

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 373

Representatives Carney, Wachtmann

**Cosponsors: Representatives Chandler, Fende, Gardner, Harris, Hite,
Hottinger**

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A B I L L

To amend sections 3301.079, 3301.0714, 3302.02, 1
3302.03, 3313.603, 3313.813, 3313.814, 3314.03, 2
3314.18, 3326.11, and 3326.13 and to enact 3
sections 3301.91, 3301.92, 3301.921, 3301.922, 4
3313.6016, 3313.674, 3313.816, 3313.817, 3319.076, 5
and 3319.227 of the Revised Code to establish 6
nutritional standards for certain foods and 7
beverages sold in public and chartered nonpublic 8
schools; to require public school students to have 9
periodic body mass index measurements; to require 10
daily physical activity for public school students 11
and to make other changes regarding physical 12
education; and to establish the Healthy Choices 13
for Healthy Children Council. 14
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3301.079, 3301.0714, 3302.02, 16
3302.03, 3313.603, 3313.813, 3313.814, 3314.03, 3314.18, 3326.11, 17
and 3326.13 be amended and sections 3301.91, 3301.92, 3301.921, 18
3301.922, 3313.6016, 3313.674, 3313.816, 3313.817, 3319.076, and 19

3319.227 of the Revised Code be enacted to read as follows: 20

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Sec. 3301.079. (A)(1) Not later than June 30, 2010, and at 22
least once every five years thereafter, the state board of 23
education shall adopt statewide academic standards with emphasis 24
on coherence, focus, and rigor for each of grades kindergarten 25
through twelve in English language arts, mathematics, science, and 26
social studies. 27

The standards shall specify the following: 28

(a) The core academic content and skills that students are 29
expected to know and be able to do at each grade level that will 30
allow each student to be prepared for postsecondary instruction 31
and the workplace for success in the twenty-first century; 32

(b) The development of skill sets as they relate to 33
creativity and innovation, critical thinking and problem solving, 34
and communication and collaboration; 35

(c) The development of skill sets that promote information, 36
media, and technological literacy; 37

(d) The development of skill sets that promote personal 38
management, productivity and accountability, and leadership and 39
responsibility; 40

(e) Interdisciplinary, project-based, real-world learning 41
opportunities. 42

(2) After completing the standards required by division 43
(A)(1) of this section, the state board shall adopt standards and 44
model curricula for instruction in computer literacy, financial 45
literacy and entrepreneurship, fine arts, and foreign language for 46
grades kindergarten through twelve. The standards shall meet the 47
same requirements prescribed in divisions (A)(1)(a) to (e) of this 48

section. 49

(3) The state board shall adopt the most recent standards 50
developed by the national association for sport and physical 51
education for physical education in grades kindergarten through 52
twelve or shall adopt its own standards for physical education in 53
those grades and revise and update them periodically. Each school 54
district, community school established under Chapter 3314. of the 55
Revised Code, and STEM school established under Chapter 3326. of 56
the Revised Code shall utilize the standards. 57

The department shall employ a full-time physical education 58
coordinator to provide guidance and technical assistance to 59
districts, ~~community schools,~~ and STEM schools in implementing the 60
physical education standards adopted under this division. The 61
superintendent of public instruction shall determine that the 62
person employed as coordinator is qualified for the position, as 63
demonstrated by possessing an adequate combination of education, 64
license, and experience. 65

(4) When academic standards have been completed for any 66
subject area required by this section, the state board shall 67
inform all school districts, all community schools ~~established 68~~
~~under Chapter 3314. of the Revised Code,~~ all STEM schools 69
~~established under Chapter 3326. of the Revised Code,~~ and all 70
nonpublic schools required to administer the assessments 71
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 72
of the content of those standards. 73

(B) Not later than March 31, 2011, the state board shall 74
adopt a model curriculum for instruction in each subject area for 75
which updated academic standards are required by division (A)(1) 76
of this section and for each of grades kindergarten through twelve 77
that is sufficient to meet the needs of students in every 78
community. The model curriculum shall be aligned with the 79
standards, to ensure that the academic content and skills 80

specified for each grade level are taught to students, and shall 81
demonstrate vertical articulation and emphasize coherence, focus, 82
and rigor. When any model curriculum has been completed, the state 83
board shall inform all school districts, community schools, and 84
STEM schools of the content of that model curriculum. 85

All school districts, community schools, and STEM schools may 86
utilize the state standards and the model curriculum established 87
by the state board, together with other relevant resources, 88
examples, or models to ensure that students have the opportunity 89
to attain the academic standards. Upon request, the department of 90
education shall provide technical assistance to any district, 91
community school, or STEM school in implementing the model 92
curriculum. 93

Nothing in this section requires any school district to 94
utilize all or any part of a model curriculum developed under this 95
division. 96

(C) The state board shall develop achievement assessments 97
aligned with the academic standards and model curriculum for each 98
of the subject areas and grade levels required by divisions (A)(1) 99
and (B)(1) of section 3301.0710 of the Revised Code. 100

When any achievement assessment has been completed, the state 101
board shall inform all school districts, community schools, STEM 102
schools, and nonpublic schools required to administer the 103
assessment of its completion, and the department of education 104
shall make the achievement assessment available to the districts 105
and schools. 106

(D)(1) The state board shall adopt a diagnostic assessment 107
aligned with the academic standards and model curriculum for each 108
of grades kindergarten through two in English language arts and 109
mathematics and for grade three in English language arts. The 110
diagnostic assessment shall be designed to measure student 111

comprehension of academic content and mastery of related skills 112
for the relevant subject area and grade level. Any diagnostic 113
assessment shall not include components to identify gifted 114
students. Blank copies of diagnostic assessments shall be public 115
records. 116

(2) When each diagnostic assessment has been completed, the 117
state board shall inform all school districts of its completion 118
and the department of education shall make the diagnostic 119
assessment available to the districts at no cost to the district. 120
School districts shall administer the diagnostic assessment 121
pursuant to section 3301.0715 of the Revised Code beginning the 122
first school year following the development of the assessment. 123

(E) The state board shall not adopt a diagnostic or 124
achievement assessment for any grade level or subject area other 125
than those specified in this section. 126

(F) Whenever the state board or the department of education 127
consults with persons for the purpose of drafting or reviewing any 128
standards, diagnostic assessments, achievement assessments, or 129
model curriculum required under this section, the state board or 130
the department shall first consult with parents of students in 131
kindergarten through twelfth grade and with active Ohio classroom 132
teachers, other school personnel, and administrators with 133
expertise in the appropriate subject area. Whenever practicable, 134
the state board and department shall consult with teachers 135
recognized as outstanding in their fields. 136

If the department contracts with more than one outside entity 137
for the development of the achievement assessments required by 138
this section, the department shall ensure the interchangeability 139
of those assessments. 140

(G) The fairness sensitivity review committee, established by 141
rule of the state board of education, shall not allow any question 142

on any achievement or diagnostic assessment developed under this 143
section or any proficiency test prescribed by former section 144
3301.0710 of the Revised Code, as it existed prior to September 145
11, 2001, to include, be written to promote, or inquire as to 146
individual moral or social values or beliefs. The decision of the 147
committee shall be final. This section does not create a private 148
cause of action. 149

(H) Not later than forty-five days prior to the initial 150
deadline established under division (A)(1) of this section and the 151
deadline established under division (B) of this section, the 152
superintendent of public instruction shall present the academic 153
standards or model curricula, as applicable, to the respective 154
committees of the house of representatives and senate that 155
consider education legislation. 156

(I) As used in this section: 157

(1) "Coherence" means a reflection of the structure of the 158
discipline being taught. 159

(2) "Focus" means limiting the number of items included in a 160
curriculum to allow for deeper exploration of the subject matter. 161

(3) "Rigor" means more challenging and demanding when 162
compared to international standards. 163

(4) "Vertical articulation" means key academic concepts and 164
skills associated with mastery in particular content areas should 165
be articulated and reinforced in a developmentally appropriate 166
manner at each grade level so that over time students acquire a 167
depth of knowledge and understanding in the core academic 168
disciplines. 169

Sec. 3301.0714. (A) The state board of education shall adopt 170
rules for a statewide education management information system. The 171
rules shall require the state board to establish guidelines for 172

the establishment and maintenance of the system in accordance with 173
this section and the rules adopted under this section. The 174
guidelines shall include: 175

(1) Standards identifying and defining the types of data in 176
the system in accordance with divisions (B) and (C) of this 177
section; 178

(2) Procedures for annually collecting and reporting the data 179
to the state board in accordance with division (D) of this 180
section; 181

(3) Procedures for annually compiling the data in accordance 182
with division (G) of this section; 183

(4) Procedures for annually reporting the data to the public 184
in accordance with division (H) of this section. 185

(B) The guidelines adopted under this section shall require 186
the data maintained in the education management information system 187
to include at least the following: 188

(1) Student participation and performance data, for each 189
grade in each school district as a whole and for each grade in 190
each school building in each school district, that includes: 191

(a) The numbers of students receiving each category of 192
instructional service offered by the school district, such as 193
regular education instruction, vocational education instruction, 194
specialized instruction programs or enrichment instruction that is 195
part of the educational curriculum, instruction for gifted 196
students, instruction for students with disabilities, and remedial 197
instruction. The guidelines shall require instructional services 198
under this division to be divided into discrete categories if an 199
instructional service is limited to a specific subject, a specific 200
type of student, or both, such as regular instructional services 201
in mathematics, remedial reading instructional services, 202
instructional services specifically for students gifted in 203

mathematics or some other subject area, or instructional services 204
for students with a specific type of disability. The categories of 205
instructional services required by the guidelines under this 206
division shall be the same as the categories of instructional 207
services used in determining cost units pursuant to division 208
(C)(3) of this section. 209

(b) The numbers of students receiving support or 210
extracurricular services for each of the support services or 211
extracurricular programs offered by the school district, such as 212
counseling services, health services, and extracurricular sports 213
and fine arts programs. The categories of services required by the 214
guidelines under this division shall be the same as the categories 215
of services used in determining cost units pursuant to division 216
(C)(4)(a) of this section. 217

(c) Average student grades in each subject in grades nine 218
through twelve; 219

(d) Academic achievement levels as assessed under sections 220
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 221

(e) The number of students designated as having a disabling 222
condition pursuant to division (C)(1) of section 3301.0711 of the 223
Revised Code; 224

(f) The numbers of students reported to the state board 225
pursuant to division (C)(2) of section 3301.0711 of the Revised 226
Code; 227

(g) Attendance rates and the average daily attendance for the 228
year. For purposes of this division, a student shall be counted as 229
present for any field trip that is approved by the school 230
administration. 231

