



Department of Commerce

Division of State Fire Marshal
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Drills or Rapid Dismissals and School Safety Drills

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Code provisions analyzed/referenced: Rev. Code § 3737.73
Rev. Code § 3737.99
Rev. Code § 3313.536
OAC § 1301:7-7-4; OFC Rule 4
OAC § 1301:7-7-4(E); OFC § 405
OAC § 1301:7-7-4(H); OFC § 408

On December 19, 2014, Governor John R. Kasich signed House Bill 178, of the 130th General Assembly, into law. The legislation has an effective date of March 23, 2015. Among other things, this legislation addresses school safety drills and changes current requirements for such drills. The provisions of House Bill 178 (hereinafter “H.B. 178”) also address the use of seclusion and physical restraint on students and positive behavior intervention supports in public schools, the qualification of private schools that are located within the boundaries of a city, local, or exempted village school district adjacent to the pilot project school district for the Pilot Project Scholarship Program and to make an appropriation. **The instant Technical Bulletin does not address these additional topics, but rather is limited to those provisions of the bill that address drills or rapid dismissals and safety drills in public and private schools or educational institutions.** This document is intended to provide general guidance regarding the new requirements and the relevant code provisions that are effective as of March 23, 2015. Local education leaders and code enforcement officials should consult their legal advisor to determine specific courses of action that they should take to ensure compliance with the new requirements.

The pertinent provisions of the Ohio Revised Code (hereinafter “R.C.”) regarding school drills are found in R.C. § 3737.73. Essentially, the provisions of this code section break school evacuation drills down into two categories: “drills or rapid dismissals” and “school safety drills.”

Neither term is defined in the Revised Code, but generally it is helpful to distinguish them as follows. **Drills or rapid dismissals** is a broader and more general category of drills that contemplates the education of students in the most effective means of evacuating from school buildings in response to a sudden emergency. General “drills or rapid dismissals” contemplate any emergency. **School safety drills**, on the other hand, are a subcategory within the general drills or rapid dismissals category that specifically address evacuation when a sudden emergency is caused by an act of violence – such as an act of terrorism or a person possessing a deadly weapon or dangerous ordnance. Therefore, drills must be conducted and students must be instructed in how to proceed regarding a general emergency and in addition must be instructed in how to proceed if the emergency is specifically in response to an act of violence.

Drills or Rapid Dismissals – R.C. § 3737.73(A)

The Ohio Revised Code states:

No principal or person in charge of a public or private school or educational institution having an average daily attendance of twenty or more pupils ... shall willfully neglect to instruct and train such children by means of drills or rapid dismissal, so that such children in a sudden emergency may leave the building in the shortest possible time without confusion.

See R.C. § 3737.73(A). This provision is not changed under the new law. Principals or persons in charge (hereinafter collectively “principals”) of a public or private school or educational institution having an average daily attendance of twenty or more pupils (hereinafter collectively “schools”) are required to instruct students in emergency evacuation procedures by conducting drills or rapid dismissals. The drills or rapid dismissals must instruct and train children about the procedures to be followed in the event of a sudden emergency and must train students in such a manner as to allow them to leave the building in the shortest possible time and without confusion.

Under the old law, principals were required to conduct these “drills or rapid dismissals” “at least nine times during the school year” at times and frequencies as set forth in rules adopted by the State Fire Marshal. **Under the new law, principals are required to conduct drills or rapid dismissals “at least six times” during the school year, rather than the nine that were previously required.** Therefore, as of March 23, 2015, principals must conduct six drills or rapid dismissals during the school year at times and frequencies as set forth in rules adopted by the State Fire Marshal.

It is important to note, however, that **this decrease in the required number of drills or rapid dismissals from nine to six does not apply to all schools.** Principals of schools that do

“not currently have smoke detectors¹... or a sprinkler system in all classroom buildings of the school” are still required to conduct “**drills or rapid dismissals at least nine times during the school year.**”² *R.C. § 3737.73(F)*. This section of the Revised Code is new and is an exception to the provision in section (A) that lowers the required number of drills or rapid dismissals from nine to six. However, **if** the school does not have smoke detectors or a sprinkler system in all classroom buildings and is therefore required to conduct at least nine drills or rapid dismissals during the school year, the drills or rapid dismissals may be combined with the school safety drills that are also required and are discussed further below. **Please note**, there is no similar provision allowing schools that do have smoke detectors or a sprinkler system in all classroom buildings to combine their six required drills or rapid dismissals with the required school safety drills.

