



RSAI 2025 Legislative Priority: 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 stated that schools can only do what is expressly authorized in 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.

Recent Examples of Legislative and Executive Restrictions:

HF 430 from the 2023 Session 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 from the 2023 Session 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 2435 from the 2024 Session, addressing chronic absenteeism, includes several very prescriptive mandates limiting local control:

- 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
- 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 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 district has no control over their public notice being posted there.

Another example is the DE's practice of prohibiting school districts from spending any general fund dollars on preschool expansion (either additional classrooms or longer periods of instruction) which 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 excluding school district general fund dollars as a source.)