposition to be submitted to the voters, and the manner in which the sale of bonds must be conducted. Ltr. OAG, Oct. 14, 1954.

● Callable bonds are bonds that can be paid at the option of the issuing school district, but are due and payable absolutely twenty years from date. This gives a district the option of redeeming bonds before maturity but very few such bonds are called before maturity. These bonds are higher priced than term bonds without the option feature, therefore, very few schools request them. The statute of limitations applies to these bonds after maturity rather than after the callable date.

● After bonds have been approved by the qualified voters of a school district, there seems to be no hard and fast rule as to just when they should be issued. Section 296.6 states nothing as to the time of issuance. Some issues have been delayed several months, others several years. It might be argued that bonds should be issued within a "reasonable time" after they have been voted but who can determine what a reasonable length of time is? Changing conditions may justify the delay of issue but justifiable delay is a fact rather than a law.

● Bonds of every kind shall be consecutively numbered, and shall be retired by twenty years from

date of issue. The bonds shall be retired in the order as numbered. Each year a levy must be made to cover the interest and enough of the principal so all the bonds may be retired by the end of the twenty year period. Ltr. OAG, July 2, 1927.

● No expense shall be paid by a school board for the sale of bonds except the expenses incurred in advertising such bonds for sale. A company has no right to charge a fee for the examination of a bond. Ltr. OAG, July 8, 1930.

● A board of directors of a school district has no power to issue bonds for anything but cash and the proceeds of the bonds must be deposited in a bank under provisions of the statute. Ltr. OAG, July 3, 1950.

● A school board has no authority to pay a service fee for the collection of interest on bonds. Ltr. OAG, Dec. 21, 1935.

### Schoolhouse Tax

A schoolhouse tax may be voted for any term of years. Where the voters of a school district have voted a two and one-half mill schoolhouse tax for a term of years this tax cannot be terminated or modified during the term stated except at a regular election, or a special election called for that purpose. (278.1, subsection 7) Iowa Reports 1949-1950, p. 230.

● Where a school district becomes part of a new district or community with a new board and a new electorate, any schoolhouse tax voted by the old district under Section 278.1 becomes obsolete. If a schoolhouse tax is desired by the new district, it must submit the proposition to the electorate of the new district. Ltr. OAG, Sept. 8, 1955.

A two and one-half mill tax on the dollar may be voted for the purchase of sites, construction of school buildings, the payment of debts contracted for the erection of schoolhouses, procuring libraries for schoolhouses, and opening roads to schoolhouses, but this tax cannot be used for interest on bonds. (278.1, subsection 7)

● This two and one-half mill tax may be voted at a regular election or a special election called by the board. No petition is necessary. (277.2) There is no limitation upon the number of years such a tax may be voted. Supreme Court Case, Volume 241, p. 230.

### Gifts

● School boards may accept gifts including real and personal property. Before title is passed the board

must formally accept the gift, and after acceptance the conditions of the bequest must be followed. (565.6)

● If a certain amount of money is bequeathed to a school district for the purpose of building rooms or buying a site this money must be turned over to the school treasurer. It cannot be spent for a site or a school building without a vote of the people of the district. 1928 Report, p. 152.

● A school board may accept gifts but it cannot obligate itself to follow conditions that are unauthorized by statute. Ltr. OAG, Nov. 8, 1929.

● If land is bequeathed to a school district, it becomes (after acceptance by the board) in the same status as other school sites and cannot be sold without authorization of the electors (278.2), irrespective of the terms of the will. Ltr. OAG, Aug. 22, 1945.

● If gifts or money are bequeathed for other purposes than site and building, they may be allocated to the General Fund and used at the discretion of the board providing the conditions attached to such gifts are followed.

● If a town is entirely within a school district, and there is a public square or plat of ground which has been dedicated or deeded to the town, by petition and vote, this area can be transferred to the school district for a public schoolhouse or for play spaces connected with such schoolhouse. The proposition must be voted on by the electors and must carry by a two-thirds majority of the votes cast. (409.46, 409.47)

### One Mill Levy

School directors in any independent district whose territory is composed wholly or in part of territory occupied by any city may certify a one mill tax to the board of supervisors, to be levied for the purchase of school sites only. (297.5) A city is defined as an incorporated area having two thousand or more population. (363.1)

The amount of one mill must be certified to the board of supervisors at the regular July meeting or at a special meeting called sometime between July first and the third Monday in August. This levy applies only to the purchase of sites and does not include buildings. (297.5)

### Playgrounds

The voters in school districts containing or contained in any city may authorize a one-half mill levy

for the establishment and maintenance of recreation places and playgrounds without charge to the residents of the school district. Chapter 300.

A board may establish and maintain a playground for children during the summer months without special authorization by the voters, and the cost can be paid out of the General Fund. 1930 Report, p. 335. However, Chapter 300 authorizes school boards in school districts containing or contained in any city to set up public playgrounds and recreation spaces through a half-mill tax levy and this levy shall be in effect until it is terminated by a vote of the district electorate. The proposition shall carry by a majority vote at a regular or special election. The proceeds of this levy are handled through the Schoolhouse Fund.

#### **Disposal of School Sites and Other Property**

An independent school district having within its boundaries part or all of a city acting under a special charter, and having a population of fifty thousand or more, may rent, or by a unanimous vote, pass a resolution to sell any school site, or school building or other school property when the board thinks it would be for the best interests of the district. (297.22)

All other school districts may sell, lease or dispose of all, or part of a school site or a school building of a value not to exceed:

1. Two thousand five hundred dollars in a high school district with an average daily attendance of two hundred pupils or less the preceding year.
2. Five thousand dollars in a high school district with an average daily attendance of more than two hundred but less than five hundred pupils the preceding year.
3. Ten thousand dollars in a high school district with an average daily attendance of five hundred or more pupils in the preceding year.
4. Five hundred dollars in a school district having no high school.

If the value of property in any of the aforesaid districts exceeds the stated value, the approval of the voters is required.

Before any board can sell real estate it must give consideration to these procedures:

1. Have it appraised by three disinterested resident land owners appointed by the county superintendent.
2. Advertise for bids for two consecutive weeks in some newspaper having general circulation in the district. (297.23)

3. No bids may be accepted by the board prior to two weeks after the second publication nor later than six months after the second publication. (297.24)
4. The board may decline all the bids if it thinks such bids are inadequate.

#### **Disposing of Rural School Property**

Rural sites and schoolhouses may be sold either by a vote of the electors or without an election if the school has been closed two years or more for reasons other than lack of pupils in the district.

No matter which method is used the owner of the land from which the school site was taken has priority to purchase the school site.

The procedure to be used is similar to that of other districts:

1. Have a conference with the owner of the land from which the school site was taken to determine whether he desires to buy the site and how much he will pay for it.
2. If the school board and the owner cannot agree as to the price for the site, a written request of either party should be filed with the county superintendent to appoint three disinterested voters of the county to appraise the property. The request should ask that the school site and buildings be given separate appraisals. (297.16)
3. Three appraisers who are disinterested voters in the county will be appointed by the county superintendent. The school board and the owner of the land will be notified by the county superintendent of the time and place of appraisal. (297.17)
4. The appraisers shall perform their duties at the specified time and place and file their report with the county superintendent. (297.18)
5. The board is required to sell the site to the owner of the land if he is willing to pay the appraised value. The building may also be sold to the owner of the land at the appraised value but the school district is not required to do so.
6. The owner has twenty days to buy the school site. If he fails to purchase the tract, the board may sell the site and the buildings to any person for the appraised value or the board may sell at public sale, and buildings and site may be sold separately. (297.19, 297.20)
7. If the site is not sold to the owner:
  - a. The board shall direct the secretary to publish a notice in a newspaper of general circulation in the district that the school building

and site will be sold. This notice should state the appraised value, that sealed bids will be taken, and the time and place such bids will be opened and considered by the board. The notice should also state that at the specified time and place, the board will open and announce the amount of bids, and will then sell the property to the highest bidder if such bid is equal to or above the appraised value, or will then and there cause the property to be auctioned, bidding to start at the amount of the highest sealed bid.

