

**As Reported by the House Health Committee**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Sub. S. B. No. 210**

**Senators Coughlin, Kearney**

**Cosponsors: Senators Cafaro, Goodman, Harris, Husted, Miller, D.,  
Miller, R., Morano, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner,  
Fedor**

—

**A B I L L**

To amend sections 3313.603, 3313.813, 3313.814, 1  
3314.03, 3314.18, 3326.11, and 3326.13 and to 2  
enact sections 3301.92, 3301.921, 3301.922, 3  
3301.923, 3302.032, 3313.6016, 3313.674, 3313.816, 4  
3313.817, and 3319.076 of the Revised Code to 5  
establish nutritional standards for certain foods 6  
and beverages sold in schools; to require students 7  
to have periodic body mass index measurements; to 8  
establish a pilot program requiring daily physical 9  
activity for students and to make other changes 10  
regarding physical education; and to establish the 11  
Healthy Choices for Healthy Children Council. 12

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

**Section 1.** That sections 3313.603, 3313.813, 3313.814, 13  
3314.03, 3314.18, 3326.11, and 3326.13 be amended and sections 14  
3301.92, 3301.921, 3301.922, 3301.923, 3302.032, 3313.6016, 15  
3313.674, 3313.816, 3313.817, and 3319.076 of the Revised Code be 16  
enacted to read as follows: 17

Sec. 3301.92. (A) The healthy choices for healthy children 18  
council is hereby established. The council shall consist of the 19  
following members: 20

(1) Three representatives of the Ohio children's hospital 21  
association, one each appointed by the governor, the president of 22  
the senate, and the speaker of the house of representatives; 23

(2) Three representatives of the Ohio business roundtable, 24  
one each appointed by the governor, the president of the senate, 25  
and the speaker of the house of representatives; 26

(3) Three representatives of the Ohio chapter of the American 27  
academy of pediatrics, one each appointed by the governor, the 28  
president of the senate, and the speaker of the house of 29  
representatives. The governor's appointment shall have expertise 30  
in minority health issues and the president's appointment shall be 31  
a representative of the Appalachian region of Ohio. 32

(4) One representative of the Ohio parks and recreation 33  
association, appointed by the president of the senate; 34

(5) One representative of the Ohio state alliance of young 35  
men's Christian associations, appointed by the speaker of the 36  
house of representatives; 37

(6) One representative of Ohio action for healthy kids, 38  
appointed by the speaker of the house of representatives; 39

(7) One representative of the children's hunger alliance, 40  
appointed by the speaker of the house of representatives; 41

(8) One representative of the American heart association, 42  
appointed by the speaker of the house of representatives; 43

(9) One representative of the Ohio association for health, 44  
physical education, recreation and dance, appointed by the 45  
governor; 46

(10) One representative of the Ohio soft drink association, 47  
appointed by the governor; 48

(11) One representative of the Ohio dairy producers 49  
association, appointed by the president of the senate; 50

(12) Three representatives of school districts, one each 51  
appointed by the governor, the president of the senate, and the 52  
speaker of the house of representatives. The governor's 53  
appointment shall be a representative of the Ohio school boards 54  
association, the president's appointment shall be a representative 55  
of the buckeye association of school administrators, and the 56  
speaker's appointment shall be a representative of the Ohio 57  
association of school business officials. 58

(13) Three school district employees whose job 59  
responsibilities involve promoting student health and wellness, 60  
one each appointed by the governor, the president of the senate, 61  
and the speaker of the house of representatives. The governor's 62  
appointment shall be a school-based mental health professional, 63  
the president's appointment shall be a representative of the 64  
school nutrition association of Ohio who is a dietitian licensed 65  
under Chapter 4759. of the Revised Code, and the speaker's 66  
appointment shall be a school nurse. 67

(14) Three elementary or secondary school teachers, one each 68  
appointed by the governor, the president of the senate, and the 69  
speaker of the house of representatives. The governor's 70  
appointment shall be a representative of the Ohio education 71  
association, the president's appointment shall be a representative 72  
of the Ohio federation of teachers, and the speaker's appointment 73  
shall be a chartered nonpublic school teacher. 74

(15) One representative of the office of healthy Ohio in the 75  
department of health, appointed by the governor; 76

(16) One representative of the department of education, 77

<u>appointed by the governor;</u>	78
<u>(17) One parent, appointed by the president of the senate;</u>	79
<u>(18) One representative of chartered nonpublic schools,</u> <u>appointed by the president of the senate;</u>	80 81
<u>(19) One member of the senate, appointed by the president of</u> <u>the senate;</u>	82 83
<u>(20) One member of the house of representatives, appointed by</u> <u>the speaker of the house of representatives.</u>	84 85
<u>(B) Each organization specified in divisions (A)(1) to (14)</u> <u>of this section shall submit recommendations for its</u> <u>representatives on the council.</u>	86 87 88
<u>(C) Members of the council shall serve at the pleasure of</u> <u>their appointing authority. Vacancies shall be filled in the same</u> <u>manner as the original appointment. Members shall not be</u> <u>compensated.</u>	89 90 91 92
<u>(D) The member of the senate and the member of the house of</u> <u>representatives shall serve as joint chairpersons of the council.</u> <u>The chairpersons shall call the first meeting of the council,</u> <u>which shall be held not later than thirty days after the last</u> <u>member of the council has been appointed. The council shall meet</u> <u>annually and, upon the call of the chairpersons, at other times as</u> <u>may be necessary to conduct council business.</u>	93 94 95 96 97 98 99
<u><b>Sec. 3301.921.</b> The healthy choices for healthy children</u> <u>council shall do all of the following:</u>	100 101
<u>(A) Monitor progress in improving student health and</u> <u>wellness;</u>	102 103
<u>(B) Make periodic policy recommendations to the state board</u> <u>of education regarding ways to improve the nutritional standards</u> <u>for food and beverages prescribed by sections 3313.816 and</u>	104 105 106

3313.817 of the Revised Code. If, on or after the effective date 107  
of this section, the United States department of agriculture 108  
adopts regulations for the sale of food or beverages in schools, 109  
the council, within sixty days after their adoption, shall review 110  
the regulations and, based on that review, make recommendations 111  
for changes to the nutritional standards prescribed by those 112  
sections. 113

(C) Make periodic recommendations to the department of 114  
education for the development of a clearinghouse of best practices 115  
in the areas of student nutrition, physical activity for students, 116  
and body mass index screenings; 117

(D) Assist the department of health in developing a list of 118  
resources regarding health risks associated with weight status for 119  
distribution to parents and guardians under division (E) of 120  
section 3313.674 of the Revised Code; 121

(E) Regularly review developments in science and nutrition to 122  
ensure the council remains informed for purposes of making 123  
recommendations under divisions (B) and (C) of this section. 124

**Sec. 3301.922.** The department of education shall issue an 125  
annual report on the compliance of public and chartered nonpublic 126  
schools with the requirements of section 3313.674 of the Revised 127  
Code. The department shall include in the report any data 128  
regarding student health and wellness collected by the department 129  
in conjunction with those requirements. The department shall 130  
submit each report to the governor, the general assembly, and the 131  
healthy choices for healthy children council. 132

