

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Nov. 27, 2019, P.L. 662, No. 91

Cl. 24

Session of 2019

No. 2019-91

HB 49

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 security, further providing for definitions, for school police officers, for training, for powers and duties, for school resource officers and for school security guards; in high schools, further providing for courses of study; in miscellaneous provisions relating to institutions of higher education, further providing for Public Higher Education Funding Commission; and, in fostering independence through education, further providing for fostering independence waiver program.

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

Section 1. The definition of "school security guard" in section 1301-C of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended July 2, 2019 (P.L.406, No.67), is amended to read:

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:

* * *

"School security guard." An individual employed by a school entity, nonpublic school or a third-party vendor or an independent contractor who is assigned to a school for routine safety and security duties and has not been granted powers under section [1306-C(3)] **1306-C(a)(3) or (b)**.

* * *

Section 2. Sections 1302-C(b)(2), 1305-C(a), 1306-C, 1313-C(a.1)(2) and 1314-C(b) and (c)(3) of the act, amended July 2, 2019 (P.L.406, No.67), are amended to read:

Section 1302-C. School police officers.

* * *

(b) Appointment.--

* * *

(2) The judge may, at the request of the school entity or nonpublic school, grant the school police officer **the powers as provided under section 1306-C(b)**, the authority to issue citations for summary offenses as provided in section [1306-C(3)] **1306-C(a)(3)** or the authority to detain students until the arrival of local law enforcement or any combination thereof.

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Section 1305-C. Training.

(a) General rule.--A school police officer who has been granted powers under section [1306-C(3)] **1306-C(a)(3) or (b)**

or has been authorized to carry a firearm must, before entering upon the duties of the office, satisfy the following:

(1) Successfully complete basic training as 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) or has graduated from the Pennsylvania State Police Academy, has been employed as a State trooper with the Pennsylvania State Police and has separated from that service in good standing.

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

(ii) A school police officer who is [currently] employed or contracted by a school entity or nonpublic school **before September 2, 2019**, shall have [six months from the effective date of this paragraph] **until the beginning of the 2020-2021 school year** to complete the instruction.

* * *

Section 1306-C. Powers and duties.

(a) **General rule.**--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 and school activities when the school police officer responds to a report of an incident involving a breach of good order or violation of law.

(3) If authorized by the court, to issue summary citations or to detain individuals **who are** in school buildings, on school buses and on school grounds in the respective school entities or nonpublic schools until local law enforcement is notified.

(b) **Specific powers.**--If authorized by the court, a school police officer who is a law enforcement officer employed by a school entity or nonpublic school whose responsibilities, including work hours, are established by the school entity or nonpublic school, may 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.

Section 1313-C. School resource officers.

* * *

(a.1) Training.--

* * *

(2) A school resource officer who is [currently] stationed in a school entity or nonpublic school **before September 2, 2019**, shall have [six months from the effective date of this subsection] **until the beginning of the 2020-2021 school year** to complete the instruction.

* * *

Section 1314-C. School security guards.

* * *

(b) Training.--The following shall apply:

(1) [A] **Prior to entering upon the duties of the office**, a school security guard shall successfully complete the Basic School Resource Officer Course offered by the National

Association of School Resource Officers or an equivalent course of instruction approved by the commission.

(2) [A] **An unarmed** school security guard who is [currently] employed or contracted by a school entity or nonpublic school **before September 2, 2019**, shall have [six months from the effective date of this subsection] **until the beginning of the 2020-2021 school year** to complete the instruction.

