

**BOARD OF EDUCATION MEETING
May 1, 2017**

ISSUE: Cedar/Jones County Early Childhood Iowa Fiscal Agent Agreement

CONTACT: Business Manager Linda Von Behren

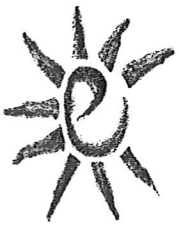
BACKGROUND:

The Anamosa Community School District has had an agreement to serve as the Fiscal Agent for Early Childhood Iowa for many years. The attached agreement is to continue to provide Fiscal Agent Services for Cedar/Jones Early Childhood Iowa Board effective July 1, 2017 through June 30, 2018.

The District will be reimbursed \$2,500 to provide these services.

THE RECOMMENDATION IS:

“Approve the attached Fiscal Agent Agreement with Cedar/Jones County Early Childhood Iowa Board effective July 1, 2017 through June 30, 2018.”



FISCAL AGENT AGREEMENT
with
the Anamosa Community School District

This agreement, made this 1st day of July 2017, is between the *Cedar/Jones Early Childhood Iowa Board*, hereafter referred to as BOARD, and the *Anamosa Community School District*, hereafter referred to as the Fiscal Agent.

I. PURPOSE OF AGREEMENT

The BOARD has been designated an Early Childhood Iowa (ECI) Area within the geographical area it serves and has received a grant of state funds for School Ready Children Services and a grant of state funds for an Early Childhood Program (hereinafter referred to jointly as Early Childhood Iowa funds).

Pursuant to Iowa Code Chapter 256I, the Board is required to designate a public entity as a fiscal agent to administer grant funds. The *Anamosa Community School District* has been designated as the fiscal agent for the Board.

II. DURATION OF AGREEMENT

This agreement shall become effective on July 1st, 2017. This agreement shall remain in effect until June 30th, 2018, unless terminated earlier according to provisions herein. This agreement may be renewed or extended by the mutual written agreement of the parties in the form of an amendment specifying the new agreement period and the amount of funds available to the Board for the new agreement period. All other terms of the agreement shall remain in effect unless specifically amended.

III. FISCAL AGENT RESPONSIBILITIES

The Fiscal Agent shall provide the following services for each of the two separate funds for which it is acting as fiscal agent:

A. Deposit Early Childhood Iowa funds in an interest bearing account separate from other funds of the Fiscal Agent and in accordance with Iowa Code Chapter 12C and the Cash Management Improvement Act, 31 U.S.C. §650 I et seq.

B. Issue payments from Early Childhood Iowa grant accounts as directed by authorized Board staff. Payments shall be issued to the individual, vendor, business, or other entity identified by the Board, in the amount specified, and to the address provided by the Board. Payments shall be issued as directed, within 21 calendar days from the date the Fiscal

Agent receives written notification from authorized Board staff.

C. Be responsible for any costs charged by the financial institution for maintaining the Early Childhood Iowa grant accounts, or accounts containing Early Childhood Iowa grant funds. The Fiscal Agent shall ensure that any such costs are reduced or offset to the extent possible through earnings credits offered by the financial institution.

D. Be responsible for completing and submitting any 1099 reports as required by federal or state law or regulation.

E. Maintain separate accounting records for School Ready Children Services and Early Childhood Program funds that at a minimum include the following:

1. For each School Ready Children Services grant payment and for each Early Childhood Program grant payment made as directed by the Board:

- a. The date written notification/authorization was received from the Board staff.
- b. The name of the authorized Board staff authorizing the payment.
- c. The name and mailing address of the payee.
- d. The amount of the payment.
- e. The check number or other unique identification of the payment
- f. The date the payment was mailed or hand-delivered to the payee.
- g. The date the payment is cleared or paid out of the Early Childhood Iowa grant account or account containing Early Childhood Iowa grant funds.
- h. The date of any stop payment requested by the Fiscal Agent and the reason.

2. Running balances for each fund which includes:

- a. The cumulative amount of payments authorized by the Board
- b. The cumulative amount of payments issued.
- c. Available Early Childhood Iowa grant funds that are not encumbered or otherwise allocated for payments made but not yet cashed.

3. Separate running balances for Administrative funds and Program funds for each School Ready Children Services fund and Early Childhood Program fund.

The following shall be considered:

- a. Administrative expenses for School Ready Children Services are not to exceed 3% of the annual School Ready grant.
- b. Administrative expenses for the Early Childhood Program shall not exceed 5% of the annual Early Childhood grant.
- c. Interest accrued is to be added to program funds for each grant.
- d. ECI area boards are allowed to carry forward up to 20% of the current year's allocation into the next fiscal year for each School Ready and Early Childhood grant funds. If the board's carry-forward amount is over the 20% limit, the board's allocation amount is reduced the following year by the amount in excess of the

amount allowed.

F. Provide for, account for and deposit the amount of any monthly bank costs for maintaining the ECI fund account or proportion of such costs attributable to that portion of an account constituting ECI grant funds, and the amount of any monthly interest earned for the Early Childhood Iowa fund account or proportion of such earnings attributable to that portion of an account constituting ECI grant funds into the appropriate Early Childhood Iowa fund account.

G. Submit monthly expenditure reports, based on an accrual reporting system, within 21 calendar days from the end of the prior month to the Board. Reports shall be submitted in a format agreed to by the Board and the Fiscal Agent, and shall include as much of the information as the Fiscal Agent is required to maintain as described in this section as the Board may request, and as is necessary to reconcile the records of the Board with the records of the Fiscal Agent.

H. Submit monthly copies of bank statements identifying account balances for both the School Ready Children Services fund and Early Childhood Program fund.

I. Submit a report within 45 calendar days from the end of the agreement period, or such earlier date as the agreement may be terminated, to the Board. The report shall be submitted in a format agreed to by the Board and the Fiscal Agent, and shall include as much of the information as the Fiscal Agent is required to maintain as described in this section and as the Board may request, and as is necessary to reconcile the records of the Board with the records of the Fiscal Agent.

