

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 621 Session of 2019

INTRODUCED BY REGAN, SCARNATI, PHILLIPS-HILL, BROOKS, BARTOLOTTA, ARGALL, FOLMER, GORDNER, YAW, DiSANTO, KILLION, MENSCH, STEFANO, J. WARD AND BROWNE, MAY 6, 2019

AS AMENDED ON SECOND CONSIDERATION, JUNE 4, 2019

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," amending provisions relating to
6 school police officers and school resource officers, and
7 imposing powers and duties on the Pennsylvania Commission on
8 Crime and Delinquency.

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

11 Section 1. Article XIII-C heading and sections 1301-C, 1302-
12 C, 1303-C, 1305-C, 1306-C, 1309-C, 1311-C, 1313-C and 1314-C of
13 the act of March 10, 1949 (P.L.30, No.14), known as the Public
14 School Code of 1949, added June 22, 2018 (P.L.327, No.44), are
15 amended to read:

16 ARTICLE XIII-C

17 SCHOOL [POLICE OFFICERS AND

18 SCHOOL RESOURCE OFFICERS] SECURITY

19 Section 1301-C. Definitions.

20 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

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

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

7 "Independent contractor." An individual, including a retired  
8 Federal agent or retired State, municipal or military police  
9 officer or retired sheriff or deputy sheriff, ~~who has a~~ WHOSE <--  
10 RESPONSIBILITIES, INCLUDING WORK HOURS, ARE ESTABLISHED IN A  
11 WRITTEN contract with a school entity or a nonpublic school for  
12 the purpose of performing school security services.

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

16 "School police officer." Any of the following:

17 (1) A law enforcement officer employed by a school  
18 [district] entity or nonpublic school whose responsibilities,  
19 including work hours, are established by the school  
20 [district] entity or nonpublic school.

21 (2) An independent contractor or an individual provided  
22 through a third party vendor who has been appointed under  
23 section 1302-C.

24 "School resource officer." A law enforcement officer  
25 commissioned and employed by a law enforcement agency whose duty  
26 station is located in a school entity or nonpublic school and  
27 whose stationing is established by an agreement between the law  
28 enforcement agency and the school entity[.] or nonpublic school.  
29 The term includes an active certified sheriff or deputy sheriff  
30 whose stationing in the school entity or nonpublic school is

1 established by an A WRITTEN agreement between the county, the  
2 sheriff's office and the school entity or nonpublic school.

3 "School security guard." An individual employed by a school  
4 entity, nonpublic school or a third party [contractor] vendor or  
5 an independent contractor who is assigned to a school for  
6 routine safety and security duties and [is not engaged in  
7 programs with students at the school.] has not been granted  
8 powers under section 1306-C(2) and (3).

9 "Third party vendor." A company or entity approved by the  
10 Office of Safe Schools under section 1302-A(b)(8) or the  
11 commission under section 1315-C(2) that provides school security  
12 services.

13 Section 1302-C. School police officers.

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

21 (b) Appointment.--

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

26 (2) The judge may, at the request of the school entity  
27 or nonpublic school, grant the school police officer the  
28 power to arrest as provided in section 1306-C(2), the  
29 authority to issue citations for summary offenses as provided  
30 in section 1306-C(3) or the authority to detain students

1 until the arrival of local law enforcement or any combination  
2 thereof.

3 (3) The judge ~~may~~ SHALL, at the request of the school <--  
4 entity or nonpublic school, grant the school police officer  
5 the authority to carry a firearm if the school police officer  
6 satisfies the requirements under section 1305-C.

7 Section 1303-C. Annual report [~~to department~~].

8 A school entity or nonpublic school which employs or  
9 contracts for a school police officer shall report annually to  
10 the department and the [~~Office of Safe Schools~~] commission the  
11 following information regarding school police officers receiving  
12 training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating  
13 to municipal police education and training):

14 (1) The identity of the school entity or nonpublic  
15 school and the number of school police officers employed or  
16 contracted by the school entity or nonpublic school.

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

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

21 Section 1305-C. [~~Firearm training~~] Training.

22 A school police officer who has been granted powers under  
23 section 1306-C(2) or (3) or has been authorized to carry a  
24 firearm must, before entering upon the duties of the office,  
25 [~~successfully~~] satisfy the following:

26 (1) Successfully complete such annual training as [~~set~~  
27 ~~forth in~~] required by the Municipal Police Officers'  
28 Education and Training Commission under 53 Pa.C.S. Ch. 21  
29 Subch. D (relating to municipal police education and  
30 training) or [~~have~~] has graduated from the Pennsylvania State

1 Police Academy [and have], has been employed as a State  
2 trooper with the Pennsylvania State Police and has separated  
3 from that service in good standing.

