

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: The Ohio Department of Education

Regulation/Package Title: School Emergency Management Plan

Rule Number(s): 3301-5-01

Date: April 7, 2017

**Rule Type:**

- ☐ New  
☐ Amended

- ☐ 5-Year Review  
☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

This rule is being reviewed to clarify the requirements of school emergency management plans as required by section 3313.536 of the Ohio Revised Code.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

Revised Code 3313.536

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[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

3. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

No.

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Compliance with Ohio Revised Code

5. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

To clarify Ohio Revised Code

**How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Plans are individually evaluated for compliance with ORC/OAC. Schools must submit evidence that they adhere to requirements of ORC.

### **Development of the Regulation**

6. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

Those listed below were contacted on August 26, 2016 via email for comments. Also providing comments were the State Fire Marshall, Ohio Emergency Management Agency and Ohio Homeland Security.

<b>Name</b>	<b>Position</b>	<b>Organization</b>
Joe Bergant PhD	Director of First Ring Superintendent's Collaborative	Cuyahoga Co ESC
Greg Winston Sr	Safety & Security Mgr	East Cleveland City SD
Harold "Hal" Kendrick	Manager of Facilities and Operations	Cuyahoga Vly Career Ctr
Lt. Tammy Tarelton	ADMIN LIEUTENANT COMM SERV	Cleveland Metro Schools Police Dept
Chief Lester Fultz	Chief, Safety and Security	Cleveland Metro Schools Police Dept
Stephen Humphrey	Security Director	Canton City Schools
Dave Griffey	Principal	Parma Hts Christian Academy
Randy Boroff	Head of School	Gross Schechter Day School
Vic Ferrell	Safety and Security Supervisor	Shaker Hts. School District
Larry Tomec	Director of Business Services	Ohio Schools Council
Brian Preseren	Operations Manager	Constellation Charter Schools
	Security Director/ Asst Supt Govt Programs, Athletics, & Institutional Advancement	Roman Catholic Diocese of Youngstown
Randy Rair	Superintendent	Madison Local Schools
Curtis Philpot	Superintendent	Goshen Local Schools
Darrell Edwards	Superintendent	

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**7. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

No comments were received.

**8. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

None

**9. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

Existing rule was less specific. We determined less specificity would not help schools reach the ORC requirements because lessons learned in developing the plan. Schools needed and wanted clear expectations.

**10. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

Yes. This is a performance based outcome. ODE provides only suggestion on how to achieve the outcome.

**11. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

ODE collaborated with the State Fire Marshall, Ohio Homeland Security and the Ohio Emergency Management Agency (OEMA) to ensure none of their existing rules apply to schools.

**12. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

An evaluator is assigned to each school to evaluate the plans for compliance. The evaluators are trained and meet regularly to discuss how evaluations are applied and how to consistently address new concerns.

The Emergency Management Training has an IT application with required points of data. The system is designed so that a school may not be compliant unless data is provided in the required fields.

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### **Adverse Impact to Business**

**13. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community; \$2,500/year**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); Staff engagement in compliance will be at least 1 business day per year**

- c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

An estimated cost is \$2500/year based upon Hazwopef OEMA program.

**14. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Designed to help schools be prepared to respond to emergencies and reduce loss of life.

### **Regulatory Flexibility**

**15. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. Statute requires specific compliance for school emergency management plans.

**16. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation.**

In order to assist schools, the Department has assigned an evaluator to work with each school and ensure that emergency plans are complete and timely filed.

**17. What resources are available to assist small businesses with compliance of the regulation?**

The Department provides resources and technical assistance.