

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1194 Session of
2013

INTRODUCED BY WHITE, SMITH, SCARNATI, VOGEL, ALLOWAY, PILEGGI,
YUDICHAK, SCHWANK, BREWSTER, WAUGH, BROWNE AND BRUBAKER,
NOVEMBER 22, 2013

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 11, 2014

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," in grounds and buildings, further
6 providing for sale of unused and unnecessary lands and
7 buildings and for school police officers; and, in safe
8 schools, further providing for Office for Safe Schools.

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

11 Section 1. Section 707(8) of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949,
13 amended December 21, 1988 (P.L.1321, No.169), is amended to
14 read:

15 Section 707. Sale of Unused and Unnecessary Lands and
16 Buildings.--The board of school directors of any district is
17 hereby vested with the necessary power and authority to sell
18 unused and unnecessary lands and buildings, by any of the
19 following methods and subject to the following provisions:

1 * * *

2 (8) Notwithstanding the foregoing provisions of this
3 section, any school district of the second, third or fourth
4 class, upon approval of two-thirds (2/3) of the members of the
5 board of school directors of such district, may convey any
6 unused and unnecessary lands and buildings of the district to
7 the city, borough, town [or], township or municipal authority,
8 the boundaries of which are coterminous with or within those of
9 the district or a volunteer fire company, volunteer ambulance
10 service or volunteer rescue squad located within the district,
11 without consideration, or for such consideration and on such
12 terms of exchange or otherwise as may be agreed upon, without
13 first complying with the requirements of the foregoing
14 provisions of this section.

15 All such conveyances to a city, borough, town [or], township
16 or municipal authority shall contain a clause whereby the lands
17 and buildings will revert to the school district if they are no
18 longer being used for municipal or authority purposes, with the
19 following exception. If the lands and buildings acquired from a
20 former school district are conveyed to a city, borough, town
21 [or], township or municipal authority, the boundaries of which
22 are coterminous with or within those of the former school
23 district, the conveyance need not contain a reverter clause.
24 However, all conveyances to a volunteer fire company, volunteer
25 ambulance service or volunteer rescue squad shall contain a
26 clause whereby the lands and buildings will revert to the school
27 district if they are no longer being used for fire, ambulance or
28 rescue services.

29 * * *

30 Section 2. Section 778 of the act, amended or added June 25,

1 1997 (P.L.297, No.30) and July 4, 2004 (P.L.536, No.70), is
2 amended to read:

3 Section 778. School Police Officers.--(a) Any school
4 [district] entity or nonpublic school may apply to any judge of
5 the court of common pleas of the county within which the school
6 [district] entity or nonpublic school is situated to appoint
7 such person or persons as the board of directors of the school
8 [district] entity or administration of the nonpublic school may
9 designate to act as school police officer for said school
10 [district] entity or nonpublic school. The judge, upon such
11 application, may appoint such person, or so many of them as he
12 may deem proper, to be such school police officer and shall note
13 the fact of such appointment to be entered upon the records of
14 the court. The judge may, at the request of the school
15 [district] entity or nonpublic school, grant the school police
16 officer the power to arrest as provided in subsection (c)(2),
17 the authority to issue citations for summary offenses or the
18 authority to detain students until the arrival of local law
19 enforcement, or any combination thereof.

20 (a.1) Any school [district] entity or nonpublic school which
21 employs a school police officer under this section shall report
22 annually to the Department of Education, Office of Safe Schools,
23 the following information regarding school police officers
24 receiving training as required under 53 Pa.C.S. Ch. 21 Subch. D
25 (relating to municipal police education and training):

26 (1) The identity of the school [district] entity or
27 nonpublic school and the number of school police officers it
28 employs.

29 (2) The municipalities comprising the school [district]
30 entity or in which the nonpublic school is located.

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

(b) Every school police officer so appointed shall, before entering upon the duties of his office, take and subscribe to the oath required by the seventh article of the Constitution, before an alderman or justice of the peace or prothonotary. Such oath shall be filed by the justice of the peace, alderman, or prothonotary among his papers, and a note made upon his docket of the fact of the oath having been taken.

(b.1) Every school police officer who has been granted powers under subsection (c) (2) or (3) or has been authorized to carry a firearm must, before entering upon the duties of his office, successfully complete training as set forth in 53 Pa.C.S. Ch. 21 Subch. D or have graduated from the Pennsylvania State Police Academy and have been employed as a State trooper with the Pennsylvania State Police.

