



Petition Process

Introduction

In the 2021 legislative session, Governor Reynolds signed House File (HF) 868 into law. The new law creates [Iowa Code section 279.8B](#),ⁱ which outlines the process for eligible voters within the school district to petition their local school board. With that, the purpose of this Iowa Department of Education (Department) guidance is to provide school districts, local school boards, and eligible district voters with information related to the petition process.

Petition Process

The petition process is as follows:

1. Eligible voters create the petition, gather the minimum number of signatures (i.e., the lesser of 10% of voters in the last school board election or 500 eligible voters) from eligible voters, and submit the petition with the local school board.
2. The local school board receives the petition and reviews its validity.
3. If determined valid, the school board places the proposal specified in the petition on its next regular meeting agenda or on the agenda of a school board meeting held within 30 days of receiving the petition.
4. The school board provides sufficient time for the public to provide public comment on the proposal.

1. Creating, Gathering Signatures, and Submitting the Petition

If one or more eligible voters wish to submit a petition, they must:

- Create the petition (see the following Petition Format, Required Number of Signatures, and Use of Electronic Signatures section),
- Gather the minimum number of signatures (i.e., the lesser of 10% of voters in the last school board election or 500 voters) from eligible voters, and
- Submit the petition with the local school board.

PETITION FORMAT, REQUIRED NUMBER OF SIGNATURES, AND USE OF ELECTRONIC SIGNATURES

The petition does not need to be in any particular format. It may be a paper petition, an electronic petition, or some combination of paper and electronic (Iowa Code § 4.1(39)). The only requirement is that it be signed by at least 10% of voters in the last school board election or 500 voters, whichever is less. Electronic signatures may be used (Iowa Code § 4.1(39)).

Electronic Signature Definition

“Electronic signature” is defined as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the *intent to sign the record*” (Iowa Code § 554D.103; emphasis added). The key factor is whether the person intended to sign the record.

PRIVACY RIGHTS AND PROCEDURAL SAFEGUARDS

It is important to note that not all situations can be addressed through this petition process. The process is not to start discussions in circumstances where there are privacy rights or procedural safeguards available in state or federal law. The following examples would not be subject to public discussion under the petition process:

- A proposal to “fire a teacher” because teachers have procedural safeguards available under Iowa Code Chapter 279.
- A proposal to “remove Child X from my child’s special education class” would be inappropriate because Child X and Child X’s family have privacy rights to information in Child X’s education records and Child X’s education placement is determined by special education law.

While broader discussions of “staff quality” or “student discipline,” for example, may be permissible, if the proposal relates to a specific teacher or child, the safest course of action would be for the school board to consult with local counsel.

2. Reviewing the Validity of the Petition

The local school board must review the validity of the petition as soon as possible. Since the proposal must be heard within 30 days of receiving the petition (not 30 days after the school determines the petition is valid), it is important to immediately consider the validity of the petition. This may require calling a special meeting.

The school board should resolve all reasonable questions in favor of the validity of the petition. The school board should deny a petition only if it clearly does not meet the requirements of Iowa Code section 279.8B. This new statute is a clear expression of the Legislature’s commitment to broader public participation in school board meetings.

3. Placing the Proposal on the School Board’s Agenda

If determined valid, the school board:

- Must place the proposal specified in the petition on its next regular meeting agenda or on the agenda of a school board meeting held within 30 days of receiving the petition.
- Must include a brief description of the proposal in the meeting notice.
- If the proposal relates to curriculum or specific instructional materials, may halt the district’s use of the curriculum or materials until the proposal is heard. This is a discretionary decision.

4. Providing Public Comment

The school board must allow each speaker the opportunity to provide public comment. A school board may impose a time limit for each speaker if necessary due to the amount of people wishing to speak but cannot impose a time limit on the discussion (like it might during a discretionary period of public comment). The time allotted must be “sufficient.” The school board should build flexibility for this process into its meeting’s agenda.

