

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 621 Session of 2019

INTRODUCED BY REGAN, SCARNATI, PHILLIPS-HILL, BROOKS, BARTOLOTTA, ARGALL, FOLMER, GORDNER, YAW, DiSANTO, KILLION, MENSCH, STEFANO AND J. WARD, MAY 6, 2019

SENATOR LANGERHOLC, EDUCATION, AS AMENDED, MAY 7, 2019

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," amending provisions relating to
6 school police officers and school resource officers, and
7 imposing powers and duties on the Pennsylvania Commission on
8 Crime and Delinquency.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Article XIII-C heading and sections 1301-C, 1302-
12 C, 1303-C, 1305-C, 1306-C, 1309-C, 1311-C, 1313-C and 1314-C of
13 the act of March 10, 1949 (P.L.30, No.14), known as the Public
14 School Code of 1949, added June 22, 2018 (P.L.327, No.44), are
15 amended to read:

ARTICLE XIII-C

SCHOOL [POLICE OFFICERS AND

SCHOOL RESOURCE OFFICERS] SECURITY

19 Section 1301-C. Definitions.

20 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commission." The Pennsylvania Commission on Crime and
4 Delinquency.

5 "Department." The Department of Education of the
6 Commonwealth.

7 "INDEPENDENT CONTRACTOR." AN INDIVIDUAL, INCLUDING A RETIRED <--
8 FEDERAL AGENT OR RETIRED STATE, MUNICIPAL OR MILITARY POLICE
9 OFFICER OR RETIRED SHERIFF OR DEPUTY SHERIFF, WHO HAS A CONTRACT
10 WITH A SCHOOL ENTITY OR A NONPUBLIC SCHOOL FOR THE PURPOSE OF
11 PERFORMING SCHOOL SECURITY SERVICES.

12 "School entity." A school district, intermediate unit, area
13 vocational-technical school, charter school or private
14 residential rehabilitative institution.

15 ~~"School police officer." A law enforcement officer employed <--~~

16 "SCHOOL POLICE OFFICER." ANY OF THE FOLLOWING: <--

17 (1) A LAW ENFORCEMENT OFFICER EMPLOYED by a school
18 [district] entity or nonpublic school whose responsibilities,
19 including work hours, are established by the school
20 [district] entity or nonpublic school.

21 (2) AN INDEPENDENT CONTRACTOR OR AN INDIVIDUAL PROVIDED <--
22 THROUGH A THIRD PARTY VENDOR WHO HAS BEEN APPOINTED UNDER
23 SECTION 1302-C.

24 "School resource officer." A law enforcement officer
25 commissioned and employed by a law enforcement agency whose duty
26 station is located in a school entity or nonpublic school and
27 whose stationing is established by an agreement between the law
28 enforcement agency and the school entity[.] or nonpublic school.
29 The term includes an active certified sheriff or deputy sheriff
30 whose stationing in the school entity or nonpublic school is

1 established by an agreement between the county, the sheriff's
2 office and the school entity or nonpublic school.

3 "School security guard." An individual employed by a school
4 entity, nonpublic school or a third party [contractor] vendor OR <--
5 AN INDEPENDENT CONTRACTOR who is assigned to a school for
6 routine safety and security duties and [is not engaged in
7 programs with students at the school.] has not been granted
8 powers under section 1306-C(2) and (3).

9 "Third party vendor." A company or entity APPROVED BY THE <--
10 OFFICE OF SAFE SCHOOLS UNDER SECTION 1302-A(B) (8) OR THE
11 COMMISSION UNDER SECTION 1315-C(2) that provides school security
12 services.

13 Section 1302-C. School police officers.

14 (a) Application to court.--A school entity or nonpublic
15 school may apply to a judge of the court of common pleas of the
16 county within which the school entity or nonpublic school is
17 situated to appoint a person or persons, as the board of
18 directors of the school entity or the administration of the
19 nonpublic school may designate, to act as a school police
20 officer for the school entity or nonpublic school.

21 (b) Appointment.--

22 (1) The judge, upon the application, may appoint a
23 person or persons, as the judge deems proper, to be the
24 school police officer and shall note the fact of the
25 appointment to be entered upon the records of the court.

26 (2) The judge may, at the request of the school entity
27 or nonpublic school, grant the school police officer the
28 power to arrest as provided in section 1306-C(2), the
29 authority to issue citations for summary offenses as provided
30 in section 1306-C(3) or the authority to detain students

1 until the arrival of local law enforcement or any combination
2 thereof.

3 (3) The judge may, at the request of the school entity
4 or nonpublic school, grant the school police officer the
5 authority to carry a firearm if the school police officer
6 satisfies the requirements under section 1305-C.

