

Note from the Attorney General's Office:

1970 Op. Att'y Gen. No. 70-163 was overruled by
1971 Op. Att'y Gen. No. 71-015.

OPINION NO. 70-163

Syllabus:

Where there is a joint vocational school district composed of three city school districts and four local school districts and the participating school districts have not chosen the county board of education to serve as the joint vocational school district board of education, it is mandatory that each participating school district be represented on the joint vocational school district board of education.

To: Robert Webb, Ashtabula County Pros. Atty., Jefferson, Ohio
By: Paul W. Brown, Attorney General, December 16, 1970

I have your request for my opinion which reads as follows:

"Pursuant to R.C. 3311.19 of the Ohio Revised Code where there is a Joint Vocational School District composed of three (3) City School Districts, and four (4) Local School Districts, and the participating School Districts have not chosen the County Board of Education to administer said Joint Vocational School District, must each School District be represented on the Joint Vocational School District Board of Education?"

Section 3311.19, Revised Code, reads in part as follows:

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"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 districts 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. In such joint vocational school districts the number and terms of members of the joint vocational school district board of education and the allocation of a given number of members to each of the city, exempted village, and county /school/districts shall be determined in the plan for such district, provided that each such joint vocational school district board of education shall be composed of an odd number of members.

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(Emphasis added)

From the underlined portion of the statute, it is apparent that the legislature has made it mandatory that the board of education of the joint vocational school district shall be composed of one or more members of the boards of education from each of the city, exempted village or county school districts involved. The statute uses the word "shall" and thus makes this requirement mandatory.

I am of the opinion, therefore, and you are so advised that where there is a joint vocational school district composed of three city school districts and four local school districts and the participating school districts have not chosen the county board of education to serve as the joint vocational school district board of education, it is mandatory that each participating school district be represented on the joint vocational school district board of education.