

## UEN 2024 Priority Issue Brief

### Local School Board Authority, District Flexibility, and Home Rule

#### District Authority

Home Rule in Iowa Code 274.3 requires the executive branch and the courts to interpret Iowa Code impacting schools and school boards and develop administrative rules with deference to local control. UEN members strongly believe the Legislature and Governor should focus efforts on flexibility rather than state-mandated one-size-fits-all action.

#### 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 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 21<sup>st</sup> 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>