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Senators Coughlin, Kearney

**Cosponsors: Senators Cafaro, Goodman, Harris, Husted, Miller, D.,
Miller, R., Morano, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner,
Fedor**

—

A B I L L

To amend sections 3313.603, 3313.813, 3313.814, 1
3314.03, 3314.18, 3326.11, and 3326.13 and to 2
enact sections 3301.92, 3301.921, 3301.922, 3
3301.923, 3302.032, 3313.6016, 3313.674, 3313.816, 4
3313.817, and 3319.076 of the Revised Code to 5
establish nutritional standards for certain foods 6
and beverages sold in schools; to require students 7
to have periodic body mass index measurements; to 8
require daily physical activity for students and 9
to make other changes regarding physical 10
education; and to establish the Healthy Choices 11
for Healthy Children Council. 12

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

Section 1. That sections 3313.603, 3313.813, 3313.814, 13
3314.03, 3314.18, 3326.11, and 3326.13 be amended and sections 14
3301.92, 3301.921, 3301.922, 3301.923, 3302.032, 3313.6016, 15
3313.674, 3313.816, 3313.817, and 3319.076 of the Revised Code be 16
enacted to read as follows: 17

Sec. 3301.92. (A) The healthy choices for healthy children 18
council is hereby established. The council shall consist of the 19
following members: 20

(1) Three representatives of the Ohio children's hospital 21
association, one each appointed by the governor, the president of 22
the senate, and the speaker of the house of representatives; 23

(2) Three representatives of the Ohio business roundtable, 24
one each appointed by the governor, the president of the senate, 25
and the speaker of the house of representatives; 26

(3) Three representatives of the Ohio chapter of the American 27
academy of pediatrics, one each appointed by the governor, the 28
president of the senate, and the speaker of the house of 29
representatives. The governor's appointment shall have expertise 30
in minority health issues and the president's appointment shall be 31
a representative of the Appalachian region of Ohio. 32

(4) One representative of the Ohio parks and recreation 33
association, appointed by the president of the senate; 34

(5) One representative of the Ohio state alliance of young 35
men's Christian associations, appointed by the speaker of the 36
house of representatives; 37

(6) One representative of Ohio action for healthy kids, 38
appointed by the speaker of the house of representatives; 39

(7) One representative of the children's hunger alliance, 40
appointed by the speaker of the house of representatives; 41

(8) One representative of the American heart association, 42
appointed by the speaker of the house of representatives; 43

(9) One representative of the Ohio association for health, 44
physical education, recreation and dance, appointed by the 45
governor; 46

(10) One representative of the Ohio soft drink association, 47
appointed by the governor; 48

(11) One representative of the Ohio dairy producers 49
association, appointed by the president of the senate; 50

(12) Three representatives of school districts, one each 51
appointed by the governor, the president of the senate, and the 52
speaker of the house of representatives. The governor's 53
appointment shall be a representative of the Ohio school boards 54
association, the president's appointment shall be a representative 55
of the buckeye association of school administrators, and the 56
speaker's appointment shall be a representative of the Ohio 57
association of school business officials. 58

(13) Three school district employees whose job 59
responsibilities involve promoting student health and wellness, 60
one each appointed by the governor, the president of the senate, 61
and the speaker of the house of representatives. The governor's 62
appointment shall be a school-based mental health professional, 63
the president's appointment shall be a representative of the 64
school nutrition association of Ohio who is a dietitian licensed 65
under Chapter 4759. of the Revised Code, and the speaker's 66
appointment shall be a school nurse. 67

(14) Three elementary or secondary school teachers, one each 68
appointed by the governor, the president of the senate, and the 69
speaker of the house of representatives. The governor's 70
appointment shall be a representative of the Ohio education 71
association, the president's appointment shall be a representative 72
of the Ohio federation of teachers, and the speaker's appointment 73
shall be a chartered nonpublic school teacher. 74

(15) One representative of the office of healthy Ohio in the 75
department of health, appointed by the governor; 76

(16) One representative of the department of education, 77

<u>appointed by the governor;</u>	78
<u>(17) One parent, appointed by the president of the senate;</u>	79
<u>(18) One representative of chartered nonpublic schools,</u> <u>appointed by the president of the senate;</u>	80 81
<u>(19) One member of the senate, appointed by the president of</u> <u>the senate;</u>	82 83
<u>(20) One member of the house of representatives, appointed by</u> <u>the speaker of the house of representatives.</u>	84 85
<u>(B) Each organization specified in divisions (A)(1) to (14)</u> <u>of this section shall submit recommendations for its</u> <u>representatives on the council.</u>	86 87 88
<u>(C) Members of the council shall serve at the pleasure of</u> <u>their appointing authority. Vacancies shall be filled in the same</u> <u>manner as the original appointment. Members shall not be</u> <u>compensated.</u>	89 90 91 92
<u>(D) The member of the senate and the member of the house of</u> <u>representatives shall serve as joint chairpersons of the council.</u> <u>The chairpersons shall call the first meeting of the council,</u> <u>which shall be held not later than thirty days after the last</u> <u>member of the council has been appointed. The council shall meet</u> <u>annually and, upon the call of the chairpersons, at other times as</u> <u>may be necessary to conduct council business.</u>	93 94 95 96 97 98 99
<u>Sec. 3301.921.</u> <u>The healthy choices for healthy children</u> <u>council shall do all of the following:</u>	100 101
<u>(A) Monitor progress in improving student health and</u> <u>wellness;</u>	102 103
<u>(B) Make periodic policy recommendations to the state board</u> <u>of education regarding ways to improve the nutritional standards</u> <u>for food and beverages prescribed by sections 3313.816 and</u>	104 105 106

3313.817 of the Revised Code. If, on or after the effective date 107
of this section, the United States department of agriculture 108
adopts regulations for the sale of food or beverages in schools, 109
the council, within sixty days after their adoption, shall review 110
the regulations and, based on that review, make recommendations 111
for changes to the nutritional standards prescribed by those 112
sections. 113

(C) Make periodic recommendations to the department of 114
education for the development of a clearinghouse of best practices 115
in the areas of student nutrition, physical activity for students, 116
and body mass index screenings; 117

(D) Assist the department of health in developing a list of 118
resources regarding health risks associated with weight status for 119
distribution to parents and guardians under division (E) of 120
section 3313.674 of the Revised Code; 121

(E) Regularly review developments in science and nutrition to 122
ensure the council remains informed for purposes of making 123
recommendations under divisions (B) and (C) of this section. 124

Sec. 3301.922. The department of education shall issue an 125
annual report on the compliance of public and chartered nonpublic 126
schools with the requirements of sections 3313.6016 and 3313.674 127
of the Revised Code. The department shall include in the report 128
any data regarding student health and wellness collected by the 129
department in conjunction with those requirements. The department 130
shall submit each report to the governor, the general assembly, 131
and the healthy choices for healthy children council. 132

Sec. 3301.923. Upon receipt of the initial recommendations of 133
the healthy choices for healthy children council required by 134
division (C) of section 3301.921 of the Revised Code, the 135
department of education shall establish a clearinghouse of best 136

practices that schools may use to promote student health. The 137
department shall update the clearinghouse as necessary to reflect 138
subsequent recommendations of the council. 139

