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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 123
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 123's Bill Analysis](#)

Version: As Reported by Senate Education

Primary Sponsors: Rep. G. Manning

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill earmarks \$2.5 million in FY 2021 from the GRF foundation funding line item (but does not increase the item's appropriation) to provide additional payments to eligible internet or computer based dropout prevention and recovery community schools.
- Public districts and schools may also incur some additional administrative costs to carry out various requirements of the bill with respect to threat assessment teams and plans, the anonymous reporting program, and school curriculum.
- Mandatory school district participation in an anonymous reporting program of the district's choosing may increase the workload of the Department of Public Safety (DPS), which currently operates such a program for districts free of charge. Local law enforcement agencies will also likely see an increased workload to respond to reported information.
- The bill shifts administrative and rulemaking responsibilities, and potentially some associated costs, related to school emergency management plans from the Ohio Department of Education (ODE) to DPS.
- ODE, DPS, the Attorney General's Office (AGO), and the Department of Mental Health and Addiction Services' (OhioMHAS) administrative responsibilities may increase to develop and maintain various lists of approved training programs and, for all but OhioMHAS, a model threat assessment plan for public schools.
- School district and other public school costs may increase by \$1,000 to \$1,500 annually for each faculty advisor if districts and schools opt to create the student-led violence prevention clubs authorized by the bill.

Detailed Analysis

The bill makes various changes to the law regarding school security and youth suicide awareness education and training, and creates a new pilot program to provide additional funding for certain internet and computer based dropout prevention and recovery community schools in FY 2021. Provisions with potential fiscal effects are discussed below.

Dropout prevention and recovery e-school funding pilot program

The bill creates a pilot program to provide additional funding to certain internet or computer based dropout prevention and recovery community schools (“DOPR e-schools”) for FY 2021. The bill funds the program through an earmark of \$2.5 million in FY 2021 from GRF line item 200550, Foundation Funding (but does not increase item 200550’s appropriation). Thus, the additional funding will be directly paid by the state rather than funded through the deduct-and-transfer method typically used to support e-schools. If the additional payments total greater than \$2.5 million, the Ohio Department of Education (ODE) must prorate the payments so that the earmarked amount is not exceeded.

In addition to being a DOPR e-school, e-schools must meet two additional criteria to participate in the pilot program: (1) the e-school must not be operated by a for-profit operator and (2) the e-school must have received a rating of “Exceeds standards” for the combined graduation component on its most recent report card. It appears six schools meet the amendment’s criteria: Auglaize County Educational Academy, Fairborn Digital Academy, Findlay Digital Academy, Goal Digital Academy, Greater Ohio Virtual School, and Quaker Digital Academy. An eligible e-school must opt in to participate in the program. Those that do so are required to implement programming or protocols to document enrollment and participation in learning activities, which may lead to additional administrative costs for participating schools.

For the participating schools, the program will fund students enrolled in grades 8-12. Payments for individual students are calculated first by determining the lesser of \$6,020 multiplied by the student’s maximum full-time equivalent amount for the portion of the school year the students are enrolled in the school and the sum of the following:

- A one-time payment of \$1,750 intended to support initial student enrollment costs;
- $\$6,020 \times \frac{1}{920} \times$ the lesser of the number of hours the student participates in learning opportunities in FY 2021 or 920;
- The lesser of \$2,500 or \$500 x either the number of courses the student completed (if the student is in eighth grade) or the number of credits earned by the student (if the student is in grades 9-12).

Next, the e-school’s additional payment is calculated as an amount equal to the calculation above less the amount the e-school receives for students in grades 8-12 through the opportunity grant component of the current law funding formula.

ODE may incur costs to administer the program. The bill requires the Department to complete a review of each participating e-school’s attendance and, if any are determined to have been overpaid, requires the school to repay the amount overpaid. Additionally, ODE must issue a report on the program by December 31, 2021. ODE may, if determined appropriate,

require any participating e-school to create a debt reduction plan approved by the school's sponsor

School threat assessment teams

The bill requires public districts and schools, within two years of the effective date of the bill, to create a threat assessment team for each school building that serves grades 6-12. The team may consist of school administrators, mental health professionals, school resource officers, and other necessary personnel. Each member of the team must complete an approved training program every three years and the district must report on completion of the training through submission of its emergency management plan to the Department of Public Safety (DPS). If a school has a similarly constituted safety team, that team may serve as the threat assessment team required by the bill, provided it and the team members meet the bill's requirements. Existing teams that have completed a training in the year preceding the implementation date of the provision do not need to complete the training again for two years after the provision's implementation date, on the condition the program is ultimately approved by DPS. To assist public schools in meeting the threat assessment team requirement, the bill requires DPS, in consultation with ODE and the Attorney General's Office (AGO), to develop, no later than two years after the bill's effective date, and maintain a list of approved training programs for completion by school threat assessment team members, one of which must be free or of no cost to schools.

Public districts and schools may incur some minimal costs to provide administrative support to the teams if they do not currently have a similar team. Further, the workload of the personnel serving on the teams will increase, which could become a collective bargaining issue. However, there is likely little, if any, cost to obtain the required training, as no-cost training options are currently available. For example, the nonprofit Sandy Hook Promise organization provides an evidence-based Safety Assessment and Intervention Program to school districts at no cost.¹ The organization provides a day-long workshop to identify existing gaps in current safety policy and code of conduct and help schools learn how to respond to reported threats, get to the root cause of threatening behavior, and keep the school community safe. Following the training program, the organization provides ongoing support and resources to the teams. The organization is partnering with ODE to scale the program statewide through a federal Student, Teachers, and Officers Preventing (STOP) School Violence Act grant from the U.S. Department of Justice.

