

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 191**

**Senator Schiavoni**

**Cosponsors: Senators Lehner, Yuko, Tavares, Thomas, Williams, Sykes, Brown**

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**A BILL**

To amend sections 3302.03, 3313.813, 3314.03, 1  
3314.18, and 3326.11 and to enact section 2  
3313.818 of the Revised Code to establish the 3  
Breakfast After The Bell Program for public 4  
schools. 5

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

**Section 1.** That sections 3302.03, 3313.813, 3314.03, 6  
3314.18, and 3326.11 be amended and section 3313.818 of the 7  
Revised Code be enacted to read as follows: 8

**Sec. 3302.03.** Annually, not later than the fifteenth day 9  
of September or the preceding Friday when that day falls on a 10  
Saturday or Sunday, the department of education shall assign a 11  
letter grade for overall academic performance and for each 12  
separate performance measure for each school district, and each 13  
school building in a district, in accordance with this section. 14  
The state board shall adopt rules pursuant to Chapter 119. of 15  
the Revised Code to establish performance criteria for each 16  
letter grade and prescribe a method by which the department 17  
assigns each letter grade. For a school building to which any of 18

the performance measures do not apply, due to grade levels 19  
served by the building, the state board shall designate the 20  
performance measures that are applicable to the building and 21  
that must be calculated separately and used to calculate the 22  
building's overall grade. The department shall issue annual 23  
report cards reflecting the performance of each school district, 24  
each building within each district, and for the state as a whole 25  
using the performance measures and letter grade system described 26  
in this section. The department shall include on the report card 27  
for each district and each building within each district the 28  
most recent two-year trend data in student achievement for each 29  
subject and each grade. 30

(A) (1) For the 2012-2013 school year, the department shall 31  
issue grades as described in division (E) of this section for 32  
each of the following performance measures: 33

(a) Annual measurable objectives; 34

(b) Performance index score for a school district or 35  
building. Grades shall be awarded as a percentage of the total 36  
possible points on the performance index system as adopted by 37  
the state board. In adopting benchmarks for assigning letter 38  
grades under division (A) (1) (b) of this section, the state board 39  
of education shall designate ninety per cent or higher for an 40  
"A," at least seventy per cent but not more than eighty per cent 41  
for a "C," and less than fifty per cent for an "F." 42

(c) The extent to which the school district or building 43  
meets each of the applicable performance indicators established 44  
by the state board under section 3302.02 of the Revised Code and 45  
the percentage of applicable performance indicators that have 46  
been achieved. In adopting benchmarks for assigning letter 47  
grades under division (A) (1) (c) of this section, the state board 48

shall designate ninety per cent or higher for an "A." 49

(d) The four- and five-year adjusted cohort graduation 50  
rates. 51

In adopting benchmarks for assigning letter grades under 52  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 53  
department shall designate a four-year adjusted cohort 54  
graduation rate of ninety-three per cent or higher for an "A" 55  
and a five-year cohort graduation rate of ninety-five per cent 56  
or higher for an "A." 57

(e) The overall score under the value-added progress 58  
dimension of a school district or building, for which the 59  
department shall use up to three years of value-added data as 60  
available. The letter grade assigned for this growth measure 61  
shall be as follows: 62

(i) A score that is at least two standard errors of 63  
measure above the mean score shall be designated as an "A." 64

(ii) A score that is at least one standard error of 65  
measure but less than two standard errors of measure above the 66  
mean score shall be designated as a "B." 67

(iii) A score that is less than one standard error of 68  
measure above the mean score but greater than or equal to one 69  
standard error of measure below the mean score shall be 70  
designated as a "C." 71

(iv) A score that is not greater than one standard error 72  
of measure below the mean score but is greater than or equal to 73  
two standard errors of measure below the mean score shall be 74  
designated as a "D." 75

(v) A score that is not greater than two standard errors 76

of measure below the mean score shall be designated as an "F." 77

Whenever the value-added progress dimension is used as a 78  
graded performance measure, whether as an overall measure or as 79  
a measure of separate subgroups, the grades for the measure 80  
shall be calculated in the same manner as prescribed in division 81  
(A) (1) (e) of this section. 82

(f) The value-added progress dimension score for a school 83  
district or building disaggregated for each of the following 84  
subgroups: students identified as gifted, students with 85  
disabilities, and students whose performance places them in the 86  
lowest quintile for achievement on a statewide basis. Each 87  
subgroup shall be a separate graded measure. 88

(2) Not later than April 30, 2013, the state board of 89  
education shall adopt a resolution describing the performance 90  
measures, benchmarks, and grading system for the 2012-2013 91  
school year and, not later than June 30, 2013, shall adopt rules 92  
in accordance with Chapter 119. of the Revised Code that 93  
prescribe the methods by which the performance measures under 94  
division (A) (1) of this section shall be assessed and assigned a 95  
letter grade, including performance benchmarks for each letter 96  
grade. 97

At least forty-five days prior to the state board's 98  
adoption of rules to prescribe the methods by which the 99  
performance measures under division (A) (1) of this section shall 100  
be assessed and assigned a letter grade, the department shall 101  
conduct a public presentation before the standing committees of 102  
the house of representatives and the senate that consider 103  
education legislation describing such methods, including 104  
performance benchmarks. 105

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.	106 107
(B) (1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures:	108 109 110
(a) Annual measurable objectives;	111
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	112 113 114 115 116 117 118 119
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	120 121 122 123 124 125 126
(d) The four- and five-year adjusted cohort graduation rates;	127 128
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available-;	129 130 131 132
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following	133 134

subgroups: students identified as gifted in superior cognitive 135  
ability and specific academic ability fields under Chapter 3324. 136  
of the Revised Code, students with disabilities, and students 137  
whose performance places them in the lowest quintile for 138  
achievement on a statewide basis. Each subgroup shall be a 139  
separate graded measure. 140

