



2026 Legislative Priority Position Paper: Local School Board Authority/District Flexibility/Home Rule

Background and History: American democracy is built on the assumption that local leaders, closest to students and communities, will make the best decisions for their communities. This is in contrast to Dillon's Rule, a court case from the 1800s, which held that schools can do only what is expressly authorized by state law. Iowa cities and counties were granted Home Rule by constitutional amendments decades ago. Those amendments excluded taxing authority, which remains heavily regulated by the State. Background on the change to Home Rule for Iowa is found in the Legislative Guide to Iowa Local Government Initiative and Referendum, LSA, December 2008, found [here](#).

[HF 573](#) granted statutory Home Rule to schools during the 2017 Session. Home Rule does not eliminate any current laws, but grants clearer flexibility in the areas not written. School districts are still required to follow laws that compel actions and avoid actions prohibited in law.

Flexibility Provides a Good Result without Irreparable Harm

- School districts are called upon to deliver results but often cannot exercise local authority to implement new practices, update processes, or think creatively. Professor Richard Briffault, Columbia Law School, in a presentation to the Kennedy School of Government, Harvard University, Oct. 2003, explains why local control is necessary for school governance: "To be sure, greater state standard-setting, oversight, and interventions in cases of poor local performance have been accompanied in some states with measures giving local school boards greater operational discretion in achieving state educational goals. States may conclude that their purposes may be better attained by a degree of school district home rule rather than by state-directed micro-management of school operations."
- If a school takes an unacceptable action under Home Rule, the legislature may later prohibit it.

Local Control Furthers Democracy: Alexander Hamilton explained the democratic value of local control: "It is a known fact in human nature that its affections are commonly weak in proportion to the distance or diffusiveness of the object. Upon the same principle that a man is more attached to his family than to his neighborhood, to his neighborhood than to the community at large, the people of each State would be apt to feel a stronger bias towards their local governments than towards the government of the Union; ["Federalist, no. 17 Federal v. Consolidated"](#), Dec. 5, 1787.

A more contemporary publication, Principles of Home Rule for the 21st Century, the National League of Cities in 2020 explains Hamilton's point; "At the heart of the concept of local democratic self-government is the accountability of local officials to the local community that results from local popular election of local lawmakers. Local election distinguishes local self-government from rule by state appointees, or from control by an electorate outside the locality." <https://www.nlc.org/wp-content/uploads/2020/02/Home-Rule-Principles-ReportWEB-2-1.pdf>

Local School Board Authority: locally elected leaders closest to the community are in the best position to determine the interests of students, staff, district and stakeholders. District leaders need maximum flexibility to provide a great education to all students. The Legislature, the Executive Branch and the courts should follow Iowa Code 274.3 and liberally construe laws and regulations in deference to local control.

Generic Costs of Unfunded Mandates Associated with Legislation:

- A mandated public hearing has a publication cost associated with the notice and the minutes.
- Mandated reporting has an administrative cost (compiling data, reporting data, oversight of reporting).
- Mandated procedures require a change of policies/procedures at the local level and training staff accordingly.
- New education standards generate local investment in curriculum, materials, training and appropriately credentialed staff.
- Course expansion, such as CTE, computer coding or civics results either in staff costs for the school itself or tuition charges paid to a community college or other sharing partner. Plus curriculum, materials, textbooks or software, etc.
- Expanded testing for students has a cost of staff time (time to administer the test, check the results, report the results and study future instruction based on the results) and also, the opportunity cost of time not spent on other content or instruction.
- Additional administration is required every time new reporting or compliance requirements are added to the school district's plate.

Recent Examples of Legislative and Executive Restrictions:

2025

SF 647 Education Appropriations: requires DE to provide reading assessments for PK-6 grade to school districts and allows DE to charge school districts for the assessments.

SF 659 Standings Appropriations: requires DHHS to investigate allegations of student abuse by school employees. Requires the district to place the employee on administrative leave (incurs costs of substitutes) for the length of the investigation, regardless of the severity of allegations.

HF 784 State Math Initiative: requires districts to screen all students in K-6 at least 3X yearly, and for students identified as at-risk (not meeting grade level for two consecutive tests), the district must create individual math plans and provide interventions, meet with parents to develop the plan, provide mandated small-group instruction, and provide intensive interventions is not making sufficient progress.

HF 316 Career Education: requires districts to update middle school (grades 5-6 and 7-8) content to include career investigation, career connections and career intensions content in order to fully utilize the 8th grade individual career and academic plan (also an unfunded mandate from years ago). Requires districts to report when students attain an industry-recognized credential and affix a state seal to transcripts or diplomas.

HF 706 Open Meeting and Public Records Training: mandates training for newly elected or appointed public officials (may impact School Improvement Advisory Committee volunteers and Teacher Quality Committees since both are statutory committees.)

HF 782 Electronic Device Restriction During Instructional Time: Requires board policy to restrict student use of cell phones and other instructional devices. Requires staff training, some materials in securing devices, update of emergency preparedness plan, updated or addendum to student and staff handbooks.