**Sec. 3301.923.** Upon receipt of the initial recommendations of 133  
the healthy choices for healthy children council required by 134  
division (C) of section 3301.921 of the Revised Code, the 135  
department of education shall establish a clearinghouse of best 136

practices that schools may use to promote student health. The 137  
department shall update the clearinghouse as necessary to reflect 138  
subsequent recommendations of the council. 139

Sec. 3302.032. (A) Not later than December 31, 2011, the 140  
state board of education shall establish a measure of the 141  
following: 142

(1) Student success in meeting the benchmarks contained in 143  
the physical education standards adopted under division (A)(3) of 144  
section 3301.079 of the Revised Code; 145

(2) Compliance with the requirements for local wellness 146  
policies prescribed by section 204 of the "Child Nutrition and WIC 147  
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 148

(3) Whether a school district or building is complying with 149  
section 3313.674 of the Revised Code instead of operating under a 150  
waiver from the requirements of that section; 151

(4) Whether a school district or building is participating in 152  
the physical activity pilot program administered under section 153  
3313.6016 of the Revised Code. 154

(B) The measure shall be included on the school district and 155  
building report cards issued under section 3302.03 of the Revised 156  
Code, beginning with the report cards issued for the 2012-2013 157  
school year, but it shall not be a factor in the performance 158  
ratings issued under that section. 159

(C) The department of education may accept, receive, and 160  
expend gifts, devises, or bequests of money for the purpose of 161  
establishing the measure required by this section. 162

**Sec. 3313.603. (A) As used in this section:** 163

(1) "One unit" means a minimum of one hundred twenty hours of 164  
course instruction, except that for a laboratory course, "one 165

unit" means a minimum of one hundred fifty hours of course instruction. 166  
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(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 168  
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 172  
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(1) English language arts, four units; 177

(2) Health, one-half unit; 178

(3) Mathematics, three units; 179

(4) Physical education, one-half unit; 180

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 181  
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(a) Biological sciences, one unit; 184

(b) Physical sciences, one unit. 185

(6) Social studies, three units, which shall include both of the following: 186  
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(a) American history, one-half unit; 188

(b) American government, one-half unit. 189

(7) Elective units, seven units until September 15, 2003, and six units thereafter. 190  
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Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language. 192  
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(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	195 196 197 198 199 200 201
(1) English language arts, four units;	202
(2) Health, one-half unit, <u>which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;</u>	203 204 205
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	206 207
(4) Physical education, one-half unit;	208
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	209 210 211 212
(a) Physical sciences, one unit;	213
(b) Life sciences, one unit;	214
(c) Advanced study in one or more of the following sciences, one unit:	215 216
(i) Chemistry, physics, or other physical science;	217
(ii) Advanced biology or other life science;	218
(iii) Astronomy, physical geology, or other earth or space science.	219 220
(6) Social studies, three units, which shall include both of the following:	221 222
(a) American history, one-half unit;	223



(b) American government, one-half unit. 224

Each school shall integrate the study of economics and 225  
financial literacy, as expressed in the social studies academic 226  
content standards adopted by the state board of education under 227  
division (A)(1) of section 3301.079 of the Revised Code and the 228  
academic content standards for financial literacy and 229  
entrepreneurship adopted under division (A)(2) of that section, 230  
into one or more existing social studies credits required under 231  
division (C)(6) of this section, or into the content of another 232  
class, so that every high school student receives instruction in 233  
those concepts. In developing the curriculum required by this 234  
paragraph, schools shall use available public-private partnerships 235  
and resources and materials that exist in business, industry, and 236  
through the centers for economics education at institutions of 237  
higher education in the state. 238

(7) Five units consisting of one or any combination of 239  
foreign language, fine arts, business, career-technical education, 240  
family and consumer sciences, technology, agricultural education, 241  
a junior reserve officer training corps (JROTC) program approved 242  
by the congress of the United States under title 10 of the United 243  
States Code, or English language arts, mathematics, science, or 244  
social studies courses not otherwise required under division (C) 245  
of this section. 246

Ohioans must be prepared to apply increased knowledge and 247  
skills in the workplace and to adapt their knowledge and skills 248  
quickly to meet the rapidly changing conditions of the 249  
twenty-first century. National studies indicate that all high 250  
school graduates need the same academic foundation, regardless of 251  
the opportunities they pursue after graduation. The goal of Ohio's 252  
system of elementary and secondary education is to prepare all 253  
students for and seamlessly connect all students to success in 254  
life beyond high school graduation, regardless of whether the next 255

step is entering the workforce, beginning an apprenticeship, 256  
engaging in post-secondary training, serving in the military, or 257  
pursuing a college degree. 258

The Ohio core curriculum is the standard expectation for all 259  
students entering ninth grade for the first time at a public or 260  
chartered nonpublic high school on or after July 1, 2010. A 261  
student may satisfy this expectation through a variety of methods, 262  
including, but not limited to, integrated, applied, 263  
career-technical, and traditional coursework. 264

Whereas teacher quality is essential for student success in 265  
completing the Ohio core curriculum, the general assembly shall 266  
appropriate funds for strategic initiatives designed to strengthen 267  
schools' capacities to hire and retain highly qualified teachers 268  
in the subject areas required by the curriculum. Such initiatives 269  
are expected to require an investment of \$120,000,000 over five 270  
years. 271

Stronger coordination between high schools and institutions 272  
of higher education is necessary to prepare students for more 273  
challenging academic endeavors and to lessen the need for academic 274  
remediation in college, thereby reducing the costs of higher 275  
education for Ohio's students, families, and the state. The state 276  
board of ~~education~~ and the chancellor of the Ohio board of regents 277  
shall develop policies to ensure that only in rare instances will 278  
students who complete the Ohio core curriculum require academic 279  
remediation after high school. 280

School districts, community schools, and chartered nonpublic 281  
schools shall integrate technology into learning experiences 282  
whenever practicable across the curriculum in order to maximize 283  
efficiency, enhance learning, and prepare students for success in 284  
the technology-driven twenty-first century. Districts and schools 285  
may use distance and web-based course delivery as a method of 286  
providing or augmenting all instruction required under this 287

division, including laboratory experience in science. Districts 288  
and schools shall whenever practicable utilize technology access 289  
and electronic learning opportunities provided by the eTech Ohio 290  
commission, the Ohio learning network, education technology 291  
centers, public television stations, and other public and private 292  
providers. 293

(D) Except as provided in division (E) of this section, a 294  
student who enters ninth grade on or after July 1, 2010, and 295  
before July 1, 2014, may qualify for graduation from a public or 296  
chartered nonpublic high school even though the student has not 297  
completed the Ohio core curriculum prescribed in division (C) of 298  
this section if all of the following conditions are satisfied: 299

(1) After the student has attended high school for two years, 300  
as determined by the school, the student and the student's parent, 301  
guardian, or custodian sign and file with the school a written 302  
statement asserting the parent's, guardian's, or custodian's 303  
consent to the student's graduating without completing the Ohio 304  
core curriculum and acknowledging that one consequence of not 305  
completing the Ohio core curriculum is ineligibility to enroll in 306  
most state universities in Ohio without further coursework. 307

(2) The student and parent, guardian, or custodian fulfill 308  
any procedural requirements the school stipulates to ensure the 309  
student's and parent's, guardian's, or custodian's informed 310  
consent and to facilitate orderly filing of statements under 311  
division (D)(1) of this section. 312

