

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 322

Representatives Miller, Kent

Cosponsors: Representatives Boggs, Ashford, Fedor

A BILL

To amend sections 3313.536, 3737.73, and 5502.26 1
and to enact section 3313.5319 of the Revised 2
Code to revise the law regarding emergency 3
management plans and school safety drills; to 4
require each educational service center to 5
employ an emergency response planner; to make an 6
appropriation; and to declare an emergency. 7

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

Section 1. That sections 3313.536, 3737.73, and 5502.26 be 8
amended and section 3313.5319 of the Revised Code be enacted to 9
read as follows: 10

Sec. 3313.536. (A) As used in this section: 11

(1) "Administrator" means the superintendent, principal, 12
chief administrative officer, or other person having supervisory 13
authority of any of the following: 14

(a) A city, exempted village, local, or joint vocational 15
school district; 16

(b) A community school established under Chapter 3314. of 17

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| the Revised Code, as required through reference in division (A) | 18 |
| (11) (d) of section 3314.03 of the Revised Code; | 19 |
| (c) A STEM school established under Chapter 3326. of the | 20 |
| Revised Code, as required through reference in section 3326.11 | 21 |
| of the Revised Code; | 22 |
| (d) A college-preparatory boarding school established | 23 |
| under Chapter 3328. of the Revised Code; | 24 |
| (e) A district or school operating a career-technical | 25 |
| education program approved by the department of education under | 26 |
| section 3317.161 of the Revised Code; | 27 |
| (f) A chartered nonpublic school; | 28 |
| (g) An educational service center; | 29 |
| (h) A preschool program or school-age child care program | 30 |
| licensed by the department of education; | 31 |
| (i) Any other facility that primarily provides educational | 32 |
| services to children subject to regulation by the department of | 33 |
| education. | 34 |
| (2) "Emergency management test" means a regularly | 35 |
| scheduled drill, exercise, or activity designed to assess and | 36 |
| evaluate an emergency management plan under this section. | 37 |
| (3) <u>"Emergency management rehearsal" means a regularly</u> | 38 |
| <u>scheduled rehearsal of concept drill that is designed to assess</u> | 39 |
| <u>and evaluate an emergency management plan under this section,</u> | 40 |
| <u>includes rehearsal of the most critical parts of the school's</u> | 41 |
| <u>plan, such as the communications response plan or the integrated</u> | 42 |
| <u>response plan, and includes a physical walkthrough of the</u> | 43 |
| <u>school's plan.</u> | 44 |

(4) "Building" means any school, school building, facility, program, or center.

(B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control and any other building in which students regularly attend or receive instruction regardless of whether it is under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall 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. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B) (1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

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| (i) A floor plan that is unique to each floor of the building; | 74 75 |
| (ii) A site plan that includes all building property and surrounding property; | 76 77 |
| (iii) An emergency contact information sheet. | 78 |
| (3) Each protocol described in divisions (B) (2) (a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. | 79 80 81 82 83 84 85 |
| Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol. | 86 87 88 89 |
| (4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place. | 90 91 92 |
| (C) (1) The administrator shall submit to the department of education, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires changes in the procedures outlined in the plan, and whenever information on the emergency contact information sheet changes. | 93 94 95 96 97 98 99 100 |
| (2) The administrator also shall file a copy of the plan with each law enforcement agency that has jurisdiction over the | 101 102 |

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| school building and, upon request, to any of the following: | 103 |
| (a) The fire department that serves the political subdivision in which the building is located; | 104 105 |
| (b) The emergency medical service organization that serves the political subdivision in which the building is located; | 106 107 |
| (c) The county <u>countywide</u> emergency management agency for the county in which the building is located. | 108 109 |
| (3) Upon receipt of an emergency management plan, the department of education shall submit the information in accordance with rules adopted by the state board of education pursuant to division (F) of this section, to both of the following: | 110 111 112 113 114 |
| (a) The attorney general, who shall post that information on the Ohio law enforcement gateway or its successor; | 115 116 |
| (b) The director of public safety, who shall post the information on the contact and information management system. | 117 118 |
| (4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place. | 119 120 121 |
| (D) (1) Not later than the first day of July of each year, each administrator shall review the emergency management plan and certify to the department of education that the plan is current and accurate. | 122 123 124 125 |
| (2) Anytime that an administrator updates the emergency management plan pursuant to division (C) (1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted by the state board pursuant to division (F) of this | 126 127 128 129 130 |

section, to the department of education and to any entity with 131
which the administrator filed a copy under division (C) (2) of 132
this section. 133

