



**MEMORANDUM**

TO: Indiana State Board of Education

FROM: Dana L. Long, Legal Counsel

Re: Amended Governing Body Selection Plan:  
**Board of School Trustees, Oak Hill United School Corporation**

DATE: August 1, 2012

The Board of School Trustees, Oak Hill United School Corporation, has submitted the attached Resolution to amend its governing body selection plan to provide that members of the governing body be elected during the general election in November and take office on January 1<sup>st</sup> following the general election. The new plan also provides for the modification in the manner of election of the governing body from electoral districting to residential districting. The Board has tendered the certificates from the Grant County Circuit Clerk and Miami County Circuit Clerk indicating no protests or counter-petitions have been filed as well as a publisher's affidavit indicating satisfaction of the publishing requirement of I.C. 20-23-8-14.

The plan as submitted satisfies the requirements of I.C. 20-23-8 and is recommended for approval by the State Board of Education pursuant to I.C. 20-23-8-15.

Enclosures

cc. File

## ELECTION PLAN FOR THE OAK HILL UNITED SCHOOL CORPORATION

BE IT RESOLVED by the Board of School Trustees of the Oak Hill United School Corporation, that the following plan shall determine the manner in which the Board of Trustees of the Oak Hill United School Corporation shall be constituted.

### Definitions

- A. School Board – Whenever used herein, the term “School Board” shall mean the Board of School Trustees of the Oak Hill United School Corporation.
- B. School Corporation – Whenever used herein the term “School Corporation” shall mean the Oak Hill United School Corporation.
- C. Member(s) – Whenever used herein, the term “Member(s)” shall mean the member of the Board of School Trustees of the Oak Hill United School Corporation.

WHEREAS, I.C. 20-23-8-8(4) mandates that the Board review all electoral districts, where a member of the Board is elected solely by the voters of a single district following federal decennial census to ensure that said electoral districts still comply with the Constitution of the State of Indiana, as well as the Constitution of the United States of America; and

WHEREAS, after a review of the 2010 Federal Census number for the townships and towns that make up the electoral districts for the Board, the current Board does not believe that the districts are near as practical, equal population as required by law, which has caused the current Board to conclude that there should be initiated a proposed plan to change the manner of election of the Board; and

WHEREAS, Indiana law was recently modified requiring all school board elections to be conducted at a general election at which county officials are elected, thus the time of election of the Oak Hill United School Corporation Board shall also be modified to comply with the current state law; and

WHEREAS, the provisions of Indiana Code 20-23-8 et. seq., provide the Board with the authority and designated process by which a proposed plan to change the manner of election of the Board as well as the time of the election of the Board might be initiated, advertised and ultimately adopted.

NOW, THEREFORE, BE IT RESOLVED, by this Board, that pursuant to the provisions in I.C. 20-23-8-10(a)(2), it hereby adopts the following changes in the Oak Hill United School Corporation Plan by how and when member of the School Board are to be elected following the effective date hereof, as set forth below.

PLAN FOR MANNER OF ELECTION OF THE GOVERNING  
BODY OF OAK HILL UNITED SCHOOL CORPORATION

Board of School Trustees

- I. The control of the School Corporation shall be vested in a non-partisan board of school trustees compose of seven (7) members. All school board member elections shall be conducted in accordance with I.C. 3 and the School Reorganization Act of 1959, as amended. In the event of a conflict, the School Reorganization Act of 1959, as amended, shall control.
  - A. There shall be six (6) school board member residence districts as follows:
    1. District One – Jackson Township of Miami County
    2. District Two – Richland Township of Grant County
    3. District Three – Portion of Pleasant Township of Grant County included in the School Corporation
    4. District Four – Sims Township of Grant County
    5. District Five – Portion of Franklin Township of Grant County included in the School Corporation
    6. District Six – Two (2) “at large” districts that require residency in the School Corporation

II. Method of Selection and Term of Office

- A. The School Corporation shall have an elected board of seven (7) members elected as follows:
  1. One (1) member shall be a resident of District One;
  2. One (1) member shall be a resident of District Two;
  3. One (1) member shall be a resident of District Three;
  4. One (1) member shall be a resident of District Four;
  5. One (1) member shall be a resident of District Five;
  6. Two (2) members shall be “at large” and be a resident of the School Corporation.

Candidates for membership on the board of school trustees shall compete against one another for election on a school board member residence district basis as specified in the sections on limitations on residence, term of office and other qualifications required of such board of school trustees, but each shall be voted upon by all registered voters residing within the boundaries of the School Corporation.