(g) Whether a school district or building is making 141  
progress in improving literacy in grades kindergarten through 142  
three, as determined using a method prescribed by the state 143  
board. The state board shall adopt rules to prescribe benchmarks 144  
and standards for assigning grades to districts and buildings 145  
for purposes of division (B) (1) (g) of this section. In adopting 146  
benchmarks for assigning letter grades under divisions (B) (1) (g) 147  
and (C) (1) (g) of this section, the state board shall determine 148  
progress made based on the reduction in the total percentage of 149  
students scoring below grade level, or below proficient, 150  
compared from year to year on the reading and writing diagnostic 151  
assessments administered under section 3301.0715 of the Revised 152  
Code and the third grade English language arts assessment under 153  
section 3301.0710 of the Revised Code, as applicable. The state 154  
board shall designate for a "C" grade a value that is not lower 155  
than the statewide average value for this measure. No grade 156  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 157  
section for a district or building in which less than five per 158  
cent of students have scored below grade level on the diagnostic 159  
assessment administered to students in kindergarten under 160  
division (B) (1) of section 3313.608 of the Revised Code. 161

(h) For a high mobility school district or building, an 162  
additional value-added progress dimension score. For this 163  
measure, the department shall use value-added data from the most 164  
recent school year available and shall use assessment scores for 165

only those students to whom the district or building has 166  
administered the assessments prescribed by section 3301.0710 of 167  
the Revised Code for each of the two most recent consecutive 168  
school years. 169

As used in this division, "high mobility school district 170  
or building" means a school district or building where at least 171  
twenty-five per cent of its total enrollment is made up of 172  
students who have attended that school district or building for 173  
less than one year. 174

(2) In addition to the graded measures in division (B) (1) 175  
of this section, the department shall include on a school 176  
district's or building's report card all of the following 177  
without an assigned letter grade: 178

(a) The percentage of students enrolled in a district or 179  
building participating in advanced placement classes and the 180  
percentage of those students who received a score of three or 181  
better on advanced placement examinations; 182

(b) The number of a district's or building's students who 183  
have earned at least three college credits through dual 184  
enrollment or advanced standing programs, such as the post- 185  
secondary enrollment options program under Chapter 3365. of the 186  
Revised Code and state-approved career-technical courses offered 187  
through dual enrollment or statewide articulation, that appear 188  
on a student's transcript or other official document, either of 189  
which is issued by the institution of higher education from 190  
which the student earned the college credit. The credits earned 191  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 192  
this section shall not include any that are remedial or 193  
developmental and shall include those that count toward the 194  
curriculum requirements established for completion of a degree. 195

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials. The state board shall adopt criteria for acceptable industry-recognized credentials.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B) (1) (f) and (B) (1) (g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B) (1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of



the house of representatives and the senate that consider 225  
education legislation describing such methods, including 226  
performance benchmarks. 227

(4) There shall not be an overall letter grade for a 228  
school district or building for the 2013-2014, 2014-2015, 2015- 229  
2016, and 2016-2017 school years. 230

(C) (1) For the 2014-2015 school year and each school year 231  
thereafter, the department shall issue grades as described in 232  
division (E) of this section for each of the performance 233  
measures prescribed in division (C) (1) of this section. The 234  
graded measures are as follows: 235

(a) Annual measurable objectives; 236

(b) Performance index score for a school district or 237  
building. Grades shall be awarded as a percentage of the total 238  
possible points on the performance index system as created by 239  
the department. In adopting benchmarks for assigning letter 240  
grades under division (C) (1) (b) of this section, the state board 241  
shall designate ninety per cent or higher for an "A," at least 242  
seventy per cent but not more than eighty per cent for a "C," 243  
and less than fifty per cent for an "F." 244

(c) The extent to which the school district or building 245  
meets each of the applicable performance indicators established 246  
by the state board under section 3302.03 of the Revised Code and 247  
the percentage of applicable performance indicators that have 248  
been achieved. In adopting benchmarks for assigning letter 249  
grades under division (C) (1) (c) of this section, the state board 250  
shall designate ninety per cent or higher for an "A." 251

(d) The four- and five-year adjusted cohort graduation 252  
rates; 253

(e) The overall score under the value-added progress 254  
dimension, or another measure of student academic progress if 255  
adopted by the state board, of a school district or building, 256  
for which the department shall use up to three years of value- 257  
added data as available. 258

In adopting benchmarks for assigning letter grades for 259  
overall score on value-added progress dimension under division 260  
(C) (1) (e) of this section, the state board shall prohibit the 261  
assigning of a grade of "A" for that measure unless the 262  
district's or building's grade assigned for value-added progress 263  
dimension for all subgroups under division (C) (1) (f) of this 264  
section is a "B" or higher. 265

For the metric prescribed by division (C) (1) (e) of this 266  
section, the state board may adopt a student academic progress 267  
measure to be used instead of the value-added progress 268  
dimension. If the state board adopts such a measure, it also 269  
shall prescribe a method for assigning letter grades for the new 270  
measure that is comparable to the method prescribed in division 271  
(A) (1) (e) of this section. 272

(f) The value-added progress dimension score of a school 273  
district or building disaggregated for each of the following 274  
subgroups: students identified as gifted in superior cognitive 275  
ability and specific academic ability fields under Chapter 3324. 276  
of the Revised Code, students with disabilities, and students 277  
whose performance places them in the lowest quintile for 278  
achievement on a statewide basis, as determined by a method 279  
prescribed by the state board. Each subgroup shall be a separate 280  
graded measure. 281

The state board may adopt student academic progress 282  
measures to be used instead of the value-added progress 283

dimension. If the state board adopts such measures, it also 284  
shall prescribe a method for assigning letter grades for the new 285  
measures that is comparable to the method prescribed in division 286  
(A) (1) (e) of this section. 287

(g) Whether a school district or building is making 288  
progress in improving literacy in grades kindergarten through 289  
three, as determined using a method prescribed by the state 290  
board. The state board shall adopt rules to prescribe benchmarks 291  
and standards for assigning grades to a district or building for 292  
purposes of division (C) (1) (g) of this section. The state board 293  
shall designate for a "C" grade a value that is not lower than 294  
the statewide average value for this measure. No grade shall be 295  
issued under division (C) (1) (g) of this section for a district 296  
or building in which less than five per cent of students have 297  
scored below grade level on the kindergarten diagnostic 298  
assessment under division (B) (1) of section 3313.608 of the 299  
Revised Code. 300

