

**Notes on the proposed
alignment of boundaries:
Hudson City School District
and City of Hudson, Ohio**

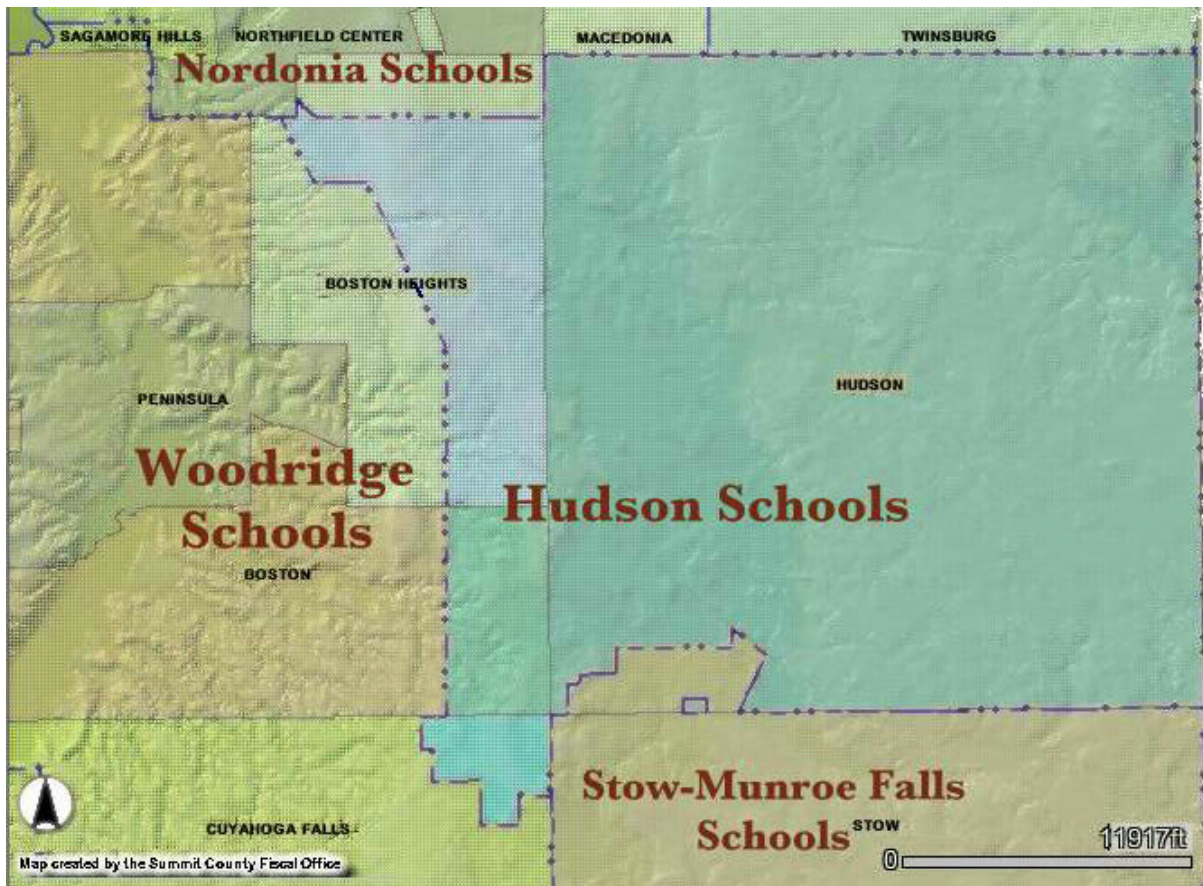
A Boston Heights Perspective

Revision: 30 April 2004

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Hudson CSD: 29.5 sq.mi, of which Hudson 83%, Boston Heights 11%, Boston Twp 4%, Cuy.Falls 2%

Overview

The City of Hudson, Ohio, is considering a revision to its Comprehensive Plan. The draft plan dated 03/26/2004, pp. 8-6 to 8-7 recommends that the city pursue a long-term strategy that would make the city boundaries and the Hudson School District boundaries contiguous. See the excerpt below, page 7. The most likely implementation of this strategy is to eject non-Hudson areas from the Hudson City School District, and perhaps try to acquire a part of the Stow-Munroe Falls school territory.

Currently the Hudson City School District includes not only most of the City of Hudson itself, but also significant fractions of the Village of Boston Heights and Boston Township, and a small portion of Cuyahoga Falls (previously Northampton Township).

In the case of Boston Heights, the common territory has been part of the Hudson School District since about 1923. That part of the Boston District was merged into Hudson's district that year; subsequently the Boston Heights Village School District was consolidated with the Hudson School District in 1924-5.[1]

Proposals to restrict Hudson Schools to "purely Hudson" children have been made occasionally in the past, most recently in 1994 during development of the original Comprehensive Plan.[2] Boston Heights citizens have objected to these proposals before, and now.

By law, the city itself cannot carry out this strategy unilaterally. It is, however, politically naive to ignore the influence this city policy will have on future policy of the Hudson City School District.

City Issues and Strategies

It is unlikely that the City of Hudson could implement this goal by merging with any portion of the Village of Boston Heights. It is more likely that the city might work with the school district to effect a transfer of territory to the adjoining Woodridge and/or Nordon Hills school districts.

This kind of transfer is governed by the Ohio Revised Code, Section 3311.24, and the Ohio Administrative Code, Chapter 3301-89. Those portions of the codes are excerpted below, page 14. The school district (not the city) can initiate a request for transfer of its territory to another school district. The districts must negotiate on a transfer agreement, but do not necessarily have to reach an agreement for the transfer application to proceed.

While such transfers are ultimately decided by the State Board of Education, at least some of its members are on record as believing "it is right for school district boundaries to match the city boundaries." [3] This view may apply mainly to post-merger or post-annexation transfers.

