

**As Passed by the Senate**

**126th General Assembly  
Regular Session  
2005-2006**

**Am. H. B. No. 671**

**Representatives Webster, Oelslager, Gilb, Peterson, Hughes, Seitz,  
McGregor, R., Hartnett, McGregor, J., Setzer, Reidelbach, Barrett, Book,  
Brown, Carano, Chandler, Coley, Combs, Domenick, Evans, C., Evans, D.,  
Flowers, Luckie, Otterman, Patton, T., Perry, Schaffer, Schneider, Seaver,  
Williams, Wolpert  
Senators Cates, Armbruster, Gardner, Niehaus, Padgett, Roberts, Spada,  
Harris**

**—**

**A BILL**

To amend sections 3313.22, 3313.24, 3313.31, 3319.01, 1  
and 3319.04 of the Revised Code to revise the laws 2  
on the employment of school district and 3  
educational service center treasurers. 4

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

**Section 1.** That sections 3313.22, 3313.24, 3313.31, 3319.01, 5  
and 3319.04 of the Revised Code be amended to read as follows: 6

**Sec. 3313.22.** Notwithstanding division (D) of section 7  
3311.52, if the treasurer of any cooperative education school 8  
district is also the treasurer of another school district or 9  
educational service center pursuant to division (B)(2) of section 10  
3311.52 or division (B)(3) of section 3311.521 of the Revised 11  
Code, this section and sections 3313.222 to 3313.25 of the Revised 12  
Code do not apply to that cooperative district or its treasurer. 13

(A) Except as otherwise provided in division (E) of section 14

3311.19 of the Revised Code, the board of education of each city, 15  
local, exempted village, and joint vocational school district, at 16  
~~an organizational~~ a regular or special meeting held not later than 17  
the first day of May, shall ~~elect~~ appoint a treasurer, who shall 18  
be the chief fiscal officer of the school district. The treasurer 19  
shall be appointed for a term not longer than five years beginning 20  
the first day of August and ending the thirty-first day of July. 21

The board shall execute a written contract of employment with 22  
the treasurer. 23

At the expiration of a treasurer's current term of 24  
employment, the treasurer is deemed re-employed for a term of one 25  
year at the same salary plus any increments that the board may 26  
authorize, unless the board, on or before the first day of March 27  
of the year in which the contract of employment expires, either 28  
re-employs the treasurer for a succeeding term as provided in 29  
division (C) of this section or gives to the treasurer written 30  
notice of its intention not to re-employ the treasurer. 31

A treasurer shall not be transferred to any other position 32  
during the term of the treasurer's employment or re-employment 33  
except by mutual agreement by the treasurer and the board. 34

Except in the case of the appointment of a treasurer pro 35  
tempore pursuant to section 3313.23 of the Revised Code, if a 36  
vacancy occurs in the office of treasurer, the board shall appoint 37  
a treasurer for a term not to exceed five years from the preceding 38  
first day of August. 39

(B) A treasurer appointed under this section may not be a 40  
member of the board or otherwise regularly employed by the board. 41  
No board of education, other than the board of an island school 42  
district, shall ~~elect~~ appoint a person treasurer who does not hold 43  
a valid license issued under section 3301.074 of the Revised Code, 44  
unless the person is an otherwise qualified treasurer. If the 45

treasurer fails to maintain that license, the treasurer is 46  
automatically disqualified from further service, unless the 47  
treasurer is an otherwise qualified treasurer. As used in this 48  
division, an "otherwise qualified treasurer" is a person who does 49  
not possess a current valid treasurer's license but demonstrates 50  
to the district board's satisfaction both that the person meets 51  
all qualifications for that license and that the person has 52  
applied to the state board of education for issuance or renewal of 53  
the license but has not yet received the state board's decision 54  
regarding the issuance or renewal. A treasurer who is 55  
automatically disqualified from service pursuant to this division 56  
shall not be entitled to the termination procedures in section 57  
3319.16 of the Revised Code. 58

~~The treasurer shall initially serve for a two year~~ 59  
~~probationary term and thereafter, if reappointed, shall serve for~~ 60  
~~a four year term. Such treasurer may be removed at any time for~~ 61  
~~cause by a two thirds vote of the entire board. If the treasurer~~ 62  
~~fails to maintain a valid license, he shall be removed by the~~ 63  
~~board.~~ 64

~~If the treasurer is reappointed as provided in this section,~~ 65  
~~the board shall execute a written contract of employment for an~~ 66  
~~initial four year term and each four year term thereafter. A board~~ 67  
~~of education that does not intend to reappoint its treasurer,~~ 68  
~~either after the treasurer's probationary term or after a~~ 69  
~~four year term, shall give such treasurer written notification of~~ 70  
~~the board's intention not later than the first regularly scheduled~~ 71  
~~board meeting of October. If the board does not give such notice~~ 72  
~~by the specified date, the treasurer is considered reemployed for~~ 73  
~~a four year term at a salary determined by the board at its first~~ 74  
~~organizational meeting in January.~~ 75

(C) A board may, at any regular or special meeting held 76  
during the period beginning on the first day of January of the 77

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.

