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Bill Analysis

Legislative Service Commission

H.B. 203

126th General Assembly

(As Introduced)

Reps. Raga, Kearns, DeWine, Flowers, Wagoner, Calvert, T. Patton, Allen, Strahorn, Gilb, Chandler, Faber, White

BILL 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 predictable dangers to students present in or on the buildings or grounds.
- Requires the Director of Health to establish the School Health and Safety Network to coordinate and collect data from school inspections.
- Requires the Ohio Department of Health to include School Health and Safety Network inspection rules within the practice of environmental health for registered sanitarians.

CONTENT AND OPERATION

School Health and Safety Network

(R.C. 3701.93, 3701.94, and 3701.98)

The bill 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

¹ As used in the bill, "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 bill).

² The bill defines a "public school" as either of the following: (1) a school operated by any school district, educational service center, or county board of mental retardation and

once each year. The purpose of these inspections is to identify predictable dangers to students present in or on the building or grounds. If the Director of Health determines that no board of health has the capacity to conduct the inspections of a particular school or the Director determines that it is preferable for the Director to conduct the inspections, the Ohio Department of Health may conduct the inspections and issue the required reports.

The bill requires each inspector to conduct Network inspections using a personal data assistant (PDA) and electronic forms, templates, and checklists developed and supplied by the Director of Health or other forms approved by the Director. Data from each inspection must be submitted to a central database that is to be established and maintained by the Director.

The Director of Health is required by the bill 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 bill. The Director may determine the appropriate manner to coordinate inspections.

The bill 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 removing nuisances from school property or other detrimental health conditions or conducting sanitary inspections (R.C. 3707.03 and 3707.26, not in the bill).

Submission of inspection reports

(R.C. 3701.95)

The bill 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 Director of Health for inclusion in the central database;

developmental disabilities, including facilities used for Head Start programs, preschool programs, or other programs providing instructional services to children who are at least three years of age but not of compulsory school age, 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 bill). "Public school" does not include the residence of a student enrolled in an Internet or computer-based school.

³ *The bill defines a "nonpublic school" as a chartered or nonchartered nonpublic school that meets the minimum education standards prescribed by the State Board of Education.*

(2) The principal or chief administrator of the building;

(3) The administrator responsible for facility operations and maintenance of the school district, educational service center, or community school controlling the inspected building and grounds;

(4) The superintendent of the school district if the school is operated by a school district or educational service center;

(5) The Auditor of State.

The report must include recommendations for changes that the board of health or the Director of Health determines may be necessary to abate conditions that are dangerous to students. The report may include recommendations made pursuant to inspections conducted to inspect 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 bill).

Cooperation with the inspections

(R.C. 3313.473 and 3314.12)

The bill requires the principal or chief administrator of each public or nonpublic 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 the inspection and provide any records or other information the board of health considers necessary.

Plan for abatement of dangerous conditions

(R.C. 3313.473, 3314.12, and 3701.96)

The bill requires the board of education of each school district, the governing board of each educational service center that controls a public school, and the chief administrator of each nonpublic school for which an inspection report is submitted to develop a plan of abatement of conditions that are determined to be dangerous to students. 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 bill).

Duties of the Director of Health

(R.C. 3701.97)

The bill requires the Director of Health to establish guidelines for Network inspection procedures by rule in accordance with Ohio's Administrative Procedure Act (R.C. Chapter 119.). The bill also requires the Director to develop information specifying dangerous conditions and products 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, public and nonpublic school authorities, and the general public so that the information is as widely circulated and readily accessible as the Director determines is practical.

Administering the School Health and Safety Network

(Section 3)

The bill 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 bill 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 of any recommendations included in the inspection report in any audit of the school district, educational center, or community school controlling the inspected building and grounds.

Annual sanitary inspections

(R.C. 3707.26)

Current law requires the board of health of a city or general health district, semiannually or more often if necessary, 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. The bill requires that the sanitary inspection be conducted annually rather than semiannually.

Practice of environmental health science

(R.C. 4736.01)

The bill expands the practice of environmental health to include assessment of compliance with rules adopted by the Director of Health for the purpose of School Health and Safety Network inspections (see **COMMENT**).

COMMENT

Under the bill, the practice of environmental health is expanded to allow registered sanitarians to conduct School Health and Safety Network inspections. 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 under R.C. Chapter 4736.

"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

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