

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 15

Representative Gerberry

A BILL

To amend sections 3301.01, 3301.03, 3301.04, 1
3301.05, 3301.06, and 3513.259, to enact new 2
section 3301.02 and section 3301.021, and to 3
repeal section 3301.02 of the Revised Code to 4
change the voting membership of the State Board 5
of Education to consist of a member from each of 6
several electoral districts with boundaries 7
coinciding with the state's Congressional 8
districts and a president to be appointed by the 9
Governor if there is an even number of such 10
electoral districts. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3301.01, 3301.03, 3301.04, 12
3301.05, 3301.06, and 3513.259 be amended and new section 13
3301.02 and section 3301.021 of the Revised Code be enacted to 14
read as follows: 15

Sec. 3301.01. ~~(A) There is hereby created the state board 16
of education consisting of nineteen members with eleven elected 17
members, one each to be elected in accordance with section 18
3301.03 of the Revised Code from each of the districts 19~~

~~established in accordance with division (B) of this section, and~~ 20
~~with eight members to be appointed by the governor with the~~ 21
~~advice and consent of the senate~~one member from each district 22
created under this section. For the purpose of election of board 23
members, the state shall be divided into the number of 24
congressional districts from time to time created under section 25
3521.01 of the Revised Code. The boundaries of the state board 26
of education districts and the counties comprising each board 27
member's district shall coincide with the boundaries and 28
counties comprising each of the congressional districts from 29
time to time created under section 3521.01 of the Revised Code. 30
One voting member of the state board shall be elected from each 31
district. 32

If at any time there is an even number of districts, the 33
governor shall appoint an additional member who shall be the 34
president of the board and who shall vote on board matters only 35
in the case of a tie among the other members of the board. This 36
member shall be appointed in accordance with section 3301.021 of 37
the Revised Code. 38

If there is an odd number of districts, the governor shall 39
not appoint the president of the board. In that case, the 40
president shall be selected by the members of the board and 41
shall be a voting member elected from one of the districts 42
described in this section. 43

In addition to the ~~nineteen elected or appointed voting~~ 44
members, the chairperson of the committee of the senate that 45
primarily deals with education and the chairperson of the 46
committee of the house of representatives that primarily deals 47
with education shall be nonvoting ex officio members of the 48
board. 49

~~(B) (1) The territory of each state board of education district for each elected voting member of the board shall consist of the territory of three contiguous senate districts as established in the most recent apportionment for members of the general assembly, but the territory of no senate district shall be part of the territory of more than one state board of education district. Each state board of education district shall be as compact as practicable. The districts shall include, when practicable, some districts that primarily consist of territory in rural areas and some districts that primarily consist of territory in urban areas.~~

~~(2) If, after the apportionment for members of the general assembly is made in any year, the general assembly does not during that year enact legislation establishing state board of education districts in accordance with division (B) (1) of this section, the governor shall designate the boundaries of the districts in accordance with division (B) (1) of this section no later than the thirty-first day of January of the year next succeeding such apportionment. Upon making such designation, the governor shall give written notice of the boundaries of the districts to each member of the state board of education, including the nonvoting ex officio members; the superintendent of public instruction; the president of the senate; the speaker of the house of representatives; and the board of elections of each county in each new district. On the first day of February in any year in which the governor designates the boundaries of state board of education districts under this section, the state board of education districts as they existed prior to that date shall cease to exist and the new districts shall be created.~~

Sec. 3301.02. (A) The elected members of the state board of education as of the date of a change in district boundaries

under section 3521.01 of the Revised Code shall continue in 81
office until their successors are elected and qualified for 82
office, at which time the board whose successors have been so 83
qualified shall be dissolved. At the first general election for 84
members of the congress which occurs after or as a result of a 85
change in congressional districts, in conformity with the 86
general election laws of this state, one board member shall be 87
elected from each congressional district for a term of office 88
beginning the first day of January immediately following that 89
election. At the time that the general assembly determines the 90
boundaries of the electoral districts for members of the 91
congress under section 3521.01 of the Revised Code, the general 92
assembly shall prescribe a whole number numerical designation 93
for each state board district simultaneously created under 94
section 3301.01 of the Revised Code beginning with "1" and 95
continuing sequentially until all the districts are designated. 96
Elected members of the state board who reside in state board 97
districts designated with an odd number shall serve for a term 98
of four years. Elected members of the state board who reside in 99
state board districts designated with an even number shall serve 100
for a term of two years. 101