Sec. 3302.032. (A) Not later than December 31, 2011, the 140
state board of education shall establish a measure of the 141
following: 142

(1) Student success in meeting the benchmarks contained in 143
the physical education standards adopted under division (A)(3) of 144
section 3301.079 of the Revised Code; 145

(2) Compliance with the requirements for local wellness 146
policies prescribed by section 204 of the "Child Nutrition and WIC 147
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 148

(3) Whether a school district or building is complying with 149
sections 3313.6016 and 3313.674 of the Revised Code instead of 150
operating under a waiver from the requirements of those sections. 151

(B) The measure shall be included on the school district and 152
building report cards issued under section 3302.03 of the Revised 153
Code, beginning with the report cards issued for the 2012-2013 154
school year, but it shall not be a factor in the performance 155
ratings issued under that section. 156

(C) The department of education may accept, receive, and 157
expend gifts, devises, or bequests of money for the purpose of 158
establishing the measure required by this section. 159

Sec. 3313.603. (A) As used in this section: 160

(1) "One unit" means a minimum of one hundred twenty hours of 161
course instruction, except that for a laboratory course, "one 162
unit" means a minimum of one hundred fifty hours of course 163
instruction. 164

(2) "One-half unit" means a minimum of sixty hours of course 165

instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(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:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) Social studies, three units, which shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, seven units until September 15, 2003, and six units thereafter.

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.

(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	195
shall include twenty units that are designed to prepare students	196
for the workforce and college. The units shall be distributed as	197
follows:	198
(1) English language arts, four units;	199
(2) Health, one-half unit, <u>which shall include instruction in</u>	200
<u>nutrition and the benefits of nutritious foods and physical</u>	201
<u>activity for overall health;</u>	202
(3) Mathematics, four units, which shall include one unit of	203
algebra II or the equivalent of algebra II;	204
(4) Physical education, one-half unit;	205
(5) Science, three units with inquiry-based laboratory	206
experience that engages students in asking valid scientific	207
questions and gathering and analyzing information, which shall	208
include the following, or their equivalent:	209
(a) Physical sciences, one unit;	210
(b) Life sciences, one unit;	211
(c) Advanced study in one or more of the following sciences,	212
one unit:	213
(i) Chemistry, physics, or other physical science;	214
(ii) Advanced biology or other life science;	215
(iii) Astronomy, physical geology, or other earth or space	216
science.	217
(6) Social studies, three units, which shall include both of	218
the following:	219
(a) American history, one-half unit;	220
(b) American government, one-half unit.	221
Each school shall integrate the study of economics and	222

financial literacy, as expressed in the social studies academic 223
content standards adopted by the state board of education under 224
division (A)(1) of section 3301.079 of the Revised Code and the 225
academic content standards for financial literacy and 226
entrepreneurship adopted under division (A)(2) of that section, 227
into one or more existing social studies credits required under 228
division (C)(6) of this section, or into the content of another 229
class, so that every high school student receives instruction in 230
those concepts. In developing the curriculum required by this 231
paragraph, schools shall use available public-private partnerships 232
and resources and materials that exist in business, industry, and 233
through the centers for economics education at institutions of 234
higher education in the state. 235

(7) Five units consisting of one or any combination of 236
foreign language, fine arts, business, career-technical education, 237
family and consumer sciences, technology, agricultural education, 238
a junior reserve officer training corps (JROTC) program approved 239
by the congress of the United States under title 10 of the United 240
States Code, or English language arts, mathematics, science, or 241
social studies courses not otherwise required under division (C) 242
of this section. 243

Ohioans must be prepared to apply increased knowledge and 244
skills in the workplace and to adapt their knowledge and skills 245
quickly to meet the rapidly changing conditions of the 246
twenty-first century. National studies indicate that all high 247
school graduates need the same academic foundation, regardless of 248
the opportunities they pursue after graduation. The goal of Ohio's 249
system of elementary and secondary education is to prepare all 250
students for and seamlessly connect all students to success in 251
life beyond high school graduation, regardless of whether the next 252
step is entering the workforce, beginning an apprenticeship, 253
engaging in post-secondary training, serving in the military, or 254

pursuing a college degree. 255

The Ohio core curriculum is the standard expectation for all 256
students entering ninth grade for the first time at a public or 257
chartered nonpublic high school on or after July 1, 2010. A 258
student may satisfy this expectation through a variety of methods, 259
including, but not limited to, integrated, applied, 260
career-technical, and traditional coursework. 261

Whereas teacher quality is essential for student success in 262
completing the Ohio core curriculum, the general assembly shall 263
appropriate funds for strategic initiatives designed to strengthen 264
schools' capacities to hire and retain highly qualified teachers 265
in the subject areas required by the curriculum. Such initiatives 266
are expected to require an investment of \$120,000,000 over five 267
years. 268

Stronger coordination between high schools and institutions 269
of higher education is necessary to prepare students for more 270
challenging academic endeavors and to lessen the need for academic 271
remediation in college, thereby reducing the costs of higher 272
education for Ohio's students, families, and the state. The state 273
board of ~~education~~ and the chancellor of the Ohio board of regents 274
shall develop policies to ensure that only in rare instances will 275
students who complete the Ohio core curriculum require academic 276
remediation after high school. 277

School districts, community schools, and chartered nonpublic 278
schools shall integrate technology into learning experiences 279
whenever practicable across the curriculum in order to maximize 280
efficiency, enhance learning, and prepare students for success in 281
the technology-driven twenty-first century. Districts and schools 282
may use distance and web-based course delivery as a method of 283
providing or augmenting all instruction required under this 284
division, including laboratory experience in science. Districts 285
and schools shall whenever practicable utilize technology access 286

and electronic learning opportunities provided by the eTech Ohio 287
commission, the Ohio learning network, education technology 288
centers, public television stations, and other public and private 289
providers. 290

(D) Except as provided in division (E) of this section, a 291
student who enters ninth grade on or after July 1, 2010, and 292
before July 1, 2014, may qualify for graduation from a public or 293
chartered nonpublic high school even though the student has not 294
completed the Ohio core curriculum prescribed in division (C) of 295
this section if all of the following conditions are satisfied: 296

(1) After the student has attended high school for two years, 297
as determined by the school, the student and the student's parent, 298
guardian, or custodian sign and file with the school a written 299
statement asserting the parent's, guardian's, or custodian's 300
consent to the student's graduating without completing the Ohio 301
core curriculum and acknowledging that one consequence of not 302
completing the Ohio core curriculum is ineligibility to enroll in 303
most state universities in Ohio without further coursework. 304

(2) The student and parent, guardian, or custodian fulfill 305
any procedural requirements the school stipulates to ensure the 306
student's and parent's, guardian's, or custodian's informed 307
consent and to facilitate orderly filing of statements under 308
division (D)(1) of this section. 309

(3) The student and the student's parent, guardian, or 310
custodian and a representative of the student's high school 311
jointly develop an individual career plan for the student that 312
specifies the student matriculating to a two-year degree program, 313
acquiring a business and industry credential, or entering an 314
apprenticeship. 315

