

AN ACT

To amend sections 3313.22, 3313.24, 3313.31, 3319.01, and 3319.04 of the Revised Code to revise the laws on the employment of school district and educational service center treasurers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3313.22, 3313.24, 3313.31, 3319.01, and 3319.04 of the Revised Code be amended to read as follows:

Sec. 3313.22. Notwithstanding division (D) of section 3311.52, if the treasurer of any cooperative education school district is also the treasurer of another school district or educational service center pursuant to division (B)(2) of section 3311.52 or division (B)(3) of section 3311.521 of the Revised Code, this section and sections 3313.222 to 3313.25 of the Revised Code do not apply to that cooperative district or its treasurer.

(A) Except as otherwise provided in division (E) of section 3311.19 of the Revised Code, the board of education of each city, local, exempted village, and joint vocational school district, at an organizational a regular or special meeting held not later than the first day of May, shall elect appoint a treasurer, who shall be the chief fiscal officer of the school district. The treasurer shall be appointed for a term not longer than five years beginning the first day of August and ending the thirty-first day of July.

The board shall execute a written contract of employment with the treasurer.

At the expiration of a treasurer's current term of employment, the treasurer is deemed re-employed for a term of one year at the same salary plus any increments that the board may authorize, unless the board, on or before the first day of March of the year in which the contract of employment expires, either re-employs the treasurer for a succeeding term as provided in division (C) of this section or gives to the treasurer written notice of its intention not to re-employ the treasurer.

A treasurer shall not be transferred to any other position during the term of the treasurer's employment or re-employment except by mutual agreement by the treasurer and the board.

Except in the case of the appointment of a treasurer pro tempore pursuant to section 3313.23 of the Revised Code, if a vacancy occurs in the office of treasurer, the board shall appoint a treasurer for a term not to exceed five years from the preceding first day of August.

(B) A treasurer appointed under this section may not be a member of the board or otherwise regularly employed by the board. No board of education, other than the board of an island school district, shall elect appoint a person treasurer who does not hold a valid license issued under section 3301.074 of the Revised Code, unless the person is an otherwise qualified treasurer. If the treasurer fails to maintain that license, the treasurer is automatically disqualified from further service, unless the treasurer is an otherwise qualified treasurer. As used in this division, an "otherwise qualified treasurer" is a person who does not possess a current valid treasurer's license but demonstrates to the district board's satisfaction both that the person meets all qualifications for that license and that the person has applied to the state board of education for issuance or renewal of the license but has not yet received the state board's decision regarding the issuance or renewal. A treasurer who is automatically disqualified from service pursuant to this division shall not be entitled to the termination procedures in section 3319.16 of the Revised Code.

~~The treasurer shall initially serve for a two-year probationary term and thereafter, if reappointed, shall serve for a four-year term. Such treasurer may be removed at any time for cause by a two-thirds vote of the entire board. If the treasurer fails to maintain a valid license, he shall be removed by the board.~~

~~If the treasurer is reappointed as provided in this section, the board shall execute a written contract of employment for an initial four-year term and each four-year term thereafter. A board of education that does not intend to reappoint its treasurer, either after the treasurer's probationary term or after a four-year term, shall give such treasurer written notification of the board's intention not later than the first regularly scheduled board meeting of October. If the board does not give such notice by the specified date, the treasurer is considered reemployed for a four-year term at a salary determined by the board at its first organizational meeting in January.~~

(C) A board may, at any regular or special meeting held during the period beginning on the first day of January of the calendar year preceding the year the treasurer's contract of employment expires and ending on the first day of March of the year the contract expires, re-employ the treasurer for a succeeding term for not longer than five years, beginning the first day of August immediately following the expiration of the treasurer's current

term of employment and ending the thirty-first day of July.

