



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 178 of the 130th G.A.](#)

**Date:** December 17, 2014

**Status:** As Enacted

**Sponsor:** Rep. Phillips

**Local Impact Statement Procedure Required:** No

**Contents:** Makes changes to the laws surrounding school safety drills; seclusion, restraint, and positive behavior intervention; and the Cleveland Scholarship Program

### State Fiscal Highlights

- The reimbursement to Old Fort Local School District will increase GRF expenditures by \$200,900 in FY 2015.

### Local Fiscal Highlights

- The provision requiring local law enforcement agencies to participate in the three school safety drills required by the bill, could result in an increase in expenditures for those agencies.
- Community schools, STEM schools, and college-preparatory boarding schools may experience some additional costs in order to comply with rules addressing seclusion, restraint, and positive behavior intervention supports. These costs may involve additional parent notifications, professional development, development of written policies and procedures, and reports to the state.

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## Detailed Fiscal Analysis

### Old Fort Local School District reimbursement

The bill appropriates \$200,900 in FY 2015 under the Department of Education's GRF appropriation item 200550, Foundation Funding, to Old Fort Local School District for costs associated with the transfer of Bettsville Local School District. The appropriation reimburses Old Fort for classroom repairs, textbook purchases, and other unpaid expenditures after the closure of Bettsville.

### School emergency management plans

Under current law, schools must hold nine fire drills and one safety drill each school year. The bill increases the number of safety drills to three plus one "tabletop" drill that does not require student participation. The bill also requires that at least one of the safety drills involving students secure students in the building instead of evacuating them. For schools with smoke detectors or sprinkler systems, the bill reduces the number of fire drills to six. For schools without smoke detectors or sprinkler systems, the bill maintains the nine fire drill requirement, but permits the school to combine safety and fire drills. As the bill maintains the total number of drills that are required to be conducted at each school, these provisions are unlikely to increase expenditures for schools.

The bill requires that the three safety drills involving student participation be conducted in conjunction with local law enforcement. Current law requires that local law enforcement agencies be involved in the development of the school safety plan. According to the Ohio Association of Chiefs of Police, there are likely already some law enforcement agencies that participate in school safety drills, but there are also likely some that do not. This provision could result in an increase in expenditures for local law enforcement agencies.

The bill also permits school officials to certify compliance with the safety drill law by e-mail or fax instead of only by mail. This may reduce school expenditures by a negligible amount.

### Use of seclusion, physical restraint, and positive behavior intervention

The bill 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 with students. The State Board adopted such a policy and standards on January 15, 2013; and corresponding rules became effective August 1, 2013. These rules, however, only apply to school districts. In addition to school districts, the bill requires community schools, STEM schools, and college-preparatory boarding schools to comply with the policy and standards. Thus, these schools may experience some additional costs in order to comply. These costs may involve additional parent notifications, professional development, development of

written policies and procedures, and reports to the state, as described in more detail below.

In general, the rules require public schools to implement positive behavior intervention and supports on a system-wide basis, prohibit certain practices, and place restrictions on the use of physical restraint and seclusion. The rules also require schools to immediately notify a parent of any incident involving seclusion or restraint, including a written report documenting the incident. Schools must ensure that an appropriate number of personnel are trained in crisis management and de-escalation techniques and must maintain training documentation. Schools must also develop written policies and procedures, which must be consistent with the State Board's policy, provide for written responses to parent complaints within 30 days, and monitor implementation of the policies. Finally, schools must annually report information regarding the use of restraint and seclusion to the Ohio Department of Education.

### **Cleveland Scholarship Program**

Under current law, students may use scholarships from the Cleveland Scholarship Program to attend public schools and chartered nonpublic schools located within the borders of the Cleveland Metropolitan School District (CMSD). The bill expands the universe of eligible schools to public and chartered nonpublic high schools in cities with a population of 50,000 or more that are adjacent to CMSD. Since this only applies to Lakewood and Parma,<sup>1</sup> this change is unlikely to significantly increase the number of schools accepting scholarship students and the demand for scholarships. The scholarships are funded through a deduction of CMSD's state foundation aid equal to \$11.9 million per year and a direct state GRF appropriation. So, even if the demand for scholarships increases, the number of scholarships and cost to the CMSD and the state will not change without a change in the appropriations. In the 2013-2014 school year, approximately 7,000<sup>2</sup> students received scholarships.

The provision may affect transportation costs for CMSD if the newly participating schools require students to be transported greater or lesser distances than is necessary under current law. Under continuing law, school districts are not required to transport students to and from a nonpublic school if the transportation requires more than 30 minutes of direct travel time from the student's district school building to the nonpublic school building.

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<sup>1</sup> "2013 Population Estimates by County, City, Village and Township," <http://development.ohio.gov/files/research/P5027.pdf>.

<sup>2</sup> "Cleveland Scholarship and Tutoring Program." School Choice Ohio. <http://www.schoio.org/school-options/choose-school-options/private-school/ohioscholarships/cleveland.html>.