(B) After the board has been constituted and the members' 102
terms of office have been determined under division (A) of this 103
section, in each subsequent year in which a congressional 104
election is held, at the general election that year, in 105
conformity with the general election laws of this state, the 106
members of the board shall be elected as required by expiration 107
of respective terms, each for a term of four years or until the 108
member's successor is elected and qualified. One member shall be 109
elected for each district respectively in which the term of 110
office of a board member expires on the first day of January 111

following the election except when the boundaries of 112
congressional districts are changed under section 3521.01 of the 113
Revised Code, at which time terms of office shall be determined 114
under division (A) of this section. The term of office of each 115
member shall begin on the first day of January immediately 116
following this election. 117

Sec. 3301.021. When there is an even number of state board 118
of education electoral districts as determined under section 119
3301.01 of the Revised Code, not less than thirty days after 120
each election for members of the state board, the governor shall 121
appoint an additional member qualified under section 3301.03 of 122
the Revised Code with the advice and consent of the senate. The 123
member appointed under this section shall be the president of 124
the board and shall vote on board matters only in the case of a 125
tie among the other members of the board. The term of office of 126
the member appointed under this section shall be two years. Any 127
vacancy in the office of the member appointed under this section 128
shall be filled in the same manner as the original appointment. 129
Any member appointed under this section to fill a vacancy 130
occurring prior to the expiration date of the term for which the 131
member's predecessor was appointed shall hold office for the 132
remainder of that member's predecessor's term. 133

Sec. 3301.03. (A) Each elected ~~voting~~ member of the state 134
board of education shall be a qualified elector residing in the 135
territory composing the district from which the member is 136
elected, and shall be nominated and elected to office as 137
provided by Title XXXV of the Revised Code. ~~Each appointed~~ 138
~~voting member of the board~~ A member appointed under section 139
3301.021 of the Revised Code shall be a qualified elector 140
residing in the state. ~~At least four of the appointed voting~~ 141
~~members shall represent rural school districts in the state, as~~ 142

~~evidenced by the member's current place of residence and at
least one of the following:~~ 143
144

~~(A) The member's children attend, or at one time attended,
school in a rural district;~~ 145
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~~(B) The member's past or present occupation is associated
with rural areas of the state;~~ 147
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~~(C) The member possesses other credentials or experience
demonstrating knowledge and familiarity with rural school
districts.~~ 149
150
151

No ~~elected or appointed~~ voting member of the board shall, 152
during the member's term of office, hold any other office of 153
trust or profit or be an employee or officer of any public or 154
private elementary or secondary school. Before entering on the 155
duties of office, each elected and appointed voting member shall 156
subscribe to the official oath of office. 157

Each voting member of the state board of education shall 158
be paid a salary fixed pursuant to division (J) of section 159
124.15 of the Revised Code, together with the member's actual 160
and necessary expenses incurred while engaged in the performance 161
of the member's official duties or in the conduct of authorized 162
board business, and while en route to and from the member's home 163
for such purposes. 164

~~(D)~~ (B) As used in this section only, "office of trust or 165
profit" means: 166

(1) A federal or state elective office or an elected 167
office of a political subdivision of the state; 168

(2) A position on a board or commission of the state that 169
is appointed by the governor; 170

(3) An office set forth in section 121.03, 121.04, or 171
121.05 of the Revised Code; 172

(4) An office of the government of the United States that 173
is appointed by the president of the United States. 174