(3) **An armed school security guard who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until February 28, 2020, to complete the instruction under paragraph (1) unless an extension is approved through the following process:**

(i) **The governing body of a school entity or nonpublic school may approve an extension of the deadline specified in this paragraph for armed school security guards to complete the required instruction due to a hardship in complying with the deadline. The deadline may be extended to no later than the beginning of the 2020-2021 school year. The following shall apply:**

(A) **The governing body must determine that complying with the instruction deadline would present a hardship for the school entity or nonpublic school.**

(B) **The governing body of a school entity which is subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) may discuss the issue of a hardship extension in executive session, except that approval of the hardship extension must occur at a public meeting.**

(C) **The school entity or nonpublic school shall submit the approved hardship extension to the Office of Safe Schools within the department not later than 15 days from the date of approval. Any documentation submitted under this clause may not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.**

(ii) **For the purposes of this section, a hardship shall include any of the following:**

(A) **Increased risk to students, staff or visitors due to the absence of school security guards while school is in session because of compliance with the instruction deadline.**

(B) **Deployment or active military service, illness, family emergency, death in the immediate family or other approved leave of absence which would prevent school security guards from complying with the instruction deadline.**

(c) **Armed school security guards.--A school entity or nonpublic school may employ or contract with an independent contractor or a third-party vendor under section 1311-C for an armed school security guard if all of the following conditions are met:**

* * *

(3) **The school security guard has [complied with training] completed the instructional requirements under subsection (b).**

* * *

Section 3. Section 1605 of the act is amended by adding a subsection to read:

Section 1605. Courses of Study.--* * *

(d) (1) **Beginning with students graduating from a public high school at the end of the 2020-2021 school year, and**

continuing in each school year thereafter, a student who successfully completes a course in personal finance during grades nine through twelve shall be permitted to apply up to one credit earned for successful completion of the course to satisfy the student's social studies, family and consumer science, mathematics or business education credit requirement for graduation, provided that the governing body of the student's public high school shall have discretion to determine the graduation credit requirement to which the credit earned by the student shall be applied.

(2) A student shall not be permitted to apply more than one credit earned under subsection (c) and this subsection to satisfy the student's mathematics credit requirement for graduation.

(3) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"Personal finance" shall mean the integration of various factors relating to personal financial management, including understanding financial institutions, using money, learning to manage personal assets and liabilities, creating budgets and any other factors that may assist an individual in this Commonwealth to be financially responsible.

"Public high school" shall mean a public school, including a school within a school district, a charter school, a cyber charter school, a regional charter school or a career and technical school, that offers twelfth grade.

Section 4. Section 2001-I(i)(13) of the act, added July 2, 2019 (P.L.417, No.70), is amended to read:

Section 2001-I. Public Higher Education Funding Commission.

* * *

(i) Additional powers and duties.--The commission shall have all of the following powers and duties:

* * *

(13) Issue a report of the commission's findings and recommendations to the Governor, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Majority Leader and Minority Leader of the House of Representatives, the Secretary of Education, the State Board of Education, the Appropriations Committee of the Senate, the Appropriations Committee of the House of Representatives, the Education Committee of the Senate and the Education Committee of the House of Representatives not later than [one year after the effective date of this section] **November 30, 2020.**

* * *

Section 5. Section 2602-K(c) of the act, added June 28, 2019 (P.L.117, No.16), is amended to read:

Section 2602-K. Fostering independence waiver program.

* * *

(c) Eligibility.--In order to receive a fostering independence waiver under this section, an individual must be a current resident of this Commonwealth and eligible for the Pennsylvania Chafee Education and Training Grant Program under the Foster Care Independence Act of 1999 (Public Law 106-169, 113 Stat. 1822) as administered by the Department of Human Services and must have applied for all available Federal and State grants.

* * *

Section 6. School police officers appointed prior to September 2, 2019, shall have all authorities and powers granted by the court at the time of appointment.

Section 7. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The amendment of the definition of "school security guard" in section 1301-C and sections 1302-C(b)(2), 1305-C(a), 1306-C, 1313-C(a.1)(2) and 1314-C(b) and (c)(3) of the act.

(ii) This section.

(2) The remainder of this act shall take effect in 60 days.

APPROVED--The 27th day of November, A.D. 2019.

TOM WOLF