



Ohio Revised Code

Section 3315.41 Board may create trust for investment of money in education foundation fund.

Effective: June 13, 1990

Legislation: House Bill 292 - 118th General Assembly

A board of education may create a trust for investment of money in the education foundation fund created pursuant to section 3315.40 of the Revised Code. The instrument creating such a trust shall do all of following:

(A) Appoint a nonprofit foundation that is exempt from income tax under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(a), as amended, and that is described in section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended, as trustee; designate the school district education foundation fund as the beneficiary; and describe the initial trust principal, which shall not be less than one dollar;

(B) Specify that additional amounts may be added to the trust principal from the education foundation fund;

(C) Prohibit invasion of the principal of the trust;

(D) Require the trustee to administer the trust, including but not limited to, holding, investing, and reinvesting the trust principal; collecting the income from the investments; and, after deducting the costs of administering the trust and, if applicable, the trustee's compensation, paying the net income to the school district treasurer for payment into the school district education foundation fund as beneficiary;

(E) Specify the conditions under which the trust is revocable. Upon revocation, the principal of the trust shall revert to the board of education.

(F) Provide for amendment of the trust if the board concludes that an amendment will better enable the objectives of the trust to be achieved;



(G) Other provisions the board considers necessary or advisable for successful administration of the trust and achievement of its objectives.

The board may provide for the payment, from the trust income or otherwise, of a reasonable fee to the trustee in compensation for its services.

If the principal of the trust created under this section reverts to the board of education the board shall direct the school district treasurer to accept and pay the principal into the education foundation fund created under section 3315.40 of the Revised Code.

Unless provided otherwise in the trust instrument, a trust created under this section is not subject to Chapter 135. of the Revised Code and shall not be considered a charitable trust under sections 109.23 to 109.33 or Chapter 1719. of the Revised Code.