The provisions regarding safety precautions to be taken in the case of a tornado alert or warning have not substantively changed. Principals are still required to instruct students in the precautions to be taken in the event of a tornado alert or warning and must still designate appropriate shelter locations. Such instruction should be provided in conjunction with the drills or rapid dismissals and is required regardless of whether the principal is required to conduct nine drills or six drills. *See R.C. § 3737.73(B)*.

Likewise, the requirements for annual inspections of schools by the fire marshal have not substantively changed. The fire marshal or his designee is required to annually determine whether or not the school has conducted its’ required drills or rapid dismissals (whether six or nine) and to determine if the designated shelter locations meet applicable standards. In the event the required drills have not been conducted, students have not been instructed regarding appropriate safety precautions to be taken in the event of a tornado drill or alert, or a tornado shelter has not been designated or is not appropriate, the fire marshal shall issue a warning to any person found in violation. *See R.C. § 3737.73(C)*. Any person who fails to correct the violation(s) contained in the warning by the time delineated in the warning, shall be fined \$1,000.00. *R.C. § 3737.73(C)(3); R.C. § 3737.99(F)*.

School Safety Drills – R.C. § 3737.73(D)

The provision of the Revised Code that addresses school safety drills is located in section 3737.73(D) has been changed to read as follows:

¹ For the purposes of this statute, “smoke detector” is defined as “a readily removable device, sensitive to either visible or invisible particles of combustion or both, which automatically detects any fire condition and broadcasts locally a signal or alarm.” *See R.C. § 3737.73(F)* and *R.C. § 3781.104*.

² Provisions of the OFC require that when a smoke detector is installed in an educational occupancy, it must be connected to the building fire alarm system. *OFC § 907.2.3*. Therefore, mere installation of a smoke detector in a school building may technically reduce the number of drills or rapid dismissals a principal is required to conduct, but doing so without proper connection to the fire alarm system – subject to inspection, testing, Ohio Building Code compliance and conformance with the applicable certificate of occupancy – could necessarily result in a violation of the Ohio Fire and Building Codes.

The principal or person in charge of each public or private school or educational institution shall conduct **school safety drills at least three times during the school year, pursuant to division (E) of this section**, to provide pupils with instruction in the procedures to follow in situations where pupils must be secured in the school building **or rapidly evacuated in response to** a threat to the school involving an act of terrorism; a person possessing a deadly weapon or dangerous ordnance ... on school property; or other act of violence. **At least one safety drill shall include a scenario where pupils must be secured in the school building rather than rapidly evacuated.**

R.C. § 3737.73(D). The substantive portions of the law that changed are bolded for convenience and reference only.

Previously, principals were required to conduct a school safety drill on or before each December 1. Under the new law, the December 1 deadline has been removed, but more school safety drills are required. Now, **school safety drills must be conducted at least three times during the school year**. Previously, the one required school safety drill was to provide students with instruction in procedures to follow where the students were to be secured in the school building in response to an act of violence. Now, three safety drills are required and at least one of those three must include a scenario where students are secured in the building, as opposed to rapidly dismissed. Therefore, one school safety drill must be conducted where students are secured in place in response to an act of violence. Two other drills regarding procedures to follow in response to an act of violence must also be conducted, but those remaining two school safety drills can be either a rapid evacuation scenario or a secure in place scenario. As noted above, if the school does not have smoke detectors or a sprinkler system in all classroom buildings and is therefore also required to conduct nine drills or rapid dismissals, those drills or rapid dismissals may be combined with the three required school safety drills. However, if the school does have smoke detectors or a sprinkler system in all classroom buildings and is therefore only required to conduct six drills or rapid dismissals, there is no provision allowing the six drills or rapid dismissals to be combined with the three school safety drills.

Other new provisions of this portion of the legislation require that school safety drills be conducted **in conjunction with appropriate law enforcement** (i.e., “the police chief or other similar chief law enforcement officer, or designee, of the municipal corporation, township, or township or joint police district in which the school or institution is located, or, in absence of any such person, the county sheriff of the county, or designee, in which the school or institution is located”). *R.C. § 3737.73(D)(1)(a)*. Additionally, the **principal of a school is also required to conduct a theoretical school safety drill at least once during the school year**. *R.C. § 3737.73(D)(1)(b)*. This theoretical drill is in addition to the three school safety drills discussed above, and its’ purpose is to provide instruction to school faculty and staff regarding procedures to be followed in such situations. The theoretical drill does not have to include student

participation and can be conducted during annual training sessions required in R.C. § 3737.73(D)(3).³ *R.C. § 3737.73(D)(1)(b)*.

