

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 15**

**Representative Gerberry**

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**A BILL**

To amend sections 3301.01, 3301.03, 3301.04, 1  
3301.05, 3301.06, and 3513.259, to enact new 2  
section 3301.02 and section 3301.021, and to 3  
repeal section 3301.02 of the Revised Code to 4  
change the voting membership of the State Board 5  
of Education to consist of a member from each of 6  
several electoral districts with boundaries 7  
coinciding with the state's Congressional 8  
districts and a president to be appointed by the 9  
Governor if there is an even number of such 10  
electoral districts. 11

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

**Section 1.** That sections 3301.01, 3301.03, 3301.04, 12  
3301.05, 3301.06, and 3513.259 be amended and new section 13  
3301.02 and section 3301.021 of the Revised Code be enacted to 14  
read as follows: 15

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

~~established in accordance with division (B) of this section, and~~ 20  
~~with eight members to be appointed by the governor with the~~ 21  
~~advice and consent of the senate~~one member from each district 22  
created under this section. For the purpose of election of board 23  
members, the state shall be divided into the number of 24  
congressional districts from time to time created under section 25  
3521.01 of the Revised Code. The boundaries of the state board 26  
of education districts and the counties comprising each board 27  
member's district shall coincide with the boundaries and 28  
counties comprising each of the congressional districts from 29  
time to time created under section 3521.01 of the Revised Code. 30  
One voting member of the state board shall be elected from each 31  
district. 32

If at any time there is an even number of districts, the 33  
governor shall appoint an additional member who shall be the 34  
president of the board and who shall vote on board matters only 35  
in the case of a tie among the other members of the board. This 36  
member shall be appointed in accordance with section 3301.021 of 37  
the Revised Code. 38

If there is an odd number of districts, the governor shall 39  
not appoint the president of the board. In that case, the 40  
president shall be selected by the members of the board and 41  
shall be a voting member elected from one of the districts 42  
described in this section. 43

In addition to the ~~nineteen elected or appointed voting~~ 44  
members, the chairperson of the committee of the senate that 45  
primarily deals with education and the chairperson of the 46  
committee of the house of representatives that primarily deals 47  
with education shall be nonvoting ex officio members of the 48  
board. 49

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

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

Sec. 3301.02. (A) The elected members of the state board of education as of the date of a change in district boundaries

under section 3521.01 of the Revised Code shall continue in 81  
office until their successors are elected and qualified for 82  
office, at which time the board whose successors have been so 83  
qualified shall be dissolved. At the first general election for 84  
members of the congress which occurs after or as a result of a 85  
change in congressional districts, in conformity with the 86  
general election laws of this state, one board member shall be 87  
elected from each congressional district for a term of office 88  
beginning the first day of January immediately following that 89  
election. At the time that the general assembly determines the 90  
boundaries of the electoral districts for members of the 91  
congress under section 3521.01 of the Revised Code, the general 92  
assembly shall prescribe a whole number numerical designation 93  
for each state board district simultaneously created under 94  
section 3301.01 of the Revised Code beginning with "1" and 95  
continuing sequentially until all the districts are designated. 96  
Elected members of the state board who reside in state board 97  
districts designated with an odd number shall serve for a term 98  
of four years. Elected members of the state board who reside in 99  
state board districts designated with an even number shall serve 100  
for a term of two years. 101

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

following the election except when the boundaries of 112  
congressional districts are changed under section 3521.01 of the 113  
Revised Code, at which time terms of office shall be determined 114  
under division (A) of this section. The term of office of each 115  
member shall begin on the first day of January immediately 116  
following this election. 117

Sec. 3301.021. When there is an even number of state board 118  
of education electoral districts as determined under section 119  
3301.01 of the Revised Code, not less than thirty days after 120  
each election for members of the state board, the governor shall 121  
appoint an additional member qualified under section 3301.03 of 122  
the Revised Code with the advice and consent of the senate. The 123  
member appointed under this section shall be the president of 124  
the board and shall vote on board matters only in the case of a 125  
tie among the other members of the board. The term of office of 126  
the member appointed under this section shall be two years. Any 127  
vacancy in the office of the member appointed under this section 128  
shall be filled in the same manner as the original appointment. 129  
Any member appointed under this section to fill a vacancy 130  
occurring prior to the expiration date of the term for which the 131  
member's predecessor was appointed shall hold office for the 132  
remainder of that member's predecessor's term. 133

Sec. 3301.03. (A) Each elected ~~voting~~ member of the state 134  
board of education shall be a qualified elector residing in the 135  
territory composing the district from which the member is 136  
elected, and shall be nominated and elected to office as 137  
provided by Title XXXV of the Revised Code. ~~Each appointed~~ 138  
~~voting member of the board~~ A member appointed under section 139  
3301.021 of the Revised Code shall be a qualified elector 140  
residing in the state. ~~At least four of the appointed voting~~ 141  
~~members shall represent rural school districts in the state, as~~ 142

