



Ohio Administrative Code

Rule 3301-91-10 Establishing summer food service programs at school sites and associated cost.

Effective: [March 31, 2022](#)

(A) The board of education of each school district is required to establish and maintain a school breakfast, lunch and summer food service program pursuant to the National School Lunch Act and the Child Nutrition Act of 1966, as described in section 3313.813 of the Revised Code.

(B) The board of education of each school district is required to establish one of the following meal programs to support summer intervention services:

(1) An extension of the school breakfast program pursuant to the Richard B. Russell National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 and the Child Nutrition Act of 1966, 80 Stat. 885 (1966), 42 U.S.C. 1771;

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

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

(C) If the board of education of school district does not comply with paragraph (B) of this rule, the district board is required to permit an approved summer food service program sponsor to use school facilities located in a school building attendance area where at least one-half of the pupils are eligible for free lunches.

(D) A school district may charge the summer food service program sponsor a reasonable fee for the use of school facilities that may include the actual cost of custodial services, charges for the use of school equipment, and a prorated share of the utility costs as determined by the district board. A school district shall require the summer food service program sponsor to indemnify and hold harmless the district from any potential liability resulting from the operation of the summer food service program under this division. For this purpose, the district shall either add the summer food service program sponsor, as an additional insured party, to the district's existing liability insurance policy or require the summer food service program sponsor to submit evidence of a separate liability



insurance policy, for an amount approved by the district board. The summer food service program sponsor shall be responsible for any costs incurred in obtaining coverage under either option of division (4)(c) of section 3313.813 of the Revised Code.