- b. Proceed as stated in the notice.
- c. All procedures taken in disposing of the site and buildings should be made of record in the minutes of the board.

### **Miscellaneous Data on Disposal of School Property**

● Payment for school property must be made in cash. No mortgage on real estate may be accepted. The authority to sell does not give authority to accept anything but cash in settlement for property. Ltr. OAG, Aug. 18, 1932.

● A school board or the voters of a school district have no authority to dispose of school property except for adequate consideration. Ltr. OAG, Feb. 20, 1940.

● If a school board has been authorized to build a new school building it has the power to tear down an old building and use the material in a new building without a vote of the electors. Ltr. OAG, April 17, 1931.

● A school board may sell improvements on a site to the owner at a price mutually agreed upon, or it may sell to the owner at a price higher than the appraised value. The landowner has no equity in improvements placed on the site with public funds. Ltr. OAG, Oct. 28, 1954.

● A school board has no authority to wreck and abandon a school building without a vote of the electors of that school district. Ltr. OAG, April 5, 1939.

### **Care and Use of School Property**

#### **Power of the School Board**

● The school board can make its own rules regarding the care of a school site, buildings, and other property and for the government of directors, officers, pupils, and teachers providing such rules and regulations are reasonable. (279.8)

● The control and management of a school building is placed exclusively with the board of directors of the school district and cannot be voted or delegated to any other agency. 1938 Report, p. 234.

● A school board has the power or authority to move a building from one subdistrict to another, without a vote of the electors. 85 N. W., 2nd, p. 540, Supreme Court Case.

● A schoolhouse may be moved within the subdistrict. Ltr. OAG, Aug. 24, 1950.

● No one has a right to demand the free use of a gymnasium or auditorium or other school facilities, but a board may authorize its use at any time that such use does not interfere with regular school activities. Ltr. OAG, June 19, 1935.

● The electors of a school district have the power at the regular election to instruct the school board to use, or not to use, the school building for meetings of public interest. (278.1)

● There is no liability upon the school district or members of the board for any injuries that may occur while the building was rented, whether the authority had been granted by the electors or not. Ltr. OAG, Feb. 1, 1930.

#### **Religious Use**

● If a school were to permit religious instruction to be given in a school building by any religious sect, the school would not be entitled to public aid. Ltr. OAG, Nov. 10, 1942.

The use of a schoolhouse for religious purposes seems to be very limited. The limitations are pointed up in many court cases and opinions.

● A school board does not have the power to rent a room of a schoolhouse under their supervision to a parochial school. 1928 Report, p. 146.

#### **Community Use**

● The school board may grant the use of a school room to the community for public library purposes unless the electors of the district had voted otherwise. 1910 Report, p. 57.

● The school board or the electors of a school district have no authority to authorize the use of school buildings for public or private dances not connected with school activities. School buildings may be used for meetings of public interest and this applies to all types of school districts. A public dance is not considered a matter of public interest. 1932 Report, p. 208.

● Community centers may be located on a school site or as a part of a school building with the consent of the school board, and may be operated and maintained as agreed upon between the city council and the school board. (374.5)

#### **Trespass-Mischief**

There are severe penalties provided for any person who maliciously defaces, injures, or destroys school property. Chapter 714.

#### **Closing of Schools**

A school board may close a school and arrange for educational facilities elsewhere in an approved public school. A school board can close any school without an election of the people. (282.7)

#### **Other Statutes and Opinions Relating to School Sites and Buildings**

Still remaining in the Iowa Code are laws which require or authorize school boards to:

1. Set out twelve shade trees on each schoolhouse site where such trees are not found. (279.38)
2. Provide two separate water closet buildings on each schoolhouse site that is not within an independent city or town district. (279.37)
3. Build and maintain all the fences between a school site and adjoining cultivated or improved land, and see that no barbed wire is used within ten feet of any school grounds. (297.13, 297.14) 1912 Report, p. 138. This fence belongs to the school district and may be sold when the site and the building are sold.

A lawful fence is described in Section 113.18. If the owner of the ground adjacent to a school site has it fenced hog-tight, the schoolhouse fence must also be hog-tight. 1912 Report, p. 658.

● A city council may close a street during any portion of a school day as a safety measure for the protection of children and the city would not be liable for any damages providing it erects a sufficient barrier to warn the public that the street is closed. Ltr. OAG, Dec. 5, 1930.

● A school district is liable for the improvement of streets such as oiling, graveling, and paving, and the assessments should be paid out of the General Fund. Ltr. OAG, July 12, 1935.

#### **Construction of a School Building**

##### **Architects**

There is no Iowa statute requiring a school board to employ an architect but if one is employed, he

must be registered if he practices architecture in Iowa under the title "Architect."

The method of selecting an architect is not defined by law, but is left to the local school board.

#### **Contracts**

1. Plans and specifications and a proposed form of contract must be adopted for any public improvement costing five thousand dollars or more. A hearing must be held on such plans and specifications. Notice must be given in at least one newspaper of general circulation at least ten days before the hearing. (23.2)
2. The method of caring for objections and appeals is discussed in Section 23.3 to Section 23.16.
3. Before erecting a schoolhouse the school board shall consult with the county superintendent as to the most approved plan and secure his approval of the plan submitted. (297.7)
4. If the cost of repairs or the building exceeds five hundred dollars for one-room schools, or two thousand five hundred dollars for schools of more than one room, bids must be advertised once each week for two consecutive weeks in some newspaper published in the county. (297.7)
5. The contract shall be awarded to the lowest responsible bidder, or any or all the bids may be rejected and advertisement made for new bids. (297.7)
6. Advertisement for bids shall not apply when emergency repairs costing more than two thousand five hundred dollars are necessary in order to prevent the closing of school. The county superintendent must issue a certificate of emergency before such repairs can be made. (297.8)
7. Contractors cannot make payments of any kind in order to obtain a contract, neither can they make arrangements with other contractors to lessen the competition in bidding. (553.23)
8. The contents of bids cannot be divulged except as provided by law. (72.3, 72.4)
9. a. A contractor must provide a surety bond when the contract exceeds one thousand dollars. A bond may be required if the contract is of a lesser amount. (573.2, 573.3, 297.7)  
b. The bond must not be less than seventy-five per cent of the contract price, except that if the contractor receives no pay until after the



completion of the contract, the bond may be twenty-five per cent of the contract price. (573.5)

- c. The provisions of bonding are listed under Section 573.6.
- d. Money or certified checks and other securities may be deposited and held in lieu of a bond.
- e. Contracts cannot be made which contemplate expenditures in excess of that authorized by law. (72.1)

Contract bonds help to eliminate incompetent or dishonest contractors from bidding. Surety companies do not issue bonds to contractors who have a bad reputation.

After a bond is voted and issued and a building has been contracted for, there might be more funds available than will be necessary to pay the contracts. The question may arise as to whether or not the school board could effect change orders in the building contract to include an extra classroom or two, or some other facilities. This might be done if the cost of the additional construction does not exceed two thousand five hundred dollars. See Section 297.7 for procedure if the cost exceeds two thousand five hundred dollars.

#### Performance Bond

There are two types of performance bonds that might be given by contractors in erecting and completing school buildings.

1. Performance bond. This is a bond that more or less guarantees the finishing of the project.
2. Performance and payment bond. This type of bond assures the payment of all bills if anything goes wrong in the erection and completion of a building. This bond is preferred to the plain performance bond and the rate on it is very little higher.

