

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Jun. 22, 2018, P.L. 327, No. 44

Cl. 24

Session of 2018

No. 2018-44

SB 1142

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 school finances, further providing for intergovernmental agreements for school security and safety; in grounds and buildings, further providing for school police officers; in safe schools, further providing for the Office for Safe Schools; providing for school safety and security and for school police officers and school resource officers; establishing the School Safety and Security Fund; establishing the Safe2Say Program; and providing for methods of anonymous reporting concerning unsafe activities in schools.

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

Section 1. Sections 617 and 778 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are repealed:

[Section 617. Intergovernmental Agreements for School Security and Safety.--The board of school directors of a school district may enter into agreements with other political subdivisions to provide for the safety and security of the school. The board of school directors may use school funds to share costs with municipalities and counties for such expenses as benefits and salaries of school resource officers and probation officers. Such officers are not required to be employes of the school district and may be employes of other political subdivisions.

Section 778. School Police Officers.--(a) Any school entity or nonpublic school may apply to any judge of the court of common pleas of the county within which the school entity or nonpublic school is situated to appoint such person or persons as the board of directors of the school entity or administration of the nonpublic school may designate to act as school police officer for said school 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 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 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 entity or nonpublic school and the number of school police officers it employs.

(2) The municipalities comprising the school 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 entities or nonpublic schools. For purposes of this clause, the term "school bus" shall include vehicles leased by the school 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 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 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 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 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 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 entity or nonpublic school from employing other security personnel as the school 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 2. Section 1302-A(e) of the act is amended and the section is amended by adding a subsection to read:

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

(e) The sum appropriated annually to the Department of Education for the purpose of making targeted grants under this section shall be allocated as follows:

(1) [Forty] **Twenty-five** percent of the sum shall be allocated for grants under subsection (c).

(2) [Sixty] **Seventy-five** percent of the sum shall be allocated for grants under subsection (c.1).

(e.1) Any grant funding allocated under subsection (c.1) above the amount allocated in fiscal year 2017-2018 may be prioritized for nonpublic schools.

* * *

Section 3. The act is amended by adding articles to read:

ARTICLE XIII-B

SCHOOL SAFETY AND SECURITY

Section 1301-B. Definitions.

The following words and phrases when used in this article shall have the meaning given to them in this section unless the context clearly indicates otherwise:

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

"Committee." The School Safety and Security Committee established under section 1302-B.

"Fund." The School Safety and Security Fund established under section 1306-B(h).

"Program." The School Safety and Security Grant Program established under section 1306-B(a).

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

"School safety and security assessment." A strategic evaluation of a school entity's facilities and programs used to identify potential safety and security threats.

Section 1302-B. School Safety and Security Committee.

(a) Establishment.--The School Safety and Security Committee is established within the commission.

(b) Composition.--The committee shall consist of a chairperson and the following members:

- (1) The Secretary of Education or a designee.
- (2) The Attorney General or a designee.
- (3) The Commissioner of Pennsylvania State Police or a designee.
- (4) The Director of the Pennsylvania Emergency Management Agency or a designee.
- (5) An individual appointed by the President pro tempore of the Senate.
- (6) An individual appointed by the Minority Leader of the Senate.
- (7) An individual appointed by the Speaker of the House of Representatives.
- (8) An individual appointed by the Minority Leader of the House of Representatives.
- (9) The chairperson of the commission or a designee.
- (10) The Secretary of Human Services or a designee.
- (11) A recognized subject matter expert in strategic security appointed by the Governor from three names submitted jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives.
- (12) The following members appointed by the Governor:
 - (i) An individual recommended by the Pennsylvania Association of School Business Officials with experience in school safety and security matters.
 - (ii) An individual recommended by the Pennsylvania Association of School Administrators with experience in school safety and security matters.
 - (iii) An individual member of local law enforcement recommended by the State Fraternal Order of Police.
 - (iv) A child psychologist who specializes in mental, social and emotional development of children recommended by the Pennsylvania Psychological Association.
 - (v) A licensed clinical social worker recommended by the Pennsylvania Society for Clinical Social Work.
 - (vi) An architect recommended by the American Institute of Architects of Pennsylvania with experience in school building safety and security matters.

