

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 708**

**Representative Miller, A.**

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**A BILL**

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

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

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

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

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

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

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

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

(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
<u>facility, program, or center.</u>	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