

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 298**

**Representatives Bird, Miller, J.**

**Cosponsors: Representatives Fowler Arthur, Miller, A., Gross, Riedel, Seitz, Miranda, Stoltzfus, Brown, Young, T., Creech, Roemer, Jordan, Hoops, Cutrona, Ray, O'Brien, Wiggam, Pavliga, Hall, Click, McClain, Johnson, Plummer, Stephens, John, Baldrige, Jones, Dean, Ferguson, Holmes, Lightbody, Merrin, Grendell, Abrams, Cross, Koehler, Stewart, Young, B., Loychik, Sobecki, Crossman**

---

**A BILL**

To amend sections 3301.01, 3301.02, 3301.03, and 3301.06 of the Revised Code to change the voting membership of the State Board of Education to consist of only elected members.

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

**Section 1.** That sections 3301.01, 3301.02, 3301.03, and 3301.06 of the Revised Code be amended to read as follows:

**Sec. 3301.01.** (A) There is hereby created the state board of education consisting of ~~nineteen members with~~ eleven elected members, one each to be elected in accordance with section 3301.03 of the Revised Code from each of the districts established in accordance with division (B) of this section, ~~and with eight members to be appointed by the governor with the advice and consent of the senate.~~

In addition to the ~~nineteen~~ eleven ~~elected or appointed~~ members, the chairperson of the committee of the senate that

primarily deals with education and the chairperson of the 16  
committee of the house of representatives that primarily deals 17  
with education shall be nonvoting ex officio members of the 18  
board. 19

(B) (1) The territory of each state board of education 20  
district for each ~~elected~~-voting member of the board shall 21  
consist of the territory of three contiguous senate districts as 22  
established in the most recent apportionment for members of the 23  
general assembly, but the territory of no senate district shall 24  
be part of the territory of more than one state board of 25  
education district. Each state board-~~of-education~~ district shall 26  
be as compact as practicable. The districts shall include, when 27  
practicable, some districts that primarily consist of territory 28  
in rural areas and some districts that primarily consist of 29  
territory in urban areas. 30

(2) If, after the apportionment for members of the general 31  
assembly is made in any year, the general assembly does not 32  
during that year enact legislation establishing state board-~~of-~~ 33  
~~education~~ districts in accordance with division (B) (1) of this 34  
section, the governor shall designate the boundaries of the 35  
districts in accordance with division (B) (1) of this section no 36  
later than the thirty-first day of January of the year next 37  
succeeding such apportionment. Upon making such designation, the 38  
governor shall give written notice of the boundaries of the 39  
districts to each member of the state board-~~of-education~~, 40  
including the nonvoting ex officio members; the superintendent 41  
of public instruction; the president of the senate; the speaker 42  
of the house of representatives; and the board of elections of 43  
each county in each new district. On the first day of February 44  
in any year in which the governor designates the boundaries of 45  
state board of education districts under this section, the state 46

~~board of education~~ districts as they existed prior to that date 47  
shall cease to exist and the new districts shall be created. 48

**Sec. 3301.02.** (A) ~~Elected voting~~ Voting members of the 49  
state board of education shall be elected as required by 50  
expiration of respective terms, each for a term of four years or 51  
until a successor is elected and qualified. One elected member 52  
shall be elected from each district respectively in which the 53  
term of office of a board member expires on the first day of 54  
January following the election. The term of office of each 55  
member so elected shall begin on the first day of January 56  
immediately following this election. 57

(B) At any time the boundaries of state board of education 58  
districts are changed under division (B) of section 3301.01 of 59  
the Revised Code, a member of the state board whose term will 60  
not expire within two years of the time the change in boundaries 61  
is made shall represent, for the remainder of the term for which 62  
the member was elected, the state board district containing the 63  
largest portion of the population of the district from which the 64  
member was elected. If more than one member whose term will not 65  
so expire would represent the same district under the provisions 66  
of this section, either the general assembly, if the general 67  
assembly enacted legislation establishing those districts under 68  
division (B)(2) of section 3301.01 of the Revised Code, or the 69  
governor, if the governor designated the ~~bounderies~~ boundaries 70  
of the districts under that division, shall designate which 71  
member shall represent each district for the balance of the 72  
members' terms. 73

