

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

REFERRED TO EDUCATION, MAY 6, 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:

16 ARTICLE XIII-C

17 SCHOOL [POLICE OFFICERS AND

18 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 "School entity." A school district, intermediate unit, area
8 vocational-technical school, charter school or private
9 residential rehabilitative institution.

10 "School police officer." A law enforcement officer employed
11 by a school [district] entity or nonpublic school whose
12 responsibilities, including work hours, are established by the
13 school [district] entity or nonpublic school.

14 "School resource officer." A law enforcement officer
15 commissioned and employed by a law enforcement agency whose duty
16 station is located in a school entity or nonpublic school and
17 whose stationing is established by an agreement between the law
18 enforcement agency and the school entity[.] or nonpublic school.
19 The term includes an active certified sheriff or deputy sheriff
20 whose stationing in the school entity or nonpublic school is
21 established by an agreement between the county, the sheriff's
22 office and the school entity or nonpublic school.

23 "School security guard." An individual employed by a school
24 entity, nonpublic school or a third party [contractor] vendor
25 who is assigned to a school for routine safety and security
26 duties and [is not engaged in programs with students at the
27 school.] has not been granted powers under section 1306-C(2) and
28 (3).

29 "Third party vendor." A company or entity that provides
30 school security services.

1 Section 1302-C. School police officers.

2 (a) Application to court.--A school entity or nonpublic
3 school may apply to a judge of the court of common pleas of the
4 county within which the school entity or nonpublic school is
5 situated to appoint a person or persons, as the board of
6 directors of the school entity or the administration of the
7 nonpublic school may designate, to act as a school police
8 officer for the school entity or nonpublic school.

9 (b) Appointment.--

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

14 (2) The judge may, at the request of the school entity
15 or nonpublic school, grant the school police officer the
16 power to arrest as provided in section 1306-C(2), the
17 authority to issue citations for summary offenses as provided
18 in section 1306-C(3) or the authority to detain students
19 until the arrival of local law enforcement or any combination
20 thereof.

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

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

26 A school entity or nonpublic school which employs a school
27 police officer shall report annually to the department and the
28 [Office of Safe Schools] commission the following information
29 regarding school police officers receiving training as required
30 under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police

1 education and training):

2 (1) The identity of the school entity or nonpublic
3 school and the number of school police officers employed by
4 the school entity or nonpublic school.

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

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

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

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

14 (1) Successfully complete such annual training as [set
15 forth in] required by the Municipal Police Officers'
16 Education and Training Commission under 53 Pa.C.S. Ch. 21
17 Subch. D (relating to municipal police education and
18 training) or [have] has graduated from the Pennsylvania State
19 Police Academy [and have], has been employed as a State
20 trooper with the Pennsylvania State Police and has separated
21 from that service in good standing.

22 (2) (i) Successfully complete the Basic School Resource
23 Officer Course of Instruction offered by the National
24 Association of School Resource Officers or an equivalent
25 course of instruction approved by the commission.

26 (ii) A school police officer who is currently
27 employed by a school entity or nonpublic school shall
28 have one year from the effective date of this paragraph
29 to complete the instruction.

30 Section 1306-C. Powers and duties.

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

3 (1) To enforce good order in school buildings, on school
4 buses and on school grounds in the respective school entities
5 or nonpublic schools. For purposes of this paragraph, the
6 term "school bus" shall include a vehicle leased by the
7 school entity or nonpublic school to transport students and a
8 vehicle of mass transit used by students to go to and from
9 school and school activities when the school police officer
10 responds to a report of an incident involving a breach of
11 good order or violation of law.

12 (2) If authorized by the court, to exercise the same
13 powers as exercised under authority of law or ordinance by
14 the police of the municipality in which the school property
15 is located.

16 (3) If authorized by the court, to issue summary
17 citations or to detain individuals until local law
18 enforcement is notified.

19 Section 1309-C. Cooperative police service agreements.

20 (a) General rule.--A school entity or nonpublic school and
21 municipality may enter into a cooperative police service
22 agreement under 42 Pa.C.S. § 8953(e) (relating to Statewide
23 municipal police jurisdiction) and 53 Pa.C.S. § 2303 (relating
24 to intergovernmental cooperation authorized) to authorize the
25 exercise of concurrent jurisdiction with local law enforcement
26 within the municipality where the [school or] school entity or
27 nonpublic school is located or within the municipality in which
28 a school event or activity will take place.

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

30 (1) If a school entity or nonpublic school is located

1 within a municipality where no municipal police department
2 exists, the school entity or nonpublic school may enter into
3 a cooperative police service agreement under 42 Pa.C.S. §
4 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing
5 full-time or part-time police coverage that is located
6 adjacent to the school entity or nonpublic school.

7 (2) At least 30 days prior to executing a cooperative
8 police service agreement under this subsection, the school
9 entity or nonpublic school shall provide written notice of
10 its intent to enter into the agreement to the municipality
11 where the school entity or nonpublic school is located.

12 (3) A copy of the executed agreement shall be provided
13 to the commanding officer of the Pennsylvania State Police
14 installation that provides primary police services to the
15 municipality where the school entity or nonpublic school is
16 located.

