

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 708

Representative Miller, A.

A BILL

To amend sections 3313.536, 3737.73, and 5502.26 of 1
the Revised Code to revise the law regarding 2
emergency management plans and school safety 3
drills and to declare an emergency. 4

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

Section 1. That sections 3313.536, 3737.73, and 5502.26 of 5
the Revised Code be amended to read as follows: 6

Sec. 3313.536. (A) As used in this section: 7

(1) "Administrator" means the superintendent, principal, 8
chief administrative officer, or other person having supervisory 9
authority of any of the following: 10

(a) A city, exempted village, local, or joint vocational 11
school district; 12

(b) A community school established under Chapter 3314. of 13
the Revised Code, as required through reference in division (A) 14
(11)(d) of section 3314.03 of the Revised Code; 15

(c) A STEM school established under Chapter 3326. of the 16
Revised Code, as required through reference in section 3326.11 17
of the Revised Code; 18

(d) A college-preparatory boarding school established	19
under Chapter 3328. of the Revised Code;	20
(e) A district or school operating a career-technical	21
education program approved by the department of education under	22
section 3317.161 of the Revised Code;	23
(f) A chartered nonpublic school;	24
(g) An educational service center;	25
(h) A preschool program or school-age child care program	26
licensed by the department of education;	27
(i) Any other facility that primarily provides educational	28
services to <u>or hosts activities for</u> children subject to	29
regulation by the department of education.	30
(2) "Emergency management test" means a regularly	31
scheduled drill, exercise, or activity designed to assess and	32
evaluate an emergency management plan under this section.	33
(3) <u>"Emergency management rehearsal" means a regularly</u>	34
<u>scheduled rehearsal of concept drill that is designed to assess</u>	35
<u>and evaluate an emergency management plan under this section and</u>	36
<u>includes a rehearsal of the most critical parts of the school's</u>	37
<u>plan, such as the communications response plan or the integrated</u>	38
<u>response plan, and a physical walkthrough of the school's plan.</u>	39
<u>(4) "Building" means any school, school building,</u>	40
facility, program, or center.	41
(B) (1) Each administrator shall develop and adopt a	42
comprehensive emergency management plan, in accordance with	43
rules adopted by the state board of education pursuant to	44
division (F) of this section, for each building under the	45
administrator's control <u>and any other building in which students</u>	46

regularly attend or receive instruction regardless of whether it 47
is under the administrator's control. The administrator shall 48
examine the environmental conditions and operations of each 49
building to determine potential hazards to student and staff 50
safety and shall propose operating changes to promote the 51
prevention of potentially dangerous problems and circumstances. 52
In developing the plan for each building, the administrator 53
shall involve community law enforcement and safety officials, 54
parents of students who are assigned to the building, and 55
teachers and nonteaching employees who are assigned to the 56
building. The administrator shall incorporate remediation 57
strategies into the plan for any building where documented 58
safety problems have occurred. 59

(2) Each administrator shall also incorporate into the 60
emergency management plan adopted under division (B)(1) of this 61
section all of the following: 62

(a) A protocol for addressing serious threats to the 63
safety of property, students, employees, or administrators; 64

(b) A protocol for responding to any emergency events that 65
occur and compromise the safety of property, students, 66
employees, or administrators. This protocol shall include, but 67
not be limited to, all of the following: 68

(i) A floor plan that is unique to each floor of the 69
building; 70

(ii) A site plan that includes all building property and 71
surrounding property; 72

(iii) An emergency contact information sheet. 73

(3) Each protocol described in divisions (B)(2)(a) and (b) 74
of this section shall include procedures determined to be 75

appropriate by the administrator for responding to threats and 76
emergency events, respectively, including such things as 77
notification of appropriate law enforcement personnel, calling 78
upon specified emergency response personnel for assistance, and 79
informing parents of affected students. 80

Prior to the opening day of each school year, the 81
administrator shall inform each student or child enrolled in the 82
school and the student's or child's parent of the parental 83
notification procedures included in the protocol. 84

(4) Each administrator shall keep a copy of the emergency 85
management plan adopted pursuant to this section in a secure 86
place. 87

(C) (1) The administrator shall submit to the department of 88
education, in accordance with rules adopted by the state board 89
of education pursuant to division (F) of this section, an 90
electronic copy of the emergency management plan prescribed by 91
division (B) of this section not less than once every three 92
years, whenever a major modification to the building requires 93
changes in the procedures outlined in the plan, and whenever 94
information on the emergency contact information sheet changes. 95