(h) Expulsion rates; 232

(i) Suspension rates; 233

(j) Dropout rates;	234
(k) Rates of retention in grade;	235
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	236 237 238
(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;	239 240 241 242 243
(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 if the parent of that student requests the district not to report those results.	244 245 246 247 248 249 250
<u>(o) Aggregate results of student screenings for body mass index and weight status category required under section 3313.674 of the Revised Code.</u>	251 252 253
(2) Personnel and classroom enrollment data for each school district, including:	254 255
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a	256 257 258 259 260 261 262 263 264

whole, and for each grade in each school building. 265

(b) The total number of employees and the number of full-time 266
equivalent employees providing each category of service used 267
pursuant to divisions (C)(4)(a) and (b) of this section, and the 268
total numbers of licensed employees and nonlicensed employees and 269
the numbers of full-time equivalent licensed employees and 270
nonlicensed employees providing each category used pursuant to 271
division (C)(4)(c) of this section. The guidelines adopted under 272
this section shall require these categories of data to be 273
maintained for the school district as a whole and, wherever 274
applicable, for each grade in the school district as a whole, for 275
each school building as a whole, and for each grade in each school 276
building. 277

(c) The total number of regular classroom teachers teaching 278
classes of regular education and the average number of pupils 279
enrolled in each such class, in each of grades kindergarten 280
through five in the district as a whole and in each school 281
building in the school district. 282

(d) The number of lead teachers employed by each school 283
district and each school building. 284

(3)(a) Student demographic data for each school district, 285
including information regarding the gender ratio of the school 286
district's pupils, the racial make-up of the school district's 287
pupils, the number of limited English proficient students in the 288
district, and an appropriate measure of the number of the school 289
district's pupils who reside in economically disadvantaged 290
households. The demographic data shall be collected in a manner to 291
allow correlation with data collected under division (B)(1) of 292
this section. Categories for data collected pursuant to division 293
(B)(3) of this section shall conform, where appropriate, to 294
standard practices of agencies of the federal government. 295

(b) With respect to each student entering kindergarten, 296
whether the student previously participated in a public preschool 297
program, a private preschool program, or a head start program, and 298
the number of years the student participated in each of these 299
programs. 300

(4) Any data required to be collected pursuant to federal 301
law. 302

(C) The education management information system shall include 303
cost accounting data for each district as a whole and for each 304
school building in each school district. The guidelines adopted 305
under this section shall require the cost data for each school 306
district to be maintained in a system of mutually exclusive cost 307
units and shall require all of the costs of each school district 308
to be divided among the cost units. The guidelines shall require 309
the system of mutually exclusive cost units to include at least 310
the following: 311

(1) Administrative costs for the school district as a whole. 312
The guidelines shall require the cost units under this division 313
(C)(1) to be designed so that each of them may be compiled and 314
reported in terms of average expenditure per pupil in formula ADM 315
in the school district, as determined pursuant to section 3317.03 316
of the Revised Code. 317

(2) Administrative costs for each school building in the 318
school district. The guidelines shall require the cost units under 319
this division (C)(2) to be designed so that each of them may be 320
compiled and reported in terms of average expenditure per 321
full-time equivalent pupil receiving instructional or support 322
services in each building. 323

(3) Instructional services costs for each category of 324
instructional service provided directly to students and required 325
by guidelines adopted pursuant to division (B)(1)(a) of this 326

section. The guidelines shall require the cost units under 327
division (C)(3) of this section to be designed so that each of 328
them may be compiled and reported in terms of average expenditure 329
per pupil receiving the service in the school district as a whole 330
and average expenditure per pupil receiving the service in each 331
building in the school district and in terms of a total cost for 332
each category of service and, as a breakdown of the total cost, a 333
cost for each of the following components: 334

(a) The cost of each instructional services category required 335
by guidelines adopted under division (B)(1)(a) of this section 336
that is provided directly to students by a classroom teacher; 337

(b) The cost of the instructional support services, such as 338
services provided by a speech-language pathologist, classroom 339
aide, multimedia aide, or librarian, provided directly to students 340
in conjunction with each instructional services category; 341

(c) The cost of the administrative support services related 342
to each instructional services category, such as the cost of 343
personnel that develop the curriculum for the instructional 344
services category and the cost of personnel supervising or 345
coordinating the delivery of the instructional services category. 346

(4) Support or extracurricular services costs for each 347
category of service directly provided to students and required by 348
guidelines adopted pursuant to division (B)(1)(b) of this section. 349
The guidelines shall require the cost units under division (C)(4) 350
of this section to be designed so that each of them may be 351
compiled and reported in terms of average expenditure per pupil 352
receiving the service in the school district as a whole and 353
average expenditure per pupil receiving the service in each 354
building in the school district and in terms of a total cost for 355
each category of service and, as a breakdown of the total cost, a 356
cost for each of the following components: 357

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the

school district or the information technology center operated 390
under section 3301.075 of the Revised Code and is authorized by 391
the district or technology center to have access to such 392
information or is employed by an entity with which the department 393
contracts for the scoring of assessments administered under 394
section 3301.0711 of the Revised Code. The guidelines may require 395
school districts to provide the social security numbers of 396
individual staff members. 397

(2) The guidelines shall provide for each school district or 398
community school to assign a data verification code that is unique 399
on a statewide basis over time to each student whose initial Ohio 400
enrollment is in that district or school and to report all 401
required individual student data for that student utilizing such 402
code. The guidelines shall also provide for assigning data 403
verification codes to all students enrolled in districts or 404
community schools on the effective date of the guidelines 405
established under this section. 406

Individual student data shall be reported to the department 407
through the information technology centers utilizing the code but, 408
except as provided in sections 3310.11, 3310.42, 3313.978, and 409
3317.20 of the Revised Code, at no time shall the state board or 410
the department have access to information that would enable any 411
data verification code to be matched to personally identifiable 412
student data. 413

Each school district shall ensure that the data verification 414
code is included in the student's records reported to any 415
subsequent school district or community school in which the 416
student enrolls. Any such subsequent district or school shall 417
utilize the same identifier in its reporting of data under this 418
section. 419

The director of health shall request and receive, pursuant to 420
sections 3301.0723 and 3701.62 of the Revised Code, a data 421

verification code for a child who is receiving services under 422
division (A)(2) of section 3701.61 of the Revised Code. 423

(E) The guidelines adopted under this section may require 424
school districts to collect and report data, information, or 425
reports other than that described in divisions (A), (B), and (C) 426
of this section for the purpose of complying with other reporting 427
requirements established in the Revised Code. The other data, 428
information, or reports may be maintained in the education 429
management information system but are not required to be compiled 430
as part of the profile formats required under division (G) of this 431
section or the annual statewide report required under division (H) 432
of this section. 433

(F) Beginning with the school year that begins July 1, 1991, 434
the board of education of each school district shall annually 435
collect and report to the state board, in accordance with the 436
guidelines established by the board, the data required pursuant to 437
this section. A school district may collect and report these data 438
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 439

(G) The state board shall, in accordance with the procedures 440
it adopts, annually compile the data reported by each school 441
district pursuant to division (D) of this section. The state board 442
shall design formats for profiling each school district as a whole 443
and each school building within each district and shall compile 444
the data in accordance with these formats. These profile formats 445
shall: 446

(1) Include all of the data gathered under this section in a 447
manner that facilitates comparison among school districts and 448
among school buildings within each school district; 449

(2) Present the data on academic achievement levels as 450
assessed by the testing of student achievement maintained pursuant 451
to division (B)(1)(d) of this section. 452

(H)(1) The state board shall, in accordance with the 453
procedures it adopts, annually prepare a statewide report for all 454
school districts and the general public that includes the profile 455
of each of the school districts developed pursuant to division (G) 456
of this section. Copies of the report shall be sent to each school 457
district. 458

(2) The state board shall, in accordance with the procedures 459
it adopts, annually prepare an individual report for each school 460
district and the general public that includes the profiles of each 461
of the school buildings in that school district developed pursuant 462
to division (G) of this section. Copies of the report shall be 463
sent to the superintendent of the district and to each member of 464
the district board of education. 465

(3) Copies of the reports received from the state board under 466
divisions (H)(1) and (2) of this section shall be made available 467
to the general public at each school district's offices. Each 468
district board of education shall make copies of each report 469
available to any person upon request and payment of a reasonable 470
fee for the cost of reproducing the report. The board shall 471
annually publish in a newspaper of general circulation in the 472
school district, at least twice during the two weeks prior to the 473
week in which the reports will first be available, a notice 474
containing the address where the reports are available and the 475
date on which the reports will be available. 476

(I) Any data that is collected or maintained pursuant to this 477
section and that identifies an individual pupil is not a public 478
record for the purposes of section 149.43 of the Revised Code. 479

(J) As used in this section: 480

(1) "School district" means any city, local, exempted 481
village, or joint vocational school district and, in accordance 482
with section 3314.17 of the Revised Code, any community school. As 483

used in division (L) of this section, "school district" also 484
includes any educational service center or other educational 485
entity required to submit data using the system established under 486
this section. 487

(2) "Cost" means any expenditure for operating expenses made 488
by a school district excluding any expenditures for debt 489
retirement except for payments made to any commercial lending 490
institution for any loan approved pursuant to section 3313.483 of 491
the Revised Code. 492

(K) Any person who removes data from the information system 493
established under this section for the purpose of releasing it to 494
any person not entitled under law to have access to such 495
information is subject to section 2913.42 of the Revised Code 496
prohibiting tampering with data. 497

(L)(1) In accordance with division (L)(2) of this section and 498
the rules adopted under division (L)(10) of this section, the 499
department of education may sanction any school district that 500
reports incomplete or inaccurate data, reports data that does not 501
conform to data requirements and descriptions published by the 502
department, fails to report data in a timely manner, or otherwise 503
does not make a good faith effort to report data as required by 504
this section. 505

(2) If the department decides to sanction a school district 506
under this division, the department shall take the following 507
sequential actions: 508

(a) Notify the district in writing that the department has 509
determined that data has not been reported as required under this 510
section and require the district to review its data submission and 511
submit corrected data by a deadline established by the department. 512
The department also may require the district to develop a 513
corrective action plan, which shall include provisions for the 514

district to provide mandatory staff training on data reporting 515
procedures. 516

(b) Withhold up to ten per cent of the total amount of state 517
funds due to the district for the current fiscal year and, if not 518
previously required under division (L)(2)(a) of this section, 519
require the district to develop a corrective action plan in 520
accordance with that division; 521

(c) Withhold an additional amount of up to twenty per cent of 522
the total amount of state funds due to the district for the 523
current fiscal year; 524