(3) The student and the student's parent, guardian, or 313  
custodian and a representative of the student's high school 314  
jointly develop an individual career plan for the student that 315  
specifies the student matriculating to a two-year degree program, 316  
acquiring a business and industry credential, or entering an 317  
apprenticeship. 318

(4) The student's high school provides counseling and support 319  
for the student related to the plan developed under division 320  
(D)(3) of this section during the remainder of the student's high 321  
school experience. 322

(5) The student successfully completes, at a minimum, the 323  
curriculum prescribed in division (B) of this section. 324

The department of education, in collaboration with the 325  
chancellor ~~of the Ohio board of regents~~, shall analyze student 326  
performance data to determine if there are mitigating factors that 327  
warrant extending the exception permitted by division (D) of this 328  
section to high school classes beyond those entering ninth grade 329  
before July 1, 2014. The department shall submit its findings and 330  
any recommendations not later than August 1, 2014, to the speaker 331  
and minority leader of the house of representatives, the president 332  
and minority leader of the senate, the chairpersons and ranking 333  
minority members of the standing committees of the house of 334  
representatives and the senate that consider education 335  
legislation, the state board of education, and the superintendent 336  
of public instruction. 337

(E) Each school district and chartered nonpublic school 338  
retains the authority to require an even more rigorous minimum 339  
curriculum for high school graduation than specified in division 340  
(B) or (C) of this section. A school district board of education, 341  
through the adoption of a resolution, or the governing authority 342  
of a chartered nonpublic school may stipulate any of the 343  
following: 344

(1) A minimum high school curriculum that requires more than 345  
twenty units of academic credit to graduate; 346

(2) An exception to the district's or school's minimum high 347  
school curriculum that is comparable to the exception provided in 348  
division (D) of this section but with additional requirements, 349

which may include a requirement that the student successfully 350  
complete more than the minimum curriculum prescribed in division 351  
(B) of this section; 352

(3) That no exception comparable to that provided in division 353  
(D) of this section is available. 354

(F) A student enrolled in a dropout prevention and recovery 355  
program, which program has received a waiver from the department 356  
~~of education~~, may qualify for graduation from high school by 357  
successfully completing a competency-based instructional program 358  
administered by the dropout prevention and recovery program in 359  
lieu of completing the Ohio core curriculum prescribed in division 360  
(C) of this section. The department shall grant a waiver to a 361  
dropout prevention and recovery program, within sixty days after 362  
the program applies for the waiver, if the program meets all of 363  
the following conditions: 364

(1) The program serves only students not younger than sixteen 365  
years of age and not older than twenty-one years of age. 366

(2) The program enrolls students who, at the time of their 367  
initial enrollment, either, or both, are at least one grade level 368  
behind their cohort age groups or experience crises that 369  
significantly interfere with their academic progress such that 370  
they are prevented from continuing their traditional programs. 371

(3) The program requires students to attain at least the 372  
applicable score designated for each of the assessments prescribed 373  
under division (B)(1) of section 3301.0710 of the Revised Code or, 374  
to the extent prescribed by rule of the state board ~~of education~~ 375  
under division (E)(6) of section 3301.0712 of the Revised Code, 376  
division (B)(2) of that section. 377

(4) The program develops an individual career plan for the 378  
student that specifies the student's matriculating to a two-year 379  
degree program, acquiring a business and industry credential, or 380

entering an apprenticeship. 381

(5) The program provides counseling and support for the 382  
student related to the plan developed under division (F)(4) of 383  
this section during the remainder of the student's high school 384  
experience. 385

(6) The program requires the student and the student's 386  
parent, guardian, or custodian to sign and file, in accordance 387  
with procedural requirements stipulated by the program, a written 388  
statement asserting the parent's, guardian's, or custodian's 389  
consent to the student's graduating without completing the Ohio 390  
core curriculum and acknowledging that one consequence of not 391  
completing the Ohio core curriculum is ineligibility to enroll in 392  
most state universities in Ohio without further coursework. 393

(7) Prior to receiving the waiver, the program has submitted 394  
to the department an instructional plan that demonstrates how the 395  
academic content standards adopted by the state board ~~of education~~ 396  
under section 3301.079 of the Revised Code will be taught and 397  
assessed. 398

If the department does not act either to grant the waiver or 399  
to reject the program application for the waiver within sixty days 400  
as required under this section, the waiver shall be considered to 401  
be granted. 402

(G) Every high school may permit students below the ninth 403  
grade to take advanced work. If a high school so permits, it shall 404  
award high school credit for successful completion of the advanced 405  
work and shall count such advanced work toward the graduation 406  
requirements of division (B) or (C) of this section if the 407  
advanced work was both: 408

(1) Taught by a person who possesses a license or certificate 409  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 410  
Code that is valid for teaching high school; 411

(2) Designated by the board of education of the city, local, 412  
or exempted village school district, the board of the cooperative 413  
education school district, or the governing authority of the 414  
chartered nonpublic school as meeting the high school curriculum 415  
requirements. 416

Each high school shall record on the student's high school 417  
transcript all high school credit awarded under division (G) of 418  
this section. In addition, if the student completed a seventh- or 419  
eighth-grade fine arts course described in division (K) of this 420  
section and the course qualified for high school credit under that 421  
division, the high school shall record that course on the 422  
student's high school transcript. 423

(H) The department shall make its individual academic career 424  
plan available through its Ohio career information system web site 425  
for districts and schools to use as a tool for communicating with 426  
and providing guidance to students and families in selecting high 427  
school courses. 428

(I) Units earned in English language arts, mathematics, 429  
science, and social studies that are delivered through integrated 430  
academic and career-technical instruction are eligible to meet the 431  
graduation requirements of division (B) or (C) of this section. 432

(J) The state board ~~of education~~, in consultation with the 433  
chancellor ~~of the Ohio board of regents~~, shall adopt a statewide 434  
plan implementing methods for students to earn units of high 435  
school credit based on a demonstration of subject area competency, 436  
instead of or in combination with completing hours of classroom 437  
instruction. The state board shall adopt the plan not later than 438  
March 31, 2009, and commence phasing in the plan during the 439  
2009-2010 school year. The plan shall include a standard method 440  
for recording demonstrated proficiency on high school transcripts. 441  
Each school district, community school, and chartered nonpublic 442  
school shall comply with the state board's plan adopted under this 443

division and award units of high school credit in accordance with 444  
the plan. The state board may adopt existing methods for earning 445  
high school credit based on a demonstration of subject area 446  
competency as necessary prior to the 2009-2010 school year. 447

(K) This division does not apply to students who qualify for 448  
graduation from high school under division (D) or (F) of this 449  
section, or to students pursuing a career-technical instructional 450  
track as determined by the school district board of education or 451  
the chartered nonpublic school's governing authority. 452  
Nevertheless, the general assembly encourages such students to 453  
consider enrolling in a fine arts course as an elective. 454

Beginning with students who enter ninth grade for the first 455  
time on or after July 1, 2010, each student enrolled in a public 456  
or chartered nonpublic high school shall complete two semesters or 457  
the equivalent of fine arts to graduate from high school. The 458  
coursework may be completed in any of grades seven to twelve. Each 459  
student who completes a fine arts course in grade seven or eight 460  
may elect to count that course toward the five units of electives 461  
required for graduation under division (C)(7) of this section, if 462  
the course satisfied the requirements of division (G) of this 463  
section. In that case, the high school shall award the student 464  
high school credit for the course and count the course toward the 465  
five units required under division (C)(7) of this section. If the 466  
course in grade seven or eight did not satisfy the requirements of 467  
division (G) of this section, the high school shall not award the 468  
student high school credit for the course but shall count the 469  
course toward the two semesters or the equivalent of fine arts 470  
required by this division. 471