It is more plausible that Hudson might consider annexation of the common territory of Boston Township. This may be complicated by Boston Township's JEDD agreement with Cuyahoga Falls (2003).[4] This JEDD allows the township (and C.F.) to collect income taxes from the commercial/industrial strip along Akron-Cleveland Road north of Wyoga Lake Road; Cuyahoga Falls is to supply sewer and water services there. This area is within the Hudson City School District. Note that the City of Hudson declined to enter into a similar JEDD with Boston Township, in 1998-99.[5]

On the other hand, the Boston Township JEDD is intended to boost business growth along that Akron-Cleveland Road corridor. This in turn should increase property taxes and crowd out further residential growth in that corridor, which ought to prove attractive to Hudson Schools.

Also within the Hudson City School District is the planned 250+ housing development at the former Tamsin Park [6], in Boston Township (but soon to be annexed to Cuyahoga Falls). This development plan is widely cited as the pretext for the present imbroglio.

Hudson would presumably seek to transfer the common territory within Cuyahoga Falls to the adjacent Woodridge district. The Cuyahoga Falls City School District is not adjacent to this area, and one of the state's criteria for territory transfers is district contiguity.

Another factor in Hudson's strategy may be related to the situation in the extreme southwest corner of the city. The part of Hudson immediately surrounding the proposed Seasons/Route 8 interchange is in the Stow-Munroe-Falls school district. This includes the planned interchange area itself, east along Seasons Road, and north up to the Towbridge neighborhood. Hudson (and Stow) recently invested in extending Seasons Road all the way to Norton Road at Hudson Drive. The school district would no doubt like to reap the increased property taxes along that corridor that would accompany future business development. Of course, so would the Stow school district.

School District Issues

Hudson Schools are currently rated "Excellent", while both Woodridge and Nardonina are rated "Continuous Improvement"[7], with significantly poorer student achievement levels. See page 9. Forcing effected schoolchildren from Hudson into these other districts would be certainly be an undesirable imposition on them and their families. It would be difficult to support a contention that a transfer was for the "present and ultimate good of the pupils concerned" (OAC 3301-89-01(F)).

Many district residents have bought their homes specifically because they are within the Hudson Schools, and those within Boston Heights are no different. This despite the fact that property tax rates in the two adjacent districts are significantly lower than in Hudson Schools. See page 10. There would likely be a negative impact on the property values within transferred territory, at least for residences.

Boston Heights residents and property owners can point to their 80-year investment in the facilities and operations of the Hudson City School District, paying the same school property taxes as those in Hudson itself. Village residents, both students and parents, have long-standing involvement with the Hudson community through their common school district.

In fact, the school system only recently converted from a "Local" to a "City" district, in 1999.[8] That in and of itself does not make the district an extension of, nor exclusive to, the city.

Taxation: Enrollment vs. Contribution

All areas of the Hudson City School District pay precisely the same property tax rates for the schools; see page 11. Boston Heights et al. is not “freeloading” on the school district nor on the City of Hudson. Quite the contrary, in fact, as the following analysis shows.

The Hudson City School District reports that there are “approximately 350 homes in the local school district that are located outside the city limits.”^[9] Geographic enrollment data obtained from the school district (page 12) show that 180 students from Boston Heights attend the Hudson Schools in 2003/2004 (3/8/2004 snapshot). This jibes with a thumbnail estimate based on Census 2000 ^[10] and so may be considered a reliable figure.

According to the Summit County Fiscal office, the total of real estate and personal property taxes distributed to Hudson Schools in 2003 was \$34,465,822. See page 11. This is 65% of the overall district budget, with the balance from sources that are uniform across the district -- e.g. state funds, investments, student fees.

Total 2003 enrollment (official 10/17/2003 figure) was 5,601 students, according to the Hudson Schools 2003 Annual Report. Enrollment was 5,596 at the 3/8/2004 snapshot; see page 12. The average property tax contribution is therefore **\$6,159 per student**.

Boston Heights (Taxing District 13) distributed \$1,401,136 to the Hudson Schools in 2003, and the village had 180 students enrolled. Its tax contribution was therefore **\$7,784 per Boston Heights student**. -- 26% more than the average.

Boston Township (Taxing District 07) distributed \$522,549 to the Hudson Schools in 2003, and the township had 93 students enrolled. Its tax contribution was therefore **\$5,619 per Boston Township student** -- 9% less than the average.

Cuyahoga Falls (Taxing District 37) distributed \$435,318 to the Hudson Schools in 2003, and had 18 students enrolled. Its tax contribution was therefore **\$24,184 per Cuyahoga Falls student** -- 293% more than the average.

Hudson City (Taxing Districts 30/32) distributed \$32,106,820 to the Hudson Schools in 2003, and the city had 5305 students enrolled. Its tax contribution was therefore **\$6,052 per Hudson City student** -- 2% less than the average.

HUDSON CITY SCHOOL DISTRICT: 2003 PROPERTY TAX SOURCE vs. 2003/2004 ENROLLMENT

	Total	30/32 Hudson	13 Boston Hts	07 Boston Twp	37 Cuy Falls
Tax Receipts Distributed to Hudson CSD by City	\$34,465,822.18	\$32,106,819.57	\$1,401,135.88	\$522,548.66	\$435,318.07
Enrollment by City	5596 100%	5305 94.8%	180 3.2%	93 1.7%	18 0.3%
Tax\$ / Student	\$ 6,159.01 Average	\$ 6,052.18 -1.7% <avg	\$ 7,784.09 +26.4% >avg	\$ 5,618.80 -8.8% <avg	\$ 24,184.34 +293% >avg
		\$ 8,106.54 +31.6% >average N.B.: 6.8% of local tax, 5.2% of enrollment			

Other Contributions and Benefits

The City of Hudson does make certain contributions to the Hudson City School District that are not shouldered by the other district communities. For example, the city provides police and fire protection to the school buildings, which are all within its borders. There are undoubtedly other infrastructure support costs that are not directly or fully compensated by the school district. These may include traffic signalization, and road, sewer and utility maintenance around school district facilities.

However, the City of Hudson solely benefits from the income tax it collects from all employees of the school district: teachers, aides, support staff, administrators, business and fiscal staff, bus service employees and others. The current 1% city income tax likely yields in excess of a quarter million dollars per year; this is virtually guaranteed to rise annually with the schools' usual contractual pay increases. Plus, the newly-enacted rate of 2% will double those receipts.

