

Office of Community Schools

Todd L. Hanes

Executive Director

Date: March 23, 2006

RE: Bond requirements for a community school's fiscal officer

Dear Sponsor:

The Office of Community Schools received inquires requesting guidance around the bond requirements for a community school's fiscal officer. The following represents our understanding of this provision.

ORC Section 3314.011 governs the bond requirements for the fiscal officer of a community school. That section states, in part, that:

"[t]he auditor of state may require by rule that the fiscal officer...execute a bond in an amount and with surety to be approved by the governing authority of the school, payable to the state, conditioned for the faithful performance of all the official duties required of the fiscal officer."

The auditor has promulgated a rule pursuant to this Section, OAC 117-6-07, which states that the bond shall be:

1. In an amount and with surety to be established by a resolution of the governing authority;
2. Payable to the state of Ohio;
3. Conditioned for the faithful performance of all the official duties required of the fiscal officer; and
4. Filed with the local county auditor in which the school is located, after having been certified by the school's governing authority.

In both the statute and rule, it is stated that all of the official duties of the fiscal officer be a condition of the bond, not provision for specific acts only. The bond should be on a public official bond form. A treasurer's dishonesty bond, without endorsements covering all of the official duties, would not satisfy the provisions of the statute and rule.

Sincerely,



Todd Hanes

Executive Director