

Book	Policy Manual
Section	Vol. 41, No. 1 - August 2022
Title	Vol. 41, No. 1 - August 2022 Revised WEAPONS
Code	po4217
Status	First Reading
Adopted	November 9, 2009
Last Revised	December 21, 2017

REVISED POLICY - VOL. 41, NO. 1

4217 - WEAPONS

The Board of Education prohibits staff members from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle, except as permitted by law.

The term weapon includes any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ~~ordinances~~ **ordinances** under State law.

The Superintendent shall immediately refer a staff member who violates this policy to law enforcement officials, regardless of whether such staff member possesses a valid concealed weapon license. The staff member who violates this policy will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.

Exceptions to this policy include:

- A. weapons under the control of State or Federal agents authorized to carry deadly weapons who are acting within the scope of their duties or law enforcement agents, ~~and~~ **(-)** weapons carried by security personnel ~~or other designated staff~~ employed by the Board who are qualified under State law to carry a weapon in a school safety zone while on active duty;

~~{DRAFTING NOTE: The Ohio Supreme Court has ruled that under current State law an employee must have completed either the State-approved basic peace officer training program or have at least twenty (20) years of active-duty experience as a peace officer in order to be qualified to carry a gun onto school property. Gabbard v. Madison Local Sch. Dist. Bd. of Edn. Slip Opinion No. 2021-Ohio-2067 (June 23, 2021). Districts should consult with legal counsel to confirm eligibility requirements under current law before designating an employee to carry a concealed weapon onto school property.}~~

- B. handguns in the possession of **an individual who has been issued a concealed handgun license that is valid at the time of conveyance** ~~a person who has a valid concealed handgun license~~ or who is an active duty member of the armed forces with a valid military identification card and documentation of successful completion of firearms training if the handgun remains in a vehicle with the individual or is left in a locked vehicle when the person exits the vehicle;

~~{DRAFTING NOTE: With the passage of S.B. 215, Ohio's concealed-carry gun laws changed significantly. The change took effect June 13, 2022 and for the first time, authorized qualified individuals to carry certain weapons without an official concealed-carry license. The revised law defines "qualifying adult" as a person who is twenty-one (21) years of age or older, is not legally prohibited from possessing or receiving a firearm under specified Federal or State law, and satisfies specified criteria necessary to obtain a concealed handgun license. Importantly, however, the law still requires an individual to have a concealed-carry permit or be an active duty member to carry a weapon onto school grounds under these limited circumstances. Permitless carriers are not allowed to carry weapons into a school safety zone. A violation of this law is still considered a felony offense in~~

- C. (x) weapons carried by other qualified individuals who receive written authorization by the Board as summarized below:

Qualified Individuals with Written Authorization to Carry Weapons

Individuals who are not hired to serve as special police officers or security guards, or to serve in similar law enforcement or security positions, may receive written authorization from the Board to carry weapons onto school property if they meet the following requirements:

1. the individuals have successfully completed the curriculum and training required under State law, or alternatively have received a certificate of satisfactory completion of an approved basic peace officer training program, or are a law enforcement officer; and
2. the individual submits to an annual criminal background check.

Qualified individuals who have not completed the peace officer training program must complete initial training of up to twenty-four (24) hours, as well as annual requalification training of up to eight (8) hours, which is developed and provided by the Department of Public Safety's Mobile Training Team ("MTT"). In addition to the training required under State law, the Board may require further training for individuals to become or remain eligible. Individuals must fulfill any other requirements adopted by the Department of Public Safety as well. The Board will pay all fees associated with any required training. As an alternative to requiring a designated individual to complete training provided by the MTT, the Board has the authority to develop and adopt alternate curriculum, instruction, and training that follows the private investigator and security guard firearms training guidelines. Alternate curriculum and training will be submitted and approved in advance by the Ohio School Safety and Crisis Center ("OSSCC").

- D. (x) objects indistinguishable from a firearm used during school safety trainings;
- E. (x) items indistinguishable from a firearm approved by a principal as part of a class or individual presentation under adult supervision if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);
- F. (x) theatrical props used in appropriate settings;
- G. (x) starter pistols used in appropriate sporting events.
- H. (-) _____

The Board will notify the public, using the Board's regular channels of public communication, that it has authorized one (1) or more persons to go armed within a school operated by the Board when such authorization is granted. The Board will also submit a current list of qualified individuals who have received written authorization to carry weapons to the OSSCC which is within the Department of Public Safety. Records pertaining to individuals authorized to carry weapons onto school property do not constitute public records.

Staff members shall immediately report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the **Principal**. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

The Board directs the Superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. The notices shall contain a statement substantially in the following form:

"Unless otherwise authorized by law, pursuant to R.C. 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

R.C. 109.78, **149.43, 149.433**

R.C. 2923.11, 2923.12, 2923.19, 2923.22, 2923.122, 2923.161, 3313.20

R.C. 5502.70, 5502.701, 5502.702, 5502.703

18 U.S.C. 922

© Neola 2022 

Legal

R.C. 109.78, 149.43, 149.433

R.C. 2923.11, 2923.12, 2923.19, 2923.22, 2923.122, 2923.161, 3313.20

R.C. 5502.70, 5502.701, 5502.702, 5502.703

18 U.S.C. 922