(4) The student's high school provides counseling and support 316
for the student related to the plan developed under division 317

(D)(3) of this section during the remainder of the student's high school experience. 318
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(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section. 320
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The department of education, in collaboration with the chancellor ~~of the Ohio board of regents~~, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The department shall submit its findings and any recommendations not later than August 1, 2014, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction. 322
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(E) Each school district and chartered nonpublic school retains the authority to require an even more rigorous minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following: 335
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(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate; 342
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(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division 344
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(B) of this section;	349
(3) That no exception comparable to that provided in division	350
(D) of this section is available.	351
(F) A student enrolled in a dropout prevention and recovery	352
program, which program has received a waiver from the department	353
of education , may qualify for graduation from high school by	354
successfully completing a competency-based instructional program	355
administered by the dropout prevention and recovery program in	356
lieu of completing the Ohio core curriculum prescribed in division	357
(C) of this section. The department shall grant a waiver to a	358
dropout prevention and recovery program, within sixty days after	359
the program applies for the waiver, if the program meets all of	360
the following conditions:	361
(1) The program serves only students not younger than sixteen	362
years of age and not older than twenty-one years of age.	363
(2) The program enrolls students who, at the time of their	364
initial enrollment, either, or both, are at least one grade level	365
behind their cohort age groups or experience crises that	366
significantly interfere with their academic progress such that	367
they are prevented from continuing their traditional programs.	368
(3) The program requires students to attain at least the	369
applicable score designated for each of the assessments prescribed	370
under division (B)(1) of section 3301.0710 of the Revised Code or,	371
to the extent prescribed by rule of the state board of education	372
under division (E)(6) of section 3301.0712 of the Revised Code,	373
division (B)(2) of that section.	374
(4) The program develops an individual career plan for the	375
student that specifies the student's matriculating to a two-year	376
degree program, acquiring a business and industry credential, or	377
entering an apprenticeship.	378
(5) The program provides counseling and support for the	379

student related to the plan developed under division (F)(4) of 380
this section during the remainder of the student's high school 381
experience. 382

(6) The program requires the student and the student's 383
parent, guardian, or custodian to sign and file, in accordance 384
with procedural requirements stipulated by the program, a written 385
statement asserting the parent's, guardian's, or custodian's 386
consent to the student's graduating without completing the Ohio 387
core curriculum and acknowledging that one consequence of not 388
completing the Ohio core curriculum is ineligibility to enroll in 389
most state universities in Ohio without further coursework. 390

(7) Prior to receiving the waiver, the program has submitted 391
to the department an instructional plan that demonstrates how the 392
academic content standards adopted by the state board ~~of education~~ 393
under section 3301.079 of the Revised Code will be taught and 394
assessed. 395

If the department does not act either to grant the waiver or 396
to reject the program application for the waiver within sixty days 397
as required under this section, the waiver shall be considered to 398
be granted. 399

(G) Every high school may permit students below the ninth 400
grade to take advanced work. If a high school so permits, it shall 401
award high school credit for successful completion of the advanced 402
work and shall count such advanced work toward the graduation 403
requirements of division (B) or (C) of this section if the 404
advanced work was both: 405

(1) Taught by a person who possesses a license or certificate 406
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 407
Code that is valid for teaching high school; 408

(2) Designated by the board of education of the city, local, 409
or exempted village school district, the board of the cooperative 410

education school district, or the governing authority of the 411
chartered nonpublic school as meeting the high school curriculum 412
requirements. 413

Each high school shall record on the student's high school 414
transcript all high school credit awarded under division (G) of 415
this section. In addition, if the student completed a seventh- or 416
eighth-grade fine arts course described in division (K) of this 417
section and the course qualified for high school credit under that 418
division, the high school shall record that course on the 419
student's high school transcript. 420

(H) The department shall make its individual academic career 421
plan available through its Ohio career information system web site 422
for districts and schools to use as a tool for communicating with 423
and providing guidance to students and families in selecting high 424
school courses. 425

(I) Units earned in English language arts, mathematics, 426
science, and social studies that are delivered through integrated 427
academic and career-technical instruction are eligible to meet the 428
graduation requirements of division (B) or (C) of this section. 429

(J) The state board ~~of education~~, in consultation with the 430
chancellor ~~of the Ohio board of regents~~, shall adopt a statewide 431
plan implementing methods for students to earn units of high 432
school credit based on a demonstration of subject area competency, 433
instead of or in combination with completing hours of classroom 434
instruction. The state board shall adopt the plan not later than 435
March 31, 2009, and commence phasing in the plan during the 436
2009-2010 school year. The plan shall include a standard method 437
for recording demonstrated proficiency on high school transcripts. 438
Each school district, community school, and chartered nonpublic 439
school shall comply with the state board's plan adopted under this 440
division and award units of high school credit in accordance with 441
the plan. The state board may adopt existing methods for earning 442

high school credit based on a demonstration of subject area 443
competency as necessary prior to the 2009-2010 school year. 444

(K) This division does not apply to students who qualify for 445
graduation from high school under division (D) or (F) of this 446
section, or to students pursuing a career-technical instructional 447
track as determined by the school district board of education or 448
the chartered nonpublic school's governing authority. 449
Nevertheless, the general assembly encourages such students to 450
consider enrolling in a fine arts course as an elective. 451

Beginning with students who enter ninth grade for the first 452
time on or after July 1, 2010, each student enrolled in a public 453
or chartered nonpublic high school shall complete two semesters or 454
the equivalent of fine arts to graduate from high school. The 455
coursework may be completed in any of grades seven to twelve. Each 456
student who completes a fine arts course in grade seven or eight 457
may elect to count that course toward the five units of electives 458
required for graduation under division (C)(7) of this section, if 459
the course satisfied the requirements of division (G) of this 460
section. In that case, the high school shall award the student 461
high school credit for the course and count the course toward the 462
five units required under division (C)(7) of this section. If the 463
course in grade seven or eight did not satisfy the requirements of 464
division (G) of this section, the high school shall not award the 465
student high school credit for the course but shall count the 466
course toward the two semesters or the equivalent of fine arts 467
required by this division. 468

(L) Notwithstanding anything to the contrary in this section, 469
the board of education of each school district and the governing 470
authority of each chartered nonpublic school may adopt a policy to 471
excuse from the high school physical education requirement each 472
student who, during high school, has participated in 473
interscholastic athletics, marching band, or cheerleading for at 474

least two full seasons or in the junior reserve officer training 475
corps for at least two full school years. If the board or 476
authority adopts such a policy, the board or authority shall not 477
require the student to complete any physical education course as a 478
condition to graduate. However, the student shall be required to 479
complete one-half unit, consisting of at least sixty hours of 480
instruction, in another course of study. In the case of a student 481
who has participated in the junior reserve officer training corps 482
for at least two full school years, credit received for that 483
participation may be used to satisfy the requirement to complete 484
one-half unit in another course of study. 485