(D) Each board shall adopt procedures for the evaluation of its treasurer and shall evaluate its treasurer in accordance with those procedures. The board shall consider an evaluation based upon those procedures in deciding whether to renew the treasurer's contract. The establishment of an evaluation procedure shall not create an expectancy of continued employment. Nothing in this division shall prevent a board from making the final determination regarding the renewal or nonrenewal of a treasurer's contract.

(E) Except for a treasurer who is automatically disqualified from service pursuant to division (B) of this section, termination of a treasurer's contract shall be in accordance with section 3319.16 of the Revised Code. In the case of the termination of a treasurer's contract under that section, the duties assigned to the district treasurer under that section shall be performed by the district superintendent.

(F) A governing board of an educational service center that is the taxing authority of a county school financing district that levies a tax pursuant to section 5705.215 of the Revised Code or a governing board of an educational service center that chooses to act as the governing board of the educational service center pursuant to division (D) of section 135.01 of the Revised Code shall appoint a treasurer in the manner prescribed in this section for city, local, and exempted village school districts. In the case of an educational service center governing board that neither is the taxing authority of a district that levies such tax nor chooses to act as the governing board of the educational service center pursuant to division (D) of section 135.01 of the Revised Code, the educational service center superintendent shall act as treasurer of such governing board, but the tenure, removal, and licensing provisions described in this section shall not apply to ~~him~~ the superintendent.

Sec. 3313.24. ~~The~~ (A) At the time of the appointment or designation of the term of office of the treasurer, subject to division (B) of this section, the board of education of each local, exempted village, or city school district shall fix the compensation of its treasurer, which shall be paid from the general fund of the district. No order for payment of the salary of the treasurer of a local, exempted village, or city school district, other than an island school district, shall be drawn until ~~he~~ the treasurer presents to the district board evidence that ~~he~~ the treasurer either holds a valid license issued under section 3301.074 of the Revised Code or is an otherwise qualified treasurer, as defined in division (B) of section 3313.22 of the Revised Code.

A governing board of an educational service center which chooses to act

as the governing board of the educational service center pursuant to division (D) of section 135.01 of the Revised Code shall fix the compensation of its treasurer and pay its treasurer in the manner prescribed in the section for local, exempted village, and city school districts.

(B) The compensation of the treasurer may be increased or decreased during the treasurer's term of office, provided any decrease is a part of a uniform plan affecting salaries of all employees of the district.

(C) The board may establish vacation leave for its treasurer. Upon the treasurer's separation from employment, the board may provide compensation at the treasurer's current rate of pay for all lawfully accrued and unused vacation leave to the treasurer's credit at the time of separation, not to exceed the amount accrued during the three years before the date of separation. In case of the death of a treasurer, unused vacation leave that the board would have paid to the treasurer upon separation shall be paid in accordance with section 2113.04 of the Revised Code or to the treasurer's estate.

Sec. 3313.31. (A) All the duties and obligations of the county auditor, county treasurer, or other officer or person relating to the moneys of a school district shall be complied with by dealing with the treasurer of the board of education thereof.

The treasurer shall be the chief fiscal officer of the school district ~~and~~, shall be responsible for the financial affairs of the district, and shall report to and is subject to the direction of the district board of education. Except as otherwise required by law, no treasurer shall be required to verify the accuracy of nonfinancial information or data of the school district.

(B) Notwithstanding any provision of the Revised Code to the contrary, in all school districts and educational service centers, the treasurer shall direct and assign employees directly engaged in the day-to-day fiscal operations of the district or service center, as those employees are so designated by the board of the district or service center.

