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Senator LaRose

**Cosponsors: Senators Hughes, Manning, Beagle, Hite, Eklund, Lehner, Sawyer,
Thomas, Yuko Representatives Brenner, Fedor, Blessing, Cupp, Manning,
Patterson, Phillips, Ramos, Smith, K.**

A BILL

To amend sections 3301.0714 and 3313.813 of the 1
Revised Code to require the Education Management 2
Information System to include information 3
regarding persons at whom a student's violent 4
behavior that resulted in discipline was 5
directed, to require the Department of Education 6
to submit a one-time report to the General 7
Assembly regarding that information, and to 8
require school districts to allow approved 9
summer food service program sponsors to use 10
school facilities to provide food service for 11
summer intervention services under certain 12
conditions. 13

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

Section 1. That sections 3301.0714 and 3313.813 of the 14
Revised Code be amended to read as follows: 15

Sec. 3301.0714. (A) The state board of education shall 16
adopt rules for a statewide education management information 17

system. The rules shall require the state board to establish 18
guidelines for the establishment and maintenance of the system 19
in accordance with this section and the rules adopted under this 20
section. The guidelines shall include: 21

(1) Standards identifying and defining the types of data 22
in the system in accordance with divisions (B) and (C) of this 23
section; 24

(2) Procedures for annually collecting and reporting the 25
data to the state board in accordance with division (D) of this 26
section; 27

(3) Procedures for annually compiling the data in 28
accordance with division (G) of this section; 29

(4) Procedures for annually reporting the data to the 30
public in accordance with division (H) of this section; 31

(5) Standards to provide strict safeguards to protect the 32
confidentiality of personally identifiable student data. 33

(B) The guidelines adopted under this section shall 34
require the data maintained in the education management 35
information system to include at least the following: 36

(1) Student participation and performance data, for each 37
grade in each school district as a whole and for each grade in 38
each school building in each school district, that includes: 39

(a) The numbers of students receiving each category of 40
instructional service offered by the school district, such as 41
regular education instruction, vocational education instruction, 42
specialized instruction programs or enrichment instruction that 43
is part of the educational curriculum, instruction for gifted 44
students, instruction for students with disabilities, and 45

remedial instruction. The guidelines shall require instructional 46
services under this division to be divided into discrete 47
categories if an instructional service is limited to a specific 48
subject, a specific type of student, or both, such as regular 49
instructional services in mathematics, remedial reading 50
instructional services, instructional services specifically for 51
students gifted in mathematics or some other subject area, or 52
instructional services for students with a specific type of 53
disability. The categories of instructional services required by 54
the guidelines under this division shall be the same as the 55
categories of instructional services used in determining cost 56
units pursuant to division (C) (3) of this section. 57

(b) The numbers of students receiving support or 58
extracurricular services for each of the support services or 59
extracurricular programs offered by the school district, such as 60
counseling services, health services, and extracurricular sports 61
and fine arts programs. The categories of services required by 62
the guidelines under this division shall be the same as the 63
categories of services used in determining cost units pursuant 64
to division (C) (4) (a) of this section. 65

(c) Average student grades in each subject in grades nine 66
through twelve; 67

(d) Academic achievement levels as assessed under sections 68
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 69

(e) The number of students designated as having a 70
disabling condition pursuant to division (C) (1) of section 71
3301.0711 of the Revised Code; 72

(f) The numbers of students reported to the state board 73
pursuant to division (C) (2) of section 3301.0711 of the Revised 74

Code;	75
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	76 77 78 79
(h) Expulsion rates;	80
(i) Suspension rates;	81
(j) Dropout rates;	82
(k) Rates of retention in grade;	83
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	84 85 86
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	87 88 89 90 91
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	92 93 94 95 96 97 98 99 100
<u>(o) Beginning on the first day of July that next succeeds the effective date of this amendment, for each disciplinary</u>	101 102

action which is required to be reported under division (B) (4) of 103
this section, districts and schools also shall include an 104
identification of the person or persons, if any, at whom the 105
student's violent behavior that resulted in discipline was 106
directed. The person or persons shall be identified by the 107
respective classification at the district or school, such as 108
student, teacher, or nonteaching employee, but shall not be 109
identified by name. 110

