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**128th General Assembly
Regular Session
2009-2010**

Sub. S. B. No. 210

A BILL

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, and 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
appointed by the governor; 78

(17) One parent, appointed by the president of the senate; 79

(18) One representative of chartered nonpublic schools, 80
appointed by the president of the senate; 81

(19) One member of the senate, appointed by the president of 82

the senate; 83

(20) One member of the house of representatives, appointed by 84
the speaker of the house of representatives. 85

(B) Each organization specified in divisions (A)(1) to (14) 86
of this section shall submit recommendations for its 87
representatives on the council. 88

(C) Members of the council shall serve at the pleasure of 89
their appointing authority. Vacancies shall be filled in the same 90
manner as the original appointment. Members shall not be 91
compensated. 92

(D) The member of the senate and the member of the house of 93
representatives shall serve as joint chairpersons of the council. 94
The chairpersons shall call the first meeting of the council, 95
which shall be held not later than thirty days after the last 96
member of the council has been appointed. The council shall meet 97
annually and, upon the call of the chairpersons, at other times as 98
may be necessary to conduct council business. 99

Sec. 3301.921. The healthy choices for healthy children 100
council shall do all of the following: 101

(A) Monitor progress in improving student health and 102
wellness; 103

(B) Make periodic policy recommendations to the state board 104
of education regarding ways to improve the nutritional standards 105
for food and beverages prescribed by sections 3313.816 and 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. Not later than December 31, 2011, the state 140
board of education shall establish a measure of student success in 141

meeting the benchmarks contained in the physical education 142
standards adopted under division (A)(3) of section 3301.079 of the 143
Revised Code and of compliance with the requirements for local 144
wellness policies prescribed by section 204 of the "Child 145
Nutrition and WIC Reauthorization Act of 2004," 42 U.S.C. 1751 146
note. The measure shall be included on the school district and 147
building report cards issued under section 3302.03 of the Revised 148
Code, beginning with the report cards issued for the 2012-2013 149
school year, but it shall not be a factor in the performance 150
ratings issued under that section. 151

The department of education may accept, receive, and expend 152
gifts, devises, or bequests of money for the purpose of 153
establishing the measure required by this section. 154

Sec. 3313.603. (A) As used in this section: 155

(1) "One unit" means a minimum of one hundred twenty hours of 156
course instruction, except that for a laboratory course, "one 157
unit" means a minimum of one hundred fifty hours of course 158
instruction. 159

(2) "One-half unit" means a minimum of sixty hours of course 160
instruction, except that for physical education courses, "one-half 161
unit" means a minimum of one hundred twenty hours of course 162
instruction. 163

(B) Beginning September 15, 2001, except as required in 164
division (C) of this section and division (C) of section 3313.614 165
of the Revised Code, the requirements for graduation from every 166
high school shall include twenty units earned in grades nine 167
through twelve and shall be distributed as follows: 168

(1) English language arts, four units; 169

(2) Health, one-half unit; 170

(3) Mathematics, three units; 171

(4) Physical education, one-half unit;	172
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	173 174 175
(a) Biological sciences, one unit;	176
(b) Physical sciences, one unit.	177
(6) Social studies, three units, which shall include both of the following:	178 179
(a) American history, one-half unit;	180
(b) American government, one-half unit.	181
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	182 183
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.	184 185 186
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	187 188 189 190 191 192 193
(1) English language arts, four units;	194
(2) Health, one-half unit, <u>which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;</u>	195 196 197
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	198 199
(4) Physical education, one-half unit;	200

(5) Science, three units with inquiry-based laboratory	201
experience that engages students in asking valid scientific	202
questions and gathering and analyzing information, which shall	203
include the following, or their equivalent:	204
(a) Physical sciences, one unit;	205
(b) Life sciences, one unit;	206
(c) Advanced study in one or more of the following sciences,	207
one unit:	208
(i) Chemistry, physics, or other physical science;	209
(ii) Advanced biology or other life science;	210
(iii) Astronomy, physical geology, or other earth or space	211
science.	212
(6) Social studies, three units, which shall include both of	213
the following:	214
(a) American history, one-half unit;	215
(b) American government, one-half unit.	216
Each school shall integrate the study of economics and	217
financial literacy, as expressed in the social studies academic	218
content standards adopted by the state board of education under	219
division (A)(1) of section 3301.079 of the Revised Code and the	220
academic content standards for financial literacy and	221
entrepreneurship adopted under division (A)(2) of that section,	222
into one or more existing social studies credits required under	223
division (C)(6) of this section, or into the content of another	224
class, so that every high school student receives instruction in	225
those concepts. In developing the curriculum required by this	226
paragraph, schools shall use available public-private partnerships	227
and resources and materials that exist in business, industry, and	228
through the centers for economics education at institutions of	229
higher education in the state.	230

(7) Five units consisting of one or any combination of 231
foreign language, fine arts, business, career-technical education, 232
family and consumer sciences, technology, agricultural education, 233
a junior reserve officer training corps (JROTC) program approved 234
by the congress of the United States under title 10 of the United 235
States Code, or English language arts, mathematics, science, or 236
social studies courses not otherwise required under division (C) 237
of this section. 238

Ohioans must be prepared to apply increased knowledge and 239
skills in the workplace and to adapt their knowledge and skills 240
quickly to meet the rapidly changing conditions of the 241
twenty-first century. National studies indicate that all high 242
school graduates need the same academic foundation, regardless of 243
the opportunities they pursue after graduation. The goal of Ohio's 244
system of elementary and secondary education is to prepare all 245
students for and seamlessly connect all students to success in 246
life beyond high school graduation, regardless of whether the next 247
step is entering the workforce, beginning an apprenticeship, 248
engaging in post-secondary training, serving in the military, or 249
pursuing a college degree. 250

