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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 123**  
**133rd General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Holmes and G. Manning

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### Summary

#### Statewide anonymous reporting program

- Requires the Department of Education to develop a statewide anonymous reporting program to report any dangerous, violent, or unlawful activity that has occurred or may occur on school property or that relates to a school community.
- Requires each public school, within two years after the bill's effective date, to participate in the program and to submit annual reports to the Department containing information received through the program, disaggregated by school.
- Requires the Department to identify and compile a database of individuals responsible for administering the program for each school.
- Prohibits any adult from recklessly making or causing another adult to make a false report against a student through the program.
- Makes a violation of the prohibition a third degree misdemeanor.

#### School threat assessment

##### School threat assessment teams

- Requires the Department to develop a model policy and a list of approved training programs to serve as a guide for school threat assessment teams
- Requires each public school to create a certified school threat assessment team for each building serving grades 6-12.
- Requires each member of a school threat assessment team to complete an approved threat assessment training certification program upon appointment and once every three years thereafter.

## **School threat assessment plans**

- Requires the administrator of each public and nonpublic school to develop, adopt, and submit a school threat assessment plan to the Department and local law enforcement agencies, in addition to the emergency management plan required under current law.

## **Curricula, instructional materials, and staff training**

- Requires the Department to adopt model curricula and develop a list of approved peer-reviewed, evidence-based staff training programs for instruction in suicide awareness and prevention and violence prevention and in social inclusion.
- Requires each public school to provide instruction in both suicide awareness and prevention in safety training and violence prevention for students in grades 6-12.

## **Student-led violence prevention clubs**

- Requires each public school to create a student-led violence prevention club in each building under its control serving grades 6-12.

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# **Detailed Analysis**

## **Statewide anonymous reporting program**

The bill requires the Department of Education, in collaboration with other state agencies, to develop a statewide anonymous reporting program that enables any person to anonymously report any dangerous, violent, or unlawful activity that has occurred or may occur on school property or that relates to a school community.<sup>1</sup>

### **Administration**

The bill requires the Department to identify and compile a database of individuals responsible for administering the program for each school. The database must include a point of contact for each law enforcement agency that has jurisdiction over each school and for each individual responsible for managing the school threat assessment team in each building. Additionally, the bill permits the Department to enter into a contract with a qualified organization to assist in the operation of the program.<sup>2</sup>

### **Program operation requirements**

The program must do the following:

1. Provide technical support 24 hours per day, 7 days per week;
2. Forward reported information to the appropriate school threat assessment teams, law enforcement agencies, and other necessary personnel as determined by the Superintendent of Public Instruction;
3. Coordinate with the appropriate entities listed in school emergency management plans;

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<sup>1</sup> R.C. 3301.23(A).

<sup>2</sup> R.C. 3301.23(B) and (D).

4. Promote awareness and education about the program and reporting methods in all schools and school communities;
5. Coordinate with existing student and school training programs on identifying, assessing, and responding to threatening behaviors to prevent dangerous, violent, or unlawful activity; and
6. Comply with state and federal privacy laws.<sup>3</sup>

### **Participation and reporting requirements**

The bill requires each public school, within two years after the bill's effective date, to participate in the program.<sup>4</sup> Each district and school, at the end of the first full year of participation and annually thereafter, must submit a report to the Department. The report must include the following, disaggregated by school:

1. The number of anonymous reports and the method by which they were received;
2. The number and type of disciplinary actions taken in the previous year as a result of reports received;
3. The number and type of mental wellness referrals;
4. The race and gender of the students subject to the disciplinary actions and mental wellness referrals;
5. The number of intentionally false tips received, if any; and
6. Any other information the Department determines necessary.<sup>5</sup>

### **False reporting**

The bill prohibits any adult from recklessly making or causing another adult to make a false report against a student through the program. Violation of the prohibition is a third degree misdemeanor. It is unclear how to uncover the identity of an anonymous caller who makes a false accusation. The bill requires the immediate removal of information from a student's record if a report made against the student is determined to be false.<sup>6</sup>

### **School threat assessment**

#### **School threat assessment team training model policy**

The bill requires the Department, within two years after the bill's effective date, to develop a model policy and a list of approved training programs to serve as a guide for school threat assessment teams. The list of training programs must include options that are of no cost to schools. The model policy must do at least the following:

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<sup>3</sup> R.C. 3301.23(A). See R.C. 3319.321, not in the bill, and 20 U.S.C. 1232g for the respective state and federal privacy laws.

<sup>4</sup> R.C. 3313.6610(A), 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>5</sup> R.C. 3313.6610(B).

<sup>6</sup> R.C. 3313.6611, 3314.03(A)(11)(d), 3326.11, and 3328.24.