(c) Chairperson.--The chairperson of the committee shall be selected by the Governor from among the members of the committee.

(d) Vice chairperson.--A vice chairperson shall be designated by the chairperson of the committee from among the members of the committee to preside at meetings in the absence of the chairperson.

(e) Term.--Members of the committee shall serve a four-year term.

(f) Quorum.--A majority of the members of the committee shall constitute a quorum and a quorum shall be required for all actions.

(g) Actions.--A vote of the majority of the members of the committee present shall be sufficient for all actions taken by the committee.

(h) Initial meeting.--The committee shall hold its first meeting no later than 30 days from the effective date of this subsection.

(i) Cooperation.--The commission shall cooperate with the committee to select staff to be employed by the commission and assigned to assist the committee in carrying out its duties.
Section 1303-B. School safety and security assessment criteria.

(a) Duty to establish.--No later than September 30, 2018, the committee shall establish criteria to be used when conducting school safety and security assessments that include the following:

(1) A physical assessment. The physical assessment shall be conducted during calendar months when school is in session and shall consist of an evaluation of the school entity's structural facilities and surrounding property that includes:

(i) A review of the school entity's existing school safety and security plan.

(ii) A review of the school entity's existing plans for crisis response and mitigation.

(iii) An analysis of the school entity's crime prevention policy or practices, including environmental design.

(iv) Discussions with the local law enforcement agencies that are primarily responsible for protecting and securing the school.

(v) An analysis of the school entity's cooperative agreements with the local law enforcement agencies that are primarily responsible for protecting and securing the school.

(vi) Discussions with the school entity's employees.

(2) A policy and training assessment. The policy and training assessment shall consist of an evaluation of the school entity's policies and practices, including:

(i) An analysis of the school entity's policies related to student safety, security and management issues.

(ii) Discussions with the school entity's employees.

(iii) A review of the school entity's student code of conduct.

(iv) A review of the school entity's safety and security training practices.

(v) Recommendations for effective school safety and security training and practices for all school entity employees.

(vi) An analysis of the school entity's communications practices and available technology and tools.

(3) A student assistance and behavioral health support assessment. The student assistance and behavioral health support assessment shall consist of an analysis of the school entity's climate, including:

(i) The availability of student assistance programs and behavioral health professionals to provide assistance to the school entity.

(ii) A review of recommendations by behavioral and physical health professionals and consideration of their recommendations.

(b) Periodic review of criteria.--The committee shall review the criteria established in subsection (a) at a minimum every three years and may make revisions as needed.
Section 1304-B. School safety and security assessment providers.

(a) Duty to provide registration.--No later than October 31, 2018, the committee shall establish criteria for registration of a person with knowledge and experience in matters of school safety and security that qualifies the person to conduct school safety and security assessments based upon the criteria established by the committee beginning October 31, 2018.

(b) Periodic review of criteria.--The committee shall review the criteria established in subsection (a) at a minimum every three years and may make revisions as needed.

(c) Registration.--The person shall apply for registration as a provider to the committee in a manner prescribed by the committee.

Section 1305-B. Survey of school safety and security.

(a) Development.--No later than October 31, 2018, the committee shall develop a survey instrument to distribute to school entities to measure school safety and security preparedness throughout this Commonwealth.

(b) Completion.--No later than November 30, 2018, each school entity shall complete the survey instrument under subsection (a) and indicate whether it possesses a pre-existing school safety and security assessment that was completed within the last three years. If the school entity possesses a pre-existing school safety and security assessment that was completed within the last three years, it shall submit a copy of its pre-existing school safety and security assessment to the committee along with the survey instrument, unless a delay is approved by the committee on a case-by-case basis.

(c) Review.--

(1) No later than January 31, 2019, the committee shall complete a review of each survey received from a school entity to:

(i) Evaluate the school entity's safety preparedness.