~~evidenced by the member's current place of residence and at  
least one of the following:~~ 143  
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~~(A) The member's children attend, or at one time attended,  
school in a rural district;~~ 145  
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~~(B) The member's past or present occupation is associated  
with rural areas of the state;~~ 147  
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~~(C) The member possesses other credentials or experience  
demonstrating knowledge and familiarity with rural school  
districts.~~ 149  
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No ~~elected or appointed~~ voting member of the board shall, 152  
during the member's term of office, hold any other office of 153  
trust or profit or be an employee or officer of any public or 154  
private elementary or secondary school. Before entering on the 155  
duties of office, each elected and appointed voting member shall 156  
subscribe to the official oath of office. 157

Each voting member of the state board of education shall 158  
be paid a salary fixed pursuant to division (J) of section 159  
124.15 of the Revised Code, together with the member's actual 160  
and necessary expenses incurred while engaged in the performance 161  
of the member's official duties or in the conduct of authorized 162  
board business, and while en route to and from the member's home 163  
for such purposes. 164

~~(D)~~ (B) As used in this section only, "office of trust or 165  
profit" means: 166

(1) A federal or state elective office or an elected 167  
office of a political subdivision of the state; 168

(2) A position on a board or commission of the state that 169  
is appointed by the governor; 170

(3) An office set forth in section 121.03, 121.04, or 171  
121.05 of the Revised Code; 172

(4) An office of the government of the United States that 173  
is appointed by the president of the United States. 174

**Sec. 3301.04.** Between the first and thirty-first day of 175  
January of each odd-numbered year, the state board of education 176  
shall hold an organization meeting at which time it shall adopt 177  
rules of procedure, elect a ~~president and a vice-president each~~ 178  
~~of whom who~~ shall serve for two years or until the ~~president's~~ 179  
~~or vice-president's~~ successor is elected and qualified, and 180  
transact such business as the board deems advisable. If there is 181  
an odd number of state board electoral districts, as determined 182  
under section 3301.01 of the Revised Code, the board shall also 183  
elect a president who shall serve for two years or until the 184  
president's successor is elected and qualified. Such president 185  
shall be the chief presiding officer of the board and may vote 186  
on all board matters. 187

When a president is appointed under section 3301.021 of 188  
the Revised Code, the president shall serve as the chief 189  
presiding officer of the board but shall vote on board matters 190  
only in the case of a tie vote among the other members. The 191  
vice-president may substitute for the president appointed under 192  
section 3301.021 of the Revised Code as presiding officer but 193  
only the president appointed under section 3301.021 of the 194  
Revised Code may vote to break a tie vote. 195

The state board of education shall adopt, by the thirty- 196  
first day of March each year, a calendar indicating the dates on 197  
which the board will hold its regular meetings for the following 198  
fiscal year. The board may hold special meetings on dates not 199  
indicated on the adopted calendar at such times as they may be 200

called as provided in this section. Special meetings of the 201  
board may be called by the president, and, upon written request 202  
signed by at least a majority of the members, the president 203  
shall call a special meeting of the board. The president, or the 204  
president's designee, shall give notice through the 205  
superintendent of public instruction to each member of the board 206  
at least ten days prior to the time of any special meeting. The 207  
notice may be delivered by regular mail or by electronic means. 208  
The state board of education shall hold its meetings anywhere in 209  
Ohio designated by the board. 210

**Sec. 3301.05.** A majority of the voting members of the 211  
state board of education shall constitute a quorum for the 212  
transaction of business. Official actions of the state board, 213  
including the making and adoption of motions and resolutions, 214  
shall be transacted only at public meetings open to the public. 215  
The superintendent of public instruction, or a designated 216  
~~subordinate designated by him,~~ shall record all official actions 217  
taken at each meeting of the board in a book provided for that 218  
purpose, which shall be a public record. The record of the 219  
proceedings of each meeting of the board shall be read at its 220  
next succeeding meeting and corrected and approved, which 221  
approval shall be noted in the proceedings. The president or 222  
vice-president, if substituting as presiding officer, shall sign 223  
the record and the superintendent of public instruction or ~~his~~ a 224  
designated subordinate attest it. 225

**Sec. 3301.06.** A vacancy in the state board of education 226  
may be caused by death, nonresidence, resignation, removal from 227  
office, failure of a person elected to qualify within ten days 228  
after the organization of the board or of the person's election, 229  
removal from the district of election or from residence in the 230  
state, or absence from any two consecutive regular meetings of 231



the board if such absence is caused by reasons declared 232  
insufficient by a two-thirds vote of ~~twelve~~ all elected members 233  
of the board. When a vacancy occurs in the office of an elected 234  
member, the governor shall, within a period of thirty days and 235  
with the advice and consent of the senate, appoint a qualified 236  
person residing in the district in which the vacancy occurred to 237  
fill the vacancy until the next general election at which 238  
members of the state board of education are elected, at which 239  
time a qualified elector residing in the district in which the 240  
vacancy occurred shall be elected for the unexpired term. Such 241  
member shall assume office at the next succeeding meeting of the 242  
board. ~~When a vacancy occurs in the office of an appointed~~ 243  
~~member, the governor shall, within a period of thirty days and~~ 244  
~~with the advice and consent of the senate, appoint a qualified~~ 245  
~~person to serve the remainder of the term.~~ 246

