

As Reported by the House Education Committee

124th General Assembly

Regular Session

2001-2002

Sub. S. B. No. 192

SENATOR Robert Gardner

REPRESENTATIVES Callender, Setzer, Hoops

A B I L L

To amend sections 3301.02 and 3301.80 of the Revised 1
Code to abolish the requirement that the State 2
Board of Education be dissolved and recreated 3
following the creation of new State Board of 4
Education districts, to specify that members of the 5
Board as of the time new districts are created 6
shall represent their assigned districts for the 7
term for which they were originally elected, to 8
provide that the Ohio SchoolNet Commission voting 9
members appointed by the Speaker of the House of 10
Representatives and the President of the Senate 11
serve two-year terms subject to removal at anytime 12
by their respective appointing authorities, and to 13
declare an emergency. 14

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

Section 1. That sections 3301.02 and 3301.80 of the Revised 15
Code be amended to read as follows: 16

Sec. 3301.02. (A) Elected voting members of the state board 17
of education ~~as of the date of a change in district boundaries~~ 18
~~pursuant to legislation enacted by the general assembly or~~ 19

~~division (B)(2) of section 3301.01 of the Revised Code shall 20
continue in office until their successors are elected and 21
qualified for office, at which time the board whose successors 22
have been so qualified shall be dissolved. At the first regular 23
state election that occurs after a change in the boundaries of 24
state board of education districts, in conformity with the general 25
election laws of this state, one board member shall be elected 26
from each state board of education district for a term of office 27
beginning the first day of January immediately following such 28
election. The term of office of each elected member shall be 29
determined by lot at the initial organization meeting of the 30
board. The elected members shall by lot select six elected 31
members, each of whom shall serve for a term of four years or 32
until a successor is elected and qualified, and the remaining 33
elected members shall each serve for a term of two years or until 34
a successor is elected and qualified. 35~~

~~(B) At each subsequent regular state election, in conformity 36
with the general election laws of this state, the elected members 37
shall be elected as required by expiration of respective terms, 38
each for a term of four years or until a successor is elected and 39
qualified. One elected member shall be elected from each district 40
respectively in which the term of office of a board member expires 41
on the first day of January following the election ~~except that,~~ 42
~~when the boundaries of state board of education districts are 43
changed pursuant to legislation enacted by the general assembly or 44
division (B)(2) of section 3301.01 of the Revised Code, division 45
(A) of this section shall govern the election. The term of office 46
of each member so elected shall begin on the first day of January 47
immediately following this election. 48~~~~

(B) At any time the boundaries of state board of education 49
districts are changed under division (B) of section 3301.01 of the 50
Revised Code, a member of the state board whose term will not 51

expire within two years of the time the change in boundaries is 52
made shall represent, for the remainder of the term for which the 53
member was elected, the state board district containing the 54
largest portion of the population of the district from which the 55
member was elected. If more than one member whose term will not so 56
expire would represent the same district under the provisions of 57
this section, either the general assembly, if the general assembly 58
enacted legislation establishing those districts under division 59
(B)(2) of section 3301.01 of the Revised Code, or the governor, if 60
the governor designated the boundaries of the districts under that 61
division, shall designate which member shall represent each 62
district for the balance of the members' terms. 63

(C) Appointed voting members of the board shall serve 64
four-year terms beginning the first day of January and ending on 65
the thirty-first day of December. Except as provided in division 66
(D) of this section, members may be reappointed. 67

(D) No person, elected or appointed, shall hold the office of 68
member of the state board of education for a period of longer than 69
two successive terms of four years. Terms shall be considered 70
successive unless separated by a period of four or more years. 71
Only terms beginning on or after January 1, 1996, shall be 72
considered in determining an individual's eligibility to hold 73
office. 74

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet 75
commission as an independent agency. The commission shall 76
administer programs to provide financial and other assistance to 77
school districts and other educational institutions for the 78
acquisition and utilization of educational technology. 79

The commission is a body corporate and politic, an agency of 80
the state performing essential governmental functions of the 81
state. 82

(B)(1) The commission shall consist of eleven members, seven 83
of whom are voting members. Of the voting members, one shall be 84
appointed by the speaker of the house of representatives and one 85
shall be appointed by the president of the senate. The members 86
appointed by the speaker of the house and the president of the 87
senate shall not be members of the general assembly. The state 88
superintendent of public instruction or a designee of the 89
superintendent, the director of budget and management or a 90
designee of the director, the director of administrative services 91
or a designee of the director, the chairperson of the public 92
utilities commission or a designee of the chairperson, and the 93
director of the Ohio educational telecommunications network 94
commission or a designee of the director shall serve on the 95
commission as ex officio voting members. Of the nonvoting members, 96
two shall be members of the house of representatives appointed by 97
the speaker of the house and two shall be members of the senate 98
appointed by the president of the senate. The members appointed 99
from each house shall not be members of the same political party. 100
The commission shall appoint officers from among its members. 101