(2) The administrator also shall file a copy of the plan 96
with each law enforcement agency that has jurisdiction over the 97
school building and, upon request, to any of the following: 98

(a) The fire department that serves the political 99
subdivision in which the building is located; 100

(b) The emergency medical service organization that serves 101
the political subdivision in which the building is located; 102

(c) The ~~county~~ countywide emergency management agency for 103
the county in which the building is located. 104

(3) Upon receipt of an emergency management plan, the 105
department of education shall submit the information in 106
accordance with rules adopted by the state board of education 107
pursuant to division (F) of this section, to both of the 108
following: 109

(a) The attorney general, who shall post that information 110
on the Ohio law enforcement gateway or its successor; 111

(b) The director of public safety, who shall post the 112
information on the contact and information management system. 113

(4) Any department or entity to which copies of an 114
emergency management plan are filed under this section shall 115
keep the copies in a secure place. 116

(D) (1) Not later than the first day of July of each year, 117
each administrator shall review the emergency management plan 118
and certify to the department of education that the plan is 119
current and accurate. 120

(2) Anytime that an administrator updates the emergency 121
management plan pursuant to division (C) (1) of this section, the 122
administrator shall file copies, not later than the tenth day 123
after the revision is adopted and in accordance with rules 124
adopted by the state board pursuant to division (F) of this 125
section, to the department of education and to any entity with 126
which the administrator filed a copy under division (C) (2) of 127
this section. 128

(E) Each administrator shall do both of the following: 129

(1) Prepare and conduct at least one annual ~~emergency~~; 130

(a) Emergency management test, as defined in division (A) 131

(2) of this section, for administrators of a preschool program 132

or school-age child care program. The test shall be conducted in 133
accordance with rules adopted by the state board pursuant to 134
division (F) of this section~~+~~. 135

(b) Emergency management rehearsal for administrators of 136
districts or schools. The rehearsal shall be conducted in 137
accordance with rules adopted by the state board pursuant to 138
division (F) of this section. A school safety drill conducted 139
pursuant to division (D) (1) (b) (ii) of section 3737.73 of the 140
Revised Code fulfills this requirement, so long as the drill is 141
conducted in accordance with all requirements of that section 142
and the rules adopted by the state board under this section. 143

(2) Grant access to each building under the control of the 144
administrator to law enforcement personnel and to entities 145
described in division (C) (2) of this section, to enable the 146
personnel and entities to hold training sessions for responding 147
to threats and emergency events affecting the building, provided 148
that the access occurs outside of student instructional hours 149
and the administrator, or the administrator's designee, is 150
present in the building during the training sessions. 151

(F) The state board of education, in accordance with 152
Chapter 119. of the Revised Code, shall adopt rules regarding 153
emergency management plans under this section, including the 154
content of the plans and procedures for filing the plans. The 155
rules shall specify that plans and information required under 156
division (B) of this section be submitted on standardized forms 157
developed by the department of education for such purpose. The 158
rules shall also specify the requirements and procedures for 159
emergency management tests and emergency management rehearsals 160
conducted pursuant to division (E) (1) of this section. Failure 161
to comply with the rules may result in discipline pursuant to 162

section 3319.31 of the Revised Code or any other action against 163
the administrator as prescribed by rule. 164

(G) Division (B) of section 3319.31 of the Revised Code 165
applies to any administrator who is subject to the requirements 166
of this section and is not exempt under division (H) of this 167
section and who is an applicant for a license or holds a license 168
from the state board pursuant to section 3319.22 of the Revised 169
Code. 170

(H) The superintendent of public instruction may exempt 171
any administrator from the requirements of this section, if the 172
superintendent determines that the requirements do not otherwise 173
apply to a building or buildings under the control of that 174
administrator. 175

(I) Copies of the emergency management plan and 176
information required under division (B) of this section are 177
security records and are not public records pursuant to section 178
149.433 of the Revised Code. In addition, the information posted 179
to the contact and information management system, pursuant to 180
division (C)(3)(b) of this section, is exempt from public 181
disclosure or release in accordance with sections 149.43, 182
149.433, and 5502.03 of the Revised Code. 183

