

As Introduced

**126th General Assembly
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H. B. No. 203

**Representatives Raga, Kearns, DeWine, Flowers, Wagoner, Calvert,
T. Patton, Allen, Strahorn, Gilb, Chandler, Faber, White**

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A B I L L

To amend sections 3707.26 and 4736.01 and to enact 1
sections 117.102, 3313.473, 3314.12, and 3701.93 2
to 3701.98 of the Revised Code with respect to 3
inspections of public and nonpublic school 4
buildings by boards of health, to require the 5
Director of Health to establish the School Health 6
and Safety Network to coordinate and collect data 7
from school inspections, and to include Network 8
inspection rules within the practice of 9
environmental health for registered sanitarians. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3707.26 and 4736.01 be amended and 11
sections 117.102, 3313.473, 3314.12, 3701.93, 3701.94, 3701.95, 12
3701.96, 3701.97, and 3701.98 of the Revised Code be enacted to 13
read as follows: 14

Sec. 117.102. The auditor of state shall review the report of 15
each school health and safety network inspection of a public 16
school building and associated grounds submitted to the auditor of 17
state under section 3701.95 of the Revised Code. The auditor of 18
state may include references to any of the recommendations 19

contained in the inspection report, as determined appropriate by
the auditor of state, in any audit report of the school district,
educational service center, or community school controlling the
inspected building and grounds.

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As used in this section, "public school" has the same meaning
as in section 3701.93 of the Revised Code.

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Sec. 3313.473. (A) The principal or chief administrator of
each public and nonpublic school shall cooperate with the
appropriate board of health in the conduct of any school health
and safety network inspections under section 3701.94 of the
Revised Code by providing access to the premises at any time
during operation for inspections and by providing any records or
other information the board of health considers necessary.

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(B) The board of education of each school district, the
governing board of each educational service center that controls a
public school, and the chief administrator of each nonpublic
school for which an inspection report is submitted by the board of
health under section 3701.95 of the Revised Code shall develop and
submit to the board, in accordance with section 3701.96 of the
Revised Code, a plan for abatement of conditions at that school
determined to be dangerous to students.

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(C) As used in this section, "public school" and "nonpublic
school" have the same meanings as in section 3701.93 of the
Revised Code.

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Sec. 3314.12. (A) The principal or chief administrator of
each community school shall cooperate with the appropriate board
of health in the conduct of any school health and safety network
inspections under section 3701.94 of the Revised Code by providing
access to the premises at any time during operation for
inspections and by providing any records or other information the

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board of health considers necessary. 50

(B) The governing authority of each community school for 51
which an inspection report is submitted by the board of health 52
under section 3701.95 of the Revised Code shall develop and submit 53
to the board, in accordance with section 3701.96 of the Revised 54
Code, a plan for abatement of conditions at the school determined 55
to be dangerous to students. 56

Sec. 3701.93. As used in sections 3701.93 to 3701.98 of the 57
Revised Code: 58

(A) "Board of health" has the same meaning as in section 59
3717.01 of the Revised Code. 60

(B) "Nonpublic school" means a chartered or nonchartered 61
nonpublic school that meets the minimum education standards 62
prescribed by the state board of education under section 3301.07 63
of the Revised Code. 64

(C) "PDA" means a handheld computer commonly known as a 65
personal data assistant. 66

(D) "Public school" means either of the following: 67

(1) A school operated by any school district, educational 68
service center, or county board of mental retardation and 69
developmental disabilities, including facilities used for head 70
start programs, preschool programs, or other programs providing 71
instructional services to children who are least three years of 72
age but not of compulsory school age, as defined in section 73
3321.01 of the Revised Code; 74

(2) A community school established under Chapter 3314. of the 75
Revised Code, including a facility operated by an internet- or 76
computer-based community school, as defined in section 3314.02 of 77
the Revised Code, that is used as a classroom or laboratory for 78

one or more students. "Public school" does not mean the residence
of a student enrolled in an internet- or computer-based community
school.

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Sec. 3701.94. (A) The director of health shall establish the
school health and safety network, under which each board of
health, in addition to or in concert with inspections conducted
under section 3707.03 or 3707.26 of the Revised Code, shall
inspect each public and nonpublic school building and associated
grounds within its jurisdiction at least once each year to
identify predictable dangers to students present in or on the
building or grounds. Each inspector shall conduct inspections
using a PDA and electronic forms, templates, and checklists
developed and supplied by the director or other forms approved by
the director. Data from each inspection shall be submitted to a
central database established and maintained by the director.

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The director shall coordinate inspections, in a manner
determined appropriate by the director, to avoid duplication of
authority over a school by multiple boards of health and to ensure
that each school is inspected in accordance with sections 3701.93
to 3701.98 of the Revised Code.

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(B) If the director determines that no board of health has
the capacity to conduct the inspections of a particular school
required under sections 3701.93 to 3701.98 of the Revised Code, or
if for some other reason the director determines that it is
preferable for the director to conduct the inspections, the
director may conduct the inspections and issue the reports
prescribed under section 3701.95 of the Revised Code.