The Ohio core curriculum is the standard expectation for all 251
students entering ninth grade for the first time at a public or 252
chartered nonpublic high school on or after July 1, 2010. A 253
student may satisfy this expectation through a variety of methods, 254
including, but not limited to, integrated, applied, 255
career-technical, and traditional coursework. 256

Whereas teacher quality is essential for student success in 257
completing the Ohio core curriculum, the general assembly shall 258
appropriate funds for strategic initiatives designed to strengthen 259
schools' capacities to hire and retain highly qualified teachers 260
in the subject areas required by the curriculum. Such initiatives 261
are expected to require an investment of \$120,000,000 over five 262

years. 263

Stronger coordination between high schools and institutions 264
of higher education is necessary to prepare students for more 265
challenging academic endeavors and to lessen the need for academic 266
remediation in college, thereby reducing the costs of higher 267
education for Ohio's students, families, and the state. The state 268
board ~~of education~~ and the chancellor of the Ohio board of regents 269
shall develop policies to ensure that only in rare instances will 270
students who complete the Ohio core curriculum require academic 271
remediation after high school. 272

School districts, community schools, and chartered nonpublic 273
schools shall integrate technology into learning experiences 274
whenever practicable across the curriculum in order to maximize 275
efficiency, enhance learning, and prepare students for success in 276
the technology-driven twenty-first century. Districts and schools 277
may use distance and web-based course delivery as a method of 278
providing or augmenting all instruction required under this 279
division, including laboratory experience in science. Districts 280
and schools shall whenever practicable utilize technology access 281
and electronic learning opportunities provided by the eTech Ohio 282
commission, the Ohio learning network, education technology 283
centers, public television stations, and other public and private 284
providers. 285

(D) Except as provided in division (E) of this section, a 286
student who enters ninth grade on or after July 1, 2010, and 287
before July 1, 2014, may qualify for graduation from a public or 288
chartered nonpublic high school even though the student has not 289
completed the Ohio core curriculum prescribed in division (C) of 290
this section if all of the following conditions are satisfied: 291

(1) After the student has attended high school for two years, 292
as determined by the school, the student and the student's parent, 293
guardian, or custodian sign and file with the school a written 294

statement asserting the parent's, guardian's, or custodian's 295
consent to the student's graduating without completing the Ohio 296
core curriculum and acknowledging that one consequence of not 297
completing the Ohio core curriculum is ineligibility to enroll in 298
most state universities in Ohio without further coursework. 299

(2) The student and parent, guardian, or custodian fulfill 300
any procedural requirements the school stipulates to ensure the 301
student's and parent's, guardian's, or custodian's informed 302
consent and to facilitate orderly filing of statements under 303
division (D)(1) of this section. 304

(3) The student and the student's parent, guardian, or 305
custodian and a representative of the student's high school 306
jointly develop an individual career plan for the student that 307
specifies the student matriculating to a two-year degree program, 308
acquiring a business and industry credential, or entering an 309
apprenticeship. 310

(4) The student's high school provides counseling and support 311
for the student related to the plan developed under division 312
(D)(3) of this section during the remainder of the student's high 313
school experience. 314

(5) The student successfully completes, at a minimum, the 315
curriculum prescribed in division (B) of this section. 316

The department of education, in collaboration with the 317
chancellor ~~of the Ohio board of regents~~, shall analyze student 318
performance data to determine if there are mitigating factors that 319
warrant extending the exception permitted by division (D) of this 320
section to high school classes beyond those entering ninth grade 321
before July 1, 2014. The department shall submit its findings and 322
any recommendations not later than August 1, 2014, to the speaker 323
and minority leader of the house of representatives, the president 324
and minority leader of the senate, the chairpersons and ranking 325

minority members of the standing committees of the house of 326
representatives and the senate that consider education 327
legislation, the state board of education, and the superintendent 328
of public instruction. 329

(E) Each school district and chartered nonpublic school 330
retains the authority to require an even more rigorous minimum 331
curriculum for high school graduation than specified in division 332
(B) or (C) of this section. A school district board of education, 333
through the adoption of a resolution, or the governing authority 334
of a chartered nonpublic school may stipulate any of the 335
following: 336

(1) A minimum high school curriculum that requires more than 337
twenty units of academic credit to graduate; 338

(2) An exception to the district's or school's minimum high 339
school curriculum that is comparable to the exception provided in 340
division (D) of this section but with additional requirements, 341
which may include a requirement that the student successfully 342
complete more than the minimum curriculum prescribed in division 343
(B) of this section; 344

(3) That no exception comparable to that provided in division 345
(D) of this section is available. 346

(F) A student enrolled in a dropout prevention and recovery 347
program, which program has received a waiver from the department 348
~~of education~~, may qualify for graduation from high school by 349
successfully completing a competency-based instructional program 350
administered by the dropout prevention and recovery program in 351
lieu of completing the Ohio core curriculum prescribed in division 352
(C) of this section. The department shall grant a waiver to a 353
dropout prevention and recovery program, within sixty days after 354
the program applies for the waiver, if the program meets all of 355
the following conditions: 356

(1) The program serves only students not younger than sixteen 357
years of age and not older than twenty-one years of age. 358

(2) The program enrolls students who, at the time of their 359
initial enrollment, either, or both, are at least one grade level 360
behind their cohort age groups or experience crises that 361
significantly interfere with their academic progress such that 362
they are prevented from continuing their traditional programs. 363

(3) The program requires students to attain at least the 364
applicable score designated for each of the assessments prescribed 365
under division (B)(1) of section 3301.0710 of the Revised Code or, 366
to the extent prescribed by rule of the state board ~~of education~~ 367
under division (E)(6) of section 3301.0712 of the Revised Code, 368
division (B)(2) of that section. 369

