



Issue Brief 2019
Home Rule District Authority

Background and History: A Home Rule framework for decision-making starts with the assumption that local leaders, closest to students and communities, will make the best decisions for their schools. This is in contrast to Dillon's Rule, which states that schools can only do what is expressly authorized in state law. Dillon's Rule is based on a court case in 1868, in the Iowa Supreme Court. Iowa cities and counties were granted home rule via Iowa constitutional amendment (municipalities in 1968 with the 25th amendment and counties via the 37th amendment in 1978.) Those amendments excluded taxing authority, which remains heavily regulated by the State. Additional background on 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 school district during the 2017 Session. There continues to be confusion about the role of pre-existing administrative rules and the Department of Education's role in pre-approving district actions. A constitutional amendment granting Home Rule authority would not eliminate any current laws, but would grant clearer flexibility in the areas not written. School districts would still be required to follow laws that compel actions as well as avoid actions prohibited in law.

Why do school leaders support Home Rule?

- School districts are called upon to deliver results, but often cannot exercise local authority to implement new practices, update processes, or think creatively. To quote a [presentation](#) to the Kennedy School of Government, Harvard University, Oct. 2003, regarding 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. Yet, this is consistent with plenary state authority and not a challenge to it."
- If a school takes an unacceptable action under home rule, the legislature may later prohibit it.
- Recent examples involve the need to change Iowa law to allow districts to make electronic payments rather than "stamp warrants" or consider a bus motor as "transportation equipment" for physical plant and equipment levy uses, or determine who decides how long a bus ride should be.
- Decision-makers closest to communities are in the best position to make decisions benefiting students in those communities. What Alexander Hamilton explained 1787 holds true today: "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. There is no doubt that it's easier for citizens to access their school board members and attend board meetings than to engage in state level policy-making.

UEN calls on the Iowa Legislature to give school districts needed flexibility: School boards are responsible to make decisions on behalf of their students, staff and communities to meet the goals of their district.

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