SF 369 Civics Test for Graduation: requires students to pass the INS test in order to graduate. Sets the threshold at 60% of questions must be answered correctly. Requires DE to develop the test, including all of the questions on the INS test and to update it after the general election by Jan. 31. Allows school districts to modify the test for students with IEPs or non-English-speaking students. Requires the district to administer the test in written or electronic format, but provides no funding for either, or for scoring the test or for

providing additional study sessions or opportunities for students to take the test.

HF 835 Seizure Disorder Training: requires school districts to provide training to all school personnel on how to recognize the signs and symptoms of seizure and how to provide appropriate seizure first aid every two years. Defines personnel as teachers, principals, guidance counselors, bus drivers, paraprofessionals and other relevant employees who have direct contact with and supervise students.

SF 175 Pregnancy and Fetal Development Curriculum: Requires school districts to incorporate new content into human growth and development and health curricula for students in grades 5-12 and specifies content in health standards. Requires curriculum and materials purchase and staff training.

2024

HF 2487 Investigations: Mandate that a school board/district complete an investigation of employee misconduct if an employee without a license is no longer working for the school district.

HF 2545 Core Curriculum, Social Studies and Statewide Literacy Plan: expanded the requirements of social studies content in grades 1-12 to include a long list of subjects, and as an example: Exemplary figures and important events in western civilization, the United States, and the state of Iowa, including but not limited to the history of ancient Israel, the free Greek city-states, the Roman Republic, the Roman Empire, medieval Europe, Columbus and the Age of Discovery, World War I, World War II and instruction related to the Holocaust, and the Cold War. (Unfunded costs re change lesson plans, textbooks and learning materials and training). Also added civics instruction to middle school grades.

HF 2612 AEAs, SSA and TSS: although the experience is varied, school districts that received educational and media services from the AEAs in many cases, exceeded the amount of AEA flow-through funding associated with their district. AEA restructuring changed the determination of costs and services, which must now be provided elsewhere at cost. Minimum teacher pay was required to be phased in to \$50K for new teachers and \$62K for teachers with 12 years or more of experience. The costs of paying for the new minimums when filling vacant positions, for teachers with less than a full position, or for contract costs of applying salary increases above the base were not included in the formula. TSS is based on student enrollment, so as enrollment declines, districts will receive less and less funding to pay for mandated minimum salaries.

HF 2618 Literacy Initiative: Requires provision of services in a personalized reading plan to students not testing as proficient, including notice to parents and retention of students if requested by parents.

HF 2652 School Security, Radios, Safety, Firearms Detection, Security Officers and Safety Task Force: Mandates for equipment, training, emergency operations plan updates, and staff were not funded, as the grant and appropriation to support the costs was not included in appropriations bills.

HF 2411 Work-based Learning: changed the definition of WBL and required districts to provide it (although legislation allows it as a career and technical education option, the state's accountability plan holds districts accountable for increasing WBL.

SF 2435 Education Appropriations: included required Chronic Absenteeism tracking, reporting, costly notices to parents and the county attorney, tracking, accountability meetings with parents and students.

- Requires school districts to send notice via certified mail (without an alternative in-person or other delivery mechanism)
- Requires weekly follow-up through the remainder of the year, even after the attendance issue has been resolved (increased data monitoring, record keeping and contacts)

- Specifies conditions under which the notice of chronic absenteeism may be sent to families earlier than the 10% benchmark, but only if the county attorney and school board agree on a number of absences to trigger the notification and if the number is included in the student handbook

SF 2442 Local Government Budget Process: required reporting to counties and a second public hearing on school budgets.

2023

HF 430 Mandatory Reporters: requires school districts to use a DE form for a reference check and keep the form as a record rather than requiring the specific questions in the form to be asked, with answers maintained as a record. The form doesn't always fit in the electronic structure of hiring processes and record-keeping.

SF 496 Age-Appropriate Materials: allows a direct appeal to the DE if a parent does not believe a library or classroom book is age-appropriate, without first requiring the parent to notify the school district or follow the local policy to challenge library and classroom materials.

SF 2331 Publication Requirements: deems that a local district has met publication requirements, even if the newspaper prints an error or does not print in time, only if the notice is timely published on the school district website and the county website of all counties involved and posted on a statewide internet database (managed by INA). However, the newspaper is the entity responsible for submitting information to the statewide database, and school districts have no control over their public notice being posted there.

Other Limitations

PK and Child Care: DE's practice of prohibiting school districts from spending any general fund dollars on preschool expansion (either additional classrooms or longer periods of instruction) predates the 2017 change to statutory Home Rule. DE rules have limited PK expenditure sources except those authorized in code (flexibility account, parent pay, local fundraising/ donations, Shared Visions grants, etc.) and specifically exclude school district general fund dollars as a source). The General Fund is also prohibited from being spent on child care, which may be necessary to provide more access to PK.

IPERS Employer Share: IPERS Board annually reviews and may order an increase in the employer's share of IPERS, which must be paid by the school district.

DE data collections and oversight have recently intensified. Some of that activity is in the area of special education oversight, due to a federal finding that the state was not compliant in fiscal monitoring. Additional informational requests and documentation have been ongoing regarding compliance with federal funding and reporting requirements. Desk audits for accreditation purposes have also intensified.