

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 408

Representatives Brewer, Mohamed

Cosponsors: Representatives Russo, Brent, Jarrells, Rogers, Weinstein, Miranda,
McNally, Denson, Troy, Williams

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact section 3313.819 of the Revised Code 2
to require public schools to provide meals and 3
related services to students. 4

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 5
amended and section 3313.819 of the Revised Code be enacted to 6
read as follows: 7

Sec. 3313.819. (A) Regardless of whether a student has 8
money to pay for a meal or owes money for earlier meals, each 9
school district shall provide a meal to a student who requests 10
one. 11

(B) No district shall do any of the following: 12

(1) Require that a student discard a meal after it has 13
been served because of the student's inability to pay for the 14
meal or because money is owed for previously provided meals; 15

(2) Require a student who cannot pay for a meal or who 16

owes a meal debt to do chores or other work to pay for meals, 17
provided that chores or work required of all students regardless 18
of a meal debt is permitted; 19

(3) Refuse a meal to a student as a form of disciplinary 20
action; 21

(4) Publicly identify or stigmatize a student who cannot 22
pay for a meal or who owes a meal debt. 23

(C) Each district shall direct communications about a 24
student's meal debt to a parent or guardian and not to the 25
student, except that if a student inquires about that student's 26
meal debt, the district may answer the student's inquiry. 27
Nothing in this section shall prohibit a district from sending a 28
student home with a letter addressed to a parent or guardian. 29

(D) The department of education shall provide guidance for 30
districts relating to the collection of student meal debt and 31
post the guidance on the department's publicly accessible web 32
site. The guidance shall include best practices and information 33
on creating an online system for the payment of school debt. 34

Sec. 3314.03. A copy of every contract entered into under 35
this section shall be filed with the superintendent of public 36
instruction. The department of education shall make available on 37
its web site a copy of every approved, executed contract filed 38
with the superintendent under this section. 39

(A) Each contract entered into between a sponsor and the 40
governing authority of a community school shall specify the 41
following: 42

(1) That the school shall be established as either of the 43
following: 44

(a) A nonprofit corporation established under Chapter 45
1702. of the Revised Code, if established prior to April 8, 46
2003; 47

(b) A public benefit corporation established under Chapter 48
1702. of the Revised Code, if established after April 8, 2003. 49

(2) The education program of the school, including the 50
school's mission, the characteristics of the students the school 51
is expected to attract, the ages and grades of students, and the 52
focus of the curriculum; 53

(3) The academic goals to be achieved and the method of 54
measurement that will be used to determine progress toward those 55
goals, which shall include the statewide achievement 56
assessments; 57

(4) Performance standards, including but not limited to 58
all applicable report card measures set forth in section 3302.03 59
or 3314.017 of the Revised Code, by which the success of the 60
school will be evaluated by the sponsor; 61

(5) The admission standards of section 3314.06 of the 62
Revised Code and, if applicable, section 3314.061 of the Revised 63
Code; 64

(6) (a) Dismissal procedures; 65

(b) A requirement that the governing authority adopt an 66
attendance policy that includes a procedure for automatically 67
withdrawing a student from the school if the student without a 68
legitimate excuse fails to participate in seventy-two 69
consecutive hours of the learning opportunities offered to the 70
student. 71

(7) The ways by which the school will achieve racial and 72

ethnic balance reflective of the community it serves; 73

(8) Requirements for financial audits by the auditor of 74
state. The contract shall require financial records of the 75
school to be maintained in the same manner as are financial 76
records of school districts, pursuant to rules of the auditor of 77
state. Audits shall be conducted in accordance with section 78
117.10 of the Revised Code. 79

(9) An addendum to the contract outlining the facilities 80
to be used that contains at least the following information: 81

(a) A detailed description of each facility used for 82
instructional purposes; 83

(b) The annual costs associated with leasing each facility 84
that are paid by or on behalf of the school; 85

(c) The annual mortgage principal and interest payments 86
that are paid by the school; 87

(d) The name of the lender or landlord, identified as 88
such, and the lender's or landlord's relationship to the 89
operator, if any. 90

(10) Qualifications of teachers, including a requirement 91
that the school's classroom teachers be licensed in accordance 92
with sections 3319.22 to 3319.31 of the Revised Code, except 93
that a community school may engage noncertificated persons to 94
teach up to twelve hours or forty hours per week pursuant to 95
section 3319.301 of the Revised Code. 96

