

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 734

Representatives LaTourette, Lipps

Cosponsors: Representatives Smith, K., Boggs

A BILL

To amend sections 3313.813, 3314.03, 3314.18, and 1
3326.11 and to enact section 3313.818 of the 2
Revised Code with regard to breakfast programs 3
at public schools. 4

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

Section 1. That sections 3313.813, 3314.03, 3314.18, and 5
3326.11 be amended and section 3313.818 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3313.813. (A) As used in this section: 8

(1) "Outdoor education center" means a public or nonprofit 9
private entity that provides to pupils enrolled in any public or 10
chartered nonpublic elementary or secondary school an outdoor 11
educational curriculum that the school considers to be part of 12
its educational program. 13

(2) "Outside-school-hours care center" has the meaning 14
established in 7 C.F.R. 226.2. 15

(B) The state board of education shall establish standards 16
for a school lunch program, school breakfast program, child and 17

adult care food program, special food service program for 18
children, summer food service program for children, special milk 19
program for children, food service equipment assistance program, 20
and commodity distribution program established under the 21
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 22
1751, as amended, and the "Child Nutrition Act of 1966," 80 23
Stat. 885, 42 U.S.C. 1771, as amended. Any board of education of 24
a school district, nonprofit private school, outdoor education 25
center, child care institution, outside-school-hours care 26
center, or summer camp desiring to participate in such a program 27
or required to participate under this section shall, if eligible 28
to participate under the "National School Lunch Act," as 29
amended, or the "Child Nutrition Act of 1966," as amended, make 30
application to the state board of education for assistance. The 31
board shall administer the allocation and distribution of all 32
state and federal funds for these programs. 33

(C) The state board of education shall require the board 34
of education of each school district to establish and maintain a 35
school breakfast, lunch, and summer food service program 36
pursuant to the "National School Lunch Act" and the "Child 37
Nutrition Act of 1966," as described in divisions (C) (1) to (4) 38
of this section. 39

(1) The state board shall require the board of education 40
in each school district to establish a breakfast program in 41
every school where at least one-fifth of the pupils in the 42
school are eligible under federal requirements for free 43
breakfasts and to establish a lunch program in every school 44
where at least one-fifth of the pupils are eligible for free 45
lunches. The board of education required to establish a 46
breakfast program under this division may make a charge in 47
accordance with federal requirements for each reduced price 48

breakfast or paid breakfast to cover the cost incurred in 49
providing that meal. 50

(2) The state board shall require the board of education 51
in each school district to establish a breakfast program in 52
every school in which the parents of at least one-half of the 53
children enrolled in the school have requested that the 54
breakfast program be established. The board of education 55
required to establish a program under this division may make a 56
charge in accordance with federal requirements for each meal to 57
cover all or part of the costs incurred in establishing such a 58
program. 59

A breakfast program established under division (C) (1) or 60
(2) of this section shall be operated in accordance with section 61
3313.818 of the Revised Code in any school meeting the 62
conditions prescribed by that section. 63

(3) The state board shall require the board of education 64
in each school district to establish one of the following for 65
summer intervention services described in division (D) of 66
section 3301.0711 or provided under section 3313.608 of the 67
Revised Code, and any other summer intervention program required 68
by law: 69

(a) An extension of the school breakfast program pursuant 70
to the "National School Lunch Act" and the "Child Nutrition Act 71
of 1966"; 72

(b) An extension of the school lunch program pursuant to 73
those acts; 74

(c) A summer food service program pursuant to those acts. 75

(4) (a) If the board of education of a school district 76
determines that, for financial reasons, it cannot comply with 77

division (C) (1) or (3) of this section, the district board may 78
choose not to comply with either or both divisions, except as 79
provided in divisions (C) (4) (b) and (c) of this section. The 80
district board publicly shall communicate to the residents of 81
the district, in the manner it determines appropriate, its 82
decision not to comply. 83

(b) If a district board chooses not to comply with 84
division (C) (1) of this section, the state board nevertheless 85
shall require the district board to establish a breakfast 86
program in every school where at least one-third of the pupils 87
in the school are eligible under federal requirements for free 88
breakfasts and to establish a lunch program in every school 89
where at least one-third of the pupils are eligible for free 90
lunches. The district board may make a charge in accordance with 91
federal requirements for each reduced price breakfast or paid 92
breakfast to cover the cost incurred in providing that meal. 93