(h) For a high mobility school district or building, an 301  
additional value-added progress dimension score. For this 302  
measure, the department shall use value-added data from the most 303  
recent school year available and shall use assessment scores for 304  
only those students to whom the district or building has 305  
administered the assessments prescribed by section 3301.0710 of 306  
the Revised Code for each of the two most recent consecutive 307  
school years. 308

As used in this division, "high mobility school district 309  
or building" means a school district or building where at least 310  
twenty-five per cent of its total enrollment is made up of 311  
students who have attended that school district or building for 312  
less than one year. 313

(2) In addition to the graded measures in division (C) (1) 314  
of this section, the department shall include on a school 315  
district's or building's report card all of the following 316  
without an assigned letter grade: 317

(a) The percentage of students enrolled in a district or 318  
building who have taken a national standardized test used for 319  
college admission determinations and the percentage of those 320  
students who are determined to be remediation-free in accordance 321  
with the standards adopted under division (F) of section 322  
3345.061 of the Revised Code; 323

(b) The percentage of students enrolled in a district or 324  
building participating in advanced placement classes and the 325  
percentage of those students who received a score of three or 326  
better on advanced placement examinations; 327

(c) The percentage of a district's or building's students 328  
who have earned at least three college credits through advanced 329  
standing programs, such as the college credit plus program under 330  
Chapter 3365. of the Revised Code and state-approved career- 331  
technical courses offered through dual enrollment or statewide 332  
articulation, that appear on a student's college transcript 333  
issued by the institution of higher education from which the 334  
student earned the college credit. The credits earned that are 335  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 336  
shall not include any that are remedial or developmental and 337  
shall include those that count toward the curriculum 338  
requirements established for completion of a degree. 339

(d) The percentage of the district's or building's 340  
students who receive an honor's diploma under division (B) of 341  
section 3313.61 of the Revised Code; 342

(e) The percentage of the district's or building's students who receive industry-recognized credentials;	343 344
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	345 346 347 348 349
(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code.	350 351 352
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components:	353 354 355 356 357 358
(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section;	359 360
(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section;	361 362
(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section;	363 364
(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section;	365 366
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C) (1) (g) of this section;	367 368 369
(f) Prepared for success, which shall include the	370

performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 371  
and (f) of this section. The state board shall develop a method 372  
to determine a grade for the component in division (C)(3)(f) of 373  
this section using the performance measures in divisions (C)(2) 374  
(a), (b), (c), (d), (e), and (f) of this section. When 375  
available, the state board may incorporate the performance 376  
measure under division (C)(2)(g) of this section into the 377  
component under division (C)(3)(f) of this section. When 378  
determining the overall grade for the prepared for success 379  
component prescribed by division (C)(3)(f) of this section, no 380  
individual student shall be counted in more than one performance 381  
measure. However, if a student qualifies for more than one 382  
performance measure in the component, the state board may, in 383  
its method to determine a grade for the component, specify an 384  
additional weight for such a student that is not greater than or 385  
equal to 1.0. In determining the overall score under division 386  
(C)(3)(f) of this section, the state board shall ensure that the 387  
pool of students included in the performance measures aggregated 388  
under that division are all of the students included in the 389  
four- and five-year adjusted graduation cohort. 390

In the rules adopted under division (C)(3) of this 391  
section, the state board shall adopt a method for determining a 392  
grade for each component in divisions (C)(3)(a) to (f) of this 393  
section. The state board also shall establish a method to assign 394  
an overall grade of "A," "B," "C," "D," or "F" using the grades 395  
assigned for each component. The method the state board adopts 396  
for assigning an overall grade shall give equal weight to the 397  
components in divisions (C)(3)(b) and (c) of this section. 398

At least forty-five days prior to the state board's 399  
adoption of rules to prescribe the methods for calculating the 400  
overall grade for the report card, as required by this division, 401

the department shall conduct a public presentation before the 402  
standing committees of the house of representatives and the 403  
senate that consider education legislation describing the format 404  
for the report card, weights that will be assigned to the 405  
components of the overall grade, and the method for calculating 406  
the overall grade. 407

(D) On or after ~~than~~ July 1, 2015, the state board may 408  
develop a measure of student academic progress for high school 409  
students using only data from assessments in English language 410  
arts and mathematics. If the state board develops this measure, 411  
each school district and applicable school building shall be 412  
assigned a separate letter grade for ~~if it~~ not sooner than the 413  
2017-2018 school year. The district's or building's grade for 414  
that measure shall not be included in determining the district's 415  
or building's overall letter grade. 416

(E) The letter grades assigned to a school district or 417  
building under this section shall be as follows: 418

(1) "A" for a district or school making excellent 419  
progress; 420

(2) "B" for a district or school making above average 421  
progress; 422

(3) "C" for a district or school making average progress; 423

(4) "D" for a district or school making below average 424  
progress; 425

(5) "F" for a district or school failing to meet minimum 426  
progress. 427

(F) When reporting data on student achievement and 428  
progress, the department shall disaggregate that data according 429

to the following categories:	430
(1) Performance of students by grade-level;	431
(2) Performance of students by race and ethnic group;	432
(3) Performance of students by gender;	433
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	434 435
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	436 437 438
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	439 440
(7) Performance of students grouped by those who are economically disadvantaged;	441 442
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	443 444 445
(9) Performance of students grouped by those who are classified as limited English proficient;	446 447
(10) Performance of students grouped by those who have disabilities;	448 449
(11) Performance of students grouped by those who are classified as migrants;	450 451
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department	452 453 454 455 456



shall use data for those students with specific academic ability 457  
in math and reading. If any other academic field is assessed, 458  
the department shall also include data for students with 459  
specific academic ability in that field as well. 460

(13) Performance of students grouped by those who perform 461  
in the lowest quintile for achievement on a statewide basis, as 462  
determined by a method prescribed by the state board. 463