(4) The program develops an individual career plan for the 370
student that specifies the student's matriculating to a two-year 371
degree program, acquiring a business and industry credential, or 372
entering an apprenticeship. 373

(5) The program provides counseling and support for the 374
student related to the plan developed under division (F)(4) of 375
this section during the remainder of the student's high school 376
experience. 377

(6) The program requires the student and the student's 378
parent, guardian, or custodian to sign and file, in accordance 379
with procedural requirements stipulated by the program, a written 380
statement asserting the parent's, guardian's, or custodian's 381
consent to the student's graduating without completing the Ohio 382
core curriculum and acknowledging that one consequence of not 383
completing the Ohio core curriculum is ineligibility to enroll in 384
most state universities in Ohio without further coursework. 385

(7) Prior to receiving the waiver, the program has submitted 386
to the department an instructional plan that demonstrates how the 387

academic content standards adopted by the state board ~~of education~~ 388
under section 3301.079 of the Revised Code will be taught and 389
assessed. 390

If the department does not act either to grant the waiver or 391
to reject the program application for the waiver within sixty days 392
as required under this section, the waiver shall be considered to 393
be granted. 394

(G) Every high school may permit students below the ninth 395
grade to take advanced work. If a high school so permits, it shall 396
award high school credit for successful completion of the advanced 397
work and shall count such advanced work toward the graduation 398
requirements of division (B) or (C) of this section if the 399
advanced work was both: 400

(1) Taught by a person who possesses a license or certificate 401
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 402
Code that is valid for teaching high school; 403

(2) Designated by the board of education of the city, local, 404
or exempted village school district, the board of the cooperative 405
education school district, or the governing authority of the 406
chartered nonpublic school as meeting the high school curriculum 407
requirements. 408

Each high school shall record on the student's high school 409
transcript all high school credit awarded under division (G) of 410
this section. In addition, if the student completed a seventh- or 411
eighth-grade fine arts course described in division (K) of this 412
section and the course qualified for high school credit under that 413
division, the high school shall record that course on the 414
student's high school transcript. 415

(H) The department shall make its individual academic career 416
plan available through its Ohio career information system web site 417
for districts and schools to use as a tool for communicating with 418

and providing guidance to students and families in selecting high 419
school courses. 420

(I) Units earned in English language arts, mathematics, 421
science, and social studies that are delivered through integrated 422
academic and career-technical instruction are eligible to meet the 423
graduation requirements of division (B) or (C) of this section. 424

(J) The state board ~~of education~~, in consultation with the 425
chancellor ~~of the Ohio board of regents~~, shall adopt a statewide 426
plan implementing methods for students to earn units of high 427
school credit based on a demonstration of subject area competency, 428
instead of or in combination with completing hours of classroom 429
instruction. The state board shall adopt the plan not later than 430
March 31, 2009, and commence phasing in the plan during the 431
2009-2010 school year. The plan shall include a standard method 432
for recording demonstrated proficiency on high school transcripts. 433
Each school district, community school, and chartered nonpublic 434
school shall comply with the state board's plan adopted under this 435
division and award units of high school credit in accordance with 436
the plan. The state board may adopt existing methods for earning 437
high school credit based on a demonstration of subject area 438
competency as necessary prior to the 2009-2010 school year. 439

(K) This division does not apply to students who qualify for 440
graduation from high school under division (D) or (F) of this 441
section, or to students pursuing a career-technical instructional 442
track as determined by the school district board of education or 443
the chartered nonpublic school's governing authority. 444
Nevertheless, the general assembly encourages such students to 445
consider enrolling in a fine arts course as an elective. 446

Beginning with students who enter ninth grade for the first 447
time on or after July 1, 2010, each student enrolled in a public 448
or chartered nonpublic high school shall complete two semesters or 449
the equivalent of fine arts to graduate from high school. The 450

coursework may be completed in any of grades seven to twelve. Each 451
student who completes a fine arts course in grade seven or eight 452
may elect to count that course toward the five units of electives 453
required for graduation under division (C)(7) of this section, if 454
the course satisfied the requirements of division (G) of this 455
section. In that case, the high school shall award the student 456
high school credit for the course and count the course toward the 457
five units required under division (C)(7) of this section. If the 458
course in grade seven or eight did not satisfy the requirements of 459
division (G) of this section, the high school shall not award the 460
student high school credit for the course but shall count the 461
course toward the two semesters or the equivalent of fine arts 462
required by this division. 463

(L) Notwithstanding anything to the contrary in this section, 464
the board of education of each school district and the governing 465
authority of each chartered nonpublic school may adopt a policy to 466
excuse from the high school physical education requirement each 467
student who, during high school, has participated in 468
interscholastic athletics, marching band, or cheerleading for at 469
least two full seasons or in the junior reserve officer training 470
corps for at least two full school years. If the board or 471
authority adopts such a policy, the board or authority shall not 472
require the student to complete any physical education course as a 473
condition to graduate. However, the student shall be required to 474
complete one-half unit, consisting of at least sixty hours of 475
instruction, in another course of study. In the case of a student 476
who has participated in the junior reserve officer training corps 477
for at least two full school years, credit received for that 478
participation may be used to satisfy the requirement to complete 479
one-half unit in another course of study. 480

Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, 481
the board of education of each city, exempted village, or local 482

school district and the governing authority of each chartered 483
nonpublic school shall require all students in each of grades 484
kindergarten through twelve to engage in at least thirty minutes 485
of moderate to rigorous physical activity each school day, 486
exclusive of recess. Physical activity engaged in during the 487
following may count toward the daily requirement: 488

