

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 565**

**Representatives Sobecki, Hicks-Hudson**

**Cosponsors: Representatives Liston, Sheehy, Humphrey, Miller, A., Smith, M.,  
Lepore-Hagan, Hoops, Weinstein**

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**A BILL**

To amend sections 3301.01, 3301.02, 3301.03, 1  
3301.04, and 3301.06 and to enact section 2  
3301.013 of the Revised Code to add five 3  
students as nonvoting members to the State Board 4  
of Education. 5

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

**Section 1.** That sections 3301.01, 3301.02, 3301.03, 6  
3301.04, and 3301.06 be amended and section 3301.013 of the 7  
Revised Code be enacted to read as follows: 8

**Sec. 3301.01.** ~~(A)~~ (A) (1) There is hereby created the state 9  
board of education consisting of nineteen members with eleven 10  
elected members, one each to be elected in accordance with 11  
section 3301.03 of the Revised Code from each of the districts 12  
established in accordance with division (B) of this section, and 13  
with eight members to be appointed by the governor with the 14  
advice and consent of the senate. 15

(2) In addition to the nineteen elected or appointed 16  
voting members, the chairperson following shall serve on the 17

state board: 18

(a) The chairperson of the committee of the senate that 19  
primarily deals with education and the chairperson of the 20  
committee of the house of representatives that primarily deals 21  
with education, who shall be nonvoting ex officio members of the 22  
board; 23

(b) Beginning on the first day of July that follows the 24  
effective date of this amendment, the five students selected 25  
under section 3301.013 of the Revised Code, who shall be 26  
nonvoting members of the board. 27

(B) (1) The territory of each state board of education 28  
district for each elected voting member of the board shall 29  
consist of the territory of three contiguous senate districts as 30  
established in the most recent apportionment for members of the 31  
general assembly, but the territory of no senate district shall 32  
be part of the territory of more than one state board of 33  
education district. Each state board of education district shall 34  
be as compact as practicable. The districts shall include, when 35  
practicable, some districts that primarily consist of territory 36  
in rural areas and some districts that primarily consist of 37  
territory in urban areas. 38

(2) If, after the apportionment for members of the general 39  
assembly is made in any year, the general assembly does not 40  
during that year enact legislation establishing state board of 41  
education districts in accordance with division (B) (1) of this 42  
section, the governor shall designate the boundaries of the 43  
districts in accordance with division (B) (1) of this section no 44  
later than the thirty-first day of January of the year next 45  
succeeding such apportionment. Upon making such designation, the 46  
governor shall give written notice of the boundaries of the 47

districts to each member of the state board of education, 48  
including the nonvoting ex officio members; the superintendent 49  
of public instruction; the president of the senate; the speaker 50  
of the house of representatives; and the board of elections of 51  
each county in each new district. On the first day of February 52  
in any year in which the governor designates the boundaries of 53  
state board of education districts under this section, the state 54  
board of education districts as they existed prior to that date 55  
shall cease to exist and the new districts shall be created. 56

Sec. 3301.013. (A) As used in this section, "public 57  
school" means any of the following: 58

(1) A school operated by a city, local, exempted village, 59  
or joint vocational school district; 60

(2) A community school established under Chapter 3314. of 61  
the Revised Code that is not an internet- or computer-based 62  
community school; 63

(3) A STEM school established under Chapter 3326. of the 64  
Revised Code; 65

(4) A college preparatory boarding school established 66  
under Chapter 3328. of the Revised Code. 67

(B) Beginning on the effective date of this section, the 68  
superintendent of public instruction, in consultation with the 69  
broadcast educational media commission, shall develop a process 70  
by which schools may nominate students and the state 71  
superintendent and commission shall select five students to 72  
serve as nonvoting members on the state board of education 73  
beginning on the first day of July that follows the effective 74  
date of this section. The process developed under this section 75  
shall: 76

(1) Require the establishment of five regions from which 77  
to select one student, each to serve as a nonvoting member of 78  
the state board; 79

(2) Require at least three of the students selected as 80  
state board members under this section to be enrolled in a 81  
public school; 82

(3) Require as a condition of eligibility for nomination 83  
that students either: 84

(a) Be enrolled in a public or chartered nonpublic high 85  
school; 86

(b) Be at least thirteen years of age and enrolled in an 87  
early college high school program established under section 88  
3313.6013 of the Revised Code. 89

(4) Require a procedure by which to fill a vacancy of a 90  
student member of the state board; 91

(5) Require the establishment of a rotation schedule to 92  
ensure that at least one student member attends each state board 93  
meeting. 94

(C) The state superintendent, in consultation with the 95  
commission, shall adopt rules as necessary for the development 96  
and implementation of the process prescribed by this section. 97

**Sec. 3301.02.** (A) Elected voting members of the state 98  
board of education shall be elected as required by expiration of 99  
respective terms, each for a term of four years or until a 100  
successor is elected and qualified. One elected member shall be 101  
elected from each district respectively in which the term of 102  
office of a board member expires on the first day of January 103  
following the election. The term of office of each member so 104

elected shall begin on the first day of January immediately 105  
following this election. 106

(B) At any time the boundaries of state board of education 107  
districts are changed under division (B) of section 3301.01 of 108  
the Revised Code, a member of the state board whose term will 109  
not expire within two years of the time the change in boundaries 110  
is made shall represent, for the remainder of the term for which 111  
the member was elected, the state board district containing the 112  
largest portion of the population of the district from which the 113  
member was elected. If more than one member whose term will not 114  
so expire would represent the same district under the provisions 115  
of this section, either the general assembly, if the general 116  
assembly enacted legislation establishing those districts under 117  
division (B) (2) of section 3301.01 of the Revised Code, or the 118  
governor, if the governor designated the ~~bounderies~~ boundaries 119  
of the districts under that division, shall designate which 120  
member shall represent each district for the balance of the 121  
members' terms. 122