J. Submit a report to the Board on any audits performed as well as the findings of any audits of the accounting records for the School Ready Children Services and Early Childhood Program fund. The Fiscal Agent shall submit the report to the Board within 21 days of receipt.

K. Fiscal Agent reimbursement for these services shall be in the amount of \$2,500.00 per agreement period to be paid in the last month of the Fiscal Year.

L. Return unexpended Early Childhood Iowa grant funds, and accrued interest as may be required by law, to the Board if this agreement is terminated or if Early Childhood Iowa grant funds remain in an account held by the Fiscal Agent at the end of the agreement period, unless the agreement is renewed or extended as provided for herein.

M. Reconcile its records for the payment and distribution of Early Childhood Iowa grant funds with the Board as requested by the Board.

N. If this agreement is renewed or extended any unexpended Early Childhood Iowa grant funds remaining in an account held by the Fiscal Agent at the end of the current agreement period shall be retained by the Fiscal Agent for use in the next agreement period.

O. Acknowledge that as the contractor for ECI funds, the contractor has no decision-making authority relating to the expenditures of these funds.

P. Iowa Administrative Code Chapter 541.9 requires an audit, conducted by an independent agency, of the early childhood Iowa funds managed by area boards. "Audit" means a financial review by area boards of early childhood Iowa funds. The Contractor shall utilize State ECI Tool UU "Guidance to ECI Area Boards Regarding Financial Agreed Upon Procedures" as part of the audit of their own financial records.

IV. BOARD RESPONSIBILITIES

The Board shall have the following responsibilities:

A. Advise the Fiscal Agent in writing of the identity of Board staff authorized to approve and submit payment requests for Early Childhood Iowa grant funds to the Fiscal Agent and to receive and review expenditure and other reports from the Fiscal Agent as required herein.

B. Determine the amount and payee for any payment to be made from Early Childhood Iowa grant funds.

C. Authorized Board staff shall submit a dated written authorization to the Fiscal Agent to make payments for Early Childhood Iowa grant funds approved by the Board, which authorization shall designate whether payment should be made from the School Ready Children Services account or the Early Childhood Program account.

D. Maintain separate accounting records for each School Ready Children Services payment and for each Early Childhood Program payment authorized to be paid by the Fiscal Agent that at a minimum include the following:

1. The date written notification/authorization was submitted to the Fiscal Agent.
2. The name of the authorized Board staff authorizing the payment.
3. The name and mailing address of the payee.
4. The amount of the payment.

E. Review on a monthly basis the monthly expenditure reports submitted by the Fiscal Agent and reconcile with the records maintained by the Board. The Board and Fiscal Agent shall work together to resolve any discrepancies and take any necessary corrective action.

F. Review the report submitted by the Fiscal Agent at the end of the agreement period or other termination of the agreement and reconcile with the records maintained by the Board. The Board and Fiscal Agent shall work together to resolve any discrepancies and take any necessary corrective action.

G. Any Early Childhood Iowa grant funds allocated to the Board remaining unexpended at the end of the state fiscal year shall be retained for use in the next state fiscal year and shall be treated as an advance of the Early Childhood Iowa grant funds allocated to the Board for the next state fiscal year.

H. Be responsible for reimbursing the Contractor for costs incurred above and beyond the cost of their independent audit relating to the completion of the "Agreed Upon Procedures" for the ECI area.

V. GENERAL PROVISIONS:

A. Agreement Amendment - The agreement shall be amended only upon written agreement of both parties.

B. Renegotiation Clause. In the event there is a revision of Federal regulations, state laws, or administrative rules and this agreement no longer conforms to those regulations, laws, or rules, all parties will review the agreement and renegotiate those items necessary to conform with the new regulations, laws, or rules.

C. Termination of Agreement

1. For Cause. Causes for termination during the period of the agreement are:

- a. Failure of the Fiscal Agent to complete or submit required reports.
- b. Failure of the Fiscal Agent to make financial and statistical records available for review by the Board of other authorized party.
- c. Failure of the Fiscal Agent to abide by the terms of this agreement.

If one of the above occurs, the Board shall provide written notice to the Fiscal Agent requesting that the noncompliance be remedied immediately. In the event that the noncompliance continues fifteen (15) days beyond the date of the written notice, the Board may either immediately terminate the agreement without additional notice, or enforce the terms and conditions of the agreement and seek any legal or equitable remedies.

2. Across the board reductions. Any across the board reductions in State appropriations shall apply to this agreement. Should the Board determine that the across the board reduction will affect this agreement, any funds allocated to the project and deposited with the Fiscal Agent will be adjusted pursuant to the reduction. The Board shall provide the Fiscal Agent reasonable written notice before any across the board reduction is put in place. During the notice period, the parties will meet and attempt in good faith to agree upon changes to this agreement to address such reduction.

3. State reorganization plan. The Board shall have the right to terminate this agreement, by giving the Fiscal Agent reasonable written notice, in the event the Board is altered by legislative mandate or by direction of the State of Iowa or federal government.

4. Legislative reorganization. The Fiscal Agent expressly acknowledges that the program delivered pursuant to this agreement is subject to Legislative change by either the federal or state governments. Should either legislative body enact measures which alter the program, the Fiscal Agent shall not hold the Board liable in any manner for the resulting changes. The Board shall provide reasonable written notice to the Fiscal Agent of any such legislative change. The parties will meet and attempt in good faith to agree upon changes to this agreement to address such reorganization.

5. Upon notice. Either party may terminate this agreement by providing 30 days written notice to the other party.

D. Confidentiality - the Fiscal Agent shall comply with all applicable federal and state laws and regulations on confidentiality.

E. Statement regarding meeting all Federal and State Requirements – the Fiscal Agent shall be in compliance with all applicable federal and state laws, rules, and regulations.

F. Records Retention - The Fiscal Agent shall maintain records that document the validity of reports submitted to the Board. The Fiscal Agent shall retain all books, records, or other documents relevant to this agreement for a period of five (5) years after this agreement is no longer in effect after final payment, or until final audit findings have been resolved, whichever is later.