The department may disaggregate data on student 464  
performance according to other categories that the department 465  
determines are appropriate. To the extent possible, the 466  
department shall disaggregate data on student performance 467  
according to any combinations of two or more of the categories 468  
listed in divisions (F) (1) to (13) of this section that it deems 469  
relevant. 470

In reporting data pursuant to division (F) of this 471  
section, the department shall not include in the report cards 472  
any data statistical in nature that is statistically unreliable 473  
or that could result in the identification of individual 474  
students. For this purpose, the department shall not report 475  
student performance data for any group identified in division 476  
(F) of this section that contains less than ten students. If the 477  
department does not report student performance data for a group 478  
because it contains less than ten students, the department shall 479  
indicate on the report card that is why data was not reported. 480

(G) The department may include with the report cards any 481  
additional education and fiscal performance data it deems 482  
valuable. 483

(H) The department shall include on each report card a 484  
list of additional information collected by the department that 485

is available regarding the district or building for which the 486  
report card is issued. When available, such additional 487  
information shall include student mobility data disaggregated by 488  
race and socioeconomic status, college enrollment data, and the 489  
reports prepared under section 3302.031 of the Revised Code. 490

The department shall maintain a site on the world wide 491  
web. The report card shall include the address of the site and 492  
shall specify that such additional information is available to 493  
the public at that site. The department shall also provide a 494  
copy of each item on the list to the superintendent of each 495  
school district. The district superintendent shall provide a 496  
copy of any item on the list to anyone who requests it. 497

(I) (1) (a) Except as provided in division (I) (1) (b) of this 498  
section, for any district that sponsors a conversion community 499  
school under Chapter 3314. of the Revised Code, the department 500  
shall combine data regarding the academic performance of 501  
students enrolled in the community school with comparable data 502  
from the schools of the district for the purpose of determining 503  
the performance of the district as a whole on the report card 504  
issued for the district under this section or section 3302.033 505  
of the Revised Code. 506

(b) The department shall not combine data from any 507  
conversion community school that a district sponsors if a 508  
majority of the students enrolled in the conversion community 509  
school are enrolled in a dropout prevention and recovery program 510  
that is operated by the school, as described in division (A) (4) 511  
(a) of section 3314.35 of the Revised Code. The department shall 512  
include as an addendum to the district's report card the ratings 513  
and performance measures that are required under section 514  
3314.017 of the Revised Code for any community school to which 515

division (I) (1) (b) of this section applies. This addendum shall 516  
include, at a minimum, the data specified in divisions (C) (1) 517  
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 518

(2) Any district that leases a building to a community 519  
school located in the district or that enters into an agreement 520  
with a community school located in the district whereby the 521  
district and the school endorse each other's programs may elect 522  
to have data regarding the academic performance of students 523  
enrolled in the community school combined with comparable data 524  
from the schools of the district for the purpose of determining 525  
the performance of the district as a whole on the district 526  
report card. Any district that so elects shall annually file a 527  
copy of the lease or agreement with the department. 528

(3) Any municipal school district, as defined in section 529  
3311.71 of the Revised Code, that sponsors a community school 530  
located within the district's territory, or that enters into an 531  
agreement with a community school located within the district's 532  
territory whereby the district and the community school endorse 533  
each other's programs, may exercise either or both of the 534  
following elections: 535

(a) To have data regarding the academic performance of 536  
students enrolled in that community school combined with 537  
comparable data from the schools of the district for the purpose 538  
of determining the performance of the district as a whole on the 539  
district's report card; 540

(b) To have the number of students attending that 541  
community school noted separately on the district's report card. 542

The election authorized under division (I) (3) (a) of this 543  
section is subject to approval by the governing authority of the 544

community school. 545

Any municipal school district that exercises an election 546  
to combine or include data under division (I) (3) of this 547  
section, by the first day of October of each year, shall file 548  
with the department documentation indicating eligibility for 549  
that election, as required by the department. 550

(J) The department shall include on each report card the 551  
percentage of teachers in the district or building who are 552  
highly qualified, as defined by the No Child Left Behind Act of 553  
2001, and a comparison of that percentage with the percentages 554  
of such teachers in similar districts and buildings. 555

(K) (1) In calculating English language arts, mathematics, 556  
social studies, or science assessment passage rates used to 557  
determine school district or building performance under this 558  
section, the department shall include all students taking an 559  
assessment with accommodation or to whom an alternate assessment 560  
is administered pursuant to division (C) (1) or (3) of section 561  
3301.0711 of the Revised Code. 562

(2) In calculating performance index scores, rates of 563  
achievement on the performance indicators established by the 564  
state board under section 3302.02 of the Revised Code, and 565  
annual measurable objectives for determining adequate yearly 566  
progress for school districts and buildings under this section, 567  
the department shall do all of the following: 568

(a) Include for each district or building only those 569  
students who are included in the ADM certified for the first 570  
full school week of October and are continuously enrolled in the 571  
district or building through the time of the spring 572  
administration of any assessment prescribed by division (A) (1) 573

or (B) (1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C) (3) and (D) of this section.

(M) For a school that is subject to section 3313.818 of the Revised Code, the department shall include on the report card for that school the participation rate of the enrolled students in the breakfast after the bell program established under that section.

**Sec. 3313.813.** (A) As used in this section:

(1) "Outdoor education center" means a public or nonprofit private entity that provides to pupils enrolled in any public or chartered nonpublic elementary or secondary school an outdoor educational curriculum that the school considers to be part of its educational program.

(2) "Outside-school-hours care center" has the meaning established in 7 C.F.R. 226.2.

