



Ohio Administrative Code

Rule 3301-89-01 General policies of the state board of education in a request for transfer of territory under section 3311.06 or 3311.24 of the Revised Code.

Effective: July 21, 2018

(A) The rules under Chapter 3301-89 of the Administrative Code apply to the request for a transfer of territory following municipal annexation under section 3311.06 of the Revised Code or a petition for transfer of territory under section 3311.24 of the Revised Code.

(B) The rules under Chapter 3301-89 of the Administrative Code do not apply to the transfer of territory following municipal annexation when the district in which the territory is located is a party to an annexation agreement with a city school district under section 3311.06 of the Revised Code. Further, the use of the term "agreement" in Chapter 3301-89 of the Administrative Code does not mean "annexation agreement" as defined in division (A)(4) of section 3311.06 of the Revised Code.

(C) The department of education shall require the boards of education affected by a request for transfer of territory to enter into good faith negotiations when it is required by sections 3311.06 and 3311.24 of the Revised Code.

(D) In situations where agreement has been reached between respective boards of education, the terms of agreement should be sent to the state board of education with reasonable dispatch. In those situations where agreement does not exist, the state board of education shall thoroughly examine the facilitator's report, pursuant to paragraph (A)(8) of rule 3301-89-04 of the Administrative Code. If the state board of education determines that the negotiations were not held in good faith, the transfer request shall be remanded back to the districts for further negotiations for a period not to exceed one year. However, no transfer request shall be remanded more than once to the districts. If the state board determines that negotiations were held in good faith, but no agreement reached; or if negotiations were held the second time on the same transfer request and no agreement reached, then the state board of education shall thoroughly examine the stated reasons for and against the requested transfer and provide due process to all parties involved as set forth in paragraph (E) of rule 3301-89-02 of the Administrative Code.

(E) A request for the transfer of territory for school purposes which previously has been disapproved



by the state board of education shall be reconsidered only if the state board of education determines that significant change has taken place subsequent to the filing of the original request and at least two years have elapsed since the state board of education disapproved the request.

(F) A request for transfer of territory shall be considered upon its merit with primary consideration given to the present and ultimate good of the pupils in the affected districts.