



Senate Bill 318
Testimony in support
Senate Education Committee
February 17, 2026

Chairman Brenner, Vice Chair Blessing, Ranking Member Ingram, and members of the Senate Education Committee, thank you for the opportunity to provide proponent testimony in support of Senate Bill 318.

I am Tom Rhatican, associate director with the Catholic Conference of Ohio, the official voice of the Catholic Church in Ohio.

I would like to begin by thanking Senator Cutrona for introducing the bill. SB 318 will provide non-home rule townships with the statutory authority they need to provide necessary school resource officer services to chartered nonpublic schools.

SB 318 is very narrow in scope and is drafted in direct response to an Ohio Attorney General Opinion rendered back in September 2025 that had identified what we describe as an oversight in the Ohio Revised Code. Stark County had asked the AG if the police department within Lake Township, a non-home rule township, could provide school resource officer services to a nearby (un-named) chartered nonpublic school.

In short, the answer was no. Non-home rule townships are "creatures of statute" meaning they only have the authority specifically provided by the Ohio Revised Code. The AG noted that while the Revised Code provided authority to non-home rule townships to provide school resource officer services to school districts, it was not reasonable to infer that the same authority extended to private, chartered nonpublic schools. Specific authority was needed.

Senator Cutrona mentioned that over in Mahoning County, in Poland Township (a non-home rule township), we had an identical situation with Holy Family Catholic School. The AG's Opinion precluded Holy Family from entering in agreement for school resource officer services with Poland Township.

In the end, SB 318 only provides the necessary authority to permit non-home rule townships to provide school resource officer services to chartered nonpublic schools, if requested.

Attached for your convenience is a copy of the Ohio Attorney General Opinion (2025-018).

Thank you for the opportunity to testify in support of SB 318.

Sincerely,

Tom Rhatican
Associate Director
Catholic Conference of Ohio



DAVE YOST

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September 16, 2025

OPINION NO. 2025-018

The Honorable Kyle L. Stone
Stark County Prosecuting Attorney
110 Central Plaza South, Suite 510
Canton, Ohio 44702

Dear Prosecutor Stone:

You have requested an opinion regarding the authority of a non-home-rule township to enter into an agreement with a private school. I have reframed your question as follows:

Whether R.C. 3313.951 grants authority to a non-home rule township to enter into a memorandum of understanding to provide school resource officer (SRO) services to a chartered, nonpublic school.

For the reasons that follow, I find that non-home-rule townships may not enter directly into a memorandum of understanding with a chartered, nonpublic school to provide SRO services to the school.

A chartered, nonpublic school located in Lake Township, Stark County, seeks to employ a school resource

September 16, 2025

The Honorable Kyle L. Stone
Stark County Prosecuting Attorney
110 Central Plaza South, Suite 510
Canton, Ohio 44702

SYLLABUS:

2025-018

A non-home-rule township lacks authority to directly enter into a memorandum of understanding with a chartered nonpublic school to provide school resource officer services to the school.

officer (SRO). I have been advised that the Uniontown Police Department, which is within Lake Township and governed by the Lake Township Board of Trustees, has the capacity to provide such services and is amenable to entering into a memorandum of understanding for SRO services with the school.

You ask only whether a non-home rule township has authority to enter into a memorandum of understanding with a chartered, nonpublic school to provide SRO services to the school. And Lake Township is not a limited home-rule township. This opinion, therefore, does not address whether a township with a limited home-rule form of government has such authority. *See generally* R.C. Ch. 504.

It is fundamental that “a board of township trustees possesses only those powers expressly conferred by statute or necessarily inferred therefrom.” 2015 Ohio Atty.Gen.Ops. No. 2015-031, Slip Op. at 1; 2-301, citing *Trs. of New London Twp. v. Miner*, 26 Ohio St. 452, 456 (1875); *see also State ex rel. Schramm v. Ayres*, 158 Ohio St. 30, 33 (1952) (“the question is not whether townships are prohibited from exercising such authority. Rather it is whether townships have such authority conferred on them by law.”). That means there must be either direct or clearly implied authority in statute for the township to enter into a memorandum of understanding with the school for SRO services.

