

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 58

Representative Gerberry

Cosponsors: Representatives Cera, Mallory

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A B I L L

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

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

Section 1. That sections 3301.01, 3301.03, 3301.04, 3301.05, 11
3301.06, and 3513.259 be amended and new section 3301.02 and 12
section 3301.021 of the Revised Code be enacted to read as 13
follows: 14

Sec. 3301.01. ~~(A)~~ There is hereby created the state board of 15
education consisting of ~~nineteen members with eleven elected~~ 16
~~members, one each to be elected in accordance with section 3301.03~~ 17
~~of the Revised Code from each of the districts established in~~ 18
~~accordance with division (B) of this section, and with eight~~ 19

~~members to be appointed by the governor with the advice and
consent of the senate one member from each district created under
this section. For the purpose of election of board members, the
state shall be divided into the number of congressional districts
from time to time created under section 3521.01 of the Revised
Code. The boundaries of the state board of education districts and
the counties comprising each board member's district shall
coincide with the boundaries and counties comprising each of the
congressional districts from time to time created under section
3521.01 of the Revised Code. One voting member of the state board
shall be elected from each district.~~

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

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

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

~~(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 52
district. Each state board of education district shall be as 53
compact as practicable. The districts shall include, when 54
practicable, some districts that primarily consist of territory in 55
rural areas and some districts that primarily consist of territory 56
in urban areas. 57~~

~~(2) If, after the apportionment for members of the general 58
assembly is made in any year, the general assembly does not during 59
that year enact legislation establishing state board of education 60
districts in accordance with division (B)(1) of this section, the 61
governor shall designate the boundaries of the districts in 62
accordance with division (B)(1) of this section no later than the 63
thirty first day of January of the year next succeeding such 64
apportionment. Upon making such designation, the governor shall 65
give written notice of the boundaries of the districts to each 66
member of the state board of education, including the nonvoting ex 67
officio members; the superintendent of public instruction; the 68
president of the senate; the speaker of the house of 69
representatives; and the board of elections of each county in each 70
new district. On the first day of February in any year in which 71
the governor designates the boundaries of state board of education 72
districts under this section, the state board of education 73
districts as they existed prior to that date shall cease to exist 74
and the new districts shall be created. 75~~

Sec. 3301.02. (A) The elected members of the state board of 76
education as of the date of a change in district boundaries under 77
section 3521.01 of the Revised Code shall continue in office until 78
their successors are elected and qualified for office, at which 79
time the board whose successors have been so qualified shall be 80
dissolved. At the first general election for members of the 81
congress which occurs after or as a result of a change in 82
congressional districts, in conformity with the general election 83

laws of this state, one board member shall be elected from each 84
congressional district for a term of office beginning the first 85
day of January immediately following that election. At the time 86
that the general assembly determines the boundaries of the 87
electoral districts for members of the congress under section 88
3521.01 of the Revised Code, the general assembly shall prescribe 89
a whole number numerical designation for each state board district 90
simultaneously created under section 3301.01 of the Revised Code 91
beginning with "1" and continuing sequentially until all the 92
districts are designated. Elected members of the state board who 93
reside in state board districts designated with an odd number 94
shall serve for a term of four years. Elected members of the state 95
board who reside in state board districts designated with an even 96
number shall serve for a term of two years. 97

(B) After the board has been constituted and the members' 98
terms of office have been determined under division (A) of this 99
section, in each subsequent year in which a congressional election 100
is held, at the general election that year, in conformity with the 101
general election laws of this state, the members of the board 102
shall be elected as required by expiration of respective terms, 103
each for a term of four years or until the member's successor is 104
elected and qualified. One member shall be elected for each 105
district respectively in which the term of office of a board 106
member expires on the first day of January following the election 107
except when the boundaries of congressional districts are changed 108
under section 3521.01 of the Revised Code, at which time terms of 109
office shall be determined under division (A) of this section. The 110
term of office of each member shall begin on the first day of 111
January immediately following this election. 112

Sec. 3301.021. When there is an even number of state board of 113
education electoral districts as determined under section 3301.01 114
of the Revised Code, not less than thirty days after each election 115

for members of the state board, the governor shall appoint an 116
additional member qualified under section 3301.03 of the Revised 117
Code with the advice and consent of the senate. The member 118
appointed under this section shall be the president of the board 119
and shall vote on board matters only in the case of a tie among 120
the other members of the board. The term of office of the member 121
appointed under this section shall be two years. Any vacancy in 122
the office of the member appointed under this section shall be 123
filled in the same manner as the original appointment. Any member 124
appointed under this section to fill a vacancy occurring prior to 125
the expiration date of the term for which the member's predecessor 126
was appointed shall hold office for the remainder of that member's 127
predecessor's term. 128