7 Section 1303-C. Annual report [to department].

8 A school entity or nonpublic school which employs OR <--
9 CONTRACTS FOR a school police officer shall report annually to
10 the department and the [Office of Safe Schools] commission the
11 following information regarding school police officers receiving
12 training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating
13 to municipal police education and training):

14 (1) The identity of the school entity or nonpublic
15 school and the number of school police officers employed OR <--
16 CONTRACTED by the school entity or nonpublic school.

17 (2) The municipalities comprising the school entity or
18 in which the nonpublic school is located.

19 (3) The date and type of training provided to each
20 school police officer.

21 Section 1305-C. [Firearm training] Training.

22 A school police officer who has been granted powers under
23 section 1306-C(2) or (3) or has been authorized to carry a
24 firearm must, before entering upon the duties of the office,
25 [successfully] satisfy the following:

26 (1) Successfully complete such annual training as [set
27 forth in] required by the Municipal Police Officers'
28 Education and Training Commission under 53 Pa.C.S. Ch. 21
29 Subch. D (relating to municipal police education and
30 training) or [have] has graduated from the Pennsylvania State

1 Police Academy [and have], has been employed as a State
2 trooper with the Pennsylvania State Police and has separated
3 from that service in good standing.

4 (2) (i) Successfully complete the Basic School Resource
5 Officer Course of Instruction offered by the National
6 Association of School Resource Officers or an equivalent
7 course of instruction approved by the commission.

8 (ii) A school police officer who is currently
9 employed OR CONTRACTED by a school entity or nonpublic <--
10 school shall have one year from the effective date of
11 this paragraph to complete the instruction.

12 Section 1306-C. Powers and duties.

13 A school police officer appointed under section 1302-C(b)
14 shall possess and exercise all the following powers and duties:

15 (1) To enforce good order in school buildings, on school
16 buses and on school grounds in the respective school entities
17 or nonpublic schools. For purposes of this paragraph, the
18 term "school bus" shall include a vehicle leased by the
19 school entity or nonpublic school to transport students and a
20 vehicle of mass transit used by students to go to and from
21 school and school activities when the school police officer
22 responds to a report of an incident involving a breach of
23 good order or violation of law.

24 (2) If authorized by the court, to exercise the same
25 powers as exercised under authority of law or ordinance by
26 the police of the municipality in which the school property
27 is located.

28 (3) If authorized by the court, to issue summary
29 citations or to detain individuals until local law
30 enforcement is notified.

1 Section 1309-C. Cooperative police service agreements.

2 (a) General rule.--A school entity or nonpublic school and
3 municipality may enter into a cooperative police service
4 agreement under 42 Pa.C.S. § 8953(e) (relating to Statewide
5 municipal police jurisdiction) and 53 Pa.C.S. § 2303 (relating
6 to intergovernmental cooperation authorized) to authorize the
7 exercise of concurrent jurisdiction with local law enforcement
8 within the municipality where the [school or] school entity or
9 nonpublic school is located or within the municipality in which
10 a school event or activity will take place.

11 (b) Municipalities without municipal police departments.--

12 (1) If a school entity or nonpublic school is located
13 within a municipality where no municipal police department
14 exists, the school entity or nonpublic school may enter into
15 a cooperative police service agreement under 42 Pa.C.S. §
16 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing
17 full-time or part-time police coverage that is located
18 adjacent to the school entity or nonpublic school.

19 (2) At least 30 days prior to executing a cooperative
20 police service agreement under this subsection, the school
21 entity or nonpublic school shall provide written notice of
22 its intent to enter into the agreement to the municipality
23 where the school entity or nonpublic school is located.

24 (3) A copy of the executed agreement shall be provided
25 to the commanding officer of the Pennsylvania State Police
26 installation that provides primary police services to the
27 municipality where the school entity or nonpublic school is
28 located.

29 (4) A cooperative police service agreement entered into
30 under this subsection shall only pertain to actions taken on

1 school property under the agreement and shall not affect the
2 jurisdiction of the Pennsylvania State Police.

3 Section 1311-C. Independent contractors and third party
4 vendors.

5 ~~(a) Independent contractors.~~ [Notwithstanding section 1310- <--
6 C, a school entity or nonpublic school may contract with
7 individuals who are retired Federal agents or retired State,
8 municipal or military police officers or ~~retired~~ sheriffs ~~or~~ <--
9 ~~deputy sheriffs~~ to provide ~~school security~~ services under this <--
10 article. The individuals shall be considered independent
11 contractors of the school entity or nonpublic school and shall
12 be compensated by the school entity or nonpublic school on an
13 hourly basis and receive no other compensation or fringe
14 benefits from the school entity or nonpublic school.] <--

15 (A) GENERAL RULE.--NOTWITHSTANDING SECTION 1310-C, A SCHOOL
16 ENTITY OR NONPUBLIC SCHOOL MAY CONTRACT WITH AN INDEPENDENT
17 CONTRACTOR OR THIRD PARTY VENDOR TO PROVIDE SCHOOL POLICE
18 OFFICER OR SCHOOL SECURITY GUARD SERVICES UNDER THIS ARTICLE.