1. Identify the types of behavior that may represent a physical threat to a school community;
2. Identify individuals to whom threatening behavior should be reported and the steps to be taken by those individuals;
3. Establish threat assessment guidelines including identification, evaluation of seriousness of threat or danger, intervention to reduce potential violence, and follow-up to assess intervention results;
4. Establish guidelines for coordinating with local law enforcement agencies and reports collected through the anonymous reporting program operated by the Department; and
5. Establish guidelines for disciplinary actions for identified credible threats so as not to discriminate against or disproportionately affect students who are members of a protected class.<sup>7</sup>

### **School threat assessment teams**

The bill requires each district board and each school governing authority, within two years after the bill's effective date, to create a certified threat assessment team for each building under its control serving grades 6-12. The team must be multidisciplinary and may include school administrators, mental health professionals, school resource officers, and other necessary personnel. Each district board and governing authority annually must submit proof to the Department that each team and its members have current threat assessment certifications.<sup>8</sup>

#### **Team member certification**

The bill requires each member of a threat assessment team to complete an approved threat assessment training program upon appointment and once every three years thereafter. The training program must be a peer-reviewed, evidence-based program that provides instruction in the following:

1. Identifying behaviors, signs, and threats that may lead to a violent act;
2. Determining the seriousness of a threat; and
3. Developing intervention plans that protect the potential victims and address the underlying problem or conflict that initiated the behavior and provide assessments of plan results.<sup>9</sup>

### **School threat assessment plans**

The bill requires the "administrator" of a school district, other public school, chartered nonpublic school, and any other educational facility subject to regulation by the Department to develop and adopt a school threat assessment plan for each building under the administrator's

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<sup>7</sup> R.C. 3301.221(B).

<sup>8</sup> R.C. 3313.669(A).

<sup>9</sup> R.C. 3313.669(B).

control. This plan is in addition to the emergency management plan already required under current law (see “**Background on emergency management plans**” below).<sup>10</sup>

The bill requires that school threat assessment plans be developed and administered in the same manner as emergency management plans, but does not provide information that differentiates the two except that an electronic copy of a school threat assessment plan must be submitted to the Department at least once every two years. Emergency management plans must be sent at least once every three years.<sup>11</sup>

## **Model curricula, instructional materials, and staff training**

### **Suicide awareness and prevention and violence prevention**

The bill requires the Department to adopt a model curriculum and materials and develop a list of approved peer-reviewed, evidence-based staff training programs for instruction in suicide awareness and prevention and violence prevention. The Department must post the curriculum and list of approved programs on its website. The model curriculum and approved programs must include the following:

1. How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students;
2. How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers;
3. How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services; and
4. How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of themselves and peers and reporting these behaviors.

The list of approved training programs must include options that are of no cost to schools.<sup>12</sup>

The bill requires each school district, beginning the first day of the school year that begins two years after the bill’s effective date, to provide at least one hour per year of instruction in suicide awareness and prevention and at least one hour per year in safety training and violence prevention for each school building serving grades 6-12.<sup>13</sup> The bill, however, does not require the Department to adopt a model curriculum or develop an approved training list for safety training.

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<sup>10</sup> R.C. 3313.536(A) and (B).

<sup>11</sup> R.C. 3313.536(C).

<sup>12</sup> R.C. 3301.221(C).

<sup>13</sup> R.C. 3313.60(A)(5)(h).

A district board may choose to use the model policies and training approved by the Department for its suicide prevention professional development required under current law for specified staff.<sup>14</sup>

### **Social inclusion**

The bill also requires the Department to adopt a model curriculum and materials and develop a list of approved peer-reviewed, evidence-based training programs for instruction in social inclusion. Again, the Department must post these items on its website. The model curriculum and approved training programs must include the following:

1. What social isolation is and how to identify it in others;
2. The importance of social inclusion and establishing connections with peers;
3. When and how to seek help for peers who may be socially isolated; and
4. How to utilize strategies for more social inclusion in classrooms and the school community.<sup>15</sup>

The bill requires each district board, beginning the first day of the school year that begins two years after the bill's effective date, to provide at least one hour per year of instruction in social inclusion instruction for each school building serving grades 6-12.<sup>16</sup>

### **Student-led violence prevention club**

The bill requires each district board and school governing authority to create a student-led violence prevention club for each of its schools serving grades 6-12. Each club must (1) be open to all members of the student body, (2) have at least one adult advisor, (3) implement and sustain suicide awareness and violence prevention and social inclusion training activities, and (4) foster opportunities for student leadership development.<sup>17</sup>

### **Background on emergency management plans**

Current law requires the administrator of a school district, community school, STEM school, college-preparatory boarding school, career-technical education program approved by the Department, chartered nonpublic school, educational service center, preschool program or school-age child care program licensed by the Department, and any other facility that provides educational services to children that is subject to regulation by the Department to develop and adopt a comprehensive emergency management plan. For this purpose, current law defines an "administrator" as the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the districts, schools, or facilities listed above.<sup>18</sup>

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<sup>14</sup> R.C. 3319.073(D).