Sec. 3301.04. Between the first and thirty-first day of 175
January of each odd-numbered year, the state board of education 176
shall hold an organization meeting at which time it shall adopt 177
rules of procedure, elect a ~~president and a vice-president each~~ 178
~~of whom who~~ shall serve for two years or until the ~~president's~~ 179
~~or vice-president's~~ successor is elected and qualified, and 180
transact such business as the board deems advisable. If there is 181
an odd number of state board electoral districts, as determined 182
under section 3301.01 of the Revised Code, the board shall also 183
elect a president who shall serve for two years or until the 184
president's successor is elected and qualified. Such president 185
shall be the chief presiding officer of the board and may vote 186
on all board matters. 187

When a president is appointed under section 3301.021 of 188
the Revised Code, the president shall serve as the chief 189
presiding officer of the board but shall vote on board matters 190
only in the case of a tie vote among the other members. The 191
vice-president may substitute for the president appointed under 192
section 3301.021 of the Revised Code as presiding officer but 193
only the president appointed under section 3301.021 of the 194
Revised Code may vote to break a tie vote. 195

The state board of education shall adopt, by the thirty- 196
first day of March each year, a calendar indicating the dates on 197
which the board will hold its regular meetings for the following 198
fiscal year. The board may hold special meetings on dates not 199
indicated on the adopted calendar at such times as they may be 200

called as provided in this section. Special meetings of the 201
board may be called by the president, and, upon written request 202
signed by at least a majority of the members, the president 203
shall call a special meeting of the board. The president, or the 204
president's designee, shall give notice through the 205
superintendent of public instruction to each member of the board 206
at least ten days prior to the time of any special meeting. The 207
notice may be delivered by regular mail or by electronic means. 208
The state board of education shall hold its meetings anywhere in 209
Ohio designated by the board. 210

Sec. 3301.05. A majority of the voting members of the 211
state board of education shall constitute a quorum for the 212
transaction of business. Official actions of the state board, 213
including the making and adoption of motions and resolutions, 214
shall be transacted only at public meetings open to the public. 215
The superintendent of public instruction, or a designated 216
subordinate ~~designated by him~~, shall record all official actions 217
taken at each meeting of the board in a book provided for that 218
purpose, which shall be a public record. The record of the 219
proceedings of each meeting of the board shall be read at its 220
next succeeding meeting and corrected and approved, which 221
approval shall be noted in the proceedings. The president or 222
vice-president, if substituting as presiding officer, shall sign 223
the record and the superintendent of public instruction or his a 224
designated subordinate attest it. 225

Sec. 3301.06. A vacancy in the state board of education 226
may be caused by death, nonresidence, resignation, removal from 227
office, failure of a person elected to qualify within ten days 228
after the organization of the board or of the person's election, 229
removal from the district of election or from residence in the 230
state, or absence from any two consecutive regular meetings of 231

the board if such absence is caused by reasons declared 232
insufficient by a two-thirds vote of ~~twelve~~ all elected members 233
of the board. When a vacancy occurs in the office of an elected 234
member, the governor shall, within a period of thirty days and 235
with the advice and consent of the senate, appoint a qualified 236
person residing in the district in which the vacancy occurred to 237
fill the vacancy until the next general election at which 238
members of the state board of education are elected, at which 239
time a qualified elector residing in the district in which the 240
vacancy occurred shall be elected for the unexpired term. Such 241
member shall assume office at the next succeeding meeting of the 242
board. ~~When a vacancy occurs in the office of an appointed~~ 243
~~member, the governor shall, within a period of thirty days and~~ 244
~~with the advice and consent of the senate, appoint a qualified~~ 245
~~person to serve the remainder of the term.~~ 246

Sec. 3513.259. Nominations of candidates for the office of 247
member of the state board of education shall be made only by 248
nominating petition. The nominating petition of a candidate for 249
the office of member of the state board of education shall be 250
signed by not less than one hundred qualified electors. 251

