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HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 260
Committee: Education
Bill Manager: Rep. Byrnes
Date: February 14, 2011
Staff: Jason Chapman (1-3015)

Home Rule for School Districts

(Formerly HSB 47) This bill gives school districts in Iowa Home Rule. It establishes broad power of local school boards in statute but provides that any adopted regulations cannot trump state, county, or city laws and regulations. It also establishes that a school board cannot levy any tax not authorized by the state.

Home Rule is the opposite idea of Dillon's Law. Dillon's Law is named after Iowa Supreme Court justice, John Dillon, who ruled in 1868 that local government entities were simply children of the state and had no powers separate from those granted by the state. Three years later a Michigan judge, Thomas Cooley, challenged Dillon by declaring that the 10th Amendment of the U.S. Constitution provided both states and the people with the powers not expressly given to the federal government. According to Cooley, the people have a right to exercise their 10th Amendment powers through local governments. "Cooley's Rule," known as home rule, held that "local government is a matter of absolute right, which cannot be taken away by the state."

Iowa currently has home rule powers for cities and counties. Additionally, 37 other states have home rule powers of some combination for counties, cities, and schools.

Summary of Action

The House **PASSED** HF 260 on February 16, 2011, by a vote of 65-30.
The bill **DIED** in Senate subcommittee on February 21, 2011.

Section by Section Analysis

Section 1 Creates a new section in the Code of Iowa, section 274.3. Allows for school boards to operate, control, and supervise all public schools within their boundaries and allows them to exercise broad power

related to operation, control, and supervision of those schools, EXCEPT as expressly prohibited by the constitution or statute.

It also prohibits the school district from levying any tax not authorized by the state.

Additionally it inserts language stating that Chapters 257 and 274-301 as they relate to school districts shall be liberally construed. The purpose of this is to address concerns that current Iowa law has been written to Dillon's law and that it may not translate well to home rule.
