

**As Introduced**

**129th General Assembly  
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**H. B. No. 135**

**Representative Burke**

**Cosponsors: Representatives Adams, J., Blessing, Celeste, Combs,  
Derickson, Fedor, Grossman, Letson, Murray, Stinziano**

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**A B I L L**

To amend sections 3313.813 and 3314.18 of the Revised 1  
Code to require direct certification of students 2  
for free school meal benefits at least five times 3  
each school year. 4

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

**Section 1.** That sections 3313.813 and 3314.18 of the Revised 5  
Code be amended to read as follows: 6

**Sec. 3313.813.** (A) As used in this section: 7

(1) "Outdoor education center" means a public or nonprofit 8  
private entity that provides to pupils enrolled in any public or 9  
chartered nonpublic elementary or secondary school an outdoor 10  
educational curriculum that the school considers to be part of its 11  
educational program. 12

(2) "Outside-school-hours care center" has the meaning 13  
established in 7 C.F.R. 226.2. 14

(B) The state board of education shall establish standards 15  
for a school lunch program, school breakfast program, child and 16  
adult care food program, special food service program for 17

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

Not less than five times during each school year, the 33  
department of job and family services and the department of 34  
education shall directly certify to the board of education of each 35  
school district and the governing authority of each participating 36  
chartered nonpublic school those enrolled students eligible under 37  
42 U.S.C. 1758(b) for free meal benefits. Nothing in this 38  
paragraph requires a school district to remove a student from the 39  
program if the student is already participating. 40

(C) The state board of education shall require the board of 41  
education of each school district to establish and maintain a 42  
school breakfast, lunch, and summer food service program pursuant 43  
to the "National School Lunch Act" and the "Child Nutrition Act of 44  
1966," as described in divisions (C)(1) to (4) of this section. 45

(1) The state board shall require the board of education in 46  
each school district to establish a breakfast program in every 47  
school where at least one-fifth of the pupils in the school are 48  
eligible under federal requirements for free breakfasts and to 49

establish a lunch program in every school where at least one-fifth of the pupils are eligible for free lunches. The board of education required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

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

(3) The state board shall require the board of education in each school district to 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:

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

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

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

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

the manner it determines appropriate, its decision not to comply. 81

(b) If a district board chooses not to comply with division 82  
(C)(1) of this section, the state board nevertheless shall require 83  
the district board to establish a breakfast program in every 84  
school where at least one-third of the pupils in the school are 85  
eligible under federal requirements for free breakfasts and to 86  
establish a lunch program in every school where at least one-third 87  
of the pupils are eligible for free lunches. The district board 88  
may make a charge in accordance with federal requirements for each 89  
reduced price breakfast or paid breakfast to cover the cost 90  
incurred in providing that meal. 91

(c) If a school district cannot for good cause comply with 92  
the requirements of division (C)(2) or (4)(b) of this section at 93  
the time the state board determines that a district is subject to 94  
these requirements, the state board shall grant a reasonable 95  
extension of time. Good cause for an extension of time shall 96  
include, but need not be limited to, economic impossibility of 97  
compliance with the requirements at the time the state board 98  
determines that a district is subject to them. 99

(D)(1) The state board shall accept the application of any 100  
outdoor education center in the state making application for 101  
participation in a program pursuant to division (B) of this 102  
section. 103

(2) For purposes of participation in any program pursuant to 104  
this section, the board shall certify any outdoor education center 105  
making application as an educational unit that is part of the 106  
educational system of the state, if the center: 107

(a) Meets the definition of an outdoor education center; 108

(b) Provides its outdoor education curriculum to pupils on an 109  
overnight basis so that pupils are in residence at the center for 110  
more than twenty-four consecutive hours; 111

(c) Operates under public or nonprofit private ownership in a 112  
single building or complex of buildings. 113

(3) The board shall approve any outdoor education center 114  
certified under this division for participation in the program for 115  
which the center is making application on the same basis as any 116  
other applicant for that program. 117

(E) Any school district board of education or chartered 118  
nonpublic school that participates in a breakfast program pursuant 119  
to this section may offer breakfast to pupils in their classrooms 120  
during the school day. 121

(F) Notwithstanding anything in this section to the contrary, 122  
in each fiscal year in which the general assembly appropriates 123  
funds for purposes of this division, the board of education of 124  
each school district and each chartered nonpublic school that 125  
participates in a breakfast program pursuant to this section shall 126  
provide a breakfast free of charge to each pupil who is eligible 127  
under federal requirements for a reduced price breakfast. 128

**Sec. 3314.18.** (A) Subject to division (C) of this section, 129  
the governing authority of each community school shall establish a 130  
breakfast program pursuant to the "National School Lunch Act," 60 131  
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 132  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 133  
if at least one-fifth of the pupils in the school are eligible 134  
under federal requirements for free breakfasts, and shall 135  
establish a lunch program pursuant to those acts if at least 136  
one-fifth of the pupils are eligible for free lunches. The 137  
governing authority required to establish a breakfast program 138  
under this division may make a charge in accordance with federal 139  
requirements for each reduced price breakfast or paid breakfast to 140  
cover the cost incurred in providing that meal. 141

Subject to division (C) of this section, not less than five 142

times during each school year, the department of job and family 143  
services and the department of education shall directly certify to 144  
the governing authority of each community school those enrolled 145  
students eligible under 42 U.S.C. 1758(b) for free meal benefits. 146  
Nothing in this paragraph requires a governing authority to remove 147  
a student from the program if the student is already 148  
participating. 149

(B) Subject to division (C) of this section, the governing 150  
authority of each community school shall establish one of the 151  
following for summer intervention services described in division 152  
(D) of section 3301.0711 and section 3313.608 of the Revised Code 153  
and any other summer intervention program required by law: 154

(1) An extension of the school breakfast program pursuant to 155  
the "National School Lunch Act" and the "Child Nutrition Act of 156  
1966"; 157

(2) An extension of the school lunch program pursuant to 158  
those acts; 159

(3) A summer food service program pursuant to those acts. 160

(C) If the governing authority of a community school 161  
determines that, for financial reasons, it cannot comply with 162  
division (A) or (B) of this section, the governing authority may 163  
choose not to comply with either or both divisions. In that case, 164  
the governing authority shall communicate to the parents of its 165  
students, in the manner it determines appropriate, its decision 166  
not to comply. 167

(D) The governing authority of each community school required 168  
to establish a school breakfast, school lunch, or summer food 169  
service program under this section shall apply for state and 170  
federal funds allocated by the state board of education under 171  
division (B) of section 3313.813 of the Revised Code and shall 172  
comply with the state board's standards adopted under that 173

division. 174

(E) The governing authority of any community school required 175  
to establish a breakfast program under this section or that elects 176  
to participate in a breakfast program pursuant to the "National 177  
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 178  
breakfast to pupils in their classrooms during the school day. 179

(F) Notwithstanding anything in this section to the contrary, 180  
in each fiscal year in which the general assembly appropriates 181  
funds for purposes of this division, the governing authority of 182  
each community school required to establish a breakfast program 183  
under this section or that elects to participate in a breakfast 184  
program pursuant to the "National School Lunch Act" and the "Child 185  
Nutrition Act of 1966" shall provide a breakfast free of charge to 186  
each pupil who is eligible under federal requirements for a 187  
reduced price breakfast. 188

(G) This section does not apply to internet- or 189  
computer-based community schools. 190

**Section 2.** That existing sections 3313.813 and 3314.18 of the 191  
Revised Code are hereby repealed. 192