(1) A physical education course; 489

(2) A program or activity occurring before or after the 490
regular school day, as defined in section 3313.814 of the Revised 491
Code, that is sponsored or approved by the school of attendance, 492
provided school officials are able to monitor students' 493
participation to ensure compliance with the requirement. 494

(B) For any period in which a student is participating in 495
interscholastic athletics, marching band, or cheerleading, the 496
board or governing authority may excuse the student from the 497
requirement of division (A) of this section. 498

(C) The board or governing authority may excuse any 499
kindergarten student who is not enrolled in all-day kindergarten, 500
as defined in section 3321.05 of the Revised Code, from the 501
requirement of division (A) of this section. 502

(D) Not later than July 1, 2011, the board or governing 503
authority shall adopt a policy to comply with this section. 504

Sec. 3313.674. (A) Except as provided in division (D) of this 505
section, the board of education of each city, exempted village, or 506
local school district and the governing authority of each 507
chartered nonpublic school shall require each student enrolled in 508
kindergarten, third grade, fifth grade, and ninth grade to undergo 509
a screening for body mass index and weight status category prior 510
to the first day of May of the school year. 511

(B) The board or governing authority may provide any 512

screenings required by this section itself, contract with another 513
entity for provision of the screenings, or request the parent or 514
guardian of each student subject to this section to obtain the 515
screening from a provider selected by the parent or guardian and 516
to submit the results to the board or governing authority. If the 517
board or governing authority provides the screenings itself or 518
contracts with another entity for provision of the screenings, the 519
board or governing authority shall protect student privacy by 520
ensuring that each student is screened alone and not in the 521
presence of other students or staff. 522

(C) Prior to the first day of February of each school year, 523
the board or governing authority shall provide the parent or 524
guardian of each student subject to this section with information 525
about the screening program. If the board or governing authority 526
requests parents and guardians to obtain a screening from a 527
provider of their choosing, the board or governing authority shall 528
provide them with a list of providers and information about 529
screening services available in the community to parents and 530
guardians who cannot afford a private provider. 531

(D) If the parent or guardian of a student subject to this 532
section signs and submits to the board or governing authority a 533
written statement indicating that the parent or guardian does not 534
wish to have the student undergo the screening, the board or 535
governing authority shall not require the student to be screened. 536

(E) The board or governing authority shall notify the parent 537
or guardian of each student screened under this section of any 538
health risks associated with the student's results and shall 539
provide the parent or guardian with information about 540
appropriately addressing the risks. For this purpose, the 541
department of health, in consultation with the department of 542
education and the healthy choices for healthy children council 543
established under section 3301.92 of the Revised Code, shall 544

develop a list of documents, pamphlets, or other resources that 545
may be distributed to parents and guardians under this division. 546

(F) The board or governing authority shall maintain the 547
confidentiality of each student's individual screening results at 548
all times. No board or governing authority shall report a 549
student's individual screening results to any person other than 550
the student's parent or guardian. 551

(G) In a manner prescribed by rule of the director of health, 552
the board or governing authority shall report aggregated body mass 553
index and weight status category data collected under this 554
section, and any other demographic data required by the director, 555
to the department of health. In the case of a school district, 556
data shall be aggregated for the district as a whole and not for 557
individual schools within the district, unless the district 558
operates only one school. In the case of a chartered nonpublic 559
school, data shall be aggregated for the school as a whole. The 560
department annually shall publish the data reported under this 561
division, aggregated by county. The department may share data 562
reported under this division with other governmental entities for 563
the purpose of monitoring population health, making reports, or 564
public health promotional activities. 565

Sec. 3313.813. (A) As used in this section: 566

(1) "Outdoor education center" means a public or nonprofit 567
private entity that provides to pupils enrolled in any public or 568
chartered nonpublic elementary or secondary school an outdoor 569
educational curriculum that the school considers to be part of its 570
educational program. 571

(2) "Outside-school-hours care center" has the meaning 572
established in 7 C.F.R. 226.2. 573

(B) The state board of education shall establish standards 574

for a school lunch program, school breakfast program, child and 575
adult care food program, special food service program for 576
children, summer food service program for children, special milk 577
program for children, food service equipment assistance program, 578
and commodity distribution program established under the "National 579
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 580
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 581
U.S.C. 1771, as amended. Any board of education of a school 582
district, nonprofit private school, outdoor education center, 583
child care institution, outside-school-hours care center, or 584
summer camp desiring to participate in such a program or required 585
to participate under this section shall, if eligible to 586
participate under the "National School Lunch Act," as amended, or 587
the "Child Nutrition Act of 1966," as amended, make application to 588
the state board of education for assistance. The board shall 589
administer the allocation and distribution of all state and 590
federal funds for these programs. 591

(C) The state board of education shall require the board of 592
education of each school district to establish and maintain a 593
school breakfast, lunch, and summer food service program pursuant 594
to the "National School Lunch Act" and the "Child Nutrition Act of 595
1966," as described in divisions (C)(1) to (4) of this section. 596

(1) The state board shall require the board of education in 597
each school district to establish a breakfast program in every 598
school where at least one-fifth of the pupils in the school are 599
eligible under federal requirements for free breakfasts and to 600
establish a lunch program in every school where at least one-fifth 601
of the pupils are eligible for free lunches. The board of 602
education required to establish a breakfast program under this 603
division may make a charge in accordance with federal requirements 604
for each reduced price breakfast or paid breakfast to cover the 605
cost incurred in providing that meal. 606

(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 ~~of education~~ 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.