17 (4) A cooperative police service agreement entered into
18 under this subsection shall only pertain to actions taken on
19 school property under the agreement and shall not affect the
20 jurisdiction of the Pennsylvania State Police.

21 Section 1311-C. Independent contractors and third party
22 vendors.

23 (a) Independent contractors.--Notwithstanding section 1310-
24 C, a school entity or nonpublic school may contract with
25 individuals who are retired Federal agents or retired State,
26 municipal or military police officers or retired sheriffs or
27 deputy sheriffs to provide school security services under this
28 article. The individuals shall be considered independent
29 contractors of the school entity or nonpublic school and shall
30 be compensated by the school entity or nonpublic school on an

1 hourly basis and receive no other compensation or fringe
2 benefits from the school entity or nonpublic school. The school
3 entity or nonpublic school shall ensure that the independent
4 contractors comply with all of the following prior to performing
5 services for the school entity or nonpublic school:

6 (1) Completed such annual training as is required by the
7 Municipal Police Officers' Education and Training Commission
8 under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
9 police education and training).

10 (2) Satisfied the requirements of section 111.

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

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

17 (5) (i) Successfully completed the Basic School
18 Resource Officer Course of Instruction offered by the
19 National Association of School Resource Officers or an
20 equivalent course of instruction approved by the
21 commission.

22 (ii) An independent contractor who is currently
23 employed by a school entity or nonpublic school shall
24 have one year from the effective date of this paragraph
25 to complete the training.

26 (b) Third party vendor.--

27 (1) Notwithstanding section 1310-C, a school entity or
28 nonpublic school may contract with a third party vendor
29 approved by the Office of Safe Schools within the department
30 under section 1302-A(b) (8) to provide school security

1 services. The third party vendor shall ensure that its
2 employees are insured and have met the training requirements
3 in subsection (a)(1) and (5) prior to providing services for
4 the school entity or nonpublic school.

5 (2) A school entity or nonpublic school may contract
6 with a third party vendor licensed under the act of August
7 21, 1953 (P.L.1273, No.361), known as The Private Detective
8 Act of 1953, and approved by the commission to provide school
9 security services under section 1315-C. The third party
10 vendor shall ensure its employees are insured and have met
11 the training requirements under section 1314-C prior to
12 providing services for the school entity or nonpublic school.

13 Section 1313-C. School resource officers.

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

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

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

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

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

26 (5) To address crime and violence issues, gangs and drug
27 activities affecting or occurring in or around a school.

28 (6) To develop or expand community justice initiatives
29 for students.

30 (a.1) Training.--

1 (1) Prior to entering upon the duties of the Office of
2 Safe Schools, a school resource officer shall successfully
3 complete the Basic School Resource Officer Course of
4 Instruction offered by the National Association of School
5 Resource Officers or an equivalent course of instruction
6 approved by the commission.

7 (2) A school resource officer who is currently employed
8 by a school entity or nonpublic school shall have one year
9 from the effective date of this subsection to complete the
10 instruction.

11 (b) Intergovernmental agreements for school security and
12 safety.--

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

16 (2) The board of school directors may use school funds
17 to share costs with municipalities and counties for such
18 expenses as benefits and salaries of school resource officers
19 and probation officers.

20 (3) School resource officers and probation officers are
21 not required to be employees of the school district and may
22 be employees of other political subdivisions.

23 Section 1314-C. School security guards.

24 (a) Scope of services.--A school security guard may provide
25 the following services as determined by the school entity or
26 nonpublic school:

- 27 (1) School safety support services.
- 28 (2) Enhanced campus supervision.
- 29 (3) Assistance with disruptive students.
- 30 (4) Monitoring visitors on campus.

1 (5) Coordination with law enforcement officials,
2 including school police officers and school resource
3 officers.

4 (6) Security functions which improve and maintain school
5 safety.

6 (b) Armed school security guards.--A school entity or
7 nonpublic school may employ or contract with a third party
8 vendor under section 1311-C(b)(2) for an armed school security
9 guard if all of the following conditions are met:

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

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

15 (3) (i) The school security guard has successfully
16 completed the Basic School Resource Officer Course of
17 Instruction offered by the National Association of School
18 Resource Officers or an equivalent course of instruction
19 approved by the commission.

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

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

26 (c) Active or retired law enforcement officers.--Active or
27 retired law enforcement officers shall be exempt from the
28 training requirements for armed security guards under subsection
29 (b)(2) upon presentation to the school entity or nonpublic
30 school of evidence of their completion of the training

1 requirements under 53 Pa.C.S. Ch. 21 Subch. D (relating to
2 municipal police education and training).

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

5 The commission shall have the following duties under this
6 article:

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

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

13 (3) Publish and post on the commission's publicly
14 accessible Internet website a listing of all approved third
15 party vendors for school security guards.

16 (4) Submit an annual report to the General Assembly on
17 school security, including all data collected from school
18 entities and nonpublic schools and recommendations for
19 improvements in school security personnel training
20 requirements.

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