(L) Notwithstanding anything to the contrary in this section, 472  
the board of education of each school district and the governing 473  
authority of each chartered nonpublic school may adopt a policy to 474  
excuse from the high school physical education requirement each 475



student who, during high school, has participated in 476  
interscholastic athletics, marching band, or cheerleading for at 477  
least two full seasons or in the junior reserve officer training 478  
corps for at least two full school years. If the board or 479  
authority adopts such a policy, the board or authority shall not 480  
require the student to complete any physical education course as a 481  
condition to graduate. However, the student shall be required to 482  
complete one-half unit, consisting of at least sixty hours of 483  
instruction, in another course of study. In the case of a student 484  
who has participated in the junior reserve officer training corps 485  
for at least two full school years, credit received for that 486  
participation may be used to satisfy the requirement to complete 487  
one-half unit in another course of study. 488

Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, 489  
the department of education shall administer a pilot program 490  
requiring daily physical activity for students. Any school 491  
district; community school established under Chapter 3314. of the 492  
Revised Code; science, technology, engineering, and mathematics 493  
school established under Chapter 3326. of the Revised Code; or 494  
chartered nonpublic school annually may elect to participate in 495  
the pilot program by notifying the department of its interest by a 496  
date established by the department. If a school district elects to 497  
participate in the pilot program, each school building operated by 498  
the district shall be required to participate. To the maximum 499  
extent possible, the department shall seek to include in the pilot 500  
program districts and schools that are located in urban, suburban, 501  
and rural areas distributed geographically throughout the state. 502  
The department shall administer the pilot program in accordance 503  
with this section. 504

(B) Except as provided in division (C) of this section, each 505  
district or school participating in the pilot program shall 506  
require all students in each of grades kindergarten through twelve 507

to engage in at least thirty minutes of moderate to rigorous physical activity each school day, exclusive of recess. Physical activity engaged in during the following may count toward the daily requirement: 508  
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(1) A physical education course; 512

(2) A program or activity occurring before or after the regular school day, as defined in section 3313.814 of the Revised Code, that is sponsored or approved by the school of attendance, provided school officials are able to monitor students' participation to ensure compliance with the requirement. 513  
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(C) None of the following shall be subject to the requirement of division (B) of this section: 518  
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(1) Any student enrolled in the post-secondary enrollment options program established under Chapter 3365. of the Revised Code; 520  
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(2) Any student enrolled in a career-technical education program operated by the district or school; 523  
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(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school. 525  
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(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section. 527  
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(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section. 532  
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(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the 536  
537

district or school implemented the thirty minutes of daily 538  
physical activity and the financial costs of implementation. The 539  
department shall issue an annual report of the data collected 540  
under this division. 541

**Sec. 3313.674.** (A) Except as provided in divisions (D) and 542  
(H) of this section, the board of education of each city, exempted 543  
village, or local school district and the governing authority of 544  
each chartered nonpublic school shall require each student 545  
enrolled in kindergarten, third grade, fifth grade, and ninth 546  
grade to undergo a screening for body mass index and weight status 547  
category prior to the first day of May of the school year. 548

(B) The board or governing authority may provide any 549  
screenings required by this section itself, contract with another 550  
entity for provision of the screenings, or request the parent or 551  
guardian of each student subject to this section to obtain the 552  
screening from a provider selected by the parent or guardian and 553  
to submit the results to the board or governing authority. If the 554  
board or governing authority provides the screenings itself or 555  
contracts with another entity for provision of the screenings, the 556  
board or governing authority shall protect student privacy by 557  
ensuring that each student is screened alone and not in the 558  
presence of other students or staff. 559

(C) Prior to the first day of February of each school year, 560  
the board or governing authority shall provide the parent or 561  
guardian of each student subject to this section with information 562  
about the screening program. If the board or governing authority 563  
requests parents and guardians to obtain a screening from a 564  
provider of their choosing, the board or governing authority shall 565  
provide them with a list of providers and information about 566  
screening services available in the community to parents and 567  
guardians who cannot afford a private provider. 568

(D) If the parent or guardian of a student subject to this section signs and submits to the board or governing authority a written statement indicating that the parent or guardian does not wish to have the student undergo the screening, the board or governing authority shall not require the student to be screened.

(E) The board or governing authority shall notify the parent or guardian of each student screened under this section of any health risks associated with the student's results and shall provide the parent or guardian with information about appropriately addressing the risks. For this purpose, the department of health, in consultation with the department of education and the healthy choices for healthy children council established under section 3301.92 of the Revised Code, shall develop a list of documents, pamphlets, or other resources that may be distributed to parents and guardians under this division.

(F) The board or governing authority shall maintain the confidentiality of each student's individual screening results at all times. No board or governing authority shall report a student's individual screening results to any person other than the student's parent or guardian.

(G) In a manner prescribed by rule of the director of health, the board or governing authority shall report aggregated body mass index and weight status category data collected under this section, and any other demographic data required by the director, to the department of health. In the case of a school district, data shall be aggregated for the district as a whole and not for individual schools within the district, unless the district operates only one school. In the case of a chartered nonpublic school, data shall be aggregated for the school as a whole. The department annually may publish the data reported under this division, aggregated by county. If any district or chartered nonpublic school was granted a waiver under division (H) of this

section for a school year for which data is published, the 601  
department shall note that the data for the county in which the 602  
district or school is located is incomplete. The department may 603  
share data reported under this division with other governmental 604  
entities for the purpose of monitoring population health, making 605  
reports, or public health promotional activities. 606

(H) A board or governing authority may obtain a waiver of the 607  
requirement to have students undergo screenings for body mass 608  
index and weight status category by submitting to the 609  
superintendent of public instruction an affidavit, attested to by 610  
the president or presiding officer of the board or governing 611  
authority, stating that the board or governing authority is unable 612  
to comply with the requirement. The superintendent shall grant the 613  
waiver upon receipt of the affidavit. 614

**Sec. 3313.813.** (A) As used in this section: 615

(1) "Outdoor education center" means a public or nonprofit 616  
private entity that provides to pupils enrolled in any public or 617  
chartered nonpublic elementary or secondary school an outdoor 618  
educational curriculum that the school considers to be part of its 619  
educational program. 620

(2) "Outside-school-hours care center" has the meaning 621  
established in 7 C.F.R. 226.2. 622

(B) The state board of education shall establish standards 623  
for a school lunch program, school breakfast program, child and 624  
adult care food program, special food service program for 625  
children, summer food service program for children, special milk 626  
program for children, food service equipment assistance program, 627  
and commodity distribution program established under the "National 628  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 629  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 630  
U.S.C. 1771, as amended. Any board of education of a school 631

district, nonprofit private school, outdoor education center, 632  
child care institution, outside-school-hours care center, or 633  
summer camp desiring to participate in such a program or required 634  
to participate under this section shall, if eligible to 635  
participate under the "National School Lunch Act," as amended, or 636  
the "Child Nutrition Act of 1966," as amended, make application to 637  
the state board of education for assistance. The board shall 638  
administer the allocation and distribution of all state and 639  
federal funds for these programs. 640

