

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 438

Representatives Hambley, Kick

Cosponsors: Representatives Seitz, Brenner, Stein

A BILL

To amend section 3311.056 and to enact section 1
3311.059 of the Revised Code to permit the 2
addition of appointed members to educational 3
service center boards and to permit a local 4
school district to sever its territory from one 5
educational service center and annex that 6
territory to an adjacent service center under 7
specified conditions. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3311.056 be amended and section 9
3311.059 of the Revised Code be enacted to read as follows: 10

Sec. 3311.056. ~~After at least one election of board~~ 11
~~members has occurred under division (B) of section 3313.053,~~ 12
~~division (C) of section 3311.054, or section 3311.057 of the~~ 13
~~Revised Code, the~~ The ~~elected governing board~~ members of an 14
educational service center ~~created under division (A) of section~~ 15
~~3311.053 of the Revised Code~~ governing board may by resolution 16
adopt a plan for adding appointed members to that governing 17
board. A plan may provide for adding to the board a number of 18

appointed members that is up to one less than the number of 19
elected members on the board except that the total number of 20
elected and appointed board members shall be an odd number. A 21
plan shall provide for the terms of the appointed board members. 22
The appointed board members in each plan shall be appointed by a 23
majority vote of the full number of elected members on the board 24
and vacancies shall be filled as provided in the plan. Each plan 25
shall specify the qualifications for the appointed board members 26
of an educational service center and shall require those members 27
to be persons elected to offices that have not been determined 28
to be incompatible with service as a member of an educational 29
service center governing board by the attorney general or a 30
court. Appointed members may be representative of the client 31
school districts of the service center that are not otherwise 32
represented on the board. As used in this section, "client 33
school district" has the same meaning as in section ~~3317.11~~ 34
3311.0510 of the Revised Code. 35

A governing board adopting a plan under this section shall 36
submit the plan to the state board of education for approval. 37
The state board may approve or disapprove a plan or make 38
recommendations for modifications in a plan. A plan shall take 39
effect thirty days after approval by the state board and, when 40
effective, appointments to the board shall be made in accordance 41
with the plan. 42

The elected members of the governing board of an 43
educational service center with a plan in effect under this 44
section may adopt, by unanimous vote of all the elected members, 45
a resolution to revise or rescind the plan in effect under this 46
section. All revisions shall comply with the requirements in 47
this section for appointed board members. A resolution revising 48
or rescinding a plan shall specify the dates and manner in which 49

the revision or rescission is to take place. The revision or 50
rescission of a plan shall be submitted to the state board of 51
education for approval. The state board may approve or 52
disapprove a revision or rescission of a plan or make 53
recommendations for modifications. Upon approval of a revision 54
or rescission by the state board, the revised plan or rescission 55
of the plan shall go into effect as provided in the revision or 56
rescission. 57

Sec. 3311.059. The procedure prescribed in this section 58
may be used in lieu of a transfer prescribed under section 59
3311.231 of the Revised Code. 60

(A) Subject to divisions (B) and (C) of this section, a 61
board of education of a local school district that severed and 62
annexed its territory under section 3311.059 of the Revised Code 63
as it existed prior to June 30, 2011, may by a resolution 64
approved by a majority of all its members propose to sever that 65
local school district from the territory of the educational 66
service center in which the local school district is currently 67
included and to instead annex the local school district to the 68
territory of another educational service center, the current 69
territory of which is adjacent to the territory of the 70
educational service center in which the local school district is 71
currently included. The resolution shall promptly be filed with 72
the governing board of each educational service center affected 73
by the resolution and with the superintendent of public 74
instruction. 75

(B) The resolution adopted under division (A) of this 76
section shall not be effective unless it is approved by the 77
state board of education. In deciding whether to approve the 78
resolution, the state board shall consider the impact of an 79

annexation on both the school district and the educational 80
service center to which the district is proposed to be annexed, 81
including the ability of that service center to deliver services 82
in a cost-effective and efficient manner. The severance of the 83
local school district from one educational service center and 84
its annexation to another educational service center under this 85
section shall not be effective until one year after the first 86
day of July following the later of the date that the state board 87
of education approves the resolution or the date the board of 88
elections certifies the results of the referendum election as 89
provided in division (C) of this section. 90

(C) Within sixty days following the date of the adoption 91
of the resolution under division (A) of this section, the 92
electors of the local school district may petition for a 93
referendum vote on the resolution. The question whether to 94
approve or disapprove the resolution shall be submitted to the 95
electors of such school district if a number of qualified 96
electors equal to twenty per cent of the number of electors in 97
the school district who voted for the office of governor at the 98
most recent general election for that office sign a petition 99
asking that the question of whether the resolution shall be 100
disapproved be submitted to the electors. The petition shall be 101
filed with the board of elections of the county in which the 102
school district is located. If the school district is located in 103
more than one county, the petition shall be filed with the board 104
of elections of the county in which the majority of the 105
territory of the school district is located. The board shall 106
certify the validity and sufficiency of the signatures on the 107
petition. 108

The board of elections shall immediately notify the board 109
of education of the local school district and the governing 110

board of each educational service center affected by the 111
resolution that the petition has been filed. 112

The effect of the resolution shall be stayed until the 113
board of elections certifies the validity and sufficiency of the 114
signatures on the petition. If the board of elections determines 115
that the petition does not contain a sufficient number of valid 116
signatures and sixty days have passed since the adoption of the 117
resolution, the resolution shall become effective as provided in 118
division (B) of this section. 119

If the board of elections certifies that the petition 120
contains a sufficient number of valid signatures, the board 121
shall submit the question to the qualified electors of the 122
school district on the day of the next general or primary 123
election held at least ninety days after the board of elections 124
certifies the validity and sufficiency of signatures on the 125
petition. The election shall be conducted and canvassed and the 126
results shall be certified in the same manner as in regular 127
elections for the election of members of a board of education. 128

If a majority of the electors voting on the question 129
disapprove the resolution, the resolution shall not become 130
effective. If a majority of the electors voting on the question 131
approve the resolution, the resolution shall become effective as 132
provided in division (B) of this section. 133

(D) Upon the effective date of the severance of the local 134
school district from one educational service center and its 135
annexation to another educational service center as provided in 136
division (B) of this section, the governing board of each 137
educational service center shall take such steps for the 138
election of members of the governing board and for organization 139
of the governing board as prescribed in Chapter 3313. of the 140

<u>Revised Code.</u>	141
<u>(E) If a school district is severed from one educational</u>	142
<u>service center and annexed to another service center under this</u>	143
<u>section, the board of education of that school district shall</u>	144
<u>not propose a subsequent severance and annexation action under</u>	145
<u>this section that would be effective sooner than four years</u>	146
<u>after the effective date of the next previous severance and</u>	147
<u>annexation action under this section.</u>	148
Section 2. That existing section 3311.056 of the Revised	149
Code is hereby repealed.	150