(11) That the school will comply with the following 97
requirements: 98

(a) The school will provide learning opportunities to a 99
minimum of twenty-five students for a minimum of nine hundred 100

twenty hours per school year. 101

(b) The governing authority will purchase liability 102
insurance, or otherwise provide for the potential liability of 103
the school. 104

(c) The school will be nonsectarian in its programs, 105
admission policies, employment practices, and all other 106
operations, and will not be operated by a sectarian school or 107
religious institution. 108

(d) The school will comply with sections 9.90, 9.91, 109
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 110
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 111
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 112
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 113
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 114
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 115
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 116
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 117
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 118
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 119
3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 120
3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 121
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 122
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 123
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 124
4123., 4141., and 4167. of the Revised Code as if it were a 125
school district and will comply with section 3301.0714 of the 126
Revised Code in the manner specified in section 3314.17 of the 127
Revised Code. 128

(e) The school shall comply with Chapter 102. and section 129
2921.42 of the Revised Code. 130

(f) The school will comply with sections 3313.61, 131
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 132
Revised Code, except that for students who enter ninth grade for 133
the first time before July 1, 2010, the requirement in sections 134
3313.61 and 3313.611 of the Revised Code that a person must 135
successfully complete the curriculum in any high school prior to 136
receiving a high school diploma may be met by completing the 137
curriculum adopted by the governing authority of the community 138
school rather than the curriculum specified in Title XXXIII of 139
the Revised Code or any rules of the state board of education. 140
Beginning with students who enter ninth grade for the first time 141
on or after July 1, 2010, the requirement in sections 3313.61 142
and 3313.611 of the Revised Code that a person must successfully 143
complete the curriculum of a high school prior to receiving a 144
high school diploma shall be met by completing the requirements 145
prescribed in section 3313.6027 and division (C) of section 146
3313.603 of the Revised Code, unless the person qualifies under 147
division (D) or (F) of that section. Each school shall comply 148
with the plan for awarding high school credit based on 149
demonstration of subject area competency, and beginning with the 150
2017-2018 school year, with the updated plan that permits 151
students enrolled in seventh and eighth grade to meet curriculum 152
requirements based on subject area competency adopted by the 153
state board of education under divisions (J)(1) and (2) of 154
section 3313.603 of the Revised Code. Beginning with the 2018- 155
2019 school year, the school shall comply with the framework for 156
granting units of high school credit to students who demonstrate 157
subject area competency through work-based learning experiences, 158
internships, or cooperative education developed by the 159
department under division (J)(3) of section 3313.603 of the 160
Revised Code. 161

(g) The school governing authority will submit within four 162
months after the end of each school year a report of its 163
activities and progress in meeting the goals and standards of 164
divisions (A) (3) and (4) of this section and its financial 165
status to the sponsor and the parents of all students enrolled 166
in the school. 167

(h) The school, unless it is an internet- or computer- 168
based community school, will comply with section 3313.801 of the 169
Revised Code as if it were a school district. 170

(i) If the school is the recipient of moneys from a grant 171
awarded under the federal race to the top program, Division (A), 172
Title XIV, Sections 14005 and 14006 of the "American Recovery 173
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 174
the school will pay teachers based upon performance in 175
accordance with section 3317.141 and will comply with section 176
3319.111 of the Revised Code as if it were a school district. 177

(j) If the school operates a preschool program that is 178
licensed by the department of education under sections 3301.52 179
to 3301.59 of the Revised Code, the school shall comply with 180
sections 3301.50 to 3301.59 of the Revised Code and the minimum 181
standards for preschool programs prescribed in rules adopted by 182
the state board under section 3301.53 of the Revised Code. 183

(k) The school will comply with sections 3313.6021 and 184
3313.6023 of the Revised Code as if it were a school district 185
unless it is either of the following: 186

(i) An internet- or computer-based community school; 187

(ii) A community school in which a majority of the 188
enrolled students are children with disabilities as described in 189
division (A) (4) (b) of section 3314.35 of the Revised Code. 190

(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

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

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

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

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

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

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

agreement applicable to such employees; 220

(18) Provisions establishing procedures for resolving 221
disputes or differences of opinion between the sponsor and the 222
governing authority of the community school; 223

(19) A provision requiring the governing authority to 224
adopt a policy regarding the admission of students who reside 225
outside the district in which the school is located. That policy 226
shall comply with the admissions procedures specified in 227
sections 3314.06 and 3314.061 of the Revised Code and, at the 228
sole discretion of the authority, shall do one of the following: 229

