



Arming School Staff – the way to go?

Presented by

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ARMING SCHOOL EMPLOYEES

I. Can You Do It?

- A. R.C. 2923.122(A) prohibits the conveyance of a deadly weapon into a school safety zone.
- B. R.C. 2923.122(B) prohibits any person from knowingly possessing a deadly weapon in a school safety zone.
- C. R.C. 2923.122(D)(1) exempts from this prohibition officers, agents, and employees of the state or the federal government who are authorized to carry deadly weapons, and law enforcement officers who are acting within the scope of their duties; and security officers who are on duty pursuant to a contract of employment with a board of education.
- D. R.C. 2923.122(D)(1) also exempts “any other person who has written authorization from a board of education ... to convey deadly weapons ... into a school safety zone or to possess a deadly weapon ... in a school safety zone and who conveys or possesses the deadly weapon ... in accordance with that authorization.”
- E. Definitions.
 - 1. A deadly weapon means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.
 - 2. Firearm is defined as any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.
 - 3. School safety zone consists of a school, school building, school premises, school activity, and school bus.
 - a. School means any school operated by a board of education, any community school, or any nonpublic school for which the state board of education prescribes minimum standards, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted.
 - b. School building means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building.
 - c. School premises means either the parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted; or any other parcel of real property that is owned

or leased by a board and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted.

- d. School activity means any activity held under the auspices of a board of education, a governing authority of a community school, a governing board of an educational service center, or a governing body of a school for which the state prescribes minimum standards.

F. A violation of R.C. 2923.122(A) or (B) is a felony of the fifth degree.

II. How Do You Do It?

- A. Board acts by official resolution in a public session.
- B. Authorization must be in writing.
- C. As part of a school safety plan.
 - 1. R.C. 3313.536 requires every board of education to adopt a comprehensive school safety plan for each school building.
 - a. The board shall determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems.
 - b. The board shall involve law enforcement, parents, teachers, and nonteaching employees.
 - c. The board shall incorporate a protocol for addressing serious threats to the safety of persons and property, and a protocol for responding to any emergency events that occur and compromise the safety of persons and property.
 - 2. The board may hold an executive session to discuss details relative to the security arrangements and emergency response protocols, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body. (R.C. 121.22(G)(6)).
 - 3. A school safety plan is not a public record. (R.C. 149.433(A)(3)(c); 3313.536(C)).

III. Is That It?

- A. Federal law (18 U.S.C. 922(q)(2)(A)) states that it shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows or has reasonable cause to believe is a school zone.
- B. Under 18 U.S.C. 922(q)(2)(B)(ii) this prohibition does not apply to the possession of a firearm if the individual possessing the firearm is licensed to do so by the state in which the school zone is located and the law of the state requires that

before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license.

- C. Does Ohio require a license to possess a firearm?
- D. R.C. 2923.125 – License to carry a concealed handgun.
 - 1. Application is made to the county sheriff.
 - 2. Requires completion of firearms safety course.
 - 3. Requires a background check.
 - 4. Satisfies state and federal law.

IV. Should You Do It?

- A. Insurance coverage.
 - 1. May not have coverage unless district purchases a specific endorsement.
 - 2. Insurance carrier likely will want to know who is authorized to carry a firearm; the type of training/certifications they have; are there any exclusions? Likely will want to specifically underwrite for such coverage.
 - 3. Violent Event Response Endorsement generally does not cover medical costs unless at least three people are injured.
 - 4. According to *The New York Times* insurers in some states declined coverage for schools that permitted employees to carry concealed handguns; some declined workers' compensation coverage to schools with gun-carrying employees; and others added an annual premium of \$2,500 for each staff member carrying a weapon on the job. *The New York Times*, July 7, 2013.
- B. Will statutory immunity under R.C. 2744 apply?
- C. Work with local law enforcement.
- D. Miscellaneous.
 - 1. December 19, 2012 Attorney General Mike DeWine, "If I was on a school board ... I would seriously consider having someone in that school, who may be an ex-police officer, someone who has significant training, someone who had access to a gun in school."
 - 2. December 2012 Buckeye Firearms Association announces "Armed Teacher Training Program."
 - 3. Schools begin to authorize employees to carry firearms.
 - a. January 2013 Montpelier Local Schools in Williams County authorized 4 custodians to carry firearms in school (1 retired officer, 1 part-time officer).
 - b. January 2013 Orrville City Schools in Wayne County authorize a HS teacher to carry a firearm (part-time township officer).