(E) Each administrator shall do both of the following: 134

(1) Prepare and conduct at least one annual ~~emergency~~; 135

(a) Emergency management test, as defined in division (A) 136
(2) of this section, for administrators of a preschool program 137
or school-age child care program. The test shall be conducted in 138
accordance with rules adopted by the state board pursuant to 139
division (F) of this section. 140

(b) Emergency management rehearsal, as defined in division 141
(A) (3) of this section, for administrators of districts or 142
schools. The rehearsal shall be conducted in accordance with 143
rules adopted by the state board pursuant to division (F) of 144
this section. A school safety drill conducted pursuant to 145
division (D) (1) (b) (ii) of section 3737.73 of the Revised Code 146
shall fulfill this requirement, so long as the drill is 147
conducted in accordance with all requirements of that section 148
and the rules adopted by the state board under this section. 149

(2) Grant access to each building under the control of the 150
administrator to law enforcement personnel and to entities 151
described in division (C) (2) of this section, to enable the 152
personnel and entities to hold training sessions for responding 153
to threats and emergency events affecting the building, provided 154
that the access occurs outside of student instructional hours 155
and the administrator, or the administrator's designee, is 156
present in the building during the training sessions. 157

(F) The state board of education, in accordance with 158
Chapter 119. of the Revised Code, shall adopt rules regarding 159

emergency management plans under this section, including the 160
content of the plans and procedures for filing the plans. The 161
rules shall specify that plans and information required under 162
division (B) of this section be submitted on standardized forms 163
developed by the department of education for such purpose. The 164
rules shall also specify the requirements and procedures for 165
emergency management tests and emergency management rehearsals 166
conducted pursuant to division (E)(1) of this section. Failure 167
to comply with the rules may result in discipline pursuant to 168
section 3319.31 of the Revised Code or any other action against 169
the administrator as prescribed by rule. 170

(G) Division (B) of section 3319.31 of the Revised Code 171
applies to any administrator who is subject to the requirements 172
of this section and is not exempt under division (H) of this 173
section and who is an applicant for a license or holds a license 174
from the state board pursuant to section 3319.22 of the Revised 175
Code. 176

(H) The superintendent of public instruction may exempt 177
any administrator from the requirements of this section, if the 178
superintendent determines that the requirements do not otherwise 179
apply to a building or buildings under the control of that 180
administrator. 181

(I) Copies of the emergency management plan and 182
information required under division (B) of this section are 183
security records and are not public records pursuant to section 184
149.433 of the Revised Code. In addition, the information posted 185
to the contact and information management system, pursuant to 186
division (C)(3)(b) of this section, is exempt from public 187
disclosure or release in accordance with sections 149.43, 188
149.433, and 5502.03 of the Revised Code. 189

Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.

Sec. 3313.5319. (A) With funds appropriated by the general assembly for such purpose, each educational service center shall employ, or assign an existing employee to serve as, the emergency response planner for all school districts and schools located in the county in which the educational service center serves. In order to be considered for the position, the person shall have experience in planning, conducting, or assessing emergency response operations.

(B) The emergency response planner shall provide assistance and guidance to the county's districts and schools with regard to both of the following:

(1) Developing and adopting the district's or school's comprehensive emergency management plan and complying with all related requirements described under section 3313.536 of the Revised Code;

(2) Conducting safety drills pursuant to the district's or school's emergency management plan and complying with all related requirements described in section 3737.73 of the Revised Code.

The emergency response planner also shall serve on the executive committee for each countywide emergency management agency that the educational service center serves and help to integrate school safety into the county's emergency operations plan and annual exercise of the plan.

Sec. 3737.73. (A) No principal or person in charge of a

public or private school or educational institution having an 219
average daily attendance of twenty or more pupils, and no person 220
in charge of any children's home or orphanage housing twenty or 221
more minor persons, shall willfully neglect to instruct and 222
train such children by means of drills or rapid dismissals, so 223
that such children in a sudden emergency may leave the building 224
in the shortest possible time without confusion. Except as 225
provided for in division (F) of this section, the principal or 226
person in charge of a school or educational institution shall 227
conduct drills or rapid dismissals at least six times during the 228
school year, pursuant to division (E) of this section, which 229
shall be at the times and frequency prescribed in rules adopted 230
by the fire marshal. The principal or person in charge of a 231
children's home or orphanage shall conduct drills or rapid 232
dismissals at least once each month while the home is in 233
operation. In the case of schools, no principal or person in 234
charge of a school shall willfully neglect to keep the doors and 235
exits of such building unlocked during school hours. The fire 236
marshal may order the immediate installation of necessary fire 237
gongs or signals in such schools, institutions, or children's 238
homes and enforce this division and divisions (B), (C) (3), and 239
(F) of this section. 240

