

3301-89-04

Procedures governing negotiations of school districts, other than urban school districts as defined in division (A)(3) of section 3311.06 of the Revised Code.**(A) Negotiation process**

- (1) Unless negotiations have been initiated, the first negotiation session shall be set within thirty days of the receipt of notification of responsibility to negotiate from the department of education.
- (2) The date, time, and place of the negotiation sessions shall be mutually agreed upon by the participating districts.
- (3) A record of at least the time, place, and date of each session shall be kept by each school district represented.
- (4) Any board of education may request assistance from the department of education. Upon request, the superintendent of public instruction shall designate one or more department employees to provide assistance.
- (5) District superintendents and/or their designees shall comprise the negotiating teams. Teams shall be limited to three persons each. By mutual consent, up to three observers for each team may be present.
- (6) If agreements are not reached within one hundred twenty days, a mutually agreed upon facilitator with a public education background and/or experience shall be selected within thirty days. The cost of the facilitator shall be shared equally by the parties involved. If the parties fail to agree upon a facilitator, the superintendent of public instruction shall name one.
- (7) Agreements reached shall be adopted by each board of education involved. A copy of the resolution and the negotiated agreement shall be transmitted by each board of education to the state board of education.
- (8) In the event agreements are not reached within a year from the initial negotiation session, the facilitator shall issue to the state board of education a record of the good faith efforts of all parties involved in the negotiations.

(B) The negotiations process shall strive for the realization of the following goals:

- (1) Written delineation of the present and future educational needs of the pupils in each of the school districts.

- (2) A written review of the educational, financial, and territorial stability of each district affected by the transfer.
- (3) A statement of assurance of appropriate educational programs, services, and opportunities for all the pupils in each participating district, and adequate planning for the facilities needed to provide these programs, services, and opportunities.

(C) The following are examples of terms that school districts may agree to:

- (1) Share revenues from the property included in the territory to be transferred;
- (2) Establish cooperative programs between the participating districts;
- (3) Establish mechanisms for the settlement of any future boundary disputes; and
- (4) No tax revenue to the receiving district from the territory transferred for a period of time.

(D) Before the state board of education may hold a hearing on a transfer, or approve or disapprove any such transfer, it must receive the following items:

- (1) A resolution requesting approval of the transfer, passed by at least one of the school districts whose territory would be affected by the transfer, if the transfer request is pursuant to section 3311.06 of the Revised Code;
- (2) A resolution requesting approval of the transfer, passed by the school district submitting the proposal, if the transfer request is initiated by a board of education pursuant to section 3311.24 of the Revised Code;
- (3) Evidence determined to be sufficient by the state board of education to show that good faith negotiations have taken place or that the district requesting the transfer has made a good faith effort to hold such negotiations; and
- (4) If any negotiations took place, a signed statement is required by every school district board of education that has participated in the negotiations, listing the terms agreed upon and the points on which no agreement could be reached.

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Certification

01/30/2004

Date

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