Sec. 3301.03. Each elected ~~voting~~ member of the state board 129
of education shall be a qualified elector residing in the 130
territory composing the district from which the member is elected, 131
and shall be nominated and elected to office as provided by Title 132
XXXV of the Revised Code. ~~Each appointed voting member of the~~ 133
~~board~~ A member appointed under section 3301.021 of the Revised 134
Code shall be a qualified elector residing in the state. At least 135
~~four of the appointed voting members shall represent rural school~~ 136
~~districts in the state, as evidenced by the member's current place~~ 137
~~of residence and at least one of the following:~~ 138

~~(A) The member's children attend, or at one time attended,~~ 139
~~school in a rural district;~~ 140

~~(B) The member's past or present occupation is associated~~ 141
~~with rural areas of the state;~~ 142

~~(C) The member possesses other credentials or experience~~ 143
~~demonstrating knowledge and familiarity with rural school~~ 144
~~districts.~~ 145

No elected ~~or appointed~~ voting member of the board shall, 146

during the member's term of office, hold any other public position 147
of trust or profit or be an employee or officer of any public or 148
private elementary or secondary school. Before entering on the 149
duties of office, each elected and appointed voting member shall 150
subscribe to the official oath of office. 151

Each voting member of the state board of education shall be 152
paid a salary fixed pursuant to division (J) of section 124.15 of 153
the Revised Code, together with the member's actual and necessary 154
expenses incurred while engaged in the performance of the member's 155
official duties or in the conduct of authorized board business, 156
and while en route to and from the member's home for such 157
purposes. 158

Sec. 3301.04. Between the first and thirty-first day of 159
January of each odd-numbered year, the state board of education 160
shall hold an organization meeting at which time it shall adopt 161
rules of procedure, elect ~~a president and a vice-president each of~~ 162
~~whom~~ who shall serve for two years or until the president's or 163
vice-president's successor is elected and qualified, and transact 164
such business as the board deems advisable. If there is an odd 165
number of state board electoral districts, as determined under 166
section 3301.01 of the Revised Code, the board shall also elect a 167
president who shall serve for two years or until the president's 168
successor is elected and qualified. Such president shall be the 169
chief presiding officer of the board and may vote on all board 170
matters. 171

When a president is appointed under section 3301.021 of the 172
Revised Code, the president shall serve as the chief presiding 173
officer of the board but shall vote on board matters only in the 174
case of a tie vote among the other members. The vice-president may 175
substitute for the president appointed under section 3301.021 of 176
the Revised Code as presiding officer but only the president 177

appointed under section 3301.021 of the Revised Code may vote to 178
break a tie vote. 179

The state board of education shall adopt, by the thirty-first 180
day of March each year, a calendar indicating the dates on which 181
the board will hold its regular meetings for the following fiscal 182
year. The board may hold special meetings on dates not indicated 183
on the adopted calendar at such times as they may be called as 184
provided in this section. Special meetings of the board may be 185
called by the president, and, upon written request signed by at 186
least a majority of the members, the president shall call a 187
special meeting of the board. The president, or the president's 188
designee, shall give notice through the superintendent of public 189
instruction to each member of the board at least ten days prior to 190
the time of any special meeting. The notice may be delivered by 191
regular mail or by electronic means. The state board of education 192
shall hold its meetings anywhere in Ohio designated by the board. 193

Sec. 3301.05. A majority of the voting members of the state 194
board of education shall constitute a quorum for the transaction 195
of business. Official actions of the state board, including the 196
making and adoption of motions and resolutions, shall be 197
transacted only at public meetings open to the public. The 198
superintendent of public instruction, or a designated subordinate 199
~~designated by him~~, shall record all official actions taken at each 200
meeting of the board in a book provided for that purpose, which 201
shall be a public record. The record of the proceedings of each 202
meeting of the board shall be read at its next succeeding meeting 203
and corrected and approved, which approval shall be noted in the 204
proceedings. The president or vice-president, if substituting as 205
presiding officer, shall sign the record and the superintendent of 206
public instruction or ~~his~~ a designated subordinate attest it. 207

Sec. 3301.06. A vacancy in the state board of education may 208

be caused by death, nonresidence, resignation, removal from 209
office, failure of a person elected to qualify within ten days 210
after the organization of the board or of the person's election, 211
removal from the district of election or from residence in the 212
state, or absence from any two consecutive regular meetings of the 213
board if such absence is caused by reasons declared insufficient 214
by a two-thirds vote of ~~twelve~~ all elected members of the board. 215
When a vacancy occurs in the office of an elected member, the 216
governor shall, within a period of thirty days and with the advice 217
and consent of the senate, appoint a qualified person residing in 218
the district in which the vacancy occurred to fill the vacancy 219
until the next general election at which members of the state 220
board of education are elected, at which time a qualified elector 221
residing in the district in which the vacancy occurred shall be 222
elected for the unexpired term. Such member shall assume office at 223
the next succeeding meeting of the board. ~~When a vacancy occurs in~~ 224
~~the office of an appointed member, the governor shall, within a~~ 225
~~period of thirty days and with the advice and consent of the~~ 226
~~senate, appoint a qualified person to serve the remainder of the~~ 227
~~term.~~ 228

