

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 172

Senator Yuko

Cosponsors: Senators Brown, Thomas

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and
to enact section 3313.818 of the Revised Code to
establish the Hunger-Free Students' Bill of
Rights Act to require schools to provide certain
services to students who are eligible for free
or reduced price meals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3314.03, 3326.11, and 3328.24 be
amended and section 3313.818 of the Revised Code be enacted to
read as follows:

Sec. 3313.818. This section applies to each school
district, other public school, and any chartered nonpublic
school that participates in the national school lunch program or
school breakfast program.

(A) Each district or school shall provide the following to
each prospective and enrolled student:

(1) A free, printed meal application in every school
enrollment packet or, if the district or school uses an
electronic meal application, an explanation provided in school

enrollment packets of the electronic meal application process 19
and instructions for how parents or guardians may request a 20
paper application at no cost; 21

(2) Meal applications and instructions in a language that 22
parents and guardians can understand. If a parent or guardian 23
cannot read or understand a meal application, the district or 24
school shall offer assistance in completing the application. 25

A meal application shall be used to apply for free or 26
reduced price meals under the national breakfast program or 27
national school lunch program pursuant to the "National School 28
Lunch Act" and the "Child Nutrition Act of 1966." 29

(B) If a district or school becomes aware that a student 30
is eligible for free or reduced price lunch under the "National 31
School Lunch Act" and has not submitted a meal application, the 32
district or school shall complete and file an application for 33
the student in accordance with federal law. 34

(C) Divisions (A) and (B) of this section shall not apply 35
to a district or school that provides free meals to all enrolled 36
students during a school year in which the district or school 37
does not collect meal applications from students. 38

(D) The local homeless education liaison for each district 39
or school, under the McKinney-Vento Homeless Assistance Act, 42 40
U.S.C. 11431 et seq. for the education of homeless children, 41
shall coordinate with the district's or school's nutrition 42
department to ensure that a homeless student receives free 43
school meals and is monitored according to the district's or 44
school's policies. 45

Division (D) of this section shall not apply to any 46
chartered nonpublic school that participates in the national 47

school lunch program or school breakfast program. 48

(E) Each district or school shall do the following, 49
regardless of whether a student has money to pay for a meal or 50
owes money for earlier meals: 51

(1) Shall provide a reimbursable meal under a program 52
implemented by the United States department of agriculture to a 53
student who requests a meal, unless the student's parent or 54
guardian has specifically provided written permission to the 55
school to withhold a meal; 56

(2) Shall not require that a student discard a meal after 57
it has been served because of the student's inability to pay for 58
the meal or because money is owed for previously provided meals. 59

(F) If a student owes money for the equivalent of five or 60
more meals, each district or school shall: 61

(1) Check the list of students who are eligible for free 62
lunches to determine the student's eligibility; 63

(2) Make at least two attempts, not including the 64
application or instructions included in a school enrollment 65
packet, to contact the student's parent or guardian and request 66
that the parent or guardian complete and submit a meal 67
application; 68

(3) Require a principal, assistant principal, or counselor 69
to contact the parent or guardian to offer assistance with a 70
meal application, determine if there are other issues within the 71
household that have caused the child to have insufficient funds 72
to purchase a school meal, and offer any other assistance that 73
is appropriate. 74

(G) No district or school shall publicly identify or 75

stigmatize a student who cannot pay for a meal or who owes a meal debt by, for example, requiring that a student wear a wristband or hand stamp. No district or school shall require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals, provided that chores or work required of all students regardless of a meal debt is permitted. 76
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(H) Each district or school shall direct communications about a student's meal debt to a parent or guardian and not to the student. Nothing in this section shall prohibit a district or school from sending a student home with a letter addressed to a parent or guardian. 83
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(I) No district or school shall require a parent or guardian to pay fees or costs from collection agencies hired to collect a meal debt. 88
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section. 91
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 96
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(1) That the school shall be established as either of the following: 99
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 101
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(b) A public benefit corporation established under Chapter 104

