



Jim Kelly

## *Bill Analysis*

*Legislative Service Commission*

### **H.B. 276**

123rd General Assembly  
(As Introduced)

**Reps. D. Miller, Barrett, Pringle, Opfer, Britton**

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#### **BILL SUMMARY**

- Establishes a procedure for voters of a school district to petition for a referendum when the school district proposes to join an existing joint vocational school district (JVSD).

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#### **CONTENT AND OPERATION**

##### **Background: Current law on school districts' joining JVSDs**

A joint vocational school district (JVSD) is a school district formed by a group of city, local, or exempted village school districts to offer vocational education to students of all the participating districts. JVSD school boards are generally composed of members of the school boards of the constituent districts.

There are two ways that a city, local, or exempted village school district may join an already existing JVSD: by resolution of its own board of education or assignment by the State Board of Education. In either situation, the JVSD's existing tax levies take effect in the joining school district. But the voters of the school district may prevent it from becoming part of the JVSD. The method for the voters of a school district to do so differs depending on whether the district proposes to join the JVSD on its own or is assigned by the State Board.

When the State Board proposes to assign a school district to a JVSD, voters of the assigned district may request a referendum. They have 90 days after the State Board adopts its resolution assigning the district to the JVSD to file a petition, which must be signed by a number of qualified district voters equal to 10% of those who voted in the last general election. The referendum must be held at the first general, primary, or special election that is at least 60 days after the county board of elections certifies the sufficiency of the signatures. If a majority votes against the assignment, the school district does not become a part of the JVSD. The assigned school district will join the JVSD if a majority of the voters

approve it, if a sufficient number of signatures cannot be certified on the petition, or if no petition is filed during the 90-day period. (Sec. 3313.911, not in the bill.)

When a school district board proposes on its own to join a JVSD, that proposal is subject to the approval of the JVSD board. If it approves, the JVSD board adopts a resolution to that effect, but the district's joining is delayed for 60 days. The joining will take place at the end of that period unless, before then, a "petition of remonstrance" against it is filed with the joining district's board, and it is signed by a number of qualified district voters equal to a *majority* of those who voted in the last general election. There is no election, since a majority of the voters already have indicated their objection on the petition. (Sec. 3311.213.)

**The bill: Referendum instead of petition of remonstrance**

(sec. 3311.213)

The bill replaces the petition of remonstrance with a right of referendum in cases where a school district proposes on its own to join a JVSD. It keeps the 60-day waiting period after the JVSD adopts its resolution of approval, during which voters may file a petition requesting a referendum on the matter. If no petition is filed in that time, the school district joins the JVSD.

To place the issue on the ballot, the petition must be signed by qualified district voters equal to 20% of the school district voters who voted in the last gubernatorial election. It must be filed with the county board of elections of the county in which the school district is located or, if the district is located in more than one county, the board of elections of the county containing the majority of the district's territory. When the petition is filed, the board of elections must immediately notify the boards of the JVSD and the school district that proposes to join the JVSD.

The joining is stayed until the board of elections certifies the validity and sufficiency of the signatures on the petition. If the board of elections determines that the petition does not contain a sufficient number of valid signatures, and 60 days have passed since the adoption of the JVSD's approval resolution, the joining proceeds.

But if the board of elections certifies that the petition contains a sufficient number of valid signatures, it must submit the question to the voters of the school district at the next general or primary election that is at least 75 days, but no later than six months, after it certifies the petition. If there is no general or primary election in that time period, the board must submit the question at a special election, which is to be held on the next day that is specified by law for special

elections and falls at least 75 days after the board certifies the petition.<sup>1</sup> The election must be conducted and canvassed, and the results certified, in the same manner as in regular elections for members of a board of education. If a majority voting on the question disapprove the JVSD's resolution, the district will not join the JVSD.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-24-99	p. 369

H0276-I.123/rss

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<sup>1</sup> *General elections are held on the first Tuesday following the first Monday in November. Primary elections are usually held on the first Tuesday following the first Monday in May, but in presidential election years are held on the third Tuesday in March. Special elections may be held only on the first Tuesday following the first Monday in February, May, August, or November. (Sec. 3501.01, not in the bill.)*