<sup>15</sup> R.C. 3301.221(D).

<sup>16</sup> R.C. 3313.60(A)(5)(i).

<sup>17</sup> R.C. 3313.6612, 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>18</sup> R.C. 3313.536(A) and (B).

The law requires the administrator, in developing the plan, to examine environmental conditions and operations of each building to determine potential hazards to safety and propose operating changes to promote the prevention of potentially dangerous problems and circumstances. Administrators must involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. Also, administrators must incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

Each administrator must incorporate into the plan separate protocols for addressing serious threats to the safety of property, students, employees, or administrators and for responding to any emergency events that occur and compromise school safety. The second protocol must include a floor plan that is unique to each floor of the building, a site plan that includes all building property and surrounding property, and an emergency contact information sheet. Each protocol must include procedures for responding to threats and emergency events, including notifying appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. Current law also requires the administrator, prior to the opening day of each school year, to inform each student or child enrolled in the school, and the student or child's parent, of the parental notification procedures included in the protocol.

### **Annual test**

Current law requires each administrator to prepare and conduct at least one annual emergency management test. An "emergency management test" is defined as a regularly scheduled drill, exercise, or activity that is designed to assess and evaluate an emergency management plan.<sup>19</sup> A separate provision of current law requires school safety drills, as well as fire and tornado drills.<sup>20</sup> It is unclear whether the mandatory school safety drill may also serve as the mandatory emergency management test.

### **Access**

An administrator must grant access to each building under the control of the administrator to law enforcement personnel, the fire department and emergency medical service organization that serve the political subdivision in which the building is located, and the county emergency management agency for the county in which the building is located so that such entities may hold training sessions for responding to threats and emergency events affecting the building. This access must occur outside of student instructional hours, and the administrator, or designee, must be present in the building during the training sessions.<sup>21</sup>

### **Rules**

The State Board must adopt rules regarding emergency management plans. The rules must include the content of the plans and procedures for filing the plans and specify the requirements and procedures for emergency management tests required by the act. Failure to

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<sup>19</sup> R.C. 3313.536(A)(2) and (E).

<sup>20</sup> R.C. 3737.73, not in the bill.

<sup>21</sup> R.C. 3313.536(E)(2).

comply with the State Board-adopted rules may result in disciplinary action for holders of a license from the State Board. Current law permits the State Board to prescribe additional sanctions in its rules.<sup>22</sup>

## **Sanctions**

Current law subjects any administrator who is an applicant for a license or who holds an educator license from the State Board to disciplinary action on the administrator's license, if the administrator fails to comply with the requirements related to an emergency management plan. However, it also allows the state Superintendent to exempt any administrator from the requirements related to the plan if the Superintendent determines that the requirements do not otherwise apply to a building or buildings under the control of that administrator.<sup>23</sup>

## **Distribution of the plan**

Each administrator must submit an electronic copy of the emergency management plan to the Department not less than once every three years. Also, by July 1 each year, an administrator must review the emergency management plan and certify to the Department that the plan is current and accurate. And an administrator must submit an electronic copy of the plan to the Department whenever a major modification to a building requires changes in the procedures outlined in the plan and whenever information on the emergency contact information sheet changes.<sup>24</sup>

In addition, current law requires each administrator to file a copy of the emergency management plan with each law enforcement agency that has jurisdiction over the building and, upon request, to the fire department and emergency medical service organization that serve the political subdivision in which the building is located and the county emergency management agency for the county in which the building is located.

Upon receipt of an emergency management plan, the Department must submit that information to the Attorney General and the Director of Public Safety. Current law requires the Attorney General to post the information on the Ohio Law Enforcement Gateway, or its successor, and the Director of Public Safety to post the information on the Contact and Information Management System.

Each emergency management plan is a security record and not subject to release under the Public Records Law.<sup>25</sup>

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<sup>22</sup> R.C. 3313.536(F).

<sup>23</sup> R.C. 3313.536(G) and (H) and 3319.31, latter section not in the bill.

<sup>24</sup> R.C. 3313.536(C).

<sup>25</sup> R.C. 149.433, not in the bill.

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## History

| Action     | Date     |
|------------|----------|
| Introduced | 03-06-19 |

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