
SCHOOLS - OHIO

State ex rel. Cook v. Bowling Green City School District Board of Education

Supreme Court of Ohio - June 8, 2020 - N.E.3d - 2020 WL 3044137 - 2020 -Ohio- 3252

Elector sought a mandamus to compel school board to certify school-district-transfer proposal to county board of elections for placement on August 4, 2020 special-election ballot and writ of mandamus to compel the board of elections to place transfer proposal on special-election ballot.

The Supreme Court held that:

- School board was not prejudiced by any alleged delay in elector filing mandamus petition , and thus action was not barred by the doctrine of laches;
- Statute governing petitions to transfer school district territory imposed a mandatory, ministerial duty on school board; and
- Elector was entitled to a writ of mandamus.

School board was not prejudiced by any alleged delay in elector filing mandamus petition seeking to compel school board to certify school-district-transfer proposal to county board of elections for placement on special-election ballot, and thus elector's mandamus action was not barred by the doctrine of laches; elector's claim became ripe on date when the school board failed to take action by the special-election certification deadline, elector filed his complaint two days later, and the case would have been automatically expedited so it could be placed on special election ballot.

Statute governing petitions to transfer school district territory, which provides that the school board shall "promptly" certify the proposal to the board of elections and file the proposal, along with a map of the territory to be transferred, with the State Board of Education, imposed a mandatory, ministerial duty on school board to certify transfer petitions and did not provide discretion to refuse to submit a petition to the board of elections based on the school board's own determination that the petition was invalid.

Elector was entitled to a writ of mandamus ordering school board to certify school-district-transfer proposal to the board of elections for placement on August 4 special-election ballot, and file the proposal and a map of the affected territory with the State Board of Education; statute imposed mandatory duty on school board to "promptly" certify the proposal to the board of elections, and statute did not provide school board with discretion.

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