

PUBLIC SCHOOL CODE OF 1949 - SALE OF UNUSED AND UNNECESSARY
LANDS AND BUILDINGS, SCHOOL POLICE OFFICERS AND OFFICE FOR SAFE
SCHOOLS

Act of Jul. 9, 2014, P.L. 1039, No. 122

Cl. 24

Session of 2014

No. 2014-122

SB 1194

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in grounds and buildings, further providing for sale of unused and unnecessary lands and buildings and for school police officers; and, in safe schools, further providing for Office for Safe Schools.

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

Section 1. Section 707(8) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended December 21, 1988 (P.L.1321, No.169), is amended to read:

Section 707. Sale of Unused and Unnecessary Lands and Buildings.--The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings, by any of the following methods and subject to the following provisions:

* * *

(8) Notwithstanding the foregoing provisions of this section, any school district of the second, third or fourth class, upon approval of two-thirds (2/3) of the members of the board of school directors of such district, may convey any unused and unnecessary lands and buildings of the district to the city, borough, town [or], township **or municipal authority**, the boundaries of which are coterminous with or within those of the district or a volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the district, without consideration, or for such consideration and on such terms of exchange or otherwise as may be agreed upon, without first complying with the requirements of the foregoing provisions of this section.

All such conveyances to a city, borough, town [or], township **or municipal authority** shall contain a clause whereby the lands and buildings will revert to the school district if they are no longer being used for municipal or authority purposes, with the following exception. If the lands and buildings acquired from a former school district are conveyed to a city, borough, town [or], township **or municipal authority**, the boundaries of which are coterminous with or within those of the former school district, the conveyance need not contain a reverter clause. However, all conveyances to a volunteer fire company, volunteer ambulance service or volunteer rescue squad shall contain a clause whereby the lands and buildings will revert to the school district if they are no longer being used for fire, ambulance or rescue services.

* * *

Section 2. Section 778 of the act, amended June 25, 1997 (P.L.297, No.30) and July 4, 2004 (P.L.536, No.70), is amended to read:

Section 778. School Police Officers.--(a) Any school [district] **entity or nonpublic school** may apply to any judge of the court of common pleas of the county within which the school [district] **entity or nonpublic school** is situated to appoint such person or persons as the board of directors of the school [district] **entity or administration of the nonpublic school** may designate to act as school police officer for said school [district] **entity or nonpublic school**. The judge, upon such application, may appoint such person, or so many of them as he may deem proper, to be such school police officer and shall note the fact of such appointment to be entered upon the records of the court. The judge may, at the request of the school [district] **entity or nonpublic school**, grant the school police officer the power to arrest as provided in subsection (c)(2), the authority to issue citations for summary offenses or the authority to detain students until the arrival of local law enforcement, or any combination thereof.

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

(1) The identity of the school [district] **entity or nonpublic school** and the number of school police officers it employs.

(2) The municipalities comprising the school [district] **entity or in which the nonpublic school is located**.

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

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

(b.1) Every school police officer who has been granted powers under subsection (c)(2) or (3) or has been authorized to carry a firearm must, before entering upon the duties of his office, successfully complete training as set forth in 53 Pa.C.S. Ch. 21 Subch. D **or have graduated from the Pennsylvania State Police Academy and have been employed as a State trooper with the Pennsylvania State Police**.

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

(1) To enforce good order in school buildings, on school buses and on school grounds in their respective school [districts] **entities or nonpublic schools**. For purposes of this clause, the term "school bus" shall include vehicles leased by the school [district] **entity or nonpublic school** 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.

(2) If authorized by the court, to exercise the same powers as are now or may hereafter be exercised under authority of law

or ordinance by the police of the municipality wherein the school property is located.

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

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

(e) The compensation of such school police officers shall be paid by the school [district] **entity or nonpublic school** for which the school police officers are respectively appointed, as may be agreed upon between the board of school directors **or administration of the nonpublic school** and the school police officer.

(f) School [districts] **entities or nonpublic schools** and municipalities may enter into cooperative police service agreements pursuant to 42 Pa.C.S. § 8953(e) (relating to Statewide municipal police jurisdiction) **and 53 Pa.C.S. § 2303 (relating to intergovernmental cooperation authorized)** to authorize the exercise of concurrent jurisdiction with local law enforcement within the municipality where the school or school [district] **entity or nonpublic school** is located or within the municipality in which a school event or activity will take place.