(d) Direct department staff or an outside entity to 525
investigate the district's data reporting practices and make 526
recommendations for subsequent actions. The recommendations may 527
include one or more of the following actions: 528

(i) Arrange for an audit of the district's data reporting 529
practices by department staff or an outside entity; 530

(ii) Conduct a site visit and evaluation of the district; 531

(iii) Withhold an additional amount of up to thirty per cent 532
of the total amount of state funds due to the district for the 533
current fiscal year; 534

(iv) Continue monitoring the district's data reporting; 535

(v) Assign department staff to supervise the district's data 536
management system; 537

(vi) Conduct an investigation to determine whether to suspend 538
or revoke the license of any district employee in accordance with 539
division (N) of this section; 540

(vii) If the district is issued a report card under section 541
3302.03 of the Revised Code, indicate on the report card that the 542
district has been sanctioned for failing to report data as 543
required by this section; 544

(viii) If the district is issued a report card under section 545
3302.03 of the Revised Code and incomplete or inaccurate data 546
submitted by the district likely caused the district to receive a 547
higher performance rating than it deserved under that section, 548
issue a revised report card for the district; 549

(ix) Any other action designed to correct the district's data 550
reporting problems. 551

(3) Any time the department takes an action against a school 552
district under division (L)(2) of this section, the department 553
shall make a report of the circumstances that prompted the action. 554
The department shall send a copy of the report to the district 555
superintendent or chief administrator and maintain a copy of the 556
report in its files. 557

(4) If any action taken under division (L)(2) of this section 558
resolves a school district's data reporting problems to the 559
department's satisfaction, the department shall not take any 560
further actions described by that division. If the department 561
withheld funds from the district under that division, the 562
department may release those funds to the district, except that if 563
the department withheld funding under division (L)(2)(c) of this 564
section, the department shall not release the funds withheld under 565
division (L)(2)(b) of this section and, if the department withheld 566
funding under division (L)(2)(d) of this section, the department 567
shall not release the funds withheld under division (L)(2)(b) or 568
(c) of this section. 569

(5) Notwithstanding anything in this section to the contrary, 570
the department may use its own staff or an outside entity to 571
conduct an audit of a school district's data reporting practices 572
any time the department has reason to believe the district has not 573
made a good faith effort to report data as required by this 574
section. If any audit conducted by an outside entity under 575
division (L)(2)(d)(i) or (5) of this section confirms that a 576

district has not made a good faith effort to report data as 577
required by this section, the district shall reimburse the 578
department for the full cost of the audit. The department may 579
withhold state funds due to the district for this purpose. 580

(6) Prior to issuing a revised report card for a school 581
district under division (L)(2)(d)(viii) of this section, the 582
department may hold a hearing to provide the district with an 583
opportunity to demonstrate that it made a good faith effort to 584
report data as required by this section. The hearing shall be 585
conducted by a referee appointed by the department. Based on the 586
information provided in the hearing, the referee shall recommend 587
whether the department should issue a revised report card for the 588
district. If the referee affirms the department's contention that 589
the district did not make a good faith effort to report data as 590
required by this section, the district shall bear the full cost of 591
conducting the hearing and of issuing any revised report card. 592

(7) If the department determines that any inaccurate data 593
reported under this section caused a school district to receive 594
excess state funds in any fiscal year, the district shall 595
reimburse the department an amount equal to the excess funds, in 596
accordance with a payment schedule determined by the department. 597
The department may withhold state funds due to the district for 598
this purpose. 599

(8) Any school district that has funds withheld under 600
division (L)(2) of this section may appeal the withholding in 601
accordance with Chapter 119. of the Revised Code. 602

(9) In all cases of a disagreement between the department and 603
a school district regarding the appropriateness of an action taken 604
under division (L)(2) of this section, the burden of proof shall 605
be on the district to demonstrate that it made a good faith effort 606
to report data as required by this section. 607

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

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

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

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

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.91. The department of education shall establish a clearinghouse of best practices in the areas of student nutrition, physical activity for students, and body mass index screenings

that schools may use to promote student health. In developing the 638
clearinghouse, the department shall consider the recommendations 639
made by the healthy choices for healthy children council under 640
section 3301.921 of the Revised Code. 641

Sec. 3301.92. (A) The healthy choices for healthy children 642
council is hereby established. The council shall consist of the 643
following members: 644

(1) Three representatives of the Ohio children's hospital 645
association; 646

(2) Three representatives of the Ohio chapter of the American 647
academy of pediatrics; 648

(3) Three representatives of the Ohio business roundtable; 649

(4) Three representatives of Ohio action for healthy kids; 650

(5) Three representatives of the American heart association; 651

(6) Three representatives of school districts whose job 652
responsibilities involve promoting student health and wellness. 653

(B) The governor, the president of the senate, and the 654
speaker of the house of representatives each shall appoint one 655
representative of each organization listed in divisions (A)(1) to 656
(5) of this section. Each such organization shall submit 657
recommendations for the appointments. The governor, president, and 658
speaker each shall appoint one representative of school districts 659
under division (A)(6) of this section. The Ohio school boards 660
association shall submit recommendations for those appointments. 661

(C) Members of the council shall serve at the pleasure of 663
their appointing authority. Vacancies shall be filled in the same 664
manner as the original appointment. Members shall not be 665
compensated. 666

(D) A representative of the Ohio business roundtable shall 667
call the first meeting of the council. At that meeting, the 668
council shall select a chairperson from among its members. All 669
subsequent meetings shall be held at the call of the chairperson. 670
The organization or entity represented by the chairperson shall 671
provide administrative support to the council. 672

Sec. 3301.921. The healthy choices for healthy children 673
council shall do all of the following: 674

(A) Monitor progress in improving student health and 675
wellness; 676

(B) Make periodic policy recommendations to the state board 677
of education regarding ways to improve the nutritional standards 678
for food and beverages prescribed by sections 3313.816 and 679
3313.817 of the Revised Code; 680

(C) Make periodic recommendations to the department of 681
education for the development of the best practices clearinghouse 682
required by section 3301.91 of the Revised Code; 683

(D) Assist the department in developing a list of resources 684
regarding health risks associated with weight status for 685
distribution to parents and guardians under division (E) of 686
section 3313.674 of the Revised Code; 687

(E) Regularly review developments in science and nutrition to 688
ensure the council remains informed for purposes of making 689
recommendations under divisions (B) and (C) of this section. 690

Sec. 3301.922. (A) The department of education shall issue an 691
annual report on the following: 692

(1) The compliance of public and chartered nonpublic schools 693
with the requirements of sections 3313.814, 3313.816, and 3313.817 694
of the Revised Code regarding nutritional standards for food and 695

beverages in schools; 696

(2) The compliance of public schools with the requirements of 697
sections 3313.6016 and 3313.674 of the Revised Code. 698

(B) The department shall include in each report any data 699
regarding student health and wellness collected by the department 700
in conjunction with the requirements described in division (A) of 701
this section. 702

(C) The department shall submit each report to the governor, 703
the general assembly, and the healthy choices for healthy children 704
council. 705

Sec. 3302.02. The state board of education annually through 706
2007, and every six years thereafter, shall establish at least 707
seventeen performance indicators for the report cards required by 708
division (C) of section 3302.03 of the Revised Code. In 709
establishing these indicators, the state board shall consider 710
inclusion of student performance on any tests given under section 711
3301.0710 or 3301.0712 of the Revised Code, rates of student 712
improvement on such tests, student attendance, the breadth of 713
coursework available within the district, and other indicators of 714
student success. The Not later than December 31, 2010, the state 715
board shall establish a performance indicator that is based on 716
student success in meeting the benchmarks contained in the 717
physical education standards adopted under division (A)(3) of 718
section 3301.079 of the Revised Code and on compliance with the 719
requirements for local wellness policies prescribed by the "Child 720
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. 721
Following establishment of this indicator, the department of 722
education shall issue guidance to school districts and buildings 723
explaining how the indicator will be used for evaluation and how 724
the indicator will factor into the performance ratings issued 725
under section 3302.03 of the Revised Code, beginning with the 726

ratings issued for the 2011-2012 school year. 727

The state board shall inform the Ohio accountability task 728
force established under section 3302.021 of the Revised Code of 729
the performance indicators it establishes under this section and 730
the rationale for choosing each indicator and for determining how 731
a school district or building meets that indicator. 732

The state board shall not establish any performance indicator 733
for passage of the third or fourth grade reading test that is 734
solely based on the test given in the fall for the purpose of 735
determining whether students have met the reading guarantee 736
provisions of section 3313.608 of the Revised Code. 737

Sec. 3302.03. (A) Annually the department of education shall 738
report for each school district and each school building in a 739
district all of the following: 740

(1) The extent to which the school district or building meets 741
each of the applicable performance indicators created by the state 742
board of education under section 3302.02 of the Revised Code and 743
the number of applicable performance indicators that have been 744
achieved; 745

(2) The performance index score of the school district or 746
building; 747

(3) Whether the school district or building has made adequate 748
yearly progress; 749

(4) Whether the school district or building is excellent, 750
effective, needs continuous improvement, is under an academic 751
watch, or is in a state of academic emergency. 752

(B) Except as otherwise provided in divisions (B)(6) and (7) 753
of this section: 754

(1) A school district or building shall be declared excellent 755
if it fulfills one of the following requirements: 756

(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(2) A school district or building shall be declared effective if it fulfills one of the following requirements:

(a) It makes adequate yearly progress and either meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(b) It does not make adequate yearly progress and either meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for three consecutive years, it shall be declared in need of continuous improvement.

(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:

(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department.

