

Kris Jordan
State Representative
2nd House District
Delaware County

Committees

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

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 – 2nd 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