

As Introduced

134th General Assembly

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H. B. No. 298

Representatives Bird, Miller, J.

Cosponsors: Representatives Fowler Arthur, Miller, A., Gross, Riedel, Seitz, Miranda, Stoltzfus, Brown, Young, T., Creech, Roemer, Jordan, Hoops, Cutrona, Ray, O'Brien, Wiggam, Pavliga, Hall, Click, McClain, Johnson, Plummer, Stephens, John, Baldrige, Jones, Dean, Ferguson, Holmes, Lightbody, Merrin, Grendell, Abrams, Cross, Koehler, Stewart, Young, B., Loychik, Sobecki, Crossman

A BILL

To amend sections 3301.01, 3301.02, 3301.03, and 1
3301.06 of the Revised Code to change the voting 2
membership of the State Board of Education to 3
consist of only elected members. 4

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

Section 1. That sections 3301.01, 3301.02, 3301.03, and 5
3301.06 of the Revised Code be amended to read as follows: 6

Sec. 3301.01. (A) There is hereby created the state board 7
of education consisting of ~~nineteen members with~~ eleven elected 8
members, one each to be elected in accordance with section 9
3301.03 of the Revised Code from each of the districts 10
established in accordance with division (B) of this section, ~~and~~ 11
~~with eight members to be appointed by the governor with the~~ 12
~~advice and consent of the senate.~~ 13

In addition to the ~~nineteen~~ eleven ~~or appointed~~ 14
members, the chairperson of the committee of the senate that 15

primarily deals with education and the chairperson of the 16
committee of the house of representatives that primarily deals 17
with education shall be nonvoting ex officio members of the 18
board. 19

(B) (1) The territory of each state board of education 20
district for each ~~elected~~-voting member of the board shall 21
consist of the territory of three contiguous senate districts as 22
established in the most recent apportionment for members of the 23
general assembly, but the territory of no senate district shall 24
be part of the territory of more than one state board of 25
education district. Each state board-~~of-education~~ district shall 26
be as compact as practicable. The districts shall include, when 27
practicable, some districts that primarily consist of territory 28
in rural areas and some districts that primarily consist of 29
territory in urban areas. 30

(2) If, after the apportionment for members of the general 31
assembly is made in any year, the general assembly does not 32
during that year enact legislation establishing state board-~~of-~~ 33
~~education~~ districts in accordance with division (B) (1) of this 34
section, the governor shall designate the boundaries of the 35
districts in accordance with division (B) (1) of this section no 36
later than the thirty-first day of January of the year next 37
succeeding such apportionment. Upon making such designation, the 38
governor shall give written notice of the boundaries of the 39
districts to each member of the state board-~~of-education~~, 40
including the nonvoting ex officio members; the superintendent 41
of public instruction; the president of the senate; the speaker 42
of the house of representatives; and the board of elections of 43
each county in each new district. On the first day of February 44
in any year in which the governor designates the boundaries of 45
state board of education districts under this section, the state 46

~~board of education~~ districts as they existed prior to that date 47
shall cease to exist and the new districts shall be created. 48

Sec. 3301.02. (A) ~~Elected voting~~ Voting members of the 49
state board of education shall be elected as required by 50
expiration of respective terms, each for a term of four years or 51
until a successor is elected and qualified. One elected member 52
shall be elected from each district respectively in which the 53
term of office of a board member expires on the first day of 54
January following the election. The term of office of each 55
member so elected shall begin on the first day of January 56
immediately following this election. 57

(B) At any time the boundaries of state board of education 58
districts are changed under division (B) of section 3301.01 of 59
the Revised Code, a member of the state board whose term will 60
not expire within two years of the time the change in boundaries 61
is made shall represent, for the remainder of the term for which 62
the member was elected, the state board district containing the 63
largest portion of the population of the district from which the 64
member was elected. If more than one member whose term will not 65
so expire would represent the same district under the provisions 66
of this section, either the general assembly, if the general 67
assembly enacted legislation establishing those districts under 68
division (B)(2) of section 3301.01 of the Revised Code, or the 69
governor, if the governor designated the ~~bounderies~~ boundaries 70
of the districts under that division, shall designate which 71
member shall represent each district for the balance of the 72
members' terms. 73