Division (B) (1) (o) of this section does not apply after 111
the date that is two years following the submission of the 112
report required by Section 3 of this act. 113

(2) Personnel and classroom enrollment data for each 114
school district, including: 115

(a) The total numbers of licensed employees and 116
nonlicensed employees and the numbers of full-time equivalent 117
licensed employees and nonlicensed employees providing each 118
category of instructional service, instructional support 119
service, and administrative support service used pursuant to 120
division (C) (3) of this section. The guidelines adopted under 121
this section shall require these categories of data to be 122
maintained for the school district as a whole and, wherever 123
applicable, for each grade in the school district as a whole, 124
for each school building as a whole, and for each grade in each 125
school building. 126

(b) The total number of employees and the number of full- 127
time equivalent employees providing each category of service 128
used pursuant to divisions (C) (4) (a) and (b) of this section, 129
and the total numbers of licensed employees and nonlicensed 130
employees and the numbers of full-time equivalent licensed 131
employees and nonlicensed employees providing each category used 132

pursuant to division (C) (4) (c) of this section. The guidelines 133
adopted under this section shall require these categories of 134
data to be maintained for the school district as a whole and, 135
wherever applicable, for each grade in the school district as a 136
whole, for each school building as a whole, and for each grade 137
in each school building. 138

(c) The total number of regular classroom teachers 139
teaching classes of regular education and the average number of 140
pupils enrolled in each such class, in each of grades 141
kindergarten through five in the district as a whole and in each 142
school building in the school district. 143

(d) The number of lead teachers employed by each school 144
district and each school building. 145

(3) (a) Student demographic data for each school district, 146
including information regarding the gender ratio of the school 147
district's pupils, the racial make-up of the school district's 148
pupils, the number of limited English proficient students in the 149
district, and an appropriate measure of the number of the school 150
district's pupils who reside in economically disadvantaged 151
households. The demographic data shall be collected in a manner 152
to allow correlation with data collected under division (B) (1) 153
of this section. Categories for data collected pursuant to 154
division (B) (3) of this section shall conform, where 155
appropriate, to standard practices of agencies of the federal 156
government. 157

(b) With respect to each student entering kindergarten, 158
whether the student previously participated in a public 159
preschool program, a private preschool program, or a head start 160
program, and the number of years the student participated in 161
each of these programs. 162

(4) Any data required to be collected pursuant to federal law. 163
164

(C) The education management information system shall 165
include cost accounting data for each district as a whole and 166
for each school building in each school district. The guidelines 167
adopted under this section shall require the cost data for each 168
school district to be maintained in a system of mutually 169
exclusive cost units and shall require all of the costs of each 170
school district to be divided among the cost units. The 171
guidelines shall require the system of mutually exclusive cost 172
units to include at least the following: 173

(1) Administrative costs for the school district as a 174
whole. The guidelines shall require the cost units under this 175
division (C) (1) to be designed so that each of them may be 176
compiled and reported in terms of average expenditure per pupil 177
in formula ADM in the school district, as determined pursuant to 178
section 3317.03 of the Revised Code. 179

(2) Administrative costs for each school building in the 180
school district. The guidelines shall require the cost units 181
under this division (C) (2) to be designed so that each of them 182
may be compiled and reported in terms of average expenditure per 183
full-time equivalent pupil receiving instructional or support 184
services in each building. 185

(3) Instructional services costs for each category of 186
instructional service provided directly to students and required 187
by guidelines adopted pursuant to division (B) (1) (a) of this 188
section. The guidelines shall require the cost units under 189
division (C) (3) of this section to be designed so that each of 190
them may be compiled and reported in terms of average 191
expenditure per pupil receiving the service in the school 192