Sec. 3313.6016. (A) Except as provided in divisions (B) and 486
(E) of this section, beginning in the 2011-2012 school year, the 487
board of education of each city, exempted village, or local school 488
district and the governing authority of each chartered nonpublic 489
school shall require all students in each of grades kindergarten 490
through twelve to engage in at least thirty minutes of moderate to 491
rigorous physical activity each school day, exclusive of recess. 492
Physical activity engaged in during the following may count toward 493
the daily requirement: 494

(1) A physical education course; 495

(2) A program or activity occurring before or after the 496
regular school day, as defined in section 3313.814 of the Revised 497
Code, that is sponsored or approved by the school of attendance, 498
provided school officials are able to monitor students' 499
participation to ensure compliance with the requirement. 500

(B) None of the following shall be subject to the requirement 501
of division (A) of this section: 502

(1) Any student enrolled in the post-secondary enrollment 503
options program established under Chapter 3365. of the Revised 504
Code; 505

(2) Any student enrolled in a career-technical education program operated by the board or governing authority; 506
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(3) Any student enrolled in a dropout prevention and recovery program operated by the board or governing authority. 508
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(C) For any period in which a student is participating in interscholastic athletics, marching band, or cheerleading, the board or governing authority may excuse the student from the requirement of division (A) of this section. 510
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(D) The board or governing authority may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (A) of this section. 514
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(E) A board or governing authority, for financial reasons, may apply to the superintendent of public instruction for a waiver of the requirement of division (A) of this section. If the board or governing authority demonstrates to the superintendent's satisfaction that compliance with the requirement will create an undue financial hardship on the school district or chartered nonpublic school, the superintendent shall grant the waiver. An affidavit submitted to the superintendent by the board or governing authority, attested to by the president or presiding officer of the board or governing authority, shall be conclusive evidence of the need for the waiver. 518
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(F) Not later than July 1, 2011, the board or governing authority shall adopt a policy to comply with this section, except that in the case of a board or governing authority granted a waiver under division (E) of this section, the board or governing authority shall adopt the policy not later than the first day of July following the waiver's expiration. 529
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Sec. 3313.674. (A) Except as provided in divisions (D) and 535

(H) of this section, the board of education of each city, exempted village, or local school district and the governing authority of each chartered nonpublic school 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 May of the school year. 536
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(B) The board or governing authority 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 subject to this section to obtain the screening from a provider selected by the parent or guardian and to submit the results to the board or governing authority. If the board or governing authority provides the screenings itself or contracts with another entity for provision of the screenings, the board or governing authority shall protect student privacy by ensuring that each student is screened alone and not in the presence of other students or staff. 542
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(C) Prior to the first day of February of each school year, the board or governing authority shall provide the parent or guardian of each student subject to this section with information about the screening program. If the board or governing authority requests parents and guardians to obtain a screening from a provider of their choosing, the board or governing authority shall provide them with a list of providers and information about screening services available in the community to parents and guardians who cannot afford a private provider. 553
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(D) If the parent or guardian of a student subject to this section signs and submits to the board or governing authority a written statement indicating that the parent or guardian does not wish to have the student undergo the screening, the board or governing authority shall not require the student to be screened. 562
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(E) The board or governing authority shall notify the parent 567

or guardian of each student screened under this section of any 568
health risks associated with the student's results and shall 569
provide the parent or guardian with information about 570
appropriately addressing the risks. For this purpose, the 571
department of health, in consultation with the department of 572
education and the healthy choices for healthy children council 573
established under section 3301.92 of the Revised Code, shall 574
develop a list of documents, pamphlets, or other resources that 575
may be distributed to parents and guardians under this division. 576

(F) The board or governing authority shall maintain the 577
confidentiality of each student's individual screening results at 578
all times. No board or governing authority shall report a 579
student's individual screening results to any person other than 580
the student's parent or guardian. 581

(G) In a manner prescribed by rule of the director of health, 582
the board or governing authority shall report aggregated body mass 583
index and weight status category data collected under this 584
section, and any other demographic data required by the director, 585
to the department of health. In the case of a school district, 586
data shall be aggregated for the district as a whole and not for 587
individual schools within the district, unless the district 588
operates only one school. In the case of a chartered nonpublic 589
school, data shall be aggregated for the school as a whole. The 590
department annually shall publish the data reported under this 591
division, aggregated by county. If any district or chartered 592
nonpublic school was granted a waiver under division (H) of this 593
section for the school year covered by the published data, the 594
department shall note that the data for the county in which the 595
district or school is located is incomplete. The department may 596
share data reported under this division with other governmental 597
entities for the purpose of monitoring population health, making 598
reports, or public health promotional activities. 599

(H) A board or governing authority, for financial reasons, may apply to the superintendent of public instruction for a waiver of the requirement to have students undergo screenings for body mass index and weight status category. If the board or governing authority demonstrates to the superintendent's satisfaction that compliance with the requirement will create an undue financial hardship on the school district or chartered nonpublic school, the superintendent shall grant the waiver. An affidavit submitted to the superintendent by the board or governing authority, attested to by the president or presiding officer of the board or governing authority, shall be conclusive evidence of the need for the waiver.

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

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

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

(B) The state board of education shall establish standards for a school lunch program, school breakfast program, child and adult care food program, special food service program for children, summer food service program for children, special milk program for children, food service equipment assistance program, and commodity distribution 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. Any board of education of a school district, nonprofit private school, outdoor education center, child care institution, outside-school-hours care center, or

summer camp desiring to participate in such a program or required 631
to participate under this section shall, if eligible to 632
participate under the "National School Lunch Act," as amended, or 633
the "Child Nutrition Act of 1966," as amended, make application to 634
the state board of education for assistance. The board shall 635
administer the allocation and distribution of all state and 636
federal funds for these programs. 637

(C) The state board of education shall require the board of 638
education of each school district to establish and maintain a 639
school breakfast, lunch, and summer food service program pursuant 640
to the "National School Lunch Act" and the "Child Nutrition Act of 641
1966," as described in divisions (C)(1) to (4) of this section. 642

(1) The state board shall require the board of education in 643
each school district to establish a breakfast program in every 644
school where at least one-fifth of the pupils in the school are 645
eligible under federal requirements for free breakfasts and to 646
establish a lunch program in every school where at least one-fifth 647
of the pupils are eligible for free lunches. The board of 648
education required to establish a breakfast program under this 649
division may make a charge in accordance with federal requirements 650
for each reduced price breakfast or paid breakfast to cover the 651
cost incurred in providing that meal. 652

(2) The state board shall require the board of education in 653
each school district to establish a breakfast program in every 654
school in which the parents of at least one-half of the children 655
enrolled in the school have requested that the breakfast program 656
be established. The board of education required to establish a 657
program under this division may make a charge in accordance with 658
federal requirements for each meal to cover all or part of the 659
costs incurred in establishing such a program. 660

(3) The state board ~~of education~~ shall require the board of 661
education in each school district to establish one of the 662

following for summer intervention services described in division 663
(D) of section 3301.0711 and section 3313.608 of the Revised Code 664
and any other summer intervention program required by law: 665

(a) An extension of the school breakfast program pursuant to 666
the "National School Lunch Act" and the "Child Nutrition Act of 667
1966"; 668