- c. January 2013 Butler County Sheriff announced a plan to have retired police officers trained to become substitute teachers.
 - d. February 2013 Stow-Munroe Falls City Schools in Summit County authorize 73 active or retired police to carry weapons on school grounds.
 - e. July 2013 Edgewood City Schools became the first district in SW Ohio to adopt a policy allowing administrators to carry concealed handguns onto school property.
 - f. August 2013 West Holmes Local Schools announced that guns will be locked up in district school buildings to prepare for an active shooter situation.
4. August 2013 *Wall Street Journal* article discussed schools installing panic button systems as a security measure.
 5. March Ohio School Boards Association reports that 42% of Ohio school districts use school safety officers. 58% of those districts that do not currently use school safety officers are interested in acquiring them.
 6. May 14, 16, 2013 Ohio Public Safety Director says he would not give guns to teachers in school and urges the State Board of Education not to support arming untrained teachers with guns. Mike DeWine tells State Board that the training required to obtain an Ohio concealed carry permit is not enough. "That's not the kind of training I'm talking about. I would want someone who had been in the military or who has been a police officer or who has taken some extensive courses, that's beyond a 12-hour course."
 7. Columbine High School had an armed deputy on duty at the time of the shooting in 1999.
 8. November 2003 two police officers left a gun in a rest room in a school on two separate occasions. January 2013 an armed security guard left a gun in a restroom in a Michigan public school. A janitor in Texas who was authorized to carry a gun at school shot himself in the leg while at school.

E. Legislation.

1. H.B. 59 – Budget Bill: included School Security Grant Program to reimburse schools up to \$2,000 for an emergency communication system and/or up to \$5,000 for the purchase of a security entrance system at one entrance per eligible school building. Application program through OSFC began in October 2013; and

Authorized school districts to levy a property tax exclusively for school safety and security purposes. Effective September 29, 2013.
2. S.B. 126 – Introduced in May 2013 to require the State Board of Education to establish criteria and procedures for the awarding of school

safety funds to school districts and to appropriate \$70MM in FY2014-15 to be used for school safety projects. Assigned to committee.

3. H.B. 215 – Introduced in June 2013 to authorize a board of education to enter into an agreement with a volunteer who is a current or retired law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, and to provide immunity from civil liability for loss arising from the volunteer’s services and to provide a tax credit for the volunteer service. Assigned to committee.
 4. H.B. 231 – Introduced in July 2013 to modify the prohibition against carrying a concealed handgun into school safety zones. Assigned to committee.
- F. June 7, 2013 Attorney General released recommendations of School Safety Task Force and a safety plan template. www.ohioattorneygeneral.gov.
- G. Federal government has released a guide for developing high quality school emergency operations plans. www.rems.ed.gov.

Sheriff Russell Martin



- 32 years law enforcement experience
- Graduate of the F.B.I. National Academy
- Bachelor of Science in Criminal Justice, Bowling Green State University
- Graduate of the Certified Law Enforcement Executive Program and the Police Executive Leadership College



How Safe Are We?



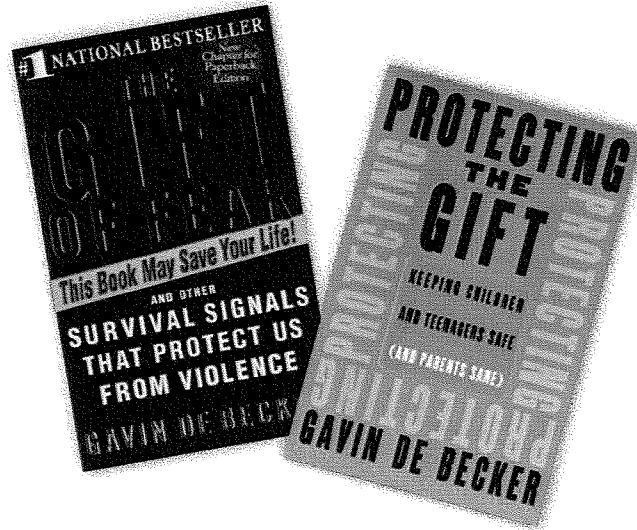
Millions of Kids are Safe
in our Schools Every Day



Intuition



Risk Assessment



Average Response Time



Why preparation is necessary



Fight

Flight

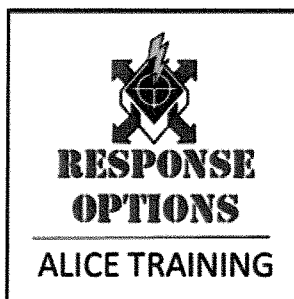
Freeze



The School Building

- **Student & Employee Identification**
- **Communication**
- **Hall Monitoring**
- **Interior Doors**
- **Book Bags**
- **Clothing (dress policy)**
- **Critical Incident Manual**
- **Student Movement**

A.L.I.C.E.