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(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.

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(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.

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(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

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chooses to act as the governing board of the educational service 110  
center pursuant to division (D) of section 135.01 of the Revised 111  
Code, the educational service center superintendent shall act as 112  
treasurer of such governing board, but the tenure, removal, and 113  
licensing provisions described in this section shall not apply to 114  
~~him~~ the superintendent. 115

**Sec. 3313.24.** The (A) At the time of the appointment or 116  
designation of the term of office of the treasurer, subject to 117  
division (B) of this section, the board of education of each 118  
local, exempted village, or city school district shall fix the 119  
compensation of its treasurer, which shall be paid from the 120  
general fund of the district. No order for payment of the salary 121  
of the treasurer of a local, exempted village, or city school 122  
district, other than an island school district, shall be drawn 123  
until ~~he~~ the treasurer presents to the district board evidence 124  
that ~~he~~ the treasurer either holds a valid license issued under 125  
section 3301.074 of the Revised Code or is an otherwise qualified 126  
treasurer, as defined in division (B) of section 3313.22 of the 127  
Revised Code. 128

A governing board of an educational service center which 129  
chooses to act as the governing board of the educational service 130  
center pursuant to division (D) of section 135.01 of the Revised 131  
Code shall fix the compensation of its treasurer and pay its 132  
treasurer in the manner prescribed in the section for local, 133  
exempted village, and city school districts. 134

(B) The compensation of the treasurer may be increased or 135  
decreased during the treasurer's term of office, provided any 136  
decrease is a part of a uniform plan affecting salaries of all 137  
employees of the district. 138

(C) The board may establish vacation leave for its treasurer. 139  
Upon the treasurer's separation from employment, the board may 140

provide compensation at the treasurer's current rate of pay for 141  
all lawfully accrued and unused vacation leave to the treasurer's 142  
credit at the time of separation, not to exceed the amount accrued 143  
during the three years before the date of separation. In case of 144  
the death of a treasurer, unused vacation leave that the board 145  
would have paid to the treasurer upon separation shall be paid in 146  
accordance with section 2113.04 of the Revised Code or to the 147  
treasurer's estate. 148

**Sec. 3313.31.** (A) All the duties and obligations of the 149  
county auditor, county treasurer, or other officer or person 150  
relating to the moneys of a school district shall be complied with 151  
by dealing with the treasurer of the board of education thereof. 152

The treasurer shall be the chief fiscal officer of the school 153  
district ~~and~~, shall be responsible for the financial affairs of 154  
the district, and shall report to and is subject to the direction 155  
of the district board of education. Except as otherwise required 156  
by law, no treasurer shall be required to verify the accuracy of 157  
nonfinancial information or data of the school district. 158

(B) Notwithstanding any provision of the Revised Code to the 159  
contrary, in all school districts and educational service centers, 160  
the treasurer shall direct and assign employees directly engaged 161  
in the day-to-day fiscal operations of the district or service 162  
center, as those employees are so designated by the board of the 163  
district or service center. 164

**Sec. 3319.01.** Except in an island school district, where the 165  
superintendent of an educational service center otherwise may 166  
serve as superintendent of the district and except as otherwise 167  
provided for any cooperative education school district pursuant to 168  
division (B)(2) of section 3311.52 or division (B)(3) of section 169  
3311.521 of the Revised Code, the board of education in each 170

school district and the governing board of each service center 171  
shall, at a regular or special meeting held not later than the 172  
first day of May of the calendar year in which the term of the 173  
superintendent expires, appoint a person possessed of the 174  
qualifications provided in this section to act as superintendent, 175  
for a term not longer than five years beginning the first day of 176  
August and ending on the thirty-first day of July. Such 177  
superintendent is, at the expiration of a current term of 178  
employment, deemed reemployed for a term of one year at the same 179  
salary plus any increments that may be authorized by the board, 180  
unless such board, on or before the first day of March of the year 181  
in which the contract of employment expires, either reemploys the 182  
superintendent for a succeeding term as provided in this section 183  
or gives to the superintendent written notice of its intention not 184  
to reemploy the superintendent. A superintendent may not be 185  
transferred to any other position during the term of the 186  
superintendent's employment or reemployment except by mutual 187  
agreement by the superintendent and the board. If a vacancy occurs 188  
in the office of superintendent, the board shall appoint a 189  
superintendent for a term not to exceed five years from the next 190  
preceding first day of August. 191

