



Am. Sub. H.B. 203
126th General Assembly
(As Passed by the General Assembly)

Reps. Raga, Kearns, DeWine, Flowers, Wagoner, Calvert, T. Patton, Allen, Strahorn, Gilb, Chandler, Faber, White, S. Smith, Barrett, Beatty, DeBose, Fessler, G. Smith, Harwood, Hoops, Otterman, Reidelbach, Schneider, Webster, Carmichael, Cassell, C. Evans, D. Evans, Hagan, Hughes, Key, Law, Martin, Schlichter, Setzer, Taylor, S. Patton, Williams

Sens. Clancy, Austria, Coughlin, Dann, Grendell, Harris, Padgett, Roberts, Schuler, Schuring, Zurz, Spada, Gardner

Effective date: *

ACT SUMMARY

- Requires the board of health of a city or general health district to inspect the sanitary condition of schools and school buildings within its jurisdiction annually rather than semiannually.
- Requires boards of health to inspect schools annually to identify conditions dangerous to public health and safety present in or on the buildings or grounds.
- Requires the Director of Health to establish the School Health and Safety Network to coordinate school inspections.
- Specifies that the practice of environmental health by registered sanitarians includes the administration and enforcement of rules adopted by the Director of Health for Network inspections and sanitary inspections of schools.

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

CONTENT AND OPERATION

School Health and Safety Network

(R.C. 3701.93, 3701.931, and 3701.936)

The act requires the Director of Health to establish the School Health and Safety Network, under which local boards of health¹ are required to inspect each public² and nonpublic³ school building and grounds within its jurisdiction at least once each year. The purpose of these inspections is to identify conditions dangerous to public health and safety present in or on the building or grounds.

The act requires each inspector to conduct Network inspections using forms, templates, and checklists developed by the Director of Health or other forms approved by the Director. The act requires that inspections be conducted during regular school hours.

The Director of Health, with the cooperation of each board of health, is required by the act to coordinate Network inspections to avoid duplication of authority over a school by multiple boards of health and to ensure that each school is inspected in accordance with the other provisions of the act. The Director may determine the appropriate manner to coordinate inspections.

The act provides that the inspections it requires are not intended to diminish the authority of a board of health to issue orders or take other actions under existing laws governing the board's powers and duties to conduct sanitary inspections of schools and school buildings and to abate nuisances and remove or

¹ As used in the act, "board of health" means a board of health of a city or general health district or the municipal authority having the duties of a board of health (R.C. 3709.05 and 3717.01, not in the act).

² The act defines a "public school" as either of the following: (1) a school operated by any school district, educational service center, or board of mental retardation and developmental disabilities, including facilities used for preschool child care programs operated by the district, center, or board or (2) a community school established by the local board of education, including a facility operated by an Internet- or computer-based community school that is used as a classroom or laboratory for one or more students (R.C. 3314.02, not in the act). "Public school" does not include the residence of a student enrolled in an Internet- or computer-based community school.

³ The act defines a "nonpublic school" as a chartered nonpublic school that meets the minimum education standards prescribed by the State Board of Education. It includes facilities used for preschool child care programs operated by the school.

correct detrimental health conditions found in schools and school buildings (R.C. 3707.03 and 3707.26, not in the act). The act further provides that the inspections it requires may be conducted in addition to or in concert with the board's sanitary inspections of schools and school buildings.

Submission of inspection reports

(R.C. 3701.932)

The act requires each board of health to report the findings of the Network inspection of each public and nonpublic school building and grounds to the following:

- (1) The principal or chief administrator of the building;
- (2) The administrator responsible for facility operations and maintenance on behalf of the school district, educational service center, board of mental retardation and developmental disabilities, or community school controlling the inspected building and grounds;
- (3) In the case of a school operated by a school district, the superintendent and board of education of that district;
- (4) In the case of a school operated by an educational service center or board of mental retardation and developmental disabilities, the center or board;
- (5) The Auditor of State.