The statutory powers vested in a school district to make a contract for the construction of a school building contemplate a completed building for which a fixed amount will be paid. (The Acts of the 54th General Assembly, Chapter 198, provided for the termination of a contract for construction or repairing a school building when a national emergency has been declared and it prescribed procedures and settlements for such termination.)

Either type of bond remains in effect until one year after official acceptance of a building.

● Contracts based on bids made by mistake are not enforceable. 1912 Report, p. 735.

● Where a bidder's check is lost there is no liability on the school district. The district should not furnish a bond to protect the drawee bank. Ltr. OAG, Dec. 2, 1925.

● Surety bonds are required of a contractor when the contractor price equals or exceeds one thousand dollars, and may be required for a contract price lower than one thousand dollars. A deposit may be made in lieu of a bond. A school board has no authority to pay the costs of a surety bond. Ltr. OAG, July 21, 1936.

#### Insurance While Building

Many school boards do, and should, take a builder's risk policy covering a school building in its process of construction. Policies may vary as to coverage, and time and amount of premiums, but most school boards prefer a regular policy, the same as would be written if the buildings were completed, and premiums rated according to the completion process of the building. This policy should cover vandalism along with other coverages.

A school building contractor should carry liability insurance on persons, property and automobiles. In actual practice many school boards also carry liability insurance during the erection of a building, usually in the form of a rider on their regular liability policy.

#### Payments to Architects and Contractors

The architect is to be paid as agreed upon in the contract between the architect and the school board. Usually 25% of the estimated total cost is paid upon completion of the preliminary sketches of the building, 50% intermittently during the period of preparation of the working drawings, and 25% in proportion to service rendered.

The contractor is usually paid monthly less 10%. The last payment should be made 30 days after official acceptance of the building by the school board, and should represent a "payment in full."

#### The Standard Form of Agreement Between Owner and Architect

(A. I. A. Form B-102; revised 6-1-53)

Issued by the American Institute of Architects for use when a percentage of the cost of the work forms the basis of payment, and engineers' fees are included in the architect's fee.

Sixth Edition—copyright 1948-1951 by the American Institute of Architects, Washington, D. C.

THIS AGREEMENT made the ..... day ..... in the year Nineteen Hundred and ..... by and between .....

..... hereinafter called the Owner, and  
..... hereinafter called the Architect,  
WITNESSETH, that whereas the Owner intends to erect .....

....., hereinafter called the Work,  
NOW, THEREFORE, the Owner and the Architect, for the considerations hereinafter named, agree as follows:

The Architect agrees to perform, for the above-named Work, professional services as hereinafter set forth.

The Owner agrees to pay the Architect for such services a fee of ..... percent of the cost of the Work, with other payments and reimbursements as hereinafter provided, the said percentage being hereinafter called the Basic Rate.

The parties hereto further agree to the following conditions:

**1. The Architect's Services.**—The Architect's professional services consist of the necessary conferences, the preparation of preliminary studies, working drawings, specifications, large scale and full size detail drawings, for architectural, structural, plumbing, heating, electrical, and other mechanical work; assistance in the drafting of forms of proposals and contracts; the issuance of certificates of payment; the keeping of accounts, the general administration of the business and supervision of the Work.

**2. Reimbursements.**—The Owner is to reimburse the Architect the costs of transportation and living incurred by him and his assistants while traveling in discharge of duties connected with the Work, the cost of all reproductions of drawings, the cost of any special consultants other than for normal plumbing, heating, electrical, and other mechanical work, and other disbursements on his account approved by the Owner. (Not used in Iowa)

**3. Separate Contracts.**—The Basic Rate applies to work let under a single contract. For any portions of the Work let under separate contracts, on account of extra service thereby required, the rate shall be four per cent greater, and if substantially all the Work is so let the higher rate shall apply to the

entire Work; but there shall be no such increase on the plumbing, heating, electrical and other mechanical work or on any contracts in connection with which the Owner reimburses special consultants' fees to the Architect, or for articles not designed by the Architect but purchased under his direction. (Not used in Iowa)

**4. Extra Services and Special Cases.**—If the Architect is caused extra drafting or other expense due to changes ordered by the Owner, or due to the delinquency or insolvency of the Owner or Contractor, or as a result of damage by fire, he shall be equitably paid for such extra expense and the service involved.

Work let on any cost-plus basis shall be the subject of a special charge in accord with the special service required.

If any work designed or specified by the Architect is abandoned or suspended, in whole or in part, the Architect is to be paid for the service rendered on account of it.

**5. Payments.**—Payments to the Architect on account of his fee shall be made as follows, subject to the provisions of Article 4:

Upon completion of the preliminary studies, a sum equal to 25% of the basic rate computed upon a reasonable estimated cost.

During the period of preparation of specifications and general working drawings monthly payments aggregating at the completion thereof a sum sufficient to increase payments to 75% of the rate or rates of commission arising from this agreement, computed upon a reasonable cost estimated on such completed specifications and drawings, or if bids have been received, then computed upon the lowest bona fide bid or bids.

From time to time during the execution of work and in proportion to the amount of service rendered by the Architect, payments shall be made until the aggregate of all payments made on account of the fee under this Article, but not including any covered by the provisions of Article 4, shall be a sum equal to the rate or rates of commission arising from this agreement, computed upon the final cost of the Work.

Payments to the Architect, other than those on his fee, fall due from time to time as his work is done or as costs are incurred.

No deductions shall be made from the Architect's fee on account of penalty, liquidated damages, or other sums withheld from payments to contractors.

**6. Survey, Borings and Tests.**—The Owner shall, so far as the work under this agreement may require, furnish the Architect with the following information: A complete and accurate survey of the building site, giving the grades and lines of streets, pavements, and adjoining properties; the rights, restrictions, easements, boundaries, and contours of the building site, and full information as to sewer, water, gas and electrical service. The Owner is to pay for borings or test pits and for chemical, mechanical, or other tests when required.

**7. Supervision of the Work.**—The Architect will endeavor by general supervision to guard the Owner against defects and deficiencies in the work of contractors, but he does not guarantee the performance of their contracts. The general supervision of the Architect is to be distinguished from the continuous on-site inspection of a clerk-of-the-works.

When authorized by the Owner, a clerk-of-the-works acceptable to both Owner and Architect shall be engaged by the Architect at a salary satisfactory to the Owner and paid by the Owner, upon presentation of the Architect's monthly statements.

**8. Preliminary Estimates.**—When requested to do so the Architect will furnish preliminary estimates on the cost of the Work, but he does not guarantee such estimates.

**9. Definition of the Cost of the Work.**—The cost of the Work, as herein referred to, means the cost to the Owner, but such cost shall not include any Architect's or Special Consultants' fees or reimbursements or the cost of a clerk-of-the-works.

When labor or material is furnished by the Owner below its market cost, the cost of the work shall be computed upon such market cost.

**10. Ownership of Documents.**—Drawings and specifications as instruments of service are the property of the Architect whether the work for which they are made be executed or not, and are not to be used on other work except by agreement with the Architect.

**11. Successors and Assignments.**—The Owner and the Architect, each binds himself, his partners, successors, legal representatives, and assigns to the other party to this agreement, and to the partners, successors, legal representatives and assigns of such other party in respect of all covenants of this agreement.

Except as above, neither the Owner nor the Architect shall assign, sublet, or transfer his interest in this agreement without the written consent of the other.

**12. Arbitration.**—All questions in dispute under this agreement shall be submitted to arbitration at the choice of either party, in accordance with the provisions, then obtaining, of the Standard Form of Arbitration Procedure of the American Institute of Architects.

The Owner and the Architect hereby agree to the full performance of the covenants contained herein.