(b) An extension of the school lunch program pursuant to 669
those acts; 670

(c) A summer food service program pursuant to those acts. 671

(4)(a) If the board of education of a school district 672
determines that, for financial reasons, it cannot comply with 673
division (C)(1) or (3) of this section, the district board may 674
choose not to comply with either or both divisions, except as 675
provided in division (C)(4)(b) of this section. The district board 676
publicly shall communicate to the residents of the district, in 677
the manner it determines appropriate, its decision not to comply. 678

(b) If a district board chooses not to comply with division 679
(C)(1) of this section, the state board of ~~education~~ nevertheless 680
shall require the district board to establish a breakfast program 681
in every school where at least one-third of the pupils in the 682
school are eligible under federal requirements for free breakfasts 683
and to establish a lunch program in every school where at least 684
one-third of the pupils are eligible for free lunches. The 685
district board may make a charge in accordance with federal 686
requirements for each reduced price breakfast or paid breakfast to 687
cover the cost incurred in providing that meal. 688

(c) If a school district cannot for good cause comply with 689
the requirements of division (C)(2) or (4)(b) of this section at 690
the time the state board determines that a district is subject to 691
these requirements, the state board of ~~education~~ shall grant a 692
reasonable extension of time. Good cause for an extension of time 693

shall include, but need not be limited to, economic impossibility 694
of compliance with the requirements at the time the state board 695
determines that a district is subject to them. 696

(D)(1) The state board ~~of education~~ shall accept the 697
application of any outdoor education center in the state making 698
application for participation in a program pursuant to division 699
(B) of this section. 700

(2) For purposes of participation in any program pursuant to 701
this section, the board shall certify any outdoor education center 702
making application as an educational unit that is part of the 703
educational system of the state, if the center: 704

(a) Meets the definition of an outdoor education center; 705

(b) Provides its outdoor education curriculum to pupils on an 706
overnight basis so that pupils are in residence at the center for 707
more than twenty-four consecutive hours; 708

(c) Operates under public or nonprofit private ownership in a 709
single building or complex of buildings. 710

(3) The board shall approve any outdoor education center 711
certified under this division for participation in the program for 712
which the center is making application on the same basis as any 713
other applicant for that program. 714

(E) Any school district board of education or chartered 715
nonpublic school that participates in a breakfast program pursuant 716
to this section may offer breakfast to pupils in their classrooms 717
during the school day. 718

(F) Notwithstanding anything in this section to the contrary, 719
in each fiscal year in which the general assembly appropriates 720
funds for purposes of this division, the board of education of 721
each school district and each chartered nonpublic school that 722
participates in a breakfast program pursuant to this section shall 723

provide a breakfast free of charge to each pupil who is eligible 724
under federal requirements for a reduced price breakfast. 725

Sec. 3313.814. (A) As used in this section and sections 726
3313.816 and 3313.817 of the Revised Code: 727

(1) "A la carte item" means an individually priced food or 728
beverage item that is available for sale to students through any 729
of the following: 730

(a) A school food service program; 731

(b) A vending machine located on school property; 732

(c) A store operated by the school, a student association, or 733
other school-sponsored organization. 734

"A la carte item" does not include any food or beverage item 735
available for sale in connection with a school-sponsored 736
fundraiser held outside of the regular school day, any other 737
school-sponsored event held outside of the regular school day, or 738
an interscholastic athletic event. "A la carte item" also does not 739
include any food or beverage item that is part of a reimbursable 740
meal and that is available for sale as an individually priced item 741
in a serving portion of the same size as in the reimbursable meal, 742
regardless of whether the food or beverage item is included in the 743
reimbursable meal served on a particular school day. 744

(2) "Added sweeteners" means any additives that enhance the 745
sweetness of a beverage, including processed sugar. "Added 746
sweeteners" do not include any natural sugars found in fruit 747
juices that are a component of the beverage. 748

(3) "Extended school day" means the period before and after 749
the regular school day during which students participate in 750
school-sponsored extracurricular activities, latchkey programs as 751
defined in section 3313.207 of the Revised Code, or other academic 752
or enrichment programs. 753

(4) "Regular school day" means the period each school day 754
between the designated arrival time for students and the end of 755
the final instructional period. 756

(5) "Reimbursable meal" means a meal that is provided to 757
students through a school breakfast or lunch program established 758
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 759
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 760
Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria 761
for reimbursement established by the United States department of 762
agriculture. 763

(6) "School food service program" means a school food service 764
program operated under section 3313.81 or 3313.813 of the Revised 765
Code. 766

(B) Each school district board of education and each 767
chartered nonpublic school governing authority shall adopt and 768
enforce nutrition standards governing the types of food and 769
beverages that may be sold on the premises of its schools, and 770
specifying the time and place each type of food or beverage may be 771
sold. In 772

(1) In adopting the standards, the board or governing 773
authority shall ~~consider each food's~~ do all of the following: 774

(a) Consider the nutritional value of each food or beverage; 775

(b) Consult with a dietitian licensed under Chapter 4759. of 776
the Revised Code, a dietetic technician registered by the 777
commission on dietetic registration, or a school nutrition 778
specialist certified or credentialed by the school nutrition 779
association. The person with whom the board or governing authority 780
consults may be an employee of the board or governing authority, a 781
person contracted by the board or governing authority, or a 782
volunteer, provided the person meets the requirements of this 783
division. 784

(c) 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, incorporate the guidelines into the standards. No 785
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(2) 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. 790
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(3) 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. 793
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(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 and beverage items that are part of a reimbursable meal and are available for sale as individually priced items in serving portions of the same size as in the reimbursable meal. 797
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(D) Each board or governing authority shall designate staff to be responsible for ensuring that the school district or school meets the nutrition standards adopted under this section. The staff shall prepare an annual report regarding the district's or school's compliance with the standards and submit it to the department of education. The board or governing authority annually shall schedule a presentation on the report at one of its regular meetings. Each district or school shall make copies of the report available to the public upon request. 805
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(E) The state board of education shall formulate and adopt guidelines, which boards of education and chartered nonpublic 814
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schools may follow in enforcing and implementing this section. 816

Sec. 3313.816. (A) No public or chartered nonpublic school 817
shall permit the sale of a la carte beverage items other than the 818
following during the regular and extended school day: 819

(1) For a school in which the majority of grades offered are 820
in the range from kindergarten to grade four: 821

(a) Water; 822

(b)(i) Prior to January 1, 2014, eight ounces or less of 823
low-fat or fat-free milk, including flavored milk, that contains 824
not more than one hundred seventy calories per eight ounces; 825

(ii) Beginning January 1, 2014, eight ounces or less of 826
low-fat or fat-free milk, including flavored milk, that contains 827
not more than one hundred fifty calories per eight ounces. 828

(c) Eight ounces or less of one hundred per cent fruit juice, 829
or a one hundred per cent fruit juice and water blend with no 830
added sweeteners, that contains not more than one hundred sixty 831
calories per eight ounces. 832

(2) For a school in which the majority of grades offered are 833
in the range from grade five to grade eight: 834

(a) Water; 835

(b)(i) Prior to January 1, 2014, eight ounces or less of 836
low-fat or fat-free milk, including flavored milk, that contains 837
not more than one hundred seventy calories per eight ounces; 838

