

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 REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 26, 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 SCHOOL SECURITY GUARDS; and imposing powers and duties on the
8 Pennsylvania Commission on 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.

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

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

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

8 "Independent contractor." An individual, including a retired
9 Federal agent or retired State, municipal or military police
10 officer or retired sheriff or deputy sheriff, whose
11 responsibilities, including work hours, are established in a
12 written contract with a school entity or a nonpublic school for
13 the purpose of performing school security services.

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

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

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

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

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

1 whose stationing in the school entity or nonpublic school is
2 established by a written agreement between the county, the
3 sheriff's office and the school entity or nonpublic school.

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

10 "School security personnel." School police officers, school
11 resource officers and school security guards.

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

16 Section 1302-C. School police officers.

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

24 (b) Appointment.--

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

29 (2) The judge may, at the request of the school entity
30 or nonpublic school, grant the school police officer [the <--

1 power to arrest as provided in section 1306-C(2),] the <--
2 authority to issue citations for summary offenses as provided
3 in section 1306-C(3) or the authority to detain students
4 until the arrival of local law enforcement or any combination
5 thereof.

6 (3) The judge shall, at the request of the school entity
7 or nonpublic school, grant the school police officer the
8 authority to carry a firearm if the school police officer
9 satisfies the requirements under section 1305-C.

10 Section 1303-C. Annual report [to department].

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

17 (1) The identity of the school entity or nonpublic
18 school and the number of school police officers employed or
19 contracted by the school entity or nonpublic school.

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

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

24 Section 1305-C. [Firearm training] Training.

25 (A) GENERAL RULE.--A school police officer who has been <--
26 granted powers under section [1306-C(2) or (3)] 1306-C(3) or has <--
27 been authorized to carry a firearm must, before entering upon
28 the duties of the office, [successfully] satisfy the following:

29 (1) Successfully complete ~~such annual~~ BASIC training as <--
30 [set forth in] required by the Municipal Police Officers'

1 Education and Training Commission under 53 Pa.C.S. Ch. 21
2 Subch. D (relating to municipal police education and
3 training) or [have] has graduated from the Pennsylvania State
4 Police Academy [and have], has been employed as a State
5 trooper with the Pennsylvania State Police and has separated
6 from that service in good standing.

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

11 (ii) A school police officer who is currently
12 employed or contracted by a school entity or nonpublic
13 school shall have six months from the effective date of
14 this paragraph to complete the instruction.

15 (B) IN-SERVICE TRAINING.--NOTWITHSTANDING ANY OTHER <--
16 PROVISION OF LAW, A SCHOOL POLICE OFFICER SHALL ALSO ATTEND
17 ANNUAL IN-SERVICE TRAINING APPROVED BY THE MUNICIPAL POLICE
18 OFFICERS' EDUCATION AND TRAINING COMMISSION UNDER 53 PA.C.S. CH.
19 21 SUBCH. D.

20 Section 1306-C. Powers and duties.

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

23 (1) To enforce good order in school buildings, on school
24 buses and on school grounds in the respective school entities
25 or nonpublic schools. For purposes of this paragraph, the
26 term "school bus" shall include a vehicle leased by the
27 school entity or nonpublic school to transport students and a
28 vehicle of mass transit used by students to go to and from
29 school and school activities when the school police officer
30 responds to a report of an incident involving a breach of

1 good order or violation of law.

2 [(2) If authorized by the court, to exercise the same <--
3 powers as exercised under authority of law or ordinance by
4 the police of the municipality in which the school property
5 is located.] <--

6 (3) If authorized by the court, to issue summary
7 citations or to detain individuals IN SCHOOL BUILDINGS, ON <--
8 SCHOOL BUSES AND ON SCHOOL GROUNDS IN THE RESPECTIVE SCHOOL
9 ENTITIES OR NONPUBLIC SCHOOLS until local law enforcement is
10 notified.

