

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 168

Senators Yuko, Maharath

Cosponsors: Senators Thomas, Antonio, Craig, Williams

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and
to enact section 3313.818 of the Revised Code to
enact the "Hunger-Free Students' Bill of Rights
Act" to require schools to provide certain
services to students who are eligible for free
or reduced price meals.

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be
amended and section 3313.818 of the Revised Code be enacted to
read as follows:

Sec. 3313.818. This section applies to each school
district and any chartered nonpublic school that participates in
the national school lunch program or school breakfast program.

(A) Each district or school shall provide the following to
each prospective and enrolled student:

(1) A free, printed meal application in every school
enrollment packet or, if the district or school uses an
electronic meal application, an explanation provided in school
enrollment packets of the electronic meal application process

and instructions for how parents or guardians may request a 19
paper application at no cost; 20

(2) Meal applications and instructions in a language that 21
parents and guardians can understand. If a parent or guardian 22
cannot read or understand a meal application, the district or 23
school shall offer assistance in completing the application. 24

A meal application shall be used to apply for free or 25
reduced price meals under the national breakfast program or 26
national school lunch program pursuant to the "National School 27
Lunch Act" and the "Child Nutrition Act of 1966." 28

(B) If a district or school becomes aware that a student 29
is eligible for free or reduced price lunch under the "National 30
School Lunch Act" and has not submitted a meal application, the 31
district or school shall complete and file an application for 32
the student in accordance with federal law. 33

(C) Divisions (A) and (B) of this section shall not apply 34
to a district or school that provides free meals to all enrolled 35
students during a school year in which the district or school 36
does not collect meal applications from students. 37

(D) The local homeless education liaison for each district 38
or school, under the McKinney-Vento Homeless Assistance Act, 42 39
U.S.C. 11431 et seq. for the education of homeless children, 40
shall coordinate with the district's or school's nutrition 41
department to ensure that a homeless student receives free 42
school meals and is monitored according to the district's or 43
school's policies. 44

Division (D) of this section shall not apply to any 45
chartered nonpublic school that participates in the national 46
school lunch program or school breakfast program. 47

(E) Each district or school shall do the following, 48
regardless of whether a student has money to pay for a meal or 49
owes money for earlier meals: 50

(1) Shall provide a reimbursable meal under a program 51
implemented by the United States department of agriculture to a 52
student who requests a meal, unless the student's parent or 53
guardian has specifically provided written permission to the 54
school to withhold a meal; 55

(2) Shall not require that a student discard a meal after 56
it has been served because of the student's inability to pay for 57
the meal or because money is owed for previously provided meals. 58

(F) If a student owes money for the equivalent of five or 59
more meals, each district or school shall: 60

(1) Check the list of students who are eligible for free 61
lunches to determine the student's eligibility; 62

(2) Make at least two attempts, not including the 63
application or instructions included in a school enrollment 64
packet, to contact the student's parent or guardian and request 65
that the parent or guardian complete and submit a meal 66
application; 67

(3) Require a principal, assistant principal, or counselor 68
to contact the parent or guardian to offer assistance with a 69
meal application, determine if there are other issues within the 70
household that have caused the child to have insufficient funds 71
to purchase a school meal, and offer any other assistance that 72
is appropriate. 73

(G) No district or school shall publicly identify or 74
stigmatize a student who cannot pay for a meal or who owes a 75
meal debt by, for example, requiring that a student wear a 76

wristband or hand stamp. No district or school shall require a 77
student who cannot pay for a meal or who owes a meal debt to do 78
chores or other work to pay for meals, provided that chores or 79
work required of all students regardless of a meal debt is 80
permitted. No district or school shall provide to a student a 81
meal that is of lower quality than a meal served to other 82
students. 83

(H) Each district or school shall direct communications 84
about a student's meal debt to a parent or guardian and not to 85
the student. Nothing in this section shall prohibit a district 86
or school from sending a student home with a letter addressed to 87
a parent or guardian. 88

(I) No district or school shall require a parent or 89
guardian to pay fees or costs from collection agencies hired to 90
collect a meal debt. 91

Sec. 3314.03. A copy of every contract entered into under 92
this section shall be filed with the superintendent of public 93
instruction. The department of education shall make available on 94
its web site a copy of every approved, executed contract filed 95
with the superintendent under this section. 96

