As Introduced

131st General Assembly

Regular Session 2015-2016

S. B. No. 247

Senators Brown, Lehner

Cosponsors: Senators Bacon, Cafaro, Hite, Seitz, Tavares, Thomas, Yuko

A BILL

| То | amend section 3313.813 of the Revised Code to | 1 |
|----|--------------------------------------------------|---|
| | require school districts to allow alternative | 2 |
| | summer meal sponsors to use school facilities to | 3 |
| | provide food service for summer intervention | 4 |
| | services under certain conditions. | 5 |

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

| Section 1. That section 3313.813 of the Revised Code be | 6 |
|------------------------------------------------------------------|-----|
| amended to read as follows: | 7 |
| Sec. 3313.813. (A) As used in this section: | 8 |
| (1) "Outdoor education center" means a public or nonprofit | 9 |
| private entity that provides to pupils enrolled in any public or | 10 |
| chartered nonpublic elementary or secondary school an outdoor | 11 |
| educational curriculum that the school considers to be part of | 12 |
| its educational program. | 13 |
| (2) "Outside-school-hours care center" has the meaning | 14 |
| established in 7 C.F.R. 226.2. | 15 |
| (B) The state board of education shall establish standards | 16 |
| for a school lunch program, school breakfast program, child and | 1.7 |

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

- (C) The state board of education shall require the board
 of education of each school district to establish and maintain a
 school breakfast, lunch, and summer food service program
 36
 pursuant to the "National School Lunch Act" and the "Child
 Nutrition Act of 1966," as described in divisions (C)(1) to (4)
 of this section.
 39
- (1) The state board shall require the board of education 40 in each school district to establish a breakfast program in 41 every school where at least one-fifth of the pupils in the 42 school are eligible under federal requirements for free 43 breakfasts and to establish a lunch program in every school 44 where at least one-fifth of the pupils are eligible for free 45 lunches. The board of education required to establish a 46 breakfast program under this division may make a charge in 47 accordance with federal requirements for each reduced price 48

| breakfast or paid breakfast to cover the cost incurred in | 49 |
|------------------------------------------------------------------|----|
| providing that meal. | 50 |
| (2) The state board shall require the board of education | 51 |
| in each school district to establish a breakfast program in | 52 |
| every school in which the parents of at least one-half of the | 53 |
| children enrolled in the school have requested that the | 54 |
| breakfast program be established. The board of education | 55 |
| required to establish a program under this division may make a | 56 |
| charge in accordance with federal requirements for each meal to | 57 |
| cover all or part of the costs incurred in establishing such a | 58 |
| program. | 59 |
| (3) The state board shall require the board of education | 60 |
| in each school district to establish one of the following for | 61 |
| summer intervention services described in division (D) of | 62 |
| section 3301.0711 or provided under section 3313.608 of the | 63 |
| Revised Code, and any other summer intervention program required | 64 |
| by law: | 65 |
| (a) An extension of the school breakfast program pursuant | 66 |
| to the "National School Lunch Act" and the "Child Nutrition Act | 67 |
| of 1966"; | 68 |
| (b) An extension of the school lunch program pursuant to | 69 |
| those acts; | 70 |
| (c) A summer food service program pursuant to those acts. | 71 |
| (4)(a) If the board of education of a school district | 72 |
| determines that, for financial reasons, it cannot comply with | 73 |
| division (C)(1) or (3) of this section, the district board may | 74 |
| choose not to comply with either or both divisions, except as | 75 |
| provided in division divisions (C)(4)(b) and (c) of this | 76 |
| section. The district board publicly shall communicate to the | 77 |