(ii) If a pre-existing school safety and security assessment was submitted, determine whether the school safety and security assessment meets the criteria established by the committee.

(2) Upon completion of the review under paragraph (1), the committee shall notify a school entity of its findings.

(d) Engagement.--The committee may engage registered assessment providers to complete the review required under subsection (c).

(e) Confidentiality of data.--Any data collected through the survey instrument by the committee and the findings of the committee shall remain confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 1306-B. School Safety and Security Grant Program.

(a) Establishment.--The School Safety and Security Grant Program is established to make school entities within this Commonwealth safer places.

(b) Functions generally.--The committee shall perform all functions related to the direct approval, disbursement and administration of grants under the program.

(c) Diversity.--The committee shall ensure that grant funding under the program is geographically dispersed throughout this Commonwealth.

(d) Supplement and not supplant.--Grant money allocated through the program shall be used to supplement and not supplant existing school entity spending on school safety and security.

(e) Effect of revenue received.--Grant money received by a school entity under this section may not be included when calculating the amount to be paid to a charter school under section 1725-A.

(f) Minimum allocation.--Each school district that makes a meritorious application as prescribed by the committee under subsection (j) shall receive a minimum grant allocation of \$25,000 annually.

(g) Limitation.--Each school entity may submit one application annually and no school entity may receive an annual grant allocation that exceeds 10% of the funds available under the grant program.

(h) School Safety and Security Fund.--

(1) The School Safety and Security Fund is established as a special nonlapsing fund in the State Treasury.

(2) All money deposited in the fund and the interest it accrues are appropriated to the commission on a continuing basis to award grants under this article.

(3) No administrative action shall prevent the deposit of money into the fund in the fiscal year in which the money is received.

(4) The fund may only be used for the grant program authorized under this article and no money in the fund may be transferred or diverted to any other purpose by administrative action.

(5) Money available to the fund shall include appropriations and transfers from the General Fund, special funds, Federal funds and other sources of revenue made available to it.

(6) Money from the fund shall be allocated for the purpose of making grants under this section no later than October 31, 2019, and each October 31 thereafter.

(7) Not more than 12.5% of the fund may be allocated annually for grants under subsection (j) (22).

(i) Community violence prevention programs.--

(1) For the purpose of subsection (j) (22), municipalities, institutions of higher education, community-based organizations and other entities approved by the committee shall be deemed school entities.

(2) (Reserved).

(j) Specific purposes.--The committee shall provide grants to school entities for programs that address safety and security, including:

(1) Safety and security assessments that meet the committee's criteria.

(2) Conflict resolution or dispute management, including restorative justice strategies.

(3) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(4) School-based diversion programs.

(5) Peer helper programs.

(6) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula and restorative justice strategies.

(7) Classroom management.

(8) Student codes of conduct.

(9) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(10) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students, including, but not limited to, bullying.

(11) Thorough, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.

(12) Security planning and purchase of security-related technology, which may include metal detectors, protective lighting, specialty trained canines, surveillance equipment, special emergency communications equipment, automated external defibrillators, electronic locksets, deadbolts, trauma kits and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of school directors.

(13) Institution of student, staff and visitor identification systems, including criminal background check software.

(14) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in the referral of students at risk of violent behavior to appropriate community-based services and behavioral health services and training related to prevention and early intervention.

(15) Counseling services for students.

(16) A system for the management of student discipline, including misconduct and criminal offenses.

(17) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(18) Costs associated with the training and compensation of school resource officers and school police officers.

(19) Costs associated with the training and compensation of certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers and school psychologists.

(20) Administration of evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(21) Trauma-informed approaches to education, including:

(i) Increasing student and school employee access to quality trauma support services and behavioral health care, including the following:

(A) Hiring or contracting with certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers, school psychologists and other professional health personnel to provide services to students and school employees.

(B) Developing collaborative efforts between the school entity and behavioral health professionals to identify students in need of trauma support and to provide prevention, screening, referral and treatment services to students potentially in need of services.

