



School board organizational meeting and oath of office

Ohio School Boards Association

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This fact sheet is designed to assist school board members and district administrators with answering some of the commonly asked questions concerning the annual organizational meeting and administering the oath of office to board members. The information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.

Board of education election

Board members begin their terms on the first day of January after the election and hold office for a term of four years. A board member is officially elected when he or she has been certified as elected by the county board of elections. This usually happens approximately 10 days after the election.

Newly certified board members have no official role until Jan. 1 when the term begins. However, many boards of education make it a practice to involve newly elected board members from the time of their election until they officially take office. Ohio Revised Code Section (RC) 3315.15 provides that a board of education may spend money from its service fund for the expenses of members-elect that were actually incurred in connection with their training and orientation to their duties before they take office. Board members-elect, not being officially in office, may meet individually or collectively prior to assuming office without violating Ohio's Sunshine Law.

Oath of office

Board members must take the oath of office at the beginning of each term of office. The oath should be taken before a board member is seated or assumes their duties. It is not necessary for the board president and vice president to take an additional oath to serve in that capacity, although some boards have a ceremonial oath.

While it is common practice to administer the oath of office to newly elected board members as part of the board's organizational meeting, it is not mandatory that the oath take place at that time. In fact, an elected official may take the oath of office at any time after he or she has been officially certified as elected by the county board of elections. Board members may be "officially" sworn in prior to the organizational meeting, and participate in a ceremonial swearing in during the meeting if they desire. However, the law prohibits the official from serving in the new term until Jan. 1.

The treasurer, any member of the board, any Ohio elected official whose office has jurisdiction over the territory of the school district, members of the Ohio General Assembly, judges or notaries public all are qualified to administer the oath of office. The superintendent of schools is not qualified to administer the oath, unless the superintendent also is a notary public.

Winding up the year

There is a common misconception that the old board must meet in January to wind up last year's business. A departing board member is without power of office after Dec. 31 if a successor has been qualified. The Ohio Auditor of State Office Bureau of Inspection and Supervision has taken the position that a member is "duly qualified" when the board of elections certifies the election results.

Perhaps the best approach is for the board to conduct its final regular meeting in December, complete any necessary business and name a person who will be a

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member in January to preside as a president pro tem at the organizational meeting. This eliminates the awkward situation of having no one to call the January meeting to order and preside over officer elections. The person selected may be last year's president (if that person will still be on the board), the most senior board member or any other member of the board. It is the treasurer's responsibility to poll the new board (newly elected and re-elected members and those whose terms did not expire) and establish a date, time and place for the organizational meeting and issue public notice of it.

Legally, a board of education is an ongoing entity regardless of any changes in membership. The new board is authorized to act on any and all items that are deemed "old business," including the approval of the minutes from previous meetings.

The interim

An issue that confronts board members and administrators concerns whether outgoing board members have authority to transact business during the "gap" of time between Dec. 31 and the board's organizational meeting in January, sometimes referred to as "holding over." If urgent business must be conducted prior to the organizational meeting, the board may issue public notice and conduct the organizational and other business earlier. The organizational meeting is intended to be the first meeting of the year.

Conducting the organizational meeting

RC 3313.14 requires, city, local and exempted village boards to organize within the first 15 days of January. Joint vocational school district (JVS) boards and educational service center (ESC) governing boards have until the end of the month to hold their organizational meetings. Practically speaking, the meeting should be held at the earliest possible time since the operation of the district must continue. It is helpful if the ESC, city, local and exempted village board organizational meetings precede the JVS organizational meeting so JVS board appointments may be made and the newly appointed member may participate in the JVS board meeting.

The meeting should be called to order, and opening ceremonies (such as the Pledge of Allegiance) conducted. This should immediately be followed by administration of the oath of office to members beginning a new term of office (if the oath has been administered previously, it should be so stated for the record as to when, where and by whom).

Once all members are officially seated in compliance with the law, the treasurer should call the roll and the election of officers should take place. The president pro tem continues to preside over the meeting at this point. Any member of the board may

nominate someone for office. In fact, members may nominate and vote for themselves. Board members nominated for JVS board service should not vote for themselves, as there is a monetary benefit associated with that office. Nominations for officers do not require seconds.

If more than one person is nominated for the position of president or vice president, the treasurer shall call the roll of the board and ask the members to vote for the person of their choice. Ohio law requires a majority vote of all members of the board (three votes on a five-member board) to elect an officer. Once the officers have been elected, the newly elected president should preside over the meeting.

What if the board cannot agree on who should serve as board president or vice president? RC 3313.14 states that the board, "... shall organize by electing one of its members president and another vice president ..." The directive is to elect the officers at the organizational meeting. If the board is in disagreement, consensus building will be necessary.

Among the items that should be considered at the organizational meeting are establishment of the regular meeting schedule, appointments to the JVS board, and adoption of the district's tax budget per RC 5705.28. Normally, purchase of liability insurance for individual board members and the board as an entity, renewing OSBA membership and routine business also are discussed at this meeting. Board members should make an election on whether to participate in School Employees Retirement System. Finally, boards often make board committee appointments during the organizational meeting.

Some boards have held an organizational meeting followed immediately by another board meeting. There do not appear to be any prohibitions of this practice, as long as Ohio's Sunshine Law is followed with regard to both meetings. However, there is no restriction on the business that may be conducted during the organizational meeting. This is sometimes a matter of local practice.

Board member compensation

Board member compensation is discussed briefly in this fact sheet because many boards traditionally have dealt with this subject at the organizational meeting. Although boards may act to set compensation at the organizational meeting, or at any meeting, due to the restrictions of Article II, Section 20 of the Ohio Constitution, board members are prohibited from changing the terms of their compensation during a term of office. Because terms of office begin Jan. 1, acting to change compensation in terms of the amount paid for meetings or the number of meetings for which compensation will be paid should occur prior to this, ideally in September or October of the preceding year. OSBA has published a fact sheet entitled

“Board member compensation, benefits and expense reimbursement,” which is available for download at www.ohioschoolboards.org/sites/default/files/OSBBoardCompensationFactSheet.pdf.

The information in this fact sheet is designed to provide authoritative general information. It should not be relied upon as legal advice. If legal advice is required, the services of an attorney should be obtained.