| residents of the district, in the manner it determines | 78 |
|------------------------------------------------------------------|-----|
| appropriate, its decision not to comply. | 79 |
| (b) If a district board chooses not to comply with | 80 |
| division (C)(1) of this section, the state board nevertheless | 81 |
| shall require the district board to establish a breakfast | 82 |
| program in every school where at least one-third of the pupils | 83 |
| in the school are eligible under federal requirements for free | 84 |
| breakfasts and to establish a lunch program in every school | 85 |
| where at least one-third of the pupils are eligible for free | 86 |
| lunches. The district board may make a charge in accordance with | 87 |
| federal requirements for each reduced price breakfast or paid | 88 |
| breakfast to cover the cost incurred in providing that meal. | 89 |
| (c) If the board of education of a school district chooses | 90 |
| not to comply with division (C)(3) of this section, the state | 91 |
| board nevertheless shall require the district board to permit an | 92 |
| alternative summer meal sponsor to use school facilities located | 93 |
| in a school building attendance area where at least one-half of | 94 |
| the pupils are eligible for free lunches. | 95 |
| The state board shall provide each district with a list of | 96 |
| approved alternative summer meal sponsors that may use school | 97 |
| facilities under this division. | 98 |
| Subject to the provisions of sections 3313.75 and 3313.77 | 99 |
| of the Revised Code, a school district may charge the summer | 100 |
| meal sponsor a reasonable fee for the use of school facilities | 101 |
| that may include the actual cost of custodial services, charges | 102 |
| for the use of school equipment, and a prorated share of the | 103 |
| utility costs as determined by the district board. A school | 104 |
| district shall require the summer meal sponsor to indemnify and | 105 |
| hold harmless the district from any potential liability | 106 |
| resulting from the operation of an alternative summer meal | 107 |

| program under this division. For this purpose, the district | 108 |
|-----------------------------------------------------------------------------------|-----|
| shall either add the summer meal sponsor, as an additional | 109 |
| insured party, to the district's existing liability insurance | 110 |
| policy or require the summer meal sponsor to submit evidence of | 111 |
| a separate liability insurance policy, for an amount approved by | 112 |
| the district board. The summer meal sponsor shall be responsible | 113 |
| for any costs incurred in obtaining coverage under either | 114 |
| option. | 115 |
| (d) If a school district cannot for good cause comply with | 116 |
| the requirements of division (C)(2) or (4)(b) $\underline{\text{or (c)}}$ of this | 117 |
| section at the time the state board determines that a district | 118 |
| is subject to these requirements, the state board shall grant a | 119 |
| reasonable extension of time. Good cause for an extension of | 120 |
| time shall include, but need not be limited to, economic | 121 |
| impossibility of compliance with the requirements at the time | 122 |
| the state board determines that a district is subject to them. | 123 |
| (D)(1) The state board shall accept the application of any | 124 |
| outdoor education center in the state making application for | 125 |
| participation in a program pursuant to division (B) of this | |
| section. | 127 |
| (2) For purposes of participation in any program pursuant | 128 |
| to this section, the board shall certify any outdoor education | 129 |
| center making application as an educational unit that is part of | 130 |
| the educational system of the state, if the center: | 131 |
| (a) Meets the definition of an outdoor education center; | 132 |
| (b) Provides its outdoor education curriculum to pupils on | 133 |
| an overnight basis so that pupils are in residence at the center | 134 |
| for more than twenty-four consecutive hours; | 135 |
| (c) Operates under public or nonprofit private ownership | 136 |

| in a single building or complex of buildings. | 137 |
|------------------------------------------------------------------|-----|
| (3) The board shall approve any outdoor education center | 138 |
| certified under this division for participation in the program | 139 |
| for which the center is making application on the same basis as | 140 |
| any other applicant for that program. | 141 |
| (E) Any school district board of education or chartered | 142 |
| nonpublic school that participates in a breakfast program | 143 |
| pursuant to this section may offer breakfast to pupils in their | 144 |
| classrooms during the school day. | 145 |
| (F) Notwithstanding anything in this section to the | 146 |
| contrary, in each fiscal year in which the general assembly | 147 |
| appropriates funds for purposes of this division, the board of | 148 |
| education of each school district and each chartered nonpublic | 149 |
| school that participates in a breakfast program pursuant to this | 150 |
| section shall provide a breakfast free of charge to each pupil | 151 |
| who is eligible under federal requirements for a reduced price | 152 |
| breakfast. | |
| Section 2. That existing section 3313.813 of the Revised | 154 |
| Code is hereby repealed. | 155 |