The bill also grants immunity from damages in a civil action to a school, school district, member of a district board of education or governing authority, or school employee (including a member of a threat assessment team) for injury, death, or loss to person or property that arises from duties related to school safety (unless such an act or omission is willful or wanton misconduct). It is possible the bill's granting of immunity results in fewer civil action filings or, if filed, such civil actions might be more promptly adjudicated. Either outcome may generate some operational savings to the various involved courts due to a decrease in judicial dockets or related workload of court personnel. However, if the number of civil actions filed were reduced

¹ https://www.sandyhookpromise.org/prevention_programs.

or curtailed, any savings may be offset by less revenue from local court costs and fees. It appears that any fiscal effect on courts will likely be minimal.

Oversight of emergency management plans; model threat assessment plan

The bill generally shifts the administrative responsibility for oversight and rulemaking of school emergency management plans from ODE to DPS, which may lead to a decrease in expenses for ODE and an increase in expenses for DPS. However, the bill requires DPS to develop the rules in consultation with members of the education community. The two departments already work collaboratively in this area, so any fiscal effect resulting from this change is likely to be limited. Under current practice, Ohio Homeland Security officials within DPS review the emergency management plans submitted by schools and provide feedback regarding best practices and plan improvement.

The bill also increases the administrative responsibilities of DPS, ODE, and AGO to develop a model threat assessment plan meeting certain requirements that may be included in each school building's emergency management plan required under continuing law. The model plan must be developed no later than two years after the bill's effective date using evidence-based threat assessment processes or best practice guidelines created by the National Threat Assessment Center (NATC) as a resource. NATC is an arm of the U.S. Secret Service created in 1998 to "provide guidance and training on threat assessment both within the U.S. Secret Service and to others with criminal justice and public safety responsibilities." Such evidence-based threat assessment processes, guidelines, and reports on campus safety and school-based violence are readily available at the National Threat Assessment Center's website.² There also may be some additional administrative workload for public schools that opt to develop and administer their own threat assessment plans.

Anonymous reporting program

The bill requires school districts and community and STEM schools to register with the SaferOH tip line operated by DPS or enter into an agreement with an anonymous reporting program of the district or school's choosing, so long as the program does the following:

- Operates 24 hours per day, seven days per week ("24/7");
- Forwards reported information to and coordinates with school threat assessment teams and law enforcement agencies;
- Submits annual reports to ODE and DPS regarding the number of reports made through the reporting program and the method by which they were received, disaggregated by school.

The bill requires districts and schools to annually submit to ODE and DPS the following data resulting from anonymous reports: the number and type of disciplinary actions and mental wellness referrals, and the race and gender of the students subject to disciplinary actions and mental wellness referrals.

² U.S. Department of Homeland Security, U.S. Secret Service. "NATC Research and Publications." <https://www.secretservice.gov/protection/ntac/research/>.

SaferOH is a statewide, anonymous, “24/7” school safety tip line.³ It was launched by ODE and DPS, and is free of charge to every school in the state. Schools need only to register online to allow individuals to anonymously share information with school officials and law enforcement about threats to student safety. DPS’ Ohio Homeland Security Threat Assessment and Prevention Unit processes any tips, when necessary, forwards them to local school and law enforcement officials, and tracks their disposition. The bill may result in some additional administrative costs for districts and schools and DPS, if chosen, to enter into agreements and to compile the required annual reports. Greater participation in the DPS tip line or other reporting programs will likely increase the workload of all involved entities to administer the system and respond to reported information.

Curriculum-related provisions

ODE’s administrative costs may increase to develop and maintain a list of approved training programs for instruction in (1) suicide awareness and prevention and violence prevention and (2) social inclusion. Each list of training programs must include one option which is free or of no cost for schools. In addition, there may be some additional administrative costs for the Ohio Department of Mental Health and Addiction Services (OhioMHAS) and DPS to consult with ODE on the training programs.

The bill may minimally increase costs for school districts to update their curriculum to add at least one hour, or one standard class period, each of evidence-based suicide awareness and prevention, safety training and violence prevention, and social inclusion instruction. Some districts may already offer such instruction, and the bill also specifically permits schools to use assemblies, digital learning, or homework to satisfy the requirements. However, the bill requires districts to use one of the training programs approved by ODE.

Violence prevention clubs

The bill permits school districts and other public schools to designate a student-led violence prevention club for each building that serves grades 6-12. If designated, these student-led clubs must implement and sustain training and awareness activities related to social inclusion and suicide and violence prevention, be open to the entire student body, foster opportunities for leadership and development, and have at least one adult advisor. Typically, faculty members are paid to serve in advisory roles. Subject to collective bargaining agreements, this provision could cost anywhere from \$1,000 to \$1,500 per building per year to pay the additional amounts to the advisor for any new clubs school districts and other public schools opt to create under the bill.

Educational service center eligibility for school safety training grants

H.B. 166 of the 133rd General Assembly, the current main operating budget act, appropriates \$12.0 million from GRF line item 055502, School Safety Training Grants, in each of FY 2020 and FY 2021 in AGO’s budget for school safety and school climate programs and training. Under current law, the grants may be awarded to public and chartered nonpublic

³ https://saferschools.ohio.gov/content/tip_line_information.

schools, local law enforcement agencies, and schools operated by county developmental disabilities boards administering special education services programs.

The bill adds educational service centers to the list of eligible grant recipients, which may increase expenditures for the grants. For FY 2020, schools were eligible to receive the greater of \$2,500 or an amount equal to \$4.49 per student. Grant applications for FY 2020 were due to AGO by December 13, 2019. Based on past practice, the application period for FY 2021 grant funds will likely open sometime in the fall of 2020.