

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 769 Session of  
2007

INTRODUCED BY GRUCELA, DERMODY, BELFANTI, DALEY, GEORGE,  
FABRIZIO, FREEMAN, JAMES, KORTZ, MANN, PALLONE, ROEBUCK,  
SIPTROTH, SOLOBAY, SONNEY, STERN, YUDICHAK, YOUNGBLOOD AND  
CALTAGIRONE, MARCH 19, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 2007

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," further providing for school police  
6 officers; and providing for school resource officers and for  
7 school security officers.

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

10 Section 1. Section 778 of the act of March 10, 1949 (P.L.30,  
11 No.14), known as the Public School Code of 1949, amended June  
12 25, 1997 (P.L.297, No.30) and July 4, 2004 (P.L.536, No.70), is  
13 amended to read:

14 Section 778. School Police Officers.--(a) Any school  
15 district may apply to any judge of the court of common pleas of  
16 the county within which the school district is situated to  
17 appoint such person or persons as the board of directors of the  
18 school district may designate to act as school police officer  
19 for said school district. The judge, upon such application, may

1 appoint such person, or so many of them as he may deem proper,  
2 to be such school police officer and shall note the fact of such  
3 appointment to be entered upon the records of the court. The  
4 judge may, at the request of the school district, grant the  
5 school police officer the power to arrest as provided in  
6 subsection (c)(2), the authority to issue citations for summary  
7 offenses or the authority to detain students until the arrival  
8 of local law enforcement, or any combination thereof.

9 (a.1) Any school district which employs a school police  
10 officer under this section shall report annually to the  
11 Department of Education, Office [of] for Safe Schools, the  
12 following information regarding school police officers receiving  
13 training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating  
14 to municipal police education and training):

15 (1) The identity of the school district and the number of  
16 school police officers it employs.

17 (2) The municipalities comprising the school district.

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

20 (b) Every school police officer so appointed shall, before  
21 entering upon the duties of his office, take and subscribe to  
22 the oath required by the seventh article of the Constitution,  
23 before an alderman or justice of the peace or prothonotary. Such  
24 oath shall be filed by the justice of the peace, alderman, or  
25 prothonotary among his papers, and a note made upon his docket  
26 of the fact of the oath having been taken.

27 (b.1) Every school police officer who has been granted  
28 powers under subsection (c)(2) [or] (3) or [has been authorized  
29 to carry a firearm] (4) must, before entering upon the duties of  
30 his office, successfully complete training as set forth in 53

1 Pa.C.S. Ch. 21 Subch. D.

2 (b.2) Every school police officer must complete training as  
3 set forth by the Department of Education.

4 (c) Such school police officer so appointed shall severally  
5 possess and exercise all the following powers and duties:

6 (1) To enforce good order in school buildings, on school  
7 buses and on school grounds in their respective school  
8 districts. For purposes of this clause, the term "school bus"  
9 shall include vehicles leased by the school district to  
10 transport students and vehicles of mass transit used by students  
11 to go to and from school when the school police officer is  
12 responding to a report of an incident involving a breach of good  
13 order or violation of law.

14 (2) If authorized by the court, to exercise the same powers  
15 as are now or may hereafter be exercised under authority of law  
16 or ordinance by the police of the municipality wherein the  
17 school property is located.

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

21 (4) If authorized by the court, to carry a firearm.

22 (d) Such school police officer shall, when on duty,  
23 severally wear a metallic shield or badge with the words "School  
24 Police," and the name of the district for which appointed. Such  
25 shield shall always be worn in plain view when on duty except  
26 when employed as detective.

27 (e) The compensation of such school police officers shall be  
28 paid by the school district for which the school police officers  
29 are respectively appointed, as may be agreed upon between the  
30 board of school directors and the school police officer.

(f) School districts and municipalities may enter into cooperative police service agreements pursuant to 42 Pa.C.S. § 8953(e) (relating to Statewide municipal police jurisdiction) to authorize the exercise of concurrent jurisdiction with local law enforcement within the municipality where the school or school district is located or within the municipality in which a school event or activity will take place.

(g) When acting within the scope of this section, school police officers shall, at all times, be employees of the school district and shall be entitled to all of the rights and benefits accruing therefrom.

(h) Nothing in this section shall be construed to preclude a school district from employing other security personnel as the school district deems necessary.

(i) As used in this section:

"School police officer" means an officer employed by a school district who has been granted powers under subsection (c)(2), (3) or (4), or any combination thereof. The term does not include a school resource officer under section 778.1 or a school security officer under section 778.2.

Section 2. The act is amended by adding sections to read:

Section 778.1. School Resource Officer.--(a) A school resource officer has the duty to enforce good order in school buildings, on school buses and on school grounds in the school district. A school resource officer may exercise all the powers and duties granted to that officer as a commissioned law enforcement officer.

(b) A school resource officer must maintain training as required in 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training) and as required by the Department

1 of Education.

2 (c) A school district which employs a school resource  
3 officer shall report annually to the Office for Safe Schools the  
4 following information regarding school resource officers  
5 receiving training as required in this section:

6 (1) The name of the school district and the number of school  
7 resource officers it employs.

8 (2) The municipalities comprising the school district.

9 (3) The date and type of training provided to each school  
10 resource officer.

11 (4) The law enforcement agencies that commission officers  
12 within that school district and the name of the commanding  
13 officer of each agency.

14 (d) As used in this section:

15 "School bus" shall include vehicles leased by the school  
16 district to transport students and vehicles of mass transit used  
17 by students to go to and from school when the school police  
18 officer is responding to a report of an incident involving a  
19 breach of good order or violation of law.

20 "School resource officer" means a law enforcement officer  
21 commissioned by a law enforcement agency whose duty station is  
22 in a school.

23 Section 778.2. School Security Officer.--(a) A school  
24 security officer has the duty to enforce good order in school  
25 buildings, on school buses and on school grounds in the school  
26 district.

27 (b) A school security officer must maintain training as  
28 required by the Department of Education.

29 (c) A school district which employs a school security  
30 officer shall report annually to the Office for Safe Schools the

following information regarding school security officers  
receiving training as required in this section:

(1) The name of the school district and the number of school  
security officers it employs.

(2) The municipalities comprising the school district.

(3) The date and type of training provided to each school  
security officer.

(d) As used in this section:

"School bus" shall include vehicles leased by the school  
district to transport students and vehicles of mass transit used  
by students to go to and from school when the school police  
officer is responding to a report of an incident involving a  
breach of good order or violation of law.

"School security officer" means a noncommissioned officer  
employed by a school district or a vendor who is assigned to a  
school for routine safety and security duties and who has not  
been granted powers under section 778 (c)(2), (3) or (4).

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