(B) In conjunction with the drills or rapid dismissals 241
required by division (A) or (F) of this section, whichever is 242
applicable, principals or persons in charge of public or private 243
primary and secondary schools, or educational institutions, 244
shall instruct pupils in safety precautions to be taken in case 245
of a tornado alert or warning. Such principals or persons in 246
charge of such schools or institutions shall designate, in 247
accordance with standards prescribed by the fire marshal, 248
appropriate locations to be used to shelter pupils in case of a 249

tornado, tornado alert, or warning. 250

(C) (1) The fire marshal or the fire marshal's designee 251
shall annually inspect each school, institution, home, or 252
orphanage subject to division (A) or (F) of this section to 253
determine compliance with the applicable division, and each 254
school or institution subject to division (B) of this section to 255
ascertain whether the locations comply with the standards 256
prescribed under that division. Nothing in this section shall 257
require a school or institution to construct or improve a 258
facility or location for use as a shelter area. 259

(2) The fire marshal or the fire marshal's designee shall 260
issue a warning to any person found in violation of division 261
(A), (B), or (F) of this section. The warning shall indicate the 262
specific violation and a date by which such violation shall be 263
corrected. 264

(3) No person shall fail to correct violations by the date 265
indicated on a warning issued under division (C) (2) of this 266
section. 267

(D) (1) (a) The principal or person in charge of each public 268
or private school or educational institution shall conduct 269
school safety drills at least three times during the school 270
year, pursuant to division (E) of this section, to provide 271
pupils with instruction in the procedures to follow in 272
situations where pupils must be secured in the school building 273
or rapidly evacuated in response to a threat to the school 274
involving an act of terrorism; a person possessing a deadly 275
weapon or dangerous ordnance, as defined in section 2923.11 of 276
the Revised Code, on school property; or other act of violence. 277
At least one safety drill shall include a scenario where pupils 278
must be secured in the school building rather than rapidly 279

evacuated. 280

Each safety drill shall be conducted in conjunction with 281
the police chief or other similar chief law enforcement officer, 282
or designee, of the municipal corporation, township, or township 283
or joint police district in which the school or institution is 284
located, or, in absence of any such person, the county sheriff 285
of the county, or designee, in which the school or institution 286
is located. 287

(b) ~~In~~ Not later than the fifteenth day of December of 288
each school year, and in addition to the three safety drills 289
described in division (D) (1) (a) of this section, the principal 290
or person in charge shall conduct two additional safety drills 291
that meet the following criteria: 292

(i) The first safety drill shall be a theoretical school 293
safety drill ~~at least once during the school year~~ to provide all 294
faculty and staff employed by the school or institution with 295
instruction in the procedures to follow in such situations. The 296
theoretical drill does not need to include student participation 297
and may be conducted at the annual training session required by 298
division (D) (3) of this section. 299

(ii) The second safety drill shall be a rehearsal of 300
concept drill conducted pursuant to the school's emergency 301
management plan adopted under section 3313.536 of the Revised 302
Code. The drill shall include rehearsal of the most critical 303
parts of the school's plan, such as the communications response 304
plan or the integrated response plan, and a physical walkthrough 305
of the school's plan. The drill shall be conducted separately 306
from the theoretical drill and does not need to include student 307
participation. 308

The rehearsal of concept drill shall be conducted in 309
conjunction with the police chief or other similar chief law 310
enforcement officer, or designee, of the municipal corporation, 311
township, or township or joint police district in which the 312
school or institution is located, or, in absence of any such 313
person, the county sheriff of the county, or designee, in which 314
the school or institution is located. 315

(c) All safety drills required under division (D) of this 316
section shall be conducted pursuant to the district's or 317
school's emergency management plan adopted under section 318
3313.536 of the Revised Code. 319

(2) (a) The principal or person in charge of each public or 320
private school or educational institution shall provide to the 321
police chief or other similar chief law enforcement officer of 322
the municipal corporation, township, or township or joint police 323
district in which the school or institution is located, or, in 324
absence of any such person, the county sheriff of the county in 325
which the school or institution is located advance written 326
notice of each school safety drill required under division (D) 327
(1) of this section and shall keep a written record of the date 328
and time of each drill conducted. The advance notice shall be 329
provided not later than seventy-two hours prior to the date the 330
drill will be conducted and shall include the date and time the 331
drill will be conducted and the address of the school or 332
educational institution. The notice shall be provided by mail, 333
facsimile, or electronic submission. 334

