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H.B. 235
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Fowler Arthur

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UPDATED VERSION*

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SUMMARY

- Reduces the State Board of Education from 19 members to 15 members, all of whom are elected based on the 15 congressional districts.
- Requires the State Board to hold at least one public meeting per month to conduct public hearings on rules proposed by the Director of Education and Workforce.
- Moves elections for State Board members from the nonpartisan ballot to the partisan ballot, and provides for primary elections for State Board members.

DETAILED ANALYSIS

Membership of the State Board of Education

15-member elected board

The bill reduces the State Board of Education from 19 members to 15 members, all of whom are elected based on Ohio's 15 congressional districts.¹ Under current law, the State Board of Education consists of 19 members, with 11 nonpartisan elected members and eight members appointed by the Governor with the advice and consent of the Senate. Currently, the elected board members are elected based on districts created specifically for State Board

* Clarifies that the bill's changes to R.C. 3501.02 are technical in nature in order to conform to current constitutional requirements.

¹ R.C. 3301.01 and Section 4; conforming changes in R.C. 3.15, 3301.02, 3301.03, and 3301.06.

elections, with each State Board district consisting of the territory of three contiguous state Senate districts.²

Under the bill, if the boundaries of the congressional districts are changed, then a board member whose term will not expire within two years of that change will represent the district containing the largest portion of the population of the district from which the member was elected for the remainder of the board member's term. If more than one member would represent the same district as a consequence of these changes, then the General Assembly will designate which board member will represent each district for the remainder of the board members' terms. Under current law, any conflicts created by changes to State Board of Education districts would be resolved by either the General Assembly or the Governor, depending on whether the General Assembly or Governor created the boundaries of those districts.³

Election of members

The bill moves elections for State Board of Education members from the nonpartisan ballot to the partisan ballot, and provides for primary elections for State Board members. Candidates for State Board member will appear between the offices for judge of court of appeals and county commissioner on the partisan ballot. Continuing law requires a partisan ballot to include the name of the political party of which a candidate was nominated or certified under the candidate's name. Under current law, candidates for the State Board of Education appear between offices for court of common pleas and school district board of education members on the nonpartisan ballot.

Appearing on the partisan ballot, instead of the nonpartisan ballot, creates changes to the requirements for State Board candidates. Under the bill, the candidates first must seek election in a primary election like other partisan offices, which requires the candidates to file declarations of candidacy rather than nominating petitions, for example. Then, only those candidates nominated at the primary election would appear on the partisan ballot at an election.⁴

Phase-in of new membership

The bill phases in the new membership of the board over a four-year transition period. Appointed members who were appointed prior to the bill's effective date will remain in office until the expiration of their terms, after which their office will be abolished. Any vacancies created by appointed board members leaving office prior to the expiration of their term will not be filled.

² R.C. 3301.01.

³ R.C. 3301.02.

⁴ R.C. 3501.01, 3505.03, 3505.04, 3513.04, and 3513.052; R.C. 3513.259, repealed.

From the bill's effective date through December 31, 2024, the State Board will consist of 19 members, including 11 existing elected members, four members at large appointed to serve terms expiring on December 31, 2024, and four members at large appointed to serve terms expiring on December 31, 2026. During this time, all members of the board are subject to the law's requirements as they existed prior to the bill's effective date, including required residency within the State Board district each member represents.⁵

Board member elections will be based on congressional districts for the first time in the general election occurring on November 5, 2024. Beginning on October 6, 2024, the elected board members who were elected prior to the bill's effective date and whose terms will expire on January 1, 2027, will represent their congressional district of residence for the remainder of the member's term. There will be no board member elections for those districts in 2024. Board members elected to represent a congressional district on November 5, 2024, will serve a four-year term beginning on January 1, 2025, and ending on January 1, 2029.⁶

From January 1, 2025, to December 31, 2026, the State Board will consist of 19 members, including 15 elected members and the four members at large appointed to serve terms expiring December 31, 2026. During this time, only the four appointed members are subject to the law's requirements as they existed prior to the bill's effective date. Additionally, the Governor cannot appoint board members to serve terms beginning on or after January 1, 2025.⁷

The successors to elected members with terms ending on January 1, 2027, will be elected on November 3, 2026. These members will serve four-year terms beginning on January 1, 2027, and ending on January 1, 2031.⁸

The phase-in ends on January 1, 2027, on which the State Board will consist of 15 elected members.⁹

Public meetings and hearings on administrative rules

The bill requires the State Board of Education to hold at least one public meeting each month to conduct hearings on any administrative rules proposed by the Director of Education and Workforce. The Director, the Deputy Director of Primary and Secondary Education, or the Deputy Director of Career-Technical Education must be present at each of these meetings.

The State Board must hold at least one hearing on each rule proposed by the Director. During rule hearings, the State Board must accept public testimony and written comments regarding the rule. After conducting hearings on a rule, the State Board must prepare a report

⁵ R.C. 3301.021(A)(1) and Section 4; see also R.C. 3.15.

⁶ R.C. 3301.021(B)(1) to (3).

⁷ R.C. 3301.021(A)(2).

⁸ R.C. 3301.021(B)(4).

⁹ R.C. 3301.021(A)(3).

that includes a summary of the public testimony and written comments submitted during the hearings. The Department of Education and Workforce must post the report on its website. The Director must assign department employees to assist the State Board in completing these requirements.¹⁰

Technical change regarding initiative and referendum petitions

The bill makes technical changes to R.C. 3501.02 to reflect the requirement under the Ohio Constitution that petitioners submit a statewide initiative or referendum petition at least 125 days before a general election in order for the issue to appear on the ballot at that election. Before 2008, those constitutional deadlines were 90 days and 60 days respectively, as shown currently in R.C. 3501.02. That section has not been corrected since 2008 to conform to the constitutional change. Although R.C. 3501.02 is currently inconsistent with the Ohio Constitution, the Ohio Constitution prevails in determining the deadlines.¹¹

Division (C) of R.C. 3501.02 includes a reference to elections being held for “elected members” of the State Board of Education. The bill could be amended to strike the word “elected” to clarify that under the bill, all members of the Board are to be elected. Several other provisions of the bill include this clarifying change.¹²

HISTORY

Action	Date
Introduced	07-05-23

ANHB0235IN-UPDATED-135/ks

¹⁰ R.C. 3301.139.

¹¹ R.C. 3501.02; Ohio Constitution, Article II, Sections 1a, 1b, and 1c, not in the bill.

¹² R.C. 3.15, 3301.02, 3301.03, and 3301.06.