(B) The state board of education shall establish standards 602  
for a school lunch program, school breakfast program, child and 603  
adult care food program, special food service program for 604  
children, summer food service program for children, special milk 605  
program for children, food service equipment assistance program, 606  
and commodity distribution program established under the 607  
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 608  
1751, as amended, and the "Child Nutrition Act of 1966," 80 609  
Stat. 885, 42 U.S.C. 1771, as amended. Any board of education of 610  
a school district, nonprofit private school, outdoor education 611  
center, child care institution, outside-school-hours care 612  
center, or summer camp desiring to participate in such a program 613  
or required to participate under this section shall, if eligible 614  
to participate under the "National School Lunch Act," as 615  
amended, or the "Child Nutrition Act of 1966," as amended, make 616  
application to the state board of education for assistance. The 617  
board shall administer the allocation and distribution of all 618  
state and federal funds for these programs. 619

(C) The state board of education shall require the board 620  
of education of each school district to establish and maintain a 621  
school breakfast, lunch, and summer food service program 622  
pursuant to the "National School Lunch Act" and the "Child 623  
Nutrition Act of 1966," as described in divisions (C) (1) to (4) 624  
of this section. 625

(1) The state board shall require the board of education 626  
in each school district to establish a breakfast program in 627  
every school where at least one-fifth of the pupils in the 628  
school are eligible under federal requirements for free 629  
breakfasts and to establish a lunch program in every school 630  
where at least one-fifth of the pupils are eligible for free 631  
lunches. The board of education required to establish a 632

breakfast program under this division may make a charge in 633  
accordance with federal requirements for each reduced price 634  
breakfast or paid breakfast to cover the cost incurred in 635  
providing that meal. 636

(2) The state board shall require the board of education 637  
in each school district to establish a breakfast program in 638  
every school in which the parents of at least one-half of the 639  
children enrolled in the school have requested that the 640  
breakfast program be established. The board of education 641  
required to establish a program under this division may make a 642  
charge in accordance with federal requirements for each meal to 643  
cover all or part of the costs incurred in establishing such a 644  
program. 645

A breakfast program established under division (C) (1) or 646  
(2) of this section shall be operated as a breakfast after the 647  
bell program in accordance with section 3313.818 of the Revised 648  
Code in any school meeting the conditions prescribed by that 649  
section. 650

(3) The state board shall require the board of education 651  
in each school district to establish one of the following for 652  
summer intervention services described in division (D) of 653  
section 3301.0711 or provided under section 3313.608 of the 654  
Revised Code, and any other summer intervention program required 655  
by law: 656

(a) An extension of the school breakfast program pursuant 657  
to the "National School Lunch Act" and the "Child Nutrition Act 658  
of 1966"; 659

(b) An extension of the school lunch program pursuant to 660  
those acts; 661

(c) A summer food service program pursuant to those acts. 662

(4) (a) If the board of education of a school district 663  
determines that, for financial reasons, it cannot comply with 664  
division (C) (1) or (3) of this section, the district board may 665  
choose not to comply with either or both divisions, except as 666  
provided in division (C) (4) (b) of this section. The district 667  
board publicly shall communicate to the residents of the 668  
district, in the manner it determines appropriate, its decision 669  
not to comply. 670

(b) If a district board chooses not to comply with 671  
division (C) (1) of this section, the state board nevertheless 672  
shall require the district board to establish a breakfast 673  
program in every school where at least one-third of the pupils 674  
in the school are eligible under federal requirements for free 675  
breakfasts and to establish a lunch program in every school 676  
where at least one-third of the pupils are eligible for free 677  
lunches. The district board may make a charge in accordance with 678  
federal requirements for each reduced price breakfast or paid 679  
breakfast to cover the cost incurred in providing that meal. 680

(c) If a school district cannot for good cause comply with 681  
the requirements of division (C) (2) or (4) (b) of this section at 682  
the time the state board determines that a district is subject 683  
to these requirements, the state board shall grant a reasonable 684  
extension of time. Good cause for an extension of time shall 685  
include, but need not be limited to, economic impossibility of 686  
compliance with the requirements at the time the state board 687  
determines that a district is subject to them. 688

(D) (1) The state board shall accept the application of any 689  
outdoor education center in the state making application for 690  
participation in a program pursuant to division (B) of this 691



section. 692

(2) For purposes of participation in any program pursuant 693  
to this section, the board shall certify any outdoor education 694  
center making application as an educational unit that is part of 695  
the educational system of the state, if the center: 696

(a) Meets the definition of an outdoor education center; 697

(b) Provides its outdoor education curriculum to pupils on 698  
an overnight basis so that pupils are in residence at the center 699  
for more than twenty-four consecutive hours; 700

(c) Operates under public or nonprofit private ownership 701  
in a single building or complex of buildings. 702

(3) The board shall approve any outdoor education center 703  
certified under this division for participation in the program 704  
for which the center is making application on the same basis as 705  
any other applicant for that program. 706

(E) Any school district board of education or chartered 707  
nonpublic school that participates in a breakfast program 708  
pursuant to this section may offer breakfast to pupils in their 709  
classrooms during the school day. However, any school that is 710  
subject to section 3313.818 of the Revised Code shall offer 711  
breakfast to pupils after the bell in their classrooms in 712  
accordance with that section. 713

(F) Notwithstanding anything in this section to the 714  
contrary, in each fiscal year in which the general assembly 715  
appropriates funds for purposes of this division, the board of 716  
education of each school district and each chartered nonpublic 717  
school that participates in a breakfast program pursuant to this 718  
section shall provide a breakfast free of charge to each pupil 719  
who is eligible under federal requirements for a reduced price 720

breakfast. 721

Sec. 3313.818. (A) (1) The breakfast after the bell program 722  
is hereby established, under which public schools that meet the 723  
conditions in this section shall offer breakfast, beginning with 724  
the 2018-2019 school year, to all students during the school day 725  
at specified times. Except as provided in division (C) of this 726  
section, the breakfast after the bell program shall apply to any 727  
public school in which seventy per cent or more of the students 728  
enrolled in the school during the previous school year were 729  
eligible under federal requirements for free or reduced-price 730  
breakfasts or lunches. 731

(2) A school shall determine the model for serving 732  
breakfast under the program, which includes breakfast served in 733  
the classroom, grab-and-go breakfasts, and breakfast served in 734  
the cafeteria during or after the first period of school or 735  
during a morning recess. Each breakfast served under the program 736  
shall comply with federal meal patterns and nutritional 737  
standards and with section 3313.814 of the Revised Code. A 738  
school district board of education may make a charge in 739  
accordance with federal requirements for each meal to cover all 740  
or part of the costs incurred in operating the program. 741