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

8 (ii) A school police officer who is currently  
9 employed or contracted by a school entity or nonpublic  
10 school shall have ~~one year~~ SIX MONTHS from the effective <--  
11 date of this paragraph to complete the instruction.

12 Section 1306-C. Powers and duties.

13 A school police officer appointed under section 1302-C(b)  
14 shall possess and exercise all the following powers and duties:

15 (1) To enforce good order in school buildings, on school  
16 buses and on school grounds in the respective school entities  
17 or nonpublic schools. For purposes of this paragraph, the  
18 term "school bus" shall include a vehicle leased by the  
19 school entity or nonpublic school to transport students and a  
20 vehicle of mass transit used by students to go to and from  
21 school and school activities when the school police officer  
22 responds to a report of an incident involving a breach of  
23 good order or violation of law.

24 (2) If authorized by the court, to exercise the same  
25 powers as exercised under authority of law or ordinance by  
26 the police of the municipality in which the school property  
27 is located.

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

1 Section 1309-C. Cooperative police service agreements.

2 (a) General rule.--A school entity or nonpublic school and  
3 municipality may enter into a cooperative police service  
4 agreement under 42 Pa.C.S. § 8953(e) (relating to Statewide  
5 municipal police jurisdiction) and 53 Pa.C.S. § 2303 (relating  
6 to intergovernmental cooperation authorized) to authorize the  
7 exercise of concurrent jurisdiction with local law enforcement  
8 within the municipality where the [school or] school entity or  
9 nonpublic school is located or within the municipality in which  
10 a school event or activity will take place.

11 (b) Municipalities without municipal police departments.--

12 (1) If a school entity or nonpublic school is located  
13 within a municipality where no municipal police department  
14 exists, the school entity or nonpublic school may enter into  
15 a cooperative police service agreement under 42 Pa.C.S. §  
16 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing  
17 full-time or part-time police coverage that is located  
18 adjacent to the school entity or nonpublic school.

19 (2) At least 30 days prior to executing a cooperative  
20 police service agreement under this subsection, the school  
21 entity or nonpublic school shall provide written notice of  
22 its intent to enter into the agreement to the municipality  
23 where the school entity or nonpublic school is located.

24 (3) A copy of the executed agreement shall be provided  
25 to the commanding officer of the Pennsylvania State Police  
26 installation that provides primary police services to the  
27 municipality where the school entity or nonpublic school is  
28 located.

29 (4) A cooperative police service agreement entered into  
30 under this subsection shall only pertain to actions taken on

1 school property under the agreement and shall not affect the  
2 jurisdiction of the Pennsylvania State Police.

3 Section 1311-C. Independent contractors and third party  
4 vendors.

5 [Notwithstanding section 1310-C, a school entity or nonpublic  
6 school may contract with individuals who are retired Federal  
7 agents or retired State, municipal or military police officers  
8 or sheriffs to provide services under this article. The  
9 individuals shall be considered independent contractors of the  
10 school entity or nonpublic school and shall be compensated by  
11 the school entity or nonpublic school on an hourly basis and  
12 receive no other compensation or fringe benefits from the school  
13 entity or nonpublic school.]

14 (a) General rule.--Notwithstanding section 1310-C, a school  
15 entity or nonpublic school may contract with an independent  
16 contractor or third party vendor to provide school police  
17 officer or school security guard services under this article.

18 (b) School police officer services.--[The school entity or <--  
19 nonpublic school shall ensure that {the} ~~an~~ independent <--  
20 {contractors comply} ~~contractor or an individual provided~~ <--  
21 ~~through a third party vendor complies~~ with all of the following  
22 ~~prior to performing services for the school entity or nonpublic~~ <--  
23 ~~school:~~] <--

24 (1) [Completed {such annual training as is required by <--  
25 the Municipal Police Officers' Education and Training  
26 Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to  
27 municipal police education and training)] PRIOR TO PERFORMING <--  
28 SERVICES FOR A SCHOOL ENTITY OR NONPUBLIC SCHOOL, AN  
29 INDEPENDENT CONTRACTOR OR AN INDIVIDUAL PROVIDED THROUGH A  
30 THIRD PARTY VENDOR SHALL COMPLETE the training required under

1 section 1305-C.