~~(C)~~ (C) (1) Appointed voting members of the board shall 123  
serve four-year terms beginning the first day of January and 124  
ending on the thirty-first day of December. Except as provided 125  
in division (D) of this section, members may be reappointed. 126

(2) Student nonvoting members of the board selected under 127  
section 3301.013 of the Revised Code shall serve two-year terms 128  
beginning on the first day of July and ending on the thirtieth 129  
day of June. 130

(D) No person, elected or appointed, shall hold the office 131  
of member of the state board of education for a period of longer 132  
than two successive terms of four years. Terms shall be 133  
considered successive unless separated by a period of four or 134

more years. Only terms beginning on or after January 1, 1996, 135  
shall be considered in determining an individual's eligibility 136  
to hold office. 137

**Sec. 3301.03.** Each elected voting member of the state 138  
board of education shall be a qualified elector residing in the 139  
territory composing the district from which the member is 140  
elected, and shall be nominated and elected to office as 141  
provided by Title XXXV of the Revised Code. Each appointed 142  
voting member of the board shall be a qualified elector residing 143  
in the state. At least four of the appointed voting members 144  
shall represent rural school districts in the state, as 145  
evidenced by the member's current place of residence and at 146  
least one of the following: 147

(A) The member's children attend, or at one time attended, 148  
school in a rural district; 149

(B) The member's past or present occupation is associated 150  
with rural areas of the state; 151

(C) The member possesses other credentials or experience 152  
demonstrating knowledge and familiarity with rural school 153  
districts. 154

No elected or appointed voting member of the board shall, 155  
during the member's term of office, hold any other office of 156  
trust or profit or be an employee or officer of any public or 157  
private elementary or secondary school. Before entering on the 158  
duties of office, each elected and appointed voting member shall 159  
subscribe to the official oath of office. 160

Each voting member of the state board of education shall 161  
be paid a salary fixed pursuant to division (J) of section 162  
124.15 of the Revised Code, together with the member's actual 163

and necessary expenses incurred while engaged in the performance 164  
of the member's official duties or in the conduct of authorized 165  
board business, and while en route to and from the member's home 166  
for such purposes. 167

Each student member selected under section 3301.013 of the 168  
Revised Code shall be paid actual and necessary expenses 169  
incurred while en route to and from the member's home for 170  
official duties or authorized board business of the board. 171

(D) As used in this section only, "office of trust or 172  
profit" means: 173

(1) A federal or state elective office or an elected 174  
office of a political subdivision of the state; 175

(2) A position on a board or commission of the state that 176  
is appointed by the governor; 177

(3) An office set forth in section 121.03, 121.04, or 178  
121.05 of the Revised Code; 179

(4) An office of the government of the United States that 180  
is appointed by the president of the United States. 181

**Sec. 3301.04.** Between the first and thirty-first day of 182  
January of each odd-numbered year, the state board of education 183  
shall hold an organization meeting at which time it shall adopt 184  
rules of procedure, elect a president and a vice-president each 185  
of whom shall serve for two years or until the president's or 186  
vice-president's successor is elected and qualified, and 187  
transact such business as the board deems advisable. 188

The state board of education shall adopt, by the thirty- 189  
first day of March each year, a calendar indicating the dates on 190  
which the board will hold its regular meetings for the following 191

fiscal year. The board may hold special meetings on dates not 192  
indicated on the adopted calendar at such times as they may be 193  
called as provided in this section. Special meetings of the 194  
board may be called by the president, and, upon written request 195  
signed by at least a majority of the members, the president 196  
shall call a special meeting of the board. The president, or the 197  
president's designee, shall give notice through the 198  
superintendent of public instruction to each member of the board 199  
at least ten days prior to the time of any special meeting. The 200  
notice may be delivered by regular mail or by electronic means. 201  
The state board of education shall hold its meetings anywhere in 202  
Ohio designated by the board. 203

Only one student member of the board selected under 204  
section 3301.013 of the Revised Code, at a time, shall be 205  
required to attend each meeting of the state board. 206

**Sec. 3301.06.** A vacancy in the state board of education 207  
may be caused by death, nonresidence, resignation, removal from 208  
office, failure of a person elected to qualify within ten days 209  
after the organization of the board or of the person's election, 210  
removal from the district of election or from residence in the 211  
state, or absence from any two consecutive regular meetings of 212  
the board if such absence is caused by reasons declared 213  
insufficient by a vote of twelve members of the board. When a 214  
vacancy occurs in the office of an elected member, the governor 215  
shall, within a period of thirty days and with the advice and 216  
consent of the senate, appoint a qualified person residing in 217  
the district in which the vacancy occurred to fill the vacancy 218  
until the next general election at which members of the state 219  
board of education are elected, at which time a qualified 220  
elector residing in the district in which the vacancy occurred 221  
shall be elected for the unexpired term. Such member shall 222



assume office at the next succeeding meeting of the board. When 223  
a vacancy occurs in the office of an appointed voting member, 224  
the governor shall, within a period of thirty days and with the 225  
advice and consent of the senate, appoint a qualified person to 226  
serve the remainder of the term. When a vacancy occurs in the 227  
office of a student member selected under section 3301.013 of 228  
the Revised Code, the vacancy shall be filled in the manner 229  
developed by the superintendent of public instruction as 230  
prescribed under that section. 231

**Section 2.** That existing sections 3301.01, 3301.02, 232  
3301.03, 3301.04, and 3301.06 of the Revised Code are hereby 233  
repealed. 234