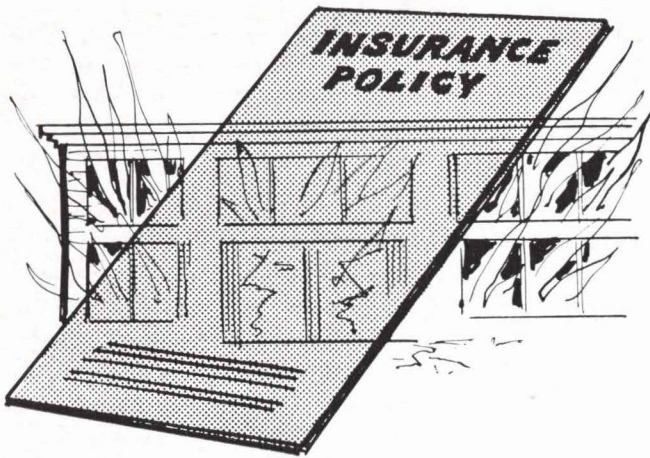
IN WITNESS WHEREOF they have executed this agreement, the day and year first above written.

Owner .....

Architect .....

## Chapter X

### SCHOOL INSURANCE



By Iowa statute school directors have the right to insure school property for such sums as may be necessary and may provide for the payment of insurance premiums out of the General Fund. (279.25) However, school districts are not compelled by law to carry insurance but it is highly recommended that they do so. It is good business to keep property insured against loss.

School insurance is a big problem and one which the majority of school boards know too little about. Today, school districts vary in the number and types of insurance policies carried. Some carry but one or two insurance coverages while others may carry twenty or more. The common types of protection are for fire and extended coverage, workmen's compensation, liability or accident, boilers, and theft, but insurance policies are also written for vandalism, malicious mischief, glass, safety of school records, performance of duties, and other kinds of coverage.

There seems to be no certain pattern of insurance coverage among Iowa school districts. Some schools write partial coverage while others write full coverage. Practically all of the schools carry 80% or 90% coinsurance policies against fire, wind, and extended coverage.

Inasmuch as school insurance is a complex and costly factor in school administration, school superintendents and board members should evaluate their insurance programs from time to time and might even well employ an insurance consultant to help them in their decisions.

- A good insurance program is:
- a. simple and understandable
  - b. comprehensive

- c. economical—maximum coverage at minimum cost
- d. well balanced in coverage and in the amount of premiums to be paid each year.

#### Where to Buy Insurance

Too often a school board will purchase insurance from a local agent or agents without any regard to the cost or the reputation of the insurance company. Insurance is complicated and costly, therefore a board should seek advice either from an outside insurance specialist, a local agent cooperating with the board, or a special agent representing insurance companies.

Although insurance rates are supposed to be set, all insurance companies do not charge the same rates. Sometimes dividends are offered to policy holders and occasionally authorized discounts are permitted, therefore a board may profit not only in insurance costs, but in quality of service, if school building insurance is purchased on competitive bids.

Perhaps informal sealed proposals are desirable rather than legally advertised sealed bids as it relieves the board of accepting the lowest bid.

Many school districts have no particular method of placing insurance. It goes to the local agent or agents. In other districts one insurance agent writes a master policy and he reinsures with local agents with all arrangements and agreements being known by all concerned.

Sometimes the insurance policies are written by a few agents but the commissions are divided among certain agents according to percentages established by the board.

The reputation and financial rating of insurance companies can be ascertained by consulting the Iowa Insurance Commission, or an insurance guide by some authority in the insurance field such as **Best's Insurance Reports—Fire and Casualty**, Alfred M. Best Company, New York City.

#### Insurable Value of Property

School officials should realize the importance of factors that determine insurance on school property. The insurable value is what it would cost to replace the property at the time of loss, less depreciation and less non-insurable items at their current value. However, there might also be other factors that would affect the insurable value of school property.

Care must be taken not to include non-insurable items in arriving at the insurable value of the property. There is no wisdom in paying insurance on the cost of property that will not be reimbursable or replaced. Sidewalks, foundations, playground paving, buried tanks and retaining walls may increase the cost of property but are not covered by insurance and therefore are classified as non-insurable items.

In times of fluctuating values on materials and property, a wise school board will have its insurance program evaluated every two or three years. Where coinsurance is carried it may be advisable for a school board to have the insurable value of its properties checked each year during a spiral rise or fall in prices. A qualified architect or construction contractor can usually figure sound insurable values of a building. A more accurate and thorough appraisal of school property and equipment may be done by a reliable appraisal firm recognized by the insurance underwriters.

### Insurance Rates

No attempt will be made here to describe in detail the factors that determine fire insurance rates on school buildings. Rates are developed by certain rating bureaus in Iowa licensed by the State Insurance Commission. Rates developed by a bureau must be approved by the State Insurance Commission.

Any individual risk who feels aggrieved by what he thinks is an unfair or excessive rate may appeal to the Iowa Inspection Bureau (Insurance Exchange Building, Des Moines, Iowa). If he fails to be satisfied by the results of his appeal, he may appeal further to the State Commissioner of Insurance. (Chapter 515B)

Savings in rates may be made by:

- a. A coinsurance clause in the insurance contract.
- b. Placing insurance on a three- or five-year term. Usually a three-year rate is 2.7 times the one-year rate, and the five-year rate is 4.4 times the one-year rate. Most insurance companies will write three-year or five-year policies on a budget plan or on an installment plan whereby the cost of the insurance is spread over the term of coverage. Both of these plans should be studied in detail before either one is accepted.
- c. Reducing fire hazards to a minimum in school buildings.
- d. Using non-combustible materials or fixtures in a new building planned to be fire-resistive.

- e. Planning and constructing new buildings and additions so they will not be attached directly to an old structure.
- f. Placing insurance through competitive bidding.
- g. Checking rating sheets.

Oftentimes a school board, by knowing the hazards that increase rates, may be able to remove these hazards and thus create a decided saving in premium costs.

Certainly, in planning a new building, a school board would want to be aware of fixtures in the building which would tend to increase or decrease the insurance rate on the structure. Any insurance expert or rate specialist might be employed to look over sketches for a new building before any final decisions were made for blue printing. An ounce of prevention is worth a pound of cure in annual insurance costs, and sub-standard construction fixtures are difficult to overcome or remedy once a structure is erected. A school board should not approve an architect's plan for a building until it is submitted to insurance underwriters or an insurance or rate expert for suggestions on what might be done to reduce insurance costs.

### Types of Insurance Companies

There are several types of insurance companies but most school insurance in Iowa schools is held either by stock companies or mutual companies.

#### Stock Company

A stock company is one where the capital is held by stockholders and the stock is used as security to meet the provisions of contracts issued by the company. A board of directors manages the company and is therefore directly responsible to the stockholders. A successful company pays dividends to its stockholders and thus entices persons who desire to make financial investments.

**Mutual Company**—A mutual company has no capital stock. The payment of losses comes from paid insurance premiums. The policyholders are in reality stockholders and are subject to extra assessment if the insurance company has insufficient funds to meet its financial obligations. Premiums are paid in advance and any surplus remaining after losses and expenses are paid may be refunded to policyholders as "dividends." Mutual companies are managed by a board of directors who are elected by the policyholders.

**Assessment Company**—An assessment company is usually chartered under special laws and issues insurance only to its members. A certain amount of money is deposited with the company as a sort of “sinking fund” and assessments are made periodically to cover losses and expenses. Extra assessments may be made if the need arises.

**Self-Insurance**—Self-insurance is based on the principle that some school districts are large enough and their risks are spread wide enough to enable them to carry their own insurance. In some states college property is not insured as the state assumes the risk of losses usually covered by insurance policies. In some large cities the local school officials will budget amounts to meet estimated losses in what is known as a “city self-insurance program.” A few states have their own school building insurance programs. Some provide for full coverage while others provide only for partial coverage. (North Carolina has a state plan of insurance for its schools.)