(C) The state board of education shall require the board of 641  
education of each school district to establish and maintain a 642  
school breakfast, lunch, and summer food service program pursuant 643  
to the "National School Lunch Act" and the "Child Nutrition Act of 644  
1966," as described in divisions (C)(1) to (4) of this section. 645

(1) The state board shall require the board of education in 646  
each school district to establish a breakfast program in every 647  
school where at least one-fifth of the pupils in the school are 648  
eligible under federal requirements for free breakfasts and to 649  
establish a lunch program in every school where at least one-fifth 650  
of the pupils are eligible for free lunches. The board of 651  
education required to establish a breakfast program under this 652  
division may make a charge in accordance with federal requirements 653  
for each reduced price breakfast or paid breakfast to cover the 654  
cost incurred in providing that meal. 655

(2) The state board shall require the board of education in 656  
each school district to establish a breakfast program in every 657  
school in which the parents of at least one-half of the children 658  
enrolled in the school have requested that the breakfast program 659  
be established. The board of education required to establish a 660  
program under this division may make a charge in accordance with 661  
federal requirements for each meal to cover all or part of the 662  
costs incurred in establishing such a program. 663

(3) The state board ~~of education~~ shall require the board of education in each school district to establish one of the following for summer intervention services described in division (D) of section 3301.0711 and section 3313.608 of the Revised Code and any other summer intervention program required by law:

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

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

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

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

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

(c) If a school district cannot for good cause comply with the requirements of division (C)(2) or (4)(b) of this section at the time the state board determines that a district is subject to

these requirements, the state board ~~of education~~ shall grant a 695  
reasonable extension of time. Good cause for an extension of time 696  
shall include, but need not be limited to, economic impossibility 697  
of compliance with the requirements at the time the state board 698  
determines that a district is subject to them. 699

(D)(1) The state board ~~of education~~ shall accept the 700  
application of any outdoor education center in the state making 701  
application for participation in a program pursuant to division 702  
(B) of this section. 703

(2) For purposes of participation in any program pursuant to 704  
this section, the board shall certify any outdoor education center 705  
making application as an educational unit that is part of the 706  
educational system of the state, if the center: 707

(a) Meets the definition of an outdoor education center; 708

(b) Provides its outdoor education curriculum to pupils on an 709  
overnight basis so that pupils are in residence at the center for 710  
more than twenty-four consecutive hours; 711

(c) Operates under public or nonprofit private ownership in a 712  
single building or complex of buildings. 713

(3) The board shall approve any outdoor education center 714  
certified under this division for participation in the program for 715  
which the center is making application on the same basis as any 716  
other applicant for that program. 717

(E) Any school district board of education or chartered 718  
nonpublic school that participates in a breakfast program pursuant 719  
to this section may offer breakfast to pupils in their classrooms 720  
during the school day. 721

(F) Notwithstanding anything in this section to the contrary, 722  
in each fiscal year in which the general assembly appropriates 723  
funds for purposes of this division, the board of education of 724



each school district and each chartered nonpublic school that 725  
participates in a breakfast program pursuant to this section shall 726  
provide a breakfast free of charge to each pupil who is eligible 727  
under federal requirements for a reduced price breakfast. 728

**Sec. 3313.814.** (A) As used in this section and sections 729  
3313.816 and 3313.817 of the Revised Code: 730

(1) "A la carte item" means an individually priced food or 731  
beverage item that is available for sale to students through any 732  
of the following: 733

(a) A school food service program; 734

(b) A vending machine located on school property; 735

(c) A store operated by the school, a student association, or 736  
other school-sponsored organization. 737

"A la carte item" does not include any food or beverage item 738  
available for sale in connection with a school-sponsored 739  
fundraiser held outside of the regular school day, any other 740  
school-sponsored event held outside of the regular school day, or 741  
an interscholastic athletic event. "A la carte item" also does not 742  
include any food or beverage item that is part of a reimbursable 743  
meal and that is available for sale as an individually priced item 744  
in a serving portion of the same size as in the reimbursable meal, 745  
regardless of whether the food or beverage item is included in the 746  
reimbursable meal served on a particular school day. 747

(2) "Added sweeteners" means any additives that enhance the 748  
sweetness of a beverage, including processed sugar. "Added 749  
sweeteners" do not include any natural sugars found in fruit 750  
juices that are a component of the beverage. 751

(3) "Extended school day" means the period before and after 752  
the regular school day during which students participate in 753  
school-sponsored extracurricular activities, latchkey programs as 754

defined in section 3313.207 of the Revised Code, or other academic 755  
or enrichment programs. 756

(4) "Regular school day" means the period each school day 757  
between the designated arrival time for students and the end of 758  
the final instructional period. 759

(5) "Reimbursable meal" means a meal that is provided to 760  
students through a school breakfast or lunch program established 761  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 762  
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 763  
Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria 764  
for reimbursement established by the United States department of 765  
agriculture. 766

(6) "School food service program" means a school food service 767  
program operated under section 3313.81 or 3313.813 of the Revised 768  
Code. 769

(B) Each school district board of education and each 770  
chartered nonpublic school governing authority shall adopt and 771  
enforce nutrition standards governing the types of food and 772  
beverages that may be sold on the premises of its schools, and 773  
specifying the time and place each type of food or beverage may be 774  
sold. In 775

(1) In adopting the standards, the board or governing 776  
authority shall ~~consider each food's~~ do all of the following: 777

(a) Consider the nutritional value of each food or beverage; 778

(b) Consult with a dietitian licensed under Chapter 4759. of 779  
the Revised Code, a dietetic technician registered by the 780  
commission on dietetic registration, or a school nutrition 781  
specialist certified or credentialed by the school nutrition 782  
association. The person with whom the board or governing authority 783  
consults may be an employee of the board or governing authority, a 784  
person contracted by the board or governing authority, or a 785

volunteer, provided the person meets the requirements of this 786  
division. 787

(c) Consult the dietary guidelines for Americans jointly 788  
developed by the United States department of agriculture and the 789  
United States department of health and human services and, to the 790  
maximum extent possible, incorporate the guidelines into the 791  
standards. No 792

(2) No food or beverage may be sold on any school premises 793  
except in accordance with the standards adopted by the board of 794  
education or governing authority. 795

(3) The standards shall comply with sections 3313.816 and 796  
3313.817 of the Revised Code, but nothing in this section shall 797  
prohibit the standards from being more restrictive than otherwise 798  
required by those sections. 799

(C) The nutrition standards adopted under this section shall 800  
prohibit the placement of vending machines in any classroom where 801  
students are provided instruction, unless the classroom also is 802  
used to serve students meals. This division does not apply to 803  
vending machines that sell only milk, reimbursable meals, or food 804  
and beverage items that are part of a reimbursable meal and are 805  
available for sale as individually priced items in serving 806  
portions of the same size as in the reimbursable meal. 807

(D) Each board or governing authority shall designate staff 808  
to be responsible for ensuring that the school district or school 809  
meets the nutrition standards adopted under this section. The 810  
staff shall prepare an annual report regarding the district's or 811  
school's compliance with the standards and submit it to the 812  
department of education. The board or governing authority annually 813  
shall schedule a presentation on the report at one of its regular 814  
meetings. Each district or school shall make copies of the report 815  
available to the public upon request. 816

(E) The state board of education shall formulate and adopt 817  
guidelines, which boards of education and chartered nonpublic 818  
schools may follow in enforcing and implementing this section. 819

