

[ORC Ann. 3737.73](#)

Current with Legislation passed by the 132nd General Assembly and filed with the Secretary of State through file 105 (SB 81), except for file 96 (HB 87).

Page's Ohio Revised Code Annotated > Title 37: Health — Safety — Morals (Chs. 3701 — 3798) > Chapter 3737: Fire Marshal; Fire Safety (§§ 3737.01 — 3737.99)

§ 3737.73 Safety drills or rapid dismissals; tornado safety precautions; inspections, warnings.

(A) 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, and no person in charge of any children's home or orphanage housing twenty or more minor persons, shall willfully neglect to instruct and train such children by means of drills or rapid dismissals, so that such children in a sudden emergency may leave the building in the shortest possible time without confusion. Except as provided for in division (F) of this section, the principal or person in charge of a school or educational institution shall conduct drills or rapid dismissals at least six times during the school year, pursuant to division (E) of this section, which shall be at the times and frequency prescribed in rules adopted by the fire marshal. The principal or person in charge of a children's home or orphanage shall conduct drills or rapid dismissals at least once each month while the home is in operation. In the case of schools, no principal or person in charge of a school shall willfully neglect to keep the doors and exits of such building unlocked during school hours. The fire marshal may order the immediate installation of necessary fire gongs or signals in such schools, institutions, or children's homes and enforce this division and divisions (B), (C)(3), and (F) of this section.

(B) In conjunction with the drills or rapid dismissals required by division (A) or (F) of this section, whichever is applicable, principals or persons in charge of public or private primary and secondary schools, or educational institutions, shall instruct pupils in safety precautions to be taken in case of a tornado alert or warning. Such principals or persons in charge of such schools or institutions shall designate, in accordance with standards prescribed by the fire marshal, appropriate locations to be used to shelter pupils in case of a tornado, tornado alert, or warning.

(C)

(1) The fire marshal or the fire marshal's designee shall annually inspect each school, institution, home, or orphanage subject to division (A) or (F) of this section to determine compliance with the applicable division, and each school or institution subject to division (B) of this section to ascertain whether the locations comply with the standards prescribed under that division. Nothing in this section shall require a school or institution to construct or improve a facility or location for use as a shelter area.

(2) The fire marshal or the fire marshal's designee shall issue a warning to any person found in violation of division (A), (B), or (F) of this section. The warning shall indicate the specific violation and a date by which such violation shall be corrected.

(3) No person shall fail to correct violations by the date indicated on a warning issued under division (C)(2) of this section.

(D)

(1)

(a) 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, as defined in [section 2923.11 of the Revised Code](#), 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.

Each safety drill shall be conducted in conjunction with 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.

(b) In addition to the three safety drills described in division (D)(1)(a) of this section, the principal or person in charge shall conduct a theoretical school safety drill at least once during the school year to provide all faculty and staff employed by the school or institution with instruction in the procedures to follow in such situations. The theoretical drill does not need to include student participation and may be conducted at the annual training session required by division (D)(3) of this section.

(c) All safety drills required under division (D) of this section shall be conducted pursuant to the district's or school's emergency management plan adopted under [section 3313.536 of the Revised Code](#).

(2)

(a) The principal or person in charge of each public or private school or educational institution shall provide to the police chief or other similar chief law enforcement officer 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 in which the school or institution is located advance written notice of each school safety drill required under division (D)(1) of this section and shall keep a written record of the date and time of each drill conducted. The advance notice shall be provided not later than seventy-two hours prior to the date the drill will be conducted and shall include the date and time the drill will be conducted and the address of the school or educational institution. The notice shall be provided by mail, facsimile, or electronic submission.

(b) Not later than the fifth day of December each year, the principal or person in charge of each public or private school or educational institution shall provide written certification by mail, facsimile, or electronic submission of the date and time each school safety drill required under division (D)(1) of this section was conducted during the previous school year, as well as the date and time each drill will be conducted during the current school year, to the police chief or other similar chief law enforcement officer of the municipal corporation, township, or township or joint police district in which the school or institution is located, or, in the absence of any such person, the county sheriff of the county in which the school or institution is located. If such certification is not provided, the principal or person in charge of the school or institution shall be considered to have failed to meet this requirement and shall be subject to division (D)(4) of this section.

(3) The principal or person in charge of each public or private school or educational institution shall hold annual training sessions for employees of the school or institution regarding the conduct of school safety drills.

(4)The police chief or other similar chief law enforcement officer of a municipal corporation, township, or township or joint police district, or, in the absence of any such person, the county sheriff shall issue a warning to any person found in violation of division (D)(1) of this section. Each warning issued for a violation of division (D)(1) of this section shall require the principal or person in charge of the school or institution to correct the violation by conducting a school safety drill not later than the thirtieth day after the date the warning is issued. The violation shall not be considered corrected unless, not later than forty days after the date the warning is issued, the principal or person in charge of the school or institution provides written certification of the date and time this drill was conducted, as well as the date and time each remaining drill will be conducted during the current school year, to the police chief or other similar chief law enforcement officer or county sheriff who issued the warning.