Sec. 3319.01. Except in an island school district, where the superintendent of an educational service center otherwise may serve as superintendent of the district and except as otherwise provided for any cooperative education school district pursuant to division (B)(2) of section 3311.52 or division (B)(3) of section 3311.521 of the Revised Code, the board of education in each school district and the governing board of each service center shall, at a regular or special meeting held not later than the first day of May of the calendar year in which the term of the superintendent expires, appoint a person possessed of the qualifications provided in this section to act as superintendent, for a term not longer than five years

beginning the first day of August and ending on the thirty-first day of July. Such superintendent is, at the expiration of a current term of employment, deemed reemployed for a term of one year at the same salary plus any increments that may be authorized by the board, unless such board, on or before the first day of March of the year in which the contract of employment expires, either reemploys the superintendent for a succeeding term as provided in this section or gives to the superintendent written notice of its intention not to reemploy the superintendent. A superintendent may not be transferred to any other position during the term of the superintendent's employment or reemployment except by mutual agreement by the superintendent and the board. If a vacancy occurs in the office of superintendent, the board shall appoint a superintendent for a term not to exceed five years from the next preceding first day of August.

A board may at any regular or special meeting held during the period beginning on the first day of January of the calendar year immediately preceding the year the contract of employment of a superintendent expires and ending on the first day of March of the year it expires, reemploy such superintendent for a succeeding term for not longer than five years, beginning on the first day of August immediately following the expiration of the superintendent's current term of employment and ending on the thirty-first day of July of the year in which such succeeding term expires. No person shall be appointed to the office of superintendent of a city, or exempted village school district or a service center who does not hold a license designated for being a superintendent issued under section 3319.22 of the Revised Code, unless such person had been employed as a county, city, or exempted village superintendent prior to August 1, 1939. No person shall be appointed to the office of local superintendent who does not hold a license designated for being a superintendent issued under section 3319.22 of the Revised Code, unless such person held or was qualified to hold the position of executive head of a local school district on September 16, 1957. At the time of making such appointment or designation of term, such board shall fix the compensation of the superintendent, which may be increased or decreased during such term, provided such decrease is a part of a uniform plan affecting salaries of all employees of the district, and shall execute a written contract of employment with such superintendent.

Each board shall adopt procedures for the evaluation of its superintendent and shall evaluate its superintendent in accordance with those procedures. An evaluation based upon such procedures shall be considered by the board in deciding whether to renew the superintendent's contract. The establishment of an evaluation procedure shall not create an

expectancy of continued employment. Nothing in this section shall prevent a board from making the final determination regarding the renewal or failure to renew of a superintendent's contract.

Termination of a superintendent's contract shall be pursuant to section 3319.16 of the Revised Code.

A board may establish vacation leave for its superintendent. Upon the superintendent's separation from employment a board that has such leave may provide compensation at the superintendent's current rate of pay for all lawfully accrued and unused vacation leave to the superintendent's credit at the time of separation, not to exceed the amount accrued within three years before the date of separation. In case of the death of a superintendent, such unused vacation leave as the board would have paid to this superintendent upon separation shall be paid in accordance with section 2113.04 of the Revised Code, or to the superintendent's estate.

Notwithstanding section 9.481 of the Revised Code, the board of a city, local, exempted village, or joint vocational school district may require its superintendent, as a condition of employment, to reside within the boundaries of the district.

The superintendent shall be the executive officer for the board. The superintendent shall direct and assign teachers and other employees of the district or service center, except as provided in division (B) of section 3313.31 and section 3319.04 of the Revised Code; assign the pupils to the proper schools and grades, provided that the assignment of a pupil to a school outside of the pupil's district of residence is approved by the board of the district of residence of such pupil; and perform such other duties as the board determines.

The board of education of any school district may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for the superintendent position authorized under this section.

Sec. 3319.04. The business manager shall have the care and custody of all property of the school district, real or personal, except moneys, supervise the construction of buildings in the process of erection, and the maintenance, operation, and repairs thereof, advertise for bids, and purchase and have custody of all supplies and equipment authorized by the board. ~~He~~ The business manager shall assist in the preparation of the annual appropriation resolution; shall appoint and may discharge, subject to confirmation by the board, noneducational employees, except as provided in division (B) of section 3313.31 of the Revised Code; and shall prepare and execute all contracts necessary in carrying out this section.

