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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

## Bill Analysis

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**Version:** As Reported by House Primary and Secondary Education

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

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## SUMMARY

### Anonymous reporting programs

- Requires each school district and other public school to contract with an anonymous reporting program, beginning the first school year after the bill's effective date.
- Requires each anonymous reporting program provider annually to submit to the Department of Education and the Department of Public Safety the number of reports made through the anonymous reporting program and the method by which the reports were received.
- Requires each district and school annually to submit specified data concerning anonymous reports to the Department of Education and the Department of Public Safety.
- Specifies that any data collected by an anonymous reporting program or reported to the Department of Education or Department of Public Safety regarding anonymous reports 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 two years after the bill's effective date, 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 two years after the bill's effective date, to create a threat assessment team but permits an existing school safety team to also serve as a threat assessment team provided 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 and once every three years thereafter.

### **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 two years after the bill's effective date, to develop a model threat assessment plan that may be utilized in a building's emergency management plan.

### **Training programs in suicide awareness and prevention and social inclusion**

- 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.
- Requires each public school serving grades 6-12 to provide instruction for at least one hour or one class period per school year in (1) suicide awareness and prevention and safety training and violence prevention and (2) social inclusion, beginning with the next school year that begins at least two years after the bill's effective date.

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

- Requires each public school to designate a student-led violence prevention club in each building under its control serving grades 6-12 but permits an existing club to serve as the violence prevention club provided it meets specified requirements.

### **Emergency management plans**

- Transfers the responsibility to adopt rules pertaining to comprehensive emergency management plans to the Department of Public Safety.
- Requires each school building administrator to incorporate both (1) a school threat assessment plan and (2) a protocol for the building's threat assessment team into the building's existing emergency management plan.

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## **DETAILED ANALYSIS**

### **Anonymous reporting programs**

The bill requires each school district, community school, STEM school, and college-preparatory, boarding school to contract with an anonymous reporting program, beginning the first school year after the bill's effective date. 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 in each district school to inform students about the program and its reporting methods;
4. Comply with security, confidentiality, and privacy records under current law.<sup>1</sup>

### **Anonymous reporting data**

The program provider also must annually submit to the Department of Public Safety and the 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 annually must submit data 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;
3. The race and gender of the students subject to the disciplinary actions and mental wellness referrals;
4. Any other information the Department of Education or the Department of Public Safety determines necessary.<sup>3</sup>

The bill specifies that any data collected by an anonymous reporting program or reported to the Department of Education or Department of Public Safety pursuant to school safety are security records and are not public records.<sup>4</sup>

## **School threat assessments**

### **School threat assessment plans**

The bill 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. The model plan must do at least the following:

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<sup>1</sup> R.C. 3313.6610(A), 3314.03(A)(11)d), 3326.11, and 3328.24. See R.C. 3319.321, not in the bill, and 20 U.S.C. 1232g for the respective state and federal student privacy laws.

<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.

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;
5. Conform with all other specifications for a school's emergency management plan, as required under current law (see "**Background on emergency management plans**" below).

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 bill requires each school district and other public school, within two years after the bill's effective date, to create a threat assessment team for each building under its control 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 governing authority 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 Department of Education.<sup>6</sup> The bill requires that a protocol for a threat assessment team be included in the building's emergency management plan.<sup>7</sup>

A similarly constituted school safety team already in existence on the bill's effective date may serve as the school threat assessment team, provided each team member complies with the certification requirements.<sup>8</sup>

### **Team member certification**

The bill requires the Department of Public Safety, in consultation with the Department of Education and the Attorney General, to develop and maintain a list of approved threat

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<sup>5</sup> R.C. 5502.263(B).

<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).

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

assessment team training programs, one of which must be free or of no cost to schools. The training program must be an evidence-based program that provides instruction in the following:

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.

## **Training in suicide awareness and prevention and social inclusion**

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

The bill requires the Department of Education, in consultation with the Departments of Public Safety and Mental Health and Addiction Services to maintain a list of at least three approved evidence-based training programs for staff training or instruction in suicide awareness and prevention and violence prevention, one of which must be free or of no cost to schools. The Department of Education must post the list of approved programs on its website. The 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; and
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 these behaviors.<sup>10</sup>

Each school district (but not other public schools), beginning the first day of the school year that begins two years after the bill's effective date, must use an approved training program to provide at least one hour or one standard class period per year of instruction in suicide awareness and prevention and at least one hour or one standard class period per year

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

<sup>10</sup> R.C. 3301.221(B).

in safety training and violence prevention for each school building serving grades 6-12.<sup>11</sup> The bill, however, does not require the Department of Education to maintain an approved training list for safety training.