19 (B) SCHOOL POLICE OFFICER SERVICES.--The school entity or
20 nonpublic school shall ensure that [the] AN independent <--
21 [contractors comply] CONTRACTOR OR AN INDIVIDUAL PROVIDED <--
22 THROUGH A THIRD PARTY VENDOR COMPLIES with all of the following
23 prior to performing services for the school entity or nonpublic
24 school:

25 (1) Completed [such annual training as is required by <--
26 the Municipal Police Officers' Education and Training
27 Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to
28 municipal police education and training)] THE TRAINING <--
29 REQUIRED UNDER SECTION 1305-C.

30 (2) Satisfied the requirements of section 111.

1 (3) In the case of a school entity, indemnified by the
2 school entity under 42 Pa.C.S. § 8548 (relating to
3 indemnity).

4 (4) In the case of a nonpublic school, insured by the
5 nonpublic school for any liability arising from the
6 performance of their duties.

7 ~~(5) (i) Successfully completed the Basic School~~ <--
8 ~~Resource Officer Course of Instruction offered by the~~
9 ~~National Association of School Resource Officers or an~~
10 ~~equivalent course of instruction approved by the~~
11 ~~commission.~~

12 ~~(ii) An independent contractor who is currently~~
13 ~~employed by a school entity or nonpublic school shall~~
14 ~~have one year from the effective date of this paragraph~~
15 ~~to complete the training.~~

16 ~~(b) Third party vendor.~~

17 ~~(1) Notwithstanding section 1310 C, a school entity or~~
18 ~~nonpublic school may contract with a third party vendor~~
19 ~~approved by the Office of Safe Schools within the department~~
20 ~~under section 1302 A(b) (8) to provide school security~~
21 ~~services. The third party vendor shall ensure that its~~
22 ~~employees are insured and have met the training requirements~~
23 ~~in subsection (a) (1) and (5) prior to providing services for~~
24 ~~the school entity or nonpublic school.~~

25 ~~(2) A school entity or nonpublic school may contract~~
26 ~~with a third party vendor licensed under the act of August~~
27 ~~21, 1953 (P.L.1273, No.361), known as The Private Detective~~
28 ~~Act of 1953, and approved by the commission to provide school~~
29 ~~security services under section 1315 C. The third party~~
30 ~~vendor shall ensure its employees are insured and have met~~

~~the training requirements under section 1314 C prior to providing services for the school entity or nonpublic school.~~

(C) SCHOOL SECURITY GUARD SERVICES.--A SCHOOL ENTITY OR NONPUBLIC SCHOOL SHALL ENSURE THAT THE INDEPENDENT CONTRACTOR OR AN INDIVIDUAL PROVIDED THROUGH A THIRD PARTY VENDOR COMPLIES WITH ALL OF THE FOLLOWING PRIOR TO PERFORMING SERVICES FOR THE SCHOOL ENTITY OR NONPUBLIC SCHOOL:

(1) HAS COMPLETED THE TRAINING REQUIRED UNDER SECTION 1314-C(B), IF APPLICABLE.

(2) SATISFIED THE REQUIREMENTS OF SECTION 111.

(3) FOR A SCHOOL ENTITY, HAS BEEN INDEMNIFIED BY THE SCHOOL ENTITY UNDER 42 PA.C.S. § 8548.

(4) FOR A NONPUBLIC SCHOOL, HAS BEEN INSURED BY THE NONPUBLIC SCHOOL FOR ANY LIABILITY ARISING FROM THE PERFORMANCE OF THE INDEPENDENT CONTRACTOR'S OR INDIVIDUAL'S DUTIES.

Section 1313-C. School resource officers.

(a) Powers and duties.--A school entity or nonpublic school may confer the following powers and duties upon school resource officers:

(1) To assist in the identification of physical changes in the environment which may reduce crime in or around the school.

(2) To assist in developing school policy which addresses crime and to recommend procedural changes.

(3) To develop and educate students in crime prevention and safety.

(4) To train students in conflict resolution, restorative justice and crime awareness.

(5) To address crime and violence issues, gangs and drug

1 activities affecting or occurring in or around a school.

2 (6) To develop or expand community justice initiatives
3 for students.