Sec. 3513.259. Nominations of candidates for the office of 229
member of the state board of education shall be made only by 230
nominating petition. The nominating petition of a candidate for 231
the office of member of the state board of education shall be 232
signed by not less than one hundred qualified electors. 233

No such nominating petition shall be accepted for filing if 234
it appears on its face to contain signatures aggregating in number 235
more than three times the minimum number of signatures required by 236
this section. A board of elections shall not accept for filing a 237
nominating petition of a person if that person, for the same 238
election, has already filed a declaration of candidacy, a 239
declaration of intent to be a write-in candidate, or a nominating 240

petition, or has become a candidate through party nomination at a 241
primary election or by the filling of a vacancy under section 242
3513.30 or 3513.31 of the Revised Code, to be a candidate for any 243
other state office or any federal or county office. When a 244
petition of a candidate has been accepted for filing by a board of 245
elections, the petition shall not be deemed invalid if, upon 246
verification of signatures contained in the petition, the board of 247
elections finds the number of signatures accepted exceeds three 248
times the minimum number of signatures required. A board of 249
elections may discontinue verifying signatures when the number of 250
verified signatures equals the minimum required number of 251
signatures. Such petition shall be filed with the board of 252
elections of the most populous county in such district not later 253
than four p.m. of the ninetieth day before the day of the general 254
election at which state board of education members are elected. 255

Each nominating petition shall be signed by qualified 256
electors residing in the district in which the candidate 257
designated therein would be a candidate for election to the office 258
of member of the state board of education. Each candidate shall be 259
a qualified elector residing in the district in which the 260
candidate seeks election to such office. 261

As the word "district" is used in this section, it refers to 262
a district created under section 3301.01 of the Revised Code, the 263
boundaries of which districts shall coincide with the boundaries 264
of congressional districts as established under section 3521.01 of 265
the Revised Code. 266

Section 2. That existing sections 3301.01, 3301.03, 3301.04, 267
3301.05, 3301.06, and 3513.259 and section 3301.02 of the Revised 268
Code are hereby repealed. 269

Section 3. (A) Sections 1 and 2 of this act take effect on 270
the earliest date prescribed by law; however, the State Board of 271

Education as constituted under sections 3301.01, 3301.02, 3301.03, 272
3301.04, 3301.05, 3301.06, and 3513.259 of the Revised Code, as 273
those sections existed prior to the effective date of this 274
section, shall continue in office until such time as members of 275
the State Board are elected from districts prescribed in section 276
3301.01 of the Revised Code as amended by this act at the general 277
election to be held on November 4, 2014, and are qualified for 278
office. At that time, the board whose successors have been so 279
qualified shall be dissolved. Except as provided in division (B) 280
of this section, the State Board shall thereafter be constituted 281
as prescribed in sections 3301.01, 3301.02, 3301.021, 3301.03, 282
3301.04, 3301.05, 3301.06, and 3513.259 of the Revised Code as 283
amended and enacted by this act. 284

(B)(1) Notwithstanding section 3301.02 of the Revised Code as 285
enacted by this act, elected members of the State Board who are 286
elected at the November 4, 2014, general election and who reside 287
in State Board districts that correspond with congressional 288
districts designated under section 3521.01 of the Revised Code 289
with an odd number shall serve for a term of four years. Elected 290
members of the State Board who are elected at the November 4, 291
2014, general election and who reside in State Board districts 292
that correspond with congressional districts designated under that 293
section with an even number shall serve for a term of two years. 294

(2) After the State Board has been constituted and the 295
members' terms of office have been determined under division 296
(B)(1) of this section, in each subsequent year in which a 297
congressional election is held, at the general election that year, 298
in conformity with the general election laws of this state, the 299
members of the State Board shall be elected as required by 300
expiration of respective terms, each for a term of four years or 301
until the member's successor is elected and qualified. One member 302
shall be elected for each district respectively in which the term 303

of office of a board member expires on the first day of January 304
following the election. Division (B)(2) of this section applies 305
until the boundaries of congressional districts are changed under 306
section 3521.01 of the Revised Code. At that time, terms of office 307
for the State Board shall be determined under division (A) of 308
section 3301.02 of the Revised Code, as enacted by this act. 309