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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 123
133rd General Assembly

Bill Analysis

[Click here for H.B. 123's Fiscal Note](#)

Version: As Reported by Senate Education Committee

Primary Sponsors: Reps. Holmes and G. Manning

Mitchell Smith, Research Analyst

CORRECTED VERSION*

Carol Napp, Research Analyst

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 an anonymous reporting program, beginning the first school year after the bill's effective date.
- Requires each anonymous reporting program provider with an agreement with a school district or school annually to submit to the Department of Education and the Department of 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 Department of Education and the Department of 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 two years after the bill's effective

* Corrects a spelling error for the SUMMARY heading on page 1 and on page 4. Also updates the bill history to reflect the date the bill was reported by the Senate Education Committee.

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, unless that member has completed a program in the preceding year that is later approved by the Department.
- Provides civil immunity for schools, school districts, and school and district 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 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 annual instruction in (1) suicide awareness and prevention, (2) safety training and violence prevention, and (3) 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

- 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 (from the State Board of Education) the responsibility to adopt rules pertaining to comprehensive school emergency management plans.

- 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.

Bill title

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

SCHOOL SAFETY TRAINING GRANTS

- Adds educational service centers to the identified types of the schools that may apply for school safety grants under current law.
- 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.
- Declares an emergency for the bill’s provisions regarding the pilot program.

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DETAILED ANALYSIS

SCHOOL SAFETY POLICY PROVISIONS

Anonymous reporting programs

The bill requires each school district and other public school to register with the SaferOH tip line operated by the Department of Public Safety or enter into an agreement with another anonymous reporting program, beginning the first school year after the bill's effective date. The anonymous reporting 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.¹

Anonymous reporting data

Each district or other public school that enters into an agreement with an anonymous reporting program provider must specify in the agreement that the provider annually will 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.²

In addition, each district and other public school annually must submit data of the district's or school's 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.³

The bill specifies that any data collected by the SaferOH tip line or another 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.⁴

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 that may be used in a school building's emergency management plan. The model plan at least 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;

¹ R.C. 3313.6610(A), 3314.03(A)(11)(d), 3326.11, and 3328.24.

² R.C. 3313.6610(A).

³ R.C. 3313.6610(B).

⁴ R.C. 3313.6610(C). See also R.C. 149.433.

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.

The bill 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.⁵

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 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.⁶ The bill requires that a protocol for a threat assessment team be included in the building's emergency management plan.⁷

A 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.⁸

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 assessment team training programs. A 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;

⁵ R.C. 5502.263.

⁶ R.C. 3313.669(A) and (C), 3314.03(A)(11)(d), 3326.11, and 3328.24.

⁷ R.C. 5502.262(B)(2)(d). Current R.C. 3313.536, regarding school emergency management plans is renumbered by the bill as R.C. 5502.262.

⁸ R.C. 3313.669(B)(1).

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.⁹

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

Team members of a safety team already in existence on the bill's effective date who completed a training program in the year preceding the required team implementation date, that is then later approved by the Department of Public Safety, are not required to complete a training program for another two years. New team members, however, must complete an approved training program.¹⁰

Qualified immunity

The bill 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 bill. The immunity does not apply if the execution of duties or omission thereof constitutes willful or wanton misconduct.

The bill also specifies that its qualified immunity from liability does not eliminate, limit, or reduce any other immunity or defense that may apply under the Political Subdivision Tort Liability Law or any other provision of the Revised Code or under the common law of Ohio.¹¹

Training and instruction in suicide prevention and 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 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.

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;

⁹ R.C. 5502.263(C) and 3313.669(A).

¹⁰ R.C. 3313.669(B)(2).

¹¹ R.C. 3313.669(D).

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.¹²

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 school year of instruction in suicide awareness and prevention and at least one hour or one standard class period per year in safety training and violence prevention for each school building serving grades 6-12. Schools may use student assemblies, digital learning, and homework to satisfy these instruction requirements.