G. Review of Contract Related Documentation - upon request, the Fiscal Agent shall allow authorized representatives of the Board or state or federal agencies to have access to the records as is necessary to confirm compliance with the specifications of this agreement. Reviews may include on-site visits to the Fiscal Agent, the Fiscal Agent's central accounting office, the offices of the Fiscal Agent's agents, a combination of these, or by mutual decision, to other locations.

H. Federal Lobbying Requirements - In accordance with the requirements under 34 CFR 82, "New Restrictions on Lobbying," the Fiscal Agent shall comply with the restrictions on lobbying requirements.

The Fiscal Agent agrees, to the best of its knowledge and belief, that:

No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement,

the Local Agency shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The Fiscal Agent shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

I. Certification Regarding Drug Free Workplace

Requirements for contractors who are not individuals. If Contractor is not an individual, by signing below Contractor agrees to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The person's policy of maintaining a drug- free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations;
3. Making it a requirement that each employee to be engaged in the performance of such contract be given a copy of the statement required by subparagraph 1;
4. Notifying the employee in the statement required by subparagraph 1, that as a condition of employment on such contract, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
5. Notifying the contracting agency within 10 days after receiving notice under subparagraph 4b from an employee or otherwise receiving actual notice of such conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by 41 U.S.C. § 703; and
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs 1, 2, 3, 4, 5, and 6.

Requirement for individuals. If Contractor is an individual, by signing below Contractor agrees to not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

Notification Requirement. Contractor shall, within 30 days after receiving notice from an employee of a conviction pursuant to 41 U.S.C. § 701(a) (1) (D) (ii) or 41 U.S.C. § 702(a) (1) (D) (ii):

1. Take appropriate personnel action against such employee up to and including termination; or
2. Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

J. Debarment, Suspension, And Other Responsibility Matter Requirements - In accordance with the requirements under 34 CFR 85, "Government-wide Debarment and Suspension (Non-procurement)," the Fiscal Agent shall comply with the debarment and suspension requirements. The Fiscal Agent agrees, to the best of its knowledge and belief, that it and its subcontractors:

Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated above; and

Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

K. Environmental Tobacco Smoke Requirements - The Contractor shall comply with the requirements of Public Law 103-227, Part C. Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act). The Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through States, local governments, by Federal grant, contract, loan, or loan guarantee. The Contractors will require that the language of this certification be included in any Contracts which contain provisions for children's services and that all sub-contractors shall certify accordingly.

Cedar/Jones ECI Board

Anamosa Community School District

Signature

Signature

David Lorenzen

Name

Name

Board Chairperson

Title

Board President

Title

Date

Date

200 South Garnavillo Street

Address

Anamosa, IA 52205-1940

City, State, Zip Code

42-6000667

Tax Identification Number

79-369-8973

DUNNS Number

**BOARD OF EDUCATION MEETING
May 1, 2017**

ISSUE: Board Organizations Dues – IASB and ISFIS

CONTACT: Lisa Beames, Superintendent

BACKGROUND:

Annual dues for board-based, business operation support organizations are presented. The Iowa School Board Association and the Iowa School Finance Information Services offer similar yet different services. Each is seen to have strengths and efficiencies in different areas. IASB in policy, personnel, legal support, board leadership development; ISFIS in data/information analysis and both in finance (from different perspectives).

THE RECOMMENDATION IS:

Approve the participation in both IASB and ISFIS.



Iowa Assn of School Boards
 6000 Grand Ave
 Des Moines IA 50312

Invoice Number	IASBMBR005022
Invoice Date	7/1/2017
Customer ID	ANAMOSA C14
Customer PO#	

Bill To:

Anamosa Community Schools
 200 S Garnavillo Street
 Anamosa IA 52205-1900

Remit To:

Iowa Association of School Boards
 PO Box 4716
 Des Moines, IA 50305-4716

Item	Description	Quantity	Unit Price	Ext. Price
01DUESSK12	IASB Membership Dues 2017-18	1	\$4,299.00	\$4,299.00
		ACCT. NO.		

		TOTAL		

		FOR		
		VERIFIED		

Total Due				\$4,299.00
Payments Rceived				\$0.00
Amount Due				\$4,299.00

Payments made are for services rendered and are not considered charitable contributions.

Retain Top Portion for Your Records
REMITTANCE COPY
 Please return this portion with payment.



Iowa Assn of School Boards
 6000 Grand Ave
 Des Moines IA 50312

Invoice Number	IASBMBR005022
Invoice Date	7/1/2017
Customer ID	ANAMOSA C14
Amount Due	\$4,299.00

Remit To:

Iowa Association of School Boards
 PO Box 4716
 Des Moines, IA 50305-4716

Anamosa Community Schools
 200 S Garnavillo Street
 Anamosa IA 52205-1900



ISFIS, Inc.
 1201 63rd Street
 Des Moines IA 50311
 (515) 251-5970
 www.iowaschoolfinance.com
 Tax ID# 27-0295802

INVOICE

Date	Invoice #
04/01/2017	16-14

Customer
Anamosa CSD 200 S. Garnavillo St. Anamosa, IA 52205-1900

Description	Rate	Total
<u>2017-18 District Subscription Fee</u> Less Early Subscriber Discount (5% discount if payment is received prior to July 15) Net 2017-18 District Subscription <i>ISFIS District Subscription fees are based upon each district's budgeted enrollment, with an annual minimum of \$395 and a maximum of \$3,193.</i>	\$ 1,887.00 - 94.35	\$ 1,792.65
<u>2017-18 Tier 2 Supplemental Subscription Fee</u> Less Early Subscriber Discount (5% discount if payment is received prior to July 15) Net 2017-18 Tier 2 Supplemental Subscription <i>ISFIS Supplemental Services Subscription fees are a flat fee of \$600 annually.</i>	\$600.00 - 30.00	\$570.00
Although these services are bundled, ISFIS estimates 2017-18 District Subscription Fees to be 50% for Software and 50% for Services. For Tier 2 Supplementary Service Subscriptions, ISFIS estimates 80% to be for Software and 20% for Services.		
TOTAL (if payment received prior to July 15)		\$ 2,362.65

Please make checks payable to ISFIS, Inc.
 If you have any questions concerning this invoice, please contact us at (515) 251-5970.

