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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 123  
133<sup>rd</sup> General Assembly

## Final Analysis

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**Version:** As Passed by the General Assembly

**Primary Sponsors:** Reps. G. Holmes and G. Manning

**Effective date:** Emergency: e-school pilot program authorization and earmark effective December 21, 2020; all other provisions effective March 24, 2021

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## SUMMARY

### SCHOOL SAFETY POLICY PROVISIONS

#### Anonymous reporting programs

- Requires each school district and other public school to register with the SaferOH tip line or enter into an agreement with another anonymous reporting program.
- Requires each anonymous reporting program provider annually to submit to the Departments of Education and Public Safety the number of reports made through the program and the method by which they were received.
- Requires each district and school annually to submit specified data concerning anonymous reports to the Departments of Education and Public Safety.
- Specifies that any data collected by the SaferOH tip line or an anonymous reporting program or reported to the Departments of Education or Public Safety are security records and not public records.

#### School threat assessment teams

- Requires the Department of Public Safety, in consultation with the Department of Education and the Attorney General, not later than March 24, 2023, to develop and maintain a list of approved training programs for school threat assessment team certification.
- Requires each public school serving grades 6-12, not later than March 24, 2023, to create a threat assessment team, but permits an existing school safety team to also

serve as a threat assessment team if each member undergoes an approved training program.

- Requires each member of a team to complete a threat assessment training program from the approved list maintained by the Department of Public Safety upon appointment.
- Provides qualified civil immunity for schools, school districts, and their employees related to decisions regarding the duties of school threat assessment teams.

### **Model school threat assessment plan**

- Requires the Department of Public Safety, in consultation with the Department of Education and the Attorney General, not later than March 24, 2023, to develop a model threat assessment plan that may be utilized in a building's emergency management plan.

### **Suicide awareness and prevention; social inclusion training and instruction**

- Requires the Department of Education, in consultation with the Departments of Public Safety and Mental Health and Addiction Services, to maintain a list of approved training programs for instruction in suicide awareness and prevention and violence prevention.
- Requires the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to maintain a list of approved training programs for instruction in social inclusion.
- Specifies that the staff training programs on youth suicide awareness and prevention developed by the Department satisfy the biennial professional development requirements on that subject required by continuing law.
- Requires each school district, beginning in the 2023-2024 school year, to provide annual student instruction in (1) suicide awareness and prevention, (2) safety training and violence prevention, and (3) social inclusion.

### **Student-led violence prevention clubs**

- Permits public schools to designate student-led violence prevention clubs in buildings serving grades 6-12.

### **Emergency management plans**

- Transfers to the Director of Public Safety the responsibility to adopt rules pertaining to comprehensive school emergency management plans.
- Requires each school building administrator to incorporate a school threat assessment plan and a protocol for the building's threat assessment team into the building's existing emergency management plan.

### SCHOOL SAFETY TRAINING GRANTS

- Adds educational service centers to the identified types of the schools that may apply for school safety grants.
- Encourages the Department of Education, the Attorney General, and the Department of Public Safety to apply for any federal or other funding available for the purposes of increasing school safety.

### PILOT FUNDING FOR DROPOUT RECOVERY E-SCHOOLS

- For FY 2021, establishes a pilot program to provide additional funding for certain internet- or computer-based community school (e-schools) operating dropout prevention and recovery programs on a per-pupil basis for students in grades 8-12.
- Permits the Department to (1) require certain participating e-schools to establish a plan to improve the reporting of enrollment and (2) create a debt reduction plan for each e-school that chooses to participate in the pilot program.
- Requires certain participating e-schools to provide to the Department a meaningful plan for increasing student engagement and all participating e-schools to implement programming or protocol which documents enrollment and participation in learning opportunities.
- Requires the Department to issue a report upon completion of the pilot program by December 31, 2021.
- Earmarks an appropriation for the pilot program.

### ACT TITLE

- Entitles the act as the “Safety and Violence Education Students Act,” or the “SAVE Students Act.”

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## **DETAILED ANALYSIS**

### **SCHOOL SAFETY POLICY PROVISIONS**

#### **Anonymous reporting programs**

The act requires each school district and other public school to register with the SaferOH tip line operated by the Department of Public Safety or to enter into an agreement with another anonymous reporting program, beginning with the 2021-2022 school year. If a district or school chooses to enter into an agreement with an anonymous reporting program, the program must:

1. Operate 24 hours per day, 7 days per week;
2. Forward reported information to and coordinate with the appropriate school threat assessment teams and law enforcement and public safety agencies required under the school's emergency management plan;
3. Be promoted to inform students about the program and its reporting methods; and
4. Comply with security, confidentiality, and student privacy laws.<sup>1</sup>

#### **Anonymous reporting data**

Agreements between a district or school with an anonymous reporting program must specify that the provider annually will submit to the Department of Public Safety and the

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<sup>1</sup> R.C. 3313.6610(A), 3314.03(A)(11)(d), 3326.11, and 3328.24.

