

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 THIRD CONSIDERATION, JUNE 10, 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, 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~~ THIRD-PARTY vendor who has been <--
23 appointed under 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 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}] THIRD- <--
5 PARTY vendor or an independent contractor who is assigned to a
6 school for routine safety and security duties and [is not
7 engaged in programs with students at the school.] has not been
8 granted powers under section 1306-C(2) and (3).

9 "SCHOOL SECURITY PERSONNEL." SCHOOL POLICE OFFICERS, SCHOOL <--
10 RESOURCE OFFICERS AND SCHOOL SECURITY GUARDS.

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

15 Section 1302-C. School police officers.

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

23 (b) Appointment.--

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

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

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

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

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

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

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

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

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

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

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

28 (1) Successfully complete such annual training as [set
29 forth in] required by the Municipal Police Officers'
30 Education and Training Commission under 53 Pa.C.S. Ch. 21

1 Subch. D (relating to municipal police education and
2 training) or [have] has graduated from the Pennsylvania State
3 Police Academy [and have], has been employed as a State
4 trooper with the Pennsylvania State Police and has separated
5 from that service in good standing.

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

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

14 Section 1306-C. Powers and duties.

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

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

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

30 (3) If authorized by the court, to issue summary

1 citations or to detain individuals until local law
2 enforcement is notified.

3 Section 1309-C. Cooperative police service agreements.

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

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

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

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

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

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

5 Section 1311-C. Independent contractors and ~~third party~~ THIRD- <--
6 PARTY vendors.

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

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

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

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~~ THIRD-PARTY vendor shall complete the training <--

1 required under section 1305-C.

2 (2) [Satisfied] Prior to performing services for a
3 school entity or nonpublic school, an independent contractor
4 or an individual provided through a ~~third party~~ THIRD-PARTY <--
5 vendor shall satisfy the requirements of [section] sections
6 111 and 111.1 and 23 Pa.C.S. § 6344 (relating to employees
7 having contact with children; adoptive and foster parents).

8 (3) [In the case of a school entity, indemnified by the
9 school entity under 42 Pa.C.S. § 8548 (relating to
10 indemnity).] If provided in the written contract, an
11 independent contractor of a school entity ~~public~~ shall be <--
12 treated as an employee of a local agency under 42 Pa.C.S. Ch.
13 85 Subch. C (relating to actions against local parties).

14 (4) An independent contractor of a nonpublic school
15 shall be insured by the nonpublic school for any liability
16 arising from the performance of the independent contractor's
17 duties.

18 (c) School security guard services.--

19 (1) Prior to performing services for a school entity or
20 nonpublic school, an independent contractor or an individual
21 provided through a ~~third party~~ THIRD-PARTY vendor shall <--
22 complete the training required under section 1314-C(b), if
23 applicable.

24 (2) Prior to performing services for a school entity or
25 nonpublic school, an independent contractor or an individual
26 provided through a ~~third party~~ THIRD-PARTY vendor shall <--
27 satisfy the requirements of sections 111 and 111.1 and 23
28 Pa.C.S. § 6344.

29 (3) If provided in the written contract, an independent
30 contractor of a school entity ~~public~~ shall be treated as an <--

1 employee of a local agency under 42 Pa.C.S. Ch. 85 Subch. C.

2 (4) An independent contractor of a nonpublic school
3 shall be insured by the nonpublic school for any liability
4 arising from the performance of the independent contractor's
5 or individual's duties. <--

6 Section 1313-C. School resource officers.

7 (a) Powers and duties.--A school entity or nonpublic school
8 may confer the following powers and duties upon school resource
9 officers:

10 (1) To assist in the identification of physical changes
11 in the environment which may reduce crime in or around the
12 school.

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

15 (3) To develop and educate students in crime prevention
16 and safety.

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

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

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

23 (a.1) Training.--

24 (1) Prior to entering upon the duties of the office, a
25 school resource officer shall successfully complete the Basic
26 School Resource Officer Course of Instruction offered by the
27 National Association of School Resource Officers or an
28 equivalent course of instruction approved by the commission.

29 (2) A school resource officer who is currently employed
30 by, and whose duty station is located in a school entity or

1 nonpublic school shall have six months from the effective
2 date of this subsection to complete the instruction.

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

5 (1) The board of school directors of a school district
6 may enter into agreements with other political subdivisions
7 to provide for [the safety and security of the] school
8 resource officers, subject to the statutory authority of
9 school resource officers.

