

**OPINION NO. 68-113****Syllabus:**

When the president of a county board of education resigns, the vice-president automatically becomes president for the remainder of the term of such office, the board appoints a new member to the board and the board elects one of its members vice-president for the remainder of the term of such office.

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**To: John L. Beckley, Vinton County Pros. Atty., McArthur, Ohio**  
**By: William B. Saxbe, Attorney General, July 16, 1968**

I have before me your request for my opinion on the following questions:

"When the Vice President of the County Board of Education assumes the duties of the President does the board elect another member of the board Vice President or,

"Since the President of the board of education is an officer within the meaning of the statutes which provide for his election, and he continues in office until his successor is elected and qualified does the person selected to fill the vacancy of a resigned board president assume the

office of President when he qualifies as a new member of the board for the unexpired term pursuant to 3313.11 O.R.C."

The requirement that a county board elect a president and vice-president is contained in Section 3313.14, Revised Code, which provides:

"The board of each county school district shall hold its first meeting in January of each year, and shall organize by electing one of its members president and another vice-president, both of whom shall serve for one year."

As stated by one of my predecessors in Opinion No. 314, Opinions of the Attorney General for 1933, Syllabus 2:

"Upon the resignation of the president of a board of education, the duly elected vice-president becomes president."

Therefore, at that time there were two distinct vacancies, one vacancy being on the board of education and one vacancy being in the office of vice-president.

A vacancy on a board of education is filled pursuant to Section 3313.11, Revised Code, which states:

"A vacancy in any board of education may be caused by death, nonresidence, resignation, removal from office, failure of a person elected or appointed to qualify within ten days after the organization of the board or of his appointment, removal from the district, or absence from meetings of the board for a period of ninety days, if such absence is caused by reasons declared insufficient by a two-thirds vote of the remaining members of the board, which vote must be taken and entered upon the records of the board not less than thirty days after such absence. Any such vacancy shall be filled by the board at its next regular or special meeting, not earlier than 10 days after such vacancy occurs. A majority vote of all the remaining members of the board may fill any such vacancy for unexpired term."

I note that the members of a board of education are elected by the people and then the members elect a president and vice-president. In the instant case the vice-president was elected by the people as a member of the board and not as vice-president. Consequently, the same rationale should apply to appointments to fill a vacancy. The person appointed is appointed to fill a

vacancy on the board and not a vacancy in the office of vice-president.

Since the office of vice-president is created by statute, a vacancy during term should be filled by electing a new vice-president.

Therefore, it is my opinion and you are hereby advised that when the president of a county board of education resigns, the vice-president automatically becomes president for the remainder of the term of such office, the board appoints a new member to the board and the board elects one of its members vice-president for the remainder of the term of such office.