**BOARD OF EDUCATION MEETING
May 1, 2017**

ISSUE: School Board Member Replacement Process

CONTACT: Lisa Beames, Superintendent

BACKGROUND:

The Anamosa Community School District will have an open seat effective May 31st due to submission and approval of the resignation of Rob Sayre.

Per Iowa code, the board has 30 days from the effective date of the resignation, May 31st, in which to fill the vacancy. Iowa Code also expresses the right of the public to file a petition for the vacancy to be filled by a special election.

The board will seek to fill the vacancy by appointment. This appointment will last until the next school board election which is September 12, 2017. Through that election process, a member will be selected to fulfill the remainder of the term which ends in November, 2019.

A public notice will be published in the Journal-Eureka on May 4th indicating the intent of the district to fill the vacancy by appointment as well as the right of the public to seek a special election.

Individuals interested in filling this appointment on the Anamosa Community School Board should communicate with Lisa Beames, Superintendent, in writing by 4:00 on May 15, 2017. Questions may also be directed to Mrs. Beames.

Candidates will be interviewed by the board in open meeting on May 22, 2017 at times to be determined. Interviews are anticipated to be approximately 30 minutes in length.

A subcommittee of the board will review interview data to determine the final recommendation for appointment.

Below find the proposed timeline for the appointment to fill the vacancy until the next regular school board election.

Filling of Vacancy: Timeline	
May 1	Resignation accepted effective May 31, 2017
May 4	Notice of Vacancy published in the Journal Eureka
May 15	Letters of Interest communicated in writing to Superintendent Lisa Beames at 200 S. Garnavillo Street no later than 4:00 p.m.
May 22	Interviews with interested individuals held by the board in open meeting at times to be determined
June 5	Appointment of board member to fill vacancy until next School Board Election
September 12	School Board Election to elect member to complete vacated term
September 18	Appointment to fill vacancy expires; Elected member fills vacancy

Information about the role and expectations of a board member will be available on the district website (www.anamosa.k12.ia.us).

Included as part of this exhibit is a copy of Board Policy related to filling Board Vacancies as well as an excerpt of Chapter 13 Vacancies that pertains to filling vacancies for school boards.

INFORMATION ONLY

BOARD VACANCIES

Purpose: To provide guidelines for filling Board vacancies.

Policy: Board vacancies shall be filled by appointment by the remaining Directors of the Board, in open session, within 30 days after the vacancy occurs. A person so appointed holds office until the next election, at which time a qualified successor is elected. Any appointed Director of the Board shall qualify within 15 days after the appointment, in the manner specified by law.

If the remaining Directors of the Board do not fill the vacancy within 30 days, the Secretary is required to call a special election.

A vacancy will exist if there is a failure to elect at the proper election or to appoint within the time fixed by law; an incumbent ceases to be a resident of the District or sub-district; an incumbent or officer-elect resigns or passes away; an incumbent forfeits his office, or a competent tribunal declares his office vacant; or an incumbent is convicted of an infamous crime or of any public offense involving the violation of his oath of office; or a court order removes a Board Director for engaging in, and having had damages assessed against, the Board Director for two violations of the Open Meetings law.

Approved _____
Reviewed 2/19/01
Reviewed 11/7/05
Revised 8/3/09
Revised 3/7/11
Reviewed 2/4/13

Chapter 13

Vacancies

This chapter provides information about determining if a vacancy exists and how governing bodies must fill vacancies when they do exist.

Also refer to the other chapters of this handbook for information that applies to all elections and specific elections.

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Overview

Does a Vacancy Exist?

Generally, a vacancy in an elective office occurs when an elected or appointed officeholder dies, resigns, or is removed from office before the end of the term to which the officeholder was elected to serve.

Sometimes, whether a vacancy exists is less clear. In those situations, the governing body can independently initiate or the eligible electors of the jurisdiction can request a hearing by filing a petition to determine whether a vacancy does exist in a public office. For additional details about this procedure, please see §69.2, subsections 2 and 3.

When Vacancies Occur

A vacancy occurs:

- On the date of the officeholder's death
- On the date the officeholder submits a resignation if the resignation is effective immediately
- On the date specified by the officeholder in the resignation if the resignation will become effective at a future date
- On the date the officeholder is removed from office

Mid-Term Vacancy

A mid-term vacancy is a vacancy that occurs in the middle of a term when there is another pending election scheduled before the term will normally expire.

Example:

Ben, the county recorder, was elected in 2014. Ben resigned on January 1, 2015, to spend more time with his family. Ben's resignation created a mid-term vacancy because his term would normally expire at the end of 2018 and there is another pending election scheduled before the end of 2018 which is the 2016 general election. The office of recorder must appear on the ballot at the November 2016 general election even though it is not scheduled to appear on the ballot again until November 2018.

When Vacancies can be Filled

A vacancy can only be filled after it actually occurs. A governing body may publish notice of its intention to appoint or its intention to call a special election before the vacancy actually occurs, but appointments cannot be made and special election dates cannot be set until after the vacancy occurs.

Exception: If a school board member announces a resignation to take effect at the beginning of the next term for school officials in that district and the announcement is made at least 45 days before the upcoming school election, that school board member's seat may appear on the ballot at the regular school election as "To Fill Vacancy." There are no other elective offices with similar statutory provisions.

[§279.6, unnumbered paragraph 2]

How Vacancies are Filled

The statutes are different for each type of office. In some situations, the governing body must appoint a replacement and constituents have no ability to request a special election. In other situations, a special election must be called and there is no ability for a governing body to appoint a replacement. Finally, there are also situations where the governing body must choose whether to fill a vacancy by appointment or hold a special election. The rules applicable to all elective offices will be covered in this chapter.

