



Colleges and Universities No Longer Permitted to Pay Teachers For Mentoring Student Teachers

On June 17, 2011 the Ohio Ethics Commission issued [Opinion No. 2011-05](#) stating that colleges and universities may no longer directly compensate school district employees with stipends or other benefits (e.g., course fee waivers) for assisting with student teacher programs, as those arrangements violate Revised Code §2921.43(A)(1). Under §2921.43(A)(1), school district employees may not receive compensation directly from third parties (i) to perform their official duties; (ii) to perform any other act or service in their public capacity; (iii) for the general performance of the duties of their public office or public employment; or (iv) as a supplement to their public compensation. Instead, colleges and universities must make other arrangements for their student teaching programs, such as providing compensation to the school district and allowing the district to use the stipends or benefits in any way it chooses, which may include, at the school board's discretion, compensating teachers who serve as mentors to student teachers.

The Commission reasoned that even though mentoring or hosting college students was not a part of a school district employee's "regular duties," the services the teacher provided were services connected with a school-supported program and the teacher was acting within his or her official capacity as a school district employee. For those reasons, the Commission concluded that Revised Code §2921.43(A)(1) prohibits colleges and universities from directly compensating school district

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employees for (i) serving as a classroom mentor for a student teacher; (ii) hosting a college student doing required field experience; or (iii) administering the district's student teacher program.

School districts that opt to receive funds from colleges or universities in consideration for allowing their students to participate in an internship or student teaching program may have an obligation to bargain the payment of any stipend, depending upon the terms of the applicable collective bargaining agreement. In accepting any funds, the board's resolution will also need to clearly state that the funds are not directly tied to payment of teacher stipends, but are available to be used at the board's discretion.

For further information regarding Opinion No. 2011-05, please contact your principal Squire Sanders lawyer or one of the individuals listed in this Alert.

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