(A) Each contract entered into between a sponsor and the 97
governing authority of a community school shall specify the 98
following: 99

(1) That the school shall be established as either of the 100
following: 101

(a) A nonprofit corporation established under Chapter 102
1702. of the Revised Code, if established prior to April 8, 103
2003; 104

(b) A public benefit corporation established under Chapter 105

1702. of the Revised Code, if established after April 8, 2003.	106
(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;	107 108 109 110
(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;	111 112 113 114
(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;	115 116 117 118
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	119 120 121
(6) (a) Dismissal procedures;	122
(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 seventy-two consecutive hours of the learning opportunities offered to the student.	123 124 125 126 127 128
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	129 130
(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	131 132 133

records of school districts, pursuant to rules of the auditor of 134
state. Audits shall be conducted in accordance with section 135
117.10 of the Revised Code. 136

(9) An addendum to the contract outlining the facilities 137
to be used that contains at least the following information: 138

(a) A detailed description of each facility used for 139
instructional purposes; 140

(b) The annual costs associated with leasing each facility 141
that are paid by or on behalf of the school; 142

(c) The annual mortgage principal and interest payments 143
that are paid by the school; 144

(d) The name of the lender or landlord, identified as 145
such, and the lender's or landlord's relationship to the 146
operator, if any. 147

(10) Qualifications of teachers, including a requirement 148
that the school's classroom teachers be licensed in accordance 149
with sections 3319.22 to 3319.31 of the Revised Code, except 150
that a community school may engage noncertificated persons to 151
teach up to twelve hours per week pursuant to section 3319.301 152
of the Revised Code. 153

(11) That the school will comply with the following 154
requirements: 155

(a) The school will provide learning opportunities to a 156
minimum of twenty-five students for a minimum of nine hundred 157
twenty hours per school year. 158

(b) The governing authority will purchase liability 159
insurance, or otherwise provide for the potential liability of 160
the school. 161

(c) The school will be nonsectarian in its programs, 162
admission policies, employment practices, and all other 163
operations, and will not be operated by a sectarian school or 164
religious institution. 165

(d) The school will comply with sections 9.90, 9.91, 166
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 167
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 168
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 169
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 170
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 171
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 172
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 173
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 174
3313.86, 3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 175
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 176
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 177
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 178
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 179
as if it were a school district and will comply with section 180
3301.0714 of the Revised Code in the manner specified in section 181
3314.17 of the Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, and 3313.614 of the Revised Code, except that for 186
students who enter ninth grade for the first time before July 1, 187
2010, the requirement in sections 3313.61 and 3313.611 of the 188
Revised Code that a person must successfully complete the 189
curriculum in any high school prior to receiving a high school 190
diploma may be met by completing the curriculum adopted by the 191

governing authority of the community school rather than the 192
curriculum specified in Title XXXVIII of the Revised Code or any 193
rules of the state board of education. Beginning with students 194
who enter ninth grade for the first time on or after July 1, 195
2010, the requirement in sections 3313.61 and 3313.611 of the 196
Revised Code that a person must successfully complete the 197
curriculum of a high school prior to receiving a high school 198
diploma shall be met by completing the requirements prescribed 199
in division (C) of section 3313.603 of the Revised Code, unless 200
the person qualifies under division (D) or (F) of that section. 201
Each school shall comply with the plan for awarding high school 202
credit based on demonstration of subject area competency, and 203
beginning with the 2017-2018 school year, with the updated plan 204
that permits students enrolled in seventh and eighth grade to 205
meet curriculum requirements based on subject area competency 206
adopted by the state board of education under divisions (J) (1) 207
and (2) of section 3313.603 of the Revised Code. Beginning with 208
the 2018-2019 school year, the school shall comply with the 209
framework for granting units of high school credit to students 210
who demonstrate subject area competency through work-based 211
learning experiences, internships, or cooperative education 212
developed by the department under division (J) (3) of section 213
3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218
status to the sponsor and the parents of all students enrolled 219
in the school. 220

(h) The school, unless it is an internet- or computer- 221
based community school, will comply with section 3313.801 of the 222