Sec. 3313.816. (A) No public or chartered nonpublic school 820  
shall permit the sale of a la carte beverage items other than the 821  
following during the regular and extended school day: 822

(1) For a school in which the majority of grades offered are 823  
in the range from kindergarten to grade four: 824

(a) Water; 825

(b)(i) Prior to January 1, 2014, eight ounces or less of 826  
low-fat or fat-free milk, including flavored milk, that contains 827  
not more than one hundred seventy calories per eight ounces; 828

(ii) Beginning January 1, 2014, eight ounces or less of 829  
low-fat or fat-free milk, including flavored milk, that contains 830  
not more than one hundred fifty calories per eight ounces. 831

(c) Eight ounces or less of one hundred per cent fruit juice, 832  
or a one hundred per cent fruit juice and water blend with no 833  
added sweeteners, that contains not more than one hundred sixty 834  
calories per eight ounces. 835

(2) For a school in which the majority of grades offered are 836  
in the range from grade five to grade eight: 837

(a) Water; 838

(b)(i) Prior to January 1, 2014, eight ounces or less of 839  
low-fat or fat-free milk, including flavored milk, that contains 840  
not more than one hundred seventy calories per eight ounces; 841

(ii) Beginning January 1, 2014, eight ounces or less of 842  
low-fat or fat-free milk, including flavored milk, that contains 843  
not more than one hundred fifty calories per eight ounces. 844

(c) Ten ounces or less of one hundred per cent fruit juice, 845

or a one hundred per cent fruit juice and water blend with no 846  
added sweeteners, that contains not more than one hundred sixty 847  
calories per eight ounces. 848

(3) For a school in which the majority of grades offered are 849  
in the range from grade nine to grade twelve: 850

(a) Water; 851

(b)(i) Prior to January 1, 2014, sixteen ounces or less of 852  
low-fat or fat-free milk, including flavored milk, that contains 853  
not more than one hundred seventy calories per eight ounces; 854

(ii) Beginning January 1, 2014, sixteen ounces or less of 855  
low-fat or fat-free milk, including flavored milk, that contains 856  
not more than one hundred fifty calories per eight ounces. 857

(c) Twelve ounces or less of one hundred per cent fruit 858  
juice, or a one hundred per cent fruit juice and water blend with 859  
no added sweeteners, that contains not more than one hundred sixty 860  
calories per eight ounces; 861

(d) Twelve ounces or less of any beverage that contains not 862  
more than sixty-six calories per eight ounces; 863

(e) Any size of a beverage that contains not more than ten 864  
calories per eight ounces, which may include caffeinated beverages 865  
and beverages with added sweeteners, carbonation, or artificial 866  
flavoring. 867

(B) Each public and chartered nonpublic school shall require 868  
at least fifty per cent of the a la carte beverage items available 869  
for sale from each of the following sources during the regular and 870  
extended school day to be water or other beverages that contain 871  
not more than ten calories per eight ounces: 872

(1) A school food service program; 873

(2) A vending machine located on school property that does 874  
not sell only milk or reimbursable meals; 875

(3) A store operated by the school, a student association, or 876  
other school-sponsored organization. 877

Sec. 3313.817. (A) When the department of education is able 878  
to obtain free of charge computer software for assessing the 879  
nutritional value of foods that does all of the following, the 880  
department shall make that software available free of charge to 881  
each public and chartered nonpublic school: 882

(1) Rates the healthiness of foods based on nutrient density; 883

(2) Assesses the amount of calories, total fat, saturated 884  
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 885  
and vitamin C in each food item; 886

(3) Evaluates the nutritional value of foods based on the 887  
dietary guidelines for Americans jointly developed by the United 888  
States department of agriculture and United States department of 889  
health and human services as they pertain to children and 890  
adolescents. 891

(B) Each public and chartered nonpublic school shall use the 892  
software provided by the department under this section to 893  
determine the nutritional value of each a la carte food item 894  
available for sale at the school. 895

(C) When the department provides software under this section, 896  
each public and chartered nonpublic school shall comply with all 897  
of the following requirements: 898

(1) No a la carte food item shall be in the lowest rated 899  
category of foods designated by the software. 900

(2) In the first school year in which the school is subject 901  
to this section, at least twenty per cent of the a la carte food 902  
items available for sale from each of the following sources during 903  
the regular and extended school day shall be in the highest rated 904  
category of foods designated by the software and in each school 905

year thereafter, at least forty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in that category: 906  
907  
908

(a) A school food service program; 909

(b) A vending machine located on school property; 910

(c) A store operated by the school, a student association, or other school-sponsored organization. 911  
912

(3) Each a la carte food item that is not in the highest rated category of foods designated by the software shall meet at least two of the following criteria: 913  
914  
915

(a) It contains at least five grams of protein. 916

(b) It contains at least ten per cent of the recommended daily value of fiber. 917  
918

(c) It contains at least ten per cent of the recommended daily value of calcium. 919  
920

(d) It contains at least ten per cent of the recommended daily value of iron. 921  
922

(e) It contains at least ten per cent of the recommended daily value of vitamin A. 923  
924

(f) It contains at least ten per cent of the recommended daily value of vitamin C. 925  
926

(D) As an alternative to complying with division (C) of this section, a public or chartered nonpublic school may comply with the most recent guidelines for competitive foods issued by the alliance for a healthier generation with respect to the sale of a la carte food items. 927  
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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. 932  
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	935 936 937
(1) That the school shall be established as either of the following:	938 939
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	940 941
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003+.	942 943
(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;	944 945 946 947
(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;	948 949 950
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	951 952
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	953 954
(6)(a) Dismissal procedures;	955
(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.	956 957 958 959 960 961
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	962 963
(8) Requirements for financial audits by the auditor of	964



state. The contract shall require financial records of the school 965  
to be maintained in the same manner as are financial records of 966  
school districts, pursuant to rules of the auditor of state. 967  
Audits shall be conducted in accordance with section 117.10 of the 968  
Revised Code. 969

(9) The facilities to be used and their locations; 970

(10) Qualifications of teachers, including a the following: 971

(a) A requirement that the school's classroom teachers be 972  
licensed in accordance with sections 3319.22 to 3319.31 of the 973  
Revised Code, except that a community school may engage 974  
noncertificated persons to teach up to twelve hours per week 975  
pursuant to section 3319.301 of the Revised Code; 976

(b) A requirement that each classroom teacher initially hired 977  
by the school on or after July 1, 2013, and employed to provide 978  
instruction in physical education hold a valid license issued 979  
pursuant to section 3319.22 of the Revised Code for teaching 980  
physical education. 981

(11) That the school will comply with the following 982  
requirements: 983

(a) The school will provide learning opportunities to a 984  
minimum of twenty-five students for a minimum of nine hundred 985  
twenty hours per school year. 986

(b) The governing authority will purchase liability 987  
insurance, or otherwise provide for the potential liability of the 988  
school. 989

(c) The school will be nonsectarian in its programs, 990  
admission policies, employment practices, and all other 991  
operations, and will not be operated by a sectarian school or 992  
religious institution. 993

(d) The school will comply with sections 9.90, 9.91, 109.65, 994

121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 995  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 996  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 997  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 998  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 999  
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3314.817, 1000  
3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 1001  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1002  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1003  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 1004  
of the Revised Code as if it were a school district and will 1005  
comply with section 3301.0714 of the Revised Code in the manner 1006  
specified in section 3314.17 of the Revised Code. 1007