(f.1) (1) If a school is located within a municipality where no municipal police department exists, the school entity or nonpublic school may enter into a cooperative police service agreement pursuant to 42 Pa.C.S. § 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing full-time police coverage that is located adjacent to the school. At least thirty (30) days prior to executing a cooperative police service agreement under this subsection, the school entity or nonpublic school shall provide written notice of its intent to enter into the agreement to the municipality where the school is located. A copy of the executed agreement shall be provided to the commanding officer of the Pennsylvania State Police installation that provides primary police services to the municipality where the school is located.

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

(g) When acting within the scope of this section, school police officers shall, at all times, be employes of the school [district] **entity or nonpublic school** 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] **entity or nonpublic school** from employing other security personnel as the school [district] **entity or nonpublic school** deems necessary.

(i) As used in this section, "school entity" shall have the same meaning given to it under section 222(c).

Section 3. Section 1302-A(c.1) and (d) of the act, amended or added July 18, 2013 (P.L.571, No.70), are amended, subsection (b) is amended by adding paragraphs and the section is amended by adding a subsection to read:

Section 1302-A. Office for Safe Schools.--* * *

(b) The office shall have the power and duty to implement the following:

* * *

(8) To establish criteria, in consultation with the Pennsylvania State Police, for certifying approved vendors to provide school police officers to nonpublic schools for the purposes of awarding grants under subsection (c.1)(3).

(9) To publish and post on the Department of Education's publicly accessible Internet website a listing of all approved vendors under paragraph (8).

* * *

(c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities [and to], municipalities, **local law enforcement agencies and approved vendors** to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities **or local law enforcement agencies** that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities **or local law enforcement agencies** may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) **Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.**

(d) The office shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include:

(i) the purpose for which the targeted grant shall be utilized;

(ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics;

(iii) an estimated budget;

(iv) methods for measuring outcomes; and

(v) any other criteria as the office may require.

(2) The office shall:

(i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).

(ii) Give priority in grant funding under subsection (c) to school entities with the greatest need to establish safety and order.

(iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school entities and municipalities throughout this Commonwealth.

(iv) For school entities [and], municipalities, **local law enforcement agencies and nonpublic schools** that apply for funding for the training and compensation of school resource officers and school police officers under subsection (c.1), give priority to school entities [and], municipalities, **local law enforcement agencies and nonpublic schools** that utilize school resource officers or school police officers who have completed additional training recommended by the Department of Education relating to interaction with all children and adolescents within a school setting.

(v) For school entities **or nonpublic schools** that apply for funding for school police officers under subsection (c.1), give priority to school entities **and nonpublic schools** that utilize school police officers who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

(B) Are independent contractors of the school entity **or nonpublic school**.

(C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from the school entity **or nonpublic school**.

(D) Have completed such annual training as shall be required by the Municipal Police Officers' Education and Training Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(E) Are in satisfaction of the requirements of section 111.

(F) [Have] **In the case of a school entity, have** been indemnified by the school entity pursuant to 42 Pa.C.S. § 8548 (relating to indemnity).

(G) Are utilized by a school entity **or nonpublic school** that has not employed a school police officer within the three years immediately preceding the effective date of this clause. Nothing in this clause shall be construed to impact on grant decisions for school entities [and], municipalities **or local law enforcement agencies** that apply for funding for hiring of school resource officers pursuant to subsection (c.1).

(3) The office shall provide all targeted grant agreements to the Department of Education's comptroller for review and approval prior to awarding the grant. The school entity [or], municipality, **local law enforcement agency or approved vendor** shall provide the office with full and complete access to all records relating to the performance of the grant, and shall submit, at such time and in such form as may be prescribed, truthful and accurate information that the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made. The office shall seek repayment of funds if it determines that funds were not utilized for the original stated purpose.

* * *

(f) As used in this section, "school entity" shall have the same meaning given to it under section 222(c).

Section 4. This act shall take effect in 60 days.

APPROVED--The 9th day of July, A.D. 2014.

TOM CORBETT