district as a whole and average expenditure per pupil receiving	193
the service in each building in the school district and in terms	194
of a total cost for each category of service and, as a breakdown	195
of the total cost, a cost for each of the following components:	196
(a) The cost of each instructional services category	197
required by guidelines adopted under division (B) (1) (a) of this	198
section that is provided directly to students by a classroom	199
teacher;	200
(b) The cost of the instructional support services, such	201
as services provided by a speech-language pathologist, classroom	202
aide, multimedia aide, or librarian, provided directly to	203
students in conjunction with each instructional services	204
category;	205
(c) The cost of the administrative support services	206
related to each instructional services category, such as the	207
cost of personnel that develop the curriculum for the	208
instructional services category and the cost of personnel	209
supervising or coordinating the delivery of the instructional	210
services category.	211
(4) Support or extracurricular services costs for each	212
category of service directly provided to students and required	213
by guidelines adopted pursuant to division (B) (1) (b) of this	214
section. The guidelines shall require the cost units under	215
division (C) (4) of this section to be designed so that each of	216
them may be compiled and reported in terms of average	217
expenditure per pupil receiving the service in the school	218
district as a whole and average expenditure per pupil receiving	219
the service in each building in the school district and in terms	220
of a total cost for each category of service and, as a breakdown	221
of the total cost, a cost for each of the following components:	222

(a) The cost of each support or extracurricular services	223
category required by guidelines adopted under division (B) (1) (b)	224
of this section that is provided directly to students by a	225
licensed employee, such as services provided by a guidance	226
counselor or any services provided by a licensed employee under	227
a supplemental contract;	228
(b) The cost of each such services category provided	229
directly to students by a nonlicensed employee, such as	230
janitorial services, cafeteria services, or services of a sports	231
trainer;	232
(c) The cost of the administrative services related to	233
each services category in division (C) (4) (a) or (b) of this	234
section, such as the cost of any licensed or nonlicensed	235
employees that develop, supervise, coordinate, or otherwise are	236
involved in administering or aiding the delivery of each	237
services category.	238
(D) (1) The guidelines adopted under this section shall	239
require school districts to collect information about individual	240
students, staff members, or both in connection with any data	241
required by division (B) or (C) of this section or other	242
reporting requirements established in the Revised Code. The	243
guidelines may also require school districts to report	244
information about individual staff members in connection with	245
any data required by division (B) or (C) of this section or	246
other reporting requirements established in the Revised Code.	247
The guidelines shall not authorize school districts to request	248
social security numbers of individual students. The guidelines	249
shall prohibit the reporting under this section of a student's	250
name, address, and social security number to the state board of	251
education or the department of education. The guidelines shall	252

also prohibit the reporting under this section of any personally 253
identifiable information about any student, except for the 254
purpose of assigning the data verification code required by 255
division (D) (2) of this section, to any other person unless such 256
person is employed by the school district or the information 257
technology center operated under section 3301.075 of the Revised 258
Code and is authorized by the district or technology center to 259
have access to such information or is employed by an entity with 260
which the department contracts for the scoring or the 261
development of state assessments. The guidelines may require 262
school districts to provide the social security numbers of 263
individual staff members and the county of residence for a 264
student. Nothing in this section prohibits the state board of 265
education or department of education from providing a student's 266
county of residence to the department of taxation to facilitate 267
the distribution of tax revenue. 268

(2) (a) The guidelines shall provide for each school 269
district or community school to assign a data verification code 270
that is unique on a statewide basis over time to each student 271
whose initial Ohio enrollment is in that district or school and 272
to report all required individual student data for that student 273
utilizing such code. The guidelines shall also provide for 274
assigning data verification codes to all students enrolled in 275
districts or community schools on the effective date of the 276
guidelines established under this section. The assignment of 277
data verification codes for other entities, as described in 278
division (D) (2) (c) of this section, the use of those codes, and 279
the reporting and use of associated individual student data 280
shall be coordinated by the department in accordance with state 281
and federal law. 282

School districts shall report individual student data to 283

the department through the information technology centers 284
utilizing the code. The entities described in division (D) (2) (c) 285
of this section shall report individual student data to the 286
department in the manner prescribed by the department. 287

Except as provided in sections 3301.941, 3310.11, 3310.42, 288
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 289
shall the state board or the department have access to 290
information that would enable any data verification code to be 291
matched to personally identifiable student data. 292