The relative contributions of different taxing districts will be skewed by the March 2004 passage of Hudson's "Issue 3". This measure raised Hudson's city income tax to 2% and agrees to give 6.75% of that to the school district. It is expected to amount to about \$1,000,000 per year by 2006, solely for capital improvements. This is permitted by Ohio Revised Code 755.16: "*Joint acquisition and maintenance*". This portion of the code is excerpted below, page 22.

This new contribution seems to promise the City of Hudson some rights to the (future) school facilities in the guise of "community centers". The other municipalities in the school district will not hold these same rights, whatever they may turn out to be in practice.

It is not clear why this additional *voluntary* contribution, and concomitant acquisition of rights by the City of Hudson, should trump the historical and current contributions of property owners within the school district, but outside of the city borders.

Including projected Issue 3 funds (for 2006) raises the Hudson City tax contribution to \$6,240 per Hudson City student -- still less than the district average, and still well under the Boston Heights pro rata contribution.

Conclusion

The citizens and property owners of Boston Heights have a long-standing investment in the Hudson Schools, and a well-founded expectation that they will remain within that district. Removal of their property from the Hudson City School District is unfair to in those property owners, especially to homeowners. Removal of their children from the Hudson schools is unfair to those students, and arguably injurious to their education.

Moreover, partition of the Hudson school district is unjustified on financial grounds. Boston Heights more than supports its own students with school property taxes, and will continue to do so even when future city income taxes are factored in.

The City of Hudson may well have valid concerns about future growth outside of the city but within the Hudson school district. Instead of seeking to drive out a minority of district residents, the city should constructively engage the Village of Boston Heights, and the other municipalities, on matters of growth management. See Boston Heights Council Resolution 13-2004, on page 13.

*Excerpted from Draft Comprehensive Plan Revision
for City of Hudson OH, edition 03/26/2004*

[other sections not shown]

DRAFT

**Growth Management Objective 3:
Coordinate land use patterns and City infrastructure with the
rate of growth.**

As the Hudson population continues to grow, additional land will be consumed with development placing a demand on the City's infrastructure and services. New growth should be organized in a compact land use pattern that is compatible with and enhances the existing land use pattern and infrastructure.

**Strategy 3 A:
Coordinate with other governmental bodies and service providers (e.g. school
district, water utilities, and park board) to ensure consistency with overall growth
management policies.**

The City should cooperate with other governmental bodies on growth issues to guarantee new development will be adequately served by the City's utilities and services.

Priority: B

Time Frame: Ongoing

General Responsibility: City, Hudson School District

Strategy 3 B:

Maintain flexible zoning techniques and standards that recognize the changing composition of modern corporate office/industrial parks.

To complement the economic development and land use objectives and strategies outlined in the Plan, the City will encourage new office and industrial growth through zoning changes and the Land Development Code.

Priority: B

Time Frame: Ongoing

General Responsibility: City, Land Development Code

Strategy 3 C:

The City should work with the school district and relevant political jurisdictions to address the impact of school enrollment growth.

Although it is very difficult to change school district boundaries, the City and the school district should work closely together to achieve boundaries that are contiguous.

Priority: A

Time Frame: Long Term

General Responsibility: City, Hudson School District

DRAFT

Revision Note (not part of the Hudson Comprehensive Plan Draft):

In the 1/30/2004 draft, Strategy 3C was entitled:

“Make the City of Hudson’s boundaries and the Hudson School District boundaries contiguous”, with the same implementation text following, as above. The previous priority was “C- Desirable”, whereas this item is now “A - Urgent and Important”.

Hudson Schools District 2003 Performance vs. Nordonia Hills & Woodridge

Source: State of Ohio Department of Education http://webapp1.ode.state.oh.us/district_rating

District Name:	Nordonia Hills	Woodridge Local School District	Hudson
District IRN:	050047	049973	050021
County:	Summit	Summit	Summit
Rating:	Continuous Improvement	Continuous Improvement	Excellent
Number of Performance Standards Met by the School District (based on FY2003 data – 2002-03 Local Report Card):	14	13	22
Test (FY2003):	Percentage of Students Who Passed Test		
Percentage of Students At or Above the Proficient Level on the...			
4th Grade Citizenship Proficiency	71.4	66.9	85.3
4th Grade Math Proficiency	68.7	54.5	80.4
4th Grade Reading Proficiency	73.5	63.4	85.3
4th Grade Writing Proficiency	89.8	73.8	93.1
4th Grade Science Proficiency	65.6	60.0	83.6
6th Grade Citizenship Proficiency	81.0	63.9	91.4
6th Grade Math Proficiency	67.2	50.0	76.6
6th Grade Reading Proficiency	71.7	59.7	86.8
6th Grade Writing Proficiency	93.8	86.8	96.4
6th Grade Science Proficiency	74.5	61.1	86.8
9th Grade Citizenship Proficiency	91.4	89.1	95.5
9th Grade Math Proficiency	76.8	81.2	93.6
9th Grade Reading Proficiency	92.4	94.9	93.6
9th Grade Writing Proficiency	96.9	93.5	96.9
9th Grade Science Proficiency	85.6	89.8	94.6
9th Grade Citizenship Proficiency	94.1	90.8	98.6
9th Grade Math Proficiency	84.4	85.8	96.9
9th Grade Reading Proficiency	97.3	94.2	99.0
9th Grade Writing Proficiency	97.7	91.7	99.5
10th Grade Science Proficiency	92.2	90.0	98.6
Attendance Rate and Graduation Rate Data	Percentage of Students		
Student Attendance Rate (FY2003)	95.7	95.4	95.9
Student Graduation Rate (FY2003)	93.0	93.3	96.9
Adequate Yearly Progress	Goals Met or Not Met?		
Adequate Yearly Progress Determination for 2002-03	Not Met	Not Met	Met
Performance Index (all subjects, grades 4 and 6)			
Performance Index	89.9	81.6	97.8
Performance Index Last Year	91.6	81.1	98.0
Performance Index 2 Years Ago	86.4	76.5	97.1