"Next Pending Election"

The "next pending election" is the next election at which either a public measure will be voted on by the constituents in the political subdivision or at which officials will be elected to represent the political subdivision.

[§69.12, first unnumbered paragraph]

Ballot Language

The office title must include the words "To Fill Vacancy."

Example: For County Recorder, To Fill Vacancy

[§49.57(7)]

How to Know if Candidates are Running to Fill Vacancies

Candidates running to fill vacancies must check the "Yes" box next to the question: "Is the candidate running to fill a vacancy due to the death, resignation removal or temporary appointment of the previous officeholder?" on the affidavit of candidacy and the nomination petitions or convention certificate.

Length of Appointments

Generally, an individual appointed to fill a vacancy only serves until the next pending election. If the political subdivision has a special election or a regularly scheduled election after an individual is appointed and the term the appointee is serving is not scheduled to end after the next pending election, the office in which the appointee is currently serving must appear on the ballot as "To Fill Vacancy."

Term Start Date for Certificate of Election

When individuals are elected to fill vacancies, their terms begin as soon as a certificate of election is issued and they qualify for the office. There is no term start date. Instead, the certificate of election should state that the individual is elected for the "residue of the term ending [at the end of the original term]."

[§50.29]

When individuals are not elected to fill vacancies but there is an appointee currently serving in the seat to which they were elected for the succeeding term, the term start date is the first day of the term to which they were elected. However, the individual must qualify for the office before the term start date due to an operation of law.

[§50.29, 69.12]

"Qualify" for Office

"Qualification" for public office means taking the oath of office and giving bond when required.

[§63.1]

Required Oath of Office Language

It depends on the office. Generally, the text of the required oath of office can be found in §63.10. If the statutes governing the election do not contain a different oath of office, use this one.

Exceptions:

- School Officials:

The oath of office for school officials is located in §277.28. The text of this oath differs, depending on whether the oath is taken in front of the board of directors or not.

- Governor/ Lt. Governor:

The oath of office for the governor and Lt. governor is located in §63.5.

- Judges:

The oath of office for judges is located in §63.6.

When Oath of Office Must be Taken

Vacancy Filled by Appointment

The appointee must take the oath of office no later than 10 days after the date the appointment was made.

[§63.8]

Vacancy Filled by Special Election

If the previous officeholder was appointed to the office or there is no previous officeholder, the individual declared elected must take the oath of office within 10 days after the canvass of votes declaring the individual elected. If the seat is on a multimember board to which more than one person is to be elected, the non-incumbent who receives the most votes must qualify within 10 days of the canvass.

The requirement to be sworn in within 10 days of the canvass applies even when the individual declared elected was running to fill vacancy or not. The appointee never serves the rest of the term.

[§63.8, 69.12(2)]

Exception: If it is a special school election to fill a vacancy, the newly elected officer must qualify within 10 days after the election.

[§63.8, 279.7]

Example 1:

Betty Busybody resigned from the office of county sheriff on January 1, 2014. Her term was not set to expire until December 31, 2016. The county supervisors filled the vacancy by appointing Dan Doorknob until the November 2014 General Election. Bill Bustem ran and was elected to fill the vacancy on November 2, 2014. Bill must take the oath of office within 10 days of the county canvass of votes and Dan's appointment is over as soon as Bill takes the oath of office.

Example 2:

Connie Crabtree resigned from the office of county supervisor on January 1, 2016. Her term was set to expire on December 31, 2016. The county committee filled the vacancy by appointing Fiona Firedup until the November 2016 General Election. There were three supervisor seats up for election in November 2016. Sally Sympathetic, a non-incumbent, ran for supervisor and received the most votes. Sally Sympathetic must qualify by taking the oath of office within 10 days after the county canvass of votes. Fiona's appointment is over and Sally will serve the remainder of Connie Crabtree's term, even though Sally did not run to fill a vacancy.

Example 3:

Mike Moveover retired from the office of county auditor on July 1, 2013. His term was set to expire on December 31, 2016. The county supervisors called for a special election on September 10, 2013, to fill the vacancy. Eddie Eager ran and was elected to fill the vacancy. Eddie must take the oath of office within 10 days of the county canvass of votes.

Who Gives Oath of Office

Oaths of office may be given by persons empowered to administer oaths as set forth in *Iowa Code* chapter 63A.

[Chapter 63A]

Oath of Office not Taken on Time

If an oath of office is not taken on time, the elected official fails to qualify for the office which creates another vacancy.

[\$69.2(1)(b)]

Unavoidable Reasons

In the event the failure to timely qualify was unavoidable because the officer was sick, there was bad weather, or there was some other unavoidable absence or casualty, the officer can qualify within 10 days of the original deadline to qualify (i.e. 10 days after the term start date or 20 days after the canvass).

[\$63.3]

When An Officer Holds Over

When there is no new officer elected to take over at the expiration of the previous officer's term, the previous officer must hold over until a successor is elected and qualified. This may occur when an election contest is occurring and the successor has not been determined yet by the contest court.

[\$63.7, 69.1A]

Unexpired Term Ends within 70 Days After Next Pending Election

When the unexpired term of a vacancy expires within 70 days after the next pending election or after the date of an election in which the office was on the ballot, the person elected to the office must also serve the remainder of the unexpired term.

[\$69.12(2)]

Vacancies on School Boards

Iowa Code sections 69.12, 277.29, 279.6 and 279.7

Filling Vacancies

The vacancy must be filled by appointment of the remaining directors until the next pending election unless one of the following happens:

- When the school board fails to appoint a replacement within 30 days [§279.7(1)]
- When the vacancy reduces the number of school directors below a quorum

If there is no quorum, the school secretary is required to call a special election to fill the vacancy. If there is no school secretary, the area education agency administrator is required to call a special election to fill the vacancy.

[§279.7(1)]

- If within fourteen days after publication of a notice of intent to appoint, a petition is filed requiring a special election.