(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a

performance index score established by the department. 788

(4) A school district or building shall be declared to be 789
under an academic watch if it does not make adequate yearly 790
progress and either meets at least thirty-one per cent but less 791
than fifty per cent of the applicable state performance indicators 792
or has a performance index score established by the department. 793
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(5) A school district or building shall be declared to be in 795
a state of academic emergency if it does not make adequate yearly 796
progress, does not meet at least thirty-one per cent of the 797
applicable state performance indicators, and has a performance 798
index score established by the department. 799

(6) When designating performance ratings for school districts 800
and buildings under divisions (B)(1) to (5) of this section, the 801
department shall not assign a school district or building a lower 802
designation from its previous year's designation based solely on 803
one subgroup not making adequate yearly progress. 804

(7) Division (B)(7) of this section does not apply to any 805
community school established under Chapter 3314. of the Revised 806
Code in which a majority of the students are enrolled in a dropout 807
prevention and recovery program. 808

A school district or building shall not be assigned a higher 809
performance rating than in need of continuous improvement if at 810
least ten per cent but not more than fifteen per cent of the 811
enrolled students do not take all achievement assessments 812
prescribed for their grade level under division (A)(1) or (B)(1) 813
of section 3301.0710 of the Revised Code from which they are not 814
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 815
the Revised Code. A school district or building shall not be 816
assigned a higher performance rating than under an academic watch 817
if more than fifteen per cent but not more than twenty per cent of 818

the enrolled students do not take all achievement assessments 819
prescribed for their grade level under division (A)(1) or (B)(1) 820
of section 3301.0710 of the Revised Code from which they are not 821
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 822
the Revised Code. A school district or building shall not be 823
assigned a higher performance rating than in a state of academic 824
emergency if more than twenty per cent of the enrolled students do 825
not take all achievement assessments prescribed for their grade 826
level under division (A)(1) or (B)(1) of section 3301.0710 of the 827
Revised Code from which they are not excused pursuant to division 828
(C)(1) or (3) of section 3301.0711 of the Revised Code. 829

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(C)(1) The department shall issue annual report cards for 831
each school district, each building within each district, and for 832
the state as a whole reflecting performance on the indicators 833
created by the state board under section 3302.02 of the Revised 834
Code, the performance index score, and adequate yearly progress. 835

(2) The department shall include on the report card for each 836
district information pertaining to any change from the previous 837
year made by the school district or school buildings within the 838
district on any performance indicator. 839

(3) When reporting data on student performance, the 840
department shall disaggregate that data according to the following 841
categories: 842

(a) Performance of students by age group; 843

(b) Performance of students by race and ethnic group; 844

(c) Performance of students by gender; 845

(d) Performance of students grouped by those who have been 846
enrolled in a district or school for three or more years; 847

(e) Performance of students grouped by those who have been 848

enrolled in a district or school for more than one year and less than three years;	849
	850
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	851
	852
(g) Performance of students grouped by those who are economically disadvantaged;	853
	854
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	855
	856
	857
(i) Performance of students grouped by those who are classified as limited English proficient;	858
	859
(j) Performance of students grouped by those who have disabilities;	860
	861
(k) Performance of students grouped by those who are classified as migrants;	862
	863
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	864
	865
	866
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	867
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In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of	873
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this section that contains less than ten students. 879

(4) The department may include with the report cards any 880
additional education and fiscal performance data it deems 881
valuable. 882

(5) The department shall include on each report card a list 883
of additional information collected by the department that is 884
available regarding the district or building for which the report 885
card is issued. When available, such additional information shall 886
include student mobility data disaggregated by race and 887
socioeconomic status, college enrollment data, and the reports 888
prepared under section 3302.031 of the Revised Code. 889

The department shall maintain a site on the world wide web. 890
The report card shall include the address of the site and shall 891
specify that such additional information is available to the 892
public at that site. The department shall also provide a copy of 893
each item on the list to the superintendent of each school 894
district. The district superintendent shall provide a copy of any 895
item on the list to anyone who requests it. 896

(6)(a) This division does not apply to conversion community 897
schools that primarily enroll students between sixteen and 898
twenty-two years of age who dropped out of high school or are at 899
risk of dropping out of high school due to poor attendance, 900
disciplinary problems, or suspensions. 901

For any district that sponsors a conversion community school 902
under Chapter 3314. of the Revised Code, the department shall 903
combine data regarding the academic performance of students 904
enrolled in the community school with comparable data from the 905
schools of the district for the purpose of calculating the 906
performance of the district as a whole on the report card issued 907
for the district. 908

(b) Any district that leases a building to a community school 909

located in the district or that enters into an agreement with a 910
community school located in the district whereby the district and 911
the school endorse each other's programs may elect to have data 912
regarding the academic performance of students enrolled in the 913
community school combined with comparable data from the schools of 914
the district for the purpose of calculating the performance of the 915
district as a whole on the district report card. Any district that 916
so elects shall annually file a copy of the lease or agreement 917
with the department. 918

(7) The department shall include on each report card the 919
percentage of teachers in the district or building who are highly 920
qualified, as defined by the "No Child Left Behind Act of 2001," 921
and a comparison of that percentage with the percentages of such 922
teachers in similar districts and buildings. 923

(8) The department shall include on the report card the 924
number of lead teachers employed by each district and each 925
building once the data is available from the education management 926
information system established under section 3301.0714 of the 927
Revised Code. 928

(9) The department shall include on each report card the 929
percentage of students enrolled in the district or building in 930
kindergarten, third grade, fifth grade, and ninth grade who are in 931
each of the following weight status categories: 932

(a) Underweight; 933

(b) Healthy weight; 934

(c) Overweight; 935

(d) Obese. 936

(D)(1) In calculating English language arts, mathematics, 937
social studies, or science assessment passage rates used to 938
determine school district or building performance under this 939

section, the department shall include all students taking an 940
assessment with accommodation or to whom an alternate assessment 941
is administered pursuant to division (C)(1) or (3) of section 942
3301.0711 of the Revised Code. 943

(2) In calculating performance index scores, rates of 944
achievement on the performance indicators established by the state 945
board under section 3302.02 of the Revised Code, and adequate 946
yearly progress for school districts and buildings under this 947
section, the department shall do all of the following: 948

(a) Include for each district or building only those students 949
who are included in the ADM certified for the first full school 950
week of October and are continuously enrolled in the district or 951
building through the time of the spring administration of any 952
assessment prescribed by division (A)(1) or (B)(1) of section 953
3301.0710 of the Revised Code that is administered to the 954
student's grade level; 955

(b) Include cumulative totals from both the fall and spring 956
administrations of the third grade English language arts 957
achievement assessment; 958

(c) Except as required by the "No Child Left Behind Act of 959
2001" for the calculation of adequate yearly progress, exclude for 960
each district or building any limited English proficient student 961
who has been enrolled in United States schools for less than one 962
full school year. 963

Sec. 3313.603. (A) As used in this section: 964

(1) "One unit" means a minimum of one hundred twenty hours of 965
course instruction, except that ~~for~~: 966

(a) For a laboratory course, "one unit" means a minimum of 967
one hundred fifty hours of course instruction. 968

(b) For a physical education course, "one unit" means a 969

<u>minimum of two hundred forty hours of course instruction.</u>	970
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	971 972 973 974
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	975 976 977 978 979
(1) English language arts, four units;	980
(2) Health, one-half unit;	981
(3) Mathematics, three units;	982
(4) Physical education, one-half unit;	983
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	984 985 986
(a) Biological sciences, one unit;	987
(b) Physical sciences, one unit.	988
(6) Social studies, three units, which shall include both of the following:	989 990
(a) American history, one-half unit;	991
(b) American government, one-half unit.	992
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	993 994
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	995 996 997

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty <u>and one-half</u> units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	998 999 1000 1001 1002 1003 1004
(1) English language arts, four units;	1005
(2) Health, one-half unit;	1006
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	1007 1008
(4) Physical education, one-half <u>one</u> unit;	1009
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	1010 1011 1012 1013
(a) Physical sciences, one unit;	1014
(b) Life sciences, one unit;	1015
(c) Advanced study in one or more of the following sciences, one unit:	1016 1017
(i) Chemistry, physics, or other physical science;	1018
(ii) Advanced biology or other life science;	1019
(iii) Astronomy, physical geology, or other earth or space science.	1020 1021
(6) Social studies, three units, which shall include both of the following:	1022 1023
(a) American history, one-half unit;	1024
(b) American government, one-half unit.	1025

Each school shall integrate the study of economics and 1026
financial literacy, as expressed in the social studies academic 1027
content standards adopted by the state board of education under 1028
division (A)(1) of section 3301.079 of the Revised Code and the 1029
academic content standards for financial literacy and 1030
entrepreneurship adopted under division (A)(2) of that section, 1031
into one or more existing social studies credits required under 1032
division (C)(6) of this section, or into the content of another 1033
class, so that every high school student receives instruction in 1034
those concepts. In developing the curriculum required by this 1035
paragraph, schools shall use available public-private partnerships 1036
and resources and materials that exist in business, industry, and 1037
through the centers for economics education at institutions of 1038
higher education in the state. 1039

(7) Five units consisting of one or any combination of 1040
foreign language, fine arts, business, career-technical education, 1041
family and consumer sciences, technology, agricultural education, 1042
or English language arts, mathematics, science, or social studies 1043
courses not otherwise required under division (C) of this section. 1044

Ohioans must be prepared to apply increased knowledge and 1045
skills in the workplace and to adapt their knowledge and skills 1046
quickly to meet the rapidly changing conditions of the 1047
twenty-first century. National studies indicate that all high 1048
school graduates need the same academic foundation, regardless of 1049
the opportunities they pursue after graduation. The goal of Ohio's 1050
system of elementary and secondary education is to prepare all 1051
students for and seamlessly connect all students to success in 1052
life beyond high school graduation, regardless of whether the next 1053
step is entering the workforce, beginning an apprenticeship, 1054
engaging in post-secondary training, serving in the military, or 1055
pursuing a college degree. 1056

The Ohio core curriculum is the standard expectation for all 1057

students entering ninth grade for the first time at a public or 1058
chartered nonpublic high school on or after July 1, 2010. A 1059
student may satisfy this expectation through a variety of methods, 1060
including, but not limited to, integrated, applied, 1061
career-technical, and traditional coursework. 1062

Whereas teacher quality is essential for student success in 1063
completing the Ohio core curriculum, the general assembly shall 1064
appropriate funds for strategic initiatives designed to strengthen 1065
schools' capacities to hire and retain highly qualified teachers 1066
in the subject areas required by the curriculum. Such initiatives 1067
are expected to require an investment of \$120,000,000 over five 1068
years. 1069

Stronger coordination between high schools and institutions 1070
of higher education is necessary to prepare students for more 1071
challenging academic endeavors and to lessen the need for academic 1072
remediation in college, thereby reducing the costs of higher 1073
education for Ohio's students, families, and the state. The state 1074
board of education and the chancellor of the Ohio board of regents 1075
shall develop policies to ensure that only in rare instances will 1076
students who complete the Ohio core curriculum require academic 1077
remediation after high school. 1078

School districts, community schools, and chartered nonpublic 1079
schools shall integrate technology into learning experiences 1080
whenever practicable across the curriculum in order to maximize 1081
efficiency, enhance learning, and prepare students for success in 1082
the technology-driven twenty-first century. Districts and schools 1083
may use distance and web-based course delivery as a method of 1084
providing or augmenting all instruction required under this 1085
division, including laboratory experience in science. Districts 1086
and schools shall whenever practicable utilize technology access 1087
and electronic learning opportunities provided by the eTech Ohio 1088
commission, the Ohio learning network, education technology 1089

centers, public television stations, and other public and private 1090
providers. 1091