(ii) Beginning January 1, 2014, eight ounces or less of 839
low-fat or fat-free milk, including flavored milk, that contains 840
not more than one hundred fifty calories per eight ounces. 841

(c) Ten ounces or less of one hundred per cent fruit juice, 842
or a one hundred per cent fruit juice and water blend with no 843
added sweeteners, that contains not more than one hundred sixty 844

calories per eight ounces. 845

(3) For a school in which the majority of grades offered are 846
in the range from grade nine to grade twelve: 847

(a) Water; 848

(b)(i) Prior to January 1, 2014, sixteen ounces or less of 849
low-fat or fat-free milk, including flavored milk, that contains 850
not more than one hundred seventy calories per eight ounces; 851

(ii) Beginning January 1, 2014, sixteen ounces or less of 852
low-fat or fat-free milk, including flavored milk, that contains 853
not more than one hundred fifty calories per eight ounces. 854

(c) Twelve ounces or less of one hundred per cent fruit 855
juice, or a one hundred per cent fruit juice and water blend with 856
no added sweeteners, that contains not more than one hundred sixty 857
calories per eight ounces; 858

(d) Twelve ounces or less of any beverage that contains not 859
more than sixty-six calories per eight ounces; 860

(e) Any size of a beverage that contains not more than ten 861
calories per eight ounces, which may include caffeinated beverages 862
and beverages with added sweeteners, carbonation, or artificial 863
flavoring. 864

(B) Each public and chartered nonpublic school shall require 865
at least fifty per cent of the a la carte beverage items available 866
for sale from each of the following sources during the regular and 867
extended school day to be water or other beverages that contain 868
not more than ten calories per eight ounces: 869

(1) A school food service program; 870

(2) A vending machine located on school property that does 871
not sell only milk or reimbursable meals; 872

(3) A store operated by the school, a student association, or 873
other school-sponsored organization. 874

Sec. 3313.817. (A) When the department of education is able 875
to obtain free of charge computer software for assessing the 876
nutritional value of foods that does all of the following, the 877
department shall make that software available free of charge to 878
each public and chartered nonpublic school: 879

(1) Rates the healthiness of foods based on nutrient density; 880

(2) Assesses the amount of calories, total fat, saturated 881
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 882
and vitamin C in each food item; 883

(3) Evaluates the nutritional value of foods based on the 884
dietary guidelines for Americans jointly developed by the United 885
States department of agriculture and United States department of 886
health and human services as they pertain to children and 887
adolescents. 888

(B) Each public and chartered nonpublic school shall use the 889
software provided by the department under this section to 890
determine the nutritional value of each a la carte food item 891
available for sale at the school. 892

(C) When the department provides software under this section, 893
each public and chartered nonpublic school shall comply with all 894
of the following requirements: 895

(1) No a la carte food item shall be in the lowest rated 896
category of foods designated by the software. 897

(2) In the first school year in which the school is subject 898
to this section, at least twenty per cent of the a la carte food 899
items available for sale from each of the following sources during 900
the regular and extended school day shall be in the highest rated 901
category of foods designated by the software and in each school 902
year thereafter, at least forty per cent of the a la carte food 903
items available for sale from each of the following sources during 904

the regular and extended school day shall be in that category: 905

(a) A school food service program; 906

(b) A vending machine located on school property; 907

(c) A store operated by the school, a student association, or 908
other school-sponsored organization. 909

(3) Each a la carte food item that is not in the highest 910
rated category of foods designated by the software shall meet at 911
least two of the following criteria: 912

(a) It contains at least five grams of protein. 913

(b) It contains at least ten per cent of the recommended 914
daily value of fiber. 915

(c) It contains at least ten per cent of the recommended 916
daily value of calcium. 917

(d) It contains at least ten per cent of the recommended 918
daily value of iron. 919

(e) It contains at least ten per cent of the recommended 920
daily value of vitamin A. 921

(f) It contains at least ten per cent of the recommended 922
daily value of vitamin C. 923

(D) As an alternative to complying with division (C) of this 924
section, a public or chartered nonpublic school may comply with 925
the most recent guidelines for competitive foods issued by the 926
alliance for a healthier generation with respect to the sale of a 927
la carte food items. 928

Sec. 3314.03. A copy of every contract entered into under 929
this section shall be filed with the superintendent of public 930
instruction. 931

(A) Each contract entered into between a sponsor and the 932

governing authority of a community school shall specify the	933
following:	934
(1) That the school shall be established as either of the	935
following:	936
(a) A nonprofit corporation established under Chapter 1702.	937
of the Revised Code, if established prior to April 8, 2003;	938
(b) A public benefit corporation established under Chapter	939
1702. of the Revised Code, if established after April 8, 2003+ <u>1</u>	940
(2) The education program of the school, including the	941
school's mission, the characteristics of the students the school	942
is expected to attract, the ages and grades of students, and the	943
focus of the curriculum;	944
(3) The academic goals to be achieved and the method of	945
measurement that will be used to determine progress toward those	946
goals, which shall include the statewide achievement assessments;	947
(4) Performance standards by which the success of the school	948
will be evaluated by the sponsor;	949
(5) The admission standards of section 3314.06 of the Revised	950
Code and, if applicable, section 3314.061 of the Revised Code;	951
(6)(a) Dismissal procedures;	952
(b) A requirement that the governing authority adopt an	953
attendance policy that includes a procedure for automatically	954
withdrawing a student from the school if the student without a	955
legitimate excuse fails to participate in one hundred five	956
consecutive hours of the learning opportunities offered to the	957
student.	958
(7) The ways by which the school will achieve racial and	959
ethnic balance reflective of the community it serves;	960
(8) Requirements for financial audits by the auditor of	961
state. The contract shall require financial records of the school	962

to be maintained in the same manner as are financial records of 963
school districts, pursuant to rules of the auditor of state. 964
Audits shall be conducted in accordance with section 117.10 of the 965
Revised Code. 966

(9) The facilities to be used and their locations; 967

(10) Qualifications of teachers, including a the following: 968

(a) A requirement that the school's classroom teachers be 969
licensed in accordance with sections 3319.22 to 3319.31 of the 970
Revised Code, except that a community school may engage 971
noncertificated persons to teach up to twelve hours per week 972
pursuant to section 3319.301 of the Revised Code; 973

(b) A requirement that each classroom teacher initially hired 974
by the school on or after July 1, 2013, and employed to provide 975
instruction in physical education hold a valid license issued 976
pursuant to section 3319.22 of the Revised Code for teaching 977
physical education. 978

(11) That the school will comply with the following 979
requirements: 980

(a) The school will provide learning opportunities to a 981
minimum of twenty-five students for a minimum of nine hundred 982
twenty hours per school year. 983

(b) The governing authority will purchase liability 984
insurance, or otherwise provide for the potential liability of the 985
school. 986

(c) The school will be nonsectarian in its programs, 987
admission policies, employment practices, and all other 988
operations, and will not be operated by a sectarian school or 989
religious institution. 990

(d) The school will comply with sections 9.90, 9.91, 109.65, 991
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 992

