



# Ohio Legislative Service Commission

## Bill Analysis

Hannah K. Wann

### H.B. 135

129th General Assembly  
(As Introduced)

**Reps.** Burke, J. Adams, Blessing, Celeste, Combs, Derickson, Fedor, Grossman, Letson, Murray, Stinziano

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## BILL SUMMARY

- Requires direct certification of students for free school meal benefits at least five times each school year.

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## CONTENT AND OPERATION

The bill increases, to not fewer than five times per school year, the frequency with which the Department of Job and Family Services and the Department of Education must directly certify students for free school meal benefits.<sup>1</sup> "Direct certification" is a procedure by which the Department of Job and Family Services provides to the Department of Education, and the Department of Education provides to schools, lists of children whose families participate in the Food Stamps or Ohio Works First program and who, therefore, automatically qualify for free school meal benefits. Direct certification substitutes for the processing of paper applications from families. It is mandated by federal law, and it appears that the Departments are currently doing so once a year.<sup>2</sup>

### Background

The Ohio Department of Education, in conjunction with the U.S. Department of Agriculture, administers the National School Lunch and School Breakfast programs

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<sup>1</sup> R.C. 3313.813 and 3314.18.

<sup>2</sup> 42 United States Code (U.S.C.) 1758(b). "Direct Certification Manual," Ohio Department of Education (from the Department's home page, [www.education.ohio.gov](http://www.education.ohio.gov), enter "direct certification" in the Search box).

under the federal "National School Lunch Act"<sup>3</sup> and "Child Nutrition Act of 1966."<sup>4</sup> Under current federal guidelines, students from families with incomes at or below 185% of the federal poverty guidelines are eligible for reduced price meals, and students from families with incomes at or below 130% of the federal poverty guidelines are eligible for free meals.<sup>5</sup> Children who receive Temporary Assistance to Needy Families (TANF), Food Stamps, or who are homeless, runaways, or migrants are also eligible for free lunch.<sup>6</sup>

### **School districts**

Under Ohio statute, each school district must establish and maintain a school breakfast program in every school where at least one-fifth of the students qualify for free breakfast, and a lunch program in every school where at least one-fifth of the students qualify for free lunch under federal law. However, if the board of education of a school district determines that it cannot afford to offer a school breakfast or lunch program, the board may opt to not offer either program, but must communicate this decision publicly to residents of the district in the manner the board deems appropriate.<sup>7</sup>

Nevertheless, this opt-out is not available with respect to any school where at least one-third of the students qualify for free breakfast or free lunch. In that case, the district must provide the program at that school, though it may charge for reduced-price or paid breakfasts to cover incurred costs. School districts also must establish breakfast programs in schools where the parents of at least one-half of enrolled students have requested one. In this case, schools may charge for each breakfast to cover costs incurred from the program. If a school district for good cause (including economic impossibility of compliance) cannot provide meals under the one-third requirement or by parent request, the State Board of Education must grant an extension of time to comply.<sup>8</sup>

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<sup>3</sup> 42 U.S.C. 1751.

<sup>4</sup> 42 U.S.C. 1771.

<sup>5</sup> <http://www.fns.usda.gov/cnd/governance/notices/iegs/iegs.htm> and Federal Register/Vol. 74, No. 58.

<sup>6</sup> 42 U.S.C. 1758.

<sup>7</sup> R.C. 3313.813(C)(1) and (4)(a).

<sup>8</sup> R.C. 3313.813(C)(2) and (4)(b) and (c).

## Community schools

Community schools (often called "charter schools") also must provide a breakfast program if at least one-fifth of the students qualify for free breakfast, and a lunch program if at least one-fifth of the students qualify for free lunch under federal law. The governing authority of a community school required to establish a breakfast program may charge for each reduced-price or paid breakfast to help cover costs. However, if the governing authority determines that it cannot provide meals due to financial reasons, it may choose not to, but must communicate this choice to all parents of its students in the manner it deems appropriate. Internet- or computer-based community schools ("e-schools") are not required to provide meal programs.<sup>9</sup>

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## HISTORY

ACTION	DATE
Introduced	03-01-11

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<sup>9</sup> R.C. 3314.18.