The bill permits a parent or guardian to submit a written request to excuse their student from receiving instruction in suicide awareness and prevention or safety training and violence prevention.¹³

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 approved evidence-based training 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 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;

¹² R.C. 3301.221(B).

¹³ R.C. 3313.60(A)(5)(h) and (i).

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.¹⁴

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 school year of instruction in social inclusion for each school building serving grades 6-12. Schools may use student assemblies, digital learning, and homework to satisfy these instruction requirements. The bill allows parents or guardians to submit a written request to excuse their student from taking instruction in social inclusion.¹⁵

Student-led violence prevention club

The bill expressly 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. However, if established, the bill requires that each club (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.¹⁶

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.¹⁷

Emergency management plans

The bill 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 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.¹⁸

¹⁴ R.C. 3301.221(C).

¹⁵ R.C. 3313.60(A)(5)(i).

¹⁶ R.C. 3313.6611, 3314.03(A)(11)(d), 3326.11, and 3328.24.

¹⁷ R.C. 3313.6611(B).

¹⁸ R.C. 3313.536, renumbered as R.C. 5502.262 by the bill; Section 7; conforming changes in R.C. 149.433, 3313.951, 3319.31, and 3737.73.

As noted above, the bill 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 bill.

Finally, the bill 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.

Background on emergency management plans

Continuing 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, an "administrator" is the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the districts, schools, or facilities listed above.

The administrator, in developing the plan, must 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.

The plan must include 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. It also 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. Continuing law also 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.

Each administrator is required 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 continuing law requires school safety drills, as well as fire and tornado

drills.¹⁹ It is unclear whether the mandatory school safety drill may also serve as the mandatory emergency management test.

Each emergency management plan is a security record and not subject to release under the Public Records Law. However, the Attorney General must post the information on the Ohio Law Enforcement Gateway and the Director of Public Safety must post on the Contact and Information Management System for law enforcement use.

SCHOOL SAFETY GRANTS

School Safety Grants

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

H.B. 166 of the 133rd General Assembly appropriated \$12 million for each of FY 2020 and 2021 for the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, to make grants for school safety and school climate programs and training. Under current law, those grants are specified for “public and chartered nonpublic schools, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs.”²⁰

Other sources

The bill 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 bill’s provisions.²¹

PILOT FUNDING FOR DROPOUT RECOVERY E-SCHOOLS

Pilot program overview

The bill 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.

¹⁹ R.C. 3737.73.

²⁰ Section 221.30 of H.B. 166 of the 133rd General Assembly, amended in Sections 3 and 4 of the bill, See also 221.10 of H.B. 166, not in the bill.

²¹ Section 6.

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.²²

An e-school that chooses to participate in the program must notify the Department of Education not later than ten days after the bill’s effective date.²³

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:

Payment calculation

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

minus

the e-school’s total opportunity grant under current law²⁴ for FY 2021 for students enrolled in grades 8-12

(A school does not receive a payment if this calculation equals a negative number.)²⁵

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

²² Section 5(A)(1) and (B).

²³ Section 5(B).

²⁴ R.C. 3314.08(C)(1)(a), not in the bill.

²⁵ Section 5(D).

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 \$2,500²⁶

The Department must require each participating e-school to report all information necessary to make the payment.²⁷

Additional requirements for pilot program participants

Enrollment review

The bill requires the Department to conduct a review of the enrollment of each participating e-school.²⁸ 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.²⁹

Debt reduction plan

The bill 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.³⁰

²⁶ Section 5(D)(1).

²⁷ Section 5(C).

²⁸ R.C. 3314.08(K), not in the bill.

²⁹ Section 5(E)(1).

³⁰ Section 5(E)(2).

Student engagement plan

The bill 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.³¹

Documentation of enrollment and learning opportunities

The bill requires all participating e-schools to implement programming or a protocol which documents enrollment and student participation in learning opportunities.³²

Report

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

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
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 of Representatives, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House of Representatives.³³

³¹ Section 5(E)(3).

³² Section 5(E)(4).

³³ Section 5(F).

HISTORY

Action	Date
Introduced	03-06-19
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