1702. of the Revised Code, if established after April 8, 2003.	105
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	106 107 108 109
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	110 111 112 113
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	114 115 116 117
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	118 119 120
(6) (a) Dismissal procedures;	121
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	122 123 124 125 126 127
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	128 129
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial	130 131 132

records of school districts, pursuant to rules of the auditor of 133
state. Audits shall be conducted in accordance with section 134
117.10 of the Revised Code. 135

(9) An addendum to the contract outlining the facilities 136
to be used that contains at least the following information: 137

(a) A detailed description of each facility used for 138
instructional purposes; 139

(b) The annual costs associated with leasing each facility 140
that are paid by or on behalf of the school; 141

(c) The annual mortgage principal and interest payments 142
that are paid by the school; 143

(d) The name of the lender or landlord, identified as 144
such, and the lender's or landlord's relationship to the 145
operator, if any. 146

(10) Qualifications of teachers, including a requirement 147
that the school's classroom teachers be licensed in accordance 148
with sections 3319.22 to 3319.31 of the Revised Code, except 149
that a community school may engage noncertificated persons to 150
teach up to twelve hours per week pursuant to section 3319.301 151
of the Revised Code. 152

(11) That the school will comply with the following 153
requirements: 154

(a) The school will provide learning opportunities to a 155
minimum of twenty-five students for a minimum of nine hundred 156
twenty hours per school year. 157

(b) The governing authority will purchase liability 158
insurance, or otherwise provide for the potential liability of 159
the school. 160

(c) The school will be nonsectarian in its programs, 161
admission policies, employment practices, and all other 162
operations, and will not be operated by a sectarian school or 163
religious institution. 164

(d) The school will comply with sections 9.90, 9.91, 165
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 166
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 167
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 168
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 169
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 170
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 171
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 172
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 173
3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 174
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 175
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 176
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 177
4112., 4123., 4141., and 4167. of the Revised Code as if it were 178
a school district and will comply with section 3301.0714 of the 179
Revised Code in the manner specified in section 3314.17 of the 180
Revised Code. 181

(e) The school shall comply with Chapter 102. and section 182
2921.42 of the Revised Code. 183

(f) The school will comply with sections 3313.61, 184
3313.611, and 3313.614 of the Revised Code, except that for 185
students who enter ninth grade for the first time before July 1, 186
2010, the requirement in sections 3313.61 and 3313.611 of the 187
Revised Code that a person must successfully complete the 188
curriculum in any high school prior to receiving a high school 189
diploma may be met by completing the curriculum adopted by the 190

governing authority of the community school rather than the 191
curriculum specified in Title XXXVIII of the Revised Code or any 192
rules of the state board of education. Beginning with students 193
who enter ninth grade for the first time on or after July 1, 194
2010, the requirement in sections 3313.61 and 3313.611 of the 195
Revised Code that a person must successfully complete the 196
curriculum of a high school prior to receiving a high school 197
diploma shall be met by completing the requirements prescribed 198
in division (C) of section 3313.603 of the Revised Code, unless 199
the person qualifies under division (D) or (F) of that section. 200
Each school shall comply with the plan for awarding high school 201
credit based on demonstration of subject area competency, and 202
beginning with the 2017-2018 school year, with the updated plan 203
that permits students enrolled in seventh and eighth grade to 204
meet curriculum requirements based on subject area competency 205
adopted by the state board of education under divisions (J) (1) 206
and (2) of section 3313.603 of the Revised Code. 207

(g) The school governing authority will submit within four 208
months after the end of each school year a report of its 209
activities and progress in meeting the goals and standards of 210
divisions (A) (3) and (4) of this section and its financial 211
status to the sponsor and the parents of all students enrolled 212
in the school. 213

(h) The school, unless it is an internet- or computer- 214
based community school, will comply with section 3313.801 of the 215
Revised Code as if it were a school district. 216

(i) If the school is the recipient of moneys from a grant 217
awarded under the federal race to the top program, Division (A), 218
Title XIV, Sections 14005 and 14006 of the "American Recovery 219
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 220

the school will pay teachers based upon performance in 221
accordance with section 3317.141 and will comply with section 222
3319.111 of the Revised Code as if it were a school district. 223

(j) If the school operates a preschool program that is 224
licensed by the department of education under sections 3301.52 225
to 3301.59 of the Revised Code, the school shall comply with 226
sections 3301.50 to 3301.59 of the Revised Code and the minimum 227
standards for preschool programs prescribed in rules adopted by 228
the state board under section 3301.53 of the Revised Code. 229