(ii) Programs providing:

(A) Trauma-informed approaches to education in the curriculum, including training of school employees, school directors and behavioral health professionals to develop safe, stable and nurturing learning environments that prevent and mitigate the effects of trauma.

(B) Services for children and their families, as appropriate, who have experienced or are at risk

of experiencing trauma, including those who are low-income, homeless, involved in the child welfare system or involved in the juvenile justice system.

(22) Programs designed to reduce community violence, including:

(i) Increasing access to quality trauma-informed support services and behavioral health care by linking the community with local trauma support and behavioral health systems.

(ii) Providing health services and intervention strategies by coordinating the services provided by eligible applicants and coordinated care organizations, public health entities, nonprofit youth service providers and community-based organizations.

(iii) Providing mentoring and other intervention models to children and their families who have experienced trauma or are at risk of experiencing trauma, including those who are low-income, homeless, in foster care, involved in the criminal justice system, unemployed, experiencing a mental illness or substance abuse disorder or not enrolled in or at risk of dropping out of an educational institution.

(iv) Fostering and promoting communication between the school entity, community and law enforcement.

(v) Any other program or model designed to reduce community violence and approved by the committee.

(k) Coordination of grant distribution.--The department shall coordinate the distribution of grants under Article XIII-A with the committee to ensure the most effective use of resources.

(l) Audits.--The commission may randomly audit grant recipients to ensure the appropriate use of grant funds and compliance with the provisions of subsection (d).

Section 1307-B. Risk and Vulnerability Assessment Teams.

(a) Establishment.--From existing appropriations, no later than March 31, 2019, the Pennsylvania State Police shall establish three Risk and Vulnerability Assessment Teams to operate within three regions geographically designated by the Pennsylvania State Police in consultation with the committee. Each Risk and Vulnerability Assessment Team shall be comprised of no fewer than three troopers.

(b) Training.--The troopers assigned to a Risk and Vulnerability Assessment Team shall at a minimum be trained in the criteria established by the committee under section 1303-B.

(c) School safety and security assessments.--

(1) Each Risk and Vulnerability Assessment Team shall conduct school safety and security assessments based upon the committee's criteria when school is in session at school entities within the team's region on a systematic basis free of charge.

(2) When conducting school safety and security assessments required under section 1305-B, a Risk and Vulnerability Assessment Team shall give priority to school entities based upon the ranking of the school entities' market value/income aid ratio from high to low.

(3) School safety and security assessments conducted by Risk and Vulnerability Assessment Team shall be considered to meet the committee's criteria.

(d) Reports.--Each Risk and Vulnerability Assessment Team shall annually report to the committee the following:

(1) The school entities where the Risk and Vulnerability Assessment Team has conducted a school safety and security assessment.

(2) Critical school entity safety and security needs identified through safety and security assessments.

Section 1308-B. (Reserved).

Section 1309-B. School safety and security coordinator.

(a) Appointment.--The chief school administrator of a school entity shall appoint a school administrator as the school safety and security coordinator for the school entity. The appointment shall be made not later than August 31, 2018.

(b) General duties.--The school safety and security coordinator shall oversee all school police officers, school resource officers, school security guards and policies and procedures in the school entity and report directly to the chief school administrator. As used in this subsection, the terms "school police officer," "school resource officer" and "school security guard" shall have the meanings given to them in section 1301-C.

(c) Specific duties.--The school safety and security coordinator shall:

(1) Review the school entity's policies and procedures relative to school safety and security and compliance with Federal and State laws regarding school safety and security.

(2) Coordinate training and resources for students and school entity staff in matters relating to situational awareness, trauma-informed education awareness, behavioral health awareness, suicide and bullying awareness, substance abuse awareness and emergency procedures and training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.

(3) Coordinate school safety and security assessments as necessary.

(4) Serve as the school entity liaison with the committee, the department, law enforcement and other organizations on matters of school safety and security.

