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November 14, 2018

Duval County School Board  
1701 Prudential Drive  
6th Floor | Room 642  
Jacksonville, FL 32207

Re: Duval County Public Schools' School Safety Assistant Program

To the Duval County School Board:

On behalf of the Giffords Law Center to Prevent Gun Violence, the Southern Poverty Law Center, Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A., and Munger, Tolles & Olson LLP, we write to inform you that we represent residents of Duval County, Florida whose children attend local public elementary schools and who have serious concerns regarding your School Safety Assistant ("SSA") Program, under which you have hired and authorized individuals who are not sworn law enforcement officers to carry guns in Duval County schools. Our clients are afraid for their children's safety so long as the SSA Program is in place. Moreover, this dangerous SSA Program violates Florida law.

Our clients are seriously concerned that putting non-law-enforcement personnel carrying guns into a school environment will expose their children to an unnecessary risk of death, injury, anxiety, and other forms of trauma. SSAs receive substantially less training than sworn law enforcement officers and receive no training on interacting with youth or conflict de-escalation. Putting these inadequately trained individuals into schools poses particular risk to our clients' children, some of whom are members of groups that are already most at risk from overly aggressive school discipline and use of force.

In addition to being dangerous, the SSA Program is also unlawful. Florida law prohibits the possession of a gun on school property. § 790.115(2), Fla. Stat. (2018). The law includes an exemption for sworn law enforcement officers, *id.* § 790.115(3), but SSAs are not law enforcement officers. No other provision of Florida law, including SB 7026, authorizes SSAs to carry guns on school property or provides an applicable exception from the general prohibition under § 790.115(2)(a). Hence, it is unlawful for SSAs to carry guns in Duval County schools.

Florida law expressly requires that school boards "[d]etermine policies and programs consistent with state law," § 1001.41(1), Fla. Stat. (2018), and that "[a]ll actions of district school officials shall be consistent and in harmony with state laws." *Id.* § 1001.32(1). Moreover, local officials cannot enact gun policies inconsistent with state law. *Id.* § 790.33. By authorizing SSAs to carry guns on campus, including by amending Chapter 3.40(II)(E) of the Duval County

School Board Policy Manual, you have exceeded your authority and violated Florida law. No subsequent legislative enactment permits the SSA Program.

The unlawful SSA Program endangers tens of thousands of young children by illegally enabling inadequately trained individuals to carry guns in Duval County schools. We therefore intend to take legal action on behalf of our clients to stop it. As a courtesy, we will refrain from doing so for two weeks, until November 28, 2018, to give you, with the input of recently-elected school board members Elizabeth Andersen, Charlotte Joyce, and Darryl Willie, an opportunity to comply with Florida law.

If, prior to November 28th, you do not prohibit SSAs from carrying guns, we will file suit and ask a court to enforce Florida law.

Please feel free to contact us if you would like to discuss. We trust that you will comply with Florida law and protect the children in your charge, whose safety we know is your highest concern.

Sincerely,



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