(b) If a district board chooses not to comply with division (C)(1) of this section, the state board ~~of education~~ nevertheless shall require the district board to establish a breakfast program in every school where at least one-third of the pupils in the school are eligible under federal requirements for free breakfasts

and to establish a lunch program in every school where at least 638
one-third of the pupils are eligible for free lunches. The 639
district board may make a charge in accordance with federal 640
requirements for each reduced price breakfast or paid breakfast to 641
cover the cost incurred in providing that meal. 642

(c) If a school district cannot for good cause comply with 643
the requirements of division (C)(2) or (4)(b) of this section at 644
the time the state board determines that a district is subject to 645
these requirements, the state board ~~of education~~ shall grant a 646
reasonable extension of time. Good cause for an extension of time 647
shall include, but need not be limited to, economic impossibility 648
of compliance with the requirements at the time the state board 649
determines that a district is subject to them. 650

(D)(1) The state board ~~of education~~ shall accept the 651
application of any outdoor education center in the state making 652
application for participation in a program pursuant to division 653
(B) of this section. 654

(2) For purposes of participation in any program pursuant to 655
this section, the board shall certify any outdoor education center 656
making application as an educational unit that is part of the 657
educational system of the state, if the center: 658

(a) Meets the definition of an outdoor education center; 659

(b) Provides its outdoor education curriculum to pupils on an 660
overnight basis so that pupils are in residence at the center for 661
more than twenty-four consecutive hours; 662

(c) Operates under public or nonprofit private ownership in a 663
single building or complex of buildings. 664

(3) The board shall approve any outdoor education center 665
certified under this division for participation in the program for 666
which the center is making application on the same basis as any 667
other applicant for that program. 668

(E) Any school district board of education or chartered nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day. 669
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(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast. 673
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Sec. 3313.814. (A) As used in this section and sections 3313.816 and 3313.817 of the Revised Code: 680
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(1) "A la carte item" means an individually priced food or beverage item that is available for sale to students through any of the following: 682
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(a) A school food service program; 685

(b) A vending machine located on school property; 686

(c) A store operated by the school, a student association, or other school-sponsored organization. 687
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"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day. 689
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(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage. 699
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(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs. 703
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(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of the final instructional period. 708
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(5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria for reimbursement established by the United States department of agriculture. 711
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(6) "School food service program" means a school food service program operated under section 3313.81 or 3313.813 of the Revised Code. 718
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(B) Each school district board of education and each chartered nonpublic school governing authority shall adopt and enforce nutrition standards governing the types of food and beverages that may be sold on the premises of its schools, and specifying the time and place each type of food or beverage may be sold. ~~In~~ 721
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(1) In adopting the standards, the board or governing authority shall ~~consider each food's~~ do all of the following: 727
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(a) Consider the nutritional value of each food or beverage; 729

(b) Consult with a dietitian licensed under Chapter 4759. of the Revised Code, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association. The person with whom the board or governing authority consults may be an employee of the board or governing authority, a person contracted by the board or governing authority, or a volunteer, provided the person meets the requirements of this division. 730
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(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 739
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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. 744
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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. 747
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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. 751
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(D) Each board or governing authority shall designate staff to be responsible for ensuring that the school district or school 759
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meets the nutrition standards adopted under this section. The 761
staff shall prepare an annual report regarding the district's or 762
school's compliance with the standards and submit it to the 763
department of education. The board or governing authority annually 764
shall schedule a presentation on the report at one of its regular 765
meetings. Each district or school shall make copies of the report 766
available to the public upon request. 767

(E) The state board of education shall formulate and adopt 768
guidelines, which boards of education and chartered nonpublic 769
schools may follow in enforcing and implementing this section. 770

Sec. 3313.816. (A) No public or chartered nonpublic school 771
shall permit the sale of a la carte beverage items other than the 772
following during the regular and extended school day: 773

(1) For a school in which the majority of grades offered are 774
in the range from kindergarten to grade four: 775

(a) Water; 776

(b)(i) Prior to January 1, 2014, eight ounces or less of 777
low-fat or fat-free milk, including flavored milk, that contains 778
not more than one hundred seventy calories per eight ounces; 779

(ii) Beginning January 1, 2014, eight ounces or less of 780
low-fat or fat-free milk, including flavored milk, that contains 781
not more than one hundred fifty calories per eight ounces. 782

(c) Eight ounces or less of one hundred per cent fruit juice, 783
or a one hundred per cent fruit juice and water blend with no 784
added sweeteners, that contains not more than one hundred sixty 785
calories per eight ounces. 786

(2) For a school in which the majority of grades offered are 787
in the range from grade five to grade eight: 788

(a) Water; 789

(b)(i) Prior to January 1, 2014, eight ounces or less of 790
low-fat or fat-free milk, including flavored milk, that contains 791
not more than one hundred seventy calories per eight ounces; 792

(ii) Beginning January 1, 2014, eight ounces or less of 793
low-fat or fat-free milk, including flavored milk, that contains 794
not more than one hundred fifty calories per eight ounces. 795

(c) Ten ounces or less of one hundred per cent fruit juice, 796
or a one hundred per cent fruit juice and water blend with no 797
added sweeteners, that contains not more than one hundred sixty 798
calories per eight ounces. 799

(3) For a school in which the majority of grades offered are 800
in the range from grade nine to grade twelve: 801

(a) Water; 802

(b)(i) Prior to January 1, 2014, sixteen ounces or less of 803
low-fat or fat-free milk, including flavored milk, that contains 804
not more than one hundred seventy calories per eight ounces; 805

(ii) Beginning January 1, 2014, sixteen ounces or less of 806
low-fat or fat-free milk, including flavored milk, that contains 807
not more than one hundred fifty calories per eight ounces. 808

(c) Twelve ounces or less of one hundred per cent fruit 809
juice, or a one hundred per cent fruit juice and water blend with 810
no added sweeteners, that contains not more than one hundred sixty 811
calories per eight ounces; 812