(5) Make a report no later than June 30, 2019, and each June 30 thereafter, to the school entity's board of directors on the school entity's current safety and security practices that identify strategies to improve school safety and security. The report shall be presented to the school entity's board of directors at an executive session of the school entity's board of directors. The report shall be submitted to the committee and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(6) Coordinate a tour of the school entity's buildings and grounds biennially or when a building is first occupied or reconfigured with the law enforcement agencies and first responders that are primarily responsible for protecting and securing the school entity to discuss and coordinate school safety and security matters.

Section 1310-B. School safety and security training.

School entities shall provide their employees with mandatory training on school safety and security subject to the following:

(1) Training shall address the following:

(i) Situational awareness.

(ii) Trauma-informed education awareness.

(iii) Behavioral health awareness.

(iv) Suicide and bullying awareness.

(v) Substance use awareness.

(vi) Emergency training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.

(2) Training may be provided through the Internet or other distance communication systems.

(3) Employees shall complete a minimum of three hours of training every five years.

(4) Employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing professional education requirements if the training program has been approved by the department in consultation with the committee.

ARTICLE XIII-C

SCHOOL POLICE OFFICERS AND SCHOOL RESOURCE OFFICERS

Section 1301-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

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

"School police officer." A law officer employed by a school district whose responsibilities, including work hours, are established by the school district.

"School resource officer." A law enforcement officer commissioned and employed by a law enforcement agency whose duty station is located in a school entity and whose stationing is established by an agreement between the law enforcement agency and the school entity.

"School security guard." An individual employed by a school entity or a third party contractor who is assigned to a school for routine safety and security duties and is not engaged in programs with students at the school.

Section 1302-C. School police officers.

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

(b) Appointment.--

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

(2) The judge may, at the request of the school entity or nonpublic school, grant the school police officer the power to arrest as provided in section 1306-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.

Section 1303-C. Annual report to department.

A school entity or nonpublic school which employs a school police officer shall report annually to the department and the 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 entity or nonpublic school and the number of school police officers employed by the school entity or nonpublic school.

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

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

Section 1304-C. Oath of office.

Every school police officer appointed under section 1302-C(b) shall, before entering upon the duties of the office, take and subscribe to the oath required by section 3 of Article VI of the Constitution of Pennsylvania, before a magisterial district judge or prothonotary. The oath shall be filed by the magisterial district judge or prothonotary among his papers, and a note made upon his docket of the fact of the oath having been taken.

Section 1305-C. Firearm training.

A school police officer who has been granted powers under section 1306-C(2) or (3) or has been authorized to carry a firearm must, before entering upon the duties of the office, successfully complete training as set forth in 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training) or have graduated from the Pennsylvania State Police Academy and have been employed as a State trooper with the Pennsylvania State Police and separated from service in good standing.

Section 1306-C. Powers and duties.

A school police officer appointed under section 1302-C(b) shall 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 the respective school entities or nonpublic schools. For purposes of this paragraph, the term "school bus" shall include a vehicle leased by the school entity or nonpublic school to transport students and a vehicle of mass transit used by students to go to and from school when the school police officer responds 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 exercised under authority of law or ordinance by the police of the municipality in which 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.

Section 1307-C. Shield or badge required.

A school police officer shall, when on duty, wear a metallic shield or badge with the words "School Police," and the name of the school entity or nonpublic school for which appointed. The shield shall always be worn in plain view when on duty except when employed as a detective.

Section 1308-C. Compensation.

The compensation of a school police officer shall be paid by the school entity or nonpublic school for which the school police officer is appointed, as may be agreed upon between the board of school directors or administration of the nonpublic school and the school police officer.

Section 1309-C. Cooperative police service agreements.

(a) General rule.--A school entity or nonpublic school and municipality may enter into a cooperative police service agreement under 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 entity or nonpublic school is located or within the municipality in which a school event or activity will take place.

(b) Municipalities without municipal police departments.--

(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 under 42 Pa.C.S. § 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing full-time or part-time police coverage that is located adjacent to the school.

(2) At least 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.

(3) 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.