Department of Education a report of the number of anonymous reports made through the program and the method by which the reports were received, disaggregated by school.<sup>2</sup>

In addition, each district and school must submit data of its participation in the SaferOH tip line or an anonymous reporting program to the Departments of Education and Public Safety, at the end of each school year, disaggregated by school. The data must include:

1. The number and type of disciplinary actions taken in the previous year as a result of reports received;
2. The number and type of mental wellness referrals as a result of anonymous reports;
3. The race and gender of the students subject to the disciplinary actions and mental wellness referrals; and
4. Any other information the Departments of Education or Public Safety determine necessary.<sup>3</sup>

The act specifies that any data collected or reported by the SaferOH tip line or another anonymous reporting program are security records and are not public records.<sup>4</sup>

## **School threat assessments**

### **School threat assessment plans**

The act requires the Department of Public Safety, in consultation with the Department of Education and the Attorney General, to develop a model school threat assessment plan that may be used in a school building's emergency management plan. The model plan must:

1. Identify the types of threatening behavior that may represent a physical threat to a school community;
2. Identify individuals whom threatening behavior should be reported and the steps to be taken by those individuals;
3. Establish threat assessment guidelines including identification, evaluation of seriousness of threat or danger, intervention to reduce potential violence, and follow-up to assess intervention results;
4. Establish guidelines for coordinating with local law enforcement agencies and reports collected through the district's chosen tip-line and identify a point of contact with each agency; and
5. Conform with all other specifications for a school's emergency management plan.

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<sup>2</sup> R.C. 3313.6610(A).

<sup>3</sup> R.C. 3313.6610(B).

<sup>4</sup> R.C. 3313.6610(C). See also R.C. 149.433.

The act also specifies that evidence-based threat assessment processes or best practice threat assessment guidelines created by the National Threat Assessment Center must be a resource when developing the model plan.

Each building administrator must incorporate a school threat assessment plan into the building's existing emergency management plan and may use the model plan or utilize a different plan so long as it meets the same specifications of the model plan.<sup>5</sup>

### **School threat assessment teams**

The act requires each school district and other public school, by March 24, 2023, to create a threat assessment team for each building serving grades 6-12. The team must be multidisciplinary, when possible, and may include school administrators, mental health professionals, school resource officers, and other necessary personnel. Each district and school must include proof that each team and its members have current threat assessment certifications when the team's building administrator submits the building's emergency management plan to the Director of Public Safety.<sup>6</sup> A protocol for the threat assessment team also must be included in the building's emergency management plan.<sup>7</sup>

An existing school safety team may serve as the school threat assessment team, provided each team member complies with the certification requirements.<sup>8</sup>

### **Team member certification**

The Department of Public Safety, in consultation with the Department of Education and the Attorney General, must maintain a list of approved threat assessment team training programs. At least one of those programs must be free or of no cost to schools. Each program must be evidence-based and provide instruction in:

1. Identifying behaviors, signs, and threats that may lead to a violent act;
2. Determining the seriousness of a threat; and
3. Developing intervention plans that protect the potential victims and address the underlying problem or conflict that initiated the behavior and provide assessments of plan results.<sup>9</sup>

Each member of a threat assessment team must complete an approved training program from the list, upon appointment, and once every three years thereafter.

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<sup>5</sup> R.C. 5502.263.

<sup>6</sup> R.C. 3313.669(A) and (C), 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>7</sup> R.C. 5502.262(B)(2)(d). Former R.C. 3313.536, regarding school emergency management plans is renumbered by the act as R.C. 5502.262.

<sup>8</sup> R.C. 3313.669(B).

<sup>9</sup> R.C. 5502.263(C) and 3313.669(A).

## **Qualified immunity**

The act provides a qualified immunity in a civil action for money damages for a school, school district, the members of a district board or school governing authority, or a district's or school's employees, including school threat assessment team members, for injury, death, or other loss allegedly arising from executing duties under the act. The immunity does not apply if the execution of duties or omission thereof constitutes willful or wanton misconduct.<sup>10</sup>

## **Training and instruction in suicide prevention and inclusion**

### **Suicide awareness and prevention and violence prevention**

The act requires the Department of Education, in consultation with the Departments of Public Safety and Mental Health and Addiction Services to maintain a list of approved evidence-based training programs for staff training and student instruction in suicide awareness and prevention and violence prevention. At least one of those programs must be free or of no cost to schools. The Department of Education must post the list of approved programs on its website.