(D) Except as provided in division (E) of this section, a 1092
student who enters ninth grade on or after July 1, 2010, and 1093
before July 1, 2014, may qualify for graduation from a public or 1094
chartered nonpublic high school even though the student has not 1095
completed the Ohio core curriculum prescribed in division (C) of 1096
this section if all of the following conditions are satisfied: 1097

(1) After the student has attended high school for two years, 1098
as determined by the school, the student and the student's parent, 1099
guardian, or custodian sign and file with the school a written 1100
statement asserting the parent's, guardian's, or custodian's 1101
consent to the student's graduating without completing the Ohio 1102
core curriculum and acknowledging that one consequence of not 1103
completing the Ohio core curriculum is ineligibility to enroll in 1104
most state universities in Ohio without further coursework. 1105

(2) The student and parent, guardian, or custodian fulfill 1106
any procedural requirements the school stipulates to ensure the 1107
student's and parent's, guardian's, or custodian's informed 1108
consent and to facilitate orderly filing of statements under 1109
division (D)(1) of this section. 1110

(3) The student and the student's parent, guardian, or 1111
custodian and a representative of the student's high school 1112
jointly develop an individual career plan for the student that 1113
specifies the student matriculating to a two-year degree program, 1114
acquiring a business and industry credential, or entering an 1115
apprenticeship. 1116

(4) The student's high school provides counseling and support 1117
for the student related to the plan developed under division 1118
(D)(3) of this section during the remainder of the student's high 1119
school experience. 1120

(5) The student successfully completes, at a minimum, the 1121
curriculum prescribed in division (B) of this section, except that 1122
the student shall complete an additional one-half unit of physical 1123
education. 1124

The department of education, in collaboration with the ~~the~~ 1125
chancellor of the Ohio board of regents, shall analyze student 1126
performance data to determine if there are mitigating factors that 1127
warrant extending the exception permitted by division (D) of this 1128
section to high school classes beyond those entering ninth grade 1129
before July 1, 2014. The department shall submit its findings and 1130
any recommendations not later than August 1, 2014, to the speaker 1131
and minority leader of the house of representatives, the president 1132
and minority leader of the senate, the chairpersons and ranking 1133
minority members of the standing committees of the house of 1134
representatives and the senate that consider education 1135
legislation, the state board of education, and the superintendent 1136
of public instruction. 1137

(E) Each school district and chartered nonpublic school 1138
retains the authority to require an even more rigorous minimum 1139
curriculum for high school graduation than specified in division 1140
(B) or (C) of this section. A school district board of education, 1141
through the adoption of a resolution, or the governing authority 1142
of a chartered nonpublic school may stipulate any of the 1143
following: 1144

(1) A minimum high school curriculum that requires more ~~than~~ 1145
~~twenty~~ units of academic credit to graduate than specified in 1146
those divisions; 1147

(2) An exception to the district's or school's minimum high 1148
school curriculum that is comparable to the exception provided in 1149
division (D) of this section but with additional requirements, 1150
which may include a requirement that the student successfully 1151
complete more than the minimum curriculum prescribed in division 1152

(B) of this section;	1153
(3) That no exception comparable to that provided in division	1154
(D) of this section is available.	1155
(F) A student enrolled in a dropout prevention and recovery	1156
program, which program has received a waiver from the department	1157
of education, may qualify for graduation from high school by	1158
successfully completing a competency-based instructional program	1159
administered by the dropout prevention and recovery program in	1160
lieu of completing the Ohio core curriculum prescribed in division	1161
(C) of this section. The department shall grant a waiver to a	1162
dropout prevention and recovery program, within sixty days after	1163
the program applies for the waiver, if the program meets all of	1164
the following conditions:	1165
(1) The program serves only students not younger than sixteen	1166
years of age and not older than twenty-one years of age.	1167
(2) The program enrolls students who, at the time of their	1168
initial enrollment, either, or both, are at least one grade level	1169
behind their cohort age groups or experience crises that	1170
significantly interfere with their academic progress such that	1171
they are prevented from continuing their traditional programs.	1172
(3) The program requires students to attain at least the	1173
applicable score designated for each of the assessments prescribed	1174
under division (B)(1) of section 3301.0710 of the Revised Code or,	1175
to the extent prescribed by rule of the state board of education	1176
under division (E)(6) of section 3301.0712 of the Revised Code,	1177
division (B)(2) of that section.	1178
(4) The program develops an individual career plan for the	1179
student that specifies the student's matriculating to a two-year	1180
degree program, acquiring a business and industry credential, or	1181
entering an apprenticeship.	1182
(5) The program provides counseling and support for the	1183

student related to the plan developed under division (F)(4) of 1184
this section during the remainder of the student's high school 1185
experience. 1186

(6) The program requires the student and the student's 1187
parent, guardian, or custodian to sign and file, in accordance 1188
with procedural requirements stipulated by the program, a written 1189
statement asserting the parent's, guardian's, or custodian's 1190
consent to the student's graduating without completing the Ohio 1191
core curriculum and acknowledging that one consequence of not 1192
completing the Ohio core curriculum is ineligibility to enroll in 1193
most state universities in Ohio without further coursework. 1194

(7) Prior to receiving the waiver, the program has submitted 1195
to the department an instructional plan that demonstrates how the 1196
academic content standards adopted by the state board of education 1197
under section 3301.079 of the Revised Code will be taught and 1198
assessed. 1199

If the department does not act either to grant the waiver or 1200
to reject the program application for the waiver within sixty days 1201
as required under this section, the waiver shall be considered to 1202
be granted. 1203

(G) Every high school may permit students below the ninth 1204
grade to take advanced work. If a high school so permits, it shall 1205
award high school credit for successful completion of the advanced 1206
work and shall count such advanced work toward the graduation 1207
requirements of division (B) or (C) of this section if the 1208
advanced work was both: 1209

(1) Taught by a person who possesses a license or certificate 1210
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 1211
Code that is valid for teaching high school; 1212

(2) Designated by the board of education of the city, local, 1213
or exempted village school district, the board of the cooperative 1214

education school district, or the governing authority of the 1215
chartered nonpublic school as meeting the high school curriculum 1216
requirements. 1217

Each high school shall record on the student's high school 1218
transcript all high school credit awarded under division (G) of 1219
this section. In addition, if the student completed a seventh- or 1220
eighth-grade fine arts course described in division (K) of this 1221
section and the course qualified for high school credit under that 1222
division, the high school shall record that course on the 1223
student's high school transcript. 1224

(H) The department shall make its individual academic career 1225
plan available through its Ohio career information system web site 1226
for districts and schools to use as a tool for communicating with 1227
and providing guidance to students and families in selecting high 1228
school courses. 1229

(I) Units earned in English language arts, mathematics, 1230
science, and social studies that are delivered through integrated 1231
academic and career-technical instruction are eligible to meet the 1232
graduation requirements of division (B) or (C) of this section. 1233

(J) The state board of education, in consultation with the 1234
chancellor of the Ohio board of regents, shall adopt a statewide 1235
plan implementing methods for students to earn units of high 1236
school credit based on a demonstration of subject area competency, 1237
instead of or in combination with completing hours of classroom 1238
instruction. The state board shall adopt the plan not later than 1239
March 31, 2009, and commence phasing in the plan during the 1240
2009-2010 school year. The plan shall include a standard method 1241
for recording demonstrated proficiency on high school transcripts. 1242
Each school district, community school, and chartered nonpublic 1243
school shall comply with the state board's plan adopted under this 1244
division and award units of high school credit in accordance with 1245
the plan. The state board may adopt existing methods for earning 1246

high school credit based on a demonstration of subject area 1247
competency as necessary prior to the 2009-2010 school year. 1248

1249

(K) This division does not apply to students who qualify for 1250
graduation from high school under division (D) or (F) of this 1251
section, or to students pursuing a career-technical instructional 1252
track as determined by the school district board of education or 1253
the chartered nonpublic school's governing authority. 1254
Nevertheless, the general assembly encourages such students to 1255
consider enrolling in a fine arts course as an elective. 1256

Beginning with students who enter ninth grade for the first 1257
time on or after July 1, 2010, each student enrolled in a public 1258
or chartered nonpublic high school shall complete two semesters or 1259
the equivalent of fine arts to graduate from high school. The 1260
coursework may be completed in any of grades seven to twelve. Each 1261
student who completes a fine arts course in grade seven or eight 1262
may elect to count that course toward the five units of electives 1263
required for graduation under division (C)(7) of this section, if 1264
the course satisfied the requirements of division (G) of this 1265
section. In that case, the high school shall award the student 1266
high school credit for the course and count the course toward the 1267
five units required under division (C)(7) of this section. If the 1268
course in grade seven or eight did not satisfy the requirements of 1269
division (G) of this section, the high school shall not award the 1270
student high school credit for the course but shall count the 1271
course toward the two semesters or the equivalent of fine arts 1272
required by this division. 1273

(L) Notwithstanding anything to the contrary in this section, 1274
the board of education of each school district and the governing 1275
authority of each chartered nonpublic school may adopt a policy to 1276
excuse from the high school physical education requirement each 1277
student who, during high school, has participated in 1278

interscholastic athletics, marching band, or cheerleading for at least two full seasons. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. This division shall cease to apply beginning with students who enter ninth grade for the first time on or after July 1, 2010.

Sec. 3313.6016. (A) Beginning in the 2010-2011 school year, the board of education of each city, exempted village, or local school district shall require all students in each of grades kindergarten through twelve to engage in at least thirty minutes of moderate to rigorous physical activity each school day, exclusive of recess. Physical activity engaged in during a physical education course may count toward the daily requirement.

(B) For any period in which a student is participating in interscholastic athletics, marching band, or cheerleading, the board may excuse the student from the requirement of division (A) of this section.

(C) Not later than July 1, 2010, the board shall adopt a policy to comply with this section.

Sec. 3313.674. (A) Except as provided in division (D) of this section, each city, exempted village, or local school district shall require each student enrolled in kindergarten, third grade, fifth grade, and ninth grade to undergo a screening for body mass index and weight status category prior to the first day of November of the school year.

