



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

Sub. H.B. 114

131st General Assembly
(As Passed by the House)

Reps. Roegner and Bishoff, Rogers, Terhar, Hood, Fedor, Becker, Butler, Buchy, Hall Patterson, Retherford, Young, S. O'Brien, Lepore-Hagan, Kunze, Huffman, LaTourette, Perales, Ashford, Boyd, Brown, Burkley, Clyde, Duffey, Ginter, Green, Hagan, Hambley, G. Johnson, T. Johnson, Schuring, Slaby, K. Smith, R. Smith, Sprague, Sweeney, Thompson, Vitale

BILL SUMMARY

- Requires the state Board of Building Standards to adopt rules for the use, by a staff member of a public or private school or institution of higher education, of a device that prevents both ingress and egress through a door in a school building, for a finite period of time and in an emergency situation.
- Authorizes but does not require use of such a barricade device.
- Requires each public and private school and institution of higher education using a barricade device to train its staff members on the use of the device and to maintain a record verifying this training.
- Prohibits the State Fire Code from containing any provision that prohibits the use of a barricade device that is operated in accordance with the Board's rules.

CONTENT AND OPERATION

Rules for use of barricade device in a school building

The bill requires the Board of Building Standards, not later than 180 days after the bill's effective date, to adopt rules for the use of a device by a staff member of a public or private school or an institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The bill prohibits this barricade

device from being permanently mounted to the door.¹ The bill authorizes, but does not require, that any school or institution use a barricade device.

The rules must provide that the use of a barricade device is permissible only if the device requires minimal steps to remove it after it is engaged. The rules may require that the device be visible from the exterior of the door.

The rules apply to both existing and new school buildings. Under the bill, a "school building" means a structure used for the instruction of students by a public or private school or institution of higher education.

The Board of Building Standards, in consultation with the State Board of Education and the Ohio Board of Regents, must determine and include in the rules a definition of "emergency situation."

The rules must be adopted under the Administrative Procedure Act,² which requires agencies to give notice of the intention to adopt a rule, to conduct a public hearing on the proposed rule, and to give notice to persons who are affected by the rule's adoption.³

School staff member training

The bill requires each public and private school and institution of higher education using a barricade device to provide its staff members in-service training on the use of the device and to maintain a record verifying this training on file.⁴

State Fire Code cannot conflict with the rules

The bill prohibits the State Fire Code, which consists of rules adopted by the State Fire Marshal, from containing any provision that prohibits the use of a barricade device that is used in accordance with the rules adopted by the Board of Building Standards. Any provision of the State Fire Code that is in conflict with the bill's barricade device statute is unenforceable.⁵

¹ R.C. 3781.106; Section 3.

² R.C. Chapter 119., not in the bill.

³ R.C. 3781.106.

⁴ R.C. 3781.106(C).

⁵ R.C. 3737.84; Section 4.



Entities to which the bill applies

The bill applies to "public schools," meaning any school operated by a school district board of education, any community school, any STEM school, and any college-preparatory boarding school, and to "private schools," meaning chartered nonpublic schools or nonchartered nonpublic schools.

The bill also applies to "institutions of higher education," which are the University of Akron, Bowling Green State University, Central State University, University of Cincinnati, Cleveland State University, Kent State University, Miami University, Ohio University, Ohio State University, Shawnee State University, University of Toledo, Wright State University, Youngstown State University, Northeast Ohio Medical University; a community college, state community college, or university branch established under R.C. Chapter 3355.; a technical college; a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to R.C. Chapter 1713.; or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the State Board of Career Colleges and Schools under R.C. Chapter 3332.

HISTORY

ACTION	DATE
Introduced	03-10-15
Reported, H. State Gov't	05-26-15
Passed House (93-4)	06-24-15

H0114-PH-131.docx/rs