(d) Twelve ounces or less of any beverage that contains not 813
more than sixty-six calories per eight ounces; 814

(e) Any size of a beverage that contains not more than ten 815
calories per eight ounces, which may include caffeinated beverages 816
and beverages with added sweeteners, carbonation, or artificial 817
flavoring. 818

(B) Each public and chartered nonpublic school shall require 819

at least fifty per cent of the a la carte beverage items available 820
for sale from each of the following sources during the regular and 821
extended school day to be water or other beverages that contain 822
not more than ten calories per eight ounces: 823

(1) A school food service program; 824

(2) A vending machine located on school property that does 825
not sell only milk or reimbursable meals; 826

(3) A store operated by the school, a student association, or 827
other school-sponsored organization. 828

(C) As an alternative to complying with divisions (A) and (B) 829
of this section, a public or chartered nonpublic school may comply 830
with the most recent guidelines for school beverages issued by the 831
alliance for a healthier generation with respect to the sale of a 832
la carte beverage items. 833

Sec. 3313.817. (A) When the department of education is able 834
to obtain free of charge computer software for assessing the 835
nutritional value of foods that does all of the following, the 836
department shall make that software available free of charge to 837
each public and chartered nonpublic school: 838

(1) Rates the healthiness of foods based on nutrient density; 839

(2) Assesses the amount of calories, total fat, saturated 840
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 841
and vitamin C in each food item; 842

(3) Evaluates the nutritional value of foods based on the 843
dietary guidelines for Americans jointly developed by the United 844
States department of agriculture and United States department of 845
health and human services as they pertain to children and 846
adolescents. 847

(B) Each public and chartered nonpublic school shall use the 848
software provided by the department under this section to 849

determine the nutritional value of each a la carte food item 850
available for sale at the school. 851

(C) When the department provides software under this section, 852
each public and chartered nonpublic school shall comply with all 853
of the following requirements: 854

(1) No a la carte food item shall be in the lowest rated 855
category of foods designated by the software. 856

(2) In the first school year in which the school is subject 857
to this section, at least twenty per cent of the a la carte food 858
items available for sale from each of the following sources during 859
the regular and extended school day shall be in the highest rated 860
category of foods designated by the software and in each school 861
year thereafter, at least forty per cent of the a la carte food 862
items available for sale from each of the following sources during 863
the regular and extended school day shall be in that category: 864

(a) A school food service program; 865

(b) A vending machine located on school property; 866

(c) A store operated by the school, a student association, or 867
other school-sponsored organization. 868

(3) Each a la carte food item that is not in the highest 869
rated category of foods designated by the software shall meet at 870
least two of the following criteria: 871

(a) It contains at least five grams of protein. 872

(b) It contains at least ten per cent of the recommended 873
daily value of fiber. 874

(c) It contains at least ten per cent of the recommended 875
daily value of calcium. 876

(d) It contains at least ten per cent of the recommended 877
daily value of iron. 878

(e) It contains at least ten per cent of the recommended 879
daily value of vitamin A. 880

(f) It contains at least ten per cent of the recommended 881
daily value of vitamin C. 882

(D) As an alternative to complying with division (C) of this 883
section, a public or chartered nonpublic school may comply with 884
the most recent guidelines for competitive foods issued by the 885
alliance for a healthier generation with respect to the sale of a 886
la carte food items. 887

Sec. 3314.03. A copy of every contract entered into under 888
this section shall be filed with the superintendent of public 889
instruction. 890

(A) Each contract entered into between a sponsor and the 891
governing authority of a community school shall specify the 892
following: 893

(1) That the school shall be established as either of the 894
following: 895

(a) A nonprofit corporation established under Chapter 1702. 896
of the Revised Code, if established prior to April 8, 2003; 897

(b) A public benefit corporation established under Chapter 898
1702. of the Revised Code, if established after April 8, 2003; 899

(2) The education program of the school, including the 900
school's mission, the characteristics of the students the school 901
is expected to attract, the ages and grades of students, and the 902
focus of the curriculum; 903

(3) The academic goals to be achieved and the method of 904
measurement that will be used to determine progress toward those 905
goals, which shall include the statewide achievement assessments; 906

(4) Performance standards by which the success of the school 907

will be evaluated by the sponsor; 908

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 909
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(6)(a) Dismissal procedures; 911

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 912
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 918
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(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 920
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(9) The facilities to be used and their locations; 926

(10) Qualifications of teachers, including a the following: 927

(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; 928
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(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education. 933
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(11) That the school will comply with the following requirements: 938
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 940
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 943
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 946
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6016, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3314.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 950
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 964
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the 966
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requirement in sections 3313.61 and 3313.611 of the Revised Code 969
that a person must successfully complete the curriculum in any 970
high school prior to receiving a high school diploma may be met by 971
completing the curriculum adopted by the governing authority of 972
the community school rather than the curriculum specified in Title 973
XXXIII of the Revised Code or any rules of the state board of 974
education. Beginning with students who enter ninth grade for the 975
first time on or after July 1, 2010, the requirement in sections 976
3313.61 and 3313.611 of the Revised Code that a person must 977
successfully complete the curriculum of a high school prior to 978
receiving a high school diploma shall be met by completing the 979
Ohio core curriculum prescribed in division (C) of section 980
3313.603 of the Revised Code, unless the person qualifies under 981
division (D) or (F) of that section. Each school shall comply with 982
the plan for awarding high school credit based on demonstration of 983
subject area competency, adopted by the state board of education 984
under division (J) of section 3313.603 of the Revised Code. 985

(g) The school governing authority will submit within four 986
months after the end of each school year a report of its 987
activities and progress in meeting the goals and standards of 988
divisions (A)(3) and (4) of this section and its financial status 989
to the sponsor and the parents of all students enrolled in the 990
school. 991