Revised Code as if it were a school district.	223
(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, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.	224 225 226 227 228 229 230
(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.	231 232 233 234 235 236
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:	237 238 239
(i) An internet- or computer-based community school;	240
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.	241 242 243
(12) Arrangements for providing health and other benefits to employees;	244 245
(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.	246 247 248 249
(14) The governing authority of the school, which shall be	250

responsible for carrying out the provisions of the contract;	251
(15) A financial plan detailing an estimated school budget	252
for each year of the period of the contract and specifying the	253
total estimated per pupil expenditure amount for each such year.	254
(16) Requirements and procedures regarding the disposition	255
of employees of the school in the event the contract is	256
terminated or not renewed pursuant to section 3314.07 of the	257
Revised Code;	258
(17) Whether the school is to be created by converting all	259
or part of an existing public school or educational service	260
center building or is to be a new start-up school, and if it is	261
a converted public school or service center building,	262
specification of any duties or responsibilities of an employer	263
that the board of education or service center governing board	264
that operated the school or building before conversion is	265
delegating to the governing authority of the community school	266
with respect to all or any specified group of employees provided	267
the delegation is not prohibited by a collective bargaining	268
agreement applicable to such employees;	269
(18) Provisions establishing procedures for resolving	270
disputes or differences of opinion between the sponsor and the	271
governing authority of the community school;	272
(19) A provision requiring the governing authority to	273
adopt a policy regarding the admission of students who reside	274
outside the district in which the school is located. That policy	275
shall comply with the admissions procedures specified in	276
sections 3314.06 and 3314.061 of the Revised Code and, at the	277
sole discretion of the authority, shall do one of the following:	278
(a) Prohibit the enrollment of students who reside outside	279

the district in which the school is located;	280
(b) Permit the enrollment of students who reside in	281
districts adjacent to the district in which the school is	282
located;	283
(c) Permit the enrollment of students who reside in any	284
other district in the state.	285
(20) A provision recognizing the authority of the	286
department of education to take over the sponsorship of the	287
school in accordance with the provisions of division (C) of	288
section 3314.015 of the Revised Code;	289
(21) A provision recognizing the sponsor's authority to	290
assume the operation of a school under the conditions specified	291
in division (B) of section 3314.073 of the Revised Code;	292
(22) A provision recognizing both of the following:	293
(a) The authority of public health and safety officials to	294
inspect the facilities of the school and to order the facilities	295
closed if those officials find that the facilities are not in	296
compliance with health and safety laws and regulations;	297
(b) The authority of the department of education as the	298
community school oversight body to suspend the operation of the	299
school under section 3314.072 of the Revised Code if the	300
department has evidence of conditions or violations of law at	301
the school that pose an imminent danger to the health and safety	302
of the school's students and employees and the sponsor refuses	303
to take such action.	304
(23) A description of the learning opportunities that will	305
be offered to students including both classroom-based and non-	306
classroom-based learning opportunities that is in compliance	307

with criteria for student participation established by the 308
department under division (H) (2) of section 3314.08 of the 309
Revised Code; 310

(24) The school will comply with sections 3302.04 and 311
3302.041 of the Revised Code, except that any action required to 312
be taken by a school district pursuant to those sections shall 313
be taken by the sponsor of the school. However, the sponsor 314
shall not be required to take any action described in division 315
(F) of section 3302.04 of the Revised Code. 316

(25) Beginning in the 2006-2007 school year, the school 317
will open for operation not later than the thirtieth day of 318
September each school year, unless the mission of the school as 319
specified under division (A) (2) of this section is solely to 320
serve dropouts. In its initial year of operation, if the school 321
fails to open by the thirtieth day of September, or within one 322
year after the adoption of the contract pursuant to division (D) 323
of section 3314.02 of the Revised Code if the mission of the 324
school is solely to serve dropouts, the contract shall be void. 325

(26) Whether the school's governing authority is planning 326
to seek designation for the school as a STEM school equivalent 327
under section 3326.032 of the Revised Code; 328

(27) That the school's attendance and participation 329
policies will be available for public inspection; 330

(28) That the school's attendance and participation 331
records shall be made available to the department of education, 332
auditor of state, and school's sponsor to the extent permitted 333
under and in accordance with the "Family Educational Rights and 334
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 335
and any regulations promulgated under that act, and section 336