Notwithstanding section 149.433 of the Revised Code, a 184
floor plan filed with the attorney general pursuant to this 185
section is not a public record to the extent it is a record kept 186
by the attorney general. 187

Sec. 3737.73. (A) No principal or person in charge of a 188
public or private school or educational institution having an 189
average daily attendance of twenty or more pupils, and no person 190
in charge of any children's home or orphanage housing twenty or 191

more minor persons, shall willfully neglect to instruct and 192
train such children by means of drills or rapid dismissals, so 193
that such children in a sudden emergency may leave the building 194
in the shortest possible time without confusion. Except as 195
provided for in division (F) of this section, the principal or 196
person in charge of a school or educational institution shall 197
conduct drills or rapid dismissals at least six times during the 198
school year, pursuant to division (E) of this section, which 199
shall be at the times and frequency prescribed in rules adopted 200
by the fire marshal. The principal or person in charge of a 201
children's home or orphanage shall conduct drills or rapid 202
dismissals at least once each month while the home is in 203
operation. In the case of schools, no principal or person in 204
charge of a school shall willfully neglect to keep the doors and 205
exits of such building unlocked during school hours. The fire 206
marshal may order the immediate installation of necessary fire 207
gongs or signals in such schools, institutions, or children's 208
homes and enforce this division and divisions (B), (C)(3), and 209
(F) of this section. 210

(B) In conjunction with the drills or rapid dismissals 211
required by division (A) or (F) of this section, whichever is 212
applicable, principals or persons in charge of public or private 213
primary and secondary schools, or educational institutions, 214
shall instruct pupils in safety precautions to be taken in case 215
of a tornado alert or warning. Such principals or persons in 216
charge of such schools or institutions shall designate, in 217
accordance with standards prescribed by the fire marshal, 218
appropriate locations to be used to shelter pupils in case of a 219
tornado, tornado alert, or warning. 220

(C)(1) The fire marshal or the fire marshal's designee 221
shall annually inspect each school, institution, home, or 222

orphanage subject to division (A) or (F) of this section to 223
determine compliance with the applicable division, and each 224
school or institution subject to division (B) of this section to 225
ascertain whether the locations comply with the standards 226
prescribed under that division. Nothing in this section shall 227
require a school or institution to construct or improve a 228
facility or location for use as a shelter area. 229

(2) The fire marshal or the fire marshal's designee shall 230
issue a warning to any person found in violation of division 231
(A), (B), or (F) of this section. The warning shall indicate the 232
specific violation and a date by which such violation shall be 233
corrected. 234

(3) No person shall fail to correct violations by the date 235
indicated on a warning issued under division (C) (2) of this 236
section. 237

(D) (1) (a) The principal or person in charge of each public 238
or private school or educational institution shall conduct 239
school safety drills at least three times during the school 240
year, pursuant to division (E) of this section, to provide 241
pupils with instruction in the procedures to follow in 242
situations where pupils must be secured in the school building 243
or rapidly evacuated in response to a threat to the school 244
involving an act of terrorism; a person possessing a deadly 245
weapon or dangerous ordnance, as defined in section 2923.11 of 246
the Revised Code, on school property; or other act of violence. 247
At least one safety drill shall include a scenario where pupils 248
must be secured in the school building rather than rapidly 249
evacuated. 250

Each safety drill shall be conducted in conjunction with 251
the police chief or other similar chief law enforcement officer, 252

or designee, of the municipal corporation, township, or township 253
or joint police district in which the school or institution is 254
located, or, in absence of any such person, the county sheriff 255
of the county, or designee, in which the school or institution 256
is located. 257

(b) ~~In~~ Not later than the fifteenth day of December of 258
each year, and in addition to the three safety drills described 259
in division (D) (1) (a) of this section, the principal or person 260
in charge shall conduct two additional safety drills that meet 261
the following criteria: 262

(i) The first drill shall be a theoretical school safety 263
drill ~~at least once during the school year to provide all~~ 264
faculty and staff employed by the school or institution with 265
instruction in the procedures to follow in such situations. The 266
theoretical drill does not need to include student participation 267
and may be conducted at the annual training session required by 268
division (D) (3) of this section. 269

