



H.B. 146

124th General Assembly
(As Introduced)

Rep. Jones

BILL SUMMARY

- Permits a proposal for the transfer of a portion of a school district's territory to an adjoining school district to be filed with the State Board of Education in any year (instead of only in even-numbered years as under current law).
- Provides that a transfer of a portion of a school district's territory approved by the State Board of Education in an odd-numbered year may not take effect during the 75-day period preceding the general election.
- Provides that if none of the electors residing within a portion of the territory of a school district proposed for transfer to another school district voted in the last general election, any petition proposing transfer must be signed by 75% of the registered electors residing in that portion on the date of the first signature on the petition.

CONTENT AND OPERATION

(R.C. 3311.24(A))

Under continuing law, either the board of education or the residents of a local, exempted village, or city school district may propose to the State Board of Education the transfer of a portion of the territory of that school district to an adjoining school district. Current law provides that in the case of a proposal by the district's residents, such proposal must be in the form of a petition signed by 75% of the qualified electors residing in the portion of the district proposed for transfer who voted in the last general election.¹ Current law also provides that a

¹ Under continuing law, if the territory transfer proposal is made by the district board of education rather than by petition of the residents, prior to filing the proposal with the State Board, the district board must first "make a good faith effort to negotiate the terms of the transfer." The State Board may not hold a hearing on the issue of approving the

proposal made by either the district board or the residents must be filed with the State Board prior to April 1 and *only* in even-numbered years. Any transfer may not be complete until all of the following conditions are met:

(1) The board of education of the district to receive the territory has adopted by majority vote of its full membership a resolution accepting the transfer;

(2) There has been an equitable division of the funds and indebtedness between the two districts; and

(3) A map showing the boundaries of the territory to be transferred has been filed with the board of education accepting the transfer and with the county auditor of the each county affected by the transfer.

The bill permits a proposal for transfer of school district territory made by either method to be filed with the State Board prior to April 1 in *any* year. However, it prohibits any transfer approved in an odd-numbered year from taking effect within the 75-day period preceding the date of the general election (see **COMMENT**). Also, the bill requires that the map showing the boundaries of the territory proposed for transfer be filed with the board of elections of each county affected by the transfer in addition to the board of education and county auditor as under current law. Finally, the bill provides that if none of the electors residing within the portion of the district proposed for transfer voted in the last general election, any petition for transfer must be signed by 75% of all registered electors currently residing in that portion of the district as of the date of the first signature on the petition.

COMMENT

Under Ohio Constitution, Article XVII, Section 1, the election of members of a school district board of education must be held in odd-numbered years. That provision is likely the reason for the current restriction that district territory transfer proposals be filed only in even-numbered years. It is possible that a territory transfer proposal filed in an odd-numbered year could require county boards of elections to change ballots in affected precincts on short notice. Presumably, the bill's provision prohibiting a territory transfer approved in an odd-numbered year from taking effect within the 75-day period preceding a general election will help facilitate orderly preparations for the general election.

transfer until it has been provided with evidence of the negotiations and a list of both the terms agreed to and the points upon which there was no agreement. (R.C. 3311.24(B).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-06-01	p. 210

h0146-i.124/kl