11 Section 1309-C. Cooperative police service agreements.

12 (a) General rule.--A school entity or nonpublic school and
13 municipality may enter into a cooperative police service
14 agreement under 42 Pa.C.S. § 8953(e) (relating to Statewide
15 municipal police jurisdiction) and 53 Pa.C.S. § 2303 (relating
16 to intergovernmental cooperation authorized) to authorize the
17 exercise of concurrent jurisdiction with local law enforcement
18 within the municipality where the [school or] school entity or
19 nonpublic school is located or within the municipality in which
20 a school event or activity will take place.

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

22 (1) If a school entity or nonpublic school is located
23 within a municipality where no municipal police department
24 exists, the school entity or nonpublic school may enter into
25 a cooperative police service agreement under 42 Pa.C.S. §
26 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing
27 full-time or part-time police coverage that is located
28 adjacent to the school entity or nonpublic school.

29 (2) At least 30 days prior to executing a cooperative
30 police service agreement under this subsection, the school

1 entity or nonpublic school shall provide written notice of
2 its intent to enter into the agreement to the municipality
3 where the school entity or nonpublic school is located.

4 (3) A copy of the executed agreement shall be provided
5 to the commanding officer of the Pennsylvania State Police
6 installation that provides primary police services to the
7 municipality where the school entity or nonpublic school is
8 located.

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

13 Section 1311-C. Independent contractors and third-party
14 vendors.

15 [Notwithstanding section 1310-C, a school entity or nonpublic
16 school may contract with individuals who are retired Federal
17 agents or retired State, municipal or military police officers
18 or sheriffs to provide services under this article. The
19 individuals shall be considered independent contractors of the
20 school entity or nonpublic school and shall be compensated by
21 the school entity or nonpublic school on an hourly basis and
22 receive no other compensation or fringe benefits from the school
23 entity or nonpublic school.]

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

28 (b) School police officer services.--[The school entity or
29 nonpublic school shall ensure that the independent contractors
30 comply with all of the following :]

1 (1) [Completed such annual training as is required by
2 the Municipal Police Officers' Education and Training
3 Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to
4 municipal police education and training)] Prior to performing
5 services for a school entity or nonpublic school, an
6 independent contractor or an individual provided through a
7 third-party vendor shall complete the training required under
8 section 1305-C.

9 (2) [Satisfied] Prior to performing services for a
10 school entity or nonpublic school, an independent contractor
11 or an individual provided through a third-party vendor shall
12 satisfy the requirements of [section] sections 111 and 111.1
13 and 23 Pa.C.S. § 6344 (relating to employees having contact
14 with children; adoptive and foster parents).

15 (3) [In the case of a school entity, indemnified by the
16 school entity under 42 Pa.C.S. § 8548 (relating to
17 indemnity).] If provided in the written contract, an
18 independent contractor of a school entity shall be treated as
19 an employee of a local agency under 42 Pa.C.S. Ch. 85 Subch.
20 C (relating to actions against local parties).

21 (4) An independent contractor of a nonpublic school
22 shall be insured by the nonpublic school for any liability
23 arising from the performance of the independent contractor's
24 duties.

25 (c) School security guard services.--

26 (1) Prior to performing services for a school entity or
27 nonpublic school, an independent contractor or an individual
28 provided through a third-party vendor shall complete the
29 training required under section 1314-C(b), if applicable.

30 (2) Prior to performing services for a school entity or

1 nonpublic school, an independent contractor or an individual
2 provided through a third-party vendor shall satisfy the
3 requirements of sections 111 and 111.1 and 23 Pa.C.S. § 6344.

4 (3) If provided in the written contract, an independent
5 contractor of a school entity shall be treated as an employee
6 of a local agency under 42 Pa.C.S. Ch. 85 Subch. C.

7 (4) An independent contractor of a nonpublic school
8 shall be insured by the nonpublic school for any liability
9 arising from the performance of the independent contractor's
10 duties.

11 Section 1313-C. School resource officers.

12 (a) Powers and duties.--A school entity or nonpublic school
13 may confer the following powers and duties upon school resource
14 officers:

15 (1) To assist in the identification of physical changes
16 in the environment which may reduce crime in or around the
17 school.

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

20 (3) To develop and educate students in crime prevention
21 and safety.

