

TO: Orient-Macksburg Community School District Board of Directors
FROM: Carrie L. Weber
DATE: April 18, 2024
RE: Dissolution Process

Sequential Steps of a Dissolution of a School District

1. The school district's Board *may* establish a dissolution to prepare a proposal for dissolution of the school district. However, if the eligible electors who live in the school district have prepared a dissolution proposal, then the Board *shall* establish a dissolution commission.¹
2. The Commission shall:
 - a. Consist of 7 members appointed by the Board for a term of office ending either with a report to the Board that no proposal can be approved or on the date of the election on the proposal.
 - b. Members must be eligible electors who reside in the school district, not more than three of whom may be members of the Board.
 - c. Members shall be appointed from throughout the District and should represent the various socioeconomic factors present in the school district.²
3. The school district's Board certifies to the AEA Board that the dissolution commission has been formed and that the school district has conformed with all requirements.³
4. The dissolution commission holds an organizational meeting within 15 days of appointment and elects a chairperson and vice-chairperson.⁴
5. The dissolution commission shall:

¹ Iowa Code § 275.51(1).

² Iowa Code § 275.51(2).

³ Iowa Code § 275.51(4).

⁴ Iowa Code § 275.52(1).

- a. Request statements from each Board of contiguous school districts outlining its willingness to accept territory under what conditions, if any;⁵
 - b. Meet with Boards of contiguous school districts;⁶
 - c. Meet with residents of the affected school district;⁷
 - d. Seek assistance from the AEA and Department of Education;⁸
 - e. Develop a proposal and present a copy to the Board or notify the Board that it cannot agree upon a proposal;⁹
 - f. Send a copy of the proposal to the Boards of contiguous school districts to which territory is to be attached;¹⁰
 - g. Receive objections in writing from Boards of contiguous school districts within 10 days of receipt of the proposal;¹¹
 - h. The dissolution commission may consider the objections and may modify the proposal. If the dissolution proposal is modified, it must notify all Boards from contiguous school districts again;¹²
6. Within 10 days following the filing of the dissolution proposal, the Board of the dissolving school district sets a date for a hearing which shall not be more than 60 days following the filing of the dissolution proposal with the Board.¹³
 7. The Board will publish notice of the time, date, and location of the hearing at least 10 days prior to the hearing in a newspaper of general circulation in the district. The notice shall include the content of the dissolution proposal.¹⁴
 8. The Board conducts a hearing, at which its president presides. A person residing or owning land in the district may present arguments and evidence at the hearing.¹⁵
 9. The Board reviews testimony from the hearing and then either adopts the proposal or amends the proposal and adopts the amended proposal.¹⁶

⁵ Iowa Code § 275.52(2).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Iowa Code § 275.53(1).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Iowa Code § 275.54(1).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

10. The Board notifies the Boards of contiguous school districts to which territory is to be attached and the Director of the Department of Education of the contents of the dissolution proposal adopted by the Board.¹⁷
11. Contiguous school districts may object to the attachment of territory, in which case that portion of the dissolution proposal will not be included in the proposal voted upon by the electors.¹⁸
12. Contiguous school districts may object to the division of assets and liabilities. If so, the matter will be decided by a panel of disinterested arbitrators. The panel shall consist of one arbitrator selected jointly by the affected school districts objecting to the provisions of the dissolution proposal, and one selected by the dissolving school district. If the number of arbitrators selected is even, a disinterested arbitrator shall be selected by the administrator of the area education agency to which the dissolving district belongs. The decision of the arbitrators shall be made in writing and filed with the secretary of each affected school district. A party to the proceedings may appeal the decision of the panel to the district court by serving notice on the board secretary of each affected school district within 20 days after the decision is filed.¹⁹
13. If the dissolution proposal adopted provides that 95 percent or more of the taxable valuation of the dissolving school district would be assumed and attached to one school district, the dissolving school district shall stop further dissolution proceedings and shall comply with reorganization procedures.²⁰ If not, the Board of the dissolving school district will submit the proposition to the voters at the next election to be held on a date specified in Iowa Code Section 39.2(4)(c).²¹ The date of the final hearing on the dissolution proposal must be not less than 30 days nor more than 60 days before the election.²²
14. The County Commissioner publishes notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, publication shall not be less than 4 but not more than 20 days before the election.²³
15. The proposition is adopted if it is approved by a majority of the electors voting.²⁴
16. Attachment of the territory is effective July 1 following approval.²⁵

¹⁷ Iowa Code § 275.54(2).

¹⁸ Iowa Code § 275.54(3).

¹⁹ Iowa Code § 275.54(4)(a).

²⁰ Iowa Code § 275.54(5).

²¹ For a school district in the odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a school district in the even-numbered year, the first Tuesday in March or the second Tuesday in September.

²² Iowa Code § 275.55(1).

²³ Iowa Code § 275.54(2).

²⁴ Iowa Code § 275.54(3).

²⁵ Iowa Code § 275.54(4).

17. The Director of the Department of Education shall attach any unattached area to a contiguous school district. The Director has the authority to attach the territory to the school district that had objected to the attachment.²⁶

²⁶ Iowa Code § 275.54(3).