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Senators Coughlin, Kearney

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

**Representatives Bacon, Belcher, Boyd, Carney, Celeste, Chandler, Driehaus,
Evans, Garrison, Goyal, Hackett, Hagan, Harris, Heard, Koziura, Letson,
Luckie, Murray, Pillich, Reece, Skindell, Sykes, Weddington, Williams, B.,
Winburn**

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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, physical education, recreation and dance, appointed by the governor; 44
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(10) One representative of the Ohio soft drink association, appointed by the governor; 47
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(11) One representative of the Ohio dairy producers association, appointed by the president of the senate; 49
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(12) Three representatives of school districts, one each appointed by the governor, the president of the senate, and the speaker of the house of representatives. The governor's appointment shall be a representative of the Ohio school boards association, the president's appointment shall be a representative of the buckeye association of school administrators, and the speaker's appointment shall be a representative of the Ohio association of school business officials. 51
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(13) Three school district employees whose job responsibilities involve promoting student health and wellness, one each appointed by the governor, the president of the senate, and the speaker of the house of representatives. The governor's appointment shall be a school-based mental health professional, the president's appointment shall be a representative of the school nutrition association of Ohio who is a dietitian licensed under Chapter 4759. of the Revised Code, and the speaker's appointment shall be a school nurse. 59
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(14) Three elementary or secondary school teachers, one each appointed by the governor, the president of the senate, and the speaker of the house of representatives. The governor's appointment shall be a representative of the Ohio education association, the president's appointment shall be a representative of the Ohio federation of teachers, and the speaker's appointment shall be a chartered nonpublic school teacher. 68
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<u>(15) One representative of the office of healthy Ohio in the</u>	75
<u>department of health, appointed by the governor;</u>	76
<u>(16) One representative of the department of education,</u>	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>	80
<u>appointed by the president of the senate;</u>	81
<u>(19) One member of the senate, appointed by the president of</u>	82
<u>the senate;</u>	83
<u>(20) One member of the house of representatives, appointed by</u>	84
<u>the speaker of the house of representatives.</u>	85
<u>(B) Each organization specified in divisions (A)(1) to (14)</u>	86
<u>of this section shall submit recommendations for its</u>	87
<u>representatives on the council.</u>	88
<u>(C) Members of the council shall serve at the pleasure of</u>	89
<u>their appointing authority. Vacancies shall be filled in the same</u>	90
<u>manner as the original appointment. Members shall not be</u>	91
<u>compensated.</u>	92
<u>(D) The member of the senate and the member of the house of</u>	93
<u>representatives shall serve as joint chairpersons of the council.</u>	94
<u>The chairpersons shall call the first meeting of the council,</u>	95
<u>which shall be held not later than thirty days after the last</u>	96
<u>member of the council has been appointed. The council shall meet</u>	97
<u>annually and, upon the call of the chairpersons, at other times as</u>	98
<u>may be necessary to conduct council business.</u>	99
<u>Sec. 3301.921. The healthy choices for healthy children</u>	100
<u>council shall do all of the following:</u>	101
<u>(A) Monitor progress in improving student health and</u>	102
<u>wellness;</u>	103

(B) Make periodic policy recommendations to the state board of education regarding ways to improve the nutritional standards for food and beverages prescribed by sections 3313.816 and 3313.817 of the Revised Code. If, on or after the effective date of this section, the United States department of agriculture adopts regulations for the sale of food or beverages in schools, the council, within sixty days after their adoption, shall review the regulations and, based on that review, make recommendations for changes to the nutritional standards prescribed by those sections.

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

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

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

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

Sec. 3301.923. Upon receipt of the initial recommendations of

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 course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	164 165 166 167
(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.	168 169 170 171
(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:	172 173 174 175 176
(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:	181 182 183
(a) Biological sciences, one unit;	184
(b) Physical sciences, one unit.	185
(6) Social studies, three units, which shall include both of the following:	186 187
(a) American history, one-half unit;	188
(b) American government, one-half unit.	189
(7) Elective units, seven units until September 15, 2003, and	190

six units thereafter. 191

Each student's electives shall include at least one unit, or 192
two half units, chosen from among the areas of 193
business/technology, fine arts, and/or foreign language. 194

(C) Beginning with students who enter ninth grade for the 195
first time on or after July 1, 2010, except as provided in 196
divisions (D) to (F) of this section, the requirements for 197
graduation from every public and chartered nonpublic high school 198
shall include twenty units that are designed to prepare students 199
for the workforce and college. The units shall be distributed as 200
follows: 201