(c) If the board of education of a school district chooses 94
not to comply with division (C) (3) of this section, the state 95
board nevertheless shall require the district board to permit an 96
approved summer food service program sponsor to use school 97
facilities located in a school building attendance area where at 98
least one-half of the pupils are eligible for free lunches. 99

The department of education shall post in a prominent 100
location on the department's web site a list of approved summer 101
food service program sponsors that may use school facilities 102
under this division. 103

Subject to the provisions of sections 3313.75 and 3313.77 104
of the Revised Code, a school district may charge the summer 105
food service program sponsor a reasonable fee for the use of 106
school facilities that may include the actual cost of custodial 107

services, charges for the use of school equipment, and a 108
prorated share of the utility costs as determined by the 109
district board. A school district shall require the summer food 110
service program sponsor to indemnify and hold harmless the 111
district from any potential liability resulting from the 112
operation of the summer food service program under this 113
division. For this purpose, the district shall either add the 114
summer food service program sponsor, as an additional insured 115
party, to the district's existing liability insurance policy or 116
require the summer food service program sponsor to submit 117
evidence of a separate liability insurance policy, for an amount 118
approved by the district board. The summer food service program 119
sponsor shall be responsible for any costs incurred in obtaining 120
coverage under either option. 121

(d) If a school district cannot for good cause comply with 122
the requirements of division (C) (2) or (4) (b) or (c) of this 123
section at the time the state board determines that a district 124
is subject to these requirements, the state board shall grant a 125
reasonable extension of time. Good cause for an extension of 126
time shall include, but need not be limited to, economic 127
impossibility of compliance with the requirements at the time 128
the state board determines that a district is subject to them. 129

(D) (1) The state board shall accept the application of any 130
outdoor education center in the state making application for 131
participation in a program pursuant to division (B) of this 132
section. 133

(2) For purposes of participation in any program pursuant 134
to this section, the board shall certify any outdoor education 135
center making application as an educational unit that is part of 136
the educational system of the state, if the center: 137

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| (a) Meets the definition of an outdoor education center; | 138 |
| (b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours; | 139 140 141 |
| (c) Operates under public or nonprofit private ownership in a single building or complex of buildings. | 142 143 |
| (3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program. | 144 145 146 147 |
| (E) Any school district board of education or chartered nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day. <u>However, any school that is subject to section 3313.818 of the Revised Code shall offer breakfast to pupils in accordance with that section.</u> | 148 149 150 151 152 153 |
| (F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast. | 154 155 156 157 158 159 160 161 |
| <u>Sec. 3313.818. (A) (1) The department of education shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students during the school day. Except as provided in division (C) of this section, each of the following shall apply:</u> | 162 163 164 165 166 |

(a) In the first school year after the effective date of 167
this section, the program shall apply to any public school in 168
which seventy per cent or more of the students enrolled in the 169
school during the previous school year were eligible under 170
federal requirements for free or reduced-price breakfasts or 171
lunches. 172

(b) In the second school year after the effective date of 173
this section, the program shall apply to any public school in 174
which sixty per cent or more of the students enrolled in the 175
school during the previous school year were eligible under 176
federal requirements for free or reduced-price breakfasts or 177
lunches. 178

(c) In the third school year after the enactment date of 179
this section and every school year thereafter, the program shall 180
apply to any public school in which fifty per cent or more of 181
the students enrolled in the school during the previous school 182
year were eligible under federal requirements for free or 183
reduced-price breakfasts or lunches. 184

(2) In each school that meets the standards prescribed in 185
division (A)(1) of this section, efforts shall be made to 186
increase student participation in that school's breakfast 187
program to at least seventy per cent of the school's free or 188
reduced-price lunch participation rate. 189

(3) The district superintendent or building principal, in 190
consultation with the building staff, shall determine the model 191
for serving breakfast under the program. Each breakfast served 192
under the program shall comply with federal meal patterns and 193
nutritional standards and with section 3313.814 of the Revised 194
Code. A school district board of education may make a charge in 195
accordance with federal requirements for each meal to cover all 196

or part of the costs incurred in operating the program. 197

(B) The department shall publish a list of public schools 198
that meet the conditions of division (A) of this section. The 199
department shall offer technical assistance to school districts 200
and schools regarding the implementation of a school breakfast 201
program that complies with this section and the submission of 202
claims for reimbursement under the federal school breakfast 203
program. 204

