

No. 2019-67

AN ACT

SB 621

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," amending provisions relating to school police officers, school resource officers and school security guards; and imposing powers and duties on the Pennsylvania Commission on Crime and Delinquency.

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

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

ARTICLE XIII-C
SCHOOL [POLICE OFFICERS AND
SCHOOL RESOURCE OFFICERS] SECURITY

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:

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

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

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

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

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

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

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

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

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

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

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

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

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 *as provided in section 1306-C(3)* or the authority to detain students until the arrival of local law enforcement or any combination thereof.

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

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

A school entity or nonpublic school which employs *or contracts for* a school police officer shall report annually to the department and the [Office of Safe Schools] *commission* 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 *or contracted* 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 1305-C. **[Firearm training] Training.**

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

(1) **Successfully** complete *basic* training as **[set forth in] 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 **[have] has** graduated from the Pennsylvania State Police Academy **[and have], 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 offered¹ 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 shall have six months from the effective date of this paragraph to complete the instruction.*

(b) **In-service training.**—*Notwithstanding any other provision of law, a school police officer shall also attend annual in-service training approved by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D.*

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 *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.

[(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 *in school buildings, on school buses and on school grounds in the respective school entities or nonpublic schools* until local law enforcement is notified.

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

¹"the Basic School Resource Officer Course of Instruction offered" in enrolled bill.

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 *entity or nonpublic 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 *entity or nonpublic 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 *entity or nonpublic 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 *entity or nonpublic 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 1311-C. Independent contractors *and third-party vendors*.

[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.]

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

(b) *School police officer services.*—[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)] *Prior to performing services for a school entity or nonpublic school, an independent contractor or an individual provided through a third-party vendor shall complete the training required under section 1305-C.*

(2) [Satisfied] *Prior to performing services for a school entity or nonpublic school, an independent contractor or an individual provided through a third-party vendor shall satisfy the requirements of [section]*

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

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

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

(c) School security guard services.—

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

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

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

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

Section 1313-C. School resource officers.

(a) Powers and duties.—A school entity *or nonpublic school* 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.

(a.1) Training.—

(1) *Prior to entering upon the duties of the office, a school resource officer shall successfully complete the Basic School Resource Officer Course offered¹ by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.*

(2) *A school resource officer who is currently stationed in a school entity or nonpublic school shall have six months from the effective date of this subsection to complete the instruction.*

¹the Basic School Resource Officer Course of Instruction offered" in enrolled bill.

(b) Intergovernmental agreements for school **[security and safety] resource officers**.—

(1) 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 *resource officers, subject to the statutory authority of school resource officers.*

(2) 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]**.

(3) 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) *Scope of services*.—A school security guard may provide the following services as determined by the school entity *or nonpublic school*:

(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.

(b) *Training*.—*The following shall apply*:

(1) *A school security guard shall successfully complete the Basic School Resource Officer Course offered¹ by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.*

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

(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*:

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

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

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

(4) *The school security guard has satisfied the requirements under sections 111 and 111.1 and 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents).*

¹the basic school resource officer course of instruction offered" in enrolled bill.

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

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

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

or

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

Section 2. The act is amended by adding a section to read:

Section 1315-C. Duties of commission.

The commission shall have the following duties under this article:

(1) In conjunction with the department and the Pennsylvania State Police, periodically reassess the training requirements for all school security personnel, including the Basic School Resource Officer Course offered¹ by the National Association of School Resource Officers.

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

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

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

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

APPROVED—The 2nd day of July, A.D. 2019

TOM WOLF

¹the Basic School Resource Officer Course of Instruction offered" in enrolled bill.