

GOVERNMENT
OVERSIGHT AND REFORM
COMMITTEE

Witness Form

Today's Date 7/20/2020

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Organization Representing: _____

Testifying on Bill Number: _____

Testimony: Verbal Written Both

Testifying As: Proponent Opponent Interested Party

Are you a Registered Lobbyist? Yes No

Special Requests: _____

Written testimony is a public record and may be posted on the Ohio Senate's website

Thank you for the opportunity to express my opposition to Senate Bill 317.

I would like to state I am 67 years old and have been a gun owner for my entire adult life. I am not an advocate for unreasonable gun regulation but I am a strong advocate for reasonable gun regulation because I believe reasonable gun regulation is one key element in the effort to reduce gun violence and mass shootings which have become all too common across our state and across our country.

SB317 strikes at the heart of the extremely critical issue of school shootings, specifically elimination of any and all state mandated training requirements for Ohio school employees who "go armed while on duty". Since SB317 literally deals with life and death issues involving our children, teachers and other members of our school staff, I implore you to give this bill the very careful consideration it deserves. When deliberating about SB317, please put political differences and personal agendas aside and focus on making decisions which maximize the physical and psychological safety of our children and our school employees.

It is important to understand SB317 has been introduced, and is supported by, individuals and organizations with a strong interest in advocating for prevention and elimination of reasonable gun regulations. As stated by language contained at the very end of SB317, the stated purpose of this bill is to undermine a lawsuit against the Madison Local School District. Almost one year and nine months ago this lawsuit was filed by a group of parents with children attending Madison Local Schools in September of 2018, and the lawsuit has since been working its way through the court system. While I am not a litigant in this lawsuit, I have been deeply involved in the issue since its origin and I am quite knowledgeable about the issue. It is my contention a single judge in the Butler County Court of Common Pleas initially issued an errant ruling when he ruled armed Madison school employees should not be governed by the language contained in ORC 109.78d. My contention was later supported when three judges in the 12th District Court of Appeals overruled the lower court ruling and ruled the policy adopted by the Madison Board of Education on April 24th, 2018 **does** in fact violate the training requirements clearly specified in

ORC 109.78d. The Madison Board of Education, **without a vote by the members of the board**, has now appealed the ruling to the Ohio Supreme Court. The very fact SB317 has been introduced in an attempt to manipulate the legislature to undermine the lawsuit before it comes before the Ohio Supreme Court, is clear evidence that even the Madison Board of Education and their radical gun allies are concerned the Ohio Supreme Court may enforce ORC 109.78d as written and uphold the ruling of the 12th District Court of appeals.

I would like to underscore a few key points regarding my opposition to SB317 and rebut some claims made by supporters of SB317 ...

1) Supporters of SB317 falsely imply ORC 109.78d was never intended to apply to school employees therefore the training requirements contained in 109.78d should not apply to school employees who 'go armed while on duty'. The supporters of SB317 have even gone so far as to solicit legal briefs from their powerful political allies to support their obviously false claim.

This claim is immediately proven false by the first six words of the language contained in 109.78d which literally reads "**No public or private educational institution**" then the language goes on to state ", or superintendent of the state highway patrol **shall employ a person** as a special police officer, security guard, **or other position** in which such person goes armed while on duty, who has not received a certificate of having satisfactorily completed an approved basic peace officer training program, unless the person has completed twenty years of active duty as a peace officer."

Counter to the claims of the supporters of SB317, this clear, straight forward and unambiguous language contained in ORC 109.78d makes it crystal clear the creators of 109.78d specifically intended the training requirements to encompass **any and all school employees who 'go armed while on duty'**.

2) Supporters of SB317 incorrectly imply responses for requests for armed assistance from many rural schools may experience delays of up to 30 minutes before armed assistance in the form of professional law enforcement may arrive at their school.

This false claim is disproven by the fact that, in response to the epidemic of gun violence, most, if not all, schools in Ohio currently have one or more armed School Resource Officers (SROs) on duty in their school at all times. It should be noted Madison

Local Schools had one SRO on duty when a school shooting occurred in the crowded cafeteria of Madison Local Schools on February 29th, 2016 and the SRO was on the scene within 9 seconds of the first shot being fired by the shooter. In fact the SRO had just exited the cafeteria only seconds before the shooting began. This is strong evidence that the presence of armed security individuals in our schools does not provide an effective deterrent to mentally/emotionally disturbed individuals bent on committing gun violence in our schools. Fortunately the SRO was a professional, well trained, experienced law enforcement officer who had the knowledge and forethought not to discharge his weapon inside a cafeteria filled with students and school staff. The shooter, who was a teenage male student, dropped his weapon and fled the scene. No one knows how the outcome may have been different if multiple, poorly trained and unqualified armed civilian school staff members had been present in the cafeteria that day, but, it is reasonable to assume the outcome could have been far worse if more shots were irresponsibly fired inside the crowded cafeteria during that tragic event. Two students received life threatening gunshot wounds during this tragic event and two others were less seriously injured, but due to the fact that the shooter was armed with a simple hand gun rather than a deadly military style assault weapon, no one died as a result of this tragic event.

Immediately following the shooting, the Madison Board of Education added a second SRO who is also a professional law enforcement personnel. No community objections were raised. Objections were only raised when two years later the Madison Board of Education approved a resolution to allow armed civilian staff in our school with virtually no advance notice or communication with the Madison community. Even teachers at our school were not consulted or notified before the resolution was passed by our board of education.

3) The question of legal recourse for communities which object to armed civilian staff in their schools.