(b) Not later than the fifth day of December each year, 335
the principal or person in charge of each public or private 336
school or educational institution shall provide written 337
certification by mail, facsimile, or electronic submission of 338

the date and time each school safety drill required under 339
division (D) (1) of this section was conducted during the 340
previous school year, as well as the date and time each drill 341
will be conducted during the current school year, to the police 342
chief or other similar chief law enforcement officer of the 343
municipal corporation, township, or township or joint police 344
district in which the school or institution is located, or, in 345
the absence of any such person, the county sheriff of the county 346
in which the school or institution is located. If such 347
certification is not provided, the principal or person in charge 348
of the school or institution shall be considered to have failed 349
to meet this requirement and shall be subject to division (D) (4) 350
of this section. 351

(3) The principal or person in charge of each public or 352
private school or educational institution shall hold annual 353
training sessions for employees of the school or institution 354
regarding the conduct of school safety drills. 355

(4) The police chief or other similar chief law 356
enforcement officer of a municipal corporation, township, or 357
township or joint police district, or, in the absence of any 358
such person, the county sheriff shall issue a warning to any 359
person found in violation of division (D) (1) of this section. 360
Each warning issued for a violation of division (D) (1) of this 361
section shall require the principal or person in charge of the 362
school or institution to correct the violation by conducting a 363
school safety drill not later than the thirtieth day after the 364
date the warning is issued. The violation shall not be 365
considered corrected unless, not later than forty days after the 366
date the warning is issued, the principal or person in charge of 367
the school or institution provides written certification of the 368
date and time this drill was conducted, as well as the date and 369

time each remaining drill will be conducted during the current 370
school year, to the police chief or other similar chief law 371
enforcement officer or county sheriff who issued the warning. 372

(5) No person shall fail to correct violations by the date 373
indicated on a warning issued under division (D) (4) of this 374
section. 375

(E) The principal or person in charge of each public or 376
private school or educational institution shall conduct at least 377
one drill or rapid dismissal required under division (A) or (F) 378
of this section, whichever is applicable, or one school safety 379
drill required under division (D) of this section during each 380
month of the school year. However, the principal or person in 381
charge may determine the exact date and time that each drill 382
will be conducted. A drill or rapid dismissal under division (A) 383
or (F) of this section may be conducted during the same month as 384
a school safety drill under division (D) of this section. 385

(F) If a public or private school or educational 386
institution does not currently have smoke detectors, as defined 387
in section 3781.104 of the Revised Code, or a sprinkler system 388
in all classroom buildings of the school, the principal or 389
person in charge of the school or educational institution shall 390
conduct drills or rapid dismissals at least nine times during 391
the school year, pursuant to division (E) of this section, which 392
shall be at the times and frequency prescribed in rules adopted 393
by the fire marshal. At the discretion of the principal or 394
person in charge of the school or institution, drills conducted 395
under this division may be combined with drills conducted under 396
division (D) of this section, so long as at least one drill 397
conducted under that division provides pupils with instruction 398
in the procedures to follow in situations where pupils must be 399

secured in the school building rather than rapidly evacuated. 400

Sec. 5502.26. (A) The board of county commissioners of a 401
county and the chief executive of all or a majority of the other 402
political subdivisions within the county may enter into a 403
written agreement establishing a countywide emergency management 404
agency. 405

A representative from each political subdivision entering 406
into the agreement, selected by the political subdivision's 407
chief executive, shall constitute a countywide advisory group 408
for the purpose of appointing an executive committee under this 409
section through which the countywide agency shall implement 410
emergency management in the county in accordance with this 411
section and for the purpose of advising the executive committee 412
on matters pertaining to countywide emergency management. The 413
executive committee shall consist of at least the following 414
~~seven~~ eight members: one county commissioner representing the 415
board of county commissioners entering into the agreement; five 416
chief executives representing the municipal corporations and 417
townships entering into the agreement; the emergency response 418
planner, as described in section 3313.5319 of the Revised Code, 419
from the educational service center that serves the county; and 420
one nonelected representative. The countywide agreement shall 421
specify how many additional members, if any, shall serve on the 422
executive committee and their manner of selection. 423

The agency shall be supported financially by the political 424
subdivisions entering into the countywide agreement. The 425
executive committee shall appoint a director/coordinator of 426
emergency management who shall pursue a professional development 427
training program in accordance with rules adopted under section 428
5502.25 of the Revised Code. The director/coordinator of 429

emergency management may be an official or employee of any 430
political subdivision entering into the countywide agreement, 431
except that the director/coordinator shall not be the chief 432
executive of any such political subdivision. 433