2 ~~(2) Satisfied the requirements of section 111.~~ <--

3 (2) [SATISFIED] PRIOR TO PERFORMING SERVICES FOR A <--  
4 SCHOOL ENTITY OR NONPUBLIC SCHOOL, AN INDEPENDENT CONTRACTOR  
5 OR AN INDIVIDUAL PROVIDED THROUGH A THIRD PARTY VENDOR SHALL  
6 SATISFY THE REQUIREMENTS OF [SECTION] SECTIONS 111 AND 111.1  
7 AND 23 PA.C.S. § 6344 (RELATING TO EMPLOYEES HAVING CONTACT  
8 WITH CHILDREN; ADOPTIVE AND FOSTER PARENTS).

9 (3) [In the case of a school entity, indemnified by the <--  
10 school entity under 42 Pa.C.S. § 8548 (relating to  
11 indemnity).] IF PROVIDED IN THE WRITTEN CONTRACT, AN <--  
12 INDEPENDENT CONTRACTOR OF A SCHOOL ENTITY PUBLIC SHALL BE  
13 TREATED AS AN EMPLOYEE OF A LOCAL AGENCY UNDER 42 PA.C.S. CH.  
14 85 SUBCH. C (RELATING TO ACTIONS AGAINST LOCAL PARTIES).

15 ~~(4) In the case of a nonpublic school, insured by the~~ <--

16 (4) AN INDEPENDENT CONTRACTOR OF A NONPUBLIC SCHOOL <--  
17 SHALL BE INSURED BY THE nonpublic school for any liability  
18 arising from the performance of their THE INDEPENDENT <--  
19 CONTRACTOR'S duties.

20 ~~(c) School security guard services. A school entity or~~ <--  
21 ~~nonpublic school shall ensure that the independent contractor or~~  
22 ~~an individual provided through a third party vendor complies~~  
23 ~~with all of the following prior to performing services for the~~  
24 ~~school entity or nonpublic school:~~

25 ~~(1) Has completed~~

26 (C) SCHOOL SECURITY GUARD SERVICES.-- <--

27 (1) PRIOR TO PERFORMING SERVICES FOR A SCHOOL ENTITY OR  
28 NONPUBLIC SCHOOL, AN INDEPENDENT CONTRACTOR OR AN INDIVIDUAL  
29 PROVIDED THROUGH A THIRD PARTY VENDOR SHALL COMPLETE the  
30 training required under section 1314-C(b), if applicable.



1           ~~(2) Satisfied the requirements of section 111.~~ <--

2           ~~(3) For a school entity, has been indemnified by the~~  
3 ~~school entity under 42 Pa.C.S. § 8548.~~

4           ~~(4) For a nonpublic school, has been insured by the~~

5           (2) PRIOR TO PERFORMING SERVICES FOR A SCHOOL ENTITY OR <--  
6 NONPUBLIC SCHOOL, AN INDEPENDENT CONTRACTOR OR AN INDIVIDUAL  
7 PROVIDED THROUGH A THIRD PARTY VENDOR SHALL SATISFY THE  
8 REQUIREMENTS OF SECTIONS 111 AND 111.1 AND 23 PA.C.S. § 6344.

9           (3) IF PROVIDED IN THE WRITTEN CONTRACT, AN INDEPENDENT  
10 CONTRACTOR OF A SCHOOL ENTITY PUBLIC SHALL BE TREATED AS AN  
11 EMPLOYEE OF A LOCAL AGENCY UNDER 42 PA.C.S. CH. 85 SUBCH. C.

12           (4) AN INDEPENDENT CONTRACTOR OF A NONPUBLIC SCHOOL  
13 SHALL BE INSURED BY THE nonpublic school for any liability  
14 arising from the performance of the independent contractor's  
15 or individual's duties.

16 Section 1313-C. School resource officers.

17           (a) Powers and duties.--A school entity or nonpublic school  
18 may confer the following powers and duties upon school resource  
19 officers:

20           (1) To assist in the identification of physical changes  
21 in the environment which may reduce crime in or around the  
22 school.

23           (2) To assist in developing school policy which  
24 addresses crime and to recommend procedural changes.

25           (3) To develop and educate students in crime prevention  
26 and safety.

