

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 191

Senator Schiavoni

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

A BILL

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

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

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

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

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

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

(a) Annual measurable objectives; 34

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Annual measurable objectives; 236

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

community school. 545

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section. 692

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

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

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

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

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

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

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

breakfast. 721

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2003;	809
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	810 811
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	812 813 814 815
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	816 817 818 819
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	820 821 822 823
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	824 825 826
(6) (a) Dismissal procedures;	827
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	828 829 830 831 832 833
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	834 835
(8) Requirements for financial audits by the auditor of	836

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

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

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

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

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

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

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

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

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

(b) The governing authority will purchase liability 864

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

school will be selected in the future; 1067

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

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

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

(5) Internal financial controls. 1076

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

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

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

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

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

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

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

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

school meeting the conditions prescribed by that section. 1155

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

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

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

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

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

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

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

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

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

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

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

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

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

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