



Ohio Administrative Code

Rule 3301-89-03 Factors to be considered by a hearing officer appointed to hear a request for transfer of territory under section 3311.06 or 3311.24 of the Revised Code.

Effective: March 24, 2012

(A) A hearing officer appointed to hear a transfer request under section 3311.06 or 3311.24 of the Revised Code shall consider the information provided by the school districts under paragraph (B) of rule 3301-89-02 of the Administrative Code and shall be governed by the provisions of Chapter 3301-89 of the Administrative Code.

(B) Other factors that a hearing officer shall consider in hearing any request for a transfer of territory for school purposes include, but are not necessarily limited to:

- (1) Documented agreements made by public agencies involved in municipal annexation proceedings should be honored;
- (2) A previous agreement entered into by the school districts concerned should be honored unless all concerned districts agree to amend it;
- (3) The statement signed by the school district boards of education after negotiations as required by paragraph (D)(4) of Rule 3301-89-04 of the Administrative Code;
- (4) There should not be undue delay in requesting a transfer for school purposes after a territory has been annexed for municipal purposes;
- (5) The transfer shall not cause, preserve, or increase racial isolation;
- (6) All school district territories should be contiguous unless otherwise authorized by law;
- (7) School district boundary lines that have existed for a long period of time should not be changed if substantial upheaval results because of long-held loyalties by the parties involved;



(8) The pupil loss of the relinquishing district should not be such that the educational program of that district is severely impaired;

(9) The fiscal resources acquired should be commensurate with the educational responsibilities assumed;

(10) The educational facilities of districts should be effectively utilized; and

(11) The preference of the residents with school-age children who live in the territory sought to be transferred to another school district shall be considered if evidence establishing that preference is admitted, provided the articulated reasons are not contrary to existing statutes or rules.