(k) The school will comply with sections 3313.6021 and 230
3313.6023 of the Revised Code as if it were a school district 231
unless it is either of the following: 232

(i) An internet- or computer-based community school; 233

(ii) A community school in which a majority of the 234
enrolled students are children with disabilities as described in 235
division (A) (4) (b) of section 3314.35 of the Revised Code. 236

(12) Arrangements for providing health and other benefits 237
to employees; 238

(13) The length of the contract, which shall begin at the 239
beginning of an academic year. No contract shall exceed five 240
years unless such contract has been renewed pursuant to division 241
(E) of this section. 242

(14) The governing authority of the school, which shall be 243
responsible for carrying out the provisions of the contract; 244

(15) A financial plan detailing an estimated school budget 245
for each year of the period of the contract and specifying the 246
total estimated per pupil expenditure amount for each such year. 247

(16) Requirements and procedures regarding the disposition 248

of employees of the school in the event the contract is 249
terminated or not renewed pursuant to section 3314.07 of the 250
Revised Code; 251

(17) Whether the school is to be created by converting all 252
or part of an existing public school or educational service 253
center building or is to be a new start-up school, and if it is 254
a converted public school or service center building, 255
specification of any duties or responsibilities of an employer 256
that the board of education or service center governing board 257
that operated the school or building before conversion is 258
delegating to the governing authority of the community school 259
with respect to all or any specified group of employees provided 260
the delegation is not prohibited by a collective bargaining 261
agreement applicable to such employees; 262

(18) Provisions establishing procedures for resolving 263
disputes or differences of opinion between the sponsor and the 264
governing authority of the community school; 265

(19) A provision requiring the governing authority to 266
adopt a policy regarding the admission of students who reside 267
outside the district in which the school is located. That policy 268
shall comply with the admissions procedures specified in 269
sections 3314.06 and 3314.061 of the Revised Code and, at the 270
sole discretion of the authority, shall do one of the following: 271

(a) Prohibit the enrollment of students who reside outside 272
the district in which the school is located; 273

(b) Permit the enrollment of students who reside in 274
districts adjacent to the district in which the school is 275
located; 276

(c) Permit the enrollment of students who reside in any 277

other district in the state.	278
(20) A provision recognizing the authority of the	279
department of education to take over the sponsorship of the	280
school in accordance with the provisions of division (C) of	281
section 3314.015 of the Revised Code;	282
(21) A provision recognizing the sponsor's authority to	283
assume the operation of a school under the conditions specified	284
in division (B) of section 3314.073 of the Revised Code;	285
(22) A provision recognizing both of the following:	286
(a) The authority of public health and safety officials to	287
inspect the facilities of the school and to order the facilities	288
closed if those officials find that the facilities are not in	289
compliance with health and safety laws and regulations;	290
(b) The authority of the department of education as the	291
community school oversight body to suspend the operation of the	292
school under section 3314.072 of the Revised Code if the	293
department has evidence of conditions or violations of law at	294
the school that pose an imminent danger to the health and safety	295
of the school's students and employees and the sponsor refuses	296
to take such action.	297
(23) A description of the learning opportunities that will	298
be offered to students including both classroom-based and non-	299
classroom-based learning opportunities that is in compliance	300
with criteria for student participation established by the	301
department under division (H) (2) of section 3314.08 of the	302
Revised Code;	303
(24) The school will comply with sections 3302.04 and	304
3302.041 of the Revised Code, except that any action required to	305
be taken by a school district pursuant to those sections shall	306

be taken by the sponsor of the school. However, the sponsor 307
shall not be required to take any action described in division 308
(F) of section 3302.04 of the Revised Code. 309

(25) Beginning in the 2006-2007 school year, the school 310
will open for operation not later than the thirtieth day of 311
September each school year, unless the mission of the school as 312
specified under division (A) (2) of this section is solely to 313
serve dropouts. In its initial year of operation, if the school 314
fails to open by the thirtieth day of September, or within one 315
year after the adoption of the contract pursuant to division (D) 316
of section 3314.02 of the Revised Code if the mission of the 317
school is solely to serve dropouts, the contract shall be void. 318

