



Ohio Legislative Service Commission

Final Analysis

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Am. Sub. H.B. 178 130th General Assembly (As Passed by the General Assembly)

Reps. Phillips, Hayes, Mallory, Strahorn, Reece, Fedor, Heard, Antonio, Bishoff, Amstutz, Anielski, Ashford, Baker, Barborak, Barnes, Beck, Boyce, Boyd, Brenner, Brown, Budish, Burkley, Carney, Celebrezze, Cera, Clyde, Curtin, Derickson, DeVitis, Driehaus, Grossman, Hottinger, Huffman, Kunze, Letson, Lundy, Milkovich, O'Brien, Patmon, Patterson, Pillich, Roegner, Rogers, Ruhl, Sheehy, Stebelton, Winburn, Young, Batchelder

Sens. Gentile, Hughes, Patton, Sawyer, Skindell, Turner

Effective date: March 23, 2015; appropriation effective December 19, 2014

ACT SUMMARY

School safety drills

- Requires each public or private school to conduct six fire drills and three safety drills each year, if the school has smoke detectors or a sprinkler system; or nine fire drills and three safety drills each year, if the school does *not* have smoke detectors or a sprinkler system.
- Requires each school to conduct one additional "theoretical" safety drill during the school year for faculty and staff.
- Adds rapid evacuation procedures to school safety drills.
- Requires safety drills that include student participation to (1) be conducted in conjunction with the local police chief or similar chief law enforcement officer, (2) be conducted pursuant to the school's emergency management plan, and (3) for at least one of the three safety drills, involve a scenario where students are secured in the school building rather than rapidly evacuated.
- Requires each school to conduct at least one fire drill or one safety drill during each month of the school year.

- Permits a school's principal or director to determine the exact date and time that each drill will be conducted and to conduct a fire drill and a safety drill during the same month of the school year.
- Requires a school's principal or director to provide certification by mail, facsimile, or electronic submission of the date and time that each safety drill was conducted during the previous school year and that each drill will be conducted during the current school year.

Physical restraint or seclusion

- Requires the State Board of Education to adopt rules that establish a policy and standards for the implementation of positive behavior intervention supports and the use of physical restraint or seclusion on students.
- Requires each school district, community school, science, technology, engineering, and mathematics (STEM) school, and college preparatory boarding school to comply with the policies and standards adopted by the State Board.

Cleveland Pilot Project Scholarship Program

- Qualifies a private secondary school (serving any of grades 9-12) located outside of the Cleveland Municipal School District to enroll students under the Cleveland Pilot Project Scholarship Program, as long as the school is located in a district adjacent to the Cleveland district and in a municipal corporation with a population of at least 50,000 people.

Reimbursement to Old Fort Local School District

- Appropriates \$200,900 in fiscal year 2015 for the Old Fort Local School District's costs related to the transfer of the Bettsville Local School District.

CONTENT AND OPERATION

School fire drills

Continuing law requires the principal or director of each public or private school that has an average daily attendance of 20 or more students to conduct periodic fire drills. Prior law required that the fire drills be conducted at least nine times during the school year.¹ The act adjusts the number and frequency of fire drills for some schools to accommodate its expanded number of school safety drills.

¹ R.C. 3737.73(A).

Under the act, if a public or private school has smoke detectors or a sprinkler system in all classroom buildings of the school, the school must conduct at least six fire drills during the school year.² However, if the school does *not* have smoke detectors or a sprinkler system in each classroom building, the school must continue to conduct at least nine fire drills during the school year.

Additionally, if the school does *not* have smoke detectors or a sprinkler system, the school's principal or director may choose to combine the nine required fire drills with the three required safety drills, so long as at least one of the safety drills provides a scenario where students are secured in the building rather than evacuated (see "**School safety drills**" below).³

School safety drills

Continuing law requires that public and private schools conduct school safety drills to instruct students in procedures to follow in situations where students must be secured in their building (rather than evacuated), such as a threat to the school involving terrorism, a person in possession of a deadly weapon or dangerous ordnance on school property, or other act of violence. Prior law required that at least one safety drill be conducted each year on or before December 1.⁴ The act expands the school safety drill requirement in several ways.

First, the act requires each public or private school to conduct at least three school safety drills during the school year, as well as one additional "theoretical" safety drill for faculty and staff.⁵ The three safety drills that require student participation must be conducted in conjunction with the local police chief, similar chief law enforcement officer, sheriff, or a designee from the local law enforcement agency.⁶ Meanwhile, the act specifies that the theoretical safety drill does not need to include student participation and may be conducted at the annual training session for faculty and staff regarding safety drills.⁷

The act also broadens the scope of safety drills to include instruction in procedures to follow where students must rapidly evacuate a building, as well as those

² R.C. 3737.73(A).

³ R.C. 3737.73(F).

⁴ R.C. 3737.73(D).

⁵ R.C. 3737.73(D)(1)(a) and (b).