(h) The school, unless it is an internet- or computer-based 992
community school, will comply with section 3313.801 of the Revised 993
Code as if it were a school district. 994

(12) Arrangements for providing health and other benefits to 995
employees; 996

(13) The length of the contract, which shall begin at the 997
beginning of an academic year. No contract shall exceed five years 998
unless such contract has been renewed pursuant to division (E) of 999
this section. 1000

(14) The governing authority of the school, which shall be 1001
responsible for carrying out the provisions of the contract; 1002

(15) A financial plan detailing an estimated school budget 1003
for each year of the period of the contract and specifying the 1004
total estimated per pupil expenditure amount for each such year. 1005
The plan shall specify for each year the base formula amount that 1006
will be used for purposes of funding calculations under section 1007
3314.08 of the Revised Code. This base formula amount for any year 1008
shall not exceed the formula amount defined under section 3317.02 1009
of the Revised Code. The plan may also specify for any year a 1010
percentage figure to be used for reducing the per pupil amount of 1011
the subsidy calculated pursuant to section 3317.029 of the Revised 1012
Code the school is to receive that year under section 3314.08 of 1013
the Revised Code. 1014

(16) Requirements and procedures regarding the disposition of 1015
employees of the school in the event the contract is terminated or 1016
not renewed pursuant to section 3314.07 of the Revised Code; 1017

(17) Whether the school is to be created by converting all or 1018
part of an existing public school or educational service center 1019
building or is to be a new start-up school, and if it is a 1020
converted public school or service center building, specification 1021
of any duties or responsibilities of an employer that the board of 1022
education or service center governing board that operated the 1023
school or building before conversion is delegating to the 1024
governing authority of the community school with respect to all or 1025
any specified group of employees provided the delegation is not 1026
prohibited by a collective bargaining agreement applicable to such 1027
employees; 1028

(18) Provisions establishing procedures for resolving 1029
disputes or differences of opinion between the sponsor and the 1030
governing authority of the community school; 1031

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

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

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

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

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

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

(22) A provision recognizing both of the following:

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

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

take such action; 1062

(23) A description of the learning opportunities that will be 1063
offered to students including both classroom-based and 1064
non-classroom-based learning opportunities that is in compliance 1065
with criteria for student participation established by the 1066
department under division (L)(2) of section 3314.08 of the Revised 1067
Code; 1068

(24) The school will comply with sections 3302.04 and 1069
3302.041 of the Revised Code, except that any action required to 1070
be taken by a school district pursuant to those sections shall be 1071
taken by the sponsor of the school. However, the sponsor shall not 1072
be required to take any action described in division (F) of 1073
section 3302.04 of the Revised Code. 1074

(25) Beginning in the 2006-2007 school year, the school will 1075
open for operation not later than the thirtieth day of September 1076
each school year, unless the mission of the school as specified 1077
under division (A)(2) of this section is solely to serve dropouts. 1078
In its initial year of operation, if the school fails to open by 1079
the thirtieth day of September, or within one year after the 1080
adoption of the contract pursuant to division (D) of section 1081
3314.02 of the Revised Code if the mission of the school is solely 1082
to serve dropouts, the contract shall be void. 1083

(B) The community school shall also submit to the sponsor a 1084
comprehensive plan for the school. The plan shall specify the 1085
following: 1086

(1) The process by which the governing authority of the 1087
school will be selected in the future; 1088

(2) The management and administration of the school; 1089

(3) If the community school is a currently existing public 1090
school or educational service center building, alternative 1091
arrangements for current public school students who choose not to 1092

attend the converted school and for teachers who choose not to 1093
teach in the school or building after conversion; 1094

(4) The instructional program and educational philosophy of 1095
the school; 1096

(5) Internal financial controls. 1097

(C) A contract entered into under section 3314.02 of the 1098
Revised Code between a sponsor and the governing authority of a 1099
community school may provide for the community school governing 1100
authority to make payments to the sponsor, which is hereby 1101
authorized to receive such payments as set forth in the contract 1102
between the governing authority and the sponsor. The total amount 1103
of such payments for oversight and monitoring of the school shall 1104
not exceed three per cent of the total amount of payments for 1105
operating expenses that the school receives from the state. 1106

(D) The contract shall specify the duties of the sponsor 1107
which shall be in accordance with the written agreement entered 1108
into with the department of education under division (B) of 1109
section 3314.015 of the Revised Code and shall include the 1110
following: 1111

(1) Monitor the community school's compliance with all laws 1112
applicable to the school and with the terms of the contract; 1113

(2) Monitor and evaluate the academic and fiscal performance 1114
and the organization and operation of the community school on at 1115
least an annual basis; 1116

(3) Report on an annual basis the results of the evaluation 1117
conducted under division (D)(2) of this section to the department 1118
of education and to the parents of students enrolled in the 1119
community school; 1120

(4) Provide technical assistance to the community school in 1121
complying with laws applicable to the school and terms of the 1122

contract; 1123

(5) Take steps to intervene in the school's operation to 1124
correct problems in the school's overall performance, declare the 1125
school to be on probationary status pursuant to section 3314.073 1126
of the Revised Code, suspend the operation of the school pursuant 1127
to section 3314.072 of the Revised Code, or terminate the contract 1128
of the school pursuant to section 3314.07 of the Revised Code as 1129
determined necessary by the sponsor; 1130

(6) Have in place a plan of action to be undertaken in the 1131
event the community school experiences financial difficulties or 1132
closes prior to the end of a school year. 1133

