



State Representative Mike Duffey
Ohio House of Representatives, 21st District

Sponsor Testimony – Rep. Duffey
HB 556 (Duffey, Bishoff) – Permanent Boundaries for Schools

Ohio House Education Committee – May 17, 2016

Chairman Brenner, Vice Chair Derickson, Ranking Member Fedor, members of the Education Committee, thank you for the opportunity to provide sponsor testimony on House Bill 556, legislation to allow “win-win” school districts the option to make their boundaries permanent.

Imagine for a moment if someone told you a nearby school district was attempting to annex your house into its district, thereby switching the school district your children attend, without your permission. Can you imagine how offensive that would be? Can you imagine a city attempting to annex land within another city? I can’t, because cities aren’t allowed to do that.

Yet, oddly enough, for school districts in Franklin County, the threat of this possibility and other forms of hostile annexation have led to a convoluted contract known as “win-win” that exists in just one county in the entire state of Ohio: Franklin County. It exists no where else in the state.

Is it unfair? Rep. Bishoff and I certainly think so and that is why we are doing something about it, by introducing this legislation which the House is considering today. And thank you for the expedited hearing pending referral, Chairman Brenner. We appreciate the urgency you are giving this issue, given that negotiations are set to end sometime this month.

The acrimony over one district threatening another into paying “protection money” has gotten so bad that residents now call it “lose-lose” because it results in uncertainty for parents and students and also results in transfer payments that are not authorized by or even recognized by the state of Ohio’s school district funding formula – these payments are truly “off the books.”

How did we get here? Well, there is a long, controversial and complicated explanation, but mostly it happened because the City of Columbus decided after World War II to aggressively annex township territory to grow its tax base and did so by refusing to provide water and sewer unless landowners agreed to that new taxing scheme.

Other cities in Ohio have not used these strong-arm tactics, which explains why Columbus is the only community with this problem. The collateral damage for school districts is that once a city annexes a township, the city’s namesake school district then also has the ability to attempt annexation as well – although this is not up to the school district to decide, because the state board of education ultimately decides what transfers to approve.

Three decades ago, Columbus City Schools started a bit of a war by attempting to annex territory in surrounding districts. It was so controversial that the legislature froze boundaries for six years and ultimately decided to create an incomplete solution in the form of “win-win”, basically legally allowing this “protection money” system as an ongoing concern.

And while there are plenty of historical reasons for what happened thirty years ago, I ask each of you to consider this:

Is it moral to allow one school district in Ohio the ability to threaten another district with a hostile annexation? And is it moral to allow this political gamesmanship to put parents and students who live in these areas in a state of continued fear that boundaries might change?

I assert to you that it isn't moral. It isn't fair. And it isn't right. We should assert the principle that school district boundaries should never be a hostile takings possibility. If anything, boundaries should be decided by both districts by mutual agreement or simply made permanent, which is what HB 556 would allow on an opt-in basis.

HB 556 offers stability and permanency to parents and students living in "win-win" districts. It says if their school board passes a resolution saying so, then the boundaries of the district as they currently stand become permanent. Even if Columbus attempted a hostile annexation, they would not be able to do so, because it would be prohibited by law.

So what is the position of the state board of education you might ask? Well, I am pleased to tell you that within the past three days, both the president of the State Board of Education, Tom Gunlock, and the at-large member who leads property transfer decisions for the state board, C. Todd Jones, have confirmed both to me and to The Columbus Dispatch that the *only* transfers they would approve are the kind that are initiated by homeowners themselves, not by districts, and only for the purpose of individual parcels, not tracts of land, and only for common-sense purposes such as rounding the edges of districts, but not commercial tax grab attempts.

So where does this leave us today? Is the bill necessary, if the state board of education's existing leadership policy is that they would never approve a hostile annexation by Columbus City Schools of surrounding district territory? The answer is yes, the bill is necessary because it provides the thing residents want more than anything else: certainty. While I have no doubt our state board is very consistent and will do what they say, why risk it? Why give Columbus the ability to continue its threats against surrounding districts?

The answer is permanent boundaries, and I cannot think of a more reasonable request than to simply say, "We only want to keep that which has always historically been in our district. You keep what has always been in yours and we can have lasting peace." That is fair, Mr. Chairman and members of the committee. That is what we take for granted in the rest of the state.

Thank you, Mr. Chairman and members of the Education Committee for the opportunity to testify on behalf of House Bill 556. And thank you to Rep. Heather Bishoff for joint sponsoring this bipartisan legislation, as she will explain her districts' perspective as well.

###