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

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

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

28 (a.1) Training.--

29 (1) Prior to entering upon the duties of the office, a
30 school resource officer shall successfully complete the Basic

1 School Resource Officer Course of Instruction offered by the
2 National Association of School Resource Officers or an
3 equivalent course of instruction approved by the commission.

4 ~~(2) A school resource officer who is currently employed <--~~
5 ~~by, and whose duty station is located STATIONED in a school <--~~
6 entity or nonpublic school shall have six months from the
7 effective date of this subsection to complete the
8 instruction.

9 (b) Intergovernmental agreements for school [security and
10 safety] resource officers.--

11 (1) The board of school directors of a school district
12 may enter into agreements with other political subdivisions
13 to provide for [the safety and security of the] school
14 resource officers, subject to the statutory authority of
15 school resource officers.

16 (2) The board of school directors may use school funds
17 to share costs with municipalities and counties for such
18 expenses as benefits and salaries of school resource officers
19 [and probation officers].

20 (3) School resource officers [and probation officers]
21 are not required to be employees of the school district and
22 may be employees of other political subdivisions.

23 Section 1314-C. School security guards.

24 (a) Scope of services.--A school security guard may provide
25 the following services as determined by the school entity or
26 nonpublic school:

- 27 (1) School safety support services.
- 28 (2) Enhanced campus supervision.
- 29 (3) Assistance with disruptive students.
- 30 (4) Monitoring visitors on campus.

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

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

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

7 (1) A school security guard shall successfully complete
8 the basic school resource officer course of instruction
9 offered by the National Association of School Resource
10 Officers or an equivalent course of instruction approved by
11 the commission.

12 (2) A school security guard who is currently employed or
13 contracted by a school entity or nonpublic school shall have
14 six months from the effective date of this subsection to
15 complete the instruction.

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

21 (1) Except as set forth in subsection (d) or (e), the
22 school security guard is licensed under 18 Pa.C.S. Ch. 61
23 Subch. A (relating to Uniform Firearms Act).

24 (2) Except as set forth in subsection (d) or (e), the
25 school security guard has successfully completed and is
26 currently certified under the act of October 10, 1974
27 (P.L.705, No.235), known as the Lethal Weapons Training Act.

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

30 (4) The school security guard has satisfied the

1 requirements under sections 111 and 111.1 and 23 Pa.C.S. §
2 6344 (relating to employees having contact with children;
3 adoptive and foster parents).

4 (d) Active law enforcement officers.--Active law enforcement
5 officers shall be exempt from the training requirements for
6 school security guards under subsection (c)(1) and (2) upon
7 presentation to the school entity or nonpublic school of
8 evidence of their completion of the training requirements under
9 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
10 education and training).

11 (e) Retired law enforcement officers.--A retired law
12 enforcement officer shall be exempt from the training
13 requirements for school security guards under subsection (c)(1)
14 and (2) if the retired officer:

15 (1) complies with section 8.1 of the Lethal Weapons
16 Training Act; or

17 (2) has been issued a firearm training and qualification
18 card under section 5 of the act of December 13, 2005
19 (P.L.432, No.79), known as the Retired Law Enforcement
20 Identification Act.

21 Section 2. The act is amended by adding ~~sections~~ A SECTION <--
22 to read:

23 Section 1315-C. Duties of the commission.

24 The commission shall have the following duties under this
25 article:

26 (1) In conjunction with the department and the
27 Pennsylvania State Police, periodically reassess the training
28 requirements for all school security personnel, including the
29 Basic School Resource Officer Course of Instruction offered
30 by the National Association of School Resource Officers.

1 (2) Establish criteria for certifying approved third-
2 party vendors to provide school security guard services to
3 school entities and nonpublic schools.

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

7 (4) Submit an annual report to the General Assembly on
8 school security, including all data collected from school
9 entities and nonpublic schools and recommendations for
10 improvements in school security personnel training
11 requirements.

12 ~~Section 1316 C. Authority to possess a firearm.~~

<--

13 ~~This article provides the exclusive means for a school entity~~
14 ~~or nonpublic school to authorize school security personnel to~~
15 ~~possess a firearm on school premises.~~

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