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Sec. 3701.95. (A) Each board of health, or the director of
health, if the director is exercising the authority prescribed in
division (B) of section 3701.94 of the Revised Code, shall report

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the findings from the inspection of each public and nonpublic school building and associated grounds conducted under section 3701.94 of the Revised Code to all of the following: 109
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(1) The director of health for inclusion in the database established under section 3701.94 of the Revised Code, unless the director conducted the inspection; 112
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(2) The principal or chief administrator of the building; 115

(3) The administrator responsible for facility operations and maintenance of the school district, educational service center, or community school controlling the inspected building and grounds; 116
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(4) In the case of a school operated by a school district or educational service center, the superintendent of that district or service center; 119
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(5) The auditor of state. 122

(B) Each report shall include recommendations for changes that the board of health or the director of health determines may be needed to abate conditions that are dangerous to students. The report may include recommendations made pursuant to an inspection conducted under section 3707.26 of the Revised Code. 123
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(C) The report is a public record under section 149.43 of the Revised Code. 128
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Sec. 3701.96. The board of education of each school district, the governing board of each educational service center, the governing authority of each community school, and the chief administrator of each nonpublic school shall submit to the board of health, by a deadline and in a manner established by the director of health, a written plan for abatement of the conditions determined to be dangerous to students, as described in the report submitted under section 3701.95 of the Revised Code. The plan shall include a schedule for completion of the abatement. 130
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The plan shall be submitted to the director of health if the 139
director has exercised the authority prescribed under division (B) 140
of section 3701.94 of the Revised Code. 141

The plan submitted under this section is a public record 142
under section 149.43 of the Revised Code. 143

Sec. 3701.97. For purposes of the school health and safety 144
network under sections 3701.93 to 3701.98 of the Revised Code, the 145
director of health shall establish guidelines for inspection 146
procedures, adopted by rule in accordance with Chapter 119. of the 147
Revised Code. 148

The director also shall develop information specifying 149
dangerous conditions and dangerous products, including products 150
recalled by the manufacturer, that may be present in school 151
buildings and associated grounds. In developing that information, 152
the director may use information developed by other sources, 153
including other state and federal agencies. The director shall 154
distribute the information developed under this section to boards 155
of health, public and nonpublic school authorities, and the 156
general public in a manner so that the information is as widely 157
circulated and readily accessible as the director determines is 158
practical. 159

Sec. 3701.98. Nothing in sections 3701.93 to 3701.97 of the 160
Revised Code shall be construed to diminish the authority of a 161
board of health to issue orders or take other actions under 162
section 3707.03 or 3707.26 of the Revised Code. 163

Sec. 3707.26. ~~Semiannually, and oftener~~ Annually, and more 164
~~often,~~ if in its judgment necessary, the board of health of a city 165
or general health district shall inspect the sanitary condition of 166
all schools and school buildings within its jurisdiction, and may 167

disinfect any school building. During an epidemic or threatened 168
epidemic, or when a dangerous communicable disease is unusually 169
prevalent, the board may close any school and prohibit public 170
gatherings for such time as is necessary. 171

Sec. 4736.01. As used in this chapter: 172

(A) "Environmental health science" means the aspect of public 173
health science that includes, but is not limited to, the following 174
bodies of knowledge: air quality, food quality and protection, 175
hazardous and toxic substances, consumer product safety, housing, 176
institutional health and safety, community noise control, 177
radiation protection, recreational facilities, solid and liquid 178
waste management, vector control, drinking water quality, milk 179
sanitation, and rabies control. 180

(B) "Sanitarian" means a person who performs for compensation 181
educational, investigational, technical, or administrative duties 182
requiring specialized knowledge and skills in the field of 183
environmental health science. 184

(C) "Registered sanitarian" means a person who is registered 185
as a sanitarian in accordance with this chapter. 186

(D) "Sanitarian-in-training" means a person who is registered 187
as a sanitarian-in-training in accordance with this chapter. 188

(E) "Practice of environmental health" means consultation, 189
instruction, investigation, inspection, or evaluation by an 190
employee of a city health district, a general health district, the 191
environmental protection agency, the department of health, or the 192
department of agriculture requiring specialized knowledge, 193
training, and experience in the field of environmental health 194
science, with the primary purpose of improving or conducting 195
administration or enforcement under any of the following: 196

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 197

3733. of the Revised Code;	198
(2) Chapter 3734. of the Revised Code as it pertains to solid waste;	199 200
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code;	201 202
(4) Rules adopted under section 3701.34 of the Revised Code pertaining to rabies control or swimming pools;	203 204
<u>(5) Rules for school health and safety network inspections adopted under section 3701.97 of the Revised Code.</u>	205 206
"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered sanitarian.	207 208 209 210 211
The state board of sanitarian registration may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the board under Chapter 119. of the Revised Code.	212 213 214 215
Section 2. That existing sections 3707.26 and 4736.01 of the Revised Code are hereby repealed.	216 217
Section 3. In establishing and operating the School Health and Safety Network under sections 3701.93 to 3701.98 of the Revised Code, the Director of Health and each board of health, as defined in section 3701.93 of the Revised Code, to the greatest extent possible shall use staff positions already within their respective organizations on the effective date of this section.	218 219 220 221 222 223