(26) Whether the school's governing authority is planning 319
to seek designation for the school as a STEM school equivalent 320
under section 3326.032 of the Revised Code; 321

(27) That the school's attendance and participation 322
policies will be available for public inspection; 323

(28) That the school's attendance and participation 324
records shall be made available to the department of education, 325
auditor of state, and school's sponsor to the extent permitted 326
under and in accordance with the "Family Educational Rights and 327
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 328
and any regulations promulgated under that act, and section 329
3319.321 of the Revised Code; 330

(29) If a school operates using the blended learning 331
model, as defined in section 3301.079 of the Revised Code, all 332
of the following information: 333

(a) An indication of what blended learning model or models 334
will be used; 335

(b) A description of how student instructional needs will be determined and documented;	336 337
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	338 339
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	340 341 342
(e) A statement describing how student progress will be monitored;	343 344
(f) A statement describing how private student data will be protected;	345 346
(g) A description of the professional development activities that will be offered to teachers.	347 348
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	349 350 351 352
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	353 354 355 356 357
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	358 359 360
(1) The process by which the governing authority of the school will be selected in the future;	361 362

(2) The management and administration of the school;	363
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	364 365 366 367 368
(4) The instructional program and educational philosophy of the school;	369 370
(5) Internal financial controls.	371
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	372 373 374 375
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	376 377 378 379 380 381 382 383 384 385
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	386 387 388 389 390
(1) Monitor the community school's compliance with all	391

laws applicable to the school and with the terms of the	392
contract;	393
(2) Monitor and evaluate the academic and fiscal	394
performance and the organization and operation of the community	395
school on at least an annual basis;	396
(3) Report on an annual basis the results of the	397
evaluation conducted under division (D) (2) of this section to	398
the department of education and to the parents of students	399
enrolled in the community school;	400
(4) Provide technical assistance to the community school	401
in complying with laws applicable to the school and terms of the	402
contract;	403
(5) Take steps to intervene in the school's operation to	404
correct problems in the school's overall performance, declare	405
the school to be on probationary status pursuant to section	406
3314.073 of the Revised Code, suspend the operation of the	407
school pursuant to section 3314.072 of the Revised Code, or	408
terminate the contract of the school pursuant to section 3314.07	409
of the Revised Code as determined necessary by the sponsor;	410
(6) Have in place a plan of action to be undertaken in the	411
event the community school experiences financial difficulties or	412
closes prior to the end of a school year.	413
(E) Upon the expiration of a contract entered into under	414
this section, the sponsor of a community school may, with the	415
approval of the governing authority of the school, renew that	416
contract for a period of time determined by the sponsor, but not	417
ending earlier than the end of any school year, if the sponsor	418
finds that the school's compliance with applicable laws and	419
terms of the contract and the school's progress in meeting the	420

academic goals prescribed in the contract have been 421
satisfactory. Any contract that is renewed under this division 422
remains subject to the provisions of sections 3314.07, 3314.072, 423
and 3314.073 of the Revised Code. 424

(F) If a community school fails to open for operation 425
within one year after the contract entered into under this 426
section is adopted pursuant to division (D) of section 3314.02 427
of the Revised Code or permanently closes prior to the 428
expiration of the contract, the contract shall be void and the 429
school shall not enter into a contract with any other sponsor. A 430
school shall not be considered permanently closed because the 431
operations of the school have been suspended pursuant to section 432
3314.072 of the Revised Code. 433

Sec. 3326.11. Each science, technology, engineering, and 434
mathematics school established under this chapter and its 435
governing body shall comply with sections 9.90, 9.91, 109.65, 436
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 437
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 438
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 439
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 440
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 441
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 442
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 443
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 444
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 445
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 446
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 447
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 448
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 449
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 450
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 451

4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 3313.6411, 3313.7112, 3313.721, 3313.818, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Section 2. That existing sections 3314.03, 3326.11, and 3328.24 of the Revised Code are hereby repealed.

Section 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in his act:

Section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 132nd General Assembly.

Section 3326.11 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 132nd General Assembly.

Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 132nd General Assembly.