**Boston Heights Property Tax Rates 2003
TAX YEAR 2003/COLLECTION YEAR 2004**

Source: Summit County Tax Rate Table, <http://www.co.summit.oh.us/fiscaloffice/pdfs/full&effectivesummary2003.pdf>

BOSTON HEIGHTS VILLAGE/ SCHOOL DISTRICT (MILLS)	TOTAL	COUNTY	LIBRARY	SCHOOL	JVSD	CORP	RES/AG C.R.F.	OTHER C.R.F.	RES/AG EFFECTIVE	OTHER EFFECTIVE
12 BOSTON HEIGHTS VLG 070 WOODRIDGE LSD	68.680	13.070	0.780	47.980		6.850	0.296	0.284	48.318	49.156
13 BOSTON HEIGHTS VLG 080 HUDSON CSD	100.90	13.070		80.980		6.850	0.404	0.295	60.169	71.094
14 BOSTON HEIGHTS VLG 090 NORDONIA HILLS CSD CVJVSD	80.190	13.070	0.780	57.570	2.000	6.850	0.442	0.401	44.799	48.104

**Boston Heights Property Taxes 2003 (per \$100K valuation)
TAX YEAR 2003/COLLECTION YEAR 2004**

Source: Cleveland Plain Dealer, <http://www.cleveland.com/community/agate.ssf?/community/2004propertytax.html>

BOSTON HEIGHTS VILLAGE / SCHOOL DISTRICT	RES/AG EFFECTIVE TAX PER \$100K VALUATION
12 B.H. VILLAGE 070 WOODRIDGE LSD	\$ 1480
13 B.H. VILLAGE 080 HUDSON CSD	\$ 1843
14 B.H. VILLAGE 090 NORDONIA HILLS CSD CVJVSD	\$ 1372

Hudson City School District Property Tax Distribution 2003

Source: Summit County Fiscal Office, Cheryl Schaetzle, email 2-25-04

2003 REAL ESTATE TAX RECEIPTS DISTRIBUTED TO HUDSON CSD BY DISTRICT				
DIST. #	DIST. NAME	1ST 1/2 REAL ESTATE	2ND 1/2 REAL ESTATE	REAL ESTATE TOTAL
07	BOSTON TWP.	\$176,770.99	\$178,233.87	\$355,004.86
13	BOSTON HEIGHTS VILLAGE	\$641,560.70	\$640,272.84	\$1,281,833.54
30 & 32	HUDSON CITY	\$13,464,358.36	\$13,011,207.08	\$26,475,565.44
37	CUYAHOGA FALLS CITY	\$81,132.31	\$93,120.93	\$174,253.24
2003 TANGIBLE PERSONAL PROPERTY TAX RECEIPTS DISTRIBUTED TO HUDSON CSD BY DISTRICT				
DIST. #	DIST. NAME	FIRST HALF	SECOND HALF	TOTAL
07	BOSTON TWP.	\$19,059.64	\$148,484.16	\$167,543.80
13	BOSTON HEIGHTS VILLAGE	\$4,789.75	\$114,512.59	\$119,302.34
30 & 32	HUDSON CITY	\$117,681.43	\$5,513,572.70	\$5,631,254.13
37	CUYAHOGA FALLS CITY	\$9,555.28	\$251,509.55	\$261,064.83

Hudson City School District Property Tax Rates 2003

TAX YEAR 2003/COLLECTION YEAR 2004

Source: Summit County Tax Rate Table,

<http://www.co.summit.oh.us/fiscaloffice/pdfs/full&effectivesummary2003.pdf>

HUDSON CITY SCHOOL DISTRICT / MUNICIPALITY (MILLS)	SCHOOL VOTED MILLAGE
07 BOSTON TWO 040 HUDSON CSD	80.980
13 BOSTON HEIGHTS VLG 080 HUDSON CSD	80.980
30 HUDSON CITY 250 HUDSON CSD	80.980
32 HUDSON CITY 270 HUDSON CSD	80.980
37 CUYAHOGA FALLS CITY 310 HUDSON CSD	80.980

**2003/2004 ENROLLMENT (3/8/2004 SNAPSHOT) FOR PUBLIC RECORDS REQUEST
(SOURCE: HUDSON CITY SCHOOL DISTRICT, ORC REQUEST RECEIVED 3/12/2004)**

Grade	Total Enrollment	30/32 Hudson	07 Boston Twp	13 Boston Hts	37 Cuy Falls
PS	69	64	1	4	0
KG	358	326	9	22	1
01	381	362	3	14	2
UG	1	1	0	0	0
02	361	342	4	14	1
03	400	374	7	19	0
04	412	393	6	11	2
05	447	421	9	17	0
06	467	440	13	13	1
07	449	428	11	9	1
08	486	466	8	11	1
09	441	426	7	7	1
10	431	408	3	17	3
11	428	410	6	10	2
12	454	435	6	11	2
23	11	9	0	1	1
TOTAL	5596	5305	93 Incl: 4 Open Enr 1 foster	180 Incl: 2 Open Enr	18 Incl: 1 Inst Place

Notes:

Included in the Hudson 30/32 enrollment total of 5305 are:

17 Vocational students in (not Hudson residents nor in one of the other taxing districts above)

6 Court placed students in (not Hudson residents)

1 Court placed out (Hudson resident)

7 Open enrollments out (Hudson residents other than those listed in other taxing districts above)

School enrollment figures for Hudson City Schools (Source: Ohio Dept. Of Education):

Year	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993
Enrollment	5562	5532	5442	5453	5458	5424	5444	5365	5196	4981	4772

VILLAGE OF BOSTON HEIGHTS

45 E. Boston Mills Road • Boston Hts., Ohio 44236

Phone 330.650.4111 Fax 330.655.9578

RESOLUTION 13-2004

A RESOLUTION CONCERNING THE PORTIONS OF THE VILLAGE OF BOSTON HEIGHTS WHICH LIE WITHIN THE HUDSON CITY SCHOOL DISTRICT.