(a) Prohibit the enrollment of students who reside outside 230
the district in which the school is located; 231

(b) Permit the enrollment of students who reside in 232
districts adjacent to the district in which the school is 233
located; 234

(c) Permit the enrollment of students who reside in any 235
other district in the state. 236

(20) A provision recognizing the authority of the 237
department of education to take over the sponsorship of the 238
school in accordance with the provisions of division (C) of 239
section 3314.015 of the Revised Code; 240

(21) A provision recognizing the sponsor's authority to 241
assume the operation of a school under the conditions specified 242
in division (B) of section 3314.073 of the Revised Code; 243

(22) A provision recognizing both of the following: 244

(a) The authority of public health and safety officials to 245
inspect the facilities of the school and to order the facilities 246
closed if those officials find that the facilities are not in 247

compliance with health and safety laws and regulations; 248

(b) The authority of the department of education as the 249
community school oversight body to suspend the operation of the 250
school under section 3314.072 of the Revised Code if the 251
department has evidence of conditions or violations of law at 252
the school that pose an imminent danger to the health and safety 253
of the school's students and employees and the sponsor refuses 254
to take such action. 255

(23) A description of the learning opportunities that will 256
be offered to students including both classroom-based and non- 257
classroom-based learning opportunities that is in compliance 258
with criteria for student participation established by the 259
department under division (H) (2) of section 3314.08 of the 260
Revised Code; 261

(24) The school will comply with sections 3302.04 and 262
3302.041 of the Revised Code, except that any action required to 263
be taken by a school district pursuant to those sections shall 264
be taken by the sponsor of the school. However, the sponsor 265
shall not be required to take any action described in division 266
(F) of section 3302.04 of the Revised Code. 267

(25) Beginning in the 2006-2007 school year, the school 268
will open for operation not later than the thirtieth day of 269
September each school year, unless the mission of the school as 270
specified under division (A) (2) of this section is solely to 271
serve dropouts. In its initial year of operation, if the school 272
fails to open by the thirtieth day of September, or within one 273
year after the adoption of the contract pursuant to division (D) 274
of section 3314.02 of the Revised Code if the mission of the 275
school is solely to serve dropouts, the contract shall be void. 276

(26) Whether the school's governing authority is planning 277
to seek designation for the school as a STEM school equivalent 278
under section 3326.032 of the Revised Code; 279

(27) That the school's attendance and participation 280
policies will be available for public inspection; 281

(28) That the school's attendance and participation 282
records shall be made available to the department of education, 283
auditor of state, and school's sponsor to the extent permitted 284
under and in accordance with the "Family Educational Rights and 285
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 286
and any regulations promulgated under that act, and section 287
3319.321 of the Revised Code; 288

(29) If a school operates using the blended learning 289
model, as defined in section 3301.079 of the Revised Code, all 290
of the following information: 291

(a) An indication of what blended learning model or models 292
will be used; 293

(b) A description of how student instructional needs will 294
be determined and documented; 295

(c) The method to be used for determining competency, 296
granting credit, and promoting students to a higher grade level; 297

(d) The school's attendance requirements, including how 298
the school will document participation in learning 299
opportunities; 300

(e) A statement describing how student progress will be 301
monitored; 302

(f) A statement describing how private student data will 303
be protected; 304

(g) A description of the professional development 305
activities that will be offered to teachers. 306

(30) A provision requiring that all moneys the school's 307
operator loans to the school, including facilities loans or cash 308
flow assistance, must be accounted for, documented, and bear 309
interest at a fair market rate; 310

(31) A provision requiring that, if the governing 311
authority contracts with an attorney, accountant, or entity 312
specializing in audits, the attorney, accountant, or entity 313
shall be independent from the operator with which the school has 314
contracted. 315

(32) A provision requiring the governing authority to 316
adopt an enrollment and attendance policy that requires a 317
student's parent to notify the community school in which the 318
student is enrolled when there is a change in the location of 319
the parent's or student's primary residence. 320

(33) A provision requiring the governing authority to 321
adopt a student residence and address verification policy for 322
students enrolling in or attending the school. 323

(B) The community school shall also submit to the sponsor 324
a comprehensive plan for the school. The plan shall specify the 325
following: 326

(1) The process by which the governing authority of the 327
school will be selected in the future; 328

