

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Am. Sub. H. B. No. 203

**Representatives Raga, Kearns, DeWine, Flowers, Wagoner, Calvert,
T. Patton, Allen, Strahorn, Gilb, Chandler, Faber, White, S. Smith, Barrett,
Beatty, DeBose, Fessler, G. Smith, Harwood, Hoops, Otterman, Reidelbach,
Schneider, Webster, Carmichael, Cassell, C. Evans, D. Evans, Hagan,
Hughes, Key, Law, Martin, Schlichter, Setzer, Taylor, S. Patton, Williams
Senators Clancy, Austria, Coughlin, Dann, Grendell, Harris, Padgett, Roberts,
Schuler, Schuring, Zurz, Spada, Gardner**

—

A B I L L

To amend sections 3707.26 and 4736.01 and to enact 1
sections 117.102, 3313.473, 3314.15, and 3701.93, 2
3701.931, 3701.932, 3701.933, 3701.934, 3701.935, 3
and 3701.936 of the Revised Code with respect to 4
inspections of public and nonpublic school 5
buildings by boards of health, to require the 6
Director of Health to establish the School Health 7
and Safety Network to coordinate school 8
inspections, and to include school safety and 9
sanitary inspections within the practice of 10
environmental health for registered sanitarians. 11

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

Section 1. That sections 3707.26 and 4736.01 be amended and 12
sections 117.102, 3313.473, 3314.15, 3701.93, 3701.931, 3701.932, 13
3701.933, 3701.934, 3701.935, and 3701.936 of the Revised Code be 14
enacted to read as follows: 15

Sec. 117.102. The auditor of state shall review the report of each school health and safety network inspection of a public school building and associated grounds submitted to the auditor of state under section 3701.932 of the Revised Code. The auditor of state may include references to any of the recommendations contained in the inspection report, as determined appropriate by the auditor of state, in any audit report of the school district, educational service center, board of mental retardation and developmental disabilities, or community school controlling the inspected building and grounds.

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

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 a school health and safety network inspection under section 3701.931 of the Revised Code by providing access to the premises for the inspection at any time during the school's operation and by providing any records or other information the board of health considers necessary.

(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 3701.932 of the Revised Code shall develop and submit to the board, in accordance with section 3701.933 of the Revised Code, a plan for abatement of conditions at that school determined to be hazardous to occupants.

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

Sec. 3314.15. (A) The principal or chief administrator of each community school shall cooperate with the appropriate board of health in the conduct of a school health and safety network inspection under section 3701.931 of the Revised Code by providing access to the premises for the inspection at any time during the school's operation and by providing any records or other information the board of health considers necessary. 46
47
48
49
50
51
52

(B) The governing authority of each community school for which an inspection report is submitted by the board of health under section 3701.932 of the Revised Code shall develop and submit to the board, in accordance with section 3701.933 of the Revised Code, a plan for abatement of conditions at the school determined to be hazardous to occupants. 53
54
55
56
57
58

Sec. 3701.93. As used in sections 3701.931 to 3701.936 of the Revised Code: 59
60

(A) "Board of health" has the same meaning as in section 3717.01 of the Revised Code. 61
62

(B) "Nonpublic school" means a chartered nonpublic school that meets the minimum education standards prescribed by the state board of education under section 3301.07 of the Revised Code. "Nonpublic school" includes facilities used for child care programs for preschool children operated by the school. 63
64
65
66
67

(C) "Public school" means either of the following: 68

(1) A school operated by a school district, educational service center, or board of mental retardation and developmental disabilities, including facilities used for child care programs for preschool children operated by the district, center, or board; 69
70
71
72

(2) A community school established under Chapter 3314. of the Revised Code, including a facility operated by an internet- or 73
74

computer-based community school, as defined in section 3314.02 of
the Revised Code, that is used as a classroom or laboratory for
one or more students. "Public school" does not mean the residence
of a student enrolled in an internet- or computer-based community
school.

75
76
77
78
79

Sec. 3701.931. 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 conditions dangerous to public health and safety present
in or on the building or grounds. Inspections shall be conducted
during regular school hours.

80
81
82
83
84
85
86
87
88

An inspector shall conduct inspections using forms,
templates, and checklists developed by the director or other forms
approved by the director.

89
90
91

The director, with the cooperation of each board of health,
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 3701.936 of the
Revised Code.

