

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 438**

**Representatives Hambley, Kick**

**Cosponsors: Representatives Seitz, Brenner, Stein**

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**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
<b>Section 2.</b> That existing section 3311.056 of the Revised	149
Code is hereby repealed.	150