3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 993
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 994
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 995
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 996
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3314.817, 997
3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 998
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 999
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1000
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 1001
of the Revised Code as if it were a school district and will 1002
comply with section 3301.0714 of the Revised Code in the manner 1003
specified in section 3314.17 of the Revised Code. 1004

(e) The school shall comply with Chapter 102. and section 1005
2921.42 of the Revised Code. 1006

(f) The school will comply with sections 3313.61, 3313.611, 1007
and 3313.614 of the Revised Code, except that for students who 1008
enter ninth grade for the first time before July 1, 2010, the 1009
requirement in sections 3313.61 and 3313.611 of the Revised Code 1010
that a person must successfully complete the curriculum in any 1011
high school prior to receiving a high school diploma may be met by 1012
completing the curriculum adopted by the governing authority of 1013
the community school rather than the curriculum specified in Title 1014
XXXIII of the Revised Code or any rules of the state board of 1015
education. Beginning with students who enter ninth grade for the 1016
first time on or after July 1, 2010, the requirement in sections 1017
3313.61 and 3313.611 of the Revised Code that a person must 1018
successfully complete the curriculum of a high school prior to 1019
receiving a high school diploma shall be met by completing the 1020
Ohio core curriculum prescribed in division (C) of section 1021
3313.603 of the Revised Code, unless the person qualifies under 1022
division (D) or (F) of that section. Each school shall comply with 1023
the plan for awarding high school credit based on demonstration of 1024

subject area competency, adopted by the state board of education 1025
under division (J) of section 3313.603 of the Revised Code. 1026

(g) The school governing authority will submit within four 1027
months after the end of each school year a report of its 1028
activities and progress in meeting the goals and standards of 1029
divisions (A)(3) and (4) of this section and its financial status 1030
to the sponsor and the parents of all students enrolled in the 1031
school. 1032

(h) The school, unless it is an internet- or computer-based 1033
community school, will comply with ~~section~~ sections 3313.6016, 1034
3313.674, and 3313.801 of the Revised Code as if it were a school 1035
district. 1036

(12) Arrangements for providing health and other benefits to 1037
employees; 1038

(13) The length of the contract, which shall begin at the 1039
beginning of an academic year. No contract shall exceed five years 1040
unless such contract has been renewed pursuant to division (E) of 1041
this section. 1042

(14) The governing authority of the school, which shall be 1043
responsible for carrying out the provisions of the contract; 1044

(15) A financial plan detailing an estimated school budget 1045
for each year of the period of the contract and specifying the 1046
total estimated per pupil expenditure amount for each such year. 1047
The plan shall specify for each year the base formula amount that 1048
will be used for purposes of funding calculations under section 1049
3314.08 of the Revised Code. This base formula amount for any year 1050
shall not exceed the formula amount defined under section 3317.02 1051
of the Revised Code. The plan may also specify for any year a 1052
percentage figure to be used for reducing the per pupil amount of 1053
the subsidy calculated pursuant to section 3317.029 of the Revised 1054
Code the school is to receive that year under section 3314.08 of 1055

the Revised Code. 1056

(16) Requirements and procedures regarding the disposition of 1057
employees of the school in the event the contract is terminated or 1058
not renewed pursuant to section 3314.07 of the Revised Code; 1059

(17) Whether the school is to be created by converting all or 1060
part of an existing public school or educational service center 1061
building or is to be a new start-up school, and if it is a 1062
converted public school or service center building, specification 1063
of any duties or responsibilities of an employer that the board of 1064
education or service center governing board that operated the 1065
school or building before conversion is delegating to the 1066
governing authority of the community school with respect to all or 1067
any specified group of employees provided the delegation is not 1068
prohibited by a collective bargaining agreement applicable to such 1069
employees; 1070

(18) Provisions establishing procedures for resolving 1071
disputes or differences of opinion between the sponsor and the 1072
governing authority of the community school; 1073

(19) A provision requiring the governing authority to adopt a 1074
policy regarding the admission of students who reside outside the 1075
district in which the school is located. That policy shall comply 1076
with the admissions procedures specified in sections 3314.06 and 1077
3314.061 of the Revised Code and, at the sole discretion of the 1078
authority, shall do one of the following: 1079

(a) Prohibit the enrollment of students who reside outside 1080
the district in which the school is located; 1081

(b) Permit the enrollment of students who reside in districts 1082
adjacent to the district in which the school is located; 1083

(c) Permit the enrollment of students who reside in any other 1084
district in the state. 1085

(20) A provision recognizing the authority of the department 1086
of education to take over the sponsorship of the school in 1087
accordance with the provisions of division (C) of section 3314.015 1088
of the Revised Code; 1089

(21) A provision recognizing the sponsor's authority to 1090
assume the operation of a school under the conditions specified in 1091
division (B) of section 3314.073 of the Revised Code; 1092

(22) A provision recognizing both of the following: 1093

(a) The authority of public health and safety officials to 1094
inspect the facilities of the school and to order the facilities 1095
closed if those officials find that the facilities are not in 1096
compliance with health and safety laws and regulations; 1097

(b) The authority of the department of education as the 1098
community school oversight body to suspend the operation of the 1099
school under section 3314.072 of the Revised Code if the 1100
department has evidence of conditions or violations of law at the 1101
school that pose an imminent danger to the health and safety of 1102
the school's students and employees and the sponsor refuses to 1103
take such action; 1104

(23) A description of the learning opportunities that will be 1105
offered to students including both classroom-based and 1106
non-classroom-based learning opportunities that is in compliance 1107
with criteria for student participation established by the 1108
department under division (L)(2) of section 3314.08 of the Revised 1109
Code; 1110

(24) The school will comply with sections 3302.04 and 1111
3302.041 of the Revised Code, except that any action required to 1112
be taken by a school district pursuant to those sections shall be 1113
taken by the sponsor of the school. However, the sponsor shall not 1114
be required to take any action described in division (F) of 1115
section 3302.04 of the Revised Code. 1116

(25) Beginning in the 2006-2007 school year, the school will 1117
open for operation not later than the thirtieth day of September 1118
each school year, unless the mission of the school as specified 1119
under division (A)(2) of this section is solely to serve dropouts. 1120
In its initial year of operation, if the school fails to open by 1121
the thirtieth day of September, or within one year after the 1122
adoption of the contract pursuant to division (D) of section 1123
3314.02 of the Revised Code if the mission of the school is solely 1124
to serve dropouts, the contract shall be void. 1125

(B) The community school shall also submit to the sponsor a 1126
comprehensive plan for the school. The plan shall specify the 1127
following: 1128

(1) The process by which the governing authority of the 1129
school will be selected in the future; 1130

(2) The management and administration of the school; 1131

(3) If the community school is a currently existing public 1132
school or educational service center building, alternative 1133
arrangements for current public school students who choose not to 1134
attend the converted school and for teachers who choose not to 1135
teach in the school or building after conversion; 1136

(4) The instructional program and educational philosophy of 1137
the school; 1138