WHEREAS, portions of the Village of Boston Heights have been part of the Hudson City School District since 1923; and

WHEREAS, the Hudson City Council is considering a recommendation to alter the Hudson City School District boundaries, which might result in a change in the status of the aforementioned portions of the Village of Boston Heights; and

WHEREAS, the principal motivation for said recommendation are concerns about residential development in portions of the Hudson City School District which are outside of the City of Hudson.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Village of Boston Heights, County of Summit and State of Ohio,

Section 1: That the Village of Boston Heights urges the Hudson City Council to reject said recommendation and instead enter into discussions with the Village of Boston Heights to address it's concerns about residential development in portions of the Village of Boston Heights which are part of the Hudson City School District.

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED:

RAYMOND McFALL, Mayor

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution 13-2004 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 10th day of March, 2004.

CAROL ZEMAN, Clerk of the
Village of Boston Heights

Ohio Revised Code**§ 3311.24. Transfer of city, exempted village or local school district territory to adjoining district.**

(A) Except as provided in division (B) of this section, if the board of education of a city, exempted village, or local school district deems it advisable to transfer territory from such district to an adjoining city, exempted village, or local school district, or if a petition, signed by seventy-five per cent of the qualified electors residing within that portion of a city, exempted village, or local school district proposed to be transferred voting at the last general election, requests such a transfer, the board of education of the district in which such proposal originates shall file such proposal, together with a map showing the boundaries of the territory proposed to be transferred, with the state board of education prior to the first day of April in any even-numbered year. The state board of education may, if it is advisable, provide for a hearing in any suitable place in any of the school districts affected by such proposed transfer of territory. The state board of education or its representatives shall preside at any such hearing.

A board of education of a city, exempted village, or local school district that receives a petition of transfer under this division shall cause the board of elections to check the sufficiency of signatures on the petition.

Not later than the first day of September the state board of education shall either approve or disapprove a proposed transfer of territory filed with it as provided by this section and shall notify, in writing, the boards of education of the districts affected by such proposed transfer of territory of its decision.

If the decision of the state board of education is an approval of the proposed transfer of territory then the board of education of the district in which the territory is located shall, within thirty days after receiving the state board of education's decision, adopt a resolution transferring the territory and shall forthwith submit a copy of such resolution to the treasurer of the board of education of the city, exempted village, or local school district to which the territory is transferred. Such transfer shall not be complete however, until:

(1) A resolution accepting the transfer has been passed by a majority vote of the full membership of the board of education of the city, exempted village, or local school district to which the territory is transferred;

(2) An equitable division of the funds and indebtedness between the districts involved has been made by the board of education making the transfer;

(3) A map showing the boundaries of the territory transferred has been filed, by the board of education accepting the transfer, with the county auditor of each county affected by the transfer.

When such transfer is complete the legal title of the school property in the territory transferred shall be vested in the board of education or governing board of the school district to which the territory is transferred.

(B) Whenever the transfer of territory pursuant to this section is initiated by a board of education, the board shall, before filing a proposal for transfer with the state board of education under this section, make a good faith effort to negotiate the terms of transfer with any other school district whose territory would be affected by the transfer. Before the state board may hold a hearing on the transfer, or approve or disapprove any such transfer, it must receive the following:

(1) A resolution requesting approval of the transfer, passed by the school district submitting the proposal;

(2) Evidence determined to be sufficient by the state board 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;

(3) If any negotiations took place, a statement signed by all boards that participated in the negotiations, listing the terms agreed on and the points on which no agreement could be reached.

Negotiations held pursuant to this section shall be governed by the rules adopted by the state board under division (D) of section 3311.06 of the Revised Code. Districts involved in a transfer under division (B) of this section may agree to share revenues from the property included in the territory to be transferred, establish cooperative programs between the participating districts, and establish mechanisms for the settlement of any future boundary disputes.

HISTORY: GC § 4831-14; 120 v 475; 121 v 619; 122 v 572; Bureau of Code Revision, 10-1-53; 126 v 655(670) (Eff 1-3-56); 138 v H 1 (Eff 5-16-79); 143 v S 140 (Eff 10-2-89); 146 v H 117 (Eff 9-29-95); 148 v H 282. Eff 9-28-99; 150 v H 95, § 1, eff. 6-26-03.

Ohio Administrative Code

Request for transfer of territory under RC § 3311.06 or RC § 3311.24 -

Hearings. 3 Ohio Sch. Law: OAC 3301-89-03.

Negotiations. 3 Ohio Sch. Law: OAC 3301-89-04.

Policies. 3 Ohio Sch. Law: OAC 3301-89-01.

Procedures. 3 Ohio Sch. Law: OAC 3301-89-02.

Forms

Petition for transfer of city or exempted village school district territory.

3 Ohio Sch. Law Form 2.03

Resolution for creation of new local school district, or for transfer of territory, subsequent to voter approval at an election.

3 Ohio Sch. Law Form 2.10

Resolution for transfer of city or exempted village school district territory.

3 Ohio Sch. Law Form 2.11

Ohio Administrative Code

Chapter 3301-89: Transfers of Territory

3301-89-01 General policies of the state board of education in a request for transfer of territory under section 3311.06 or 3311.24 of the Revised Code.

(A) The rules under Chapter 3301-89 of the Administrative Code apply to the request for a transfer of territory following municipal annexation under section 3311.06 of the Revised Code or a petition for transfer of territory under section 3311.24 of the Revised Code.

(B) The rules under Chapter 3301-89 of the Administrative Code do not apply to the transfer of territory following municipal annexation when the district in which the territory is located is a party to an annexation agreement with a city school district under section 3311.06 of the Revised Code. Further, the use of the term "agreement" in Chapter 3301-89 of the Administrative Code does not mean "annexation agreement" as defined in division (A)(4) of section 3311.06 of the Revised Code.

(C) The department of education shall require the boards of education affected by a request for transfer of territory to enter into good faith negotiations pursuant to sections 3311.06 and 3311.24 of the Revised Code.