### **Social inclusion**

The bill also requires the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to maintain a list of at least three approved evidence-based training programs for instruction in social inclusion, one of which must be free or of no cost to schools. Again, the Department must post the list on its website. The approved training programs must include the following:

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>

Each school district (but not other public schools), beginning the first day of the school year that begins two years after the bill's effective date, to use an approved training program to provide at least one hour or one standard class period per year of instruction in social inclusion for each school building serving grades 6-12.<sup>13</sup>

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

The bill requires 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. Each club 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>14</sup>

A student club already in existence on the bill's effective date may satisfy this provision under certain conditions. Specifically, the club must be open to all members of the student body and have at least one adult adviser. It also must implement and sustain suicide and violence prevention and social inclusion training and awareness activities and foster opportunities for student leadership development.<sup>15</sup>

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<sup>11</sup> R.C. 3313.60(A)(5)(h).

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

<sup>13</sup> R.C. 3313.60(A)(5)(i).

<sup>14</sup> R.C. 3313.6611, 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>15</sup> R.C. 3313.6611(B).

## Emergency management plans

The bill transfers, from the State Board of Education, to the Department of Public Safety the authority to adopt rules pertaining to comprehensive emergency management plans for schools. Under current 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 bill also requires that a school threat assessment plan and a protocol for threat assessment teams be included in each school's existing emergency management plan.

### Background on emergency management plans

Current law requires the administrator of a school district, community school, STEM school, college-preparatory boarding school, career-technical education program approved by the Department of Education, chartered nonpublic school, educational service center, preschool program or school-age child care program licensed by the Department, and any other facility that provides educational services to children that is subject to regulation by the Department to develop and adopt a comprehensive emergency management plan. For this purpose, current law defines an "administrator" as the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the districts, schools, or facilities listed above.

Current law requires the administrator, in developing the plan, to examine environmental conditions and operations of each building to determine potential hazards to safety and propose operating changes to promote the prevention of potentially dangerous problems and circumstances. Administrators must involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. Also, administrators must incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

Each administrator must incorporate into the plan separate protocols for addressing serious threats to the safety of property, students, employees, or administrators and for responding to any emergency events that occur and compromise school safety. The second protocol must include a floor plan that is unique to each floor of the building, a site plan that includes all building property and surrounding property, and an emergency contact information sheet. Each protocol must include procedures for responding to threats and emergency events, including notifying appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. Current law also

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

requires the administrator, prior to the opening day of each school year, to inform each student or child enrolled in the school, and the student or child's parent, of the parental notification procedures included in the protocol.

### **Annual test**

Current law requires each administrator to prepare and conduct at least one annual emergency management test. An "emergency management test" is defined as a regularly scheduled drill, exercise, or activity that is designed to assess and evaluate an emergency management plan. A separate provision of current law requires school safety drills, as well as fire and tornado drills.<sup>17</sup> It is unclear whether the mandatory school safety drill may also serve as the mandatory emergency management test.

### **Access**

An administrator must grant access to each building under the control of the administrator to law enforcement personnel, the fire department and emergency medical service organization that serve the political subdivision in which the building is located, and the county emergency management agency for the county in which the building is located so that such entities may hold training sessions for responding to threats and emergency events affecting the building. This access must occur outside of student instructional hours, and the administrator, or designee, must be present in the building during the training sessions.

### **Distribution of the plan**

Each administrator must submit an electronic copy of the emergency management plan to the Department of Education not less than once every three years. Also, by July 1 each year, an administrator must review the emergency management plan and certify to the Department that the plan is current and accurate. And an administrator must submit an electronic copy of the plan to the Department whenever a major modification to a building requires changes in the procedures outlined in the plan and whenever information on the emergency contact information sheet changes.

In addition, each administrator must file a copy of the emergency management plan with each law enforcement agency that has jurisdiction over the building and, upon request, to the fire department and emergency medical service organization that serve the political subdivision in which the building is located and the county emergency management agency for the county in which the building is located.

Upon receipt of an emergency management plan, the Department must submit that information to the Attorney General and the Director of Public Safety. Current law requires the Attorney General to post the information on the Ohio Law Enforcement Gateway, or its successor, and the Director of Public Safety to post the information on the Contact and Information Management System.

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<sup>17</sup> R.C. 3737.73.



Each emergency management plan is a security record and not subject to release under the Public Records Law.

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## HISTORY

| Action                                     | Date     |
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| Introduced                                 | 03-06-19 |
| Reported, H. Primary & Secondary Education | 06-19-19 |

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