

OPINION NO. 70-111**Syllabus:**

When a member of a board of education of a joint vocational school district is to be appointed by a participating school district, such appointment must be made by a resolution passed by a majority of the members of the board of education of the participating school district.

To: Richard Rinebolt, Hancock County Pros. Atty., Findlay, Ohio
By: Paul W. Brown, Attorney General, August 28, 1970

I have before me your request for my opinion concerning the procedure to be followed relative to the appointment of a board of education for a joint vocational school district. You are specifically concerned with whether the president of the board of a participating school district has the authority to make his school district's share of appointments to the board of the joint vocational school district.

Section 3311.19, Revised Code, provides in part that:

"* * * * *"

"Where a joint vocational school district is composed only of two or more local school districts located in one county, or when all the participating districts are in one county and the boards of such participating districts so choose, the county board of education of the county in which the joint vocational school district is located shall serve as the joint vocational school district board of education. Where a joint vocational school district is composed of local school districts of more than one county, or of any combination of county, local, city, or exempted village school districts, unless administration by the county board of education has been chosen by all the participating districts in one county pursuant to this section, then the board of education of the joint vocational school district shall be composed of one or more persons who are members of the boards of education from each of the city, exempted village, or county school districts affected to be appointed by the boards of education of such school districts. * * *

"* * * * *"
(Emphasis added)

Under this section it becomes clear that it is the boards of the participating school districts that determine the composition of the board of a joint vocational school district.

Section 3313.18, Revised Code, provides in part that:

"A majority of the members of a board of education shall constitute a quorum. Upon a motion to adopt a resolution authorizing the purchase or sale of real or personal property, or to employ a superintendent or teacher, janitor or other employee, or to elect or appoint an officer, or to pay any debt or claim, or to adopt any textbook, the clerk of the board shall publicly call the roll of the members composing the board and enter on the records the names of those voting 'aye' and the names of those voting 'no.' If a majority of all the members of the

board vote aye, the president shall declare the motion carried. * * *

In order to apply the above section to the present case, it must be determined that a member of a board of education of a joint vocational school district is an "officer" within the meaning of Section 3313.18, supra. Schwing v. McClure, et al., 120 Ohio St. 335 (1929) held that:

"Members of a board of education of a school district are public officers, whose duties are prescribed by law. * * *

"* * * * * * * *"

Consider that part of Section 3311.19, supra, which reads:

"* * * * * * * *"

"* * * A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city school district.

"* * * * * * * *"

Thus, a member of a board of education of a joint vocational school district is a public officer under the rule set out in Schwing v. McClure, et al., supra. Consequently, Section 3313.18, supra, applies and an appointment must be made by a resolution, passed by a majority of the members of the board of the participating school district according to the provisions of that section.

Therefore, it is my opinion and you are advised that when a member of a board of education of a joint vocational school district is to be appointed by a participating school district, such appointment must be made by a resolution passed by a majority of the members of the board of education of the participating school district.