### Types of Insurance Policies

#### 1. Fire Insurance

Fire insurance is the most common type of insurance carried by school districts. Although some school buildings are rated as fire-resistive, yet it must be assumed that no building is immune from damages by fire. Fire insurance may be carried in a stock company or a mutual company, or a school district might be self-insured. A state might also have legislation to allow a state-insurance policy plan on its public school buildings. In Iowa practically all the school districts have buildings insured either in a stock company or a mutual company.

There are several different insurance policy forms available with exclusions, permits, and clauses from which to select. In adopting its school insurance program a school board should be aware of the chief practices followed by fire insurance companies, the rate-making procedures, and the hazards that increase insurance rates.

#### 2. Extended Coverage

Much school property is now insured in what is called “Fire and Extended Coverage” policies. Extended coverage may include loss by explosion, wind, smoke, aircraft, hail, and other hazards. Single insurance policies may be written, however, on fire, wind or tornado, earthquakes, floods, and hail. A specific policy might

be written on each building and its contents, or a policy might cover all buildings with a specific coverage for each building.

#### 3. Flat or Gross Insurance

This type of fire insurance policy has no requirement relative to coinsured value. A school district may place any amount of coverage it wishes on its property if agreeable with the insurance company. For example, a school board might not care to insure a fire-resistive building for more than twenty-five to fifty per cent of its value and therefore would prefer a flat or gross rate policy. This type of policy is seldom written as it is unacceptable to the majority of insurance companies.

#### 4. Blanket Insurance

Several different properties might be covered under one coinsurance policy. There is no particular advantage in the blanket type of policy, except that an insurance penalty on one certain property might be avoided if the total coverage on all the properties meets the coinsurance requirements.

#### 5. Coinsurance

A coinsurance contract is an agreement between a school district and an insurance company whereby the school district agrees to carry coverage at eighty per cent, ninety per cent, or one hundred per cent of the actual cash value of its property. The more coverage that is purchased, the less the rate. In order to qualify for a reduced rate, a school district agrees to carry a specified amount of insurance, usually eighty per cent, but sometimes ninety per cent or one hundred per cent of the cash value of the building and/or contents.

If coinsurance is carried and there is a loss, the district collects the amount of its loss up to the face amount of the policy. If the school district carries less than the eighty per cent or more that is designated in coinsurance policies, then in case of loss the district will be penalized in direct proportion to the amount of insurance it neglected to procure.

The following table should be helpful in understanding how coinsurance works:

#### Coinsurance Clause Explained

(Using the 80% Clause)

It has no effect whatever when insurance is carried to the amount of 80% of value or more. In this case

insurance pays the entire loss not exceeding the amount of policy.

Example:

Value	Insurance	Loss	Ins. Pays
\$ 10,000	\$ 8,000	\$ 6,000	\$ 6,000
10,000	8,000	8,000	8,000
10,000	8,000	9,000	8,000

It has no effect whatever when the loss equals or exceeds 80% of value, no matter what the insurance is. In this case, also, insurance pays entire loss not exceeding amount of policy.

Example:

Value	Insurance	Loss	Ins. Pays
\$ 10,000	\$ 6,000	\$ 8,000	\$ 6,000

When both insurance and the loss fall below 80% of the value, the insured becomes a contributor (that is, stands as an insurance company) to the amount of the difference between 80% of the value and the actual insurance in force at the time of fire.

Example:

Value	Insurance	Loss
\$ 10,000	\$ 7,000	\$ 5,000

Eighty per cent value is \$8,000—insurance being \$1,000 less than this sum, owner is a contributor to that amount and contributes to the loss in that proportion.

Insurance (\$7,000) pays 7/8 of loss ..... \$ 4,375  
 Owner contributes 1/8 ..... 625

Amount of loss ..... \$ 5,000

The rates on coinsurance vary according to the per cent of coverage, the type of construction used in the building and the nature of local fire protection which is provided. Since insurance rates differ on fire-resistive buildings and non-fire resistive buildings, school boards should consider carefully how the rate of insurance would be affected if a new building were constructed as a direct addition to an old building.

● A school board may buy wind and fire insurance from a mutual insurance company regardless of whether it is an assessable or nonassessable mutual company. (515.14) 1940 Report, p. 452.

### Boiler Insurance

The majority of Iowa schools carry boiler insurance. These insured boilers are inspected periodically by the insurance companies holding the contracts. Boiler insurance covers losses due to ex-

plosion or rupture which are unpreventable. Through inspections certain hazards and weaknesses may be detected and repaired, and thus many accidents may be prevented.

(Broad boiler insurance will cover boilers, hot water heaters, hot water tanks, air compressor tanks, motors, and other items where water is under pressure.) High pressure boilers are more hazardous than low-pressure boilers and it is common practice to carry broad insurance on them. However, something could go wrong with low-pressure boilers and insurance is therefore justified.

There is a difference between the definition of a boiler and a furnace and boiler insurance does not cover furnace explosions. A furnace is that part of a heating plant where fuel is converted into heat. A boiler is where water is heated or converted into steam.

Losses due to furnace explosions or any other types of explosions may be covered by an Extended Coverage Endorsement to a Fire Insurance policy but such an endorsement would not cover explosions occurring in steam boilers. Boiler insurance covers only the heating units that are connected with boilers having water under pressure. Hot air furnaces are not insurable under boiler policies, but would be covered if an extended coverage endorsement is attached to a fire insurance policy.

School boards should select a boiler insurance company that offers the most coverage and inspection service at the least cost to the school district.

### Glass Insurance

Few schools carry glass insurance because the small amount of breakage does not warrant the cost of coverage. Few insurance companies would be interested in writing glass insurance in an area where there was a high loss of glass caused by vandalism.

It should be noted that a Vandalism and Malicious Mischief Endorsement to a Fire Insurance policy covers only loss to glass building blocks, but not to window or other types of glass.

A standard fire policy covers loss of glass due to fire. An extended coverage endorsement might cover loss of glass due to hail, wind, explosion, or riot.

Schools seldom insure regular window glass but may insure plate glass and special glass in a building.

### Floater Insurance

Floater insurance covers property that has no fixed location. Such policies replace fire, theft, and extended coverage on other policies, and care should

be taken that the same items are not covered on both regular policies and floater policies. (Inland Marine Insurance originally protected property transported on the high seas, but later was adapted to cover property with no fixed location.)

Inland Marine Insurance provides floater policies on:

**Musical Instruments**—Sheet music, instruments, music equipment (often written to include instruments owned by pupils).

**Athletic Equipment**—Uniforms and all types of athletic equipment.

**Visual Equipment**—Cameras, films, projection machines, recorders, etc.

**Fine Arts**—Rare books, paintings, statuary, sculpture, etc. (Rarely used by schools.)

Floater policies usually cover damage or loss caused by fire, windstorm, lightning, flood, theft and transportation. A broader policy would include loss or damage from breakage of insured items. Each item of property must be listed in the policy with its amount of insurance.

### **Burglary, Robbery and Theft Insurance**

Many kinds of policies are written to cover theft of school articles, safe and vault robbery, messenger robbery, and robbery by kidnapping. None of these policies cover losses due to dishonesty of school employees. These are covered by surety bonds or public official dishonesty bonds.

If a school district is to be well-covered against loss of money, securities and other kinds of property under normal conditions of robbery, theft, and burglary, the board might consider the following types of insurance:

1. **Mercantile Open Stock Insurance**—This includes furniture, fixtures, equipment and merchandise not stored in a vault.
  - a. In force only when buildings are closed.
  - b. There must be visible evidence of breaking into the building.
  - c. Does not apply to money and securities.
2. **Broad Form Money and Securities Insurance**—This type of policy covers a wide range. It insures moneys and securities against many risks. This includes breaking and entering vaults, the loss of safes and vaults, loss or damage of property caused by robbery, etc. This type of policy

is to be preferred to the regular policies on safe burglary, robbery and theft.

