

As Introduced

134th General Assembly  
Regular Session  
2021-2022

H. B. No. 117

Representative Brinkman

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A BILL

To enact new section 3311.242, to repeal section 1  
3311.242 of the Revised Code, and to repeal 2  
Sections 6, 7, and 8 of S.B. 89 of the 133rd 3  
General Assembly regarding school district 4  
territory transfers and to declare an emergency. 5

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

**Section 1.** That new section 3311.242 of the Revised Code 6  
be enacted to read as follows: 7

**Sec. 3311.242.** (A) As used in this section: 8

(1) "Eligible township, city, or village" means a 9  
township, city, or village that contains the territory of two or 10  
more school districts. 11

(2) "Qualified electors" means electors residing within 12  
the territory proposed to be transferred. 13

(B) The board of education of a school district with 14  
territory in an eligible township, city, or village shall 15  
promptly do both of the following regarding a proposal to 16  
transfer territory from the district to another school district 17  
to which the territory is adjoining if a petition that is 18

certified under division (C) of this section requests such a 19  
transfer: 20

(1) File the proposal, together with a map showing the 21  
boundaries of the territory to be transferred, with the state 22  
board of education; 23

(2) Certify the proposal to the board of elections of the 24  
county in which the eligible township, city, or village is 25  
located for the purposes of having the proposal placed on the 26  
ballot at a special election on the day of the next general or 27  
primary election which occurs not less than ninety days after 28  
the date of the certification or at a special election, the date 29  
of which shall be specified in the certification, which date 30  
shall not be less than ninety days after the date of the 31  
certification. 32

If the proposal involves multiple counties, such a 33  
proposal shall be presented to the board of elections of the 34  
most populous county in which the school district is located. 35  
Upon receiving a proposal duly executed pursuant to this 36  
section, the board of elections of the most populous county 37  
shall certify the fact of such a proposal to the election boards 38  
of the other counties, if any, to be included. 39

(C) Upon receiving a petition of transfer signed by at 40  
least ten per cent of qualified electors voting at the last 41  
general election, the board of education shall cause the board 42  
of elections to check the sufficiency of signatures on the 43  
petition. If the board of elections determines the petition has 44  
been signed by at least ten per cent of qualified electors 45  
voting at the last general election, the board of elections 46  
shall certify the petition to the board of education for the 47  
purposes of division (B) of this section. 48

(D) Upon certification of a proposal under division (B) (2) 49  
of this section, the board of elections shall make the necessary 50  
arrangements for the submission of the question whether to 51  
approve the transfer to the qualified electors to vote thereon, 52  
and the election shall be conducted and canvassed and the 53  
results shall be certified in the same manner as in regular 54  
elections for the election of members of a district board of 55  
education. 56

If a petition affects multiple counties, such a petition 57  
shall be placed on the ballot by each board of elections and 58  
submitted to vote in each affected county. If a majority of the 59  
electors voting on the petition vote in favor thereof, the board 60  
of elections of the most populous county shall certify such fact 61  
to the state board of education. 62

(E) If the proposal submitted to qualified electors under 63  
division (D) of this section is approved by at least a majority 64  
of the electors voting on the proposal, both of the following 65  
shall apply: 66

(1) The board of education of the district from which the 67  
territory is being transferred shall notify the state board of 68  
education of the results of the vote. 69

(2) The board of trustees or council of the eligible 70  
township, city, or village shall enter into negotiations with 71  
the board of education of the district to which the territory is 72  
being transferred regarding the terms of the proposal to 73  
transfer the territory. 74

(F) If the board of trustees or council of the eligible 75  
township, city, or village and the board of education to which 76  
the territory is being transferred enter into a formal agreement 77

based on negotiations under division (E) (2) of this section, the 78  
board of education shall file the proposal and a copy of the 79  
formal agreement with the state board. However, the district 80  
board of education shall not be required to enter into a formal 81  
agreement. 82

(G) The state board shall approve any proposal submitted 83  
under division (F) of this section and thereafter provide 84  
written notification of the approval to the board of education 85  
of the district from which the territory is being transferred 86  
and the board of education to which the territory is being 87  
transferred. 88

(H) Upon receipt of the written notification from the 89  
state board under division (G) of this section, the board of 90  
education of the district to which the territory is being 91  
transferred shall file a map showing the boundaries of the 92  
territory transferred with the county auditor of the county in 93  
which the eligible township, city, or village is located. In 94  
addition, the two district boards and the township board of 95  
trustees or city or village council shall execute an equitable 96  
division of the funds and indebtedness between the districts. 97  
Thereafter, the transfer shall be complete and the legal title 98  
of the school property in the territory transferred shall be 99  
vested in the board of education of the district to which the 100  
territory is transferred. 101

**Section 2.** That section 3311.242 of the Revised Code is 102  
hereby repealed. 103

**Section 3.** That Sections 6, 7, and 8 of S.B. 89 of the 104  
133rd General Assembly are hereby repealed. The repeal of 105  
Sections 6 and 7 of that act removes the limitation imposed on 106  
the continued existence of section 3311.242 of the Revised Code. 107

<b>Section 4.</b> This act is hereby declared to be an emergency	108
measure necessary for the immediate preservation of the public	109
peace, health, and safety. The reason for such necessity is to	110
ensure that the changes regarding school district territory	111
transfer go into effect for the 2020-2021 school year.	112
Therefore, this act shall go into immediate effect.	113