



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** S.B. 168 of the 131st G.A.                      **Date:** December 6, 2016  
**Status:** As Reported by House Education                      **Sponsor:** Sen. LaRose

**Local Impact Statement Procedure Required:** No

**Contents:** To require the Education Management Information System to include information regarding persons at whom a student's violent behavior that resulted in discipline was directed and to require school districts to allow approved summer food service program sponsors to use district facilities to provide food service for summer intervention programs under certain conditions

### State Fiscal Highlights

- The bill requires the Department of Education (ODE) to collect data for two years through the statewide Education Management Information System (EMIS) on the person at whom a student's violent behavior that resulted in discipline was directed. At the end of those two years, ODE is to prepare and submit a report. This requirement will increase ODE's administrative responsibilities.
- The bill requires that certain school districts permit outside sponsors to use district facilities to operate summer food service programs. The bill may increase the administrative responsibilities of ODE if the number of food service programs increases. ODE receives federal administrative funding for its duties related to food service programs.

### Local Fiscal Highlights

- The collection and reporting of the additional data required by the bill will have a negligible effect on the administrative responsibilities of districts and schools.
- The bill requires that certain school districts permit outside sponsors to use district facilities to operate summer food service programs. Although a district may incur costs through the use of its facilities, the bill allows districts to offset these costs by charging the sponsor a reasonable fee.

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## Detailed Fiscal Analysis

### Information regarding at whom a student's violent behavior is directed

Beginning on July 1 that next succeeds the bill's effective date, the bill requires the guidelines adopted by the State Board of Education for the statewide Education Management Information System (EMIS) to require the data maintained by the system to include, for each disciplinary action which is required to be reported pursuant to federal law, an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. This provision will have a negligible effect on the State Board's administrative responsibilities.

The bill specifies that the person or persons must be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, and prohibits the person or persons from being identified by name. This provision will have a negligible effect on the administrative responsibilities of districts and schools.

The bill requires the Department of Education (ODE) to prepare a report of the information required to be collected under the bill's provisions for the first two school years following the bill's effective date. The report must be submitted by October 1 that follows the final day of the second school year to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking minority members of Senate and House Education Committees. This requirement will increase ODE's administrative responsibilities.

### Use of school facilities for summer food service programs

#### School districts

Continuing law requires school districts to establish an extension of their school lunch or school breakfast programs or a summer food service program (SFSP) to provide meals to students participating in summer intervention programs mandated by law. However, continuing law also allows a district to opt out of this food service requirement, if the district determines it cannot comply for financial reasons. The bill requires a district that opts out to permit an approved SFSP sponsor to use its facilities to provide meals if the facilities are located in an attendance area where at least one-half of students are eligible for free lunches.<sup>1</sup> Although districts will likely incur costs for the use of their facilities, the bill permits the district to offset these costs by charging the SFSP sponsor a reasonable fee. The fee may include the cost of custodial services, charges for the use of school equipment, and a prorated share of utility costs. Under the

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<sup>1</sup> According to FY 2016 income eligibility guidelines provided by the USDA, students qualify for free lunches with a family income of less than 130% of the federal poverty level (\$26,208 annually for a family of three).

bill, the SFSP sponsor is also required to indemnify and hold harmless the district from any liability resulting from the operation of a summer food service program.

### **Ohio Department of Education**

ODE administers the SFSP, a nationwide child nutrition program funded by the United States Department of Agriculture (USDA). Under the SFSP, ODE approves sponsor applications, conducts trainings for sponsors, monitors SFSP operations throughout the state, and processes reimbursement payments to sponsors based on a set rate per meal served. According to ODE, training for sponsors includes how to plan, operate, budget for, and monitor a food service program. Sponsors can be public or private nonprofit groups and can include organizations such as government entities, churches, universities, and camps. Under the bill, ODE must post on its website in a prominent location a list of approved SFSP sponsors from which school districts can choose.

The administrative responsibilities for ODE may increase to carry out the duties described above if the bill results in an increase in the number of SFSP sponsors or sites. ODE receives federal funds for administrative expenses related to the program. In 2016, the SFSP was offered at over 1,800 sites throughout Ohio, which were operated by a total of 199 sponsors. A listing of the state's SFSP sponsors and sites is available online at ODE's website.<sup>2</sup> In FY 2016, federal reimbursement payments passed through to sponsors amounted to about \$11.2 million.

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<sup>2</sup> <http://education.ohio.gov/Topics/Other-Resources/Food-and-Nutrition/2016-Summer-Food-Service-Program>.