(5)No person shall fail to correct violations by the date indicated on a warning issued under division (D)(4) of this section.

(E)The principal or person in charge of each public or private school or educational institution shall conduct at least one drill or rapid dismissal required under division (A) or (F) of this section, whichever is applicable, or one school safety drill required under division (D) of this section during each month of the school year. However, the principal or person in charge may determine the exact date and time that each drill will be conducted. A drill or rapid dismissal under division (A) or (F) of this section may be conducted during the same month as a school safety drill under division (D) of this section.

(F)If a public or private school or educational institution does not currently have smoke detectors, as defined in [section 3781.104 of the Revised Code](#), or a sprinkler system in all classroom buildings of the school, the principal or person in charge of the school or educational institution shall conduct drills or rapid dismissals at least nine times during the school year, pursuant to division (E) of this section, which shall be at the times and frequency prescribed in rules adopted by the fire marshal. At the discretion of the principal or person in charge of the school or institution, drills conducted under this division may be combined with drills conducted under division (D) of this section, so long as at least one drill conducted under that division provides pupils with instruction in the procedures to follow in situations where pupils must be secured in the school building rather than rapidly evacuated.

History

GC § 12900; 99 v 231; 109 v 253; Bureau of Code Revision, RC § 3737.29, 10-1-53; 136 v H 427 (Eff 1-30-76); RC § 3737.73, 137 v H 590 (Eff 7-1-79); 138 v S 18. Eff 7-1-79; [151 v H 422](#), § 1, eff. 9-28-06; [2011 HB 153](#), § 101.01, eff. Sept. 29, 2011; [2014 HB 178](#), § 1, effective March 23, 2015.

Annotations

Notes

Editor's Notes

The provisions of § 3 of [151 v H 422](#) read as follows:

SECTION 3. It is the intent of the General Assembly to encourage the United States Congress and the United States Department of Homeland Security to broaden the definition of “critical infrastructure” enacted in the “Homeland Security Act of 2002,” [6 U.S.C. 101](#) et seq., to include school buildings as they are a potential target of terrorist

attacks. Including school buildings as critical infrastructure would enable the Department to prioritize the security of school buildings by integrating them into its risk assessments and plans for protecting the national safety and welfare.

Amendment Notes

The 2011 amendment inserted “or joint” in the first sentence of (D)(2)(a), (D)(2)(b), and (D)(4).

151 v H 422, effective September 28, 2006, rewrote the section.

The 2014 amendment by HB 178, rewrote (A); substituted “division (A) or (F)” for “division (A)” in the first sentence of (B) and (C)(1); inserted “whichever is applicable” in the first sentence of (B); substituted “the applicable” for “that” in the first sentence of (C)(1); substituted “division (A), (B), or (F)” for “division (A) or (B)” in the first sentence of (C)(2); rewrote (D)(1); in the first sentence of (D)(2)(b), deleted “Not later than April 5, 2007, and” from the beginning, deleted “thereafter” following “December each year”, inserted “facsimile, or electronic submission”, and inserted “during the previous school year, as well as the date and time each drill will be conducted during the current school year”; substituted “meet this requirement” for “conduct the drill” in the last sentence of (D)(2)(b); inserted “as well as the date and time each remaining drill will be conducted during the current school year” in the last sentence of (D)(4); added (E) and (F); and made stylistic changes.

Opinion Notes

ATTORNEY GENERAL OPINIONS

Revised Code § [3737.29](#), which provides a penalty for the failure of a person in charge of pupils to instruct them in fire drill, is not applicable to universities: (decided under former analogous section) 1948 OAG No. 4057 (1948).

Research References & Practice Aids

Cross-References to Related Sections

Penalty, RC § [3737.99](#).

Provisions prohibited from fire code, RC § [3737.84](#).

Responsibilities of director of preschool program, RC § [3301.56](#).

Ohio Administrative Code

Department of education —

Fire drills, rapid dismissals, and tornado drills; standards and policies—

Child day-care programs. **3 Ohio Sch. Law:** [OAC 3301-37-04](#).

County board of MR/DD special education programs. **3 Ohio Sch. Law:** [OAC 3301-53-01](#).

Department of youth services educational programs. **3 Ohio Sch. Law:** [OAC 3301-30-04](#).

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Kindergarten through twelfth grade. **3 Ohio Sch. Law:** [OAC 3301-35-03](#).

State developmental centers and hospitals. **3 Ohio Sch. Law:** [OAC 3301-55-01](#).

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