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

Section 1310-C. Employee status.

When acting within the scope of this article, school police officers shall, at all times, be employees of the school entity or nonpublic school and shall be entitled to all of the rights and benefits accruing from that employment.

Section 1311-C. Independent contractors.

Notwithstanding section 1310-C, a school entity or nonpublic school may contract with individuals who are retired Federal agents or retired State, municipal or military police officers or sheriffs to provide services under this article. The individuals shall be considered independent contractors of the school entity or nonpublic school and shall be compensated by the school entity or nonpublic school on an hourly basis and receive no other compensation or fringe benefits from the school entity or nonpublic school. The school entity or nonpublic school shall ensure that the independent contractors comply with all of the following:

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

(2) Satisfied the requirements of section 111.

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

Section 1312-C. Construction.

Nothing in this article shall be construed to preclude a school entity or nonpublic school from employing other security personnel as the school entity or nonpublic school deems necessary.

Section 1313-C. School resource officers.

(a) Powers and duties.--A school entity 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 activities affecting or occurring in or around a school.

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

(b) Intergovernmental agreements for school security and safety.--The board of school directors of a school district may enter into agreements with other political subdivisions to provide for the safety and security of the school. The board of school directors may use school funds to share costs with municipalities and counties for such expenses as benefits and salaries of school resource officers and probation officers. School resource officers and probation officers are not required to be employees of the school district and may be employees of other political subdivisions.

Section 1314-C. School security guards.

A school security guard may provide the following services as determined by the school entity:

(1) School safety support services.

(2) Enhanced campus supervision.

(3) Assistance with disruptive students.

(4) Monitoring visitors on campus.

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

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

Article XIII-D Safe2Say Program

Section 1301-D. Intent.

The General Assembly finds and declares as follows:

(1) Over the past several years, school shootings have become more frequent. The recent school shootings have shown the need for robust information sharing and communication between schools and law enforcement. The communication is necessary to prevent school violence.

(2) It is vital that the Commonwealth take available measures to create safe and welcoming school communities. Providing students, teachers and communities with an anonymous reporting mechanism is a proven important tool in creating safe and welcoming school communities.

(3) It is the intent of the General Assembly that the Safe2Say Program be a one-stop shop for students, teachers and community members to report behavior perceived to be threatening to an individual or a school entity. Reports made through the anonymous reporting system will be referred to local schools, law enforcement and/or organizations.

(4) The intent of the General Assembly is for the Safe2Say Program to supplement, not replace, 911 services. The Safe2Say Program is intended to facilitate increased communication between law enforcement, school districts and organizations.

(5) It is not the intent of the General Assembly that the Safe2Say Program be used as a disciplinary tool for school employees. However, there may be instances where information obtained through the program may be shared with and used by school officials.

(6) The Safe2Say Program is not meant to be a tool for law enforcement. However, there may be instances where information obtained through the program may be shared with and used by law enforcement.

Section 1302-D. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Attorney General." The Attorney General of the Commonwealth.

"In camera review." An inspection of materials by the court, in chambers, to determine what materials may be produced or otherwise provided to another party.

"Law enforcement agency." A police department of a city, borough, incorporated town or township, the Pennsylvania State Police, district attorneys' offices and the office.

"Office." The Office of Attorney General of the Commonwealth.

"Program." The Safe2Say Program established under section 1303-D(a).

"Record of the program." A record created by the office on a tip received from the program.

"School entity." A school district, charter school, cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school operating within this Commonwealth.

Section 1303-D. Safe2Say Program.

(a) Establishment.--The Safe2Say Program is established within the office.

(b) Administration.--The Attorney General shall:

(1) administer the program pursuant to the requirements under subsection (c); and

(2) promulgate regulations and adopt all guidelines necessary for the establishment of the program and administration of this article, in consultation with Statewide organizations.

(c) Program requirements.--Beginning January 14, 2019, the program shall be responsible for the following:

(1) To ensure anonymous reporting concerning unsafe, potentially harmful, dangerous, violent or criminal activities in a school entity or the threat of the activities in a school entity.