(B) Not later than April 1, 2018, and not later than the 742  
first day of April thereafter, the department of education shall 743  
publish a list of public schools that meet the conditions of 744  
division (A) of this section. The department shall offer 745  
technical assistance to school districts and schools regarding 746  
the implementation of the breakfast after the bell program and 747  
the submission of claims for reimbursement under the federal 748  
school breakfast program. 749

(C) (1) A school that is subject to division (A) of this 750

section shall not be required to participate in the breakfast 751  
after the bell program if either of the following conditions are 752  
satisfied: 753

(a) For each of the second preceding and third preceding 754  
school years, the number of enrolled students in the school who 755  
were eligible for free or reduced-price breakfasts or lunches 756  
comprised less than seventy per cent of the total number of 757  
enrolled students. 758

(b) The district board determines that, for financial 759  
reasons, the school cannot comply with the provision of 760  
breakfast under the program, and justifies those financial 761  
reasons to the satisfaction of the department. 762

(2) A school that is otherwise required to participate in 763  
the program established under this section but that meets the 764  
condition prescribed under division (C)(1)(b) of this section 765  
shall not be required to participate in the program until the 766  
department of education determines that sufficient funds are 767  
available to fund the school's participation in the program. 768

(D)(1) The department of education shall monitor each 769  
school participating in the breakfast after the bell program and 770  
ensure that each participating school complies with the 771  
requirements of this section. If the department determines that, 772  
at the end of a school year, a school participating in the 773  
program either has not increased the participation by all 774  
students in the program by at least ten per cent or less than 775  
seventy per cent of enrolled students are not participating in 776  
the program, the department shall provide written notice of its 777  
findings to the school. 778

(2) A school that receives notice from the department 779

under division (D)(1) of this section shall, within thirty days 780  
of receiving notification, submit to the department a plan for 781  
increasing participation in the program. 782

(E) Not later than the thirty-first day of December of 783  
each school year, the department shall prepare a report on the 784  
implementation and effectiveness of the breakfast after the bell 785  
program and submit the report to the general assembly, in 786  
accordance with section 101.68 of the Revised Code, and to the 787  
governor. 788

(F) The state board of education shall adopt rules in 789  
accordance with Chapter 119. of the Revised Code necessary to 790  
carry out the provisions of this section. 791

(G) As used in this section, "grab-and-go breakfast" means 792  
a breakfast in which all of the components of the breakfast are 793  
packaged in a bag that is made available at sites throughout 794  
school during the first period of school or during a break after 795  
the first period of school. 796

**Sec. 3314.03.** A copy of every contract entered into under 797  
this section shall be filed with the superintendent of public 798  
instruction. The department of education shall make available on 799  
its web site a copy of every approved, executed contract filed 800  
with the superintendent under this section. 801

(A) Each contract entered into between a sponsor and the 802  
governing authority of a community school shall specify the 803  
following: 804

(1) That the school shall be established as either of the 805  
following: 806

(a) A nonprofit corporation established under Chapter 807  
1702. of the Revised Code, if established prior to April 8, 808

2003;	809
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	810 811
(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;	812 813 814 815
(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;	816 817 818 819
(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;	820 821 822 823
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	824 825 826
(6) (a) Dismissal procedures;	827
(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.	828 829 830 831 832 833
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	834 835
(8) Requirements for financial audits by the auditor of	836

state. The contract shall require financial records of the 837  
school to be maintained in the same manner as are financial 838  
records of school districts, pursuant to rules of the auditor of 839  
state. Audits shall be conducted in accordance with section 840  
117.10 of the Revised Code. 841

(9) An addendum to the contract outlining the facilities 842  
to be used that contains at least the following information: 843

(a) A detailed description of each facility used for 844  
instructional purposes; 845

(b) The annual costs associated with leasing each facility 846  
that are paid by or on behalf of the school; 847

(c) The annual mortgage principal and interest payments 848  
that are paid by the school; 849

(d) The name of the lender or landlord, identified as 850  
such, and the lender's or landlord's relationship to the 851  
operator, if any. 852

(10) Qualifications of teachers, including a requirement 853  
that the school's classroom teachers be licensed in accordance 854  
with sections 3319.22 to 3319.31 of the Revised Code, except 855  
that a community school may engage noncertificated persons to 856  
teach up to twelve hours per week pursuant to section 3319.301 857  
of the Revised Code. 858

(11) That the school will comply with the following 859  
requirements: 860

(a) The school will provide learning opportunities to a 861  
minimum of twenty-five students for a minimum of nine hundred 862  
twenty hours per school year. 863

(b) The governing authority will purchase liability 864

insurance, or otherwise provide for the potential liability of 865  
the school. 866

(c) The school will be nonsectarian in its programs, 867  
admission policies, employment practices, and all other 868  
operations, and will not be operated by a sectarian school or 869  
religious institution. 870

(d) The school will comply with sections 9.90, 9.91, 871  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 872  
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 873  
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 874  
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 875  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 876  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 877  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 878  
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 879  
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 880  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 881  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 882  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 883  
of the Revised Code as if it were a school district and will 884  
comply with section 3301.0714 of the Revised Code in the manner 885  
specified in section 3314.17 of the Revised Code. 886

(e) The school shall comply with Chapter 102. and section 887  
2921.42 of the Revised Code. 888

(f) The school will comply with sections 3313.61, 889  
3313.611, and 3313.614 of the Revised Code, except that for 890  
students who enter ninth grade for the first time before July 1, 891  
2010, the requirement in sections 3313.61 and 3313.611 of the 892  
Revised Code that a person must successfully complete the 893  
curriculum in any high school prior to receiving a high school 894

diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2016-2017 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J) (1) and (2) of section 3313.603 of the Revised Code.