- B. Transition and Election Schedule
  1. The Indiana General Assembly legislation (HEA 1074) that became effective July 1, 2011 mandated that school board members be elected in the November general election instead of the May primary elections. Therefore the following is the schedule of Elections for Board Members:

- a. District One election will be held in November 2014;
- b. District Two election will be held in November 2012;
- c. District Three election will be held in November 2012;
- d. District Four election will be held in November 2014;
- e. District Five election will be held in November 2012;
- f. District Six election will be held in November 2014.

2. Due to the mandated change of election dates pursuant to state law, the existing terms of office of all members of the Board shall be extended for a period of six (6) months through year end of the year in which each member's current term is due to expire.

C. Term of Office

1. Membership on the School Board shall constitute the holding of a "lucrative office" as said term is used in Article 2, Section 9, of the Constitution of the State of Indiana. Members shall be elected to a term of office of four (4) years commencing as of January 1 of the year following the year of their election, except as otherwise herein provided.

D. Organization and Appointment of Officers

1. The Board shall annually organize within fifteen (15) days after the commencement date of the member's term of office, or within such time as might otherwise be required by applicable law. The Board shall select from among its membership, a president, vice-president, secretary and an assistant secretary, each of whom shall be a different member of the Board. The Board may make such other appointments as permitted by, and in accordance with, applicable law.

III. Eligibility of Members

- A. A candidate for school board member must have resided continuously within the Oak Hill United School Corporation district and within the residence district from which he or she shall run for at least one (1) year prior to the date of the election;
- B. A school board member must be at least twenty-one (21) years of age at the time of taking office.
- C. Property ownership shall not be an eligibility requirement for a candidate seeking election to the Board.

IV. Except as specifically modified herein and those particulars, including the manner of election of the composition of the Board as well as the time of election of the member of the Board, as set forth herein, all other terms and conditions of the original Oak Hill United School Corporation Plan of Reorganization as approved by the Indiana State

Commission for Reorganization of School Corporations on January 1, 1965 shall remain in full effect after the effective date hereof.

V. Election: General Provisions

- A. Each registered voter residing within the school corporation may vote for each board member position that is eligible for election.
- B. The candidate receiving the highest number of votes in each district shall be elected to that district's school board member position. District Six candidates with the highest and the second highest vote totals shall be deemed elected to the "at large" board member positions.
- C. Vacancies on the School Board because of death of a school board member shall be filled in the manner provided by I.C. 20-26-4-4.5, as from time to time amended. Vacancies on the Board existing for any other reason other than the death of an elected, qualified and acting school board member shall be filled in the manner provided by I.C. 20-26-4-4(c), as from time to time amended.
- D. Members shall be entitled to compensation for performance of their duties on the Board, as limited by the applicable law, and as determined, from time to time, by resolution of the Board.
- E. In all respects, this plan, and the School Board, shall be subject to the provisions of I.C. 20-4-1-1, et seq., as amended. This plan shall be construed so as to give it effect when read in conjunction with said statutes, and any part in conflict therewith shall be void, but shall not otherwise invalidate this plan.

VI. Effective Date

- 1. All aspects of this proposed plan change shall become effective on adoption of this plan, as provided in I.C. 20-23-8-19.

BE IT FURTHER RESOLVED that the Superintendent, School Corporation Legal Counsel and the Officers of the Board shall take all other actions and execute all other documents as are reasonably convenient or are otherwise necessary to effect the change of the Plan for the election of the governing body as hereinabove set forth.

ALL OF WHICH is approved by the Board of the School Trustees of Oak Hill United School Corporation, this 27<sup>th</sup> day of February, 2012.

Not later than one hundred twenty (120) days after the date of the publication of this notice, voters of the Oak Hill United School Corporation may file with the clerk of Miami County and/or Grant County a petition protesting the above plan initiated by the Board of School Trustees of Oak Hill United School Corporation, or a petition submitting an alternative plan as follows: (1) A petition protesting the plan shall be signed by at least twenty percent (20%) of the voters of the school corporation or five hundred (500) voters of the school corporation, whichever is less. (2) A petition submitting an alternative plan shall be signed by at least twenty percent (20%) of the voters of the school corporation. A petition protesting the plan or submitting an alternative plan shall be certified by the clerks of Miami and Grant Counties and

shall be filed with the Board of School Trustees of Oak Hill United School Corporation in the manner as is provided for a petition in I.C. 20-23-8-1.

Scott Dubois, President

Board of School Trustees of Oak Hill United School Corporation

(2.17.12)