
SCHOOLS - OHIO

Gabbard v. Madison Local School District Board of Education

Supreme Court of Ohio - June 23, 2021 - N.E.3d - 2021 WL 2557315 - 2021-Ohio-2067

Parents of students filed action against school board and related defendants, seeking permanent injunction precluding school district from implementing resolution allowing authorization of several district employees to carry concealed firearms into school safety zones and seeking declaratory judgment that resolution was unlawful.

The Court of Common Pleas granted school board's motion for summary judgment. Parents appealed. The Twelfth District Court of Appeals affirmed in part, reversed in part, and remanded. School board filed discretionary appeal, which the Supreme Court accepted.

The Supreme Court held that:

- Training-or-experience requirement for school personnel to be armed while on duty applied to school employees, including teachers, administrators, and other staff members, and
- Exception to statute criminalizing possession of deadly weapon in school safety zone for those authorized by board of education did not permit board to circumvent training-or-experience requirement.

Training-or-experience requirement in statute prohibiting a school from employing a person as a special police officer, security guard, or other position in which such person was armed while on duty unless the person had satisfactorily completed basic peace-officer training or had 20 years of experience as a peace officer applied to school employees, including teachers, administrators, or other staff members, who went armed while on the job, and not only to employees who served in safety or security positions that inherently required employee to be armed; statute did not tie application of training-or-experience requirement to duties of employee's position, and General Assembly could have expressly limited statute to those employed in police capacity but did not.

Statute criminalizing possession of deadly weapon in school safety zone except by certain categories of people, including persons who acted in accordance with written authorization from board of education, did not permit school board to circumvent statute prohibiting a school from permitting an employee to be armed while on duty unless the person had satisfactorily completed basic peace-officer training or had 20 years of experience as a peace officer; criminal statute addressed only effect of school board's prior authorization on armed person's exposure to criminal liability and not circumstances of appropriate authorization, and had General Assembly perceived any conflict in criminal and training-or-experience statutes, it could have addressed it in statutory language.

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