



Ohio Legislative Service Commission

Bill Analysis

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H.B. 58

130th General Assembly
(As Introduced)

Reps. Gerberry, Cera, Mallory

BILL SUMMARY

- Changes the voting membership of the State Board of Education to consist of members elected from electoral districts that coincide with the state's Congressional districts.
- Eliminates the provision that limits State Board of Education members to two consecutive four-year terms.
- Requires the Governor to appoint an additional member to the State Board of Education to be the Board's president, but only if there is an even number of electoral districts.
- Permits a State Board of Education president appointed by the Governor to vote on Board matters only in the case of a tie among the elected voting members.

CONTENT AND OPERATION

Composition of the State Board of Education

The bill changes the voting membership of the State Board of Education to consist of members elected from districts that coincide with the state's Congressional districts,¹ and, if there is an even number of State Board electoral districts, one gubernatorial appointee.² The Ohio Constitution provides that there must be a State Board of Education, whose powers, duties, selection, and terms of office must be "prescribed by law,"³ and, under existing law, the voting membership of the State Board

¹ R.C. 3301.01.

² R.C. 3301.021.

³ Article VI, Section 4.

is 11 members elected from specified electoral districts (each consisting of three state Senate districts) and 8 members appointed by the Governor.⁴

The bill does not make any changes to the nonvoting ex officio membership of the State Board, which consists of the chairpersons of the Senate and House Education committees.⁵

Elected Board members

State Board electoral districts

Because the bill changes the elected membership of the State Board to coincide with the state's Congressional districts, the Board will be reconstituted every ten years following the determination of Congressional districts by the General Assembly, and the number of State Board districts will change if there is a change in the number of Congressional districts.⁶ Ohio currently has 16 Congressional districts; therefore, under the bill, there would also be 16 State Board electoral districts until the next Congressional apportionment.

Terms of office

Under current law not changed by the bill, elected members of the State Board serve four-year staggered terms. However, the bill does not impose any limit on the number of terms that an elected member may serve, whereas existing law limits elected members to two consecutive four-year terms of office.

The bill prescribes a method to determine the length of the initial terms of the Board's elected members. At the time that the General Assembly determines the boundaries of the Congressional districts, it must also designate a whole number for each State Board district simultaneously created. The initial members who are elected from districts designated with an odd number will serve four-year terms, while those elected from districts designated with an even number will serve two-year terms. Thereafter, the terms of office of the members are generally to be for four years. However, the members elected in the year just prior to the reapportionment of districts will serve for only two years before the State Board is wholly reconstituted under the newly apportioned districts.⁷ As under current law, each elected member of the State

⁴ R.C. 3301.01.

⁵ R.C. 3301.01.

⁶ R.C. 3301.02; conforming changes in R.C. 3301.06 and 3513.259.

⁷ R.C. 3301.02.

Board must be a qualified elector residing in the district from which the member is elected.⁸

The bill specifies how to stagger the terms of the Board members elected in November 2014. Members elected from odd-numbered Congressional districts will serve four-year terms beginning in January 2015. Members elected from even-numbered Congressional districts will serve two-year terms beginning that month.⁹

Officers of the Board

If there is an odd number of State Board districts, the Board's elected members must select the Board's president from among themselves.¹⁰ The president selected by the members serves a two-year term and has the same voting rights as any other member of the Board.¹¹

However, if there is an even number of State Board districts, the Governor must appoint the Board's president (see "**Appointed Board member**" below).¹² The president appointed by the Governor serves a two-year term and may vote on Board matters only in the case of a tie among the other members.¹³

The Board's elected members also must select the Board's vice-president from among themselves. The vice-president may substitute for the president appointed by the Governor as the Board's presiding officer but may not vote to break a tie vote.¹⁴

Appointed Board member

The bill provides that, when there is an even number of State Board electoral districts, the Governor must appoint, with the advice and consent of the Senate, an additional member who is a qualified elector residing in the state to be the president of the Board. The Governor must make this appointment not less than 30 days after each election for members of the State Board. That president serves a two-year term and is empowered to vote on Board matters only in the case of a tie among the other members.

⁸ R.C. 3301.03.

⁹ Section 3.

¹⁰ R.C. 3301.01.

¹¹ R.C. 3301.04.

¹² R.C. 3301.01 and 3301.021.

¹³ R.C. 3301.04.

¹⁴ R.C. 3301.04 and 3301.05.

The bill does not impose any limit on the number of two-year terms that such a president may serve.¹⁵

HISTORY

ACTION	DATE
Introduced	02-02-13

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¹⁵ R.C. 3301.01, 3301.021, and 3301.04.

