

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 705**

**Representatives Hambley, Ingram**

**Cosponsors: Representatives Scherer, Hill, Riedel, Seitz, Speaker Smith**

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**A BILL**

To amend sections 3313.25, 3313.31, and 3319.36 of  
the Revised Code regarding the circumstances in  
which school district and educational service  
center treasurers may be held liable for a loss  
of public funds.

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

**Section 1.** That sections 3313.25, 3313.31, and 3319.36 of  
the Revised Code be amended to read as follows:

**Sec. 3313.25.** Before entering upon the duties of ~~his~~  
office, the treasurer of each board of education shall execute a  
bond, in an amount and with surety to be approved by the board,  
payable to the state, conditioned for the faithful performance  
of all the official duties required of ~~him~~ the treasurer. Such  
bond must be deposited with the president of the board, and a  
copy thereof, certified by ~~him~~ the president, shall be filed  
with the county auditor.

A treasurer shall not be held liable for a loss of public  
funds when the treasurer has performed all official duties  
required of the treasurer with reasonable care, but shall be

liable only when a loss of public funds results from the 19  
treasurer's negligence or other wrongful act. 20

**Sec. 3313.31.** (A) All the duties and obligations of the 21  
county auditor, county treasurer, or other officer or person 22  
relating to the moneys of a school district shall be complied 23  
with by dealing with the treasurer of the board of education 24  
thereof. 25

The treasurer shall be the chief fiscal officer of the 26  
school district, shall be responsible for the financial affairs 27  
of the district, and shall report to and is subject to the 28  
direction of the district board of education. Except as 29  
otherwise required by law, no treasurer shall be required to 30  
verify the accuracy of nonfinancial information or data of the 31  
school district. 32

No treasurer shall be liable for a loss of public funds 33  
that results from a treasurer's reliance on the accuracy of 34  
nonfinancial information or data of the school district, 35  
including reports in the education management information system 36  
under section 3301.0714 of the Revised Code, pupil 37  
transportation reports, and licensure or other credentialing 38  
information unless the loss results from the treasurer's 39  
negligence or other wrongful act. 40

(B) Notwithstanding any provision of the Revised Code to 41  
the contrary, but subject to section 3319.40 of the Revised 42  
Code, in all school districts and educational service centers, 43  
the treasurer shall direct and assign employees directly engaged 44  
in the day-to-day fiscal operations of the district or service 45  
center, as those employees are so designated by the board of the 46  
district or service center. 47

**Sec. 3319.36.** (A) No treasurer of a board of education or 48  
educational service center shall draw a check for the payment of 49  
a teacher for services until ~~the teacher files with the~~ 50  
~~treasurer~~ both of the following conditions are satisfied: 51

(1) ~~Such~~The treasurer receives a written statement from 52  
the district or service center superintendent, or 53  
superintendent's designee, that the teacher has filed with the 54  
superintendent or designee such reports as are required by the 55  
state board of education, the school district board of 56  
education, or the district or service center superintendent~~of~~ 57  
~~schools;~~ 58

(2) Except ~~for~~in the case of a teacher who is engaged 59  
pursuant to section 3319.301 of the Revised Code, the treasurer 60  
receives a written statement from the ~~city, exempted village, or~~ 61  
~~local school district or service center superintendent~~ or the 62  
~~educational service center superintendent~~superintendent's 63  
designee that the teacher has filed with the ~~treasurer~~ 64  
superintendent or designee a legal educator license, or true 65  
copy of it, to teach the subjects or grades taught, with the 66  
dates of its validity. The state board of education shall 67  
prescribe the record and administration for such filing of 68  
educator licenses in educational service centers. 69

Prior to filing the written statements prescribed by 70  
divisions (A)(1) and (2) of this section, each teacher shall 71  
file the required reports and license with the district or 72  
service center superintendent or superintendent's designee. 73

(B) Notwithstanding division (A) of this section, the 74  
treasurer may pay any of the following: 75

(1) Any teacher for services rendered during the first two 76

months of the teacher's initial employment with the school 77  
district or educational service center, provided such teacher is 78  
the holder of a bachelor's degree or higher and has filed with 79  
the state board of education an application for the issuance of 80  
an educator license described in division (A) (1) of section 81  
3319.22 of the Revised Code. The requirement for a bachelor's 82  
degree shall not apply to career-technical education teachers 83  
licensed under sections 3319.226 and 3319.229 of the Revised 84  
Code. 85

(2) Any substitute teacher for services rendered while 86  
conditionally employed under section 3319.101 of the Revised 87  
Code. 88

(3) Any employee for services rendered under division (F) 89  
of section 3319.088 of the Revised Code. 90

(C) Upon notice to the treasurer given by the state board 91  
of education or any superintendent having jurisdiction that 92  
reports required of a teacher have not been made, the treasurer 93  
shall withhold the salary of the teacher until the required 94  
reports are completed and furnished. 95

(D) No treasurer of a board of education or educational 96  
service center shall be liable for a loss of public funds for 97  
any payments to a teacher that are made by the treasurer in 98  
compliance with this section, unless the loss results from the 99  
treasurer's negligence or other wrongful act. 100

(E) No superintendent of a school district or educational 101  
service center or the superintendent's designee shall be liable 102  
for a loss of public funds for any payments to a teacher that 103  
are made by the district or service center treasurer in 104  
compliance with this section, unless the loss results from the 105

superintendent's negligence or other wrongful act. 106

**Section 2.** That existing sections 3313.25, 3313.31, and 107  
3319.36 of the Revised Code are hereby repealed. 108