(D) In situations where agreement has been reached between respective boards of education, the terms of agreement should be sent to the state board of education with reasonable dispatch. In those situations where agreement does not exist, the state board of education will thoroughly examine the facilitator's report, pursuant to paragraph (A)(8) of rule 3301-89-04 of the Administrative Code. If the state board of education determines that the negotiations were not held in good faith, the transfer request shall be remanded back to the districts for further negotiations for a period not to exceed one year. However, no transfer request will be remanded more than once to the districts. If the state board determines that negotiations were held in good faith, but no agreement reached; or if negotiations were held the second time on the same transfer request and no agreement reached, then the state board of education will thoroughly examine the stated reasons for and against the requested transfer and provide due process to all parties involved as set forth in paragraph (E) of rule 3301-89-02 of the Administrative Code.

(E) A request for the transfer of territory for school purposes which previously has been disapproved by the state board of education will be reconsidered only if significant change has taken place subsequent to the filing of the original request.

(F) A request for transfer of territory will be considered upon its merit with primary consideration given to the present and ultimate good of the pupils concerned.

(G) The file at the department of education concerning a requested transfer will be made available to any affected party or interested person at all reasonable times for inspection. Upon request, copies of documents from the file will be made available at cost and within a reasonable period of time.

HISTORY: Eff 2-1-87; 4-27-90

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 3311.06, 3311.24

Rule amplifies: RC 3311.06, 3311.24

119.032 Review Date: 10-20-00

CASE NOTES AND OAG

1. (1990) The act of the State Board of Education disapproving a transfer of territory request pursuant to RC § 3311.06 is a quasi-judicial act and, as such, is appealable under RC § 119.12, where the affected parties are provided with notice, a hearing, and the opportunity to present evidence pursuant to Ohio Adm. Code Chapter 3301-89 (Bd. of Edn. of Marion v. Bd. of Edn. of Elgin [1981], 66 OS2d 152, 20 OO3d 165, 420 NE2d 990, syllabus, distinguished and limited.): Union Title Co. v. State Bd. of Edn., 51 OS3d 189, 555 NE2d 931.

3301-89-02 Procedures of the state board of education in a request for transfer of territory under section 3311.06 or 3311.24 of the Revised Code.

(A) Initial requests

(1) A school district may request a transfer of certain territory for school purposes under section 3311.06 of the Revised Code by sending an initial letter requesting the land transfer to the state board of education and including copies of:

- (a) The resolution of the requesting board of education;
- (b) Each annexation ordinance identified by number; and
- (c) A map showing the area(s) being considered for transfer.

(2) Under the provisions of section 3311.24 of the Revised Code, if the board of education of a city or exempted village school district deems it advisable to transfer territory from such district to an adjoining city, exempted village, or county school district, then the board of education of the district in which the proposal originates shall file the request, along with a map showing the boundaries of the territory proposed to be transferred, with the state board of education prior to the first day of April in any even-numbered year.

(3) A person(s) interested in requesting a transfer of territory from one school district to another, for school purposes, pursuant to section 3311.24 of the Revised Code, may petition to do so through the resident board of education.

(a) The board of education of the district in which such a proposal originates, regardless of its position on the proposed transfer, shall file the proposal, together with a map showing the boundaries of the territories proposed to be transferred, with the state board of education prior to the first day of April in any even-numbered year.

(b) The board of education of the district in which the proposal originates by petition of qualified electors residing within the portion of the school district proposed to be transferred shall determine the sufficiency of the signatures on the petition and shall notify the state board of education of its determination.

(4) A school district or a party initiating a request for transfer of territory shall serve a copy of the request on the school district(s) affected by the proposed transfer and shall indicate such service on the request which is filed with the state board of education.

(5) Upon receipt of a request for transfer under paragraph (A)(1) or (A)(2) of this rule, the department of education shall notify all school districts involved of their responsibilities for negotiations under rule 3301-89-04 of the Administrative Code.

(6) Upon receipt of a negotiated agreement, the state board of education shall adopt a resolution of approval of the negotiated agreement or may establish a hearing if approval is not granted.

(B) Upon receipt of the initial request for a transfer of territory under section 3311.06 or division (A) of 3311.24 of the Revised Code, or upon determination by the state board of education that negotiations pursuant to rule 3301-89-04 of the Administrative Code have failed to produce an agreement, the department of education shall send to each of the school districts involved in the proposed land transfer a request for information. This request includes seventeen questions. The answers to these questions, along with other considerations, will be considered. The seventeen questions are:

- (1) Why is the request being made?
- (2) Are there racial isolation implications?
 - (a) What is the percentage of minority students in the relinquishing district?
 - (b) What is the percentage of minority students in the acquiring district?
 - (c) If approved, would the transfer result in an increase in the percentage of minority pupils in the relinquishing district?

- (3) What long-range educational planning for the students in the districts affected has taken place?
 - (4) Will the acquiring district have the fiscal and human resources to efficiently operate an expanded educational program?
 - (5) Will the acquiring district have adequate facilities to accommodate the additional enrollment?
 - (6) Will both the districts involved have pupil population and property valuation sufficient to maintain high school centers?
 - (7) Will the proposed transfer of territory contribute to good district organization for the acquiring district?
 - (8) Does the acquiring district have the capacity to assume any financial obligation that might accompany the relinquished territory?
 - (9) Will the loss of either pupils or valuation be detrimental to the fiscal or educational operation of the relinquishing school district?
 - (10) Have previous transfers caused substantive harm to the relinquishing district?
 - (11) Is the property wealth in the affected area such that the motivation for the request could be considered a tax grab?
 - (12) Are there any school buildings in the area proposed for transfer?
 - (13) What are the distances between the school buildings in:
 - (a) The present area?
 - (b) The proposed area?
 - (14) If approved, will the requested transfer create a school district with noncontiguous territory?
 - (15) Is the area being requested an isolated segment of the district of which it is a part?
 - (16) Will the municipal and school district boundary lines become coterminous?
 - (17) For both the districts:
 - (a) What is the inside millage?
 - (b) What is the outside operating millage?
 - (c) What is the bonded indebtedness millage?
- (C) When a school district completes the questionnaire and forwards the same to the department of education, the school district shall serve a copy on the other school district(s) affected by the proposed transfer and shall indicate such service on the questionnaire which is filed with the department of education.
- (D) Upon receipt of completed questionnaires from both school districts concerned, the department of education will analyze the information and present its analysis to the state board of education for consideration.
- (E) Upon receipt of the data from the department of education, the state board of education may declare its intention to consider the request for transfer of certain territories from one school district to another by passing a resolution of intention to consider the matter and providing the parties an opportunity for a hearing.
- (F) If a request for a hearing is subsequently received by the department of education, a referee shall be appointed and a hearing date shall be established by the department.
- (G) The data and documents received by the department of education under this chapter shall become part of the record of the hearing for consideration by the referee.
- (H) In making a report and recommendation to the state board of education, the referee shall be governed by the provisions of Chapter 3301-89 of the Administrative Code.
- (1) When the referee's report is received with its recommendation to approve or disapprove the transfer of territory, the department of education will mail such report to the school districts and any other affected parties.