(e) The school shall comply with Chapter 102. and section 1008  
2921.42 of the Revised Code. 1009

(f) The school will comply with sections 3313.61, 3313.611, 1010  
and 3313.614 of the Revised Code, except that for students who 1011  
enter ninth grade for the first time before July 1, 2010, the 1012  
requirement in sections 3313.61 and 3313.611 of the Revised Code 1013  
that a person must successfully complete the curriculum in any 1014  
high school prior to receiving a high school diploma may be met by 1015  
completing the curriculum adopted by the governing authority of 1016  
the community school rather than the curriculum specified in Title 1017  
XXXIII of the Revised Code or any rules of the state board of 1018  
education. Beginning with students who enter ninth grade for the 1019  
first time on or after July 1, 2010, the requirement in sections 1020  
3313.61 and 3313.611 of the Revised Code that a person must 1021  
successfully complete the curriculum of a high school prior to 1022  
receiving a high school diploma shall be met by completing the 1023  
Ohio core curriculum prescribed in division (C) of section 1024  
3313.603 of the Revised Code, unless the person qualifies under 1025  
division (D) or (F) of that section. Each school shall comply with 1026

the plan for awarding high school credit based on demonstration of 1027  
subject area competency, adopted by the state board of education 1028  
under division (J) of section 3313.603 of the Revised Code. 1029

(g) The school governing authority will submit within four 1030  
months after the end of each school year a report of its 1031  
activities and progress in meeting the goals and standards of 1032  
divisions (A)(3) and (4) of this section and its financial status 1033  
to the sponsor and the parents of all students enrolled in the 1034  
school. 1035

(h) The school, unless it is an internet- or computer-based 1036  
community school, will comply with ~~section~~ sections 3313.674 and 1037  
3313.801 of the Revised Code as if it were a school district. 1038

(12) Arrangements for providing health and other benefits to 1039  
employees; 1040

(13) The length of the contract, which shall begin at the 1041  
beginning of an academic year. No contract shall exceed five years 1042  
unless such contract has been renewed pursuant to division (E) of 1043  
this section. 1044

(14) The governing authority of the school, which shall be 1045  
responsible for carrying out the provisions of the contract; 1046

(15) A financial plan detailing an estimated school budget 1047  
for each year of the period of the contract and specifying the 1048  
total estimated per pupil expenditure amount for each such year. 1049  
The plan shall specify for each year the base formula amount that 1050  
will be used for purposes of funding calculations under section 1051  
3314.08 of the Revised Code. This base formula amount for any year 1052  
shall not exceed the formula amount defined under section 3317.02 1053  
of the Revised Code. The plan may also specify for any year a 1054  
percentage figure to be used for reducing the per pupil amount of 1055  
the subsidy calculated pursuant to section 3317.029 of the Revised 1056  
Code the school is to receive that year under section 3314.08 of 1057

the Revised Code. 1058

(16) Requirements and procedures regarding the disposition of 1059  
employees of the school in the event the contract is terminated or 1060  
not renewed pursuant to section 3314.07 of the Revised Code; 1061

(17) Whether the school is to be created by converting all or 1062  
part of an existing public school or educational service center 1063  
building or is to be a new start-up school, and if it is a 1064  
converted public school or service center building, specification 1065  
of any duties or responsibilities of an employer that the board of 1066  
education or service center governing board that operated the 1067  
school or building before conversion is delegating to the 1068  
governing authority of the community school with respect to all or 1069  
any specified group of employees provided the delegation is not 1070  
prohibited by a collective bargaining agreement applicable to such 1071  
employees; 1072

(18) Provisions establishing procedures for resolving 1073  
disputes or differences of opinion between the sponsor and the 1074  
governing authority of the community school; 1075

(19) A provision requiring the governing authority to adopt a 1076  
policy regarding the admission of students who reside outside the 1077  
district in which the school is located. That policy shall comply 1078  
with the admissions procedures specified in sections 3314.06 and 1079  
3314.061 of the Revised Code and, at the sole discretion of the 1080  
authority, shall do one of the following: 1081

(a) Prohibit the enrollment of students who reside outside 1082  
the district in which the school is located; 1083

(b) Permit the enrollment of students who reside in districts 1084  
adjacent to the district in which the school is located; 1085

(c) Permit the enrollment of students who reside in any other 1086  
district in the state. 1087

(20) A provision recognizing the authority of the department 1088  
of education to take over the sponsorship of the school in 1089  
accordance with the provisions of division (C) of section 3314.015 1090  
of the Revised Code; 1091

(21) A provision recognizing the sponsor's authority to 1092  
assume the operation of a school under the conditions specified in 1093  
division (B) of section 3314.073 of the Revised Code; 1094

(22) A provision recognizing both of the following: 1095

(a) The authority of public health and safety officials to 1096  
inspect the facilities of the school and to order the facilities 1097  
closed if those officials find that the facilities are not in 1098  
compliance with health and safety laws and regulations; 1099

(b) The authority of the department of education as the 1100  
community school oversight body to suspend the operation of the 1101  
school under section 3314.072 of the Revised Code if the 1102  
department has evidence of conditions or violations of law at the 1103  
school that pose an imminent danger to the health and safety of 1104  
the school's students and employees and the sponsor refuses to 1105  
take such action; 1106

(23) A description of the learning opportunities that will be 1107  
offered to students including both classroom-based and 1108  
non-classroom-based learning opportunities that is in compliance 1109  
with criteria for student participation established by the 1110  
department under division (L)(2) of section 3314.08 of the Revised 1111  
Code; 1112

(24) The school will comply with sections 3302.04 and 1113  
3302.041 of the Revised Code, except that any action required to 1114  
be taken by a school district pursuant to those sections shall be 1115  
taken by the sponsor of the school. However, the sponsor shall not 1116  
be required to take any action described in division (F) of 1117  
section 3302.04 of the Revised Code. 1118

(25) Beginning in the 2006-2007 school year, the school will 1119  
open for operation not later than the thirtieth day of September 1120  
each school year, unless the mission of the school as specified 1121  
under division (A)(2) of this section is solely to serve dropouts. 1122  
In its initial year of operation, if the school fails to open by 1123  
the thirtieth day of September, or within one year after the 1124  
adoption of the contract pursuant to division (D) of section 1125  
3314.02 of the Revised Code if the mission of the school is solely 1126  
to serve dropouts, the contract shall be void. 1127

(B) The community school shall also submit to the sponsor a 1128  
comprehensive plan for the school. The plan shall specify the 1129  
following: 1130

(1) The process by which the governing authority of the 1131  
school will be selected in the future; 1132

(2) The management and administration of the school; 1133

(3) If the community school is a currently existing public 1134  
school or educational service center building, alternative 1135  
arrangements for current public school students who choose not to 1136  
attend the converted school and for teachers who choose not to 1137  
teach in the school or building after conversion; 1138

(4) The instructional program and educational philosophy of 1139  
the school; 1140

