



STATE OF IOWA • DEPARTMENT OF PUBLIC INSTRUCTION

GRIMES STATE OFFICE BUILDING • DES MOINES, IOWA 50319

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Declaratory Ruling #20
(Cite as 1 D.P.I. Dec. Rul. 42)

May 4, 1978

Mr. W. K. Deal, President
Yale-Jamaica-Bagley Community School District
and
Ms. Jeannette Eischeid, Vice-President
Bayard Community School District
% Y.J.B. Community School District
P. O. Box 8
Bagley, Iowa 50026

Dear Mr. Deal & Ms. Eischeid:

Your "Petition for Declaratory Ruling" was filed in my office on February 28, 1978. I here quote the relevant portions of your Petition:

The Boards of Education of the Yale-Jamaica-Bagley Community School District and the Bayard Community School District hereby request a ruling on the question: Does the following proposal for cooperative activities of the two districts meet the requirements of the Department of Public Instruction and Code of Iowa as to the maintenance of twelve grades?

Proposal of Cooperative Activities:

(1) Teachers hired by one of the above named school districts ie. Guidance Counselor, Business Teacher, Industrial Arts Teacher, Drivers Education Teacher, Vocational Agriculture Teacher, and Home Economics Teacher.

(2) The two high schools will be scheduled on a two day cycle with extended class periods. One half of the courses offered will be taught on one day with grades 10-12 meeting together in one building and grade 9 meeting in the other. On the second day the other half of the courses will be offered with students attending in their home district. A proposed schedule is attached.

We feel that these actions are permissible under Chapters 271.5, 280.15, 28D, 28E and 257.28 of the Code of Iowa.

As you know, this Department has long encouraged cooperative working relationships between school districts for the purpose of providing their respective citizens with the best educational opportunities possible. Even with this commitment, however, I do not feel that the proposed plan you have outlined in your "Petition" meets the requirements of maintaining twelve grades contained in Section 275.1, The Code 1977. The relevant language of that Section is as follows:

All area of the state shall be in school districts maintaining twelve grades. If any school district ceases to maintain twelve grades, it shall merge with a contiguous school district within six months or the state board shall attach the school district not maintaining twelve grades to a contiguous district.

In February, 1977, an Attorney General's Opinion was issued on the question of whether all the students in one grade of a school district could be sent to a neighboring school district to be combined with the same grade students under one teacher in one classroom, and all the students from another grade in the neighboring district could be sent to form one class in the other district. (Nolan to Priebe, 2-4-77) The Attorney General's Office ruled that such an arrangement would not meet the maintenance of twelve grades required by Section 275.1.

A few months later, I issued Declaratory Ruling #14, 1 D.P.I. Dec. Rul. 29, which was requested jointly by the Y.J.B. and Bayard Community School Districts. I stated at that time that I felt a cooperative program whereby the high school students of one district would attend courses in the other district in the morning and return to their respective resident district for afternoon classes would not be considered by this Department to be a discontinuance of the maintenance of twelve grades. I based my conclusion on the fact that all grades would be maintained in the district of residence for at least part of each school day. I stated at that time what I felt my response would be if the schools did not return the students to the resident districts for at least a portion of the day. I said at page 30:

If, however, an entire grade of one district were to be transported to the other district and not return for additional classes, the State Board of Public Instruction would likely consider the situation to be a discontinuance of the maintenance of twelve grades as provided in Section 275.1.

Recognizing that some persons may not see a distinction between such cooperative programs which operate on a two-phase cycle on one day and a two-phase cycle over two days, I can only say that in my opinion such a distinction exists. If the students of a cooperating school do not have to attend the resident school at least part of each day in order that the school district may be considered to be maintaining twelve grades, then where is the line of distinction to be drawn? I feel that a requirement that students attend at least one day in two, one day a week, one day a month, one day a semester or one day a year, would give a less satisfactory definition to the phrase "maintain twelve grades," than does the requirement that students

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in such cooperative programs return to their respective resident schools at least a portion of each school day.

In light of the foregoing, my following remarks may be considered extraneous. However, I note that your earlier petition also relied upon many of the same provisions of the Code of Iowa for legal authority as does this "Petition." I note also that both proposals contain provisions utilizing teachers "hired by one" of the districts involved. While Chapter 28E presents very broad authority for cooperative arrangements, the other provisions are more restrictive. Section 280.15 authorizes districts to "jointly employ and share the services" of staff, Section 257.28 authorizes "sharing the costs and expenses" of certain courses, and Chapter 28D has been inferred by some persons to authorize only full-time exchange of personnel. [emphasis mine] While I do not say that the other provisions cannot be cited as authority for your proposed cooperative programs, it may be vital to such a cooperative program that an agreement under the provisions of Chapter 28E be utilized to protect against potential problems inherent in reliance upon some of the other provisions cited by you.

Sincerely yours,



Robert D. Benton, Ed.D.

State Superintendent of Public Instruction

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