(2) Upon their receipt of the referee's report, the affected parties will have ten days in which to submit written objections to the report to the department.

(3) Any party that files objections shall file a copy of the objections with the other affected parties.

(4) Any affected party may file a response to the objections. Such response must be filed with the department of education within ten days after the objections are mailed to the department of education.

(I) After the time for filing objections and responses has ended, the state board of education will then consider the referee's report, objections, and responses, and adopt a resolution which approves, disapproves, or modifies the recommendation of the referee. The decision of the state board of education will be made solely on the record of the hearing, the report of the referee and any objections or responses filed by the parties.

(J) When a determination concerning a transfer of territory will be made by the state board of education, the department of education shall notify the school districts and other affected parties of the time and place the matter will be considered by the state board of education.

HISTORY: Eff 5-1-88; 2-1-87; 4-27-90

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 3311.06, 3311.24

Rule amplifies: RC 3311.06, 3311.24

119.032 Review Date: 10-20-00

CASE NOTES AND OAG

1. (1989) Board need only send petitions for territory transfer to the State Board of Education when they have been determined to have sufficient signatures: *State ex rel Harrell v. Streetsboro City School Dist. Bd. of Edn.*, 46 OS3d 55, 544 NE2d 924.

3301-89-03 Factors to be considered by a referee appointed to hear a request for transfer of territory under section 3311.06 or 3311.24 of the Revised Code.

(A) A referee appointed to hear a transfer request under section 3311.06 or 3311.24 of the Revised Code shall consider the information provided by the school districts under paragraph (B) of rule 3301-89-02 of the Administrative Code and shall be governed by the provisions of Chapter 3301-89 of the Administrative Code.

(B) Other factors that a referee shall consider in hearing any request for a transfer of territory for school purposes include, but are not necessarily limited to:

(1) Documented agreements made by public agencies involved in municipal annexation proceedings should be honored;

(2) A previous agreement entered into by the school districts concerned should be honored unless all concerned districts agree to amend it;

(3) The statement signed by the school district boards of education after negotiations as required by paragraph (D)(4) of Rule 3301-89-04 of the Administrative Code;

(4) There should not be undue delay in requesting a transfer for school purposes after a territory has been annexed for municipal purposes;

(5) The transfer shall not cause, preserve, or increase racial isolation;

(6) All school district territories should be contiguous unless otherwise authorized by law;

(7) School district boundary lines that have existed for a long period of time should not be changed if substantial upheaval results because of long-held loyalties by the parties involved;

(8) The pupil loss of the relinquishing district should not be such that the educational program of that district is severely impaired;

(9) The fiscal resources acquired should be commensurate with the educational responsibilities assumed; and

(10) The educational facilities of districts should be effectively utilized.

(C) When a hearing officer has received and considered the information provided by representatives of the school districts, petitioners for a transfer of territory, and any other party at the hearing, particularly information under paragraph (B) of this rule and paragraph (B) of rule 3301-89-02 of the Administrative Code, and the evidence is in balance, the hearing officer may consider the preference of the residents with school-age children who live in the territory sought to be transferred to another school district. The school district preference of such residents with school-age children in the territory requested for transfer may only be considered and given weight when all other factors are equal.

HISTORY: Eff 2-1-87; 5-1-88; 4-27-90; 1-1-95

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 3311.06, 3311.24

Rule amplifies: RC 3311.06, 3311.24

119.032 Review Date: 10-20-00

CASE NOTES AND OAG

1. (1996) The good of the pupils concerned is the primary consideration and may not be outweighed by any other single factor, such as racial isolation: Cincinnati City School Dist. v. State Bd. of Edn., 113 OApp3d 305, 680 NE2d 1061.

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.

HISTORY: Eff 4-27-90

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 3311.06, 3311.24

Rule amplifies: RC 3311.06, 3311.24

119.032 Review Date: 10-20-00

Ohio Revised Code

§ 755.16. Joint acquisition and maintenance.

(A) Any municipal corporation, township, township park district, county, or school district, jointly with one or more other municipal corporations, townships, township park districts, counties, or school districts, in any combination, and a joint recreation district, may acquire property for, construct, operate, and maintain any parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, or community centers, and any school district may provide by the erection of any school building or school premises, or the enlargement of, addition to, or reconstruction or improvement of any school building or school premises, for the inclusion of any such parks, recreational facilities, and community centers to be jointly acquired, operated, and maintained. Any municipal corporation, township, township park district, county, or school district, jointly with one or more other municipal corporations, townships, township park districts, counties, or school districts, in any combination, and a joint recreation district, may equip, operate, and maintain such parks, recreational facilities, and community centers and may appropriate money for them.

Any municipal corporation, township, township park district, county, or school district agreeing to jointly acquire, construct, operate, or maintain parks, recreational facilities, and community centers pursuant to this section may contribute lands, money, other personal property, or services to the joint venture, as may be agreed upon. Any agreement shall specify the rights of the parties in any lands or personal property contributed.