Approved programs must include the following:

1. How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students;
2. How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers;
3. How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services;
4. How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of themselves and peers and reporting of these behaviors;
5. How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;
6. The importance of taking threats seriously and seeking help; and
7. How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.<sup>11</sup>

### **Social inclusion**

The act also requires the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to maintain a list of approved evidence-based training

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<sup>10</sup> R.C. 3313.669(D).

<sup>11</sup> R.C. 3301.221(B).

programs for instruction in social inclusion. Again, at least one of those programs must be free or of no cost to schools, and the Department must post the list on its website.

The approved training programs must include:

1. What social isolation is and how to identify it in others;
2. What social inclusion is and the importance of establishing connections with peers;
3. When and how to seek help for peers who may be socially isolated; and
4. How to utilize strategies for more social inclusion in classrooms and the school community.<sup>12</sup>

### **Staff training**

The act specifies that the staff training programs on youth suicide awareness and prevention developed by the Department of Education, as described above, satisfy the biennial professional development requirements on that subject required by continuing law. Under that law, nurses, teachers, counselors, school psychologists, administrators, and any other appropriate personnel employed by a school district, educational service center, community school, or STEM school must complete in-service training in suicide awareness and prevention once every two years.<sup>13</sup>

This provision applies to all public schools.

### **Student instruction**

The act requires each school district as part of its health curriculum, beginning with the 2023-2024 school year, to use an approved training program to provide instruction for grades 6-12 of at least one hour, or one standard class period, per school year in each of the following:

1. Suicide awareness and prevention;
2. Safety training and violence prevention; and
3. Evidence-based social inclusion instruction.

In each case, upon written request of the student's parent or guardian, a student must be excused from the instruction.

Schools may use student assemblies, digital learning, and homework to satisfy these instruction requirements.<sup>14</sup>

This provision applies only to school districts and does not apply to other public schools.

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<sup>12</sup> R.C. 3301.221(C).

<sup>13</sup> R.C. 3319.073(D).

<sup>14</sup> R.C. 3313.60(A)(5)(h) and (i).



## **Student-led violence prevention club**

The act permits, but does not require, each school district board and school governing authority to designate a student-led violence prevention club for each of its schools serving grades 6-12. If a club is established, it must (1) be open to all members of the student body, (2) have at least one adult advisor, (3) implement and sustain suicide awareness and violence prevention and social inclusion training activities, and (4) foster opportunities for student leadership development.<sup>15</sup>

## **Emergency management plans**

The act transfers, from the State Board of Education, to the Director of Public Safety the authority to adopt rules pertaining to comprehensive emergency management plans for schools. Under continuing law, comprehensive emergency management plans are developed by school administrators in accordance with these rules to identify potential hazards to student and staff safety, propose changes to prevent dangerous problems and circumstances, and develop protocols for addressing threats and emergency situations.<sup>16</sup>

As noted above, the act also requires that a school building's emergency management plan include a school threat assessment plan and protocol for threat assessment teams, both as developed under the act.

Finally, the act transfers, from the Department of Education, to the Director of Public Safety the authority for administration of the emergency management plan law. Accordingly, a building administrator must submit the plans to the Director, instead of the Department, at least once every three years or upon major modifications to the building. In addition, each administrator must certify to the director, instead of the Department, the annual verification that the plan is current and accurate.

## **SCHOOL SAFETY GRANTS**

### **School safety grants**

The act adds educational service centers to the identified types of the schools that may apply for school safety grants under continuing law.

H.B. 166 of the 133<sup>rd</sup> General Assembly appropriated \$12 million for each of FY 2020 and 2021 for the Attorney General to make grants for school safety and school climate programs and training for public and chartered nonpublic schools, local law enforcement agencies, and county boards of developmental disabilities.<sup>17</sup>

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<sup>15</sup> R.C. 3313.6611, 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>16</sup> R.C. 3313.536, renumbered as R.C. 5502.262 by the act; Section 7; conforming changes in R.C. 149.433, 3313.951, 3319.31, and 3737.73.

<sup>17</sup> Section 221.30 of H.B. 166 of the 133<sup>rd</sup> General Assembly, amended in Sections 3 and 4 of the act. See also Section 221.10 of H.B. 166, not in the act.