SECTION 2. That existing sections 3313.22, 3313.24, 3313.31, 3319.01, and 3319.04 of the Revised Code are hereby repealed.

SECTION 3. (A) Except as otherwise provided in this section, the amendment by this act of sections 3313.22, 3313.24, 3313.31, 3319.01, and 3319.04 of the Revised Code shall not affect any terms or conditions of any employment contracts of school district or educational service center treasurers in force prior to the effective date of this section.

(B) The requirement for evaluations of school district and educational service center treasurers, prescribed in division (D) of section 3313.22 of the Revised Code as amended by this act, shall apply to all treasurers beginning on the effective date of this section regardless of when their employment contracts became enforceable. However, the school district board of education or educational service center governing board is required to evaluate the treasurer currently employed by the board on the effective date of this section based on the treasurer's performance after that date and not for any period prior to that date.

(C)(1) A treasurer employed by a school district or educational service center on the effective date of this section, whose term expires on or before January 31, 2008, is deemed re-employed, at the same salary plus any increments that the board of the district or service center may authorize, for a term beginning the day after the treasurer's current term expires and ending July 31, 2009, unless the board takes either of the following actions on or before October 31, 2007:

- (a) Re-employs the treasurer pursuant to division (D)(1) of this section;
- (b) Gives to the treasurer written notice of its intention not to re-employ the treasurer.

(2) A treasurer employed by a school district or educational service center on the effective date of this section, whose term expires after January 31, 2008, is deemed re-employed, at the same salary plus any increments that the board of the district or service center may authorize, for a term beginning the day after the treasurer's current term expires and ending one year after the succeeding thirty-first day of July, unless the board takes either of the following actions:

- (a) Re-employs the treasurer pursuant to division (C) of section 3313.22 of the Revised Code, as amended by this act, and division (D)(2) of this section;
- (b) On or before the ninetieth day prior to the date the treasurer's term

expires, gives to the treasurer written notice of its intention not to re-employ the treasurer.

(D)(1) The board of a school district or educational service center may re-employ any treasurer employed by the board on the effective date of this section, whose term expires on or before January 31, 2008, at any regular or special meeting of the board during the period beginning on the effective date of this section and ending on October 31, 2007, for a succeeding term that begins the day after the treasurer's current term expires and ends July 31 of 2008, 2009, 2010, 2011, or 2012. Thereafter, any additional succeeding term of a treasurer re-employed under division (D)(1) of this section shall be in accordance with section 3313.22 of the Revised Code as amended by this act.

(2) A board may re-employ any treasurer employed by the board on the effective date of this section, whose term expires after January 31, 2008, in the manner prescribed in division (C) of section 3313.22 of the Revised Code as amended by this act. However, the succeeding term of that treasurer shall begin the day after the treasurer's current term expires and shall end July 31 of 2010, 2011, 2012, 2013, 2014, or 2015, but not longer than five years after the beginning date of that term. Thereafter, any additional succeeding term of that treasurer shall be in accordance with section 3313.22 of the Revised Code as amended by this act.

(E) If the board of a school district or educational service center provides notice under division (C)(1)(b) or (C)(2)(b) of this section of its intention not to re-employ a treasurer who is employed on the effective date of this section, the board may appoint the treasurer's successor at any regular or special meeting prior to the expiration of the current treasurer's term. The requirement, of division (A) of section 3313.22 of the Revised Code as amended by this act, to appoint a treasurer not later than the first day of May does not apply in that case. The term of the immediate successor appointed under this division shall begin the day after the current treasurer's term expires and shall end July 31 of 2009, 2010, 2011, 2012, or 2013, but no longer than five years after the beginning date of that term. Thereafter, any additional succeeding term of a treasurer employed under this division or the term of any successor of that treasurer shall be in accordance with section 3313.22 of the Revised Code as amended by this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____