3. **Floater Insurance**—(Previously discussed in this chapter.)
4. **Public Official Dishonesty Bonds**—This type of bond protects a district against a dishonest school employee who is not required by statute to file a bond. The best form of protection for a school district is a blanket form of bond which covers all employees, except those who are required to file a statutory public official bond, and which covers each employee up to the full amount of the bond.

### **Surety Bonds**

A surety bond is not an insurance policy. It protects a school district from any loss caused by the official covered by the bond but it does not protect the person on whom it is written. The surety company makes good the loss but has the right to collect such loss from the official plus expenses in recovering such loss.

Surety bonds are required of the secretary and treasurer of a school corporation in such an amount as the board decides but for no less than five hundred dollars.

The required bond may be either commercial or individual and the cost of a commercial bond may be paid from the General Fund. (291.2)

A surety bond is also required of any employee of a high school district who handles school funds or extra-curricular funds. (279.8) No minimum penalty is required by law but the bond may be in such form and amount as the school board approves.

Although a minimum penalty of five hundred dollars is required by statute of school district secretaries and treasurers and no minimum penalty is required of other employees, a school board should demand that a bond covers the largest amount of money that any official may have in his custody at any one time. Certainly, it is wise that the penalty be placed higher than the minimum set by law. Cognizance should be given to the fact that dishonest acts of an official often extend over a period of years.

Surety bonds may be filed for any number of years. Some run concurrently with the official's term of office; others cover an indefinite number of years; some are written for each year. It might be good procedure to demand that a new bond be filed each year, especially for employees who may be



“hired and fired” at the pleasure of the school board.

The conditions of a surety bond for public officers, except as otherwise specially provided, are detailed in Section 64.2.

The attachment of a renewal certificate to an existing bond is not valid. (64.2)

Any official who acts without giving bond where a bond is due shall be fined in an amount not to exceed the amount of his bond. (64.25)

The secretary and treasurer of a school district are required to file their bonds with the president of the board. (291.2)

(For information relative to surety bonds and performance bonds for building contracts see the chapter on Buildings and Sites.)

### **Workmen's Compensation Insurance**

Workmen's Compensation Insurance protects a school district:

- a. Against liability for loss because of injuries to employees in or on premises controlled by the employer, or elsewhere if on the employer's business.
- b. Against liability for death resulting from personal injury.
- c. Against liability for disease if it is a result of an injury.
- d. Against liability for certain occupational diseases.

School districts in Iowa are not required to carry workmen's compensation insurance, but in the event of an injury suffered by an employee the district is liable as provided by the workmen's compensation law, and the statute is compulsory only as to the amount of compensation to be paid in event of injury. 1936 Report, p. 274.

Teachers, janitors, cooks, bus drivers, and other school employees regularly employed come under the protection of the workmen's compensation statute.

A school corporation may be sued in any court the same as any other public or private corporation, or any individual.

School children are not employees of a school district and therefore are not covered by the provisions of the statute. The general doctrine is that a school corporation is not liable for non-contract injuries, therefore would not be liable for injuries to pupils. (Although a school board is not under any legal obligation or liability to settle an injury claim, it

could legally pay a reasonable sum for hospital treatment or a physician's care providing the child was injured while attending school.) (A teacher, coach, or superintendent may personally be liable if the injury of the pupil were caused by negligence on his part.)

Where independent contractors are building or repairing a building or doing some other work for the school district, these contractors do, or should, carry their own risk.

(For definitions, description, and procedures relative to workmen's compensation insurance see Chapters 85, 86, and 87, Iowa Code.)

### **Liability Insurance**

Although school boards are not specifically authorized to carry Liability Insurance many of them do because they wish to take no chances from liability awards which might be decided against the district.

The two types of Liability Insurance that concern boards of education are general liability, and automobile liability. Both of these may be obtained in one policy or they may be obtained in two separate policies. There is an advantage in having all comprehensive liability insurance written with the same company.

Each one of these forms of insurance covers the insured's legal liability for damages because of bodily injury, sickness or disease (including death resulting from such), or damage because of injury to or destruction of property, and caused by accident.

(Liability for injuries to school employees is protected under Workmen's Compensation Insurance. A school district may be held liable for injuries to school employees but such situation is not covered by a General Liability Insurance policy.)

It must be remembered that liability policies cover only the legal liability of a school district. A liability insurance policy is not an accident policy. The company is not legally obligated to pay anything until damages have been awarded by a court.

● There is no liability upon a school board or individual members of the board for any injury resulting from accidents where the building is rented or owned by the school district whether the authority was granted by the electors or not. 1930 Report, p. 267.

● Where a school building was used for grange meetings and a visitor fell off the unrailed porch breaking his arm, there is no liability on the district

because the use of the building for grange purposes is authorized by law and does not change the function of the school corporation from governmental to proprietary. 1940 Report, p. 232.

### Insurance for Pupils and Athletes

According to the National Safety Council, fifty-nine per cent of all accidents occurring to children happen at school or on the way to or from school. In the field of interscholastic athletics the incident ratio of injuries received by those participating is even higher. While Iowa schools are not legally liable for doctor and hospital bills associated with the treatment of these injuries, many school administrators have felt that the school has a moral obligation to attempt to provide an insurance service which would assist the parents in meeting doctor and hospital bills incurred as a result of injuries sustained by their children while attending school and participating in supervised school activities.

Under Iowa statute all insurance companies are required to issue individual insurance policies to each insured individual. The extent of a school's participation in the insurance program varies slightly with the various companies. Some of the companies do not pay the commissions to agents but prepare printed brochures which are distributed to the pupils in the school. Pupils desiring the insurance then return a premium to the school. The school administrator acting as agent of the pupils, forwards the money and the list of names to the company. Individual policies are then returned to the administrator for distribution to the insured. Some companies operate on the basis of having a local agent collect the premiums for their company. Premiums of this type of operation are usually higher than the premiums charged by those companies operating without local agents, for the reason that the agents' commission must be deducted from the premiums collected from the insured.

Many schools use the insurance plans as an educational tool to teach to their students the general principles of accident insurance.

● A school board is not liable for injuries to pupils participating in athletics. It may pay hospital bills at its discretion. 1928 Report, p. 242.

### Automobile, Bus, and Transportation Insurance

In Section 285.10 of the Iowa Code, a school board is given the authority to purchase liability insurance. The law states that boards may "... purchase liability insurance or such other coverage as deemed

necessary to protect the driver or **any authorized employee** from liability incurred by said driver or employee as a result of operating the bus and for damages or accident resulting in injury or death to the pupils or employees being legally transported."

Iowa statute gives the Department of Public Instruction power to establish standards for the protection and safety of pupils transported to and from public schools. (285.8) The Division of Transportation has set up the following standards and regulations:

1. The board of education shall carry insurance on all school-owned buses and see that insurance is carried by all contractors hired by the board to transport pupils.
2. **Liability Insurance**—Inasmuch as school bus drivers may be sued for damages arising as a result of accident, no individual should drive a bus unless fully covered by liability insurance. Since drivers frequently change during the year, the board of education shall carry insurance on all buses so written as to protect all approved drivers. Insurance shall be carried at the minimum amount of ten thousand dollars—one hundred thousand dollars liability for each bus.
3. **Property Damage**—Property damage coverage in the amount of five thousand dollars shall also be carried.
4. **Medical Care—Hospitalization**—Liability insurance does not cover injuries received by children in accidents caused by other vehicles or from other causes not resulting from carelessness, etc., on the part of the driver of the school bus. Therefore, medical insurance of at least five hundred dollars per pupil should be carried.
5. Liability and medical care insurance should be purchased for the school term only, except for buses which are to be used for approved activities during the summer months.
6. Fire, theft, wind storm, and comprehensive insurance should be carried on each bus.
7. Collision insurance is not recommended and cannot be added to the cost of transportation assessed against rural districts. (See Bulletin TR-B-1-254 of the Division of Transportation.)

