



## Ohio Administrative Code

### Rule 3301-89-02 Procedures 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

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(A) Initial requests by school district or a board of education

(1) A school district may request a transfer of certain territory for school purposes under section 3311.06 of the Revised Code by sending an initial letter requesting the land transfer to the state board of education and including copies of:

(a) The resolution of the requesting board of education;

(b) Each annexation ordinance identified by number;

(c) A map showing the area(s) being considered for transfer;

(d) Evidence that good faith negotiations occurred or requesting board of education made good faith efforts to host negotiations; and

(e) If negotiations occurred and the parties did not reach an agreement, a statement signed by all participating boards listing the terms agreed on and the points on which no agreement could be reached.

(2) Under the provisions of section 3311.24 of the Revised Code, if the board of education of a city or exempted village school district deems it advisable to transfer territory from such district to an adjoining city, exempted village, or county school district, then the board of education of the district in which the proposal originates shall file the request, along with a map showing the boundaries of the territory proposed to be transferred, with the state board of education prior to the first day of April in any even-numbered year.

The board of education must file copies of the documents set forth in paragraphs (A)(1)(a) to (A)(1)(e) of this rule when it files the proposal.



(3) Upon receipt of a negotiated agreement, the state board of education shall determine whether to approve the agreement and adopt a resolution. The state board of education may conduct a hearing before determining whether to approve or disapprove the negotiated agreement.

(B) Request by person(s)

(1) A person(s) interested in requesting a transfer of territory from one school district to another, for school purposes, pursuant to section 3311.24 of the Revised Code, may petition to do so through the resident board of education.

(2) The board of education of the district in which such a proposal originates, regardless of its position on the proposed transfer, shall file the proposal, together with a map showing the boundaries of the territories proposed to be transferred, with the state board of education prior to the first day of April in any even-numbered year. In order to afford the county board of elections sufficient time to verify signatures on a petition that proposes a transfer of school district territory, residents that seek the transfer of school district territory shall file the proposal for transfer with the board of education of the district in which such proposal originates prior to the fifteenth day of March in any even-numbered year.

(3) The board of education of the district in which the proposal originates by petition of qualified electors residing within the portion of the school district proposed to be transferred shall cause the board of elections to check the sufficiency of signatures on the petition and shall notify the state board of education of such determination.

(C) A school district or a party initiating a request for transfer of territory shall serve a copy of the request on the school district(s) affected by the proposed transfer and shall indicate such service on the request which is filed with the state board of education.

(D) Upon receipt of the initial request for a transfer of territory under section 3311.06 or division (A) of section 3311.24 of the Revised Code, or upon determination by the state board of education that negotiations pursuant to rule 3301-89-04 of the Administrative Code have failed to produce an agreement, the department of education shall send to each of the school districts involved in the



proposed land transfer a request for information. This request includes twenty-five questions. The answers to these questions, along with any other relevant information provided, will be considered by the state board of education and the hearing officer, if one is appointed. The twenty-five questions are:

- (1) Why is the request being made?
- (2) Are there racial isolation implications?
  - (a) What is the percentage of minority students in the relinquishing district?
  - (b) What is the percentage of minority students in the acquiring district?
  - (c) If approved, would the transfer result in an increase in the percentage of minority pupils in the relinquishing district?
- (3) What long-range educational planning for the students in the districts affected has taken place?
- (4) Will the acquiring district have the fiscal and human resources to efficiently operate an expanded educational program?
- (5) Will the acquiring district have adequate facilities to accommodate the additional enrollment?
- (6) Will both the districts involved have pupil population and property valuation sufficient to maintain high school centers?
- (7) Will the proposed transfer of territory contribute to good district organization for the acquiring district?
- (8) Does the acquiring district have the capacity to assume any financial obligation that might accompany the relinquished territory?
- (9) Will the loss of either pupils or valuation be detrimental to the fiscal or educational operation of



the relinquishing school district?

(10) Have previous transfers caused substantive harm to the relinquishing district?

(11) Is the property wealth in the affected area such that the motivation for the request could be considered a mechanism for the receiving school district to receive additional real estate tax revenue?

(12) Are there any school buildings in the area proposed for transfer? If so, was the school building constructed within the last five years?

(13) What are the distances between the school buildings within:

(a) The present school district?

(b) The proposed school district?

(14) What are the distances between:

(a) The area proposed for transfer and each building in the present school district?

(b) The area proposed for transfer and each building in the proposed school district?

(15) If approved, will the requested transfer create a school district with noncontiguous territory?

(16) Is the area being requested an isolated segment of the district of which it is a part?

(17) Will the municipal and school district boundary lines become coterminous?

(18) For each district affected:

(a) What is the inside millage?



(b) What is the outside operating millage?

(c) What is the bonded indebtedness millage?

(19) What is the levy history in each of the affected districts?

(20) Will the transfer of school district territory cause a negative impact on the state of Ohio?

(21) How will the projected revenues and expenditures as set forth in the most recent five-year forecasts be impacted by the transfer, if implemented? Each district shall provide the department of education with copies of their most recent five-year forecasts.

(22) What designation did each of the affected districts and building receive on their state report cards for the last five years?

(23) How will the proposed transfer affect the educational offerings/programs of the affected districts?

(24) What course offerings will be available through the acquiring district, as compared to the relinquishing district?

(25) How will the proposed transfer affect the athletic programs and extracurricular activities of the affected districts? Will similar programs and activities be available to students of the affected districts?

(E) When a school district completes the information requests and forwards the same to the department of education, the school district shall serve copies on the other school district(s) affected by the proposed transfer and shall indicate such service on the responses that are filed with the department of education. If within thirty days after the department of education sends to each district the foregoing requests for information, a district has not submitted the required responses, the department of education shall present to the state board of education the information it possesses for consideration.



(F) If a request for a hearing is subsequently received by the department of education, a hearing officer shall be appointed and a hearing date shall be established by the hearing officer and the parties interested in participating in the hearing..

(G) The data and documents received by the department of education under this chapter shall become part of the record of the hearing for consideration by the hearing officer.

(H) In making a report and recommendation to the state board of education, the hearing officer shall be governed by the provisions of Chapter 3301-89 of the Administrative Code. Within thirty days after the conclusion of the hearing on the proposed transfer, the hearing officer should submit to the department of education a report and recommendation.

(1) Upon receipt of the hearing officer's report and recommendation, the department of education shall mail it to the school districts and any other affected parties.

(2) Upon receipt of the hearing officer's report and recommendation, the affected parties will have ten days to submit written objections to the report to the department.

Any party that files objections shall serve a copy of the objections on all affected parties.

(3) Any affected party may file a response to the objections. Such response must be filed with the department of education within ten days after the objections are mailed to the department of education, and a copy must be served on all other affected parties.

(I) After the time for filing objections and responses has ended, the state board education will then consider the hearing officer's report and recommendation, objections, and responses, and adopt a resolution which approves, disapproves, or modifies the recommendation of the hearing officer. The decision of the state board of education will be made solely on the record of the hearing, the report of the hearing officer and any objections or responses filed by the parties.

(J) When a determination concerning a transfer of territory will be made by the state board of education, the department of education shall notify the school districts and other affected parties of the time and place the matter will be considered by the state board of education.