⁶ R.C. 3737.73(D)(1)(a).

⁷ See R.C. 3737.73(D)(3), unchanged by the act.

where students must be secured in their building. However, at least one of the three safety drills that include student participation must still include a scenario where students are secured in the building rather than evacuated.⁸

All safety drills must be conducted pursuant to the school's emergency management plan, which each school is required to adopt, submit, and continually update under continuing law.⁹

Notice of safety drills

The act modifies the safety drill certification that each principal or director must submit to the police chief or similar law enforcement officer by December 5 of each year. Rather than certifying the one safety drill required under prior law, the act requires that the certification must include the date and time for both (1) the safety drills that were conducted during the *previous* school year and (2) each drill that will be conducted during the *current* school year. It also permits the certification to be provided by facsimile or electronic submission, in addition to by mail as under continuing law.¹⁰

Timing of fire drills and safety drills

Under the act, the principal or director of each school must conduct at least one fire drill or one safety drill during each month of the school year. Additionally, the act specifically permits the principal or director to conduct a fire drill and a safety drill during the same month, as well as to determine the exact date and time that each drill will be conducted.¹¹ Therefore, at least one type of drill must be conducted each month of the school year, but the exact date and time of each drill is left to the discretion of the school's principal or director, who may also choose to conduct both a fire drill and a safety drill in the same month, if desired.

Rules on positive behavior intervention and physical restraint or seclusion

The act requires the State Board of Education to adopt rules that establish a policy and standards for the implementation of positive behavior intervention supports and the use of physical restraint or seclusion on students.¹² It also requires each school

⁸ R.C. 3737.73(D)(1)(a) and (F).

⁹ R.C. 3737.73(D)(1)(c). See also R.C. 3313.536, not in the act.

¹⁰ R.C. 3737.73(D)(2)(b) and (D)(4).

¹¹ R.C. 3737.73(E).

¹² R.C. 3319.46.



district, community school,¹³ science, technology, engineering, and mathematics (STEM) school,¹⁴ and college preparatory boarding school¹⁵ to comply with the policies and standards adopted by the State Board.¹⁶

Background

In 2013, the State Board adopted an administrative rule that does all of the following:

(1) Requires districts and schools to implement positive behavior intervention and supports on a system-wide basis;¹⁷

(2) Prohibits school personnel from engaging in specific types of restraint, corporal punishment, child endangerment, deprivation of basic needs, seclusion or restraint of preschool children, chemical restraint, mechanical restraint, aversive behavioral interventions, and seclusion in a locked room or area;¹⁸

(3) Specifies when physical restraint or seclusion may be used.¹⁹

Cleveland Pilot Project Scholarship

The act qualifies certain private schools located outside of the pilot project school district (currently only the Cleveland Municipal School District) to receive scholarship payments from parents of students who receive the Cleveland Pilot Project Scholarship. Under the act, a student's parent may use a Cleveland scholarship to enroll the student in a private secondary school (that is, a school that offers any of grades 9-12) located outside of the Cleveland district, as long as the school is (1) located in a district adjacent to the Cleveland district and (2) located in a municipal corporation with a population of at least 50,000 people.²⁰ Under prior law, all private schools enrolling scholarship students under the program had to be located in the Cleveland district. The act continues to require elementary private schools enrolling Cleveland scholarship

¹³ R.C. 3314.03.

¹⁴ R.C. 3326.11.

¹⁵ R.C. 3328.24.

¹⁶ R.C. 3319.46.

¹⁷ Ohio Administrative Code (O.A.C.) 3301-35-15(B).

¹⁸ O.A.C. 3301-35-15(C).

¹⁹ O.A.C. 3301-35-15(D) and (E).

²⁰ R.C. 3313.976(A).



students to be located in the Cleveland district. It also continues to permit secondary private schools located in the Cleveland district to enroll scholarship students.

Background

The Pilot Project Scholarship Program provides scholarships to attend alternative schools, including private schools, and tutorial assistance grants to certain students who reside in any school district that is or has been under a federal court order requiring supervision and operational management of the district by the Superintendent of Public Instruction. Currently, only the Cleveland Municipal School District meets this criterion. The program has been authorized since 1995. It is financed partially with state funds and partially with an earmark of Cleveland's state payments.

Reimbursement to Old Fort Local School District

The act appropriates \$200,900 to be used by the Old Fort Local School District for reimbursement of classroom repairs, textbook purchases, and other associated costs attributed to the transfer of Bettsville Local School District after the closure of the district.²¹

HISTORY

ACTION	DATE
Introduced	05-28-13
Reported, H. Education	12-11-13
Passed House (97-0)	03-19-14
Reported, S. Education	12-10-14
Passed Senate (31-0)	12-11-14
House concurred in Senate amendments (91-0)	12-17-14

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²¹ Sections 263.10 and 263.230 of H.B. 59 of the 130th General Assembly, as amended in Sections 3 and 4.

