

***Kris Jordan***  
*State Representative*  
*2<sup>nd</sup> House District*  
*Delaware County*

**Committees**

*Insurance*  
*State Government*  
*Financial Institutions, Real Estate, &  
Securities*

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May 17, 2010

Director Richard Murray  
Ohio School Facilities Commission  
10 West Broad Street, Suite 1400  
Columbus, Ohio 43215

Dear Director Murray:

It has recently come to my attention that Cincinnati Public Schools (CPS) has failed to comply with specific provisions of Ohio law related to the sale of publically owned school buildings and the “right of first refusal” requirement for charter schools. As a strong supporter of school choice, I respectfully urge the Ohio School Facilities Commission to fulfill its legal duty as an effective enforcement tool when such violations arise by withholding project funds related to CPS.

On May 9, 2009, CPS reached the decision to sell nine of its school buildings without first offering the properties to charter schools. In addition, at least some of the buildings that were eventually sold included deed restrictions which prevent the grantee from using these properties for school purposes.

Both of these actions are clear violations of ORC 3313.41, which states that school districts planning to dispose of real property must first offer the property for sale to “the governing authorities of the start-up community schools.” The division that follows also requires districts to offer for sale to these same authorities any real property “suitable for classroom space” which has not been used for one year and has no resolution outlining its future use. Because each of the nine school buildings is suitable for use as a classroom, any deed restrictions preventing the use of such buildings as classrooms contradict the purpose and intent of state law.

As such, ORC 3318.08(U) states that the continued release of OSFC project funds depends on a school district’s compliance with ORC 3313.41. I strongly believe that violations have occurred, and, once again, I urge OSFC to follow the law and withhold CPS-related project funding until these matters are resolved.

Sincerely,



Kris Jordan  
State Representative – 2<sup>nd</sup> District  
Ohio House of Representatives

Cc: Governor Ted Strickland  
House Speaker Armond Budish  
Senate President Bill Harris  
State Superintendent Deborah Delisle  
Representative Blessing  
Representative Mecklenborg  
Representative Stautberg  
Representative Maag  
Representative Derickson  
Representative Combs  
Representative Coley  
Representative Uecker  
Representative Beck  
Representative Bulp  
Representative Pillich  
Representative Reece  
Representative Mallory  
Representative Driehaus  
Senator Cates  
Senator Jones  
Senator Seitz  
Senator Niehaus  
Senator Kearney