

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 621

PRINTER NO. 866

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

May 6, 2019

PRIME SPONSOR

Senator Regan

DESCRIPTION

Senate Bill 621 amends Article XIII-C (Police Officers and School Resource Officers) of the Public School Code to clarify and revise provisions related to duties of school police officers, school resource officers and school security guards.

School Police Officers

- Amends the definition of “school police officer” to include an independent contractor or individual provided through a third party vendor.
- Requires a judge at the request of a school entity or nonpublic school to grant a school police officer the authority to carry a firearm.
- Clarifies that a school police officer must complete Municipal Police Officers’ Education and Training (MPOETC) or have graduated from the State Police Academy, have been employed as a State Trooper and have separated from service in good standing.
- Requires that a school police officer successfully complete the Basic School Resource Officer Course of Instruction offered by the National Association of School Resource Officers (NASRO) or an equivalent course of instruction approved by the Pennsylvania Commission on Crime and Delinquency (PCCD).
- Provides a school police officer that is currently employed has 6 months to complete the NASRO training.
- Authorizes a school police officer to enforce order on public buses being used to transport students to and from school activities.

School Resource Officers

- Amends the definition of “school resource officer” to include an active certified sheriff or deputy sheriff whose stationing in the school entity or nonpublic school is established by a written agreement between the county, the sheriff’s office, and the school entity or nonpublic school.
- Requires that a school resource officer successfully complete the Basic School Resource Officer Course of Instruction offered by NASRO or an equivalent course of instruction approved by PCCD.
- Provides that a school resource officer that is currently employed has 6 months to complete the NASRO training.

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School Security Guards

- Amends the definition of “school security guard” to include independent contractors and clarifies that school security guards have not been granted police powers or the authority to issue citations or detain individuals under the act.
- Requires that a school security guard successfully complete the Basic School Resource Officer Course of Instruction offered by NASRO or an equivalent course of instruction approved by PCCD.
- Provides that a school security guard that is currently employed has 6 months to complete the NASRO training.
- Authorizes a school entity or nonpublic school to employ or contract with an independent contractor or a third party vendor to provide for an armed security guard if the following conditions are met:
 - The school security guard is licensed under the Uniform Firearms Act;
 - The school security guard is certified under the Lethal Weapons Training Act;
 - The school security guard has successfully complete the Basic School Resource Officer Course of Instruction offered by NASRO or an equivalent course of instruction approved by PCCD; and
 - The school security guard satisfies background check requirements.
- Exempts an active or retired law enforcement officer serving as an armed security guard from Lethal Weapons Training upon presentation of completion of MPOETC training.

Independent Contractors and Third Party Vendors

- Defines “independent contractor” as an individual including a retired federal agent or retired state, municipal or military police officer, or retired sheriff or deputy sheriff, whose responsibilities, including work hours, are established in a written contract with a school entity or nonpublic school for the purpose of performing school security services.
- Defines a “third party vendor” as a company or entity approved by the Office of Safe Schools or PCCD that provides school security services.
- Authorizes a school entity or nonpublic school to contract with an independent contractor or third party vendor to provide school police officer or school security guard services.
- Specifies that an independent contractor or individual provided through a third party vendor providing school police officer services shall be required to:
 - Complete the required training for school police officers;
 - Satisfy background check requirements;
 - Be insured by the school entity or nonpublic school for any liability arising from the performance of their duties; and
 - If provided a written contract, be treated as an employee of a local agency.

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- Specifies that an independent contractor or individual provided through a third party vendor providing school security guard services shall be required to:
 - Complete the Basic School Resource Officer Course of Instruction offered by NASRO, or an equivalent course of instruction approved by PCCD;
 - Satisfy background check requirements;
 - Be insured by the school entity or nonpublic school for any liability arising from the performance of their duties; and
 - If provided a written contract, be treated as an employee of a local agency.

Other Provisions

- Provides for PCCD, in conjunction with the Department of Education and the State Police, to periodically reassess the training requirements for all school security personnel, including the Basic School Resource Officer Course of Instruction offered by NASRO.
- Requires PCCD to establish criteria for certifying third party vendors to provide school security services, including posting a listing of all approved third party vendors.
- Requires PCCD to submit an annual report to the General Assembly on school security.
- Provides that this article is the exclusive means for a school entity or nonpublic school to authorize school security personnel to possess a firearm on school premises.

The legislation is scheduled to take effect in 60 days.

FISCAL IMPACT:

The enactment of Senate Bill 621 will have no adverse fiscal impact on Commonwealth funds. The Pennsylvania Commission on Crime and Delinquency estimates that the provisions included in the legislation requiring it to collect data, approve alternative training programs, periodically reassess training programs, establish criteria for third party vendors, publish a list of certified third party vendors on its publically accessible internet website and submit an annual report to the General Assembly on school security will pose a minimal administrative burden for which the cost can be accomplished within its existing operating budget. The 2018-19 fiscal year budget includes \$7,350,000 for PCCD.

School entities and nonpublic schools that employ school police officers, school resource officers and school security guards will likely be required to provide for the cost of NASRO training to these employees and incur additionally salary and benefits costs for the employees to attend the NASRO training.

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Based on the most recent information available from the Department of Education from the 2017-18 school year, there are a total of 1,985 school police officers, school resource officers and school security guards employed in the Commonwealth's public school entities. The NASRO training required under the legislation is a 5-day (40 hours) course which costs \$495 for non-NASRO members. Based on the cost of the NASRO training and an estimate of \$1,000 per employee for lost salary and benefit costs, the required training will cost approximately \$3,000,000.

In addition, nonpublic schools will likely experience costs similar to school entities on a per employee basis.