(B) The district may provide any screenings required by this section itself, contract with another entity for provision of the

screenings, or request the parent or guardian of each student 1309
subject to this section to obtain the screening from a provider 1310
selected by the parent or guardian and to submit the results to 1311
the district. If the district provides the screenings itself or 1312
contracts with another entity for provision of the screenings, the 1313
district shall protect student privacy by ensuring that each 1314
student is screened alone and not in the presence of other 1315
students or staff. 1316

(C) Prior to the first day of August of each school year, the 1317
district shall provide the parent or guardian of each student 1318
subject to this section with information about the district's 1319
screening program. If the district requests parents and guardians 1320
to obtain a screening from a provider of their choosing, the 1321
district shall provide them with a list of providers and 1322
information about screening services available in the community to 1323
parents and guardians who cannot afford a private provider. 1324

(D) If the parent or guardian of a student subject to this 1325
section signs and submits to the district a written statement 1326
indicating that the parent or guardian does not wish to have the 1327
student undergo the screening, the district shall not require the 1328
student to be screened. 1329

(E) The district shall notify the parent or guardian of each 1330
student screened under this section of any health risks associated 1331
with the student's results and shall provide the parent or 1332
guardian with information about appropriately addressing the 1333
risks. For this purpose, the department of education, in 1334
consultation with the department of health and the healthy choices 1335
for healthy children council established under section 3301.92 of 1336
the Revised Code, shall develop a list of documents, pamphlets, or 1337
other resources that districts may distribute to parents and 1338
guardians under this division. 1339

(F) The district shall maintain the confidentiality of each 1340

student's individual screening results at all times. No district 1341
shall report a student's individual screening results to any 1342
person other than the student's parent or guardian. 1343

(G) The district shall report aggregated body mass index and 1344
weight status category data collected under this section to the 1345
department of education through the education management 1346
information system established under section 3301.0714 of the 1347
Revised Code. The department may share data reported under this 1348
division with the department of health and other governmental 1349
entities for the purpose of monitoring population health, making 1350
reports, or public health promotional activities. 1351

Sec. 3313.813. (A) As used in this section: 1352

(1) "Outdoor education center" means a public or nonprofit 1353
private entity that provides to pupils enrolled in any public or 1354
chartered nonpublic elementary or secondary school an outdoor 1355
educational curriculum that the school considers to be part of its 1356
educational program. 1357

(2) "Outside-school-hours care center" has the meaning 1358
established in 7 C.F.R. 226.2. 1359

(B) The state board of education shall establish standards 1360
for a school lunch program, school breakfast program, child and 1361
adult care food program, special food service program for 1362
children, summer food service program for children, special milk 1363
program for children, food service equipment assistance program, 1364
and commodity distribution program established under the "National 1365
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 1366
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 1367
U.S.C. 1771, as amended. Any board of education of a school 1368
district, nonprofit private school, outdoor education center, 1369
child care institution, outside-school-hours care center, or 1370
summer camp desiring to participate in such a program or required 1371

to participate under this section shall, if eligible to 1372
participate under the "National School Lunch Act," as amended, or 1373
the "Child Nutrition Act of 1966," as amended, make application to 1374
the state board of education for assistance. The board shall 1375
administer the allocation and distribution of all state and 1376
federal funds for these programs. 1377

(C) The state board of education shall require the board of 1378
education of each school district to establish and maintain a 1379
school breakfast, lunch, and summer food service program pursuant 1380
to the "National School Lunch Act" and the "Child Nutrition Act of 1381
1966," as described in divisions (C)(1) to (4) of this section. 1382

(1) The state board shall require the board of education in 1383
each school district to establish a breakfast program in every 1384
school where at least one-fifth of the pupils in the school are 1385
eligible under federal requirements for free breakfasts and to 1386
establish a lunch program in every school where at least one-fifth 1387
of the pupils are eligible for free lunches. The board of 1388
education required to establish a breakfast program under this 1389
division may make a charge in accordance with federal requirements 1390
for each reduced price breakfast or paid breakfast to cover the 1391
cost incurred in providing that meal. 1392

(2) The state board shall require the board of education in 1393
each school district to establish a breakfast program in every 1394
school in which the parents of at least one-half of the children 1395
enrolled in the school have requested that the breakfast program 1396
be established. The board of education required to establish a 1397
program under this division may make a charge in accordance with 1398
federal requirements for each meal to cover all or part of the 1399
costs incurred in establishing such a program. 1400

(3) The state board of education shall require the board of 1401
education in each school district to establish one of the 1402
following for summer intervention services described in division 1403

(D) of section 3301.0711 and section 3313.608 of the Revised Code 1404
and any other summer intervention program required by law: 1405

(a) An extension of the school breakfast program pursuant to 1406
the "National School Lunch Act" and the "Child Nutrition Act of 1407
1966"; 1408

(b) An extension of the school lunch program pursuant to 1409
those acts; 1410

(c) A summer food service program pursuant to those acts. 1411

(4)(a) If the board of education of a school district 1412
determines that, for financial reasons, it cannot comply with 1413
division (C)(1) or (3) of this section, the district board may 1414
choose not to comply with either or both divisions, except as 1415
provided in division (C)(4)(b) of this section. The district board 1416
publicly shall communicate to the residents of the district, in 1417
the manner it determines appropriate, its decision not to comply. 1418

(b) If a district board chooses not to comply with division 1419
(C)(1) of this section, the state board of education nevertheless 1420
shall require the district board to establish a breakfast program 1421
in every school where at least one-third of the pupils in the 1422
school are eligible under federal requirements for free breakfasts 1423
and to establish a lunch program in every school where at least 1424
one-third of the pupils are eligible for free lunches. The 1425
district board may make a charge in accordance with federal 1426
requirements for each reduced price breakfast or paid breakfast to 1427
cover the cost incurred in providing that meal. 1428

(c) If a school district cannot for good cause comply with 1429
the requirements of division (C)(2) or (4)(b) of this section at 1430
the time the state board determines that a district is subject to 1431
these requirements, the state board of education shall grant a 1432
reasonable extension of time. Good cause for an extension of time 1433
shall include, but need not be limited to, economic impossibility 1434

of compliance with the requirements at the time the state board
determines that a district is subject to them.

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

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

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

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

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

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

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

(F) Notwithstanding anything in this section to the contrary,
in each fiscal year in which the general assembly appropriates
funds for purposes of this division, the board of education of
each school district and each chartered nonpublic school that
participates in a breakfast program pursuant to this section shall
provide a breakfast free of charge to each pupil who is eligible

under federal requirements for a reduced price breakfast. 1465

Sec. 3313.814. (A) As used in this section and sections 1466
3313.816 and 3313.817 of the Revised Code: 1467

(1) "A la carte item" means an individually priced food or 1468
beverage item that is available for sale to students through any 1469
of the following: 1470

(a) A school food service program; 1471

(b) A vending machine located on school property; 1472

(c) A store operated by the school, a student association, or 1473
other school-sponsored organization. 1474

"A la carte item" does not include any food or beverage item 1475
available for sale in connection with a school-sponsored 1476
fundraiser held outside of the regular school day, any other 1477
school-sponsored event held outside of the regular school day, or 1478
an interscholastic athletic event. "A la carte item" also does not 1479
include any food or beverage item that is part of a reimbursable 1480
meal and that is available for sale as an individually priced item 1481
in a serving portion of the same size as in the reimbursable meal. 1482

(2) "Added sweeteners" means any additives that enhance the 1483
sweetness of a beverage, including processed sugar. "Added 1484
sweeteners" do not include any natural sugars found in fruit 1485
juices that are a component of the beverage. 1486

(3) "Extended school day" means the period before and after 1487
the regular school day during which students participate in 1488
school-sponsored extracurricular activities, latchkey programs as 1489
defined in section 3313.207 of the Revised Code, or other academic 1490
or enrichment programs. 1491

(4) "Regular school day" means the period each school day 1492
between the designated arrival time for students and the end of 1493
the final instructional period. 1494

(5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria for reimbursement established by the United States department of agriculture.

(6) "School food service program" means a school food service program operated under section 3313.81 or 3313.813 of the Revised Code.

(B) Each school district board of education and each chartered nonpublic school governing authority shall adopt and enforce nutrition standards governing the types of food and beverages that may be sold on the premises of its schools, and specifying the time and place each type of food or beverage may be sold. In adopting the standards, the board or governing authority shall consider ~~each food's~~ the nutritional value of each food or beverage. The board or governing authority shall consult the dietary guidelines for Americans jointly developed by the United States department of agriculture and the United States department of health and human services and, to the maximum extent possible, shall incorporate the guidelines into the standards. No food or beverage may be sold on any school premises except in accordance with the standards adopted by the board of ~~education~~ or governing authority. The standards shall comply with sections 3313.816 and 3313.817 of the Revised Code, but nothing in this section shall prohibit the standards from being more restrictive than otherwise required by those sections.

(C) The nutrition standards adopted under this section shall prohibit the placement of vending machines in any classroom where students are provided instruction, unless the classroom also is used to serve students meals. This division does not apply to

vending machines that sell only milk, reimbursable meals, or food 1527
and beverage items that are part of a reimbursable meal and are 1528
available for sale as individually priced items in serving 1529
portions of the same size as in the reimbursable meal. 1530

(D) Each board or governing authority shall designate staff 1531
to be responsible for ensuring that the school district or school 1532
meets the nutrition standards adopted under this section. The 1533
staff shall prepare an annual report regarding the district's or 1534
school's compliance with the standards and submit it to the 1535
department of education. The board or governing authority annually 1536
shall schedule a presentation on the report at one of its regular 1537
meetings. Each district or school shall make copies of the report 1538
available to the public upon request. 1539

(E) The state board of education shall formulate and adopt 1540
guidelines, which boards of education and chartered nonpublic 1541
schools may follow in enforcing and implementing this section. 1542

Sec. 3313.816. (A) No public or chartered nonpublic school 1543
shall permit the sale of a la carte beverage items other than the 1544
following during the regular and extended school day: 1545

(1) For a school in which the majority of grades offered are 1546
in the range from kindergarten to grade four: 1547

(a) Water; 1548

(b)(i) Prior to January 1, 2014, eight ounces or less of 1549
low-fat or fat-free milk, including flavored milk, that contains 1550
not more than one hundred seventy calories per eight ounces; 1551

(ii) Beginning January 1, 2014, eight ounces or less of 1552
low-fat or fat-free milk, including flavored milk, that contains 1553
not more than one hundred fifty calories per eight ounces. 1554

(c) Eight ounces or less of one hundred per cent fruit juice, 1555
or a one hundred per cent fruit juice and water blend with no 1556

added sweeteners, that contains not more than one hundred sixty 1557
calories per eight ounces. 1558

(2) For a school in which the majority of grades offered are 1559
in the range from grade five to grade eight: 1560

(a) Water; 1561

(b)(i) Prior to January 1, 2014, eight ounces or less of 1562
low-fat or fat-free milk, including flavored milk, that contains 1563
not more than one hundred seventy calories per eight ounces; 1564

(ii) Beginning January 1, 2014, eight ounces or less of 1565
low-fat or fat-free milk, including flavored milk, that contains 1566
not more than one hundred fifty calories per eight ounces. 1567