(C) A school that is subject to division (A) of this 205
section shall not be required to participate in the program 206
established under this section if, for each of the first, 207
second, and third preceding school years, the number of enrolled 208
students in the school who were eligible for free or reduced- 209
price breakfasts or lunches comprised less than the applicable 210
percentage of the total number of enrolled students specified in 211
division (A) (1) (a), (b), or (c) of this section. 212

(D) (1) The department shall monitor each school 213
participating in the program and ensure that each participating 214
school complies with the requirements of this section. If the 215
department determines that a school participating in the program 216
either has not increased the participation by all students in 217
the program by at least ten percentage points, or less than 218
seventy per cent of the school's students eligible for free or 219
reduced-price lunch are not participating in the program, the 220
department shall provide written notice of its findings to the 221
school by the thirty-first day of May of that school year. 222

(2) A school that receives notice from the department 223
under division (D) (1) of this section shall, within thirty days 224
after the start of the next school year, submit to the 225
department a plan for increasing participation in the program. 226

(E) The department shall provide statistical reports on 227
its web site that specify the number and percentage of students 228
participating in school breakfast programs disaggregated by 229
school district and individual schools, including community 230
schools, established under Chapter 3314. of the Revised Code, 231
and STEM schools, established under Chapter 3326. of the Revised 232
Code. 233

(F) Not later than the thirty-first day of December of 234
each school year, the department shall prepare a report on the 235
implementation and effectiveness of the program established 236
under this section and submit the report to the general 237
assembly, in accordance with section 101.68 of the Revised Code, 238
and to the governor. The report shall include: 239

(1) The number of students and participation rates in the 240
free and reduced-price breakfast programs under this section for 241
each school building; 242

(2) The type of breakfast model used by each school 243
building participating in the breakfast program; 244

(3) The number of students and participation rates in free 245
or reduced-price lunch for each school building. 246

Sec. 3314.03. A copy of every contract entered into under 247
this section shall be filed with the superintendent of public 248
instruction. The department of education shall make available on 249
its web site a copy of every approved, executed contract filed 250
with the superintendent under this section. 251

(A) Each contract entered into between a sponsor and the 252
governing authority of a community school shall specify the 253
following: 254

(1) That the school shall be established as either of the 255

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| following: | 256 |
| (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; | 257 258 259 |
| (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. | 260 261 |
| (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; | 262 263 264 265 |
| (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; | 266 267 268 269 |
| (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; | 270 271 272 273 |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; | 274 275 276 |
| (6) (a) Dismissal procedures; | 277 |
| (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. | 278 279 280 281 282 283 |

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| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; | 284 285 |
| (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. | 286 287 288 289 290 291 |
| (9) An addendum to the contract outlining the facilities to be used that contains at least the following information: | 292 293 |
| (a) A detailed description of each facility used for instructional purposes; | 294 295 |
| (b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; | 296 297 |
| (c) The annual mortgage principal and interest payments that are paid by the school; | 298 299 |
| (d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. | 300 301 302 |
| (10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code. | 303 304 305 306 307 308 |
| (11) That the school will comply with the following requirements: | 309 310 |
| (a) The school will provide learning opportunities to a | 311 |

minimum of twenty-five students for a minimum of nine hundred 312
twenty hours per school year. 313

(b) The governing authority will purchase liability 314
insurance, or otherwise provide for the potential liability of 315
the school. 316

(c) The school will be nonsectarian in its programs, 317
admission policies, employment practices, and all other 318
operations, and will not be operated by a sectarian school or 319
religious institution. 320

(d) The school will comply with sections 9.90, 9.91, 321
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 322
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 323
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 324
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 325
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 326
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 327
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 328
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 329
3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 330
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 331
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 332
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 333
4112., 4123., 4141., and 4167. of the Revised Code as if it were 334
a school district and will comply with section 3301.0714 of the 335
Revised Code in the manner specified in section 3314.17 of the 336
Revised Code. 337

(e) The school shall comply with Chapter 102. and section 338
2921.42 of the Revised Code. 339