### Group Insurance

● There is no statute allowing a school board to levy a tax to pay life insurance premiums or health in-

insurance premiums. No group insurance can be taken on teachers, janitors, or bus drivers, whereby any part of the premiums is paid by the school district. Ltr. OAG, April 12, 1939. 1930 Report, p. 256.

### **Medical and Hospital Service Plans**

Section 514.16 in the Iowa Code sets up a procedure whereby payments may be deducted from the salary or wages of employees of a school district and paid to any corporation operating a non-profit hospital plan or medical service plan, but such deduction must be authorized in writing by the employee.

### **Pension Systems**

If an independent school district is located wholly or partly within a city having a population of twenty-five thousand one hundred or more, it may establish a pension and annuity retirement system for its public school teachers. In cities of less than seventy-five thousand this system must be ratified by a vote of the people at a general election. (294.8) The establishment, operation, and termination of a retirement system is described in Sections 294.8 to 294.13. The Iowa Employment Security Commission should be contacted for information regarding the Iowa Public Employees Retirement System for school employees.

For information regarding Old Age and Survivors Insurance System contact the nearest Social Security Office.

### **Miscellaneous**

● No board member is permitted by law to have any interest directly or indirectly in any contract made by the school board. Neither can he act as an agent for textbooks or school supplies during his term of

office. The law also provides that the party to a school contract guarantees he has not made any contract or agreement with a school officer whereby that officer receives anything of value or any money for such a contract. No board member therefore is allowed to sell insurance to his school district. 1912 Report, p. 521.

● A school district cannot use insurance money to buy a site or erect a new building without a vote of the electors. 1926 Report, p. 403. 1927-28 Report, 77.

● If some money remains from insurance in the Schoolhouse Fund after repairs or erection of a new building has taken place, this balance may be transferred to the General Fund by a vote of the electors, or it can be used for other building or site purposes if voted by the people. Ltr. OAG, Feb. 26, 1924.

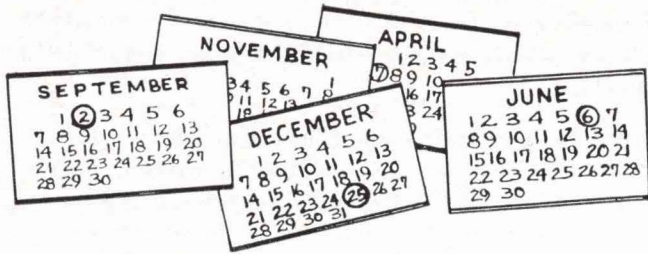
### **Maintaining Insurance Records**

Adequate insurance records should be simple but informational. They should be kept in a central business office. They should cover information on the present worth and insurable value of each building including the contents. The records should indicate the published rates, the amount of insurance expiring each year, the date of expiration, the premium paid, and the company writing each policy.

School officials should distribute their policies in such a way that there will be one common expiration date each year, and that the number of policies will be cut down to a minimum.

All insurance records should be kept in a fire-resistant vault or safe. If no safe or vault is available in the school building, it might be advisable to keep the records in the vault of the school depository bank, or some other bank most accessible to the school.

**Chapter XI**  
**SCHOOL CALENDAR**



**JULY**

- July 1 BOARD shall meet on the first secular day in July, examine the books of and settle with the secretary and treasurer for the fiscal year ending on the preceding June thirtieth. At this meeting the TREASURER shall furnish a sworn statement from each depository bank showing the amount of school funds on deposit at the end of the day's business on June thirtieth. (279.30) The SECRETARY shall file his annual report for approval by the board. (291.8)
- July 1-8 BOARD in each city, town, and consolidated district in which a newspaper is published shall, during the first week in July, publish the annual financial statement of receipts and expenditures itemized to show the name of each person, firm, or corporation to whom warrants have been issued, with the total amount paid to each. (279.32)
- July 1-8 BOARD in city, town, and consolidated districts in which no newspaper is published, and in rural districts shall prepare the annual financial statement of receipts and expenditures with the expenditures itemized to show the name of each person, firm, or corporation to whom warrants have been issued, with the total amount paid to each. This statement must be posted in three conspicuous places in the district and one copy filed with the county superintendent. (279.33)
- July 1-10 BOARD shall arrange for publication of the quarterly financial statement. (279.34)
- July 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)
- July 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)
- July 1-10 SECRETARY shall file the annual report with the county superintendent within ten days after the July meeting. (291.10)
- July 1-10 SECRETARY shall report to the county superintendent, county auditor and county treasurer the name and address of the school board president, secretary, and treasurer as soon as practicable after the qualification of each. (291.11)
- July 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)
- July 1-15 COUNTY BOARD OF EDUCATION shall consider the budget as submitted by the county superintendent and certify to the county board of supervisors the estimates of the amounts needed. (273.13, subsection 10)
- July, second Monday, odd-numbered years BOARD in certain districts, and COUNTY BOARD OF EDUCATION, shall elect delegates to the convention for the election of a member of the state board of public instruction in those years when a state board member must be elected to fill a vacancy or to succeed a member whose term expires the following January. Election of delegates shall be held on the second Monday in July of those odd-numbered years. The names of those chosen as delegates and alternates shall be certified to the secretary of state within ten days. (257.5)

July 1-25 BOARD shall prepare the annual budget estimates and file them with the secretary on or before July twenty-fifth. (24.9, 24.17)

July 1-30 SUPERINTENDENT shall file with the county board of education, not later than July thirtieth, the tuition rates and the computation thereof. No tuition may be collected until approval is granted by the county board of education. (282.20)

July 1-31 COUNTY SUPERINTENDENT shall file annual reports with the state superintendent of public instruction. (273.18, subsection 26)

July 1 to August 1 COUNTY SUPERINTENDENT, on or before August first, shall make required reports to the school for the blind, school for the deaf, and institution for the feeble-minded. (273.18, subsection 28)

July to October COUNTY BOARD OF EDUCATION, between the first Monday in July and October first, shall expend the library fund withheld by the county auditor. (292.2, 292.3)

July 15 BOARD shall submit designations, or changes in designations, for transportation and tuition, to the county board of education on or before July fifteenth. (285.4)

July 15 COUNTY AUDITOR, on the fifteenth day of July, October and April, shall furnish to the county superintendent a statement showing various appropriations to his office together with a statement of the unexpended balances of such appropriations. (344.7)

July 31 COUNTY SUPERINTENDENT, on or before the last secular day in July, shall file with the county auditor a statement of the number of persons of school age in each district. (273.18, subsection 27)

### AUGUST

August 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner dupli-

cate copies of work permits issued during the previous month. (92.8)

August 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

August 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

August 1-15 SUPERINTENDENT should check to see that each school bus driver holds a valid chauffeur's license and school bus driver's permit for the current school year. (285.11, subsection 11)

August 1-20 COUNTY BOARD OF EDUCATION should check tuition rates as submitted by the several school districts of the county, and notify local boards as to approval or disapproval. (282.20)

August 15 BOARD shall certify budget to the county auditor not later than August 15th. (24.17)

August 15 SECRETARY, when certifying taxes, shall file a certified statement with the county auditor regarding tax-free lands in the district and government employees living thereon. (284.5)

August, third Monday, odd-numbered years SECRETARY OF STATE, not later than ten days before the third Monday in August of each odd-numbered year, calls a convention in each of the state board districts holding an election for a state board of public instruction member that year. (257.5)

August 15 to first Tuesday in September PERSONS may file a written protest to the budget as certified to the county auditor by board. (24.26)

## SEPTEMBER

September 1 BOARD OF SUPERVISORS shall make computation of school tax loss reimbursement on government-owned lands on or before the first day of September. (284.1)

September 1 SUPERINTENDENT should check on all tuition pupils and require verification of tuition responsibility from the home districts of such pupils. (282.19)

September 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)

September 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

September 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

September 1-15 SUPERINTENDENT should provide the secretary with a list of teachers, certifying that such teachers have valid certificates properly registered with the county superintendent and are therefore entitled to receive pay. (260.20, 294.1)

September 1-30 SECRETARY, before October first, should require reports from private schools as provided in Section 299.3.