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

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

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery



and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 925  
the school will pay teachers based upon performance in 926  
accordance with section 3317.141 and will comply with section 927  
3319.111 of the Revised Code as if it were a school district. 928

(j) If the school operates a preschool program that is 929  
licensed by the department of education under sections 3301.52 930  
to 3301.59 of the Revised Code, the school shall comply with 931  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 932  
standards for preschool programs prescribed in rules adopted by 933  
the state board under section 3301.53 of the Revised Code. 934

(k) The school will comply with sections 3313.6021 and 935  
3313.6023 of the Revised Code as if it were a school district 936  
unless it is either of the following: 937

(i) An internet- or computer-based community school; 938

(ii) A community school in which a majority of the 939  
enrolled students are children with disabilities as described in 940  
division (A) (4) (b) of section 3314.35 of the Revised Code. 941

(12) Arrangements for providing health and other benefits 942  
to employees; 943

(13) The length of the contract, which shall begin at the 944  
beginning of an academic year. No contract shall exceed five 945  
years unless such contract has been renewed pursuant to division 946  
(E) of this section. 947

(14) The governing authority of the school, which shall be 948  
responsible for carrying out the provisions of the contract; 949

(15) A financial plan detailing an estimated school budget 950  
for each year of the period of the contract and specifying the 951  
total estimated per pupil expenditure amount for each such year. 952

(16) Requirements and procedures regarding the disposition 953  
of employees of the school in the event the contract is 954  
terminated or not renewed pursuant to section 3314.07 of the 955  
Revised Code; 956

(17) Whether the school is to be created by converting all 957  
or part of an existing public school or educational service 958  
center building or is to be a new start-up school, and if it is 959  
a converted public school or service center building, 960  
specification of any duties or responsibilities of an employer 961  
that the board of education or service center governing board 962  
that operated the school or building before conversion is 963  
delegating to the governing authority of the community school 964  
with respect to all or any specified group of employees provided 965  
the delegation is not prohibited by a collective bargaining 966  
agreement applicable to such employees; 967

(18) Provisions establishing procedures for resolving 968  
disputes or differences of opinion between the sponsor and the 969  
governing authority of the community school; 970

(19) A provision requiring the governing authority to 971  
adopt a policy regarding the admission of students who reside 972  
outside the district in which the school is located. That policy 973  
shall comply with the admissions procedures specified in 974  
sections 3314.06 and 3314.061 of the Revised Code and, at the 975  
sole discretion of the authority, shall do one of the following: 976

(a) Prohibit the enrollment of students who reside outside 977  
the district in which the school is located; 978

(b) Permit the enrollment of students who reside in 979  
districts adjacent to the district in which the school is 980  
located; 981

(c) Permit the enrollment of students who reside in any other district in the state.	982 983
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	984 985 986 987
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	988 989 990
(22) A provision recognizing both of the following:	991
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	992 993 994 995
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	996 997 998 999 1000 1001 1002
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	1003 1004 1005 1006 1007 1008
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	1009 1010

be taken by a school district pursuant to those sections shall 1011  
be taken by the sponsor of the school. However, the sponsor 1012  
shall not be required to take any action described in division 1013  
(F) of section 3302.04 of the Revised Code. 1014

(25) Beginning in the 2006-2007 school year, the school 1015  
will open for operation not later than the thirtieth day of 1016  
September each school year, unless the mission of the school as 1017  
specified under division (A) (2) of this section is solely to 1018  
serve dropouts. In its initial year of operation, if the school 1019  
fails to open by the thirtieth day of September, or within one 1020  
year after the adoption of the contract pursuant to division (D) 1021  
of section 3314.02 of the Revised Code if the mission of the 1022  
school is solely to serve dropouts, the contract shall be void. 1023

(26) Whether the school's governing authority is planning 1024  
to seek designation for the school as a STEM school equivalent 1025  
under section 3326.032 of the Revised Code; 1026

(27) That the school's attendance and participation 1027  
policies will be available for public inspection; 1028

(28) That the school's attendance and participation 1029  
records shall be made available to the department of education, 1030  
auditor of state, and school's sponsor to the extent permitted 1031  
under and in accordance with the "Family Educational Rights and 1032  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 1033  
and any regulations promulgated under that act, and section 1034  
3319.321 of the Revised Code; 1035

(29) If a school operates using the blended learning 1036  
model, as defined in section 3301.079 of the Revised Code, all 1037  
of the following information: 1038

(a) An indication of what blended learning model or models 1039

will be used;	1040
(b) A description of how student instructional needs will	1041
be determined and documented;	1042
(c) The method to be used for determining competency,	1043
granting credit, and promoting students to a higher grade level;	1044
(d) The school's attendance requirements, including how	1045
the school will document participation in learning	1046
opportunities;	1047
(e) A statement describing how student progress will be	1048
monitored;	1049
(f) A statement describing how private student data will	1050
be protected;	1051
(g) A description of the professional development	1052
activities that will be offered to teachers.	1053
(30) A provision requiring that all moneys the school's	1054
operator loans to the school, including facilities loans or cash	1055
flow assistance, must be accounted for, documented, and bear	1056
interest at a fair market rate;	1057
(31) A provision requiring that, if the governing	1058
authority contracts with an attorney, accountant, or entity	1059
specializing in audits, the attorney, accountant, or entity	1060
shall be independent from the operator with which the school has	1061
contracted.	1062
(B) The community school shall also submit to the sponsor	1063
a comprehensive plan for the school. The plan shall specify the	1064
following:	1065
(1) The process by which the governing authority of the	1066

school will be selected in the future; 1067

(2) The management and administration of the school; 1068

(3) If the community school is a currently existing public 1069  
school or educational service center building, alternative 1070  
arrangements for current public school students who choose not 1071  
to attend the converted school and for teachers who choose not 1072  
to teach in the school or building after conversion; 1073

(4) The instructional program and educational philosophy 1074  
of the school; 1075

(5) Internal financial controls. 1076

When submitting the plan under this division, the school 1077  
shall also submit copies of all policies and procedures 1078  
regarding internal financial controls adopted by the governing 1079  
authority of the school. 1080