An appointment by the board to fill a vacancy on or after the day that notice has been given for a special election to fill such vacancy shall be null and void.

[§279.7(2)]

When Vacancies can be Filled

The board may make an appointment to fill the vacancy after the notice is published or after vacancy occurs, **whichever is later**.

[§279.6(1)(a)]

Publication Requirements

There are special publication requirements before the school board can appoint a replacement. The board shall publish notice of its intention to appoint before the appointment is scheduled to be filled. The publication must also notify school district residents of the right to request a special election by filling a petition. The publication must occur once in the manner prescribed by section 279.36.

Note: §279.36 is specific to school publications and does not set a timeframe that the publication must occur within.

[§279.6, 279.7, 279.36]

Appointing Replacements

Deadline

A replacement must be appointed within 30 days of the date the vacancy becomes known by the secretary of the board.

[§279.7]

Exception: The school board can decide that vacancies occurring between 70 and 45 days before the next regular school election will be filled at the upcoming school election. They do not need to be filled by appointment.

[§69.12(1)(a)(3), 279.6 unnumbered paragraph 2, 279.7]

Tenure of Vacancy Appointee

A person appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified pursuant to section 69.12.

[§279.6]

Note: Using 69.12 to define the tenure of a vacancy appointee presents an unworkable situation if the next pending election is not a school election. *Bettendorf v Scott County* ignored the requirement in 69.12 that a vacancy election be held with an election for the same political subdivision and ruled that the next pending election is the next scheduled election regardless if boundary conflicts exist.

Watch for the potential of 2016 legislative correction.

Appointment not Made Before Deadline

If the school board fails to appoint a replacement within 30 days after the vacancy becomes known by the secretary of the board, the school board secretary is required to call a special election.

[§279.7]

School Secretary does not Call Special Election

If there is no secretary or if the school secretary does not call a special election after the board's failure to appoint, the area education agency administrator is required to call the special election.

[§279.7(1)]

Petitioning for a Special Election

If a petition is filed requesting a special election to fill a vacancy within fourteen days after publication of a notice of intent to appoint for a vacancy that occurs more than one hundred eighty days before the next regular school election an appointment to fill the vacancy is temporary until a successor is elected and qualified.

[§279.6]

Petitioning for a Special Election cont.

If a petition is filed requesting a special election to fill a vacancy that occurs between 180 days and 45 before the regular school election, the board's appointment is temporary until a successor is elected and qualified at the next regular school election for the remainder of the unexpired term. The special, if there is a petition will be on the regular school election date.

[§279.6]

If a petition is filed requesting a special election to fill a vacancy that occurs during the 44 days when filing for a regular school election is closed, the next regular school election would be the school election in two years. Because the filing period is closed, a vacancy occurring in the 44 day window would be more than 180 days before the next regular school election and a special election would be called.

Signature Requirements

For a petition to be valid, the petition must be signed by eligible electors equal in number to **not less than** one hundred or thirty percent of the number of voters at the last preceding regular school election, **whichever is greater**.

[§279.6]

Dates of Special Elections to fill Vacancies

If a special election must be held to fill a vacancy on a school board, the election may be held on any Tuesday that is not during a blackout period before or after a primary or general election. In addition, the election cannot be held on a day where there is another election being held for a different political subdivision that involves the same voters.

See the Special Elections chapter for additional information.

Deadline for Holding Special Election

- A special election shall be held between 60 and 70 days of when the vacancy becomes known by the secretary or the board.

[§279.7(1)]

- If a petition is filed requesting to fill the vacancy by election for a vacancy that occurs more than 180 days and 45 before the regular school election, the board's appointment is temporary until a successor is elected and qualified at the next regular school election for the remainder of the unexpired term.

[§279.6]

- A petition filed requesting to fill the vacancy by election for a vacancy that occurs more than 180 days before the next regular school election, the board's appointment is temporary until a successor is elected and qualified at a special election called by the board pursuant to §279.6 for the remainder of the unexpired term.

Vacancies that occur 44 days or less before a regular school election (when candidate filing is closed) are subject to petition and special election.

[§279.7(1)]

Special Elections to Fill Vacancies

Dates of Special Elections

If a special election must be held to fill a vacancy on a school board, the election may be held on any Tuesday that is not during a blackout period before or after a primary or general election. In addition, the election cannot be held on a day where there is another election being held for a different political subdivision that involves the same voters.

See the Special Elections chapter for additional information.

Deadline for Holding Special Election

If a special election must be held, it must occur between 60 and 70 days after the vacancy becomes known by the school secretary.

[§279.7(1)]

Signature Requirements

The number of signatures required to get on the ballot is equal to one percent of the registered voters in the school district (or director district if directors are elected by district); however, the number of signatures can never be fewer than 10 or more than 50. The number of registered voters is based on the number of voters registered as of the date the auditor receives notice of the special election.

[§277.4(2), IAC 721—21.500]]

Filing Officer

The school secretary is the filing officer for special elections to fill vacancies on school boards.

[§277.4, 279.7]

Candidate Filing Deadlines

If the special election is held at the same time as a regularly scheduled election, the filing deadlines are the same as the deadlines for the regularly scheduled election. See the election-specific chapters for more information.

If the special election is not held at the same time as a regularly scheduled election, the filing deadlines are:

First Day: As soon as the auditor receives notice of the special election

Last Day: No later than 5 p.m. on the 25th day before the special election

Nomination papers are filed with the school board secretary. The school secretary's office is required to remain open until 5 p.m. on the final date for filing.

[§279.7(4)]

Withdrawal and Objection Deadlines

Withdrawal: No later than the 25th day before the election

The written notice is filed with the school secretary.

[§44.9(5)]

Objection: No later than 35 days before the election.

Written objections must be filed with the school secretary.

The school secretary should consult with the school district attorney for information on how to proceed in these cases before acting on an objection for this type of election after the 35 day deadline. If the school secretary has proceeded on an objection filed after the 35 day deadline, the auditor should consult with the county attorney before proceeding.