10 (2) The board of school directors may use school funds
11 to share costs with municipalities and counties for such
12 expenses as benefits and salaries of school resource officers
13 [and probation officers].

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

17 Section 1314-C. School security guards.

18 (a) Scope of services.--A school security guard may provide
19 the following services as determined by the school entity or
20 nonpublic school:

21 (1) School safety support services.

22 (2) Enhanced campus supervision.

23 (3) Assistance with disruptive students.

24 (4) Monitoring visitors on campus.

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

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

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

1 (1) A school security guard shall successfully complete
2 the basic school resource officer course of instruction
3 offered by the National Association of School Resource
4 Officers or an equivalent course of instruction approved by
5 the commission.

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

10 (c) Armed school security guards.--A school entity or
11 nonpublic school may employ or contract with an independent
12 contractor or a ~~third party~~ THIRD-PARTY vendor under section <--
13 1311-C for an armed school security guard if all of the
14 following conditions are met:

15 (1) ~~The~~ EXCEPT AS SET FORTH IN SUBSECTION (D) OR (E), <--
16 THE school security guard is licensed under 18 Pa.C.S. Ch. 61
17 Subch. A (relating to Uniform Firearms Act).

18 (2) ~~The~~ EXCEPT AS SET FORTH IN SUBSECTION (D) OR (E), <--
19 THE school security guard has successfully completed and is
20 currently certified under the act of October 10, 1974
21 (P.L.705, No.235), known as the Lethal Weapons Training Act.

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

24 (4) The school security guard has satisfied the
25 requirements under ~~section 111~~ SECTIONS 111 AND 111.1 AND 23 <--
26 PA.C.S. § 6344 (RELATING TO EMPLOYEES HAVING CONTACT WITH
27 CHILDREN; ADOPTIVE AND FOSTER PARENTS).

28 (d) ~~Active or retired~~ law enforcement officers.--Active ~~or~~ <--
29 ~~retired~~ law enforcement officers shall be exempt from the
30 training requirements for school security guards under

1 subsection ~~(e)(2)~~ (C) (1) AND (2) upon presentation to the school <--
2 entity or nonpublic school of evidence of their completion of
3 the training requirements under 53 Pa.C.S. Ch. 21 Subch. D
4 (relating to municipal police education and training).

5 (E) RETIRED LAW ENFORCEMENT OFFICERS.--A RETIRED LAW <--
6 ENFORCEMENT OFFICER SHALL BE EXEMPT FROM THE TRAINING
7 REQUIREMENTS FOR SCHOOL SECURITY GUARDS UNDER SUBSECTION (C) (1)
8 AND (2) IF THE RETIRED OFFICER:

9 (1) COMPLIES WITH SECTION 8.1 OF THE LETHAL WEAPONS
10 TRAINING ACT; OR

11 (2) HAS BEEN ISSUED A FIREARM TRAINING AND QUALIFICATION
12 CARD UNDER SECTION 5 OF THE ACT OF DECEMBER 13, 2005
13 (P.L.432, NO.79), KNOWN AS THE RETIRED LAW ENFORCEMENT
14 IDENTIFICATION ACT.

15 Section 2. The act is amended by adding sections to read:
16 Section 1315-C. Duties of the commission.

17 The commission shall have the following duties under this
18 article:

19 (1) In conjunction with the department and the
20 Pennsylvania State Police, periodically reassess the training
21 requirements for all school security personnel, including the
22 Basic School Resource Officer Course of Instruction offered
23 by the National Association of School Resource Officers.

24 (2) Establish criteria for certifying approved ~~third-~~ <--
25 ~~party~~ THIRD-PARTY vendors to provide school security guard <--
26 services to school entities and nonpublic schools.

27 (3) Publish and post on the commission's publicly
28 accessible Internet website a listing of all approved ~~third-~~ <--
29 ~~party~~ THIRD-PARTY vendors for school security guard services. <--

30 (4) Submit an annual report to the General Assembly on

1 school security, including all data collected from school
2 entities and nonpublic schools and recommendations for
3 improvements in school security personnel training
4 requirements.

5 Section 1316-C. Authority to possess a firearm.

6 This article provides the exclusive means for a school entity
7 or nonpublic school to authorize school security personnel to
8 possess a firearm on school premises.

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