I attended your public committee hearing on Wednesday May 27, 2020 where proponents of SB317 were afforded an opportunity to speak before [your](#) committee. I would like to say the proceedings were conducted with a respect and attentiveness that I have not experienced while attending monthly meetings of the Madison Board of Education over the past two years, and your respect and attentiveness is greatly appreciated. It should be noted that only a single person spoke in support of SB317, and

that speaker spoke on behalf of a radical gun advocacy group. It should also be noted these radical gun advocacy groups have ulterior motives in supporting HB317 and those ulterior motives should be given strong consideration when deliberating SB317. During the hearing on Wednesday I was also struck by the constructive discussion between senators. One topic of discussion involved hypothetical scenarios about legal recourse for community members who may object to unqualified, poorly trained, unaccountable civilians carrying guns in our schools. Rather than relying on hypothetical situations, I would like to explain what has actually transpired in our community regarding our board of education passing a resolution to allow armed staff without regard for the training requirements clearly explained in ORC 109.78d. In addition to the lawsuit referred to in SB317, another lawsuit has been filed in federal court in Cincinnati based upon alleged violations of first amendment rights of members of the Madison community by the Madison Board of Education by engaging in tactics clearly intended to silence their speech in opposition to the Madison Board of Education's policy allowing armed civilians in our school. I am one of five plaintiffs in that lawsuit. This lawsuit was filed only after months of tactics employed by our board of education intended to silence the voices of community members.

When asked about how the elimination of the training requirement contained in ORC 109.78d could affect legal recourse for citizens opposed to armed civilians in our schools, the speaker at the Wednesday session (*and I think Senator Coley also*) attempted to dismiss these concerns by stating community members could simply vote to remove offending members from their board of education. I would like to remind committee members our five board of education members are elected to serve four year terms with staggered terms resulting in the opportunity to replace a portion of the board members in two year intervals ... the process of replacing the entire board could span a total of six or more years.... an awfully long time to have a dangerous gun policy in place. The process of replacing the members of the Madison board of education began in our community during the election which took place in November of 2019 when terms of three board members expired. As a result of the 2019 election, two of the three existing board members were replaced with new board members. The next opportunity to replace the other two board members will occur when their terms expire during the election in November of 2021, with any new board members assuming their duties in January of 2022. Assuming the new board members at that time are in agreement with elimination of armed civilians from our school, and assuming the new board members repeal the resolution to allow armed civilians in our school, it will have taken four years to affect this change within our community. If more board members will need to be replaced to affect the change, it will have taken six or more years to affect the change. This is an unacceptable length of time to have such a dangerous policy based upon the opinions and personal agendas of five individuals in place within our community. Community members need the ability to more quickly and effectively address dangerous policies,

and those abilities to address such policies only exist when the issues are addressed within laws. Without adequate stipulations in laws, community members in fact have no viable, timely legal recourse.

4) The need for state guidelines for armed individuals in our schools.

Without sufficient guidelines within our laws, it is a foregone conclusion that each individual board of education would invariably develop their own guidelines which would no doubt result in major inconsistencies from one school district to another with literally hundreds of different policies ... as a matter of fact, with districts such as Madison ignoring the training requirements currently contained in 109.78d, while other districts abide by the law, inconsistencies already exist. I understand that certain districts may have different security needs than other districts but, there are many requirements which should be consistent across all districts such as minimum levels of certification required, frequency of psyche evaluations and recertification for armed individuals, the types of weapons and ammunition allowed, accountability issues, etc., etc. I believe it is perfectly plausible that the creators of 109.78d, rather than creating a new list of requirements for armed individuals in schools, may have wisely chosen to simply require armed individuals in schools to have a police officer training certification with the knowledge that maintaining a police officer certification assures armed individuals in our schools will have the necessary training, certifications and accountability without the need to create a whole new set of requirements which would need to be maintained and adjusted as situations change over time. Requirements for armed individuals in our schools should extend well beyond the ability to fire a gun. School boards do not have the experience, the knowledge nor the expertise to develop and administer such guidelines and these extremely important guidelines should be left in the hands of professionals who do this type of work as part of their chosen profession. This is clearly demonstrated by simply reading the depositions pertaining to the lawsuit which clearly show the members of the Madison board of education and administrators of Madison schools do not have consistent views and understandings about their own policy regarding how it is to be administered and maintained.

5) The need for reasonable regulations aimed at minimizing gun violence.

Common sense makes me believe the epidemic of gun violence and mass killings which has engulfed our country in recent years will only be made worse by the irresponsible expansion of more and more guns into more areas of our society. It is much more logical to believe stronger gun regulations could help curb this violence over time. We certainly should not be sending signals to young school children that carrying a gun on our person at all times is a necessity to live and function in our society. These radical gun groups should not be allowed to force their views on our communities by doing things such as eliminating the training requirements currently contained in ORC 109.78d. It is one thing to stand in the way of new common sense gun regulations but, it takes it to an even higher level when attacks are made upon long standing regulations which were obviously designed to maximize gun safety. For this reason, I encourage your committee to stop the progress of SB317.

In closing let me try to help put this in a perspective we can all understand. As we enter the statehouse we are all checked for weapons by a professional security person possessing the necessary training and skills needed to perform their function. Security personnel are located in your hearing rooms, and I suspect it is safe to assume those security personnel must also meet certain criteria and standards prescribed by laws which were carefully crafted by legislators like yourselves to ensure safety and security. Would you feel comfortable leaving those safety and security decisions in the hands of school board members who have no experience and expertise in such matters, and who are subject to be replaced as a result of election cycles which occur every two years with no guarantees of how new board members may or may not administer such important policies? We should not allow our society to descend into vigilantism simply because some individuals in our society believe their right to own a gun brings with it the right to force their beliefs on the rest of our society. Recent attempts by such radical gun owners to force their way into our/your state house while brandishing military style assault weapons make the answers to these questions perfectly clear.

Thanks for taking time to read this rather long message, and I will gladly respond to any questions you may have.