(1) English language arts, four units; 202

(2) Health, one-half unit, which shall include instruction in 203
nutrition and the benefits of nutritious foods and physical 204
activity for overall health; 205

(3) Mathematics, four units, which shall include one unit of 206
algebra II or the equivalent of algebra II; 207

(4) Physical education, one-half unit; 208

(5) Science, three units with inquiry-based laboratory 209
experience that engages students in asking valid scientific 210
questions and gathering and analyzing information, which shall 211
include the following, or their equivalent: 212

(a) Physical sciences, one unit; 213

(b) Life sciences, one unit; 214

(c) Advanced study in one or more of the following sciences, 215
one unit: 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 219

science.	220
(6) Social studies, three units, which shall include both of	221
the following:	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 508
physical activity each school day, exclusive of recess. Physical 509
activity engaged in during the following may count toward the 510
daily requirement: 511

(1) A physical education course; 512

(2) A program or activity occurring before or after the 513
regular school day, as defined in section 3313.814 of the Revised 514
Code, that is sponsored or approved by the school of attendance, 515
provided school officials are able to monitor students' 516
participation to ensure compliance with the requirement. 517

(C) None of the following shall be subject to the requirement 518
of division (B) of this section: 519

(1) Any student enrolled in the post-secondary enrollment 520
options program established under Chapter 3365. of the Revised 521
Code; 522

(2) Any student enrolled in a career-technical education 523
program operated by the district or school; 524

(3) Any student enrolled in a dropout prevention and recovery 525
program operated by the district or school. 526

(D) For any period in which a student is participating in 527
interscholastic athletics, marching band, cheerleading, or a 528
junior reserve officer training corps program, the district or 529
school may excuse the student from the requirement of division (B) 530
of this section. 531

(E) The district or school may excuse any kindergarten 532

student who is not enrolled in all-day kindergarten, as defined in 533
section 3321.05 of the Revised Code, from the requirement of 534
division (B) of this section. 535

(F) Each district or school annually shall report to the 536
department, in the manner prescribed by the department, how the 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 569
section signs and submits to the board or governing authority a 570
written statement indicating that the parent or guardian does not 571
wish to have the student undergo the screening, the board or 572
governing authority shall not require the student to be screened. 573

(E) The board or governing authority shall notify the parent 574
or guardian of each student screened under this section of any 575
health risks associated with the student's results and shall 576
provide the parent or guardian with information about 577
appropriately addressing the risks. For this purpose, the 578
department of health, in consultation with the department of 579
education and the healthy choices for healthy children council 580
established under section 3301.92 of the Revised Code, shall 581
develop a list of documents, pamphlets, or other resources that 582
may be distributed to parents and guardians under this division. 583

(F) The board or governing authority shall maintain the 584
confidentiality of each student's individual screening results at 585
all times. No board or governing authority shall report a 586
student's individual screening results to any person other than 587
the student's parent or guardian. 588

(G) In a manner prescribed by rule of the director of health, 589
the board or governing authority shall report aggregated body mass 590
index and weight status category data collected under this 591
section, and any other demographic data required by the director, 592
to the department of health. In the case of a school district, 593
data shall be aggregated for the district as a whole and not for 594
individual schools within the district, unless the district 595

operates only one school. In the case of a chartered nonpublic 596
school, data shall be aggregated for the school as a whole. The 597
department annually may publish the data reported under this 598
division, aggregated by county. If any district or chartered 599
nonpublic school was granted a waiver under division (H) of this 600
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 stateboard 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 664
education in each school district to establish one of the 665
following for summer intervention services described in division 666
(D) of section 3301.0711 and section 3313.608 of the Revised Code 667
and any other summer intervention program required by law: 668

(a) An extension of the school breakfast program pursuant to 669
the "National School Lunch Act" and the "Child Nutrition Act of 670
1966"; 671

(b) An extension of the school lunch program pursuant to 672
those acts; 673

(c) A summer food service program pursuant to those acts. 674

(4)(a) If the board of education of a school district 675
determines that, for financial reasons, it cannot comply with 676
division (C)(1) or (3) of this section, the district board may 677
choose not to comply with either or both divisions, except as 678
provided in division (C)(4)(b) of this section. The district board 679
publicly shall communicate to the residents of the district, in 680
the manner it determines appropriate, its decision not to comply. 681