(c) Ten ounces or less of one hundred per cent fruit juice, 1568
or a one hundred per cent fruit juice and water blend with no 1569
added sweeteners, that contains not more than one hundred sixty 1570
calories per eight ounces. 1571

(3) For a school in which the majority of grades offered are 1572
in the range from grade nine to grade twelve: 1573

(a) Water; 1574

(b)(i) Prior to January 1, 2014, sixteen ounces or less of 1575
low-fat or fat-free milk, including flavored milk, that contains 1576
not more than one hundred seventy calories per eight ounces; 1577

(ii) Beginning January 1, 2014, sixteen ounces or less of 1578
low-fat or fat-free milk, including flavored milk, that contains 1579
not more than one hundred fifty calories per eight ounces. 1580

(c) Twelve ounces or less of one hundred per cent fruit 1581
juice, or a one hundred per cent fruit juice and water blend with 1582
no added sweeteners, that contains not more than one hundred sixty 1583
calories per eight ounces; 1584

(d) Twelve ounces or less of any beverage that contains not 1585
more than sixty-six calories per eight ounces; 1586

(e) Any size of a beverage that contains not more than ten calories per eight ounces, which may include caffeinated beverages and beverages with added sweeteners, carbonation, or artificial flavoring. 1587
1588
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(B) Each public and chartered nonpublic school shall require at least fifty per cent of the a la carte beverage items available for sale from each of the following sources during the regular and extended school day to be water or other beverages that contain not more than ten calories per eight ounces: 1591
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(1) A school food service program; 1596

(2) A vending machine located on school property that does not sell only milk or reimbursable meals; 1597
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(3) A store operated by the school, a student association, or other school-sponsored organization. 1599
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(C) If, after July 1, 2009, the United States department of agriculture adopts regulations for the sale of a la carte beverage items in schools that are more restrictive than the requirements of this section, those regulations shall supersede the requirements of this section. Each chartered nonpublic school shall comply with the regulations, regardless of whether the United States department of agriculture applies the regulations to nonpublic schools. 1601
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(D) The department of education shall determine whether each public and chartered nonpublic school is in compliance with this section or any federal regulations described in division (C) of this section. The department may make that determination in conjunction with any regular review of the school food service program operated by the school, provided that the review is conducted at least once every five years. 1609
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Sec. 3313.817. (A) When the department of education is able 1616

to obtain free of charge computer software for assessing the 1617
nutritional value of foods that does all of the following, the 1618
department shall make that software available free of charge to 1619
each public and chartered nonpublic school: 1620

(1) Rates the healthiness of foods based on nutrient density; 1621

(2) Assesses the amount of calories, total fat, saturated 1622
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 1623
and vitamin C in each food item; 1624

(3) Evaluates the nutritional value of foods based on the 1625
dietary guidelines for Americans jointly developed by the United 1626
States department of agriculture and United States department of 1627
health and human services as they pertain to children and 1628
adolescents. 1629

(B) Each public and chartered nonpublic school shall use the 1630
software provided by the department under this section to 1631
determine the nutritional value of each a la carte food item 1632
available for sale at the school. 1633

(C) When the department provides software under this section, 1634
each public and chartered nonpublic school shall comply with all 1635
of the following requirements: 1636

(1) No a la carte food item shall be in the lowest rated 1637
category of foods designated by the software. 1638

(2) In the first school year in which the school is subject 1639
to this section, at least twenty per cent of the a la carte food 1640
items available for sale from each of the following sources during 1641
the regular and extended school day shall be in the highest rated 1642
category of foods designated by the software and in each school 1643
year thereafter, at least forty per cent of the a la carte food 1644
items available for sale from each of the following sources during 1645
the regular and extended school day shall be in that category: 1646

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<u>(a) A school food service program;</u>	1648
<u>(b) A vending machine located on school property;</u>	1649
<u>(c) A store operated by the school, a student association, or other school-sponsored organization.</u>	1650 1651
<u>(3) Each a la carte food item that is not in the highest rated category of foods designated by the software shall meet at least two of the following criteria:</u>	1652 1653 1654
<u>(a) It contains at least five grams of protein.</u>	1655
<u>(b) It contains at least ten per cent of the recommended daily value of fiber.</u>	1656 1657
<u>(c) It contains at least ten per cent of the recommended daily value of calcium.</u>	1658 1659
<u>(d) It contains at least ten per cent of the recommended daily value of iron.</u>	1660 1661
<u>(e) It contains at least ten per cent of the recommended daily value of vitamin A.</u>	1662 1663
<u>(f) It contains at least ten per cent of the recommended daily value of vitamin C.</u>	1664 1665
<u>(D) If, after July 1, 2009, the United States department of agriculture adopts regulations for the sale of a la carte food items in schools that are more restrictive than the requirements of this section, those regulations shall supersede the requirements of this section. Each chartered nonpublic school shall comply with the regulations, regardless of whether the United States department of agriculture applies the regulations to nonpublic schools.</u>	1666 1667 1668 1669 1670 1671 1672 1673
<u>(E) The department shall determine whether each public and chartered nonpublic school is in compliance with this section or any federal regulations described in division (D) of this section. The department may make that determination in conjunction with any</u>	1674 1675 1676 1677

regular review of the school food service program operated by the 1678
school, provided that the review is conducted at least once every 1679
five years. 1680

Sec. 3314.03. A copy of every contract entered into under 1681
this section shall be filed with the superintendent of public 1682
instruction. 1683

(A) Each contract entered into between a sponsor and the 1684
governing authority of a community school shall specify the 1685
following: 1686

(1) That the school shall be established as either of the 1687
following: 1688

(a) A nonprofit corporation established under Chapter 1702. 1689
of the Revised Code, if established prior to April 8, 2003; 1690

(b) A public benefit corporation established under Chapter 1691
1702. of the Revised Code, if established after April 8, 2003; 1692

(2) The education program of the school, including the 1693
school's mission, the characteristics of the students the school 1694
is expected to attract, the ages and grades of students, and the 1695
focus of the curriculum; 1696

(3) The academic goals to be achieved and the method of 1697
measurement that will be used to determine progress toward those 1698
goals, which shall include the statewide achievement assessments; 1699

(4) Performance standards by which the success of the school 1700
will be evaluated by the sponsor; 1701

(5) The admission standards of section 3314.06 of the Revised 1702
Code and, if applicable, section 3314.061 of the Revised Code; 1703

(6)(a) Dismissal procedures; 1704

(b) A requirement that the governing authority adopt an 1705
attendance policy that includes a procedure for automatically 1706

withdrawing a student from the school if the student without a 1707
legitimate excuse fails to participate in one hundred five 1708
consecutive hours of the learning opportunities offered to the 1709
student. 1710

(7) The ways by which the school will achieve racial and 1711
ethnic balance reflective of the community it serves; 1712

(8) Requirements for financial audits by the auditor of 1713
state. The contract shall require financial records of the school 1714
to be maintained in the same manner as are financial records of 1715
school districts, pursuant to rules of the auditor of state. 1716
Audits shall be conducted in accordance with section 117.10 of the 1717
Revised Code. 1718

(9) The facilities to be used and their locations; 1719

(10) Qualifications of teachers, including a the following: 1720

(a) A requirement that the school's classroom teachers be 1721
licensed in accordance with sections 3319.22 to 3319.31 of the 1722
Revised Code, except that a community school may engage 1723
noncertificated persons to teach up to twelve hours per week 1724
pursuant to section 3319.301 of the Revised Code; 1725

(b) A requirement that each classroom teacher employed by the 1726
school on or after July 1, 2013, to provide instruction in 1727
physical education hold a valid license issued pursuant to 1728
sections 3319.22 and 3319.224 of the Revised Code for teaching 1729
physical education. 1730

(11) That the school will comply with the following 1731
requirements: 1732

(a) The school will provide learning opportunities to a 1733
minimum of twenty-five students for a minimum of nine hundred 1734
twenty hours per school year. 1735

(b) The governing authority will purchase liability 1736

insurance, or otherwise provide for the potential liability of the school. 1737
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 1739
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(d) The school will comply with division (A)(3) of section 3301.079 of the Revised Code and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6016, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3314.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 1743
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 1758
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title 1761
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XXXIII of the Revised Code or any rules of the state board of 1769
education. Beginning with students who enter ninth grade for the 1770
first time on or after July 1, 2010, the requirement in sections 1771
3313.61 and 3313.611 of the Revised Code that a person must 1772
successfully complete the curriculum of a high school prior to 1773
receiving a high school diploma shall be met by completing the 1774
Ohio core curriculum prescribed in division (C) of section 1775
3313.603 of the Revised Code, unless the person qualifies under 1776
division (D) or (F) of that section. Each school shall comply with 1777
the plan for awarding high school credit based on demonstration of 1778
subject area competency, adopted by the state board of education 1779
under division (J) of section 3313.603 of the Revised Code. 1780

(g) The school governing authority will submit within four 1781
months after the end of each school year a report of its 1782
activities and progress in meeting the goals and standards of 1783
divisions (A)(3) and (4) of this section and its financial status 1784
to the sponsor and the parents of all students enrolled in the 1785
school. 1786

(h) The school, unless it is an internet- or computer-based 1787
community school, will comply with section 3313.801 of the Revised 1788
Code as if it were a school district. 1789

(12) Arrangements for providing health and other benefits to 1790
employees; 1791

(13) The length of the contract, which shall begin at the 1792
beginning of an academic year. No contract shall exceed five years 1793
unless such contract has been renewed pursuant to division (E) of 1794
this section. 1795

(14) The governing authority of the school, which shall be 1796
responsible for carrying out the provisions of the contract; 1797

(15) A financial plan detailing an estimated school budget 1798
for each year of the period of the contract and specifying the 1799

total estimated per pupil expenditure amount for each such year. 1800
The plan shall specify for each year the base formula amount that 1801
will be used for purposes of funding calculations under section 1802
3314.08 of the Revised Code. This base formula amount for any year 1803
shall not exceed the formula amount defined under section 3317.02 1804
of the Revised Code. The plan may also specify for any year a 1805
percentage figure to be used for reducing the per pupil amount of 1806
the subsidy calculated pursuant to section 3317.029 of the Revised 1807
Code the school is to receive that year under section 3314.08 of 1808
the Revised Code. 1809

(16) Requirements and procedures regarding the disposition of 1810
employees of the school in the event the contract is terminated or 1811
not renewed pursuant to section 3314.07 of the Revised Code; 1812

(17) Whether the school is to be created by converting all or 1813
part of an existing public school or educational service center 1814
building or is to be a new start-up school, and if it is a 1815
converted public school or service center building, specification 1816
of any duties or responsibilities of an employer that the board of 1817
education or service center governing board that operated the 1818
school or building before conversion is delegating to the 1819
governing authority of the community school with respect to all or 1820
any specified group of employees provided the delegation is not 1821
prohibited by a collective bargaining agreement applicable to such 1822
employees; 1823

