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May 13, 2020

Via Regular US Mail and Email ([REDACTED])

Mr. Michael J. Kirschner

[REDACTED]

Pepper Pike, OH 44124

Re: Petition to Transfer 22 Parcels from the Beachwood City School District to the Orange City School District ("Petition")

Dear Mr. Kirschner,

I represent the Beachwood City School District Board of Education ("Board of Education") in connection with this matter and have been asked to communicate with you regarding the Petition and your May 6, 2020 email to the Board of Education members and Superintendent Robert P. Hardis.

The Board of Education is committed to maintaining these 22 parcels in the Beachwood Schools, and the Beachwood Schools are prepared and would be pleased to serve all of the students in this area immediately.

The Petition seeks to transfer 22 of the parcels in the Pepper Pike/Beachwood Schools tax district, though there are actually 24 parcels located in this tax district. In addition, there are numerous parcels of commercial property located immediately adjacent to the Pepper Pike/Beachwood Schools tax district that are also located within the Beachwood Schools' geographical boundaries. All of these parcels are located immediately east of Interstate 271 and are an important part of the Beachwood Schools for many reasons.

Regardless of the Board of Education's opposition to the Petition, Ohio Revised Code § 3311.24 imposes certain legal duties on a board of education receiving a resident-originated territory transfer petition. In particular, § 3311.24(A)(2) requires the Board to "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." Ohio Administrative Code § 3301-89-02(B)(2) provides, in part, that "[i]n order to afford the county board of elections sufficient time to verify signatures on a petition that proposes a transfer of school district territory, residents that seek the transfer of school district territory shall file the proposal for transfer with the board of education of the district in which such proposal originates prior to the fifteenth day of March in any even-numbered year."

Letter to Mr. Michael J. Kirschner

May 13, 2020

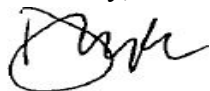
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The legal duties imposed by Ohio Revised Code § 3311.24(A)(2) do not apply to the Beachwood Board of Education at this time because the Petition was submitted and received well after the March 15th and April 1st even-year deadlines. The Board of Education received the Petition electronically on May 6, 2020, and is awaiting receipt of the original Petition. The Board of Education is unaware of any extension of the deadlines imposed by Ohio Revised Code § 3311.24 or described in the Ohio Administrative Code § 3301-89-02. For these reasons, the Board of Education is not under a legal duty to file the Petition with the county board of elections or the state board of education and will not do so at this time.

I understand from your email that a total of seven (7) children residing in the area covered by the Petition, including your own children, have attended the Orange City School District tuition-free since the 2017-2018 school year and that this arrangement was approved by the Orange City School District on April 27, 2020. I also understand that the Orange Schools are not inclined to approve the arrangement for any future years. We are sympathetic to these circumstances, but we believe that the Beachwood Schools offer extraordinary educational programming and services. We invite you to contact Julie Felder at jufelder@beachwoodschoools.org to arrange a tour of the Beachwood Schools' facilities, meet our school leaders and counselors, and learn more about the extraordinary education available in the Beachwood Schools.

If you would like to discuss this matter, please contact me at your convenience at dmcintyre@bms-law.com or (216) 314-9132.

Sincerely,



Daniel McIntyre

cc: Dr. Brian Weiss, Board President - Beachwood Schools (Via Email)
Dr. Robert P. Hardis, Superintendent - Beachwood Schools (Via Email)
Dr. Lynn Campbell, Superintendent - Orange Schools (Via Email from Dr. Hardis)