(b) Each school district and community school shall ensure 293
that the data verification code is included in the student's 294
records reported to any subsequent school district, community 295
school, or state institution of higher education, as defined in 296
section 3345.011 of the Revised Code, in which the student 297
enrolls. Any such subsequent district or school shall utilize 298
the same identifier in its reporting of data under this section. 299

(c) The director of any state agency that administers a 300
publicly funded program providing services to children who are 301
younger than compulsory school age, as defined in section 302
3321.01 of the Revised Code, including the directors of health, 303
job and family services, mental health and addiction services, 304
and developmental disabilities, shall request and receive, 305
pursuant to sections 3301.0723 and 3701.62 of the Revised Code, 306
a data verification code for a child who is receiving those 307
services. 308

(E) The guidelines adopted under this section may require 309
school districts to collect and report data, information, or 310
reports other than that described in divisions (A), (B), and (C) 311
of this section for the purpose of complying with other 312
reporting requirements established in the Revised Code. The 313

other data, information, or reports may be maintained in the 314
education management information system but are not required to 315
be compiled as part of the profile formats required under 316
division (G) of this section or the annual statewide report 317
required under division (H) of this section. 318

(F) Beginning with the school year that begins July 1, 319
1991, the board of education of each school district shall 320
annually collect and report to the state board, in accordance 321
with the guidelines established by the board, the data required 322
pursuant to this section. A school district may collect and 323
report these data notwithstanding section 2151.357 or 3319.321 324
of the Revised Code. 325

(G) The state board shall, in accordance with the 326
procedures it adopts, annually compile the data reported by each 327
school district pursuant to division (D) of this section. The 328
state board shall design formats for profiling each school 329
district as a whole and each school building within each 330
district and shall compile the data in accordance with these 331
formats. These profile formats shall: 332

(1) Include all of the data gathered under this section in 333
a manner that facilitates comparison among school districts and 334
among school buildings within each school district; 335

(2) Present the data on academic achievement levels as 336
assessed by the testing of student achievement maintained 337
pursuant to division (B) (1) (d) of this section. 338

(H) (1) The state board shall, in accordance with the 339
procedures it adopts, annually prepare a statewide report for 340
all school districts and the general public that includes the 341
profile of each of the school districts developed pursuant to 342

division (G) of this section. Copies of the report shall be sent 343
to each school district. 344

(2) The state board shall, in accordance with the 345
procedures it adopts, annually prepare an individual report for 346
each school district and the general public that includes the 347
profiles of each of the school buildings in that school district 348
developed pursuant to division (G) of this section. Copies of 349
the report shall be sent to the superintendent of the district 350
and to each member of the district board of education. 351

(3) Copies of the reports received from the state board 352
under divisions (H) (1) and (2) of this section shall be made 353
available to the general public at each school district's 354
offices. Each district board of education shall make copies of 355
each report available to any person upon request and payment of 356
a reasonable fee for the cost of reproducing the report. The 357
board shall annually publish in a newspaper of general 358
circulation in the school district, at least twice during the 359
two weeks prior to the week in which the reports will first be 360
available, a notice containing the address where the reports are 361
available and the date on which the reports will be available. 362

(I) Any data that is collected or maintained pursuant to 363
this section and that identifies an individual pupil is not a 364
public record for the purposes of section 149.43 of the Revised 365
Code. 366

(J) As used in this section: 367

(1) "School district" means any city, local, exempted 368
village, or joint vocational school district and, in accordance 369
with section 3314.17 of the Revised Code, any community school. 370
As used in division (L) of this section, "school district" also 371

includes any educational service center or other educational 372
entity required to submit data using the system established 373
under this section. 374

(2) "Cost" means any expenditure for operating expenses 375
made by a school district excluding any expenditures for debt 376
retirement except for payments made to any commercial lending 377
institution for any loan approved pursuant to section 3313.483 378
of the Revised Code. 379

(K) Any person who removes data from the information 380
system established under this section for the purpose of 381
releasing it to any person not entitled under law to have access 382
to such information is subject to section 2913.42 of the Revised 383
Code prohibiting tampering with data. 384