(E) Upon the expiration of a contract entered into under this 1134
section, the sponsor of a community school may, with the approval 1135
of the governing authority of the school, renew that contract for 1136
a period of time determined by the sponsor, but not ending earlier 1137
than the end of any school year, if the sponsor finds that the 1138
school's compliance with applicable laws and terms of the contract 1139
and the school's progress in meeting the academic goals prescribed 1140
in the contract have been satisfactory. Any contract that is 1141
renewed under this division remains subject to the provisions of 1142
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1143

(F) If a community school fails to open for operation within 1144
one year after the contract entered into under this section is 1145
adopted pursuant to division (D) of section 3314.02 of the Revised 1146
Code or permanently closes prior to the expiration of the 1147
contract, the contract shall be void and the school shall not 1148
enter into a contract with any other sponsor. A school shall not 1149
be considered permanently closed because the operations of the 1150
school have been suspended pursuant to section 3314.072 of the 1151
Revised Code. Any contract that becomes void under this division 1152
shall not count toward any statewide limit on the number of such 1153
contracts prescribed by section 3314.013 of the Revised Code. 1154

Sec. 3314.18. (A) Subject to division (C) of this section, 1155
the governing ~~board~~ authority of each community school shall 1156
establish a breakfast program pursuant to the "National School 1157
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and 1158
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, 1159
as amended, if at least one-fifth of the pupils in the school are 1160
eligible under federal requirements for free breakfasts, and shall 1161
establish a lunch program pursuant to those acts if at least 1162
one-fifth of the pupils are eligible for free lunches. The 1163
governing ~~board~~ authority required to establish a breakfast 1164
program under this division may make a charge in accordance with 1165
federal requirements for each reduced price breakfast or paid 1166
breakfast to cover the cost incurred in providing that meal. 1167

(B) Subject to division (C) of this section, the governing 1168
~~board~~ authority of each community school shall establish one of 1169
the following for summer intervention services described in 1170
division (D) of section 3301.0711 and section 3313.608 of the 1171
Revised Code and any other summer intervention program required by 1172
law: 1173

(1) An extension of the school breakfast program pursuant to 1174
the "National School Lunch Act" and the "Child Nutrition Act of 1175
1966"; 1176

(2) An extension of the school lunch program pursuant to 1177
those acts; 1178

(3) A summer food service program pursuant to those acts. 1179

(C) If the governing ~~board~~ authority of a community school 1180
determines that, for financial reasons, it cannot comply with 1181
division (A) or (B) of this section, the governing ~~board~~ authority 1182
may choose not to comply with either or both divisions. In that 1183
case, the governing ~~board~~ authority shall communicate to the 1184
parents of its students, in the manner it determines appropriate, 1185

its decision not to comply. 1186

(D) The governing ~~board~~ authority of each community school 1187
required to establish a school breakfast, school lunch, or summer 1188
food service program under this section shall apply for state and 1189
federal funds allocated by the state board of education under 1190
division (B) of section 3313.813 of the Revised Code and shall 1191
comply with the state board's standards adopted under that 1192
division. 1193

(E) The governing authority of any community school required 1194
to establish a breakfast program under this section or that elects 1195
to participate in a breakfast program pursuant to the "National 1196
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 1197
breakfast to pupils in their classrooms during the school day. 1198

(F) Notwithstanding anything in this section to the contrary, 1199
in each fiscal year in which the general assembly appropriates 1200
funds for purposes of this division, the governing authority of 1201
each community school required to establish a breakfast program 1202
under this section or that elects to participate in a breakfast 1203
program pursuant to the "National School Lunch Act" and the "Child 1204
Nutrition Act of 1966" shall provide a breakfast free of charge to 1205
each pupil who is eligible under federal requirements for a 1206
reduced price breakfast. 1207

(G) This section does not apply to internet- or 1208
computer-based community schools. 1209

Sec. 3319.076. No school district shall employ any classroom 1210
teacher initially hired on or after July 1, 2013, to provide 1211
instruction in physical education in any of grades kindergarten 1212
through twelve unless the teacher holds a valid license issued 1213
pursuant to section 3319.22 of the Revised Code for teaching 1214
physical education. 1215

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

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

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

Section 2. That existing sections 3313.603, 3313.813, 3313.814, 3314.03, 3314.18, 3326.11, and 3326.13 of the Revised

Code are hereby repealed. 1246

Section 3. The amendment or enactment by this act of sections 1247
3313.814, 3313.816, and 3313.817 of the Revised Code and the 1248
amendments to sections 3314.03 and 3326.11 of the Revised Code 1249
that insert "3313.814, 3313.816, 3313.817," take effect the first 1250
day of July following the effective date of this section. 1251

Section 4. (A) Any school district or public or chartered 1252
nonpublic school that, prior to the effective date of this act, 1253
entered into a contract with a producer or distributor of a food 1254
or beverage that requires the sale of the food or beverage to 1255
students in violation of sections 3313.814, 3313.816, or 3313.817 1256
of the Revised Code, as amended or enacted by this act, after the 1257
effective date of those sections shall not be required to comply 1258
with those sections until the expiration of the contract. Any 1259
renewal of that contract shall comply with those sections. 1260

(B) Any contract between a school district or public or 1261
chartered nonpublic school and a producer or distributor of a food 1262
or beverage that is entered into between the effective date of 1263
this act and the first day of July following that date shall 1264
comply with sections 3313.814, 3313.816, and 3313.817 of the 1265
Revised Code, as amended or enacted by this act, with respect to 1266
the school year beginning that first day of July and any 1267
subsequent school year covered by the contract. 1268

Section 5. Within thirty days after the effective date of 1269
this section, the Governor, the President of the Senate, and the 1270
Speaker of the House of Representatives shall appoint members to 1271
the Healthy Choices for Healthy Children Council established by 1272
section 3301.92 of the Revised Code, as enacted by this act. 1273