(C) ~~Appointed voting members of the board shall serve~~ 74
~~four year terms beginning the first day of January and ending on~~ 75
~~the thirty first day of December. Except as provided in division~~ 76

~~(D) of this section, members may be reappointed.~~ 77

~~(D) No person, elected or appointed, shall hold the office~~ 78
of member of the state board of education for a period of longer 79
than two successive terms of four years. Terms shall be 80
considered successive unless separated by a period of four or 81
more years. Only terms beginning on or after January 1, 1996, 82
shall be considered in determining an individual's eligibility 83
to hold office. 84

Sec. 3301.03. (A) Each ~~elected~~ voting member of the state 85
board of education shall be a qualified elector residing in the 86
territory composing the district from which the member is 87
elected, and shall be nominated and elected to office as 88
provided by Title XXXV of the Revised Code. ~~Each appointed~~ 89
~~voting member of the board shall be a qualified elector residing~~ 90
~~in the state. At least four of the appointed voting members~~ 91
~~shall represent rural school districts in the state, as~~ 92
~~evidenced by the member's current place of residence and at~~ 93
~~least one of the following:~~ 94

~~(A) The member's children attend, or at one time attended,~~ 95
~~school in a rural district;~~ 96

~~(B) The member's past or present occupation is associated~~ 97
~~with rural areas of the state;~~ 98

~~(C) The member possesses other credentials or experience~~ 99
~~demonstrating knowledge and familiarity with rural school~~ 100
~~districts.~~ 101

(B) ~~No elected or appointed voting~~ member of the board 102
shall, during the member's term of office, hold any other office 103
of trust or profit or be an employee or officer of any public or 104
private elementary or secondary school. Before entering on the 105

duties of office, each ~~elected and appointed~~ voting member shall 106
subscribe to the official oath of office. 107

Each voting member of the state board of education shall 108
be paid a salary fixed pursuant to division (J) of section 109
124.15 of the Revised Code, together with the member's actual 110
and necessary expenses incurred while engaged in the performance 111
of the member's official duties or in the conduct of authorized 112
board business, and while en route to and from the member's home 113
for such purposes. 114

~~(D)~~ (C) As used in this section only, "office of trust or 115
profit" means: 116

(1) A federal or state elective office or an elected 117
office of a political subdivision of the state; 118

(2) A position on a board or commission of the state that 119
is appointed by the governor; 120

(3) An office set forth in section 121.03, 121.04, or 121
121.05 of the Revised Code; 122

(4) An office of the government of the United States that 123
is appointed by the president of the United States. 124

Sec. 3301.06. A vacancy ~~in~~ among the voting members of the 125
state board of education may be caused by death, nonresidence, 126
resignation, removal from office, failure of a person elected to 127
qualify within ten days after the organization of the board or 128
of the person's election, removal from the district of election 129
or from residence in the state, or absence from any two 130
consecutive regular meetings of the board if such absence is 131
caused by reasons declared insufficient by a vote of ~~twelve~~ 132
seven voting members of the board. When a vacancy occurs in the 133
office of ~~an elected~~ a voting member, the governor shall, within 134

a period of thirty days and with the advice and consent of the senate, appoint a qualified person residing in the district in which the vacancy occurred to fill the vacancy until the next general election at which members of the state board of education are elected, at which time a qualified elector residing in the district in which the vacancy occurred shall be elected for the unexpired term. Such member shall assume office at the next succeeding meeting of the board. ~~When a vacancy occurs in the office of an appointed member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified person to serve the remainder of the term.~~

Section 2. That existing sections 3301.01, 3301.02, 3301.03, and 3301.06 of the Revised Code are hereby repealed.

Section 3. Sections 1 and 2 of this act take effect on the earliest date prescribed by law; however, the appointed members of the State Board of Education as constituted under sections 3301.01, 3301.02, 3301.03, and 3301.06 of the Revised Code, as those sections existed prior to the effective date of this section, shall remain in office until the expiration of their terms. Thereafter, their respective offices shall be abolished and no successor shall be appointed. If such appointed member vacates the office prior to the expiration of the member's term, no person shall be appointed to fill that vacancy, and that office shall be abolished.