

As Introduced

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S. B. No. 247

Senators Brown, Lehner

Cosponsors: Senators Bacon, Cafaro, Hite, Seitz, Tavares, Thomas, Yuko

A BILL

To amend section 3313.813 of the Revised Code to 1
require school districts to allow alternative 2
summer meal sponsors to use school facilities to 3
provide food service for summer intervention 4
services under certain conditions. 5

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

Section 1. That section 3313.813 of the Revised Code be 6
amended to read as follows: 7

Sec. 3313.813. (A) As used in this section: 8

(1) "Outdoor education center" means a public or nonprofit 9
private entity that provides to pupils enrolled in any public or 10
chartered nonpublic elementary or secondary school an outdoor 11
educational curriculum that the school considers to be part of 12
its educational program. 13

(2) "Outside-school-hours care center" has the meaning 14
established in 7 C.F.R. 226.2. 15

(B) The state board of education shall establish standards 16
for a school lunch program, school breakfast program, child and 17

adult care food program, special food service program for 18
children, summer food service program for children, special milk 19
program for children, food service equipment assistance program, 20
and commodity distribution program established under the 21
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 22
1751, as amended, and the "Child Nutrition Act of 1966," 80 23
Stat. 885, 42 U.S.C. 1771, as amended. Any board of education of 24
a school district, nonprofit private school, outdoor education 25
center, child care institution, outside-school-hours care 26
center, or summer camp desiring to participate in such a program 27
or required to participate under this section shall, if eligible 28
to participate under the "National School Lunch Act," as 29
amended, or the "Child Nutrition Act of 1966," as amended, make 30
application to the state board of education for assistance. The 31
board shall administer the allocation and distribution of all 32
state and federal funds for these programs. 33

(C) The state board of education shall require the board 34
of education of each school district to establish and maintain a 35
school breakfast, lunch, and summer food service program 36
pursuant to the "National School Lunch Act" and the "Child 37
Nutrition Act of 1966," as described in divisions (C) (1) to (4) 38
of this section. 39

(1) The state board shall require the board of education 40
in each school district to establish a breakfast program in 41
every school where at least one-fifth of the pupils in the 42
school are eligible under federal requirements for free 43
breakfasts and to establish a lunch program in every school 44
where at least one-fifth of the pupils are eligible for free 45
lunches. The board of education required to establish a 46
breakfast program under this division may make a charge in 47
accordance with federal requirements for each reduced price 48

breakfast or paid breakfast to cover the cost incurred in 49
providing that meal. 50

(2) The state board shall require the board of education 51
in each school district to establish a breakfast program in 52
every school in which the parents of at least one-half of the 53
children enrolled in the school have requested that the 54
breakfast program be established. The board of education 55
required to establish a program under this division may make a 56
charge in accordance with federal requirements for each meal to 57
cover all or part of the costs incurred in establishing such a 58
program. 59

(3) The state board shall require the board of education 60
in each school district to establish one of the following for 61
summer intervention services described in division (D) of 62
section 3301.0711 or provided under section 3313.608 of the 63
Revised Code, and any other summer intervention program required 64
by law: 65

(a) An extension of the school breakfast program pursuant 66
to the "National School Lunch Act" and the "Child Nutrition Act 67
of 1966"; 68

(b) An extension of the school lunch program pursuant to 69
those acts; 70

(c) A summer food service program pursuant to those acts. 71

(4) (a) If the board of education of a school district 72
determines that, for financial reasons, it cannot comply with 73
division (C) (1) or (3) of this section, the district board may 74
choose not to comply with either or both divisions, except as 75
provided in ~~division~~ divisions (C) (4) (b) and (c) of this 76
section. The district board publicly shall communicate to the 77

residents of the district, in the manner it determines 78
appropriate, its decision not to comply. 79

(b) If a district board chooses not to comply with 80
division (C)(1) of this section, the state board nevertheless 81
shall require the district board to establish a breakfast 82
program in every school where at least one-third of the pupils 83
in the school are eligible under federal requirements for free 84
breakfasts and to establish a lunch program in every school 85
where at least one-third of the pupils are eligible for free 86
lunches. The district board may make a charge in accordance with 87
federal requirements for each reduced price breakfast or paid 88
breakfast to cover the cost incurred in providing that meal. 89

(c) If the board of education of a school district chooses 90
not to comply with division (C)(3) of this section, the state 91
board nevertheless shall require the district board to permit an 92
alternative summer meal sponsor to use school facilities located 93
in a school building attendance area where at least one-half of 94
the pupils are eligible for free lunches. 95

The state board shall provide each district with a list of 96
approved alternative summer meal sponsors that may use school 97
facilities under this division. 98

Subject to the provisions of sections 3313.75 and 3313.77 99
of the Revised Code, a school district may charge the summer 100
meal sponsor a reasonable fee for the use of school facilities 101
that may include the actual cost of custodial services, charges 102
for the use of school equipment, and a prorated share of the 103
utility costs as determined by the district board. A school 104
district shall require the summer meal sponsor to indemnify and 105
hold harmless the district from any potential liability 106
resulting from the operation of an alternative summer meal 107

program under this division. For this purpose, the district 108
shall either add the summer meal sponsor, as an additional 109
insured party, to the district's existing liability insurance 110
policy or require the summer meal sponsor to submit evidence of 111
a separate liability insurance policy, for an amount approved by 112
the district board. The summer meal sponsor shall be responsible 113
for any costs incurred in obtaining coverage under either 114
option. 115

(d) If a school district cannot for good cause comply with 116
the requirements of division (C) (2) or (4) (b) or (c) of this 117
section at the time the state board determines that a district 118
is subject to these requirements, the state board shall grant a 119
reasonable extension of time. Good cause for an extension of 120
time shall include, but need not be limited to, economic 121
impossibility of compliance with the requirements at the time 122
the state board determines that a district is subject to them. 123

(D) (1) The state board shall accept the application of any 124
outdoor education center in the state making application for 125
participation in a program pursuant to division (B) of this 126
section. 127

(2) For purposes of participation in any program pursuant 128
to this section, the board shall certify any outdoor education 129
center making application as an educational unit that is part of 130
the educational system of the state, if the center: 131

(a) Meets the definition of an outdoor education center; 132

(b) Provides its outdoor education curriculum to pupils on 133
an overnight basis so that pupils are in residence at the center 134
for more than twenty-four consecutive hours; 135

(c) Operates under public or nonprofit private ownership 136

in a single building or complex of buildings.	137
(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program.	138 139 140 141
(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.	142 143 144 145
(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.	146 147 148 149 150 151 152 153
Section 2. That existing section 3313.813 of the Revised Code is hereby repealed.	154 155