## Other funding sources

The act also states that the Department of Education, the Attorney General, and the Department of Public Safety “are encouraged” to apply for any federal or other funding available for the purposes of increasing school safety to offset any costs associated with implementing the act’s provisions.<sup>18</sup>

## PILOT FUNDING FOR DROPOUT RECOVERY E-SCHOOLS

### Pilot program overview

The act establishes a pilot program for FY 2021 to provide additional funding for certain internet- or computer-based community schools (e-schools) with dropout prevention and recovery programs. The payments are computed on a per-pupil basis for the schools’ students in grades 8-12. Additional requirements also apply to some or all of the e-schools that choose to participate in the program. The Department of Education must issue a report upon completion of the pilot program. These provisions are explained in greater detail below.

### Eligibility

To be eligible for the pilot program, an e-school must:

1. Have been designated for the 2019-2020 school year as an e-school in which a majority of the students were enrolled in a dropout prevention and recovery program;
2. Not have a for-profit operator; and
3. Have received a rating of “exceeds standards” on the combined graduation component of the most recent report card issued for the e-school.<sup>19</sup>

An e-school that chooses to participate in the program must notify the Department of Education not later than ten days after the act’s March 24, 2021, effective date.<sup>20</sup>

### Payment

The Department must pay each participating e-school, for its students enrolled in grades 8-12, an amount based on student participation and course completion that is calculated as follows:

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<sup>18</sup> Section 6.

<sup>19</sup> Section 5(A)(1) and (B).

<sup>20</sup> Section 5(B).

### Payment calculation

The sum of the per-pupil amounts computed in accordance with the act's provisions for each student enrolled in grades 8-12 (see below)

***minus***

the e-school's total opportunity grant under continuing law<sup>21</sup> for FY 2021 for students enrolled in grades 8-12

(A school does not receive a payment if this calculation equals a negative number.)<sup>22</sup>

A student's per-pupil amount is computed as follows:

### Per-pupil amount (for payment calculation above)

**The lesser of:**

(A) The formula amount (\$6,020 for FYs 2020 and 2021) X the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school.

**AND**

(B) The *sum* of:

(1) A one-time payment of \$1,750 for the student's initial enrollment in the school during that school year;

(2) The formula amount X 1/920 X the *lesser* of the number of hours the student participates in learning opportunities in that fiscal year and 920; and

(3) The *lesser* of (\$500 X the number of courses completed or credits earned by the student in that fiscal year) and \$2,500<sup>23</sup>

The Department must require each participating e-school to report all information necessary to make the payment.<sup>24</sup>

<sup>21</sup> R.C. 3314.08(C)(1)(a), not in the act.

<sup>22</sup> Section 5(D).

<sup>23</sup> Section 5(D)(1).

<sup>24</sup> Section 5(C).

## **Additional requirements for pilot program participants**

### **Enrollment review**

The act requires the Department to conduct a review of the enrollment of each participating e-school.<sup>25</sup> If the Department determines an e-school has been overpaid based on this review, the Department must require a repayment of the overpaid funds and may require the e-school to establish a plan to improve the reporting of enrollment.<sup>26</sup>

### **Debt reduction plan**

The act permits the Department to require each participating e-school to create a debt reduction plan approved by the school's sponsor, if determined appropriate by the Department.<sup>27</sup>

### **Student engagement plan**

The act specifies that, if a participating school, for the 2019-2020 school year, had a percentage of student engagement in learning opportunities that was less than 65%, the school must provide to the Department a meaningful plan for increasing student engagement.<sup>28</sup>

### **Documentation of enrollment and learning opportunities**

The act requires all participating e-schools to implement programming or a protocol which documents enrollment and student participation in learning opportunities.<sup>29</sup>

## **Report**

The act requires the Department to issue a report upon completion of the pilot program by December 31, 2021. For this report, the Department may request each participating e-school to submit information on:

1. The time, resources, and cost associated with enrolling students in the school and preparing students to engage in learning opportunities;
2. The time and cost associated with providing counseling and other supports to students;
3. Student enrollment and participation data;
4. Individualized student plans;
5. An assessment of strategies used to improve student engagement and the percentage of participation in learning opportunities; and

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<sup>25</sup> R.C. 3314.08(K), not in the act.

<sup>26</sup> Section 5(E)(1).

<sup>27</sup> Section 5(E)(2).

<sup>28</sup> Section 5(E)(3).

<sup>29</sup> Section 5(E)(4).

6. Any other data the Department considers relevant.

The Department must submit copies of this report to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House.<sup>30</sup>

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## HISTORY

| Action                                       | Date     |
|----------------------------------------------|----------|
| Introduced                                   | 03-06-19 |
| Reported, H. Primary & Secondary Education   | 06-19-19 |
| Passed House (85-7)                          | 10-02-19 |
| Reported, S. Education                       | 07-07-20 |
| Passed Senate (32-0)                         | 07-21-20 |
| House concurred in Senate amendments (77-11) | 11-19-20 |

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<sup>30</sup> Section 5(F).