The primary statute defining the SRO program is R.C. 3313.951. An SRO is defined as follows:

“School resource officer” means a peace officer who is appointed through a memorandum of understanding between a law enforcement agency and a *school district* to provide services to a school district or school as described in this section.

R.C. 3313.951(A)(3) (Emphasis added).

The definition of “law enforcement agency” used in this statute includes a township police department. See R.C. 3313.951(A)(1), cross-referencing R.C. 149.435(A)(3). A township police department may only agree to provide the services of an SRO according to the terms in R.C. 3313.951(C)(1):

If a *school district* decides to utilize school resource officer services, *the school district* and the appropriate law enforcement agency shall first enter into a memorandum of understanding that clarifies the purpose of the school resource officer program and roles and expectations between the participating entities.

Id. (Emphasis added.)

As this shows, R.C. 3313.951 speaks in terms of school districts and schools within those districts. Turn, then, to R.C. 3311.01. That provision instructs that Ohio school districts are to be “styled ‘city school districts,’ ‘local school districts,’ ‘exempted village school districts,’ and ‘cooperative education school districts.’ Joint vocational school districts may be styled either ‘joint vocational school districts’ or ‘vocational school districts.’” Each of these school district types are further described in R.C. 3311.02 and R.C. 3311.03. Likewise, the Department of Education and Workforce defines the term “school district” in the Ohio Administrative Code as “a local, exempted village, city or joint vocational school district as defined in Chapter 3311. of the Revised Code.” Adm.Code 3301-35-01(B)(23).

School districts are statutorily distinct from chartered, nonpublic schools. Notably, R.C. 3313.17 provides that “[t]he board of education of each school district shall be a body politic and corporate, and, as such, capable of suing and being sued, contracting and being contracted with.” The management and control of public schools is vested in a board of education. R.C. 3313.47. Unlike a private school, a local board of education is authorized to place tax levies on the ballot for voter approval. *See, e.g.*, R.C. 5705.194 and 5748.02.

Putting this together, R.C. 3313.951 authorizes a township police department to enter into a

memorandum of understanding only with *school districts*. No statute includes an individual chartered, nonpublic school within the definition of “school district.” Thus, if any authority exists for a chartered, nonpublic school to contract with the township for SRO services, it must be found elsewhere.

Confirming this point, R.C. 505.431 authorizes township police departments to provide police protection to any other township in the state, municipality, or county. But it does not authorize township police departments to provide services to chartered, nonpublic schools. And nothing in the statute suggests that such authority may be implied. Other related statutes suggest the opposite.

For example, in R.C. 311.29(F), the General Assembly expressly authorized a county sheriff to contract with chartered, nonpublic schools for certain police services, including community preventive education programs. Similarly, in R.C. 505.50, the General Assembly authorized a township to contract with, among other entities, a county sheriff for “the provision of police protection services or additional police protection services.” That the General Assembly “used certain language in the one instance and wholly different language in the other,” implies that it intended “different results.” *Metro. Secs. Co. v. Warren State Bank*, 117 Ohio St. 69, 76 (1927); accord 2025 Ohio Atty.Gen.Ops. No. 2025-004, Slip Op. at 14; 2024 Ohio Atty.Gen.Ops.

No. 2024-003, Slip Op. at 5-6; 2-17; *Gabbard v. Madison Local School Dist. Bd. of Edn.*, 2021-Ohio-2067, ¶25.

On the foregoing basis, I conclude that the General Assembly has not authorized townships to enter into memoranda of understanding with chartered, non-public schools for the services of an SRO.

Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

A non-home-rule township lacks authority to directly enter into a memorandum of understanding with a chartered nonpublic school to provide school resource officer services to the school.

Respectfully,

A handwritten signature in black ink that reads "Dave Yost". The signature is written in a cursive style with a large, looping "D" and "Y".

DAVE YOST
Ohio Attorney General