(b) If a district board chooses not to comply with division 682
(C)(1) of this section, the state board ~~of education~~ nevertheless 683
shall require the district board to establish a breakfast program 684
in every school where at least one-third of the pupils in the 685
school are eligible under federal requirements for free breakfasts 686
and to establish a lunch program in every school where at least 687
one-third of the pupils are eligible for free lunches. The 688
district board may make a charge in accordance with federal 689

requirements for each reduced price breakfast or paid breakfast to 690
cover the cost incurred in providing that meal. 691

(c) If a school district cannot for good cause comply with 692
the requirements of division (C)(2) or (4)(b) of this section at 693
the time the state board determines that a district is subject to 694
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 category of foods designated by the software. 899
900

(2) In the first school year in which the school is subject to this section, at least twenty 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 the highest rated category of foods designated by the software and in each school 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: 901
902
903
904
905
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 927

section, a public or chartered nonpublic school may comply with 928
the most recent guidelines for competitive foods issued by the 929
alliance for a healthier generation with respect to the sale of a 930
la carte food items. 931

Sec. 3314.03. A copy of every contract entered into under 932
this section shall be filed with the superintendent of public 933
instruction. 934

(A) Each contract entered into between a sponsor and the 935
governing authority of a community school shall specify the 936
following: 937

(1) That the school shall be established as either of the 938
following: 939

(a) A nonprofit corporation established under Chapter 1702. 940
of the Revised Code, if established prior to April 8, 2003; 941

(b) A public benefit corporation established under Chapter 942
1702. of the Revised Code, if established after April 8, 2003; 943

(2) The education program of the school, including the 944
school's mission, the characteristics of the students the school 945
is expected to attract, the ages and grades of students, and the 946
focus of the curriculum; 947

(3) The academic goals to be achieved and the method of 948
measurement that will be used to determine progress toward those 949
goals, which shall include the statewide achievement assessments; 950

(4) Performance standards by which the success of the school 951
will be evaluated by the sponsor; 952

(5) The admission standards of section 3314.06 of the Revised 953
Code and, if applicable, section 3314.061 of the Revised Code; 954

(6)(a) Dismissal procedures; 955

(b) A requirement that the governing authority adopt an 956

attendance policy that includes a procedure for automatically 957
withdrawing a student from the school if the student without a 958
legitimate excuse fails to participate in one hundred five 959
consecutive hours of the learning opportunities offered to the 960
student. 961

(7) The ways by which the school will achieve racial and 962
ethnic balance reflective of the community it serves; 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 insurance, or otherwise provide for the potential liability of the school.

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3314.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of

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 the district in which the school is located;	1082 1083
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	1084 1085
(c) Permit the enrollment of students who reside in any other district in the state.	1086 1087
(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;	1088 1089 1090 1091
(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;	1092 1093 1094
(22) A provision recognizing both of the following:	1095
(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;	1096 1097 1098 1099
(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;	1100 1101 1102 1103 1104 1105 1106
(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 (L)(2) of section 3314.08 of the Revised	1107 1108 1109 1110 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 Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

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

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

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

(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;

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

(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 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 1212
~~board~~ authority of each community school shall establish one of 1213
the following for summer intervention services described in 1214
division (D) of section 3301.0711 and section 3313.608 of the 1215
Revised Code and any other summer intervention program required by 1216
law: 1217

(1) An extension of the school breakfast program pursuant to 1218
the "National School Lunch Act" and the "Child Nutrition Act of 1219
1966"; 1220

(2) An extension of the school lunch program pursuant to 1221
those acts; 1222

(3) A summer food service program pursuant to those acts. 1223

(C) If the governing ~~board~~ authority of a community school 1224
determines that, for financial reasons, it cannot comply with 1225
division (A) or (B) of this section, the governing ~~board~~ authority 1226
may choose not to comply with either or both divisions. In that 1227
case, the governing ~~board~~ authority shall communicate to the 1228
parents of its students, in the manner it determines appropriate, 1229
its decision not to comply. 1230

(D) The governing ~~board~~ authority of each community school 1231
required to establish a school breakfast, school lunch, or summer 1232
food service program under this section shall apply for state and 1233
federal funds allocated by the state board of education under 1234

division (B) of section 3313.813 of the Revised Code and shall 1235
comply with the state board's standards adopted under that 1236
division. 1237

(E) The governing authority of any community school required 1238
to establish a breakfast program under this section or that elects 1239
to participate in a breakfast program pursuant to the "National 1240
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 1241
breakfast to pupils in their classrooms during the school day. 1242

(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