No such nominating petition shall be accepted for filing 252
if it appears on its face to contain signatures aggregating in 253
number more than three times the minimum number of signatures 254
required by this section. A board of elections shall not accept 255
for filing a nominating petition of a person if that person, for 256
the same election, has already filed a declaration of candidacy, 257
a declaration of intent to be a write-in candidate, or a 258
nominating petition, or has become a candidate through party 259
nomination at a primary election or by the filling of a vacancy 260
under section 3513.30 or 3513.31 of the Revised Code, to be a 261
candidate for any other state office or any federal or county 262

office. When a petition of a candidate has been accepted for 263
filing by a board of elections, the petition shall not be deemed 264
invalid if, upon verification of signatures contained in the 265
petition, the board of elections finds the number of signatures 266
accepted exceeds three times the minimum number of signatures 267
required. A board of elections may discontinue verifying 268
signatures when the number of verified signatures equals the 269
minimum required number of signatures. Such petition shall be 270
filed with the board of elections of the most populous county in 271
such district not later than four p.m. of the ninetieth day 272
before the day of the general election at which state board of 273
education members are elected. 274

Each nominating petition shall be signed by qualified 275
electors residing in the district in which the candidate 276
designated therein would be a candidate for election to the 277
office of member of the state board of education. Each candidate 278
shall be a qualified elector residing in the district in which 279
the candidate seeks election to such office. 280

As the word "district" is used in this section, it refers 281
to a district created under section 3301.01 of the Revised Code, 282
the boundaries of which districts shall coincide with the 283
boundaries of congressional districts as established under 284
section 3521.01 of the Revised Code. 285

Section 2. That existing sections 3301.01, 3301.02, 286
3301.03, 3301.04, 3301.05, 3301.06, and 3513.259 and section 287
3301.02 of the Revised Code are hereby repealed. 288

Section 3. (A) Sections 1 and 2 of this act take effect on 289
the earliest date prescribed by law; however, the State Board of 290
Education as constituted under sections 3301.01, 3301.02, 291
3301.03, 3301.04, 3301.05, 3301.06, and 3513.259 of the Revised 292

Code, as those sections existed prior to the effective date of 293
this section, shall continue in office until such time as 294
members of the State Board are elected from districts prescribed 295
in section 3301.01 of the Revised Code as amended by this act at 296
the general election to be held on November 8, 2016, and are 297
qualified for office. At that time, the board whose successors 298
have been so qualified shall be dissolved. Except as provided in 299
division (B) of this section, the State Board shall thereafter 300
be constituted as prescribed in sections 3301.01, 3301.02, 301
3301.021, 3301.03, 3301.04, 3301.05, 3301.06, and 3513.259 of 302
the Revised Code as amended and enacted by this act. 303

(B) (1) Notwithstanding section 3301.02 of the Revised Code 304
as enacted by this act, elected members of the State Board who 305
are elected at the November 8, 2016, general election and who 306
reside in State Board districts that correspond with 307
congressional districts designated under section 3521.01 of the 308
Revised Code with an odd number shall serve for a term of four 309
years. Elected members of the State Board who are elected at the 310
November 8, 2016, general election and who reside in State Board 311
districts that correspond with congressional districts 312
designated under that section with an even number shall serve 313
for a term of two years. 314

(2) After the State Board has been constituted and the 315
members' terms of office have been determined under division (B) 316
(1) of this section, in each subsequent year in which a 317
congressional election is held, at the general election that 318
year, in conformity with the general election laws of this 319
state, the members of the State Board shall be elected as 320
required by expiration of respective terms, each for a term of 321
four years or until the member's successor is elected and 322
qualified. One member shall be elected for each district 323

respectively in which the term of office of a board member 324
expires on the first day of January following the election. 325
Division (B) (2) of this section applies until the boundaries of 326
congressional districts are changed under section 3521.01 of the 327
Revised Code. At that time, terms of office for the State Board 328
shall be determined under division (A) of section 3301.02 of the 329
Revised Code, as enacted by this act. 330