[§277.5]

Public Measures

Public measures may also be placed on the ballot, if the auditor's office is provided with at least 32 days notice of the intent to place a public measure on the ballot with the vacant office and assuming any other legal requirements to place the public measure on the special election ballot are met.

[§47.6(1)(a)(1)(b)]

BOARD OF EDUCATION MEETING
May 1, 2017

ISSUE: Middle School Reading Position Increase to 1.0 FTE

CONTACT: Lisa Beames, Superintendent

BACKGROUND:

The district has had the middle school reading position posted at .6 since January 28, 2017. One candidate declined an interview and one withdrew shortly before the interview in lieu of full-time employment.

In order to fill the position, we would like to move the position to 1.0 FTE.

.6 of this position would continue to be funded out of At-Risk with the remainder coming out of the general fund.

The additional time will be used to provide additional support of literacy for primarily 5th and 6th grade students.

This additional cost will be, at least partially, offset by restructuring in Industrial Technology and Building Trades.

THE RECOMMENDATION IS:

“Approve the middle school reading position from .6 FTE to 1.0 FTE.”

BOARD OF EDUCATION MEETING
May 1, 2017

ISSUE: First Reading of Board Policies

CONTACT: Lisa Beames, Superintendent

BACKGROUND:

The following policies are being presented for First Reading with revisions:

900.0	Guiding Principles	Delete Policy
1000.0	Guiding Principles	New Policy # 900.0
900.7	Volunteer Services	New Policy # 905.1
900.7E1	Volunteer Disclosure Statement	New Policy # 905.1E1
900.7R1	Volunteer Services	New Policy # 905.1R1
1001.3	Release to News Media Board Matters	New Policy # 901.3
1002.1	Examination of District Public Records	New Policy # 902.1
RP1002.1	Examination of District Public Records	New Policy # 902.1R1
1002.2	Board Proceedings	Delete Policy
1003.1	Citizen Advisory Committee	New Policy # 903.1
1004.4	Gratuities to Personnel	Delete Policy
1004.5	Loaning of Equipment	New Policy # 904.2
1005.1	Adult Education	Delete Policy
1005.2	Visitors	New Policy # 905.3
1005.8	Money Raising Activities on District Property	New Policy # 904.4
1005.10	Fundraising	New Policy # 503.12
1005.11	Student Record Access and Custody by Non-Custodial Parents	New Policy # 506.4
1005.12	Display and Retirement of Athletic/Activity Awards	New Policy # 803.3

THE RECOMMENDATION IS:

“Approve policies as presented for First Reading.”

BOARD OF EDUCATION MEETING
May 1, 2017

ISSUE: Gift Bequest from Don Norton Family

CONTACT: Lisa Beames, Superintendent

BACKGROUND:

The Don Norton Family would like to gift to the district a sign in honor of Mr. Norton to be placed at the football field. This sign will be placed to the right of the stairs in front of the ramp when you face the home bleachers from the entrance to the field.

Mr. Norton's athletic record and subsequent life demonstrated high achievement and being of good character.

As a gift, the family has assumed responsibility for all costs. They are considering a benefit to help cover these costs, but it will not be associated with the school district.

They await the board's decision to accept the gift before proceeding any further.

THE RECOMMENDATION IS:

“Accept the gift from the Don Norton Family for the sign honoring Mr. Norton for his high level of athletic achievement.”

GIFTS - GRANTS - BEQUESTS

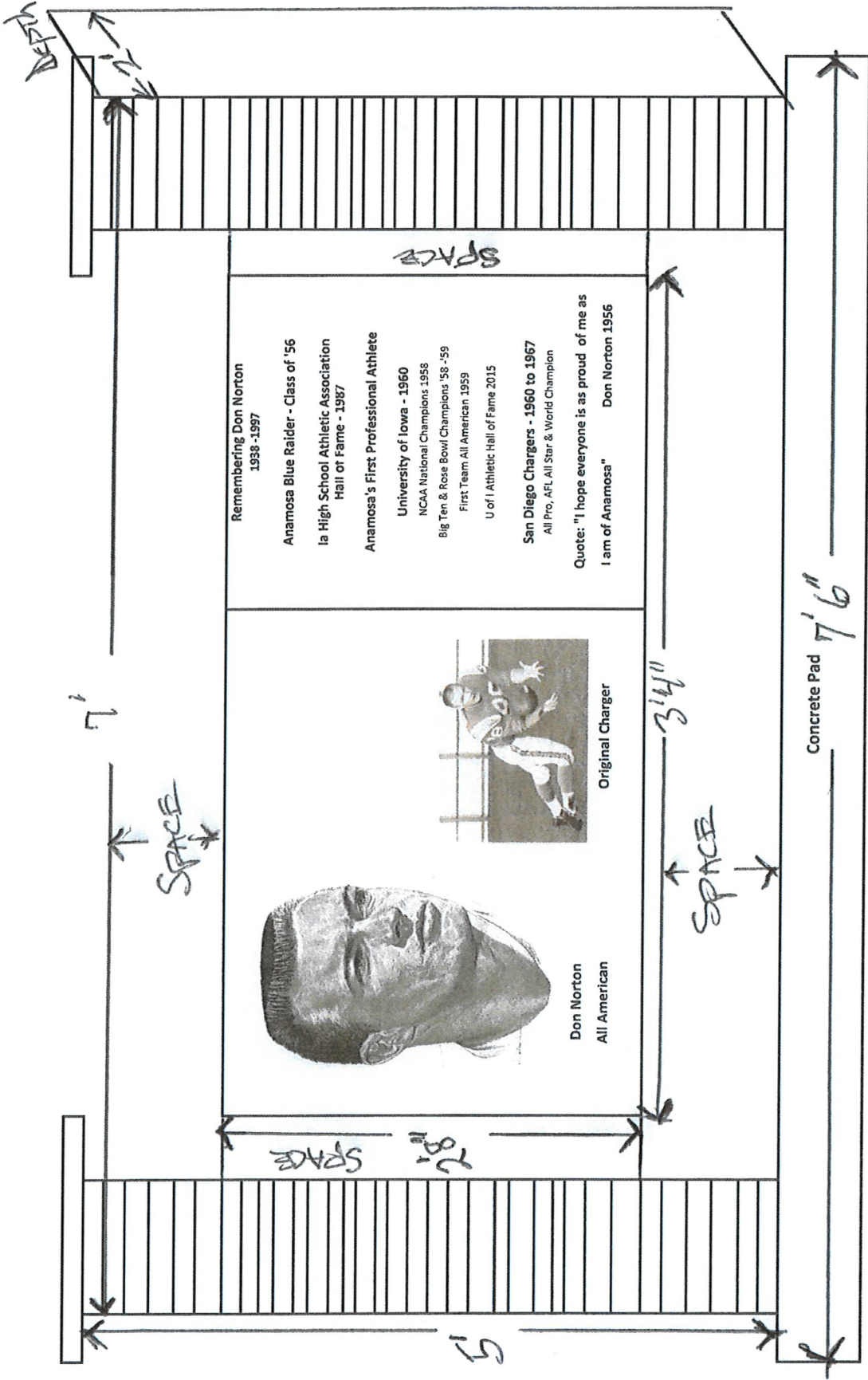
The board believes gifts, grants, and bequests to the school district may be accepted when they will further the interests of the school district. The board will have sole authority to determine whether the gift furthers the interests of the school district.