3319.321 of the Revised Code;	337
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	338 339 340
(a) An indication of what blended learning model or models will be used;	341 342
(b) A description of how student instructional needs will be determined and documented;	343 344
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	345 346
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	347 348 349
(e) A statement describing how student progress will be monitored;	350 351
(f) A statement describing how private student data will be protected;	352 353
(g) A description of the professional development activities that will be offered to teachers.	354 355
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	356 357 358 359
(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	360 361 362 363

contracted. 364

(32) A provision requiring the governing authority to 365
adopt an enrollment and attendance policy that requires a 366
student's parent to notify the community school in which the 367
student is enrolled when there is a change in the location of 368
the parent's or student's primary residence. 369

(33) A provision requiring the governing authority to 370
adopt a student residence and address verification policy for 371
students enrolling in or attending the school. 372

(B) The community school shall also submit to the sponsor 373
a comprehensive plan for the school. The plan shall specify the 374
following: 375

(1) The process by which the governing authority of the 376
school will be selected in the future; 377

(2) The management and administration of the school; 378

(3) If the community school is a currently existing public 379
school or educational service center building, alternative 380
arrangements for current public school students who choose not 381
to attend the converted school and for teachers who choose not 382
to teach in the school or building after conversion; 383

(4) The instructional program and educational philosophy 384
of the school; 385

(5) Internal financial controls. 386

When submitting the plan under this division, the school 387
shall also submit copies of all policies and procedures 388
regarding internal financial controls adopted by the governing 389
authority of the school. 390

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

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

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

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

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

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

(5) Take steps to intervene in the school's operation to

correct problems in the school's overall performance, declare 420
the school to be on probationary status pursuant to section 421
3314.073 of the Revised Code, suspend the operation of the 422
school pursuant to section 3314.072 of the Revised Code, or 423
terminate the contract of the school pursuant to section 3314.07 424
of the Revised Code as determined necessary by the sponsor; 425

(6) Have in place a plan of action to be undertaken in the 426
event the community school experiences financial difficulties or 427
closes prior to the end of a school year. 428

(E) Upon the expiration of a contract entered into under 429
this section, the sponsor of a community school may, with the 430
approval of the governing authority of the school, renew that 431
contract for a period of time determined by the sponsor, but not 432
ending earlier than the end of any school year, if the sponsor 433
finds that the school's compliance with applicable laws and 434
terms of the contract and the school's progress in meeting the 435
academic goals prescribed in the contract have been 436
satisfactory. Any contract that is renewed under this division 437
remains subject to the provisions of sections 3314.07, 3314.072, 438
and 3314.073 of the Revised Code. 439

(F) If a community school fails to open for operation 440
within one year after the contract entered into under this 441
section is adopted pursuant to division (D) of section 3314.02 442
of the Revised Code or permanently closes prior to the 443
expiration of the contract, the contract shall be void and the 444
school shall not enter into a contract with any other sponsor. A 445
school shall not be considered permanently closed because the 446
operations of the school have been suspended pursuant to section 447
3314.072 of the Revised Code. 448

Sec. 3326.11. Each science, technology, engineering, and 449

mathematics school established under this chapter and its 450
governing body shall comply with sections 9.90, 9.91, 109.65, 451
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 452
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 453
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 454
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 455
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 456
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 457
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 458
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 459
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 460
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 461
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 462
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 463
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 464
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 465
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 466
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 467
as if it were a school district. 468

Sec. 3328.24. A college-preparatory boarding school 469
established under this chapter and its board of trustees shall 470
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 471
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 472
3313.6411, 3313.7112, 3313.721, 3313.818, 3313.89, 3319.39, 473
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 474
if the school were a school district and the school's board of 475
trustees were a district board of education. 476

Section 2. That existing sections 3314.03, 3326.11, and 477
3328.24 of the Revised Code are hereby repealed. 478

Section 3. Section 3328.24 of the Revised Code is 479

presented in this act as a composite of the section as amended 480
by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General 481
Assembly. The General Assembly, applying the principle stated in 482
division (B) of section 1.52 of the Revised Code that amendments 483
are to be harmonized if reasonably capable of simultaneous 484
operation, finds that the composite is the resulting version of 485
the section in effect prior to the effective date of the section 486
as presented in this act. 487