The report must include recommendations for changes that the board of health determines may be necessary to abate conditions that are hazardous to occupants. The report must also include recommendations made pursuant to inspections conducted to determine the sanitary condition of schools (see "**Annual sanitary inspections**" below). The report is a public record for the purposes of the public records law (R.C. 149.43, not in the act).

Cooperation with the inspections

(R.C. 3313.473 and 3314.15)

The act requires the principal or chief administrator of each public, nonpublic, or community school to cooperate with the appropriate board of health in the conduct of any Network inspection. The principal or administrator must provide access to the premises at any time during operation for the inspection and provide any records or other information the board of health considers necessary.

Plan for abatement of hazardous conditions

(R.C. 3313.473, 3314.15, and 3701.933)

The act requires the board of education of each school district, the governing board of each educational service center that controls a public school, the chief administrator of each nonpublic school, the board of mental retardation and developmental disabilities, and the governing authority of each community school for which an inspection report is submitted to develop a plan for abatement of conditions that are determined to be hazardous to occupants. The abatement plan must be in written form and submitted by a deadline and in a manner established by the Director of Health. The abatement plan must include a schedule for completion of the abatement. The abatement plan is a public record for purposes of the public records law (R.C. 149.43, not in the act).

The local board of health is required to determine compliance with the school's abatement plan. On completion of the abatement plan, the board of health is required to submit a supplemental report to the parties listed under "**Submission of inspection reports**" above.

Information on dangerous conditions and products

(R.C. 3701.934)

The act requires the Director to develop information specifying dangerous conditions and products, including products recalled by the manufacturer, that may be present in school buildings and grounds. The Director may use information developed by other sources, including other state and federal agencies. The Director is required to distribute this information to boards of health on a quarterly basis via electronic mail. The information must also be made available on the Department of Health's website.

Administering the Network

(Section 3)

The act requires the Director of Health and each board of health, to the greatest extent possible, to use staff positions already within their organizations to establish and operate the Network.



Auditor of State

(R.C. 117.102)

The act requires the Auditor of State to review the report of each Network inspection of a public school building and grounds submitted to the Auditor. The Auditor may include references to any recommendations included in the inspection report in any audit of the school district, educational service center, board of mental retardation and developmental disabilities, or community school controlling the inspected building and grounds.

Annual sanitary inspections

(R.C. 3707.26)

The board of health of a city or general health district is required by continuing law to inspect the sanitary conditions of all schools and school buildings within its jurisdiction. The board of health is authorized to disinfect any school building and may close any school and prohibit public gatherings during an epidemic or threatened epidemic. Prior law required the inspection to be conducted semiannually or more often if necessary. The act requires that sanitary inspections be conducted annually but continues to permit them to be conducted more often if the board of health considers necessary.

Rulemaking

(R.C. 3701.935 and 3707.26)

The act requires the Director of Health to adopt rules establishing minimum standards and procedures for Network inspections and sanitary inspections in consultation with the Association of Ohio Health Commissioners, the Ohio Environmental Health Association, the Ohio School Boards Association, and the Ohio Education Association. The Director is required to adopt rules for Network inspections and sanitary inspections not later than 18 months after the act's effective date.

Practice of environmental health science

(R.C. 4736.01)

Under the act, the practice of environmental science by registered sanitarians is expanded by including the administration and enforcement of rules adopted by the Director of Health for Network inspections and sanitary inspections of schools and school buildings (see **COMMENT**).

COMMENT

A sanitarian performs educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science. To practice in Ohio, a sanitarian must be registered by the State Board of Sanitarian Registration.

"Environmental health science" means the aspect of public health science that includes air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control. The "practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, general health district, the Ohio Environmental Protection Agency, the Department of Health, or the Department of Agriculture requiring specialized knowledge, training, and experience in the field of environmental health science.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-19-05	pp. 673-674
Reported, H. Health	06-02-05	pp. 899-900
Passed House (89-6)	06-14-05	pp. 952-953
Reported, S. Health, Human Services & Aging	10-20-05	p. 1653
Passed Senate (30-1)	10-25-05	pp. 1661-1662
House concurred in Senate amendments (94-2)	10-26-05	pp. 1790-1791

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