DECORUM AND WRITTEN COMMENTS OR MATERIALS

A school board may impose rules of decorum if those rules are evenly applied across individuals. Each speaker must be allowed to speak without interruption from the board members or audience. Speakers may choose to submit their comments in writing or additional written comments or materials. The school board must consider any written comments or materials.

ADDITIONAL COMMENTS AND MATERIALS

If a speaker has used their time but wishes to provide additional comments, the school board may choose to allow the comments unless doing so would prevent other individuals from having the opportunity to speak. The board may defer allowing additional comments until all individuals who wish to speak have spoken for the first time.

Table 1. Petition Process with Department Guidance.

Step	Guidance
<p>1. Eligible voters create the petition, gather the minimum number of signatures (i.e., the lesser of 10% of voters in the last school board election or 500 voters) from eligible voters, and file the petition with the local school board.</p>	<ul style="list-style-type: none"> • The petition may be a paper petition, an electronic petition, or some combination of the two. • The petition must be signed by a minimum number of eligible voters (10% of voters in the last school board election or 500 voters, whichever is less). <ul style="list-style-type: none"> ○ Electronic signatures may be used to indicate the person intended to sign the record. • Not all situations can be addressed through this process. It is not to start discussions for circumstances where there are privacy rights or procedural safeguards available in state or federal law (see the examples in the previous Privacy Rights and Procedural Safeguards section).
<p>2. The local school board receives the petition and reviews its validity.</p>	<p>The school board:</p> <ul style="list-style-type: none"> • Must review the validity of the petition as soon as possible because the proposal must be heard within 30 days of receiving the petition (not 30 days after determining the petition is valid). This may require calling a special meeting. • Should resolve all reasonable questions in favor of the validity of the petition and deny a petition only if it clearly does not meet the requirements of Iowa Code section 279.8B.
<p>3. If determined valid, the school board must place the proposal specified in the petition on its next regular meeting agenda or on the agenda of a school board meeting held within 30 days of receiving the petition.</p>	<p>If the proposal relates to curriculum or specific instructional materials, the school board may halt the district’s use of the curriculum or materials until the proposal is heard. This is a discretionary decision.</p>
<p>4. The school board provides sufficient time for the public to provide public comment on the proposal.</p>	<p>The school board:</p> <ul style="list-style-type: none"> • Must allow each speaker the opportunity to provide public comment at least once. Any additional commentary is at the discretion of the school board. • May impose a time limit for each speaker. • Cannot impose a time limit on the discussion. • Should build flexibility for the petition process into their meeting’s agenda. • Is not required to allow a speaker a second opportunity to provide comments, if allowing a second opportunity would deprive another individual of the opportunity. • Must allow each speaker to speak without interruption from the board members or audience. • May impose rules of decorum if those rules are evenly applied across individuals. • Must consider any written comments or materials.

Questions and Additional Information

For more information, please contact your local counsel or district's [school improvement consultant](#) at the Department.

279.8B Petition — school board meeting agenda — public comment.

1. Upon petition signed by eligible electors of a school district equal in number to at least ten percent of the persons who voted in the last preceding election of school officials under section 277.1, or five hundred eligible electors, whichever is less, the board of directors of the school district shall place the proposal specified in the petition on the agenda of the next regular meeting of the school board or on the agenda of a school board meeting held within thirty days of receipt of the petition filed in accordance with this subsection. If the proposal relates to curriculum, the school district may halt use of the subject instructional materials until the school board holds the board meeting at which the proposal is presented and discussed. The meeting notice shall include a brief description of the proposal.

2. The board of directors of the school district shall provide sufficient time to receive public comment on the proposal. The board shall allow each interested member of the public to speak at the meeting regarding the proposal, but may impose a time limit on the amount of time a member of the public is allowed to speak if the time limit is the same for each speaker and necessary due to the amount of people wishing to speak.