(L)(1) In accordance with division (L)(2) of this section 385
and the rules adopted under division (L)(10) of this section, 386
the department of education may sanction any school district 387
that reports incomplete or inaccurate data, reports data that 388
does not conform to data requirements and descriptions published 389
by the department, fails to report data in a timely manner, or 390
otherwise does not make a good faith effort to report data as 391
required by this section. 392

(2) If the department decides to sanction a school 393
district under this division, the department shall take the 394
following sequential actions: 395

(a) Notify the district in writing that the department has 396
determined that data has not been reported as required under 397
this section and require the district to review its data 398
submission and submit corrected data by a deadline established 399
by the department. The department also may require the district 400

to develop a corrective action plan, which shall include 401
provisions for the district to provide mandatory staff training 402
on data reporting procedures. 403

(b) Withhold up to ten per cent of the total amount of 404
state funds due to the district for the current fiscal year and, 405
if not previously required under division (L) (2) (a) of this 406
section, require the district to develop a corrective action 407
plan in accordance with that division; 408

(c) Withhold an additional amount of up to twenty per cent 409
of the total amount of state funds due to the district for the 410
current fiscal year; 411

(d) Direct department staff or an outside entity to 412
investigate the district's data reporting practices and make 413
recommendations for subsequent actions. The recommendations may 414
include one or more of the following actions: 415

(i) Arrange for an audit of the district's data reporting 416
practices by department staff or an outside entity; 417

(ii) Conduct a site visit and evaluation of the district; 418

(iii) Withhold an additional amount of up to thirty per 419
cent of the total amount of state funds due to the district for 420
the current fiscal year; 421

(iv) Continue monitoring the district's data reporting; 422

(v) Assign department staff to supervise the district's 423
data management system; 424

(vi) Conduct an investigation to determine whether to 425
suspend or revoke the license of any district employee in 426
accordance with division (N) of this section; 427

(vii) If the district is issued a report card under 428
section 3302.03 of the Revised Code, indicate on the report card 429
that the district has been sanctioned for failing to report data 430
as required by this section; 431

(viii) If the district is issued a report card under 432
section 3302.03 of the Revised Code and incomplete or inaccurate 433
data submitted by the district likely caused the district to 434
receive a higher performance rating than it deserved under that 435
section, issue a revised report card for the district; 436

(ix) Any other action designed to correct the district's 437
data reporting problems. 438

(3) Any time the department takes an action against a 439
school district under division (L)(2) of this section, the 440
department shall make a report of the circumstances that 441
prompted the action. The department shall send a copy of the 442
report to the district superintendent or chief administrator and 443
maintain a copy of the report in its files. 444

(4) If any action taken under division (L)(2) of this 445
section resolves a school district's data reporting problems to 446
the department's satisfaction, the department shall not take any 447
further actions described by that division. If the department 448
withheld funds from the district under that division, the 449
department may release those funds to the district, except that 450
if the department withheld funding under division (L)(2)(c) of 451
this section, the department shall not release the funds 452
withheld under division (L)(2)(b) of this section and, if the 453
department withheld funding under division (L)(2)(d) of this 454
section, the department shall not release the funds withheld 455
under division (L)(2)(b) or (c) of this section. 456

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L) (2) (d) (i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L) (2) (d) (viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for

this purpose. 488

(8) Any school district that has funds withheld under 489
division (L) (2) of this section may appeal the withholding in 490
accordance with Chapter 119. of the Revised Code. 491

(9) In all cases of a disagreement between the department 492
and a school district regarding the appropriateness of an action 493
taken under division (L) (2) of this section, the burden of proof 494
shall be on the district to demonstrate that it made a good 495
faith effort to report data as required by this section. 496

(10) The state board of education shall adopt rules under 497
Chapter 119. of the Revised Code to implement division (L) of 498
this section. 499

(M) No information technology center or school district 500
shall acquire, change, or update its student administration 501
software package to manage and report data required to be 502
reported to the department unless it converts to a student 503
software package that is certified by the department. 504

(N) The state board of education, in accordance with 505
sections 3319.31 and 3319.311 of the Revised Code, may suspend 506
or revoke a license as defined under division (A) of section 507
3319.31 of the Revised Code that has been issued to any school 508
district employee found to have willfully reported erroneous, 509
inaccurate, or incomplete data to the education management 510
information system. 511