(C) A contract entered into under section 3314.02 of the 1081  
Revised Code between a sponsor and the governing authority of a 1082  
community school may provide for the community school governing 1083  
authority to make payments to the sponsor, which is hereby 1084  
authorized to receive such payments as set forth in the contract 1085  
between the governing authority and the sponsor. The total 1086  
amount of such payments for monitoring, oversight, and technical 1087  
assistance of the school shall not exceed three per cent of the 1088  
total amount of payments for operating expenses that the school 1089  
receives from the state. 1090

(D) The contract shall specify the duties of the sponsor 1091  
which shall be in accordance with the written agreement entered 1092  
into with the department of education under division (B) of 1093  
section 3314.015 of the Revised Code and shall include the 1094  
following: 1095

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	1096 1097 1098
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	1099 1100 1101
(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department of education and to the parents of students enrolled in the community school;	1102 1103 1104 1105
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	1106 1107 1108
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	1109 1110 1111 1112 1113 1114 1115
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	1116 1117 1118
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and	1119 1120 1121 1122 1123 1124

terms of the contract and the school's progress in meeting the 1125  
academic goals prescribed in the contract have been 1126  
satisfactory. Any contract that is renewed under this division 1127  
remains subject to the provisions of sections 3314.07, 3314.072, 1128  
and 3314.073 of the Revised Code. 1129

(F) If a community school fails to open for operation 1130  
within one year after the contract entered into under this 1131  
section is adopted pursuant to division (D) of section 3314.02 1132  
of the Revised Code or permanently closes prior to the 1133  
expiration of the contract, the contract shall be void and the 1134  
school shall not enter into a contract with any other sponsor. A 1135  
school shall not be considered permanently closed because the 1136  
operations of the school have been suspended pursuant to section 1137  
3314.072 of the Revised Code. 1138

**Sec. 3314.18.** (A) Subject to division (C) of this section, 1139  
the governing authority of each community school shall establish 1140  
a breakfast program pursuant to the "National School Lunch Act," 1141  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 1142  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 1143  
amended, if at least one-fifth of the pupils in the school are 1144  
eligible under federal requirements for free breakfasts, and 1145  
shall establish a lunch program pursuant to those acts if at 1146  
least one-fifth of the pupils are eligible for free lunches. The 1147  
governing authority required to establish a breakfast program 1148  
under this division may make a charge in accordance with federal 1149  
requirements for each reduced price breakfast or paid breakfast 1150  
to cover the cost incurred in providing that meal. 1151

A breakfast program established under this section shall 1152  
be operated as a breakfast after the bell program in accordance 1153  
with section 3313.818 of the Revised Code in any community 1154



school meeting the conditions prescribed by that section. 1155

(B) Subject to division (C) of this section, the governing 1156  
authority of each community school shall establish one of the 1157  
following for summer intervention services described in division 1158  
(D) of section 3301.0711 or provided under section 3313.608 of 1159  
the Revised Code, and any other summer intervention program 1160  
required by law: 1161

(1) An extension of the school breakfast program pursuant 1162  
to the "National School Lunch Act" and the "Child Nutrition Act 1163  
of 1966"; 1164

(2) An extension of the school lunch program pursuant to 1165  
those acts; 1166

(3) A summer food service program pursuant to those acts. 1167

(C) If the governing authority of a community school 1168  
determines that, for financial reasons, it cannot comply with 1169  
division (A) or (B) of this section, the governing authority may 1170  
choose not to comply with either or both divisions. In that 1171  
case, the governing authority shall communicate to the parents 1172  
of its students, in the manner it determines appropriate, its 1173  
decision not to comply. 1174

(D) The governing authority of each community school 1175  
required to establish a school breakfast, school lunch, or 1176  
summer food service program under this section shall apply for 1177  
state and federal funds allocated by the state board of 1178  
education under division (B) of section 3313.813 of the Revised 1179  
Code and shall comply with the state board's standards adopted 1180  
under that division. 1181

(E) The governing authority of any community school 1182  
required to establish a breakfast program under this section or 1183

that elects to participate in a breakfast program pursuant to 1184  
the "National School Lunch Act" and the "Child Nutrition Act of 1185  
1966" may offer breakfast to pupils in their classrooms during 1186  
the school day. However, any community school that is subject to 1187  
section 3313.818 of the Revised Code shall offer breakfast to 1188  
pupils after the bell in their classrooms in accordance with 1189  
that section. 1190

(F) Notwithstanding anything in this section to the 1191  
contrary, in each fiscal year in which the general assembly 1192  
appropriates funds for purposes of this division, the governing 1193  
authority of each community school required to establish a 1194  
breakfast program under this section or that elects to 1195  
participate in a breakfast program pursuant to the "National 1196  
School Lunch Act" and the "Child Nutrition Act of 1966" shall 1197  
provide a breakfast free of charge to each pupil who is eligible 1198  
under federal requirements for a reduced price breakfast. 1199

(G) This section does not apply to internet- or computer- 1200  
based community schools. 1201

**Sec. 3326.11.** Each science, technology, engineering, and 1202  
mathematics school established under this chapter and its 1203  
governing body shall comply with sections 9.90, 9.91, 109.65, 1204  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1205  
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 1206  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 1207  
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 1208  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.61, 1209  
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 1210  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1211  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1212  
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 1213

3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 1214  
3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 1215  
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 1216  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 1217  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 1218  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 1219  
the Revised Code as if it were a school district. 1220

**Section 2.** That existing sections 3302.03, 3313.813, 1221  
3314.03, 3314.18, and 3326.11 of the Revised Code are hereby 1222  
repealed. 1223

**Section 3.** Section 3302.03 of the Revised Code is 1224  
presented in this act as a composite of the section as amended 1225  
by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st 1226  
General Assembly. The General Assembly, applying the principle 1227  
stated in division (B) of section 1.52 of the Revised Code that 1228  
amendments are to be harmonized if reasonably capable of 1229  
simultaneous operation, finds that the composite is the 1230  
resulting version of the section in effect prior to the 1231  
effective date of the section as presented in this act. 1232