(ii) The second safety drill shall be a rehearsal of 270
concept drill conducted pursuant to the school's emergency 271
management plan adopted under section 3313.536 of the Revised 272
Code. The drill shall include rehearsal of the most critical 273
parts of the school's plan, such as the communications response 274
plan or the integrated response plan, and a physical walkthrough 275
of the school's plan. The drill shall be conducted separately 276
from the theoretical drill and does not need to include student 277
participation. 278

The rehearsal of concept drill shall be conducted in 279
conjunction with the police chief or other similar chief law 280
enforcement officer, or designee, of the municipal corporation, 281
township, or township or joint police district in which the 282

school or institution is located or, in absence of any such 283
person, the sheriff of the county, or designee, in which the 284
school or institution is located. 285

(c) All safety drills required under division (D) of this 286
section shall be conducted pursuant to the district's or 287
school's emergency management plan adopted under section 288
3313.536 of the Revised Code. 289

Prior to conducting a safety drill under division (D) (1) 290
of this section that includes student participation, the 291
principal or person in charge shall notify the parent or 292
guardian of each student enrolled in the school or institution 293
of the drill and the procedures for parents or guardians to 294
follow in situations where students must be secured in the 295
school building or rapidly evacuated. 296

(2) (a) The principal or person in charge of each public or 297
private school or educational institution shall provide to the 298
police chief or other similar chief law enforcement officer of 299
the municipal corporation, township, or township or joint police 300
district in which the school or institution is located, or, in 301
absence of any such person, the county sheriff of the county in 302
which the school or institution is located advance written 303
notice of each school safety drill required under division (D) 304
(1) of this section and shall keep a written record of the date 305
and time of each drill conducted. The advance notice shall be 306
provided not later than seventy-two hours prior to the date the 307
drill will be conducted and shall include the date and time the 308
drill will be conducted and the address of the school or 309
educational institution. The notice shall be provided by mail, 310
facsimile, or electronic submission. 311

(b) Not later than the fifth day of December each year, 312

the principal or person in charge of each public or private 313
school or educational institution shall provide written 314
certification by mail, facsimile, or electronic submission of 315
the date and time each school safety drill required under 316
division (D) (1) of this section was conducted during the 317
previous school year, as well as the date and time each drill 318
will be conducted during the current school year, to the police 319
chief or other similar chief law enforcement officer of the 320
municipal corporation, township, or township or joint police 321
district in which the school or institution is located, or, in 322
the absence of any such person, the county sheriff of the county 323
in which the school or institution is located. If such 324
certification is not provided, the principal or person in charge 325
of the school or institution shall be considered to have failed 326
to meet this requirement and shall be subject to division (D) (4) 327
of this section. 328

(3) The principal or person in charge of each public or 329
private school or educational institution shall hold annual 330
training sessions for employees of the school or institution 331
regarding the conduct of school safety drills. 332

(4) The police chief or other similar chief law 333
enforcement officer of a municipal corporation, township, or 334
township or joint police district, or, in the absence of any 335
such person, the county sheriff shall issue a warning to any 336
person found in violation of division (D) (1) of this section. 337
Each warning issued for a violation of division (D) (1) of this 338
section shall require the principal or person in charge of the 339
school or institution to correct the violation by conducting a 340
school safety drill not later than the thirtieth day after the 341
date the warning is issued. The violation shall not be 342
considered corrected unless, not later than forty days after the 343

date the warning is issued, the principal or person in charge of 344
the school or institution provides written certification of the 345
date and time this drill was conducted, as well as the date and 346
time each remaining drill will be conducted during the current 347
school year, to the police chief or other similar chief law 348
enforcement officer or county sheriff who issued the warning. 349

(5) No person shall fail to correct violations by the date 350
indicated on a warning issued under division (D) (4) of this 351
section. 352

(E) The principal or person in charge of each public or 353
private school or educational institution shall conduct at least 354
one drill or rapid dismissal required under division (A) or (F) 355
of this section, whichever is applicable, or one school safety 356
drill required under division (D) of this section during each 357
month of the school year. However, the principal or person in 358
charge may determine the exact date and time that each drill 359
will be conducted. A drill or rapid dismissal under division (A) 360
or (F) of this section may be conducted during the same month as 361
a school safety drill under division (D) of this section. 362