Gifts, grants, and bequests are approved by the board. Once it has been approved by the board, a board member or the superintendent may accept the gift on behalf of the school district.

Gifts, grants, and bequests once accepted on behalf of the school district become the property of the school district. Gifts, grants, and bequests are administered in accordance with terms, if any, agreed to by the board.

Legal Reference: Iowa Code §§ 279.42; 565.6 (2013).

Approved 5/2/16



Board of Education Committees

Policy Committee	Kristine Kilburg, Nicole Claussen, Sean Braden
Negotiations Committee	Kristine Kilburg Kandi Behnke, Sean Braden
PPEL & Facilities Committee	Connie McKean, Anna Mary Riniker, Nicole Claussen
CADRE	Nikki Claussen, Rob Sayre
Jones Co. Conf. Bd.	Roy Sayre
Ad Hoc Building/Long Range Planning	Connie McKean, Kristine Kilburg, Anna Mary Riniker,
Technology Committee	Rob Sayre, Anna Mary Riniker

Principal Reports



Strawberry Hill Elementary

1. Kindergarten Round-Up was very well attended.
2. Vision testing was completed on April 21. It was highly successful with 31 students tested and they will receive new glasses.
3. I-Smile was here on April 27 to do dental screenings, fluoride varnish and sealants if needed.
4. Our special education students spent a full day enjoying Camp Courageous.
5. We will review our priority and standards in math with the assistance of our math consultant.
6. Transition activities have started to take place for our 4th grade students.

Anamosa Middle School

1. AMS students and staff were treated to the Wizard of Oz performance. This is a great opportunity for our middle school students to take part in or be a spectator. Thanks goes to the AHS drama department.
2. 8th grade career day was held on Friday, April 28th.
3. We are under way with FAST for our 5th and 6th graders. MAP testing is coming up!

Anamosa High School

1. Kaci Ginn got the opportunity to attend and present at the World Food Prize Youth Institute along with Mrs. Vernon at Iowa State University.
2. We have a fantastic performance of the musical the Wizard of Oz. We are so proud of all the students who participated and thank everyone for their support.
3. We qualified for the Drake Relays in the boys 4x100, 4x200, Distance Medley. In the girls 4x100 and the high jump.
4. Advisory groups participated in Camp Courageous Clean-up day. It was a wonderful experience for everyone involved.
5. Building Trades are in the process of putting up the State Championship sign at the bottom of the high school hill.
6. We have finished up with Iowa Assessments and are looking forward to MAP testing.
7. Prom is this weekend and we are looking forward to a great night and a safe post prom.

District Systems – Mary Sult (quarterly update)

1. **Technology/Communication** -
 - a. Our next and final steps in the Infinite Campus implementation process will be to import assessment data from the last 4 years. Our plan is to include Iowa Assessments, MAP and FAST data. This will allow us to pull reports aggregating all of the data in one location.
 - b. We will be transitioning our website over to ITS to manage starting July 1. We are very excited to get an updated and usable website implemented before the beginning of the 2017-2018 school year.
2. **Curriculum** - We have been working to implement the Next Generation Science Standards. The biggest change was in the way the standards were organized at the middle school level. The prior standards were grouped in content bands; physical, earth and life. The new standards include expectations from all three bands are taught by each grade level. Historically, Anamosa has typically offered earth science in 6th grade, physical science in 7th grade and life science in 8th grade. This school year we've implemented the new standards in 6th, next school year we will add 7th and the following 8th. This is year two of the allotted five year implementation timeline.
3. **TLC** - Our District Leadership Team met earlier this month to determine the direction of our TLC implementation for next year. This committee decided to eliminate the model teacher and professional partner positions in order to allocate funding for the new teacher mentor and induction program provided by GWAEA. An official evaluation of the program is due to the state at the end of June based on metrics reviewing the following goals: attract and retain teachers, increase leadership opportunities, and develop/implement collaborative structures with a focus on student achievement. We have recently sent out a survey collecting data from the staff regarding the effectiveness of the TLC implementation. Our Instructional Coaches will be attending a board meeting in May and will share these results.
4. **Special Programs (ELL, ELP, SpED)** - As part of the state of Iowa's federal audit of ELL (English Language Learner) programming, online training modules have been developed to assist staff in the implementation of new ELL standards. As part of our Lau plan all staff who have teaching assignments associated with ELL students are required to complete six modules of training within two years. We set our goal to complete the first three this year. As we currently have identified ELL students only at SHE and AMS there are 48 teachers needing these certifications. We are on target to have each required teacher completed with the three modules by June.