

# Dillon's Rule

- Historical review and look at precedents since the ruling
- Impact for school district decision making
- To quote the other (Bob) Dillon

“Don't think twice, its alright.”

# Board Authority

- Constitution, Federal, State Laws and Justice Dillon

“...municipal governments only have the powers that are expressly granted to them by the state legislature, those that are necessarily implied from that grant of power, and those that are essential and indispensable to the municipality's existence and functioning.”



Chief Justice of Iowa Supreme Court, President Grant Appointed him US Circuit Judge for 8<sup>th</sup> Judicial District. Author, ***Municipal Corporations***, published in 1872.

# Dillon's Rule: Court Interpretation

School Corporations possess and can exercise the following powers and no others:

- Those granted in express words
- Those necessarily implied or necessarily incident to those powers
- Those essential to the declared objects and purposes of the school corporations – not simply convenient or desired, but indispensable  
**(Merriam v. Moody's Executors, 25 Iowa 163, 170 (1868))**

# Dillon's Rule: Court Interpretation

- School districts cannot do by indirect means anything they do not have the direct authority to do, and laws granting powers to school districts **shall be construed narrowly** to limit district authority to the precise language of the authorizing statute (*Bishop v. Iowa State Board of Pub. Instr.*, 395 NW2d Iowa 838, 891 (1986))

# Dillon's Rule: Court Interpretation

- Interpretation of school law and rules relating to the school laws may only be done by the Iowa Attorney General's Office and the Iowa Department of Education (256.9 subsection 16).
- These Opinions or Rules, once given, have the effect of law on school corporations. The DE has explicit authority to interpret school law

***(Iowa District Court, Polk County, IASB v. IDoE, CV5557 (2005))  
Affirmed by the Iowa Supreme Court (No. 51/05-1255 (2007))***

# Language Matters: Iowa Code

Unless otherwise specifically provided by the general assembly, whenever the following words are used in a statute enacted after July 1, 1971, their meaning and application shall be:

- a. The word “*shall*” imposes a duty.
- b. The word “*must*” states a requirement.
- c. The word “*may*” confers a power. **(4.1(30))**.

# Discussion question re: Examples of how Dillon's Rule works.



1. Under which system do you have the most freedom?
2. What is the impact on school leaders and school decision-making in a Dillon's Rule kind of environment? Are there any benefits? What about disadvantages?

# Impact of Dillon's Rule on Education

- School finance and education application, too
- Less local flexibility – default interpretation requires the tightest definition
- More state control – theory is that it promotes equity and safety
- Elevates the importance of strong relationships with legislators and the DE – schools need written permission to act in particular ways
- Elevates the importance of a legal opinion from your attorney if you have any question