A final new provision of this portion of the law further requires that school safety drills (including drills and theoretical drills) be conducted **in conjunction with the district’s or school’s emergency management plan** adopted under R.C. § 3313.536. *R.C. § 3737.73(D)(1)(c)*.

Provisions of the law that required a principal of a school to provide **advance written notice** of school safety drills to appropriate law enforcement – at least 72 hours prior to the drill – and the requirement for keeping a written record of the date and time of each drill conducted have not changed. See *R.C. § 3737.73(D)(2)(a)*. Likewise, **written certifications** of the date and time that each school safety drill was conducted still has to be provided to appropriate law enforcement not later than December 5 of each year. Previously, however, the certification had to be provided by mail. Under the new terms of the Revised Code, the certification may be provided by mail, facsimile, or electronic submission. See *R.C. § 3737.73(D)(2)(b)*.

In addition, the law previously required that the **written certification** provide the date and time school safety drills were conducted. The new provisions have added language to specify that the certification provide the **date and time the drills were conducted ‘during the prior school year’** and has the added requirement that the certification must additionally contain the **date and time the each drill will be conducted during the current school year**. See *R.C. § 3737.73(D)(2)(b)*.

Previously, if the certification was not provided by the principal or person in charge of a school, that person was deemed to have failed to conduct the required schools safety drills and the appropriate law enforcement official was required to issue a warning letter to the person in violation. Under the new provisions, the person in charge is not presumed to have failed to conduct the drill; however the person in charge is deemed to have failed to meet the notification requirement. In the event of a failure, a warning will still be issued by law enforcement to the principal or person in charge of the school and will still require that person to correct the violation by conducting the school safety drill within thirty days (“not later than the thirtieth day after the date the warning letter is issued”). Further, the principal or person in charge is still required to provide written certification of the date and time the drill is conducted to law enforcement not later than forty days after the warning letter is issued. **However, under the new legislation, the written certification provided by the principal or person in charge must also include the date and time each remaining drill will be conducted during the current school year**. See *R.C. § 3737.73(D)(2) and (4)*.

³ Principals are still required to hold annual training sessions for school employees regarding the conduct of school safety drills. *R.C. § 3737.73(D)(3)*.

Finally, penalty provisions regarding violations have not been changed. Any person who fails to correct violations by the date indicated in a warning letter issued by appropriate law enforcement will be fined \$1,000.00. *R.C. § 3737.73(D)(5); R.C. § 3737.99(F)*.

Drill Frequency – R.C. § 3737.73(E); Ohio Fire Code Rule 4

All drills or rapid dismissals and all school safety drills must be performed pursuant to R.C. § 3737.73(E). The provisions of R.C. § 3737.73(E) are new. Previously, a school safety drill had to be conducted by December 1 of each year. Drills or rapid dismissals in general had to be conducted nine times during the school year at the time and frequency prescribed in rules adopted by the fire marshal. No general drill or rapid dismissal had to be conducted in any month during which a school safety drill was conducted as long as a total of nine drills or rapid dismissal were conducted in the school year.

The new law requires that at least one drill or rapid dismissal or one school safety drill be conducted **during each month of the school year**. It is still permissible for a drill or rapid dismissal and a school safety drill to be conducted during the same month and the principal or person in charge is permitted to determine the exact date and time each drill will be conducted. However, the times and frequencies of drills or rapid dismissals are still required to be at the times and frequency as prescribed in rules adopted by the fire marshal, which are as follows.

Rule 4 of the Ohio Fire Code (hereinafter, “OFC”) is entitled “Emergency Planning and Preparedness” and contains the ‘rules adopted by the fire marshal’ that set forth the times and frequency within which drills or rapid dismissals must be conducted. Many of the provisions of OFC Rule 4 cover topics addressed above and within the language of R.C. § 3737.73 (such as employee training and tornado shelters). However, sections 5 and 8 specifically address drill times and frequency. Evacuation drills required in educational occupancies, must be conducted monthly and all occupants must participate. See *OFC § 405.2; OFC Table 405.2*. Additionally, the first emergency evacuation drill of each school year must be conducted within 10 days of the beginning of classes. *OFC § 408.3.1*. Drills must also be conducted at unexpected times, under varying conditions, and at different times of the day. *OFC § 405.4; OFC § 408.3.2*. Therefore, it is not permissible to always conduct drills during homeroom, or at 11:10 a.m., or to always conduct rapid dismissals at the end of the day. In order to be compliant with the OFC, drills and rapid dismissal must be varied. This is important so that drills are not expected by building occupants, so that the unusual conditions that would occur in the event of an actual fire are simulated, and so that occupants will not be able to distinguish between drills and actual emergencies, thereby accurately reflecting preparedness for an actual emergency.

