

# County Board of Mental Retardation and Developmental Disabilities

## Jarod's Law

In 2003, 6-year-old Jarod Bennett died at his elementary school when a folded cafeteria table that was being stored fell on him. Unfortunately, this was not an isolated incident. Children continue to be seriously hurt at school due to unsecured portable equipment, unsafe playground equipment and during activities in and around school buildings and buses.

In response to this accident the Ohio Legislature passed HB 203 which became law in March of 2006. HB 203 requires the director of health to “provide minimum standards and procedures for inspections of schools to identify conditions within the school building and grounds that may be injurious to the safety or health of building occupants.” [OAC 3701-54-02](#). In 2007, the Ohio Department of Health developed OAC 3701-54, a set of rules required by HB 203. In addition, the Ohio Department of Health (ODH) is required to “establish the school health and safety network” under which “each public board of health (LDH) shall inspect each public and nonpublic school building and associated grounds within its jurisdiction at least once each year.”

OAC 3701-54 primarily focuses on the following:

- Corrective measures associated with product recalls and notification of dangerous conditions
- General Safety and Hazard Identification within each school building and specialty Classroom
- Chemical Safety and Storage
- Building and equipment inspection and maintenance
- Environmental conditions including: lighting, general indoor air quality, radon testing, HVAC systems and if applicable, asbestos management
- Emergency Preparedness
- Involvement with the Board of Education, Administrators, Staff, Local Health Dept. and the State Auditor

**What Changes were Enacted** – HB 203 changed several sections of the Ohio Revised Code (ORC) [http://www.legislature.state.oh.us/bills.cfm?ID=126\\_HB\\_203](http://www.legislature.state.oh.us/bills.cfm?ID=126_HB_203) and as a result of the changes in the ORC the ODH enacted several additions to the Ohio Administrative Code (OAC) <http://codes.ohio.gov/oac/3701-54>. The OAC 3701-54 regulations are intended to identify and correct dangerous public health & safety conditions in the buildings or on school grounds.

### Ohio Revised Code Changes:

**117.102** – Requires the auditor of the state to review the reports for each building.

**3313.473 (A)** – Requires the principal or chief administrator of each school to cooperate, provide access and provide records and other information the local board of health considers necessary.

**3313.473 (B)** – Requires the board of education and chief administrator of each school for which a report is submitted to develop and submit a plan for abatement of conditions at the school determined to be hazardous to occupants.

**3701.93** – Definitions – Both the Ohio Revised Code 3701.93 (C)(1) and the Ohio Administrative Code 3701-54-01 (M)(1) define a “Public School” to include “***A School operated by a school district, educational service center or board of mental retardation and developmental disabilities ...***”

**3701.931** – Requires the ODH to develop the school health safety network and perform annual inspections during school hours.

**3701.932** – Requires the LDH to report the findings from the inspection of each public and nonpublic school building and associated grounds to the following:

- the principal or chief administrator;
- the administrator responsible for the facility operations;
- the superintendent;
- the board of education; and
- the auditor of state.

**3701.933** – Requires the board of education and the chief administrator to submit a written plan of abatement for each condition determined to be hazardous to the occupants.

**3701.934** – Requires the ODH to develop information specifying dangerous conditions and dangerous products that may be present in school buildings and associated grounds

**3701.935** – Requires the ODH to develop minimum standards and procedures for inspections of school facilities

**3701.936 and 3707.26 (A), (B)** – Provide authority and inspection requirements of the ODH and LDH to develop and enforce the new rules.

**The ODH created several new sections to the OAC. Sections OAC 3701.54.01-09 were created specifically to address the issues in the legislative action. OAC 3701-54 regulations are intended to identify and correct dangerous public health & safety conditions in the buildings or on school grounds. <http://codes.ohio.gov/oac/3701-54>**

**3701.54.01** – Definitions

**3701.54.02** – Purpose, Scope and Authority

- provide minimum standards and procedures
- review of the documentation that the school has inspected for dangerous products and conditions in each school facility
- Authority under the Ohio Revised Code

**3701.54.03** – Responsibilities of the director of health

**3701.54.04** – Responsibilities of the boards of health

**3701.54.05** – Responsibilities of principals, chief administrator or governing authority

**3701.54.06** – School grounds and building exterior inspections

**3701.54.07** – School indoor environments inspections

**3701.54.08** – Specialty classroom inspections

**3701.54.09** – Administrative and non-classroom

**Where does a school's administration start?**

**Environmental Health and Safety Gap Analysis (assessment)** – An on-site surveillance of each building and its associated grounds to review the current programs and processes that are in place and are required by OAC 3701-54. A gap analysis identifies non-compliant conditions and measures the gap between current status and best safety and health practices

**Prioritized recommendations and advice** – A gap analysis report will enable your MRDD to prioritize your safety and health deficiencies, and suggestions for improvement

**Provide Guidance for Compliance** -- The Gap Analysis results will allow the MRDD to develop audit tools for the MRDD representatives responsible for managing Jarod's Law compliance and environmental health and safety for their respective buildings.

**The primary benefits of the *Environmental Health and Safety Gap Analysis* are:**

- Help the MRDD identify, prioritize, and improve the safety and health gaps based on OAC 3701-54,
- Educating staff during the onsite review regarding the OAC 3701-54 regulations and appropriate compliance strategies, and
- Prepare the MRDD for the initial local department of health inspection
- Provide a plan for compliance with OAC 3701-54 and assist in the development of the procedures, protocols, training, communication and documentation required by the regulations.
- Involves the Board, Administration and Staff in an overall understanding of the regulations and requirements needed to effectively implement a culture of safety in the classroom and the facility

For additional information regarding OAC 3701-54 and a specific proposal for your school district's facilities please contact: Frank McKain or John Walker at **614.227.6200** or via email at [Frank.E.McKain@Marsh.com](mailto:Frank.E.McKain@Marsh.com) or [John.T.Walker@Marsh.com](mailto:John.T.Walker@Marsh.com)