(f) The school will comply with sections 3313.61, 340

3313.611, and 3313.614 of the Revised Code, except that for 341
students who enter ninth grade for the first time before July 1, 342
2010, the requirement in sections 3313.61 and 3313.611 of the 343
Revised Code that a person must successfully complete the 344
curriculum in any high school prior to receiving a high school 345
diploma may be met by completing the curriculum adopted by the 346
governing authority of the community school rather than the 347
curriculum specified in Title XXXVIII of the Revised Code or any 348
rules of the state board of education. Beginning with students 349
who enter ninth grade for the first time on or after July 1, 350
2010, the requirement in sections 3313.61 and 3313.611 of the 351
Revised Code that a person must successfully complete the 352
curriculum of a high school prior to receiving a high school 353
diploma shall be met by completing the requirements prescribed 354
in division (C) of section 3313.603 of the Revised Code, unless 355
the person qualifies under division (D) or (F) of that section. 356
Each school shall comply with the plan for awarding high school 357
credit based on demonstration of subject area competency, and 358
beginning with the 2017-2018 school year, with the updated plan 359
that permits students enrolled in seventh and eighth grade to 360
meet curriculum requirements based on subject area competency 361
adopted by the state board of education under divisions (J) (1) 362
and (2) of section 3313.603 of the Revised Code. Beginning with 363
the 2018-2019 school year, the school shall comply with the 364
framework for granting units of high school credit to students 365
who demonstrate subject area competency through work-based 366
learning experiences, internships, or cooperative education 367
developed by the department under division (J) (3) of section 368
3313.603 of the Revised Code. 369

(g) The school governing authority will submit within four 370
months after the end of each school year a report of its 371

activities and progress in meeting the goals and standards of 372
divisions (A) (3) and (4) of this section and its financial 373
status to the sponsor and the parents of all students enrolled 374
in the school. 375

(h) The school, unless it is an internet- or computer- 376
based community school, will comply with section 3313.801 of the 377
Revised Code as if it were a school district. 378

(i) If the school is the recipient of moneys from a grant 379
awarded under the federal race to the top program, Division (A), 380
Title XIV, Sections 14005 and 14006 of the "American Recovery 381
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 382
the school will pay teachers based upon performance in 383
accordance with section 3317.141 and will comply with section 384
3319.111 of the Revised Code as if it were a school district. 385

(j) If the school operates a preschool program that is 386
licensed by the department of education under sections 3301.52 387
to 3301.59 of the Revised Code, the school shall comply with 388
sections 3301.50 to 3301.59 of the Revised Code and the minimum 389
standards for preschool programs prescribed in rules adopted by 390
the state board under section 3301.53 of the Revised Code. 391

(k) The school will comply with sections 3313.6021 and 392
3313.6023 of the Revised Code as if it were a school district 393
unless it is either of the following: 394

(i) An internet- or computer-based community school; 395

(ii) A community school in which a majority of the 396
enrolled students are children with disabilities as described in 397
division (A) (4) (b) of section 3314.35 of the Revised Code. 398

(12) Arrangements for providing health and other benefits 399
to employees; 400

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

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

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

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

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

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside

outside the district in which the school is located. That policy 430
shall comply with the admissions procedures specified in 431
sections 3314.06 and 3314.061 of the Revised Code and, at the 432
sole discretion of the authority, shall do one of the following: 433

(a) Prohibit the enrollment of students who reside outside 434
the district in which the school is located; 435

(b) Permit the enrollment of students who reside in 436
districts adjacent to the district in which the school is 437
located; 438

(c) Permit the enrollment of students who reside in any 439
other district in the state. 440

(20) A provision recognizing the authority of the 441
department of education to take over the sponsorship of the 442
school in accordance with the provisions of division (C) of 443
section 3314.015 of the Revised Code; 444

(21) A provision recognizing the sponsor's authority to 445
assume the operation of a school under the conditions specified 446
in division (B) of section 3314.073 of the Revised Code; 447

(22) A provision recognizing both of the following: 448

(a) The authority of public health and safety officials to 449
inspect the facilities of the school and to order the facilities 450
closed if those officials find that the facilities are not in 451
compliance with health and safety laws and regulations; 452

