



# OSBA Legal Resources for Summer Hot Topics

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# Competitive Bidding

- Boards of education must solicit bids:
  - “Build, repair, enlarge, improve or demolish any school building” if the cost of the work is over \$50,000
  - Purchase school buses
  - Comply with federal requirements



# Competitive Bidding

- Providing information to potential bidders.
- Advertising for bids.
- Evaluating and accepting bids.
- Alternatives to competitive bidding.



<https://www.ohio.schoolboards.org/sites/default/files/OSBACompetitiveBiddingFactSheet-3.pdf>



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## Competitive bidding

*Competitive bidding is a process under which a board of education must advertise and seek formal bids from potential vendors before making a purchase for the district. For most purchases, school boards are not required to use competitive bidding. However, Ohio laws require boards of education to use competitive bidding for certain construction, repairs and improvements of school property and for the purchase of school buses. These procedures are designed to preserve the integrity of public contracts and are strictly construed and enforced by the courts. The legislative intent of competitive bidding is to provide for open and honest competition in bidding for public contracts and to hold the public, as well as bidders themselves, harmless from any kind of favoritism or fraud (Bd. of Edn. v. Sever-Williams Co., 22 Ohio St.2d 107 (1970)).*

*This fact sheet is designed to address the most frequently asked questions about Ohio's competitive bidding requirements. This information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.*





# School Property Disposal





# School Property Disposal

Sale/lease to high-performing community schools

Sale/lease to start-up community schools, college-preparatory board schools, STEM and STEAM schools

Public auction

Private sale, trade, etc.

Donation



<https://www.ohioschoolboards.org/sites/default/files/OSBAPROPERTYDISPOSALFACTSHEET.pdf>



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## District property disposal

*This fact sheet is designed to address the most frequently asked questions about disposal of school district property. This information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.*

### What is the difference between “real property” and “personal property”?

Real property refers to land and things that are permanently attached to the land, such as school buildings or stadiums. Personal property generally refers to items that are movable and not a part of the land, including textbooks, desks and computers.





# Virtual Participation

- HB 51 allows public bodies to temporarily meet remotely until June 30, 2022.
- Check your policies:
  - Policy BD, School Board Meetings
  - Policy BDDA, Notification of Meetings
  - Policy BDDF, Voting Method
  - Policy BDDH (also KD), Public Participation

<https://www.ohioschoolboards.org/sites/default/files/OSBBoardVotingFactSheet.pdf>



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## Voting makes a difference

*This fact sheet is designed to address the most frequently asked questions about voting during school board meetings. The information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.*

It is important for board of education members to become familiar with the legal rules relating to voting. In many situations – but not all – a simple majority can pass a motion before the board. There are circumstances when a minority of board members can approve a resolution. Also, there have been instances when members of a board of education were surprised to learn that an action they thought had been passed by the board actually had not.

This fact sheet is designed to eliminate any such element of surprise by providing board members, school administrators and others with the legal basics regarding board voting.

However, this fact sheet is designed as a summary and guide only, and you are advised to consult legal counsel if complex issues arise.





# Board member vacancies

- Seven events that can create a board vacancy:
  - Death
  - Nonresidence
  - Resignation
  - Removal from office
  - Failure of a person elected or appointed to qualify
  - Removal from the district
  - Absence from board meetings for a period of 90 days if for reasons declared insufficient by a two-thirds vote of the remaining board members.
- Procedures/timelines for filling the vacancy

<https://www.ohioschoolboards.org/sites/default/files/Updated%20Board%20Vacancy%20Toolkit.pdf>



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## Filling board of education vacancies

*This fact sheet is designed to address the most frequently asked questions about filling vacancies on boards of education under Ohio Revised Code (RC) 3313.11. The information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.*

### Reasons for a vacancy

*What can cause a vacancy on a board of education?*

There are seven specific events that can create a board vacancy. They are:

- death;
- nonresidence;
- resignation;
- removal from office;
- failure of a person elected or appointed to qualify;
- removal from the district;
- absence from board meetings for a period of 90 days if for reasons declared insufficient by a two-thirds vote of the remaining board members.

A board member also may forfeit his or her office if he or she is convicted of certain crimes, which include giving, soliciting or accepting a bribe; receiving improper compensation; and certain election offenses.

Issues concerning compatible or incompatible offices for board members, which could, in some circumstances, create a board vacancy, are beyond the scope of this fact sheet.



# Connect with us!

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