(C) ~~Appointed voting members of the board shall serve~~ 74  
~~four year terms beginning the first day of January and ending on~~ 75  
~~the thirty first day of December. Except as provided in division~~ 76

~~(D) of this section, members may be reappointed.~~ 77

~~(D) No person, elected or appointed,~~ shall hold the office 78  
of member of the state board of education for a period of longer 79  
than two successive terms of four years. Terms shall be 80  
considered successive unless separated by a period of four or 81  
more years. Only terms beginning on or after January 1, 1996, 82  
shall be considered in determining an individual's eligibility 83  
to hold office. 84

**Sec. 3301.03.** (A) Each ~~elected~~ voting member of the state 85  
board of education shall be a qualified elector residing in the 86  
territory composing the district from which the member is 87  
elected, and shall be nominated and elected to office as 88  
provided by Title XXXV of the Revised Code. ~~Each appointed~~ 89  
~~voting member of the board shall be a qualified elector residing~~ 90  
~~in the state. At least four of the appointed voting members~~ 91  
~~shall represent rural school districts in the state, as~~ 92  
~~evidenced by the member's current place of residence and at~~ 93  
~~least one of the following:~~ 94

~~(A) The member's children attend, or at one time attended,~~ 95  
~~school in a rural district;~~ 96

~~(B) The member's past or present occupation is associated~~ 97  
~~with rural areas of the state;~~ 98

~~(C) The member possesses other credentials or experience~~ 99  
~~demonstrating knowledge and familiarity with rural school~~ 100  
~~districts.~~ 101

(B) ~~No elected or appointed voting~~ member of the board 102  
shall, during the member's term of office, hold any other office 103  
of trust or profit or be an employee or officer of any public or 104  
private elementary or secondary school. Before entering on the 105

duties of office, each ~~elected and appointed~~ voting member shall 106  
subscribe to the official oath of office. 107

Each voting member of the state board of education shall 108  
be paid a salary fixed pursuant to division (J) of section 109  
124.15 of the Revised Code, together with the member's actual 110  
and necessary expenses incurred while engaged in the performance 111  
of the member's official duties or in the conduct of authorized 112  
board business, and while en route to and from the member's home 113  
for such purposes. 114

~~(D)~~ (C) As used in this section only, "office of trust or 115  
profit" means: 116

(1) A federal or state elective office or an elected 117  
office of a political subdivision of the state; 118

(2) A position on a board or commission of the state that 119  
is appointed by the governor; 120

(3) An office set forth in section 121.03, 121.04, or 121  
121.05 of the Revised Code; 122

(4) An office of the government of the United States that 123  
is appointed by the president of the United States. 124

**Sec. 3301.06.** A vacancy ~~in~~ among the voting members of the 125  
state board of education may be caused by death, nonresidence, 126  
resignation, removal from office, failure of a person elected to 127  
qualify within ten days after the organization of the board or 128  
of the person's election, removal from the district of election 129  
or from residence in the state, or absence from any two 130  
consecutive regular meetings of the board if such absence is 131  
caused by reasons declared insufficient by a vote of ~~twelve~~ 132  
seven voting members of the board. When a vacancy occurs in the 133  
office of ~~an elected~~ a voting member, the governor shall, within 134

a period of thirty days and with the advice and consent of the senate, appoint a qualified person residing in the district in which the vacancy occurred to fill the vacancy until the next general election at which members of the state board of education are elected, at which time a qualified elector residing in the district in which the vacancy occurred shall be elected for the unexpired term. Such member shall assume office at the next succeeding meeting of the board. ~~When a vacancy occurs in the office of an appointed member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified person to serve the remainder of the term.~~

**Section 2.** That existing sections 3301.01, 3301.02, 3301.03, and 3301.06 of the Revised Code are hereby repealed.

**Section 3.** Sections 1 and 2 of this act take effect on the earliest date prescribed by law; however, the appointed members of the State Board of Education as constituted under sections 3301.01, 3301.02, 3301.03, and 3301.06 of the Revised Code, as those sections existed prior to the effective date of this section, shall remain in office until the expiration of their terms. Thereafter, their respective offices shall be abolished and no successor shall be appointed. If such appointed member vacates the office prior to the expiration of the member's term, no person shall be appointed to fill that vacancy, and that office shall be abolished.