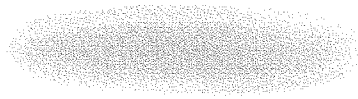
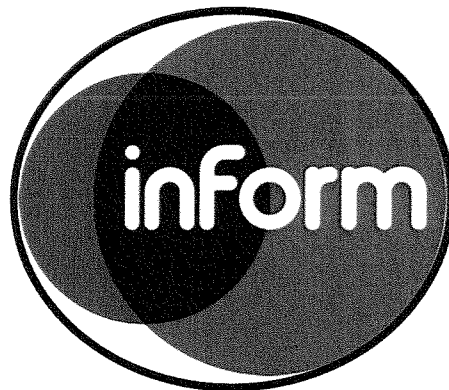
ALERT



LOCKDOWN



INFORM



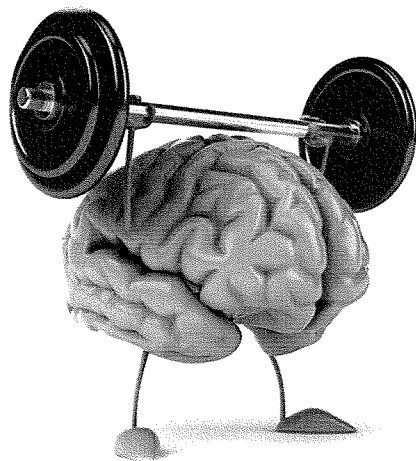
COUNTER



EVACUATE



Train Your Brain



Do Something



When faced with danger, you must do something.

“In a moment of decision, the best thing you can do is the right thing. The next best thing is the wrong thing. The worst thing is nothing.”

Theodore Roosevelt

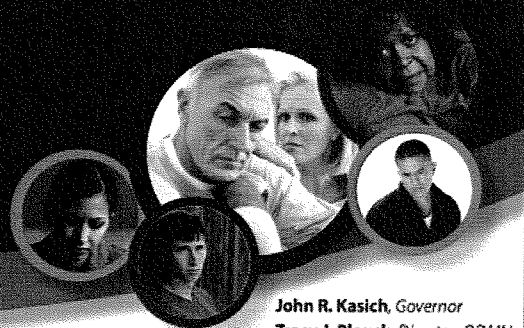
Taking Responsibility



Firearms and Mental Illness

Memo

January 2, 2013



John R. Kasich, Governor
Tracy J. Plouck, Director, ODMH

TO: Alcohol, Drug Addiction and Mental Health Services Partners

FROM: Mark Hurst, MD, *Medical Director*, Ohio Department of Mental Health

TOPIC: Firearms and Mental Illness

A tragic event recently occurred in Connecticut when an individual killed 20 schoolchildren, six educators and his own mother before turning the gun on himself. Unfortunately, other similar events have occurred in recent years, including one earlier this year at Chardon High School right here in Ohio. As a result of these events, the mental state of the perpetrator is invariably called into question, leading to concerns about the tendency for violence among individuals with a mental illness. In some cases, it is clear that the perpetrator had a mental illness. In others, it is clear that he or she did not have a mental illness. In many situations, we simply do not know.

In reality, only a small number of violent acts directed towards others are committed by individuals with mental illness, and these acts are more common among individuals who are not actively in treatment and who are abusing substances. It is much more likely for individuals with mental illness to take their own lives. About 30,000 deaths in the U.S. each year are a result of suicide, with more than half of these suicides accomplished using a firearm. This amounts to about 500 deaths by suicide with a firearm in Ohio and 15,000 deaths by suicide with a firearm in the U.S. each year. When individuals with certain mental illnesses are actively experiencing symptoms, they may be impulsive, misperceive reality and have impaired judgment. If firearms are available, the risk to themselves and others markedly increases.

Health care providers have no duty more important than to maintain the wellness and safety of patients and the community. This includes ensuring access to treatment, providing effective treatment for psychiatric disorders, addressing substance abuse, assuring continuing outpatient care *and* addressing access to firearms. Both state and federal laws exist restricting the ownership of firearms for individuals with mental illness, but some individuals who are mentally ill still obtain them. In addition, many patients live with family members who own firearms.

Regardless of current or future laws, access to firearms represents a genuine clinical issue that health care providers should routinely address with **all** patients and their families. Both should be advised of the risks involved with individuals who are mentally ill possessing firearms, and the importance of avoiding this risk factor. In addition, hospitals (or other agencies or facilities) in which a person is an involuntary patient, should ensure that Bureau of Criminal Investigation (BCI) forms are completed and submitted within seven days after the adjudication of mental illness or commitment (Ohio Revised Code Section 5122.311). In appropriate clinical circumstances, duty to protect interventions should also be implemented.

While our clinical interventions alone will not eliminate all firearm-related events, they most certainly eliminate some of them. Even one life saved is worth it.

Questions? Contact Dr. Mark Hurst, ODMH medical director, at mark.hurst@mh.ohio.gov or Marc Baumgarten, chief of the ODMH Office of Legal Services, at marc.baumgarten@mh.ohio.gov.

<http://mentalhealth.ohio.gov>