A board may at any regular or special meeting held during the 192  
period beginning on the first day of January of the calendar year 193  
immediately preceding the year the contract of employment of a 194  
superintendent expires and ending on the first day of March of the 195  
year it expires, reemploy such superintendent for a succeeding 196  
term for not longer than five years, beginning on the first day of 197  
August immediately following the expiration of the 198  
superintendent's current term of employment and ending on the 199  
thirty-first day of July of the year in which such succeeding term 200  
expires. No person shall be appointed to the office of 201  
superintendent of a city, or exempted village school district or a 202  
service center who does not hold a license designated for being a 203

superintendent issued under section 3319.22 of the Revised Code, 204  
unless such person had been employed as a county, city, or 205  
exempted village superintendent prior to August 1, 1939. No person 206  
shall be appointed to the office of local superintendent who does 207  
not hold a license designated for being a superintendent issued 208  
under section 3319.22 of the Revised Code, unless such person held 209  
or was qualified to hold the position of executive head of a local 210  
school district on September 16, 1957. At the time of making such 211  
appointment or designation of term, such board shall fix the 212  
compensation of the superintendent, which may be increased or 213  
decreased during such term, provided such decrease is a part of a 214  
uniform plan affecting salaries of all employees of the district, 215  
and shall execute a written contract of employment with such 216  
superintendent. 217

Each board shall adopt procedures for the evaluation of its 218  
superintendent and shall evaluate its superintendent in accordance 219  
with those procedures. An evaluation based upon such procedures 220  
shall be considered by the board in deciding whether to renew the 221  
superintendent's contract. The establishment of an evaluation 222  
procedure shall not create an expectancy of continued employment. 223  
Nothing in this section shall prevent a board from making the 224  
final determination regarding the renewal or failure to renew of a 225  
superintendent's contract. 226

Termination of a superintendent's contract shall be pursuant 227  
to section 3319.16 of the Revised Code. 228

A board may establish vacation leave for its superintendent. 229  
Upon the superintendent's separation from employment a board that 230  
has such leave may provide compensation at the superintendent's 231  
current rate of pay for all lawfully accrued and unused vacation 232  
leave to the superintendent's credit at the time of separation, 233  
not to exceed the amount accrued within three years before the 234  
date of separation. In case of the death of a superintendent, such 235

unused vacation leave as the board would have paid to this 236  
superintendent upon separation shall be paid in accordance with 237  
section 2113.04 of the Revised Code, or to the superintendent's 238  
estate. 239

Notwithstanding section 9.481 of the Revised Code, the board 240  
of a city, local, exempted village, or joint vocational school 241  
district may require its superintendent, as a condition of 242  
employment, to reside within the boundaries of the district. 243

The superintendent shall be the executive officer for the 244  
board. The superintendent shall direct and assign teachers and 245  
other employees of the district or service center, except as 246  
provided in division (B) of section 3313.31 and section 3319.04 of 247  
the Revised Code; assign the pupils to the proper schools and 248  
grades, provided that the assignment of a pupil to a school 249  
outside of the pupil's district of residence is approved by the 250  
board of the district of residence of such pupil; and perform such 251  
other duties as the board determines. 252

The board of education of any school district may contract 253  
with the governing board of the educational service center from 254  
which it otherwise receives services to conduct searches and 255  
recruitment of candidates for the superintendent position 256  
authorized under this section. 257

**Sec. 3319.04.** The business manager shall have the care and 258  
custody of all property of the school district, real or personal, 259  
except moneys, supervise the construction of buildings in the 260  
process of erection, and the maintenance, operation, and repairs 261  
thereof, advertise for bids, and purchase and have custody of all 262  
supplies and equipment authorized by the board. ~~He~~ The business 263  
manager shall assist in the preparation of the annual 264  
appropriation resolution; ~~i~~ shall appoint and may discharge, 265  
subject to confirmation by the board, noneducational employees, 266

except as provided in division (B) of section 3313.31 of the 267  
Revised Code; and shall prepare and execute all contracts 268  
necessary in carrying out this section. 269