(2) The members shall serve without compensation. The voting 103
members appointed by the speaker of the house of representatives 104
and the president of the senate shall be reimbursed, pursuant to 105
office of budget and management guidelines, for necessary expenses 106
incurred in the performance of official duties. 107

(3) The terms of office for the members appointed by the 109
speaker of the house and the president of the senate shall be for 110
two years, with each term ending on the same day of the same month 111
as did the term that it succeeds, except that the voting members 112
so appointed may be removed at anytime by their respective 113
appointing authority. The members appointed by the speaker of the 114

house and the president of the senate may be reappointed. Any 115
member appointed from the house of representatives or senate who 116
ceases to be a member of the legislative house from which the 117
member was appointed shall cease to be a member of the commission. 118
Vacancies among appointed members shall be filled in the manner 119
provided for original appointments. Any member appointed to fill a 120
vacancy occurring prior to the expiration date of the term for 121
which a predecessor was appointed shall hold office as a member 122
for the remainder of that term. The members appointed by the 123
speaker of the house and the president of the senate shall 124
continue in office subsequent to the expiration date of that 125
member's term until a successor takes office or until a period of 126
sixty days has elapsed, whichever occurs first. 127

(C)(1) The commission shall be under the supervision of an 128
executive director who shall be appointed by the commission. The 129
executive director shall serve at the pleasure of the commission 130
and shall direct commission employees in the administration of all 131
programs for the provision of financial and other assistance to 132
school districts and other educational institutions for the 133
acquisition and utilization of educational technology. 134

(2) The employees of the Ohio SchoolNet commission shall be 135
placed in the unclassified service. The commission shall fix the 136
compensation of the executive director. The executive director 137
shall employ and fix the compensation for such employees as 138
necessary to facilitate the activities and purposes of the 139
commission. The employees shall serve at the pleasure of the 140
executive director. 141

(3) The employees of the Ohio SchoolNet commission shall be 142
exempt from Chapter 4117. of the Revised Code and shall not be 143
public employees as defined in section 4117.01 of the Revised 144
Code. 145

(D) The Ohio SchoolNet commission shall do all of the 146

following:

147

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions to utilize educational technology;

148

149

150

151

152

153

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code, and such other public or private entities as the executive director deems necessary for the administration and implementation of the programs under the commission's jurisdiction;

154

155

156

157

158

159

160

(3) Establish a reporting system to which school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions receiving financial assistance pursuant to this section for the acquisition of educational technology report information as to the manner in which such assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of this utilization, and other information as may be required by the commission;

161

162

163

164

165

166

167

168

169

(4) Establish necessary guidelines governing purchasing and procurement by participants in programs administered by the commission that facilitate the timely and effective implementation of such programs;

170

171

172

173

(5) Take into consideration the efficiency and cost savings of statewide procurement prior to allocating and releasing funds for any programs under its administration.

174

175

176

(E)(1) The executive director shall implement policies and

177

directives issued by the Ohio SchoolNet commission. 178

(2) The Ohio SchoolNet commission may establish a systems 179
support network to facilitate the timely implementation of the 180
programs, projects, or activities for which it provides 181
assistance. 182

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 183
9.332, and 9.333 of the Revised Code do not apply to contracts, 184
programs, projects, or activities of the Ohio SchoolNet 185
commission. 186

Section 2. That existing sections 3301.02 and 3301.80 of the 187
Revised Code are hereby repealed. 188

Section 3. On the effective date of this section, the terms 189
of office of the current voting members of the Ohio SchoolNet 190
Commission appointed by the Speaker of the House of 191
Representatives and the President of the Senate cease to be fixed 192
at two years as provided in section 3301.80 of the Revised Code as 193
that section existed prior to the effective date of this act. Such 194
members shall instead serve the balance of their original two-year 195
terms subject to removal at anytime by their respective appointing 196
authorities pursuant to section 3301.80 of the Revised Code as 197
that section is amended by this act. This act is hereby declared 198
to be an emergency measure necessary for the immediate 199
preservation of the public peace, health, and safety. The reason 200
for such necessity is that the State Board of Education otherwise 201
will be dissolved and recreated upon the establishment of new 202
districts, thereby requiring an election of all elected members in 203
2002. Therefore, this act shall go into immediate effect. 204