

TESTIMONY OPPOSING HB99  
SENATE VETERANS AND PUBLIC SAFETY COMMITTEE  
TESTIMONY OF ANDREA R. YAGODA

Chair Hoagland, Vice Chair, Johnson, Ranking Member Thomas, and members of the Senate Veterans and Public Safety Committee, thank you for affording me the opportunity to testify in opposition to House Bill 99. I am a private citizen and a resident of Ohio for the last 47 years, concerned about the safety of our children and how this bill affects the same. My name is Andrea Yagoda and I presently hold a concealed carry permit. I have had a permit since the early inception of the law providing for such permits.

Although I am pleased to see the added training and notice requirements, I still do not believe it is in the best interests of students, teachers or personnel that individuals be armed in schools.

First, it is quite disappointing that for as long as this Bill has been pending we still have no guidance from the Ohio Peace Officer Training Commission . This legislative body is being asked to vote on a Bill lacking specifics. As we know arming of individuals in schools is permitted in Ohio. This bill is to address how much training is going to be required and what that training would consist of. This bill merely states that the OPOTC will make recommendations, limits those recommendations to eighteen (18) hours of general training, two (2) hours additional training. How does this legislative body determine whether this is adequate training. The only specifics we have is regarding the firearm training, a mere two (2) hours. Yes, HB 99 appears to require that any person authorized to be armed have a valid Conceal Carry Permit. Some question whether this is

applicable in light of SB 215 which amended ORC 2923.111 to declare that all those age 21 or older do not need a permit under all circumstances where permits were required. Even if still required nothing in the bill provides for the age of the permit. By way of example I received my Conceal Carry Permit when the law went into effect over 10 years ago. My firing capabilities have not been tested since that time. Effectively, then this bill really requires only two (2) hours of firearm training. Two hours, four hours, really? From someone who has had two (2) hours of firearm training and gone to the range regularly before covid, this is wholly inadequate. I find myself asking who would volunteer to be the person with the gun? Who thinks they can be a hero and walk into the eyes of death? No psychological examination is required which concerns me.

In Gabbard v Madison School, 2021-Ohio-2067 the issue before the Supreme Court was whether the training requirements of police officers or security guards “**employed**” by school boards, are applicable to teachers, administrators, and other school staff. In his testimony Representative Hall stated: “Allowing **Staff** to protect students and colleagues...” However, this bill, as written, does not limit the School Board’s ability to designate only staff to be armed. It gives them the discretion to authorize any individual who has the training and a CCW permit<sup>1</sup> to be armed. Therefore, a school board could authorize anyone who has a CCW permit and the training to be armed at the school. Further, under this bill a school district can get around the training requirement of security guards if they are not “employed” by the school district

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<sup>1</sup> Issues could be raised whether the CCW permit is still required under SB 215 which amended ORC 2923.111 to provide that anyone age 21 or older stands in the shoes of a permit holder.

and are not acting under a contract which are the terms used by the bill. Is a volunteer acting as a security guard “employed” by a school district. After reviewing the terminology of this bill I would say no.”

These persons we are giving school boards the authority to arm, are presumably charged with the same responsibility as those “employed” to protect and therefore should be required to have the same level of training.

While I agree that perhaps the physical fitness and other aspects of peace officer training may not be necessary, the skill assessment and written exam and the many hours of training should apply. Sergeant Spicer’s previous testimony was enlightening. He referred to continuing education and continual training in marksmanship; force on force training; yearly requalification; active shooter training, etc. This bill lacking in specifics does not reveal whether active shooter training will be covered, does not reveal whether force on force will be required, lacks continual training as it only provides for annual training, lacks requalification as does not require successful completion of annual training.

As written this bill fails to address proper storage so are we to assume that these authorized persons can open carry or conceal carry in the schools? The bill also fails to specify what type of firearms can be brought onto the school premises. A handgun, a rifle, an automatic weapon?

Nor does the Bill address who is qualified to conduct the training. In my opinion a business that is being paid to provide the training has a conflict of interest. Will they “pass” trainees to keep the money flowing? How many times can an individual fail the training? Will that business fairly asses one’s ability and

whether that person has “successfully completed” the training. There is no definition for “successful completion” in the Bill. Does it mean that a trainee must “pass” every aspect of the training or parts of the training? I would suggest that the training be performed by the Ohio Peace Officer Training Commission and the schools can pay them. If unacceptable then all training should be video taped and kept so long as that individual is permitted to carry a weapon in the school. The tapes should be reviewed by the Commission to ensure that individuals who allege to have “successfully completed” have in fact passed all the requirements of the training. Further although the bill requires that the training shall be completed annually it does **not** require that the training be “successfully completed” yearly so arguably, once passed initially, these persons must only take the yearly training similar to continuing education for some professions. No mandatory prequalification.

Arming individuals in a school zone is dangerous. Statistics overwhelmingly demonstrate that even with all their training law enforcement officers fail to hit their mark most of the time. The New York Police Department (NYPD) reported an 18-20% degradation of accuracy skills once an officer becomes involved in an actual gunfight (Vila and Morrison, 1994). This suggests that such motor skills are subject to degradation during levels of high stress. Between 1998 and 2006, the average hit rate was 18 percent for gunfights. Between 1998 and 2006, the average hit rate in situations in which fire was not returned was 30 percent. <https://www.ajc.com/blog/get-schooled/gunfights-trained-officers-have-percent-hit-rate-yet-want-arm->

teachers/mDBIhDtV6Na4wJVpeu58cM/

Researchers analyzed 149 real-life Officer Involved Shooting recorded over a 15-year period by Dallas (TX) PD. In nearly half of these encounters, officers firing at a single suspect delivered “complete inaccuracy.” That is, they missed the target entirely. In 15 incidents, the total number of rounds fired could not be determined. But in the 134 cases where researchers could establish that figure, they calculated the hit rate, “incredibly,” at merely 35%. In other words, more than six out of 10 rounds fired were misses. Unfortunately,” the study says, “the data do not provide a clear picture of what happened with these [errant] rounds, but, at worst, they struck other officers or innocent bystanders.”

<https://www.emerald.com/insight/content/doi/10.1108/PIJPSM-05-2018-0060/full/html>;

[https://www.researchgate.net/publication/328646666\\_Hitting\\_or\\_missing\\_the\\_mark\\_An\\_examination\\_of\\_police\\_shooting\\_accuracy\\_in\\_officer-involved\\_shooting\\_incidents](https://www.researchgate.net/publication/328646666_Hitting_or_missing_the_mark_An_examination_of_police_shooting_accuracy_in_officer-involved_shooting_incidents)

An active shooter situation is more chaotic, more intense, fast moving than most situations. Chances of an individual misfiring or firing and hitting an innocent child, teacher, etc. makes this situation more dangerous. Further, this bill endangers and possibly interferes with law enforcement who arrive on scene to combat an active shooter. Why would we create this type of situation in our schools? The possibility of armed individuals in schools will not act as a deterrence as we have seen any active shooters are in suicide mode.

Further, the school districts should be compelled submit to the Ohio Board of Education documents corroborating that each District, which has chosen to arm individuals in their schools, have complied with these requirements and the test results of each armed individual. After all we are dealing with an environment filled with children .

This committee should take a breath and give grave and studied contemplation of requirements that meet all of these demands and produce a bill that actually meets the goal intended. As a citizen, and voting constituent I ask this committee to vote no on this bill.

When Ohioans, after the Dayton shooting, asked our representatives to do something honestly I do not think this bill is what they intended.

Thank you.

Andrea R. Yagoda