

OPINION NO. 81-071

Syllabus:

An individual who is employed by a local school district may not also serve as a member of the board of education for that district.

To: Joseph L. Cain, Gallia County Pros. Atty., Gallipolis, Ohio
By: William J. Brown, Attorney General, November 25, 1981

I have before me your request for my opinion in response to the following question:

Is it incompatible for an employee of a Local School District to continue working at the School District and serving as a member of the School Board of that same District?

The question of whether a member of a board of education of a local school district may also be an employee of that school district is governed by R.C.

3313.33. R.C. 3313.33 provides that "[n]o member of the board [of education] shall have, directly or indirectly, any pecuniary interest in any contract of the board or be employed in any manner for compensation by the board of which he is a member." Thus, R.C. 3313.33 clearly prohibits an employee of a local school district from serving as a member of the board of education for that district.

Your letter states that the individual in question is employed as an assistant to the Transportation Director, a non-teaching position. There can be no doubt that this individual is employed by the board of education. A local board of education is responsible for "the management and control of all the public schools. . .in its respective district." R.C. 3313.47. Moreover, such a board has the authority to enter into or terminate employment contracts with non-teaching employees, R.C. 3319.081, and to set the salaries of such employees, R.C. 3319.082.¹

Therefore, it is my opinion, and you are advised, that an individual who is employed by a local school district may not also serve as a member of the board of education for that district.

¹ I note that R.C. 3319.081 and R.C. 3319.082 do not apply to school districts governed by R.C. Chapter 124. R.C. Chapter 124 is applicable to city school districts. R.C. 124.01(A). The school district in question, however, is a local school district rather than a city school district. Therefore, the provisions of R.C. 3319.081 and R.C. 3319.082 are controlling.