27           (4) To train students in conflict resolution,  
28 restorative justice and crime awareness.

29           (5) To address crime and violence issues, gangs and drug  
30 activities affecting or occurring in or around a school.

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

3 (a.1) Training.--

4 (1) Prior to entering upon the duties of the office, a  
5 school resource officer shall successfully complete the Basic  
6 School Resource Officer Course of Instruction offered by the  
7 National Association of School Resource Officers or an  
8 equivalent course of instruction approved by the commission.

9 (2) A school resource officer WHO IS CURRENTLY EMPLOYED <--  
10 BY, AND whose duty station is located in a school entity or  
11 nonpublic school shall have ~~one year~~ SIX MONTHS from the <--  
12 effective date of this subsection to complete the  
13 instruction.

14 (b) Intergovernmental agreements for school [security and <--  
15 safety] RESOURCE OFFICERS.-- <--

16 (1) The board of school directors of a school district  
17 may enter into agreements with other political subdivisions  
18 to provide for [the safety and security of the] school <--  
19 RESOURCE OFFICERS, SUBJECT TO THE STATUTORY AUTHORITY OF <--  
20 SCHOOL RESOURCE OFFICERS.

21 (2) The board of school directors may use school funds  
22 to share costs with municipalities and counties for such  
23 expenses as benefits and salaries of school resource officers  
24 [and probation officers]. <--

25 (3) School resource officers [and probation officers] <--  
26 are not required to be employees of the school district and  
27 may be employees of other political subdivisions.

28 Section 1314-C. School security guards.

29 (a) Scope of services.--A school security guard may provide  
30 the following services as determined by the school entity or

1 nonpublic school:

2 (1) School safety support services.

3 (2) Enhanced campus supervision.

4 (3) Assistance with disruptive students.

5 (4) Monitoring visitors on campus.

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

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

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

12 (1) A school security guard shall successfully complete  
13 the basic school resource officer course of instruction  
14 offered by the National Association of School Resource  
15 Officers or an equivalent course of instruction approved by  
16 the commission.

17 (2) A school security guard who is currently employed or  
18 contracted by a school entity or nonpublic school shall have  
19 ~~one year~~ SIX MONTHS from the effective date of this <--  
20 subsection to complete the instruction.

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

26 (1) The school security guard is licensed under 18  
27 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

28 (2) The school security guard has successfully completed  
29 and is currently certified under the act of October 10, 1974  
30 (P.L.705, No.235), known as the Lethal Weapons Training Act.

1           (3) The school security guard has complied with training  
2 requirements under subsection (b).

3           (4) The school security guard has satisfied the  
4 requirements under section 111.

5           (d) Active or retired law enforcement officers.--Active or  
6 retired law enforcement officers shall be exempt from the  
7 training requirements for ~~armed~~ SCHOOL security guards under <--  
8 subsection ~~(b)(2)~~ (C)(2) upon presentation to the school entity <--  
9 or nonpublic school of evidence of their completion of the  
10 training requirements under 53 Pa.C.S. Ch. 21 Subch. D (relating  
11 to municipal police education and training).

12           Section 2. The act is amended by adding ~~a section~~ SECTIONS <--  
13 to read:

14 Section 1315-C. Duties of the commission.

15           The commission shall have the following duties under this  
16 article:

17           (1) In conjunction with the department and the  
18 Pennsylvania State Police, periodically reassess the training  
19 requirements for all school security personnel, INCLUDING THE <--  
20 BASIC SCHOOL RESOURCE OFFICER COURSE OF INSTRUCTION OFFERED  
21 BY THE NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS.

22           (2) Establish criteria for certifying approved third  
23 party vendors to provide school security guard services to  
24 school entities and nonpublic schools.

25           (3) Publish and post on the commission's publicly  
26 accessible Internet website a listing of all approved third  
27 party vendors for school security guard services.

28           (4) Submit an annual report to the General Assembly on  
29 school security, including all data collected from school  
30 entities and nonpublic schools and recommendations for

1 improvements in school security personnel training  
2 requirements.

3 SECTION 1316-C. AUTHORITY TO POSSESS A FIREARM. <--

4 THIS ARTICLE PROVIDES THE EXCLUSIVE MEANS FOR A SCHOOL ENTITY  
5 OR NONPUBLIC SCHOOL TO AUTHORIZE SCHOOL SECURITY PERSONNEL TO  
6 POSSESS A FIREARM ON SCHOOL PREMISES.

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