(F) If a public or private school or educational 363
institution does not currently have smoke detectors, as defined 364
in section 3781.104 of the Revised Code, or a sprinkler system 365
in all classroom buildings of the school, the principal or 366
person in charge of the school or educational institution shall 367
conduct drills or rapid dismissals at least nine times during 368
the school year, pursuant to division (E) of this section, which 369
shall be at the times and frequency prescribed in rules adopted 370
by the fire marshal. At the discretion of the principal or 371
person in charge of the school or institution, drills conducted 372
under this division may be combined with drills conducted under 373

division (D) of this section, so long as at least one drill 374
conducted under that division provides pupils with instruction 375
in the procedures to follow in situations where pupils must be 376
secured in the school building rather than rapidly evacuated. 377

Sec. 5502.26. (A) The board of county commissioners of a 378
county and the chief executive of all or a majority of the other 379
political subdivisions within the county may enter into a 380
written agreement establishing a countywide emergency management 381
agency. 382

A representative from each political subdivision entering 383
into the agreement, selected by the political subdivision's 384
chief executive, shall constitute a countywide advisory group 385
for the purpose of appointing an executive committee under this 386
section through which the countywide agency shall implement 387
emergency management in the county in accordance with this 388
section and for the purpose of advising the executive committee 389
on matters pertaining to countywide emergency management. The 390
executive committee shall consist of at least the following 391
seven members: one county commissioner representing the board of 392
county commissioners entering into the agreement; five chief 393
executives representing the municipal corporations and townships 394
entering into the agreement; and one nonelected representative. 395
The countywide agreement shall specify how many additional 396
members, if any, shall serve on the executive committee and 397
their manner of selection. 398

The agency shall be supported financially by the political 399
subdivisions entering into the countywide agreement. The 400
executive committee shall appoint a director/coordinator of 401
emergency management who shall pursue a professional development 402
training program in accordance with rules adopted under section 403

5502.25 of the Revised Code. The director/coordinator of 404
emergency management may be an official or employee of any 405
political subdivision entering into the countywide agreement, 406
except that the director/coordinator shall not be the chief 407
executive of any such political subdivision. 408

A countywide emergency management agency organized under 409
this section shall establish a program for emergency management 410
that: 411

(1) Is in accordance with sections 5502.21 to 5502.51 of 412
the Revised Code, rules adopted under those sections, local 413
ordinances pertaining to emergency management, the "Robert T. 414
Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 415
143, 42 U.S.C. 5121, et- seq., as amended, and all applicable 416
rules and regulations adopted under that act; 417

(2) Includes, without limitation, development of an all- 418
hazards emergency operations plan that has been coordinated with 419
all agencies, boards, and divisions having emergency management 420
functions within the county; 421

(3) Includes the preparation and conduct of an annual 422
exercise of the county's all-hazards emergency operations plan; 423

(4) Is applicable to all political subdivisions entering 424
into the countywide agreement. 425

When developing the emergency operations plan and 426
conducting the annual exercise of the plan, the agency shall 427
include a representative from each school and school district 428
that has school buildings in which students regularly attend or 429
receive instruction within the county in order to integrate 430
school safety into the county's plan and annual exercise. 431

The director/coordinator of emergency management for a 432

countywide agency organized under this section shall be 433
responsible for coordinating, organizing, administering, and 434
operating emergency management in accordance with the agency's 435
program established under this section, subject to the direction 436
and control of the executive committee. All agencies, boards, 437
and divisions having emergency management functions within each 438
political subdivision within the county shall cooperate in the 439
development of the all-hazards emergency operations plan and 440
shall cooperate in the preparation and conduct of the annual 441
exercise. 442

(B) Nothing in this section requires any political 443
subdivision that is located within a county that has entered 444
into a written agreement under this section establishing a 445
countywide emergency management agency to enter into that 446
agreement, provided that the political subdivision has 447
established a program for emergency management in accordance 448
with section 5502.271 of the Revised Code. 449

(C) A countywide emergency management agency shall be 450
considered a county board and shall receive the services of the 451
auditor, treasurer, and prosecuting attorney of the county in 452
the same manner as other county agencies, boards, or divisions. 453

Section 2. That existing sections 3313.536, 3737.73, and 454
5502.26 of the Revised Code are hereby repealed. 455

Section 3. This act is hereby declared to be an emergency 456
measure necessary for the immediate preservation of the public 457
peace, health, and safety. The reason for such necessity is to 458
protect the safety of Ohio's students and school employees. 459
Therefore, this act shall go into immediate effect. 460