(b) The authority of the department of education as the 453
community school oversight body to suspend the operation of the 454
school under section 3314.072 of the Revised Code if the 455
department has evidence of conditions or violations of law at 456
the school that pose an imminent danger to the health and safety 457

of the school's students and employees and the sponsor refuses 458
to take such action. 459

(23) A description of the learning opportunities that will 460
be offered to students including both classroom-based and non- 461
classroom-based learning opportunities that is in compliance 462
with criteria for student participation established by the 463
department under division (H) (2) of section 3314.08 of the 464
Revised Code; 465

(24) The school will comply with sections 3302.04 and 466
3302.041 of the Revised Code, except that any action required to 467
be taken by a school district pursuant to those sections shall 468
be taken by the sponsor of the school. However, the sponsor 469
shall not be required to take any action described in division 470
(F) of section 3302.04 of the Revised Code. 471

(25) Beginning in the 2006-2007 school year, the school 472
will open for operation not later than the thirtieth day of 473
September each school year, unless the mission of the school as 474
specified under division (A) (2) of this section is solely to 475
serve dropouts. In its initial year of operation, if the school 476
fails to open by the thirtieth day of September, or within one 477
year after the adoption of the contract pursuant to division (D) 478
of section 3314.02 of the Revised Code if the mission of the 479
school is solely to serve dropouts, the contract shall be void. 480

(26) Whether the school's governing authority is planning 481
to seek designation for the school as a STEM school equivalent 482
under section 3326.032 of the Revised Code; 483

(27) That the school's attendance and participation 484
policies will be available for public inspection; 485

(28) That the school's attendance and participation 486

records shall be made available to the department of education, 487
auditor of state, and school's sponsor to the extent permitted 488
under and in accordance with the "Family Educational Rights and 489
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 490
and any regulations promulgated under that act, and section 491
3319.321 of the Revised Code; 492

(29) If a school operates using the blended learning 493
model, as defined in section 3301.079 of the Revised Code, all 494
of the following information: 495

(a) An indication of what blended learning model or models 496
will be used; 497

(b) A description of how student instructional needs will 498
be determined and documented; 499

(c) The method to be used for determining competency, 500
granting credit, and promoting students to a higher grade level; 501

(d) The school's attendance requirements, including how 502
the school will document participation in learning 503
opportunities; 504

(e) A statement describing how student progress will be 505
monitored; 506

(f) A statement describing how private student data will 507
be protected; 508

(g) A description of the professional development 509
activities that will be offered to teachers. 510

(30) A provision requiring that all moneys the school's 511
operator loans to the school, including facilities loans or cash 512
flow assistance, must be accounted for, documented, and bear 513
interest at a fair market rate; 514

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

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

(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 543
amount of such payments for monitoring, oversight, and technical 544
assistance of the school shall not exceed three per cent of the 545
total amount of payments for operating expenses that the school 546
receives from the state. 547

(D) The contract shall specify the duties of the sponsor 548
which shall be in accordance with the written agreement entered 549
into with the department of education under division (B) of 550
section 3314.015 of the Revised Code and shall include the 551
following: 552

(1) Monitor the community school's compliance with all 553
laws applicable to the school and with the terms of the 554
contract; 555

(2) Monitor and evaluate the academic and fiscal 556
performance and the organization and operation of the community 557
school on at least an annual basis; 558

(3) Report on an annual basis the results of the 559
evaluation conducted under division (D) (2) of this section to 560
the department of education and to the parents of students 561
enrolled in the community school; 562

(4) Provide technical assistance to the community school 563
in complying with laws applicable to the school and terms of the 564
contract; 565

(5) Take steps to intervene in the school's operation to 566
correct problems in the school's overall performance, declare 567
the school to be on probationary status pursuant to section 568
3314.073 of the Revised Code, suspend the operation of the 569
school pursuant to section 3314.072 of the Revised Code, or 570
terminate the contract of the school pursuant to section 3314.07 571

of the Revised Code as determined necessary by the sponsor; 572

(6) Have in place a plan of action to be undertaken in the 573
event the community school experiences financial difficulties or 574
closes prior to the end of a school year. 575