(5) Internal financial controls. 1141

(C) A contract entered into under section 3314.02 of the 1142  
Revised Code between a sponsor and the governing authority of a 1143  
community school may provide for the community school governing 1144  
authority to make payments to the sponsor, which is hereby 1145  
authorized to receive such payments as set forth in the contract 1146  
between the governing authority and the sponsor. The total amount 1147  
of such payments for oversight and monitoring of the school shall 1148  
not exceed three per cent of the total amount of payments for 1149

operating expenses that the school receives from the state. 1150

(D) The contract shall specify the duties of the sponsor 1151  
which shall be in accordance with the written agreement entered 1152  
into with the department of education under division (B) of 1153  
section 3314.015 of the Revised Code and shall include the 1154  
following: 1155

(1) Monitor the community school's compliance with all laws 1156  
applicable to the school and with the terms of the contract; 1157

(2) Monitor and evaluate the academic and fiscal performance 1158  
and the organization and operation of the community school on at 1159  
least an annual basis; 1160

(3) Report on an annual basis the results of the evaluation 1161  
conducted under division (D)(2) of this section to the department 1162  
of education and to the parents of students enrolled in the 1163  
community school; 1164

(4) Provide technical assistance to the community school in 1165  
complying with laws applicable to the school and terms of the 1166  
contract; 1167

(5) Take steps to intervene in the school's operation to 1168  
correct problems in the school's overall performance, declare the 1169  
school to be on probationary status pursuant to section 3314.073 1170  
of the Revised Code, suspend the operation of the school pursuant 1171  
to section 3314.072 of the Revised Code, or terminate the contract 1172  
of the school pursuant to section 3314.07 of the Revised Code as 1173  
determined necessary by the sponsor; 1174

(6) Have in place a plan of action to be undertaken in the 1175  
event the community school experiences financial difficulties or 1176  
closes prior to the end of a school year. 1177

(E) Upon the expiration of a contract entered into under this 1178  
section, the sponsor of a community school may, with the approval 1179

of the governing authority of the school, renew that contract for 1180  
a period of time determined by the sponsor, but not ending earlier 1181  
than the end of any school year, if the sponsor finds that the 1182  
school's compliance with applicable laws and terms of the contract 1183  
and the school's progress in meeting the academic goals prescribed 1184  
in the contract have been satisfactory. Any contract that is 1185  
renewed under this division remains subject to the provisions of 1186  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1187

(F) If a community school fails to open for operation within 1188  
one year after the contract entered into under this section is 1189  
adopted pursuant to division (D) of section 3314.02 of the Revised 1190  
Code or permanently closes prior to the expiration of the 1191  
contract, the contract shall be void and the school shall not 1192  
enter into a contract with any other sponsor. A school shall not 1193  
be considered permanently closed because the operations of the 1194  
school have been suspended pursuant to section 3314.072 of the 1195  
Revised Code. Any contract that becomes void under this division 1196  
shall not count toward any statewide limit on the number of such 1197  
contracts prescribed by section 3314.013 of the Revised Code. 1198

**Sec. 3314.18.** (A) Subject to division (C) of this section, 1199  
the governing ~~board~~ authority of each community school shall 1200  
establish a breakfast program pursuant to the "National School 1201  
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and 1202  
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, 1203  
as amended, if at least one-fifth of the pupils in the school are 1204  
eligible under federal requirements for free breakfasts, and shall 1205  
establish a lunch program pursuant to those acts if at least 1206  
one-fifth of the pupils are eligible for free lunches. The 1207  
governing ~~board~~ authority required to establish a breakfast 1208  
program under this division may make a charge in accordance with 1209  
federal requirements for each reduced price breakfast or paid 1210  
breakfast to cover the cost incurred in providing that meal. 1211



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

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

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

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

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

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

(E) The governing authority of any community school required to establish a breakfast program under this section or that elects to participate in a breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966" may offer breakfast to pupils in their classrooms during the school day.

(F) Notwithstanding anything in this section to the contrary, 1243  
in each fiscal year in which the general assembly appropriates 1244  
funds for purposes of this division, the governing authority of 1245  
each community school required to establish a breakfast program 1246  
under this section or that elects to participate in a breakfast 1247  
program pursuant to the "National School Lunch Act" and the "Child 1248  
Nutrition Act of 1966" shall provide a breakfast free of charge to 1249  
each pupil who is eligible under federal requirements for a 1250  
reduced price breakfast. 1251

(G) This section does not apply to internet- or 1252  
computer-based community schools. 1253

**Sec. 3319.076.** No school district shall employ any classroom 1254  
teacher initially hired on or after July 1, 2013, to provide 1255  
instruction in physical education in any of grades kindergarten 1256  
through twelve unless the teacher holds a valid license issued 1257  
pursuant to section 3319.22 of the Revised Code for teaching 1258  
physical education. 1259

**Sec. 3326.11.** Each science, technology, engineering, and 1260  
mathematics school established under this chapter and its 1261  
governing body shall comply with sections 9.90, 9.91, 109.65, 1262  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 1263  
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 1264  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 1265  
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1266  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 1267  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1268  
3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 1269  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 1270  
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 1271  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 1272  
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1273

3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1274  
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 1275  
4167. of the Revised Code as if it were a school district. 1276

**Sec. 3326.13.** (A) Teachers employed by a science, technology, 1277  
engineering, and mathematics school shall be highly qualified 1278  
teachers, as defined in section 3319.074 of the Revised Code, and 1279  
shall be licensed under sections 3319.22 to 3319.31 of the Revised 1280  
Code and rules of the state board of education implementing those 1281  
sections. 1282

(B) No STEM school shall employ any classroom teacher 1283  
initially hired on or after July 1, 2013, to provide instruction 1284  
in physical education unless the teacher holds a valid license 1285  
issued pursuant to section 3319.22 of the Revised Code for 1286  
teaching physical education. 1287

**Section 2.** That existing sections 3313.603, 3313.813, 1288  
3313.814, 3314.03, 3314.18, 3326.11, and 3326.13 of the Revised 1289  
Code are hereby repealed. 1290

**Section 3.** The amendment or enactment by this act of sections 1291  
3313.814, 3313.816, and 3313.817 of the Revised Code and the 1292  
amendments to sections 3314.03 and 3326.11 of the Revised Code 1293  
that insert "3313.814, 3313.816, 3313.817," take effect the first 1294  
day of July following the effective date of this section. 1295

**Section 4.** (A) Any school district or public or chartered 1296  
nonpublic school that, prior to the effective date of this act, 1297  
entered into a contract with a producer or distributor of a food 1298  
or beverage that requires the sale of the food or beverage to 1299  
students in violation of sections 3313.814, 3313.816, or 3313.817 1300  
of the Revised Code, as amended or enacted by this act, after the 1301  
effective date of those sections shall not be required to comply 1302

with those sections until the expiration of the contract. Any 1303  
renewal of that contract shall comply with those sections. 1304

(B) Any contract between a school district or public or 1305  
chartered nonpublic school and a producer or distributor of a food 1306  
or beverage that is entered into between the effective date of 1307  
this act and the first day of July following that date shall 1308  
comply with sections 3313.814, 3313.816, and 3313.817 of the 1309  
Revised Code, as amended or enacted by this act, with respect to 1310  
the school year beginning that first day of July and any 1311  
subsequent school year covered by the contract. 1312

**Section 5.** Within thirty days after the effective date of 1313  
this section, the Governor, the President of the Senate, and the 1314  
Speaker of the House of Representatives shall appoint members to 1315  
the Healthy Choices for Healthy Children Council established by 1316  
section 3301.92 of the Revised Code, as enacted by this act. 1317