Summary

In summary, reading the Ohio Fire Code in conjunction with the new provisions of the Revised Code set forth in H.B. 178 schools that have smoke detectors or a sprinkler system in all classroom buildings are required to conduct at least six drills or rapid dismissals during the

school year. Schools that do not have smoke detectors or a sprinkler system in all classroom buildings are required to conduct at least nine drills or rapid dismissals during the school year.

All schools are required to conduct school safety drills at least three times per year and one of those three school safety drills must be a scenario where students are secured in the school building rather than rapidly dismissed. The other two school safety drills can be either a scenario where students are secured in the building or rapidly dismissed from the building. In addition, all schools must conduct one theoretical school safety drill during the school year to provide training to school faculty and staff. The principal must provide appropriate law enforcement officials with advance written notice of all school safety drills (actual and theoretical) and must certify to law enforcement (by December 5) when school safety drills were conducted during the prior school year and when each will be conducted during the current school year.

All schools must conduct either one drill or rapid dismissal or one school safety drill during each month of the school year. All building occupants must participate in the drills. The first drill must be conducted within 10 days of the beginning of classes. Times and frequencies of drills must be varied. Within these parameters, the principal or person in charge may determine the exact dates and times of the drills.

Implementation

Since the new provisions of H.B. 178 are effective as of March 23, 2015, many questions have been raised with regard to the number of drills schools must perform during the course of the 2014-2015 school year. School safety drills are not under the purview of the State Fire Marshal's office. However, drills or rapid dismissals are. Therefore, regarding drills or rapid dismissals that must be performed, schools should consider the following.

From the beginning of the 2014-2015 school year through March 22, 2015, all schools must conduct at least nine school safety drills. On March 23, 2015, all schools that have a smoke detector or a sprinkler system in all classroom buildings must conduct at least six drills or rapid dismissals during the school year. Therefore, as of that date, if a school that has a smoke detector or a sprinkler system in all classroom buildings has conducted at least six drills or rapid dismissals, the school will be in compliance with the law regarding drills or rapid dismissals. It is important to note, however, that such schools still must also meet the school safety drill requirements. As of March 23, 2015, any school that has not performed three school safety drills must conduct the remaining school safety drills between March 23, 2015 and the end of their school year. In addition, as of March 23, 2015, all schools must conduct one drill or rapid dismissal or one school safety drill during each month of the school year. Therefore, even if a school that has a smoke detector or a sprinkler system in all classroom buildings has conducted at least six drills or rapid dismissals as of March 23, 2015, other provisions of the law may apply to require additional drills during the balance of the 2014-2015 school year.

With regard to schools that do not have a smoke detector or a sprinkler system in all classroom buildings, the required number of drills or rapid dismissals has not changed. Such schools must conduct at least nine drills or rapid dismissals during the school year. However, prior to March 23, 2015, there was no provision that permitted such schools to combine the drills or rapid dismissals with the one school safety drill that was required. As of March 23, 2015, a school that does not have a smoke detector or a sprinkler system in all classroom buildings may combine any of its' remaining nine drills or rapid dismissals with any remaining school safety drills that must be performed, the number of which will increase from one to three. As in the case of schools that do have a smoke detector or a sprinkler system in all classroom buildings, all schools that do not have a smoke detector or a sprinkler system in all classroom buildings is likewise required, as of March 23, 2015, to conduct one drill or rapid dismissal or one school safety drill during each month of the school year. Therefore, even if a school has conducted at least nine drills or rapid dismissals as of March 23, 2015, other provisions of the law may apply to require additional drills during the balance of the 2014-2015 school year.

To assist in the implementation of the above provisions and requirements, please also see the following:

- Drills or Rapid Dismissals and School Safety Drills - FAQ
- Required Drills or Rapid Dismissals for Educational Occupancies – flow chart
- Record of Emergency Evacuation Drills - Instructions

Questions

For questions regarding drills or rapid dismissals, please contact the State Fire Marshal's Office, Code Enforcement Bureau, 8895 E. Main Street, Reynoldsburg, OH 43068; (614)728-5460; websfm@com.state.oh.us.

For questions regarding school safety drills, please contact appropriate law enforcement for your jurisdiction (i.e., the police chief or other similar chief law enforcement officer, or designee, of your municipal corporation, township, or township or joint police district in which your school or institution is located, or, in absence of any such person, the county sheriff of the county, or designee, in which your school or institution is located).