(E) Upon the expiration of a contract entered into under 576
this section, the sponsor of a community school may, with the 577
approval of the governing authority of the school, renew that 578
contract for a period of time determined by the sponsor, but not 579
ending earlier than the end of any school year, if the sponsor 580
finds that the school's compliance with applicable laws and 581
terms of the contract and the school's progress in meeting the 582
academic goals prescribed in the contract have been 583
satisfactory. Any contract that is renewed under this division 584
remains subject to the provisions of sections 3314.07, 3314.072, 585
and 3314.073 of the Revised Code. 586

(F) If a community school fails to open for operation 587
within one year after the contract entered into under this 588
section is adopted pursuant to division (D) of section 3314.02 589
of the Revised Code or permanently closes prior to the 590
expiration of the contract, the contract shall be void and the 591
school shall not enter into a contract with any other sponsor. A 592
school shall not be considered permanently closed because the 593
operations of the school have been suspended pursuant to section 594
3314.072 of the Revised Code. 595

Sec. 3314.18. (A) Subject to division (C) of this section, 596
the governing authority of each community school shall establish 597
a breakfast program pursuant to the "National School Lunch Act," 598
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 599
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 600
amended, if at least one-fifth of the pupils in the school are 601

eligible under federal requirements for free breakfasts, and 602
shall establish a lunch program pursuant to those acts if at 603
least one-fifth of the pupils are eligible for free lunches. The 604
governing authority required to establish a breakfast program 605
under this division may make a charge in accordance with federal 606
requirements for each reduced price breakfast or paid breakfast 607
to cover the cost incurred in providing that meal. 608

A breakfast program established under this section shall 609
be operated in accordance with section 3313.818 of the Revised 610
Code in any community school meeting the conditions prescribed 611
by that section. 612

(B) Subject to division (C) of this section, the governing 613
authority of each community school shall establish one of the 614
following for summer intervention services described in division 615
(D) of section 3301.0711 or provided under section 3313.608 of 616
the Revised Code, and any other summer intervention program 617
required by law: 618

(1) An extension of the school breakfast program pursuant 619
to the "National School Lunch Act" and the "Child Nutrition Act 620
of 1966"; 621

(2) An extension of the school lunch program pursuant to 622
those acts; 623

(3) A summer food service program pursuant to those acts. 624

(C) If the governing authority of a community school 625
determines that, for financial reasons, it cannot comply with 626
division (A) or (B) of this section, the governing authority may 627
choose not to comply with either or both divisions. In that 628
case, the governing authority shall communicate to the parents 629
of its students, in the manner it determines appropriate, its 630

decision not to comply. 631

(D) The governing authority of each community school 632
required to establish a school breakfast, school lunch, or 633
summer food service program under this section shall apply for 634
state and federal funds allocated by the state board of 635
education under division (B) of section 3313.813 of the Revised 636
Code and shall comply with the state board's standards adopted 637
under that division. 638

(E) The governing authority of any community school 639
required to establish a breakfast program under this section or 640
that elects to participate in a breakfast program pursuant to 641
the "National School Lunch Act" and the "Child Nutrition Act of 642
1966" may offer breakfast to pupils in their classrooms during 643
the school day. However, any community school that is subject to 644
section 3313.818 of the Revised Code shall offer breakfast to 645
pupils in accordance with that section. 646

(F) Notwithstanding anything in this section to the 647
contrary, in each fiscal year in which the general assembly 648
appropriates funds for purposes of this division, the governing 649
authority of each community school required to establish a 650
breakfast program under this section or that elects to 651
participate in a breakfast program pursuant to the "National 652
School Lunch Act" and the "Child Nutrition Act of 1966" shall 653
provide a breakfast free of charge to each pupil who is eligible 654
under federal requirements for a reduced price breakfast. 655

(G) This section does not apply to internet- or computer- 656
based community schools. 657

Sec. 3326.11. Each science, technology, engineering, and 658
mathematics school established under this chapter and its 659

governing body shall comply with sections 9.90, 9.91, 109.65, 660
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 661
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 662
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 663
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 664
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 665
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 666
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 667
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 668
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 669
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 670
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 671
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 672
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 673
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 674
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 675
4112., 4123., 4141., and 4167. of the Revised Code as if it were 676
a school district. 677

Section 2. That existing sections 3313.813, 3314.03, 678
3314.18, and 3326.11 of the Revised Code are hereby repealed. 679