**Section 2.** That existing sections 3313.22, 3313.24, 3313.31, 270  
3319.01, and 3319.04 of the Revised Code are hereby repealed. 271

**Section 3.** (A) Except as otherwise provided in this section, 272  
the amendment by this act of sections 3313.22, 3313.24, 3313.31, 273  
3319.01, and 3319.04 of the Revised Code shall not affect any 274  
terms or conditions of any employment contracts of school district 275  
or educational service center treasurers in force prior to the 276  
effective date of this section. 277

(B) The requirement for evaluations of school district and 278  
educational service center treasurers, prescribed in division (D) 279  
of section 3313.22 of the Revised Code as amended by this act, 280  
shall apply to all treasurers beginning on the effective date of 281  
this section regardless of when their employment contracts became 282  
enforceable. However, the school district board of education or 283  
educational service center governing board is required to evaluate 284  
the treasurer currently employed by the board on the effective 285  
date of this section based on the treasurer's performance after 286  
that date and not for any period prior to that date. 287

(C)(1) A treasurer employed by a school district or 288  
educational service center on the effective date of this section, 289  
whose term expires on or before January 31, 2008, is deemed 290  
re-employed, at the same salary plus any increments that the board 291  
of the district or service center may authorize, for a term 292  
beginning the day after the treasurer's current term expires and 293  
ending July 31, 2009, unless the board takes either of the 294  
following actions on or before October 31, 2007: 295

(a) Re-employs the treasurer pursuant to division (D)(1) of 296  
this section; 297

(b) Gives to the treasurer written notice of its intention 298  
not to re-employ the treasurer. 299

(2) A treasurer employed by a school district or educational 300  
service center on the effective date of this section, whose term 301  
expires after January 31, 2008, is deemed re-employed, at the same 302  
salary plus any increments that the board of the district or 303  
service center may authorize, for a term beginning the day after 304  
the treasurer's current term expires and ending one year after the 305  
succeeding thirty-first day of July, unless the board takes either 306  
of the following actions: 307

(a) Re-employs the treasurer pursuant to division (C) of 308  
section 3313.22 of the Revised Code, as amended by this act, and 309  
division (D)(2) of this section; 310

(b) On or before the ninetieth day prior to the date the 311  
treasurer's term expires, gives to the treasurer written notice of 312  
its intention not to re-employ the treasurer. 313

(D)(1) The board of a school district or educational service 314  
center may re-employ any treasurer employed by the board on the 315  
effective date of this section, whose term expires on or before 316  
January 31, 2008, at any regular or special meeting of the board 317  
during the period beginning on the effective date of this section 318  
and ending on October 31, 2007, for a succeeding term that begins 319  
the day after the treasurer's current term expires and ends July 320  
31 of 2008, 2009, 2010, 2011, or 2012. Thereafter, any additional 321  
succeeding term of a treasurer re-employed under division (D)(1) 322  
of this section shall be in accordance with section 3313.22 of the 323  
Revised Code as amended by this act. 324

(2) A board may re-employ any treasurer employed by the board 325  
on the effective date of this section, whose term expires after 326  
January 31, 2008, in the manner prescribed in division (C) of 327  
section 3313.22 of the Revised Code as amended by this act. 328

However, the succeeding term of that treasurer shall begin the day 329  
after the treasurer's current term expires and shall end July 31 330  
of 2010, 2011, 2012, 2013, 2014, or 2015, but not longer than five 331  
years after the beginning date of that term. Thereafter, any 332  
additional succeeding term of that treasurer shall be in 333  
accordance with section 3313.22 of the Revised Code as amended by 334  
this act. 335

(E) If the board of a school district or educational service 336  
center provides notice under division (C)(1)(b) or (C)(2)(b) of 337  
this section of its intention not to re-employ a treasurer who is 338  
employed on the effective date of this section, the board may 339  
appoint the treasurer's successor at any regular or special 340  
meeting prior to the expiration of the current treasurer's term. 341  
The requirement, of division (A) of section 3313.22 of the Revised 342  
Code as amended by this act, to appoint a treasurer not later than 343  
the first day of May does not apply in that case. The term of the 344  
immediate successor appointed under this division shall begin the 345  
day after the current treasurer's term expires and shall end July 346  
31 of 2009, 2010, 2011, 2012, or 2013, but no longer than five 347  
years after the beginning date of that term. Thereafter, any 348  
additional succeeding term of a treasurer employed under this 349  
division or the term of any successor of that treasurer shall be 350  
in accordance with section 3313.22 of the Revised Code as amended 351  
by this act. 352