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Bill Analysis
Legislative Service Commission

H.B. 556
123rd General Assembly
(As Introduced)

**Reps. Cates, Krebs, Allen, Carey, Goodman, Jolivette, R. Miller, Sykes,
Terwilleger, Williams**

BILL SUMMARY

- Permits the electors residing in the territory of an educational service center to rename the service center as a "county school district" or "joint county school district."

CONTENT AND OPERATION

Background

An educational service center (ESC) is a regional public entity that provides some administrative oversight and a variety of other services to all "local" school districts within its service area. For providing these services, an ESC receives payments both from the state and from those local districts. In addition, ESCs are permitted to provide services to "city" and "exempted village" school districts that enter into agreements for those services.¹ ESCs do not have taxing authority and have only limited authority to issue bonds. Each ESC is administered by its own superintendent and is under the oversight of its own "governing board." An ESC governing board employs teachers and other professionals as necessary to carryout the ESC's functions. The territory of an ESC consists of the combined territory of the "local" school districts that receive its services. The members of an ESC governing board are generally elected by and must themselves be resident electors of the "local" school districts that make up the territory of the ESC.²

¹ A city or exempted village school district that contracts for services from an educational service center is known as a "client district" (R.C. 3317.11(E)(3), not in the bill).

² R.C. 3311.05 and 3311.054, latter section not in the bill.

Until 1995, ESCs were called county school districts and their governing boards were called "county boards of education." In that year, along with providing for some consolidation of ESCs, the General Assembly changed the names of these entities to "educational service centers" but did not change their respective functions.³

The bill

(R.C. 3311.05 and 3311.051)

The bill permits an ESC governing board to adopt a resolution to rename the ESC as either a "county school district" or a "joint county school district." Under pre-1995 law, joint county school districts were county school districts formed through the merger of two to five county districts. After adopting the resolution for the name change, the ESC governing board has ten days to certify the resolution to the board of elections of each county in which the ESC is located. The boards of elections must submit the question whether to approve the name change to the electors of the ESC at the first primary or general election occurring at least 75 days after the certification of the resolution to the boards of elections. The board of elections of the county containing the majority of the territory of the ESC must make the necessary arrangements for the election. Notice of the election must be published in a newspaper of general circulation within the ESC's territory at least once a week for three consecutive weeks prior to the date of the election.

If the electors approve the name change by a majority vote, the bill provides that the name is so changed.⁴ However, as specified in the bill, the newly named county school district continues to function as an ESC and not as a school district. Furthermore, the bill provides that whenever a section of the Revised Code refers to an "educational service center" or to an educational service center "governing board," such a reference includes the newly named county school district and its governing board. Conversely, whenever a section of the Revised Code refers to a

³ *Since 1995, certain ESCs that serve fewer than 8,000 students have been required to merge with other ESCs, thus reducing the total number of ESCs. However, due to recent amendments fewer ESCs will be required to merge. (Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly as most recently amended by Am. Sub. H.B. 282 of the 123rd General Assembly.) According to the Legislative Office of Education Oversight, as of July 1999 there were 61 ESCs in the state. (LOEO, "Status Report on the Consolidation of Educational Service Centers.")*

⁴ *Presumably, the name change is effective upon certification of the results of the election.*

"school district," "school board," or "board of education," the reference does not include the newly named county school district except as provided in section 3311.055 (not in the bill). (See **COMMENT.**)

COMMENT

R.C. Section 3311.055 provides that: "[w]herever in [R.C.] Title [33] the term 'school board' or 'board of education' is used without expressly referring to [the] boards governing city, local, exempted village, or joint vocational school districts, or some specific combination thereof, the term shall be construed to include the governing boards of educational service centers." That section further provides that "[w]herever in [that] [t]itle the term 'school district' is used without expressly referring to city, local, exempted village, or joint vocational school districts, or some specific combination thereof, the term shall be construed to include educational service centers." Since the bill provides that the terms "county school district" and "joint county school district" are to be construed the same as the term "educational service center," any time the use of the term "school district" also includes an educational service center, pursuant to section 3311.055, it appears that such use also means a county or joint county school district.

HISTORY

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