

Dr. Steve Gallon III, Board Member

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SUBJECT: WEAPONS ON SCHOOL CAMPUSES AND DISTRICT-OWNED PROPERTIES

COMMITTEE: PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT

LINK TO STRATEGIC PLAN: SAFE, HEALTHY, & SUPPORTIVE LEARNING ENVIRONMENTS

The Miami-Dade County Public Schools remains committed to ensuring the safety, security, and overall well-being of students, staff, and members of the community. This has been and must always remain a priority of the Board, Superintendent, school, and district staff, as well as parents and members of the community. In doing so, the School Board must continue to review and adopt policies that supports implementation of various strategic and innovative safety and security measures and approaches that reflect both best practices and those required by law.

School Board Policy 8405, School Safety, affirms and codifies the Board’s commitment and policy-driven obligation to ensuring school safety. It stipulates, in part, that “The School Board is committed to maintaining a safe and drug-free environment in all the district’s schools...” and that the issues of ensuring school safety must be “addressed in a manner that utilizes all available resources in the community through a coordinated effort of School District personnel, law enforcement agencies, and families.” It further affirms that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school.

As is widely known, the issue of school safety and security was elevated as a result of the tragedy that occurred at Marjory Stoneman Douglas High School on February 14, 2018. Subsequently, the district, state, and nation have increased the provision of focus, support, and

related resources in matters that expand and increase safety and security in and around schools.

Despite the collective and deliberate efforts of the school advocates and stakeholders throughout the community, state, and nation, the problem of gun violence in schools and the unimaginable tragedy that accompany it, continues to vex the safety and security of students and staff in schools and has taken the innocent lives of those caught in its pathway. Since the 2018 tragedy at Marjory Stoneman Douglas High School that took 17 innocent lives, according to Education Week, there have been 114 people killed and 296 people injured from school shootings such as [Robb Elementary School](#) in Uvalde, Texas, in May 2022 and at [Oxford High School](#), in Oxford, Michigan, in November 2021.

The School Board has also adopted policies that explicitly and expressly prohibits weapons from being on school campuses and district-owned property. In fact, School Board Policy 7217, *Weapons*, states that “*visitors are prohibited from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.*” This policy also stipulates that “*the Superintendent shall post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. The failure to post a notice, however, does not preclude enforcement of this policy.*”

School Board Policy 1217, *Weapons*, also states that “*except for School Police, employees are prohibited from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.* It further states that “*staff members shall report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the appropriate supervisor...and that “failure to report such knowledge may subject the staff member to discipline.”*”

Recent issues and legislation pertaining to gun ownership and possession are poised to cause even greater concern and consternation for the School Board, district officials, and school personnel. One such conflict has already been determined as it relates to policies governing weapons on school grounds and recently adopted legislation governing the possession rights of gun owners in the state of Florida.

An administrative law judge determined that a teacher should keep their job after a School Board in Florida moved to fire the teacher for leaving an AK-47 rifle on the center console of his truck in a school parking lot. The judge, in a 25-page decision cited a law that gives authority over gun regulations to the state and what he described as an “unenforceable and infirm” school district policy aimed at keeping guns off campus. The Judge wrote that “*The Florida Legislature has preempted all issues regarding possession and use of firearms in Florida.*”

Under its statutory scheme, carrying or storing a firearm in respondent's parked vehicle did not constitute unauthorized possession of it, and respondent's actions were protected. The simple and straightforward conclusion is that the firearm policy enacted by the School Board is unenforceable and cannot serve as the basis to conclude that respondent violated the policy. As a result, respondent enjoyed the benefit of the Florida law which permits an individual to carry a securely encased firearm or one that is not otherwise readily available for immediate use, in his vehicle."

Clearly, the recently enacted legislation, current School Board Policy, and the Judge's ruling presents a policy and practice-based conundrum for Miami-Dade County Public Schools and school districts across the state. In fact, the Judge in his ruling declared that there "*can be no doubt the School Board's firearm policy is well-intended and addresses valid and real school safety concerns,*" but concluded that the policy conflicted with state appellate-court rulings about guns in vehicles.

Though at first blush, this matter may appear to be restricted to adults and weapons on school campuses and district owned property. However, any matter of weapons on school campuses and district-owned property is a matter of utmost concern and importance to the School Board when such presence on school campuses and district-owned property could provide access to such weapons by students, visitors, and/or even trespassers. Further, the present conflict in enforcing current School Board policy demands consideration by the School Board and review by the Superintendent of Schools. Clearly, as stated by the Judge in his ruling, the "*good intent*" of School Board policy and intent of the legislature in these related, yet conflicting matters may not have been contemplated. Yet, such a conflict in policy and its application and enforcement exists.

Therefore, this item seeks to direct the Superintendent, in direct consultation with the School Board General Counsel, review current School Board Policy and procedures governing weapons on school campuses and district-owned property, and to recommend policy and/or procedure amendments, as appropriate; ensure that employees are aware of relevant and required policies and procedures regarding weapons on school campuses and district-owned properties; review procedures for screening of weapons on school campuses; review and contemplate the application and enforcement practices governing weapons on school grounds and district-owned properties by students, employees, and/or visitors; continue to collaborate with local law enforcement agencies and related offices in the review of policy and procedures governing weapons on school campuses and district-owned property; and report to the School Board, in a manner that both complies with the Sunshine Law, where required and/or in a manner that ensures the confidentiality of district safety and security protocols, as appropriate and allowable by law no later than October 16, 2023.

This item has been reviewed and approved by the Office of the General Counsel as to form and legal sufficiency.

**ACTION PROPOSED BY
DR. STEVE GALLON III:**

That The School Board of Miami-Dade County, Florida, directs the Superintendent to:

1. in direct consultation with the School Board General Counsel, review current School Board Policy and procedures governing weapons on school campuses and district-owned property, and to recommend policy and/or procedure amendments, as appropriate;
2. ensure that employees are aware of relevant and required policies and procedures regarding weapons on school campuses and district-owned properties;
3. review procedures for screening of weapons on school campuses; review and contemplate the application and enforcement practices governing weapons on school grounds and district-owned properties by students, employees, and/or visitors;
4. continue to collaborate with local law enforcement agencies and related offices in the review of policy and procedures governing weapons on school campuses and district-owned property; and
5. report to the School Board, in a manner that both complies with the Sunshine Law, where required and/or in a manner that ensures the confidentiality of district safety and security protocols, as appropriate and allowable by law no later than October 16, 2023.