



MIKE DEWINE

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James Irvine
Chairman
Buckeye Firearms Association

Via Email - jirvine@buckeyefirearms.org

Dear Jim,

In the aftermath of recent tragic school shootings, there is a growing national debate on whether local school boards should allow their employees to carry firearms. I've been asked whether Ohio law gives local school boards the authority to arm administrators, teachers, or other staff.

Ohio law does not prevent a local school board from arming an employee, unless that employee's duties rise to the level that he/she would be considered "security personnel." In other words, a school may allow a teacher to go armed on school property. But if that teacher is required to, in essence, become a security guard as well, the teacher must either have a basic peace officer certification from the Ohio Peace Officer Training Academy or he or she must have 20 years of experience as a law enforcement officer. R.C. 109.78(D).

I do not believe that R.C. 109.78(D) applies to non-security personnel. Put simply, it is unlikely that the General Assembly intended this language to reach *every* school employee. Had they intended to do so, they would have simply said that no school may employ "*any person* who goes armed." Instead, the General Assembly's use of "special police officer, security guard, or other position" suggests that "other positions" applies to security personnel. Thus, a board of education or governing body of a school may give non-security personnel written authorization to carry a weapon onto the premises. R.C. 2923.122(D)(1)(a). That person, however, is still subject to the carry and conveyance restrictions under Ohio's Concealed Carry Laws. R.C. 2923.12.

Of course, how a school classifies a particular employee's duties is a question that can only be answered by the local school district's employment practices and policies. For example, in a time of crisis, every employee may be expected to help secure the children on the premises, but that does not necessarily mean that every employee is a security guard. Conversely, if the school were to require an assistant principal to perform

specific, routine security sweeps of the facilities, it might be functionally converting the position into one that falls under R.C. 109.78.

These are all fact-specific factors that will vary from school district to school district. That is why I believe this subject requires legislative review and hope the General Assembly will address this issue. This is an important question that is part of a wider public debate across Ohio.

Very respectfully yours,

A handwritten signature in blue ink that reads "Mike DeWine". The signature is fluid and cursive.

Mike DeWine
Ohio Attorney General

A handwritten signature in black ink that reads "Robert Fiatal". The signature is in a cursive style.

Robert Fiatal
Executive Director
Ohio Peace Officers Training Commission