



H.B. 280

126th General Assembly
(As Introduced)

Rep. Law

BILL SUMMARY

- Generally requires a board of education of a school district to offer real property for sale first to any county, municipal corporation, and township in which the property is located.
- Requires a board of education, if real property to be disposed of is suitable for use as classroom space, to first offer it for sale to any "start-up" community school located within the school district, but, if no community school accepts the offer, to next offer it to any county, municipal corporation, and township in which the property is located.

CONTENT AND OPERATION

Current law

Under current law, when a board of education decides to dispose of real property it owns with a value greater than \$10,000, it generally must sell that real property at a *public auction* after advertising the sale in specified alternative manners. After offering the property for sale at a public auction and failing to so sell the property, the board may sell the property at a *private sale*. (R.C. 3313.41(A) and (B).)

Current law provides, as exceptions to the disposition rules mentioned above, several circumstances when a board of education may sell real property without a public auction or may exchange real property. These *exceptions* are as follows (R.C. 3313.41(C) and (F)):

- The board may sell the property upon *any agreed terms* to (a) the Adjutant General, (b) a *county, municipal corporation, township, township police district, township fire district, joint fire district, joint ambulance district, joint emergency medical services district, fire and*

ambulance district, joint recreation district, township waste disposal district, township road district, community college district, technical college district, detention facility district, single-county or joint-county detention facility district, joint-county alcohol, drug addiction, and mental health service district, drainage improvement district, or union cemetery district, (c) a county school financing district, city, local, exempted village, cooperative education, or joint vocational school district, or educational service center, (d) a township park district, city board of park commissioners, or metropolitan park district, (e) a wholly or partially tax-supported university, university branch, or college, or (f) a board of trustees of a school district library (if the property is located within the library's boundaries).

- If the board determines a parcel of property is needed for school purposes, it may *exchange* real property it owns for the identified parcel or use real property it owns as part or all of the consideration for purchasing the identified parcel.

Current law also provides one circumstance under which a board of education must follow a certain procedure *before* it can sell real property at a public auction or can exchange real property as discussed above. If the board intends to dispose of real property that is suitable for use as classroom space, it must first offer that property for sale to "start-up" community schools (public schools independent of any school district) located within the territory of the school district. This offer must be at a price that is not higher than the appraised fair market value of that property. If more than one community school governing authority accepts the board's offer, the board must sell the property to the community school that first accepted the offer. If no community school governing authority accepts the offer within 60 days after it is made, the board may dispose of the property as summarized above. (R.C. 3313.41(G).)

Changes made by the bill

The bill provides that, with one exception (see next paragraph), before a board of education may dispose of real property by the methods currently provided by law, it must first offer the property for sale to any county, municipal corporation, and township in which the property is located, at a price that is not higher than the property's appraised fair market value. If more than one of these political subdivisions accepts the offer, the board must sell the property to the first accepting political subdivision. If the offer is not accepted within 60 days, the board may dispose of the property as otherwise provided by current law. (R.C. 3313.41(I).)

The exception to the bill's requirement is that, if the real property is suitable for use as classroom space, the board must continue to follow current law's procedure for offering the property to a start-up community school within the school district. But, if no community school exists within the district or no community school within the school district accepts the offer, the board must follow the bill's requirement and first offer the property for sale to any county, municipal corporation, and township in which it is located, at a price that is not higher than its appraised fair market value. (R.C. 3313.41(I).)

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
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| Introduced | 05-26-05 | p. 875 |

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