(18) Provisions establishing procedures for resolving 1824
disputes or differences of opinion between the sponsor and the 1825
governing authority of the community school; 1826

(19) A provision requiring the governing authority to adopt a 1827
policy regarding the admission of students who reside outside the 1828
district in which the school is located. That policy shall comply 1829
with the admissions procedures specified in sections 3314.06 and 1830
3314.061 of the Revised Code and, at the sole discretion of the 1831

authority, shall do one of the following: 1832

(a) Prohibit the enrollment of students who reside outside 1833
the district in which the school is located; 1834

(b) Permit the enrollment of students who reside in districts 1835
adjacent to the district in which the school is located; 1836

(c) Permit the enrollment of students who reside in any other 1837
district in the state. 1838

(20) A provision recognizing the authority of the department 1839
of education to take over the sponsorship of the school in 1840
accordance with the provisions of division (C) of section 3314.015 1841
of the Revised Code; 1842

(21) A provision recognizing the sponsor's authority to 1843
assume the operation of a school under the conditions specified in 1844
division (B) of section 3314.073 of the Revised Code; 1845

(22) A provision recognizing both of the following: 1846

(a) The authority of public health and safety officials to 1847
inspect the facilities of the school and to order the facilities 1848
closed if those officials find that the facilities are not in 1849
compliance with health and safety laws and regulations; 1850

(b) The authority of the department of education as the 1851
community school oversight body to suspend the operation of the 1852
school under section 3314.072 of the Revised Code if the 1853
department has evidence of conditions or violations of law at the 1854
school that pose an imminent danger to the health and safety of 1855
the school's students and employees and the sponsor refuses to 1856
take such action; 1857

(23) A description of the learning opportunities that will be 1858
offered to students including both classroom-based and 1859
non-classroom-based learning opportunities that is in compliance 1860
with criteria for student participation established by the 1861

department under division (L)(2) of section 3314.08 of the Revised Code; 1862
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(24) The school will comply with sections 3302.04 and 1864
3302.041 of the Revised Code, except that any action required to 1865
be taken by a school district pursuant to those sections shall be 1866
taken by the sponsor of the school. However, the sponsor shall not 1867
be required to take any action described in division (F) of 1868
section 3302.04 of the Revised Code. 1869

(25) Beginning in the 2006-2007 school year, the school will 1870
open for operation not later than the thirtieth day of September 1871
each school year, unless the mission of the school as specified 1872
under division (A)(2) of this section is solely to serve dropouts. 1873
In its initial year of operation, if the school fails to open by 1874
the thirtieth day of September, or within one year after the 1875
adoption of the contract pursuant to division (D) of section 1876
3314.02 of the Revised Code if the mission of the school is solely 1877
to serve dropouts, the contract shall be void. 1878

(B) The community school shall also submit to the sponsor a 1879
comprehensive plan for the school. The plan shall specify the 1880
following: 1881

(1) The process by which the governing authority of the 1882
school will be selected in the future; 1883

(2) The management and administration of the school; 1884

(3) If the community school is a currently existing public 1885
school or educational service center building, alternative 1886
arrangements for current public school students who choose not to 1887
attend the converted school and for teachers who choose not to 1888
teach in the school or building after conversion; 1889

(4) The instructional program and educational philosophy of 1890
the school; 1891

(5) Internal financial controls.	1892
(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 oversight and monitoring 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.	1893 1894 1895 1896 1897 1898 1899 1900 1901
(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:	1902 1903 1904 1905 1906
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	1907 1908
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	1909 1910 1911
(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;	1912 1913 1914 1915
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	1916 1917 1918
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant	1919 1920 1921 1922

to section 3314.072 of the Revised Code, or terminate the contract 1923
of the school pursuant to section 3314.07 of the Revised Code as 1924
determined necessary by the sponsor; 1925

(6) Have in place a plan of action to be undertaken in the 1926
event the community school experiences financial difficulties or 1927
closes prior to the end of a school year. 1928

(E) Upon the expiration of a contract entered into under this 1929
section, the sponsor of a community school may, with the approval 1930
of the governing authority of the school, renew that contract for 1931
a period of time determined by the sponsor, but not ending earlier 1932
than the end of any school year, if the sponsor finds that the 1933
school's compliance with applicable laws and terms of the contract 1934
and the school's progress in meeting the academic goals prescribed 1935
in the contract have been satisfactory. Any contract that is 1936
renewed under this division remains subject to the provisions of 1937
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1938

(F) If a community school fails to open for operation within 1939
one year after the contract entered into under this section is 1940
adopted pursuant to division (D) of section 3314.02 of the Revised 1941
Code or permanently closes prior to the expiration of the 1942
contract, the contract shall be void and the school shall not 1943
enter into a contract with any other sponsor. A school shall not 1944
be considered permanently closed because the operations of the 1945
school have been suspended pursuant to section 3314.072 of the 1946
Revised Code. Any contract that becomes void under this division 1947
shall not count toward any statewide limit on the number of such 1948
contracts prescribed by section 3314.013 of the Revised Code. 1949

Sec. 3314.18. (A) Subject to division (C) of this section, 1950
the governing ~~board~~ authority of each community school shall 1951
establish a breakfast program pursuant to the "National School 1952
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and 1953

the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, 1954
as amended, if at least one-fifth of the pupils in the school are 1955
eligible under federal requirements for free breakfasts, and shall 1956
establish a lunch program pursuant to those acts if at least 1957
one-fifth of the pupils are eligible for free lunches. The 1958
governing ~~board~~ authority required to establish a breakfast 1959
program under this division may make a charge in accordance with 1960
federal requirements for each reduced price breakfast or paid 1961
breakfast to cover the cost incurred in providing that meal. 1962

(B) Subject to division (C) of this section, the governing 1963
~~board~~ authority of each community school shall establish one of 1964
the following for summer intervention services described in 1965
division (D) of section 3301.0711 and section 3313.608 of the 1966
Revised Code and any other summer intervention program required by 1967
law: 1968

(1) An extension of the school breakfast program pursuant to 1969
the "National School Lunch Act" and the "Child Nutrition Act of 1970
1966"; 1971

(2) An extension of the school lunch program pursuant to 1972
those acts; 1973

(3) A summer food service program pursuant to those acts. 1974

(C) If the governing ~~board~~ authority of a community school 1975
determines that, for financial reasons, it cannot comply with 1976
division (A) or (B) of this section, the governing ~~board~~ authority 1977
may choose not to comply with either or both divisions. In that 1978
case, the governing ~~board~~ authority shall communicate to the 1979
parents of its students, in the manner it determines appropriate, 1980
its decision not to comply. 1981

(D) The governing ~~board~~ authority of each community school 1982
required to establish a school breakfast, school lunch, or summer 1983
food service program under this section shall apply for state and 1984

federal funds allocated by the state board of education under 1985
division (B) of section 3313.813 of the Revised Code and shall 1986
comply with the state board's standards adopted under that 1987
division. 1988

(E) The governing authority of any community school required 1989
to establish a breakfast program under this section or that elects 1990
to participate in a breakfast program pursuant to the "National 1991
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 1992
breakfast to pupils in their classrooms during the school day. 1993

(F) Notwithstanding anything in this section to the contrary, 1994
in each fiscal year in which the general assembly appropriates 1995
funds for purposes of this division, the governing authority of 1996
each community school required to establish a breakfast program 1997
under this section or that elects to participate in a breakfast 1998
program pursuant to the "National School Lunch Act" and the "Child 1999
Nutrition Act of 1966" shall provide a breakfast free of charge to 2000
each pupil who is eligible under federal requirements for a 2001
reduced price breakfast. 2002

(G) This section does not apply to internet- or 2003
computer-based community schools. 2004

Sec. 3319.076. No school district shall employ any classroom 2005
teacher on or after July 1, 2013, to provide instruction in 2006
physical education in any of grades kindergarten through twelve 2007
unless the teacher holds a valid license issued pursuant to 2008
sections 3319.22 and 3319.227 of the Revised Code for teaching 2009
physical education. 2010

Sec. 3319.227. Not later than December 31, 2010, the state 2011
board of education shall develop certification requirements for 2012
physical education teachers pursuant to section 3319.22 of the 2013
Revised Code. 2014

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with division (A)(3) of section 3301.079 of the Revised Code and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6016, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

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Sec. 3326.13. (A) Teachers employed by a science, technology, engineering, and mathematics school shall be highly qualified teachers, as defined in section 3319.074 of the Revised Code, and shall be licensed under sections 3319.22 to 3319.31 of the Revised Code and rules of the state board of education implementing those sections.

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(B) No STEM school shall employ any classroom teacher on or after July 1, 2013, to provide instruction in physical education unless the teacher holds a valid license issued pursuant to sections 3319.22 and 3319.227 of the Revised Code for teaching physical education.

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Section 2. That existing sections 3301.079, 3301.0714, 2045
3302.02, 3302.03, 3313.603, 3313.813, 3313.814, 3314.03, 3314.18, 2046
3326.11, and 3326.13 of the Revised Code are hereby repealed. 2047
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Section 3. The amendment or enactment by this act of sections 2049
3313.814, 3313.816, and 3313.817 of the Revised Code and the 2050
amendments to sections 3314.03 and 3326.11 of the Revised Code 2051
that insert "3313.814, 3313.816, 3313.817," take effect the first 2052
day of July following the effective date of this section. 2053

Section 4. (A) Any school district or public or chartered 2054
nonpublic school that, prior to the effective date of this act, 2055
entered into a contract with a producer or distributor of a food 2056
or beverage that requires the sale of the food or beverage to 2057
students in violation of sections 3313.814, 3313.816, or 3313.817 2058
of the Revised Code, as amended or enacted by this act, after the 2059
effective date of those sections shall not be required to comply 2060
with those sections until the expiration of the contract. Any 2061
renewal of that contract shall comply with those sections. 2062

(B) Any contract between a school district or public or 2063
chartered nonpublic school and a producer or distributor of a food 2064
or beverage that is entered into between the effective date of 2065
this act and the first day of July following that date shall 2066
comply with sections 3313.814, 3313.816, and 3313.817 of the 2067
Revised Code, as amended or enacted by this act, with respect to 2068
the school year beginning that first day of July and any 2069
subsequent school year covered by the contract. 2070

Section 5. Within thirty days after the effective date of 2071
this section, the Governor, the President of the Senate, and the 2072
Speaker of the House of Representatives shall appoint members to 2073

the Healthy Choices for Healthy Children Council established by
section 3301.92 of the Revised Code, as enacted by this act.

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