(5) Internal financial controls. 1139

(C) A contract entered into under section 3314.02 of the 1140
Revised Code between a sponsor and the governing authority of a 1141
community school may provide for the community school governing 1142
authority to make payments to the sponsor, which is hereby 1143
authorized to receive such payments as set forth in the contract 1144
between the governing authority and the sponsor. The total amount 1145
of such payments for oversight and monitoring of the school shall 1146
not exceed three per cent of the total amount of payments for 1147

operating expenses that the school receives from the state. 1148

(D) The contract shall specify the duties of the sponsor 1149
which shall be in accordance with the written agreement entered 1150
into with the department of education under division (B) of 1151
section 3314.015 of the Revised Code and shall include the 1152
following: 1153

(1) Monitor the community school's compliance with all laws 1154
applicable to the school and with the terms of the contract; 1155

(2) Monitor and evaluate the academic and fiscal performance 1156
and the organization and operation of the community school on at 1157
least an annual basis; 1158

(3) Report on an annual basis the results of the evaluation 1159
conducted under division (D)(2) of this section to the department 1160
of education and to the parents of students enrolled in the 1161
community school; 1162

(4) Provide technical assistance to the community school in 1163
complying with laws applicable to the school and terms of the 1164
contract; 1165

(5) Take steps to intervene in the school's operation to 1166
correct problems in the school's overall performance, declare the 1167
school to be on probationary status pursuant to section 3314.073 1168
of the Revised Code, suspend the operation of the school pursuant 1169
to section 3314.072 of the Revised Code, or terminate the contract 1170
of the school pursuant to section 3314.07 of the Revised Code as 1171
determined necessary by the sponsor; 1172

(6) Have in place a plan of action to be undertaken in the 1173
event the community school experiences financial difficulties or 1174
closes prior to the end of a school year. 1175

(E) Upon the expiration of a contract entered into under this 1176
section, the sponsor of a community school may, with the approval 1177

of the governing authority of the school, renew that contract for 1178
a period of time determined by the sponsor, but not ending earlier 1179
than the end of any school year, if the sponsor finds that the 1180
school's compliance with applicable laws and terms of the contract 1181
and the school's progress in meeting the academic goals prescribed 1182
in the contract have been satisfactory. Any contract that is 1183
renewed under this division remains subject to the provisions of 1184
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1185

(F) If a community school fails to open for operation within 1186
one year after the contract entered into under this section is 1187
adopted pursuant to division (D) of section 3314.02 of the Revised 1188
Code or permanently closes prior to the expiration of the 1189
contract, the contract shall be void and the school shall not 1190
enter into a contract with any other sponsor. A school shall not 1191
be considered permanently closed because the operations of the 1192
school have been suspended pursuant to section 3314.072 of the 1193
Revised Code. Any contract that becomes void under this division 1194
shall not count toward any statewide limit on the number of such 1195
contracts prescribed by section 3314.013 of the Revised Code. 1196

Sec. 3314.18. (A) Subject to division (C) of this section, 1197
the governing ~~board~~ authority of each community school shall 1198
establish a breakfast program pursuant to the "National School 1199
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and 1200
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, 1201
as amended, if at least one-fifth of the pupils in the school are 1202
eligible under federal requirements for free breakfasts, and shall 1203
establish a lunch program pursuant to those acts if at least 1204
one-fifth of the pupils are eligible for free lunches. The 1205
governing ~~board~~ authority required to establish a breakfast 1206
program under this division may make a charge in accordance with 1207
federal requirements for each reduced price breakfast or paid 1208
breakfast to cover the cost incurred in providing that meal. 1209

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

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

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

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

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

(D) The governing board authority of each community school required to establish a school breakfast, school lunch, or summer food service program under this section shall apply for state and federal funds allocated by the state board of education under division (B) of section 3313.813 of the Revised Code and shall comply with the state board's standards adopted under that division.

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

(F) Notwithstanding anything in this section to the contrary, 1241
in each fiscal year in which the general assembly appropriates 1242
funds for purposes of this division, the governing authority of 1243
each community school required to establish a breakfast program 1244
under this section or that elects to participate in a breakfast 1245
program pursuant to the "National School Lunch Act" and the "Child 1246
Nutrition Act of 1966" shall provide a breakfast free of charge to 1247
each pupil who is eligible under federal requirements for a 1248
reduced price breakfast. 1249

(G) This section does not apply to internet- or 1250
computer-based community schools. 1251

Sec. 3319.076. No school district shall employ any classroom 1252
teacher initially hired on or after July 1, 2013, to provide 1253
instruction in physical education in any of grades kindergarten 1254
through twelve unless the teacher holds a valid license issued 1255
pursuant to section 3319.22 of the Revised Code for teaching 1256
physical education. 1257

Sec. 3326.11. Each science, technology, engineering, and 1258
mathematics school established under this chapter and its 1259
governing body shall comply with sections 9.90, 9.91, 109.65, 1260
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 1261
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 1262
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 1263
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1264
3313.6016, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1265
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1266
3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 1267
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 1268
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 1269
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 1270
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1271

3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1272
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 1273
4167. of the Revised Code as if it were a school district. 1274

Sec. 3326.13. (A) Teachers employed by a science, technology, 1275
engineering, and mathematics school shall be highly qualified 1276
teachers, as defined in section 3319.074 of the Revised Code, and 1277
shall be licensed under sections 3319.22 to 3319.31 of the Revised 1278
Code and rules of the state board of education implementing those 1279
sections. 1280

(B) No STEM school shall employ any classroom teacher 1281
initially hired on or after July 1, 2013, to provide instruction 1282
in physical education unless the teacher holds a valid license 1283
issued pursuant to section 3319.22 of the Revised Code for 1284
teaching physical education. 1285

Section 2. That existing sections 3313.603, 3313.813, 1286
3313.814, 3314.03, 3314.18, 3326.11, and 3326.13 of the Revised 1287
Code are hereby repealed. 1288

Section 3. The amendment or enactment by this act of sections 1289
3313.814, 3313.816, and 3313.817 of the Revised Code and the 1290
amendments to sections 3314.03 and 3326.11 of the Revised Code 1291
that insert "3313.814, 3313.816, 3313.817," take effect the first 1292
day of July following the effective date of this section. 1293

Section 4. (A) Any school district or public or chartered 1294
nonpublic school that, prior to the effective date of this act, 1295
entered into a contract with a producer or distributor of a food 1296
or beverage that requires the sale of the food or beverage to 1297
students in violation of sections 3313.814, 3313.816, or 3313.817 1298
of the Revised Code, as amended or enacted by this act, after the 1299
effective date of those sections shall not be required to comply 1300

with those sections until the expiration of the contract. Any 1301
renewal of that contract shall comply with those sections. 1302

(B) Any contract between a school district or public or 1303
chartered nonpublic school and a producer or distributor of a food 1304
or beverage that is entered into between the effective date of 1305
this act and the first day of July following that date shall 1306
comply with sections 3313.814, 3313.816, and 3313.817 of the 1307
Revised Code, as amended or enacted by this act, with respect to 1308
the school year beginning that first day of July and any 1309
subsequent school year covered by the contract. 1310

Section 5. Within thirty days after the effective date of 1311
this section, the Governor, the President of the Senate, and the 1312
Speaker of the House of Representatives shall appoint members to 1313
the Healthy Choices for Healthy Children Council established by 1314
section 3301.92 of the Revised Code, as enacted by this act. 1315