(2) The management and administration of the school; 329

(3) If the community school is a currently existing public 330
school or educational service center building, alternative 331
arrangements for current public school students who choose not 332

to attend the converted school and for teachers who choose not 333
to teach in the school or building after conversion; 334

(4) The instructional program and educational philosophy 335
of the school; 336

(5) Internal financial controls. 337

When submitting the plan under this division, the school 338
shall also submit copies of all policies and procedures 339
regarding internal financial controls adopted by the governing 340
authority of the school. 341

(C) A contract entered into under section 3314.02 of the 342
Revised Code between a sponsor and the governing authority of a 343
community school may provide for the community school governing 344
authority to make payments to the sponsor, which is hereby 345
authorized to receive such payments as set forth in the contract 346
between the governing authority and the sponsor. The total 347
amount of such payments for monitoring, oversight, and technical 348
assistance of the school shall not exceed three per cent of the 349
total amount of payments for operating expenses that the school 350
receives from the state. 351

(D) The contract shall specify the duties of the sponsor 352
which shall be in accordance with the written agreement entered 353
into with the department of education under division (B) of 354
section 3314.015 of the Revised Code and shall include the 355
following: 356

(1) Monitor the community school's compliance with all 357
laws applicable to the school and with the terms of the 358
contract; 359

(2) Monitor and evaluate the academic and fiscal 360
performance and the organization and operation of the community 361

school on at least an annual basis; 362

(3) Report on an annual basis the results of the 363
evaluation conducted under division (D) (2) of this section to 364
the department of education and to the parents of students 365
enrolled in the community school; 366

(4) Provide technical assistance to the community school 367
in complying with laws applicable to the school and terms of the 368
contract; 369

(5) Take steps to intervene in the school's operation to 370
correct problems in the school's overall performance, declare 371
the school to be on probationary status pursuant to section 372
3314.073 of the Revised Code, suspend the operation of the 373
school pursuant to section 3314.072 of the Revised Code, or 374
terminate the contract of the school pursuant to section 3314.07 375
of the Revised Code as determined necessary by the sponsor; 376

(6) Have in place a plan of action to be undertaken in the 377
event the community school experiences financial difficulties or 378
closes prior to the end of a school year. 379

(E) Upon the expiration of a contract entered into under 380
this section, the sponsor of a community school may, with the 381
approval of the governing authority of the school, renew that 382
contract for a period of time determined by the sponsor, but not 383
ending earlier than the end of any school year, if the sponsor 384
finds that the school's compliance with applicable laws and 385
terms of the contract and the school's progress in meeting the 386
academic goals prescribed in the contract have been 387
satisfactory. Any contract that is renewed under this division 388
remains subject to the provisions of sections 3314.07, 3314.072, 389
and 3314.073 of the Revised Code. 390

(F) If a community school fails to open for operation 391
within one year after the contract entered into under this 392
section is adopted pursuant to division (D) of section 3314.02 393
of the Revised Code or permanently closes prior to the 394
expiration of the contract, the contract shall be void and the 395
school shall not enter into a contract with any other sponsor. A 396
school shall not be considered permanently closed because the 397
operations of the school have been suspended pursuant to section 398
3314.072 of the Revised Code. 399

Sec. 3326.11. Each science, technology, engineering, and 400
mathematics school established under this chapter and its 401
governing body shall comply with sections 9.90, 9.91, 109.65, 402
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 403
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 404
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 405
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 406
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 407
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 408
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 409
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 410
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 411
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3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 413
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 414
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.238, 415
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 416
3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 417
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 418
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 419
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 420
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 421

4167. of the Revised Code as if it were a school district. 422

Sec. 3328.24. A college-preparatory boarding school 423
established under this chapter and its board of trustees shall 424
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 425
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.6013, 3313.6021, 426
3313.6024, 3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 427
3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 428
3313.819, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 429
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 430
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 431
if the school were a school district and the school's board of 432
trustees were a district board of education. 433

Section 2. That existing sections 3314.03, 3326.11, and 434
3328.24 of the Revised Code are hereby repealed. 435

Section 3. Section 3328.24 of the Revised Code is 436
presented in this act as a composite of the section as amended 437
by both H.B. 82 and H.B. 110 of the 134th General Assembly. The 438
General Assembly, applying the principle stated in division (B) 439
of section 1.52 of the Revised Code that amendments are to be 440
harmonized if reasonably capable of simultaneous operation, 441
finds that the composite is the resulting version of the section 442
in effect prior to the effective date of the section as 443
presented in this act. 444