(O) No person shall release or maintain any information 512
about any student in violation of this section. Whoever violates 513
this division is guilty of a misdemeanor of the fourth degree. 514

(P) The department shall disaggregate the data collected 515
under division (B) (1) (n) of this section according to the race 516

and socioeconomic status of the students assessed. 517

(Q) If the department cannot compile any of the 518
information required by division (H) of section 3302.03 of the 519
Revised Code based upon the data collected under this section, 520
the department shall develop a plan and a reasonable timeline 521
for the collection of any data necessary to comply with that 522
division. 523

Sec. 3313.813. (A) As used in this section: 524

(1) "Outdoor education center" means a public or nonprofit 525
private entity that provides to pupils enrolled in any public or 526
chartered nonpublic elementary or secondary school an outdoor 527
educational curriculum that the school considers to be part of 528
its educational program. 529

(2) "Outside-school-hours care center" has the meaning 530
established in 7 C.F.R. 226.2. 531

(B) The state board of education shall establish standards 532
for a school lunch program, school breakfast program, child and 533
adult care food program, special food service program for 534
children, summer food service program for children, special milk 535
program for children, food service equipment assistance program, 536
and commodity distribution program established under the 537
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 538
1751, as amended, and the "Child Nutrition Act of 1966," 80 539
Stat. 885, 42 U.S.C. 1771, as amended. Any board of education of 540
a school district, nonprofit private school, outdoor education 541
center, child care institution, outside-school-hours care 542
center, or summer camp desiring to participate in such a program 543
or required to participate under this section shall, if eligible 544
to participate under the "National School Lunch Act," as 545

amended, or the "Child Nutrition Act of 1966," as amended, make 546
application to the state board of education for assistance. The 547
board shall administer the allocation and distribution of all 548
state and federal funds for these programs. 549

(C) The state board of education shall require the board 550
of education of each school district to establish and maintain a 551
school breakfast, lunch, and summer food service program 552
pursuant to the "National School Lunch Act" and the "Child 553
Nutrition Act of 1966," as described in divisions (C) (1) to (4) 554
of this section. 555

(1) The state board shall require the board of education 556
in each school district to establish a breakfast program in 557
every school where at least one-fifth of the pupils in the 558
school are eligible under federal requirements for free 559
breakfasts and to establish a lunch program in every school 560
where at least one-fifth of the pupils are eligible for free 561
lunches. The board of education required to establish a 562
breakfast program under this division may make a charge in 563
accordance with federal requirements for each reduced price 564
breakfast or paid breakfast to cover the cost incurred in 565
providing that meal. 566

(2) The state board shall require the board of education 567
in each school district to establish a breakfast program in 568
every school in which the parents of at least one-half of the 569
children enrolled in the school have requested that the 570
breakfast program be established. The board of education 571
required to establish a program under this division may make a 572
charge in accordance with federal requirements for each meal to 573
cover all or part of the costs incurred in establishing such a 574
program. 575

(3) The state board shall require the board of education 576
in each school district to establish one of the following for 577
summer intervention services described in division (D) of 578
section 3301.0711 or provided under section 3313.608 of the 579
Revised Code, and any other summer intervention program required 580
by law: 581

(a) An extension of the school breakfast program pursuant 582
to the "National School Lunch Act" and the "Child Nutrition Act 583
of 1966"; 584

(b) An extension of the school lunch program pursuant to 585
those acts; 586

(c) A summer food service program pursuant to those acts. 587

(4) (a) If the board of education of a school district 588
determines that, for financial reasons, it cannot comply with 589
division (C) (1) or (3) of this section, the district board may 590
choose not to comply with either or both divisions, except as 591
provided in ~~division~~ divisions (C) (4) (b) and (c) of this 592
section. The district board publicly shall communicate to the 593
residents of the district, in the manner it determines 594
appropriate, its decision not to comply. 595