**Sec. 3513.259.** Nominations of candidates for the office of 247  
member of the state board of education shall be made only by 248  
nominating petition. The nominating petition of a candidate for 249  
the office of member of the state board of education shall be 250  
signed by not less than one hundred qualified electors. 251

No such nominating petition shall be accepted for filing 252  
if it appears on its face to contain signatures aggregating in 253  
number more than three times the minimum number of signatures 254  
required by this section. A board of elections shall not accept 255  
for filing a nominating petition of a person if that person, for 256  
the same election, has already filed a declaration of candidacy, 257  
a declaration of intent to be a write-in candidate, or a 258  
nominating petition, or has become a candidate through party 259  
nomination at a primary election or by the filling of a vacancy 260  
under section 3513.30 or 3513.31 of the Revised Code, to be a 261  
candidate for any other state office or any federal or county 262

office. When a petition of a candidate has been accepted for 263  
filing by a board of elections, the petition shall not be deemed 264  
invalid if, upon verification of signatures contained in the 265  
petition, the board of elections finds the number of signatures 266  
accepted exceeds three times the minimum number of signatures 267  
required. A board of elections may discontinue verifying 268  
signatures when the number of verified signatures equals the 269  
minimum required number of signatures. Such petition shall be 270  
filed with the board of elections of the most populous county in 271  
such district not later than four p.m. of the ninetieth day 272  
before the day of the general election at which state board of 273  
education members are elected. 274

Each nominating petition shall be signed by qualified 275  
electors residing in the district in which the candidate 276  
designated therein would be a candidate for election to the 277  
office of member of the state board of education. Each candidate 278  
shall be a qualified elector residing in the district in which 279  
the candidate seeks election to such office. 280

As the word "district" is used in this section, it refers 281  
to a district created under section 3301.01 of the Revised Code, 282  
the boundaries of which districts shall coincide with the 283  
boundaries of congressional districts as established under 284  
section 3521.01 of the Revised Code. 285

**Section 2.** That existing sections 3301.01, 3301.02, 286  
3301.03, 3301.04, 3301.05, 3301.06, and 3513.259 and section 287  
3301.02 of the Revised Code are hereby repealed. 288

**Section 3.** (A) Sections 1 and 2 of this act take effect on 289  
the earliest date prescribed by law; however, the State Board of 290  
Education as constituted under sections 3301.01, 3301.02, 291  
3301.03, 3301.04, 3301.05, 3301.06, and 3513.259 of the Revised 292

Code, as those sections existed prior to the effective date of 293  
this section, shall continue in office until such time as 294  
members of the State Board are elected from districts prescribed 295  
in section 3301.01 of the Revised Code as amended by this act at 296  
the general election to be held on November 8, 2016, and are 297  
qualified for office. At that time, the board whose successors 298  
have been so qualified shall be dissolved. Except as provided in 299  
division (B) of this section, the State Board shall thereafter 300  
be constituted as prescribed in sections 3301.01, 3301.02, 301  
3301.021, 3301.03, 3301.04, 3301.05, 3301.06, and 3513.259 of 302  
the Revised Code as amended and enacted by this act. 303

(B) (1) Notwithstanding section 3301.02 of the Revised Code 304  
as enacted by this act, elected members of the State Board who 305  
are elected at the November 8, 2016, general election and who 306  
reside in State Board districts that correspond with 307  
congressional districts designated under section 3521.01 of the 308  
Revised Code with an odd number shall serve for a term of four 309  
years. Elected members of the State Board who are elected at the 310  
November 8, 2016, general election and who reside in State Board 311  
districts that correspond with congressional districts 312  
designated under that section with an even number shall serve 313  
for a term of two years. 314

(2) After the State Board has been constituted and the 315  
members' terms of office have been determined under division (B) 316  
(1) of this section, in each subsequent year in which a 317  
congressional election is held, at the general election that 318  
year, in conformity with the general election laws of this 319  
state, the members of the State Board shall be elected as 320  
required by expiration of respective terms, each for a term of 321  
four years or until the member's successor is elected and 322  
qualified. One member shall be elected for each district 323

respectively in which the term of office of a board member 324  
expires on the first day of January following the election. 325  
Division (B) (2) of this section applies until the boundaries of 326  
congressional districts are changed under section 3521.01 of the 327  
Revised Code. At that time, terms of office for the State Board 328  
shall be determined under division (A) of section 3301.02 of the 329  
Revised Code, as enacted by this act. 330