(2) To establish protocols and procedures to promptly notify the appropriate law enforcement agency via 911 centers and the Pennsylvania State Police when the program receives an anonymous report of violent or criminal activities in a school entity that poses an immediate threat of violence or criminal activity.

(3) To ensure that the identity of the individual making a report remains unknown to any person, including law enforcement officers and employees of the office.

(4) To ensure that information obtained from an individual making a report who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees of the office and school officials.

(5) To ensure that if the identity of an individual making a report becomes known through a means other than voluntary disclosure, the identity is not further disclosed.

(6) To establish procedures to promptly forward information received by the program to the appropriate law enforcement agency, school official or organization, as

determined by the office. The office may not be held liable for investigation of a report made to the program following confirmation of receipt of the report by the appropriate law enforcement agency, school official or organization.

(7) To train or provide instruction to individuals, including, but not limited to, emergency dispatch centers and school entities, on appropriate awareness and response to the program.

(8) To provide program awareness and education materials to school entities.

(9) To, in consultation with the Department of Education, establish guidelines school entities may utilize to respond to a report received from the program.

(10) To work with school entities, local law enforcement agencies and organizations to identify each person to whom a report from the program will be sent.

(d) School entity.--Each school entity shall develop procedures for assessing and responding to reports received from the program.

Section 1304-D. Confidentiality.

(a) Disclosure.--A record created or obtained through the implementation or operation of the program shall be confidential. A person may not disclose a record of the program except:

(1) To provide notice to the appropriate law enforcement agency, school entity and organization in accordance with the procedures established under section 1303-D.

(2) Upon order of the court as provided in section 1306-D.

(b) Right-to-Know.--A record of the program:

(1) shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law; and

(2) does not create a record under 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(c) Penalty.--An individual who discloses a record in violation of this section commits a misdemeanor of the third degree.

Section 1305-D. False reports.

(a) Penalty.--A person commits a misdemeanor of the third degree if the person knowingly or intentionally makes a false report to the program.

(b) Student records.--If a report filed with the program is determined to be a false report, information about the subject of the false report shall not be made part of the subject student's record.

Section 1306-D. Judicial proceeding.

(a) General rule.--A person implementing, operating or working for the program may not be compelled to produce a record except pursuant to a court order. The Commonwealth or a criminal defendant may file a motion with the court for release of the record. The motion shall be accompanied by an affidavit establishing why the record should be produced.

(b) In camera review.--Upon the Commonwealth's or criminal defendant's motion under subsection (a), the court shall conduct an in camera review of the record requested to be produced under the motion of the Commonwealth or a criminal defendant.

(c) Decision by court.--After a review of the record under subsection (b), if the court determines that the record should be released, the court may order the record to be produced to the Commonwealth and criminal defendant pursuant to a protective order that includes:

(1) the redaction of the identity of the individual who made the report; and

(2) limitations, if any, on the use of the materials.

(d) Sealed record.--After a decision by the court under subsection (c), a record not produced to the Commonwealth or a criminal defendant shall be sealed and preserved in the judicial record of the court and may be made available on appeal.

(e) Return of record.--After the expiration of any appeal period, the court shall return each record to the program.

(f) Standing.--The Attorney General shall have standing in any action to support or oppose the disclosure of a record in the custody of the program.

Section 1307-D. Annual report.

(a) General rule.--No later than August 1 of each year, the office shall prepare and submit a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives.

(b) Contents of report.--The report shall, at a minimum, include:

(1) The number of reports received for the previous school year.

(2) The total number of reports received since the program began.

(3) A breakdown of the reports by type.

(4) A breakdown of the method by which the report was received.

(5) A breakdown of the report by school entity.

(6) The total cost to operate the program, including staffing costs, administrative costs and support costs.

(7) The total number of false reports received.

(8) Any other information the Attorney General deems appropriate.

Section 4. This act shall take effect immediately.

APPROVED--The 22nd day of June, A.D. 2018.

TOM WOLF