September 30 BOARD must certify resolution of levy for principal and interest on a bond issue to the county auditor before October first if the levy is to be included in the tax levy of the year of filing. (76.2, as amended by the 57th G.A.)

## OCTOBER

October 1 COUNTY BOARD OF EDUCATION, between the first Monday in July and October first, shall expend the county library fund as withheld by the county auditor. (292.2, 292.3)

October 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)

October 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

October 1-10 BOARD shall arrange for publication of the quarterly financial statement. (279.34)

October, first Monday COUNTY AUDITOR, on the first Monday in April and October, shall apportion the school tax (298.10), interest on the permanent school fund, and other funds belonging to the schools of the county. (298.11)

October 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

October 12 COLUMBUS DAY (31.6)

October 15 COUNTY AUDITOR, on the fifteenth day of July, October, and April, shall furnish to the county superintendent a statement showing various appropriations to his office together with a statement of the unexpended balances of such appropriations. (344.7)

## NOVEMBER

November 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner dupli-

cate copies of work permits issued during the previous month. (92.8)

November 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

November 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

November 11 VETERANS' DAY (31.7)

## DECEMBER

December 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)

December 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

December 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

December 31 COUNTY SUPERINTENDENT, on or before December thirty-first, shall submit to the board of supervisors a detailed estimate of expenditures for the following calendar year. (344.1, 273.13, subsection 10)

December 31 COUNTY SUPERINTENDENT should request Improvement of Instruction appropriation from the board of supervisors. (272.5)

## JANUARY

January 1 STATE SUPERINTENDENT OF PUBLIC INSTRUCTION shall report school census enumeration to state comptroller. (257.18, subsection 18)

January 1 COUNTY AUDITOR shall report to the state comptroller the amount of permanent school funds held by the county and the amount of interest due. (298.12)

January 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous months. (92.8)

January 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

January 1-10 BOARD shall arrange for publication of the quarterly financial statement. (279.34)

January 1-10 COUNTY BOARD OF EDUCATION shall arrange for publication of the annual financial statement (273.13, subsection 13)

January 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

January to February, odd-numbered years CANDIDATES for membership on the county board of education must file nomination papers with the county superintendent not more than forty-five days nor less than twenty days prior to the regular school election on the second Monday in March. (273.5)

## FEBRUARY

February 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner dupli-

cate copies of work permits issued during the previous month. (92.8)

February 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

February 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

February CANDIDATES for election at the regular school election (second Monday in March) may file nomination papers with the secretary not earlier than thirty days nor later than noon of the tenth day prior to the election. (277.4)

February 15 SECRETARY, on or before February fifteenth and June fifteenth, shall deliver to the secretary of the debtor district an itemized statement of tuition due. (282.20)

February to MARCH ABSENT VOTER, in city, town, or consolidated districts, may make application to the secretary for an absent voter's ballot not earlier than twenty days prior to the date of election nor later than the last secular day before election day. (53.1-53.3)

February to MARCH SECRETARY shall post and publish notice of election once each week for two consecutive weeks preceding the election. (277.3)

February to MARCH SECRETARY in city, town, and consolidated districts shall have ballots printed as soon as practicable after noon of the tenth day prior to the regular school election. (277.8)

February to MARCH BOARD, in districts where registration is required, except in those districts where permanent registration is required, shall appoint two regis-

trars in each registration district, not less than ten days prior to the election. (47.1, 277.17)

## MARCH

March 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)

March 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

March 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

March, first Monday STATE COMPTROLLER shall apportion interest on the permanent school fund among the counties. (8.6, subsection 9)

March, second Monday REGULAR SCHOOL ELECTION (277.1)

March, third Monday BOARD holds organization meeting. (279.1)

March, third Monday SECRETARY shall report to county superintendent, county auditor, and county treasurer, the name and address of the president of the board as soon as possible after his qualification. (291.11)

March 21 BIRD DAY (279.39)

March to April CANDIDATE declared to have been defeated and who wishes to contest the election must institute proceedings within twenty days after the incumbent was declared elected. (62.5)



## APRIL

April 1 BOARD OF SUPERVISORS shall file certificate of claim for school tax loss reimbursement on government-owned lands not later than April first. (284.3)

April 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)

April 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

April 1-10 BOARD shall arrange for publication of the quarterly financial statement. (279.34)

April, first Monday COUNTY AUDITOR, on the first Monday in April and October, shall apportion the school tax (298.10), interest on the permanent school fund, and other funds belonging to the schools of the county. (298.11)

April 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

April, first Monday, odd-numbered years COUNTY BOARD OF EDUCATION shall hold organization meeting at 10:00 A.M. and elect a president for a term of two years. (273.9)

April, first Monday, odd-numbered years COUNTY SUPERINTENDENT presides at the organization meeting of the county board of education and, within two weeks, shall transmit to the state superintendent a certified copy of the proceedings of organization, including a schedule of regular meetings and names and addresses of all county school officials. (273.18, subsection 2)

April 10-15 TEACHERS AND BOARD. Teacher, to resign, must file a written resignation on or before April fifteenth. Board, to terminate contract, must do so by a majority vote of full membership and send the teacher a written notice by registered mail not later than April tenth. (279.13)

April 15 COUNTY AUDITOR, on the fifteenth day of July, October, and April, shall furnish to the county superintendent a statement showing various appropriations to his office together with a statement of the unexpended balances of such appropriations. (344.7)

April, latter part ARBOR DAY set by proclamation of the Governor, usually during the latter part of April. (279.38)

## MAY

May 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)

May 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

May 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

May 1-15 SUPERINTENDENT should remind school bus drivers to apply for school bus driver permits for the coming school year. (285.11, subsection 11)

## JUNE

June 1-10 SUPERINTENDENT, between the first and tenth days of each month, shall file with the labor commissioner duplicate copies of work permits issued during the previous month. (92.8)

June 1-10 SECRETARY, on or before the tenth day of the month, shall file with the board the statement of the receipts and expenditures of the previous month with the balance on hand in each fund. (291.7)

June 1-14 COUNTY TREASURER, before the fifteenth day of each month, shall give notice to the president of the amount collected for each fund during the previous month. PRESIDENT shall draw draft therefor, countersigned by secretary. (298.13)

June 1-30 SECRETARY shall take the even-numbered years school census. (291.9)

June 1-30 COUNTY SUPERINTENDENT shall prepare and submit detailed budget for approval of the county board of education. (273.18, subsection 16)

June 1-30 SUPERINTENDENT AND SECRETARY should begin preparation of the annual report to the county superintendent. (291.10)

June 1-30 SUPERINTENDENT AND SECRETARY should prepare and submit to the county superintendent application blanks for General Aid, Supplemental Aid, and Transportation Aid. (285.3, 286.7, 286A.5)

June 14 FLAG DAY

June 15 SECRETARY, on or before February fifteenth and June fifteenth, shall deliver to the secretary of the debtor district an itemized statement of tuition due. (282.20)

June 30 END OF SCHOOL YEAR AND FISCAL YEAR (24.2, subsection 4, 279.10)

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