



H.B. 110

126th General Assembly
(As Introduced)

Reps. **Wagner, McGregor, Aslanides, Gilb, Schaffer, Raga, Reidelbach, Wolpert**

BILL SUMMARY

- Allows boards of education and governing boards of educational service centers to reduce the number of teachers for financial reasons.
- Expands the reasons for which these boards may reduce the number of nonteaching employees to include the same reasons the board would reduce the number of teaching employees.
- Specifies that nonteaching employees whose contracts are suspended pursuant to a resolution adopted by a board of education or governing board of an educational service center have a right to restoration.
- Specifies that when reducing teaching or nonteaching employees, the superintendent of the school district or the service center must give preference first to employees with continuing contracts and then to employees based upon seniority.
- Allows, on a case-by-case basis, a board of education or a governing board of an educational service center to suspend an employee's contract in part rather than in whole.

CONTENT AND OPERATION

Reduction of the number of teaching employees for financial reasons

Current law allows a board of education or educational service center governing board to make a reasonable reduction in teaching employees when, for any of the reasons specified in current law that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the board decides that it will be necessary to reduce the number of teachers it

employs. Among the reasons for which a board may reduce the number of teaching employees, in the case of any district or service center, are: (1) return to duty of regular teachers after leaves of absence, (2) suspension of schools, and (3) territorial changes affecting the district or center. The bill adds that the board also may make a reasonable reduction of teaching employees for financial reasons. The bill does not define "financial reasons." (Sec. 3319.17(B)(1).)

Suspension of teaching employee's contracts for authorized reasons

In making any reduction for any of the authorized reasons, current law requires any city, exempted village, local, or joint vocational school board or any governing board of a service center to proceed to suspend contracts in accordance with the recommendation of the superintendent of schools who must, within each teaching field or service area affected, as applicable, give preference to teachers on continuing contracts and to teachers who have greater seniority. The bill requires that preference be given first to teachers on continuing contracts and then to teachers who have greater seniority. Also, the bill allows a board, on a case-by-case basis, in lieu of suspending a contract in whole, to suspend a contract in part, so that an individual is required to work a percentage of the time the employee otherwise is required to work under the contract and receives a commensurate percentage of the full compensation the employee otherwise would receive under the contract. (Sec. 3319.17(C).)

Restoration

Under current law, teachers whose continuing contracts are suspended by any board pursuant to the reduction process have the right of restoration to continuing service status by that board in the order of seniority of service in the district, and the bill adds service center, if and when teaching positions become vacant or are created for which any of such teachers are or become qualified. The bill adds that no teacher whose continuing contract has been suspended pursuant to the reduction process can lose that right of restoration to continuing service status by reason of having declined recall to a position that is less than full-time or, if the teacher was not employed full-time just prior to suspension of the teacher's continuing contract, to a position requiring a lesser percentage of full-time employment than the position the teacher last held while employed in the district or service center. (Sec. 3319.17(C).)

Reduction of the number of nonteaching employees

Current law establishes an employment contract system that controls nonteaching employees who are employed in school districts wherein the Ohio Civil Service Law (R.C. Chapter 124.) does not apply and whose contracts of

employment are not otherwise provided by law¹ (sec. 3319.081). Under continuing law, contracts provided through this system may be terminated by a majority vote of the board of education. Except as provided below, continuing law specifies that these contracts may be terminated only for violation of written rules and regulations as set forth by the board of education or incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance. Continuing law also specifies that sexual battery against a student is grounds for termination. (Secs. 3319.081(C) and 2907.03(A)(7), not in the bill.)

The bill adds a method by which and expands the reasons for which these contracts may be terminated. It specifies that the board of education of each school district wherein the provisions of the Civil Service Law do not apply and the governing board of each educational service center may adopt a resolution ordering reasonable reductions in the number of nonteaching employees for any of the reasons described above for which the board of education or governing board may make reductions in teaching employees (sec. 3319.172). Therefore, in addition to the reasons for reduction discussed under "**Reduction of the number of teaching employees for financial reasons**," above, a board may make a reduction for any of the following reasons:

(1) In the case of any city, exempted village, local, or joint vocational school district, decreased enrollment of pupils in the district;

(2) In the case of any governing board of a service center providing any particular service directly to pupils pursuant to one or more interdistrict contracts requiring such service, reduction in the total number of pupils the governing board is required to provide with the service under all interdistrict contracts as a result of the termination or nonrenewal of one or more of these interdistrict contracts;

(3) In the case of any governing board providing any particular service that it does not provide directly to pupils pursuant to one or more interdistrict contracts requiring such service, reduction in the total level of the service the governing board is required to provide under all interdistrict contracts as a result of the termination or nonrenewal of one or more of these interdistrict contracts. (Secs. 3319.172 and 3319.17(B).)

¹ *Nonteaching employees of city school districts are generally subject to the Civil Service Law, unless the district opts out through collective bargaining or if a home rule municipality excludes school district employees from the Civil Service Law (see Ohio Assoc. of Public School Employees v. City of Twinsburg (1988), 36 Ohio St.3d 180).*

Suspension of contracts for nonteaching employees

In making any reduction by adopting a resolution, the board of education or governing board must proceed to suspend contracts in accordance with the recommendation of the superintendent of the district or service center who must, within each pay classification affected, give preference first to employees under continuing contracts and then to employees on the basis of seniority. On a case-by-case basis, in lieu of suspending a contract in whole, a board may suspend a contract in part, so that an individual is required to work a percentage of the time the employee otherwise is required to work under the contract and receives a commensurate percentage of the full compensation the employee otherwise would receive under the contract.

Restoration

The bill specifies that similar to teachers, any nonteaching employee whose continuing contract is suspended under this section has the right of restoration to continuing service status by the board of education or governing board that suspended that contract in order of seniority of service in the district or service center, if and when a nonteaching position for which the employee is qualified becomes vacant or is created. The bill specifies that no nonteaching employee whose continuing contract has been suspended under this provision can lose that right of restoration to continuing service status by reason of having declined recall to a position requiring fewer regularly scheduled hours of work than required by the position the employee last held while employed in the district or service center. (Sec. 3319.172.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
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