

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

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

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.

(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.

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

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

(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.

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

(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;

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

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.

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

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.

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:

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

(2) The administrator responsible for facility operations and maintenance on behalf of the school district, educational service center, board of mental retardation and developmental disabilities, or community school controlling the inspected building and grounds;

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

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

(5) The auditor of state.

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

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

Sec. 3701.933. The board of education of each school district, the

governing board of each educational service center, the board of mental retardation and developmental disabilities, 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 hazardous to occupants, as described in the report submitted under section 3701.932 of the Revised Code. The plan shall include a schedule for completion of the abatement.

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

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

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.

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.

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.

Sec. 3707.26. ~~Semiannually, and oftener~~ (A) Annually, and more often, if in its judgment necessary, the board of health of a city or general health district shall inspect the sanitary condition of all schools and school

buildings within its jurisdiction, and may disinfect any school building. During an epidemic or threatened epidemic, ~~or~~ when a dangerous communicable disease is unusually prevalent, or for any other imminent public health threat as determined by the board, the board may close any school and prohibit public gatherings for such time as is necessary.

(B) The director of health shall adopt rules establishing minimum standards for inspections conducted under this section. 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 amendment.

Sec. 4736.01. As used in this chapter:

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

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

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

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

(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:

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 3733. of the Revised Code;

(2) Chapter 3734. of the Revised Code as it pertains to solid waste;

(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;

(4) Rules adopted under section 3701.34 of the Revised Code pertaining to rabies control or swimming pools;

(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.

"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.

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.

SECTION 2. That existing sections 3707.26 and 4736.01 of the Revised Code are hereby repealed.

SECTION 3. In establishing and operating the School Health and Safety Network under sections 3701.93 to 3701.936 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.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____