



Ohio Administrative Code

Rule 3301-91-07 Appeal for extension of time for compliance.

Effective: [March 31, 2022](#)

(A) The board of education of each school district is required to establish a breakfast program in every school where at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfast and is required to establish a lunch program in every school where at least one-fifth of the pupils are eligible for free lunches

(B) The board of education of each school district is required 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.

(C) If a school district cannot comply with the requirements prescribed in section 3313.813 of the Revised Code, an appeal must be made to the state board of education defining the paragraph of the section being appealed. The following data must be provided to describe the circumstances which preclude compliance:

- (1) Statement of reason(s) for requesting an extension of time to comply with the prescribed deadlines.
- (2) The schools in the district and number of children for which breakfast and lunch are available.
- (3) The average daily membership and the number of children eligible for free and reduced-price meals in each school for which the appeal is submitted.
- (4) The criteria used for determining the number of children eligible.
- (5) The date by which compliance will be accomplished.

(D) Requests for an extension of time to comply with the provisions of section 3313.813 of the Revised Code shall be evaluated on the basis of the following criteria:



- (1) Availability of facilities for preparing and serving meals.
- (2) Adequacy of financial resources to fund a meal service from local, state and federal sources.
- (3) Availability of time for providing breakfast and lunch in the school day.
- (4) Reasonableness of the requested time extension to accomplish compliance.

(E) If the board of education does not comply with paragraph (A) of this rule in accordance with division (C)(4)(b) of Ohio Revised Code section 3313.813, the district board is required 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 breakfast and is required to establish a lunch program in every school where at least one-third of the pupils are eligible for free lunches. The district board may make a charge in accordance with the definition of reduce price in 7 CFR 220.2 (September 28, 2016) for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

(F) If a school district cannot for good cause comply with the requirements of division 3313.813(C)(2) or (C)(4)(b) or (c) of the Revised Code at the time the state board determines that a district is subject to these requirements, the district is to be granted a reasonable extension of time. Good cause for an extension of time will include, but need not be limited to, economic impossibility of compliance with the requirements at the time the state board of education determines that a district is subject to division 3313.813(C)(4)(d) of the Revised Code.