(b) If a district board chooses not to comply with 596
division (C) (1) of this section, the state board nevertheless 597
shall require the district board to establish a breakfast 598
program in every school where at least one-third of the pupils 599
in the school are eligible under federal requirements for free 600
breakfasts and to establish a lunch program in every school 601
where at least one-third of the pupils are eligible for free 602
lunches. The district board may make a charge in accordance with 603
federal requirements for each reduced price breakfast or paid 604

breakfast to cover the cost incurred in providing that meal. 605

(c) If the board of education of a school district chooses 606
not to comply with division (C)(3) of this section, the state 607
board nevertheless shall require the district board to permit an 608
approved summer food service program sponsor to use school 609
facilities located in a school building attendance area where at 610
least one-half of the pupils are eligible for free lunches. 611

The department of education shall post in a prominent 612
location on the department's web site a list of approved summer 613
food service program sponsors that may use school facilities 614
under this division. 615

Subject to the provisions of sections 3313.75 and 3313.77 616
of the Revised Code, a school district may charge the summer 617
food service program sponsor a reasonable fee for the use of 618
school facilities that may include the actual cost of custodial 619
services, charges for the use of school equipment, and a 620
prorated share of the utility costs as determined by the 621
district board. A school district shall require the summer food 622
service program sponsor to indemnify and hold harmless the 623
district from any potential liability resulting from the 624
operation of the summer food service program under this 625
division. For this purpose, the district shall either add the 626
summer food service program sponsor, as an additional insured 627
party, to the district's existing liability insurance policy or 628
require the summer food service program sponsor to submit 629
evidence of a separate liability insurance policy, for an amount 630
approved by the district board. The summer food service program 631
sponsor shall be responsible for any costs incurred in obtaining 632
coverage under either option. 633

(d) If a school district cannot for good cause comply with 634

the requirements of division (C) (2) or (4) (b) or (c) of this 635
section at the time the state board determines that a district 636
is subject to these requirements, the state board shall grant a 637
reasonable extension of time. Good cause for an extension of 638
time shall include, but need not be limited to, economic 639
impossibility of compliance with the requirements at the time 640
the state board determines that a district is subject to them. 641

(D) (1) The state board shall accept the application of any 642
outdoor education center in the state making application for 643
participation in a program pursuant to division (B) of this 644
section. 645

(2) For purposes of participation in any program pursuant 646
to this section, the board shall certify any outdoor education 647
center making application as an educational unit that is part of 648
the educational system of the state, if the center: 649

(a) Meets the definition of an outdoor education center; 650

(b) Provides its outdoor education curriculum to pupils on 651
an overnight basis so that pupils are in residence at the center 652
for more than twenty-four consecutive hours; 653

(c) Operates under public or nonprofit private ownership 654
in a single building or complex of buildings. 655

(3) The board shall approve any outdoor education center 656
certified under this division for participation in the program 657
for which the center is making application on the same basis as 658
any other applicant for that program. 659

(E) Any school district board of education or chartered 660
nonpublic school that participates in a breakfast program 661
pursuant to this section may offer breakfast to pupils in their 662
classrooms during the school day. 663

(F) Notwithstanding anything in this section to the 664
contrary, in each fiscal year in which the general assembly 665
appropriates funds for purposes of this division, the board of 666
education of each school district and each chartered nonpublic 667
school that participates in a breakfast program pursuant to this 668
section shall provide a breakfast free of charge to each pupil 669
who is eligible under federal requirements for a reduced price 670
breakfast. 671

Section 2. That existing sections 3301.0714 and 3313.813 672
of the Revised Code are hereby repealed. 673

Section 3. The Department of Education shall prepare a 674
report of the information maintained in the Education Management 675
Information System that relates to persons at whom violent 676
student behavior resulting in reported disciplinary actions was 677
directed as required by division (B) (1) (o) of section 3301.0714 678
of the Revised Code, as amended by this act, for the first two 679
school years following the effective date of this section. Not 680
later than the first day of October that next succeeds the final 681
day of the second school year following the effective date of 682
this section, the Department shall submit the report prepared 683
under this section to the President and Minority Leader of the 684
Senate, Speaker and Minority Leader of the House of 685
Representatives, and the chairpersons and ranking minority 686
members of the standing committees on education of the Senate 687
and House of Representatives. 688