A countywide emergency management agency organized under 434
this section shall establish a program for emergency management 435
that: 436

(1) Is in accordance with sections 5502.21 to 5502.51 of 437
the Revised Code, rules adopted under those sections, local 438
ordinances pertaining to emergency management, the "Robert T. 439
Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 440
143, 42 U.S.C. 5121, et. seq., as amended, and all applicable 441
rules and regulations adopted under that act; 442

(2) Includes, without limitation, development of an all- 443
hazards emergency operations plan that has been coordinated with 444
all agencies, boards, and divisions having emergency management 445
functions within the county; 446

(3) Includes the preparation and conduct of an annual 447
exercise of the county's all-hazards emergency operations plan; 448

(4) Is applicable to all political subdivisions entering 449
into the countywide agreement. 450

When developing the emergency operations plan and 451
conducting the annual exercise of the plan, the agency shall 452
include the emergency response planner from the educational 453
service center that serves the county and a representative from 454
each school district and school that has school buildings in 455
which students regularly attend or receive instruction within 456
the county in order to integrate school safety into the county's 457
plan and annual exercise. 458

The director/coordinator of emergency management for a 459
countywide agency organized under this section shall be 460
responsible for coordinating, organizing, administering, and 461
operating emergency management in accordance with the agency's 462
program established under this section, subject to the direction 463
and control of the executive committee. All agencies, boards, 464
and divisions having emergency management functions within each 465
political subdivision within the county shall cooperate in the 466
development of the all-hazards emergency operations plan and 467
shall cooperate in the preparation and conduct of the annual 468
exercise. 469

(B) Nothing in this section requires any political 470
subdivision that is located within a county that has entered 471
into a written agreement under this section establishing a 472
countywide emergency management agency to enter into that 473
agreement, provided that the political subdivision has 474
established a program for emergency management in accordance 475
with section 5502.271 of the Revised Code. 476

(C) A countywide emergency management agency shall be 477
considered a county board and shall receive the services of the 478
auditor, treasurer, and prosecuting attorney of the county in 479
the same manner as other county agencies, boards, or divisions. 480

Section 2. That existing sections 3313.536, 3737.73, and 481
5502.26 of the Revised Code are hereby repealed. 482

Section 3. All items in this section are hereby 483
appropriated as designated out of any moneys in the state 484
treasury to the credit of the designated fund. For all 485
appropriations made in this act, those in the first column are 486
for fiscal year 2018 and those in the second column are for 487
fiscal year 2019. The appropriations made in this act are in 488

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| addition to any other appropriations made for the FY 2018-FY | 489 |
| 2019 biennium. | 490 |
| EDU DEPARTMENT OF EDUCATION | 491 |
| General Revenue Fund | 492 |
| GRF 200472 Emergency Management Planners \$75,000 \$75,000 | 493 |
| TOTAL GRF General Revenue Fund \$75,000 \$75,000 | 494 |
| TOTAL ALL BUDGET FUND GROUPS \$75,000 \$75,000 | 495 |
| EMERGENCY MANAGEMENT PLANNERS | 496 |
| The foregoing appropriation item 200472, Emergency Management | 497 |
| Planners, shall be used to distribute \$1,500 in each fiscal year to each | 498 |
| eligible educational service center for purposes of section 3313.5319 of | 499 |
| the Revised Code. As used in this section, "eligible educational service | 500 |
| center" means an educational service center that serves five or more | 501 |
| client school districts. | 502 |
| Section 4. Within the limits set forth in this act, the | 503 |
| Director of Budget and Management shall establish accounts | 504 |
| indicating the source and amount of funds for each appropriation | 505 |
| made in this act, and shall determine the form and manner in | 506 |
| which appropriation accounts shall be maintained. Expenditures | 507 |
| from appropriations contained in this act shall be accounted for | 508 |
| as though made in the main operating appropriations act of the | 509 |
| 132nd General Assembly. | 510 |
| The appropriations made in this act are subject to all | 511 |
| provisions of the main operating appropriations act of the 132nd | 512 |
| General Assembly that are generally applicable to such | 513 |
| appropriations. | 514 |
| Section 5. This act is hereby declared to be an emergency | 515 |

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| measure necessary for the immediate preservation of the public | 516 |
| peace, health, and safety. The reason for such necessity is to | 517 |
| to protect the safety of Ohio's students and school employees. | 518 |
| Therefore, this act shall go into immediate effect. | 519 |