

Ohio Supreme Court Grants Interim Revival of Madison Local's Resolution to Allow Employees to Carry Concealed Weapons

By Leighann K. Fink

On August 26, 2020, the Supreme Court of Ohio, in *Gabbard v. Madison Local School District Board of Education*, granted the Board's Motion to Stay the March 30, 2020 decision of the Twelfth District Court of Appeals, which reversed an order approving the Board's resolution to authorize certain employees to carry concealed firearms on District property.

The Twelfth District, in the decision at issue, examined two sections of the Ohio Revised Code, R.C. 109.78(D) and R.C. 2923.122, in concluding that the Board's resolution authorizing certain employees to carry concealed firearms on District property violated Ohio law. In order to convey or possess a deadly weapon or dangerous ordinance on school property, R.C. 109.78(D) mandates the completion of "basic peace officer training," unless the individual "completed twenty years of active duty as a peace officer." R.C. 2923.122, however, prohibits an individual from "knowingly possessing a deadly weapon or firearm in a school safety zone," but creates an exception if a person "has written authorization from the board of education or governing body of a school" to do so. In striking down the Board's resolution, the Twelfth District explained that the exception under R.C. 2923.122 does not remove the training and/or experience requirements in R.C. 109.78(D).

The Board appealed and moved to stay the Twelfth District's ruling until a decision on the merits is reached. Because the Supreme Court granted the Board's stay, the resolution authorizing certain Board employees to carry concealed firearms on Madison Local School District property is, at least, temporarily revived, until the Supreme Court determines otherwise.

Importantly, the Supreme Court also ordered an expedited briefing schedule and indicated that no stipulations or requests for extensions of time would be granted.

Please contact any of the listed attorneys regarding the potential impact of this issue on your district. We welcome any questions.

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