92
93
94
95
96
97

Sec. 3701.932. (A) Each board of health shall report the
findings from the inspection of each public and nonpublic school
building and associated grounds conducted under section 3701.931
of the Revised Code to all of the following:

98
99
100
101

(1) The principal or chief administrator of the building;

102

(2) The administrator responsible for facility operations and
maintenance on behalf of the school district, educational service

103
104

center, board of mental retardation and developmental 105
disabilities, or community school controlling the inspected 106
building and grounds; 107

(3) In the case of a school operated by a school district, 108
the superintendent and board of education of that district; 109

(4) In the case of a school operated by an educational 110
service center or board of mental retardation and developmental 111
disabilities, the center or board; 112

(5) The auditor of state. 113

(B) Each report shall include recommendations for changes 114
that the board of health determines may be needed to abate 115
conditions that are hazardous to occupants. The report shall 116
include recommendations made pursuant to an inspection conducted 117
under section 3707.26 of the Revised Code. 118

(C) The report is a public record under section 149.43 of the 119
Revised Code. 120

Sec. 3701.933. The board of education of each school 121
district, the governing board of each educational service center, 122
the board of mental retardation and developmental disabilities, 123
the governing authority of each community school, and the chief 124
administrator of each nonpublic school shall submit to the board 125
of health, by a deadline and in a manner established by the 126
director of health, a written plan for abatement of the conditions 127
determined to be hazardous to occupants, as described in the 128
report submitted under section 3701.932 of the Revised Code. The 129
plan shall include a schedule for completion of the abatement. 130

The board of health shall determine compliance with the 131
written plan for abatement. On completion of any plan for 132
abatement, the board of health shall submit a supplemental report 133
to all parties specified in division (A) of section 3701.932 of 134

the Revised Code.

135

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

136

137

Sec. 3701.934. For purposes of the school health and safety
network under sections 3701.93 to 3701.936 of the Revised Code,
the director of health shall develop information specifying
dangerous conditions and dangerous products, including products
recalled by the manufacturer, that may be present in school
buildings and associated grounds. In developing that information,
the director may use information developed by other sources,
including other state and federal agencies. The director shall
distribute the information developed under this section on a
quarterly basis to boards of health through electronic mail. The
information shall also be made available on the department's
internet web site.

138

139

140

141

142

143

144

145

146

147

148

149

Sec. 3701.935. The director of health shall adopt rules
establishing minimum standards and procedures for inspections
conducted for purposes of the school health and safety network
under sections 3701.93 to 3701.936 of the Revised Code. The rules
shall be adopted in accordance with Chapter 119. of the Revised
Code and in consultation with the association of Ohio health
commissioners, the Ohio environmental health association, the Ohio
school boards association, and the Ohio education association.
Initial rules shall be adopted not later than eighteen months
after the effective date of this section.

150

151

152

153

154

155

156

157

158

159

Sec. 3701.936. Nothing in sections 3701.93 to 3701.935 of the
Revised Code shall be construed to diminish the authority of a
board of health to issue orders or take other actions under
section 3707.03 or 3707.26 of the Revised Code.

160

161

162

163

Sec. 3707.26. ~~Semiannually, and oftener~~ (A) Annually, and 164
more often, if in its judgment necessary, the board of health of a 165
city or general health district shall inspect the sanitary 166
condition of all schools and school buildings within its 167
jurisdiction, and may disinfect any school building. During an 168
epidemic or threatened epidemic, ~~or~~ when a dangerous communicable 169
disease is unusually prevalent, or for any other imminent public 170
health threat as determined by the board, the board may close any 171
school and prohibit public gatherings for such time as is 172
necessary. 173

(B) The director of health shall adopt rules establishing 174
minimum standards for inspections conducted under this section. 175
The rules shall be adopted in accordance with Chapter 119. of the 176
Revised Code and in consultation with the association of Ohio 177
health commissioners, the Ohio environmental health association, 178
the Ohio school boards association, and the Ohio education 179
association. Initial rules shall be adopted not later than 180
eighteen months after the effective date of this amendment. 181

Sec. 4736.01. As used in this chapter: 182

(A) "Environmental health science" means the aspect of public 183
health science that includes, but is not limited to, the following 184
bodies of knowledge: air quality, food quality and protection, 185
hazardous and toxic substances, consumer product safety, housing, 186
institutional health and safety, community noise control, 187
radiation protection, recreational facilities, solid and liquid 188
waste management, vector control, drinking water quality, milk 189
sanitation, and rabies control. 190

(B) "Sanitarian" means a person who performs for compensation 191
educational, investigational, technical, or administrative duties 192
requiring specialized knowledge and skills in the field of 193

environmental health science.	194
(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.	195 196
(D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter.	197 198
(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:	199 200 201 202 203 204 205 206
(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 3733. of the Revised Code;	207 208
(2) Chapter 3734. of the Revised Code as it pertains to solid waste;	209 210
(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;	211 212
(4) Rules adopted under section 3701.34 of the Revised Code pertaining to rabies control or swimming pools;	213 214
<u>(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections.</u>	215 216 217 218
"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.	219 220 221 222 223

The state board of sanitarian registration may further define 224
environmental health science in relation to specific functions in 225
the practice of environmental health through rules adopted by the 226
board under Chapter 119. of the Revised Code. 227

Section 2. That existing sections 3707.26 and 4736.01 of the 228
Revised Code are hereby repealed. 229

Section 3. In establishing and operating the School Health 230
and Safety Network under sections 3701.93 to 3701.936 of the 231
Revised Code, the Director of Health and each board of health, as 232
defined in section 3701.93 of the Revised Code, to the greatest 233
extent possible shall use staff positions already within their 234
respective organizations on the effective date of this section. 235