

September 16, 2025

The Honorable Kyle L. Stone  
Stark County Prosecuting Attorney  
110 Central Plaza South, Suite 510  
Canton, Ohio 44702

SYLLABUS:

2025-018

A non-home-rule township lacks authority to directly enter into a memorandum of understanding with a chartered nonpublic school to provide school resource officer services to the school.



# DAVE YOST

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OPINION NO. 2025-018

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Stark County Prosecuting Attorney  
110 Central Plaza South, Suite 510  
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Dear Prosecutor Stone:

You have requested an opinion regarding the authority of a non-home-rule township to enter into an agreement with a private school. I have reframed your question as follows:

Whether R.C. 3313.951 grants authority to a non-home rule township to enter into a memorandum of understanding to provide school resource officer (SRO) services to a chartered, nonpublic school.

For the reasons that follow, I find that non-home-rule townships may not enter directly into a memorandum of understanding with a chartered, nonpublic school to provide SRO services to the school.

A chartered, nonpublic school located in Lake Township, Stark County, seeks to employ a school resource

officer (SRO). I have been advised that the Uniontown Police Department, which is within Lake Township and governed by the Lake Township Board of Trustees, has the capacity to provide such services and is amenable to entering into a memorandum of understanding for SRO services with the school.

You ask only whether a non-home rule township has authority to enter into a memorandum of understanding with a chartered, nonpublic school to provide SRO services to the school. And Lake Township is not a limited home-rule township. This opinion, therefore, does not address whether a township with a limited home-rule form of government has such authority. *See generally* R.C. Ch. 504.

It is fundamental that “a board of township trustees possesses only those powers expressly conferred by statute or necessarily inferred therefrom.” 2015 Ohio Atty.Gen.Ops. No. 2015-031, Slip Op. at 1; 2-301, citing *Trs. of New London Twp. v. Miner*, 26 Ohio St. 452, 456 (1875); *see also State ex rel. Schramm v. Ayres*, 158 Ohio St. 30, 33 (1952) (“the question is not whether townships are prohibited from exercising such authority. Rather it is whether townships have such authority conferred on them by law.”). That means there must be either direct or clearly implied authority in statute for the township to enter into a memorandum of understanding with the school for SRO services.

The primary statute defining the SRO program is R.C. 3313.951. An SRO is defined as follows:

“School resource officer” means a peace officer who is appointed through a memorandum of understanding between a law enforcement agency and a *school district* to provide services to a school district or school as described in this section.

R.C. 3313.951(A)(3) (Emphasis added).

The definition of “law enforcement agency” used in this statute includes a township police department. *See* R.C. 3313.951(A)(1), cross-referencing R.C. 149.435(A)(3). A township police department may only agree to provide the services of an SRO according to the terms in R.C. 3313.951(C)(1):

If a *school district* decides to utilize school resource officer services, *the school district* and the appropriate law enforcement agency shall first enter into a memorandum of understanding that clarifies the purpose of the school resource officer program and roles and expectations between the participating entities.

*Id.* (Emphasis added.)

As this shows, R.C. 3313.951 speaks in terms of school districts and schools within those districts. Turn, then, to R.C. 3311.01. That provision instructs that Ohio school districts are to be “styled ‘city school districts,’ ‘local school districts,’ ‘exempted village school districts,’ and ‘cooperative education school districts.’ Joint vocational school districts may be styled either ‘joint vocational school districts’ or ‘vocational school districts.’” Each of these school district types are further described in R.C. 3311.02 and R.C. 3311.03. Likewise, the Department of Education and Workforce defines the term “school district” in the Ohio Administrative Code as “a local, exempted village, city or joint vocational school district as defined in Chapter 3311. of the Revised Code.” Adm.Code 3301-35-01(B)(23).

School districts are statutorily distinct from chartered, nonpublic schools. Notably, R.C. 3313.17 provides that “[t]he board of education of each school district shall be a body politic and corporate, and, as such, capable of suing and being sued, contracting and being contracted with.” The management and control of public schools is vested in a board of education. R.C. 3313.47. Unlike a private school, a local board of education is authorized to place tax levies on the ballot for voter approval. *See, e.g.,* R.C. 5705.194 and 5748.02.

Putting this together, R.C. 3313.951 authorizes a township police department to enter into a

memorandum of understanding only with *school districts*. No statute includes an individual chartered, nonpublic school within the definition of “school district.” Thus, if any authority exists for a chartered, nonpublic school to contract with the township for SRO services, it must be found elsewhere.

Confirming this point, R.C. 505.431 authorizes township police departments to provide police protection to any other township in the state, municipality, or county. But it does not authorize township police departments to provide services to chartered, nonpublic schools. And nothing in the statute suggests that such authority may be implied. Other related statutes suggest the opposite.

For example, in R.C. 311.29(F), the General Assembly expressly authorized a county sheriff to contract with chartered, nonpublic schools for certain police services, including community preventive education programs. Similarly, in R.C. 505.50, the General Assembly authorized a township to contract with, among other entities, a county sheriff for “the provision of police protection services or additional police protection services.” That the General Assembly “used certain language in the one instance and wholly different language in the other,” implies that it intended “different results.” *Metro. Secs. Co. v. Warren State Bank*, 117 Ohio St. 69, 76 (1927); *accord* 2025 Ohio Atty.Gen.Ops. No. 2025-004, Slip Op. at 14; 2024 Ohio Atty.Gen.Ops.

No. 2024-003, Slip Op. at 5-6; 2-17; *Gabbard v. Madison Local School Dist. Bd. of Edn.*, 2021-Ohio-2067, ¶25.

On the foregoing basis, I conclude that the General Assembly has not authorized townships to enter into memoranda of understanding with chartered, non-public schools for the services of an SRO.

#### Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

A non-home-rule township lacks authority to directly enter into a memorandum of understanding with a chartered nonpublic school to provide school resource officer services to the school.

Respectfully,

A handwritten signature in blue ink that reads "Dave Yost". The signature is fluid and cursive, with the first name "Dave" and last name "Yost" clearly legible.

DAVE YOST  
Ohio Attorney General