Any lands acquired by a township park district pursuant to Chapter 511. of the Revised Code and established as a public park or parks may be contributed to a joint venture authorized by this section. Fees may be charged in connection with the use of any recreational facilities and community centers that may be constructed on those lands.

(B) Any township may, jointly with a private land owner, construct, operate, equip, and maintain free public playgrounds and playfields. Any equipment provided by a township pursuant to this division shall remain township property and shall be used subject to a right of removal by the township.

(C) As used in this section and in sections 755.17 and 755.18 of the Revised Code, "community centers" means facilities characterized by all of the following:

(1) They are acquired, constructed, operated, or maintained by political subdivisions, school districts, or a joint recreation district pursuant to division (A) of this section.

(2) They may be used for governmental, civic, or educational operations or recreational activities.

(3) They may be used only by the entities that acquire, construct, operate, or maintain them or by any other person upon terms and conditions determined by those entities.

HISTORY: GC § 4065-5; 109 v 609, § 5; 123 v 472; Bureau of Code Revision, 10-1-53; 131 v 322 (Eff 10-30-65); 134 v H 711 (Eff 11-18-71); 135 v H 1100 (Eff 6-29-74); 136 v H 111 (Eff 8-31-76); 142 v S 318 (Eff 7-20-88); 148 v H 417. Eff 9-21-2000.

[1] The document '*Hudson Local Schools District: A Tradition of Excellence 1801-1985*' states that between 1922 and 1925:

“The Board of Education was notified by County Superintendent Flickinger that a portion of the Boston District was transferred to the Hudson District ... The following year Boston Heights Village School District united with the Hudson [Township Rural School] District.”

The Village of Boston Heights was established in mid-1924. The document '*Boston Heights Village History 1924-1975*' states that the current Village Hall was originally the school house for the central part of what is now the Village. This use was apparently between 1904 (when the former schoolhouse was retired) and sometime previous to August 1925. On August 3rd, Boston Heights Village Council “authorized \$500.00 to for the school house to be used as a town hall.”

This suggests that the Boston Heights Village School District, while apparently short-lived, was an independent entity until merger with the Hudson Schools in 1924 or 1925.

[2] “*School’s Planning Angers Residents; Parents Will Fight to Stay in Hudson*”, June 25, 1994, Page 1B Metro, Cleveland Plain Dealer (OH)

[3] “Transfer of school district territory from the Mathews Local School District, Trumbull County, to the Girard City School District, Trumbull County”.

Minutes, State Board of Education (OH), Special Meeting, May 2003, Resolution 17

<http://www.ode.state.oh.us/board/meetings/may03/minutes.asp>

Minutes, State Board of Education (OH), Special Meeting, June 2003, Resolution 10/10a

<http://www.ode.state.oh.us/board/meetings/june03/minutes.asp>

See also, among other SBOE references:

“Transfer of school district territory from the Coventry Local School District, Summit County, to the Barberton City School District, Summit County”.

Minutes, State Board of Education (OH), Special Meeting, June 2003, Resolution 9

<http://www.ode.state.oh.us/board/meetings/june03/minutes.asp>

[4] “*Boston Heights, Falls Stand to Gain*”, June 30, 2003, Page B1, Akron Beacon Journal (OH).

N.B. The headline and part of the article refers to “Boston Heights”, but the balance of the article correctly identifies the benefiting entity as “Boston Township”. The Village of Boston Heights was not involved in any such JEDD agreement with Boston Twp. or Cuyahoga Falls.

[5] “*Boston Twp. Seeks JEDD Partners*”, June 14, 1997, Page B1, Akron Beacon Journal (OH)

“*Boston Twp, Hudson JEDD Deal Possible*”,

May 24, 1998, Page C1, Akron Beacon Journal (OH) and

“*Economic Proposal on the Table in Hudson*”,

July 16, 1998, Page B1, Akron Beacon Journal (OH)

[6] *“Tamsin Park campground sold, to become site of 250 homes”*,
August 1, 2001, Page B3, Cleveland Plain Dealer (OH)

[7] Year 2002-2003 per Ohio Department of Education; ref.:
Hudson: http://webapp1.ode.state.oh.us/district_rating/detail.asp?id=549
Woodridge: http://webapp1.ode.state.oh.us/district_rating/detail.asp?id=544
Nordonia: http://webapp1.ode.state.oh.us/district_rating/detail.asp?id=551

[8] *“School District Adopts its New Name Today”*,
July 1, 1999, Page B3, Akron-Beacon Journal (OH)
*“Hudson Schools Changing to 'City' Status;
Officials declare new designation offers more autonomy and local control”*
January 31, 1999, Page E1, Akron-Beacon Journal (OH)

[9] *“Committee Suggests Unifying Boundaries”*,
February 25, 2003, Page 1, Hudson Hub-Times (OH)

[10] Census 2000 enumerated 305 school-age children, ages 5-19, within the Village of Boston Heights. Of the residential neighborhoods within Boston Heights, parts of the following are within Hudson School District: Walters/Ashbrooke West (about 97 homes), Beverly/Grandview/Brandywine (about 52 homes), Ledges/Olde Eight Road (about 77 homes), eastern Boston Mills (20 homes). This totals about 246 homes, or 60.4% of the 407 housing units enumerated by Census 2000. Noting that other significant neighborhoods are already in Woodridge (Wooded View, e.g.) and Nordonia (northern Ashbrooke West, e.g.), it is not unreasonable to estimate the Hudson Schools student population of the village at that same 60.4% of 305 students, or 184 students.

This estimate does not, of course, entirely account for the presumably uneven geographic distribution of non-family households in the Village. Neither does it discount village students enrolled in private schools. The inclusion of 5- and 19-year-olds somewhat inflates this estimate as well. There has been some residential growth in Boston Heights since Census 2000, but it has been almost entirely in the Woodridge and Nordonia districts of the village.

U.S Census Website:

http://factfinder.census.gov/servlet/BasicFactsTable?_lang=en&_vt_name=DEC_2000_SF1_U_DP1&_geo_id=16000US3907790

N.B. The actual Boston Heights enrollment on 3/8/2004 was 180 students.