



Sub. S.B. 187*

124th General Assembly
(As Reported by S. Education)

Sens. Nein, Randy Gardner, DiDonato, Brady, Prentiss, Herington

BILL SUMMARY

- Increases the maximum allowable compensation for members of school district boards of education and educational service center governing boards to \$125 per meeting.
- Allows members of school district boards and educational service center governing boards to receive compensation up to specified limits for attendance at a training program.

CONTENT AND OPERATION

Under continuing law, the board of education of a city, local, exempted village, or joint vocational school district or the governing board of an educational service center may adopt a resolution to provide compensation for its members. Currently, that compensation cannot exceed \$80 for each meeting a member attends.¹ The bill increases the maximum compensation district boards and educational service center governing boards may pay their members to \$125 per meeting attended. If, however, a district board or a governing board votes to raise its members' compensation, an individual member cannot receive the higher pay until he or she begins a new term on the board (see **COMMENT**).

In addition, the bill allows district boards and educational service center governing boards to compensate their members for attendance at approved training

* *This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

¹ *Members of an educational service center governing board may also be reimbursed for the cost of travelling to and from meetings at a mileage rate determined by the governing board (sec. 3313.12).*

programs.² Each board may set its own rate of compensation within the limits established by the bill. Under the bill, the maximum reimbursement a member may receive for attendance at a training program is \$60 per day if the program is three hours or less in length or \$125 per day if the program is longer than three hours. (Secs. 3311.19 and 3313.12.)

COMMENT

Article II, § 20 of the Ohio Constitution provides that the General Assembly "shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term." According to an Ohio Attorney General opinion, school board members are public "officers" and, thus, they are subject to the constitutional limitations on changes in compensation (Ohio Op. Atty. Gen. No. 80-050 (1980)). Consequently, a school district board or the governing board of an educational service center may pass a resolution at any time to increase (or decrease) its members' compensation, but all sitting members must continue to be paid at the rate in effect prior to passage of the resolution for the remainder of their current terms. However, if a member serves a subsequent term, he or she must receive the new level of compensation beginning the first day of the subsequent term.

Because members' terms are staggered, the effect of this constitutional provision is that some members of the board may receive more (or less) compensation than other members of the same board. The different levels of compensation will continue until all members who voted to increase compensation are either reelected or replaced by a new member.

The board may not authorize the payment of retroactive compensation for a reelected member.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-30-01	p. 1020
Reported, S. Education s0187-rs.124/kl	---	---

² *Under continuing law, school district boards and educational service center governing boards may by resolution set aside each year from the general fund \$2 per pupil or \$20,000, whichever is greater. This set aside amount is termed a "service fund" and may be used to pay the expenses of board members incurred in the performance of their duties. (Sec. 3315.15, not in the bill.)*