4 (a.1) Training.--

5 (1) Prior to entering upon the duties of the ~~Office of~~ <--
6 ~~Safe Schools~~ OFFICE, a school resource officer shall <--
7 successfully complete the Basic School Resource Officer
8 Course of Instruction offered by the National Association of
9 School Resource Officers or an equivalent course of
10 instruction approved by the commission.

11 (2) A school resource officer ~~who is currently employed~~ <--
12 by WHOSE DUTY STATION IS LOCATED IN a school entity or <--
13 nonpublic school shall have one year from the effective date
14 of this subsection to complete the instruction.

15 (b) Intergovernmental agreements for school security and
16 safety.--

17 (1) The board of school directors of a school district
18 may enter into agreements with other political subdivisions
19 to provide for the safety and security of the school.

20 (2) The board of school directors may use school funds
21 to share costs with municipalities and counties for such
22 expenses as benefits and salaries of school resource officers
23 and probation officers.

24 (3) School resource officers and probation officers are
25 not required to be employees of the school district and may
26 be employees of other political subdivisions.

27 Section 1314-C. School security guards.

28 (a) Scope of services.--A school security guard may provide
29 the following services as determined by the school entity or
30 nonpublic school:

- 1 (1) School safety support services.
- 2 (2) Enhanced campus supervision.
- 3 (3) Assistance with disruptive students.
- 4 (4) Monitoring visitors on campus.
- 5 (5) Coordination with law enforcement officials,
- 6 including school police officers and school resource
- 7 officers.
- 8 (6) Security functions which improve and maintain school
- 9 safety.

10 (B) TRAINING.--THE FOLLOWING SHALL APPLY: <--

11 (1) A SCHOOL SECURITY GUARD SHALL SUCCESSFULLY COMPLETE
12 THE BASIC SCHOOL RESOURCE OFFICER COURSE OF INSTRUCTION
13 OFFERED BY THE NATIONAL ASSOCIATION OF SCHOOL RESOURCE
14 OFFICERS OR AN EQUIVALENT COURSE OF INSTRUCTION APPROVED BY
15 THE COMMISSION.

16 (2) A SCHOOL SECURITY GUARD WHO IS CURRENTLY EMPLOYED OR
17 CONTRACTED BY A SCHOOL ENTITY OR NONPUBLIC SCHOOL SHALL HAVE
18 ONE YEAR FROM THE EFFECTIVE DATE OF THIS SUBSECTION TO
19 COMPLETE THE INSTRUCTION.

20 ~~(b)~~ (C) Armed school security guards.--A school entity or <--
21 nonpublic school may employ or contract with AN INDEPENDENT <--
22 CONTRACTOR OR a third party vendor under section 1311-C(b)(2) <--
23 1311-C for an armed school security guard if all of the <--
24 following conditions are met:

25 (1) The school security guard is licensed under 18
26 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

27 (2) The school security guard has successfully completed
28 and is currently certified under the act of October 10, 1974
29 (P.L.705, No.235), known as the Lethal Weapons Training Act.

30 ~~(3)~~ (i) The school security guard has successfully <--

~~completed the Basic School Resource Officer Course of
Instruction offered by the National Association of School
Resource Officers or an equivalent course of instruction
approved by the commission.~~

~~(ii) A school security guard who is currently
employed by a a school entity or nonpublic school shall
have one year from the effective date of this subsection
to complete the instruction.~~

(3) THE SCHOOL SECURITY GUARD HAS COMPLIED WITH TRAINING <--
REQUIREMENTS UNDER SUBSECTION (B).

(4) The school security guard has satisfied the
requirements under section 111.

~~(e) (D) Active or retired law enforcement officers.--Active <--
or retired law enforcement officers shall be exempt from the
training requirements for armed security guards under subsection
(b) (2) upon presentation to the school entity or nonpublic
school of evidence of their completion of the training
requirements under 53 Pa.C.S. Ch. 21 Subch. D (relating to
municipal police education and training).~~

Section 2. The act is amended by adding a section to read:
Section 1315-C. Duties of the commission.

The commission shall have the following duties under this
article:

(1) In conjunction with the department and the
Pennsylvania State Police, periodically reassess the training
requirements for all school security personnel.

(2) Establish criteria for certifying approved third
party vendors to provide school security guard services to
school entities and nonpublic schools.

(3) Publish and post on the commission's publicly

1 accessible Internet website a listing of all approved third
2 party vendors for school security ~~guards~~ GUARD SERVICES. <--

3 (4) Submit an annual report to the General Assembly on
4 school security, including all data collected from school
5 entities and nonpublic schools and recommendations for
6 improvements in school security personnel training
7 requirements.

8 Section 3. This act shall take effect in 60 days.