(c) Such school police officer so appointed shall severally 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 their respective school [districts] entity or nonpublic school. For purposes of this clause, the term "school bus" shall include vehicles leased by the school [district] entity or nonpublic school to transport students and vehicles of mass transit used by students to go to and from school when the school police officer is responding 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 are now or may hereafter be exercised under authority of law or ordinance by the police of the municipality wherein the

1 school property is located.

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

5 (d) Such school police officer shall, when on duty,
6 severally wear a metallic shield or badge with the words "School
7 Police," and the name of the [district] school entity or
8 nonpublic school for which appointed. Such shield shall always
9 be worn in plain view when on duty except when employed as
10 detective.

11 (e) The compensation of such school police officers shall be
12 paid by the school [district] entity or nonpublic school for
13 which the school police officers are respectively appointed, as
14 may be agreed upon between the board of school directors or
15 administration of the nonpublic school and the school police
16 officer.

17 (f) School [districts] entities or nonpublic schools and
18 municipalities may enter into cooperative police service
19 agreements pursuant to 42 Pa.C.S. § 8953(e) (relating to
20 Statewide municipal police jurisdiction) and 53 Pa.C.S. § 2303
21 (relating to intergovernmental cooperation authorized) to
22 authorize the exercise of concurrent jurisdiction with local law
23 enforcement within the municipality where the school or school
24 [district] entity or nonpublic school is located or within the
25 municipality in which a school event or activity will take
26 place.

27 (f.1) (1) If a school is located within a municipality
28 where no municipal police department exists, the school entity
29 or nonpublic school may enter into a cooperative police service
30 agreement pursuant to 42 Pa.C.S. § 8953(e) and 53 Pa.C.S. § 2303

1 with a municipality providing full-time police coverage that is
2 located adjacent to the school. At least thirty (30) days prior
3 to executing a cooperative police service agreement under this
4 subsection, the school entity or nonpublic school shall provide
5 written notice of its intent to enter into the agreement to the
6 municipality where the school is located. A copy of the executed
7 agreement shall be provided to the commanding officer of the
8 Pennsylvania State Police installation that provides primary
9 police services to the municipality where the school is located.

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

14 (g) When acting within the scope of this section, school
15 police officers shall, at all times, be employes of the school
16 district and shall be entitled to all of the rights and benefits
17 accruing therefrom.

18 (h) Nothing in this section shall be construed to preclude a
19 school [district] entity or nonpublic school from employing
20 other security personnel as the school [district] entity or
21 nonpublic school deems necessary.

22 (i) As used in this section, "school entity" shall have the
23 same meaning given to it under section 222(c).

24 Section 3. Section 1302-A(c.1) and (d) of the act, amended
25 or added July 18, 2013 (P.L.571, No.70), are amended, subsection
26 (b) is amended by adding paragraphs and the section is amended
27 by adding a subsection to read:

28 Section 1302-A. Office for Safe Schools.--* * *

29 (b) The office shall have the power and duty to implement
30 the following:

1 * * *

2 (8) To establish criteria, IN CONSULTATION WITH THE
3 PENNSYLVANIA STATE POLICE, for certifying approved vendors to
4 provide school police officers to nonpublic schools for the
5 purposes of awarding grants under subsection (c.1)(3).

<--

6 (9) To publish and post on the Department of Education's
7 publicly accessible Internet website a listing of all approved
8 vendors under paragraph (8).

9 * * *

10 (c.1) (1) In addition to the powers and duties set forth
11 under subsections (b) and (c), the office is authorized to make
12 targeted grants to school entities [and to], municipalities,
13 local law enforcement agencies and approved vendors to fund
14 programs which address school violence by establishing or
15 enhancing school security, including costs associated with the
16 training and compensation of school resource officers and school
17 police officers. Municipalities or local law enforcement
18 agencies that receive grants under this subsection shall, with
19 the prior consent of the governing board of the school entity or
20 nonpublic school, assign school resource officers to carry out
21 their official duties on the premises of the school entity or
22 nonpublic school.

23 (2) Municipalities or local law enforcement agencies may not
24 receive grant funds under this subsection for any purpose other
25 than for costs associated with school resource officers and are
26 not eligible for other grants provided to school entities under
27 this section. In assigning school resource officers pursuant to
28 this subsection, municipalities shall take into consideration
29 the proportion of students enrolled in each school entity or
30 nonpublic school.

1 (3) Nonpublic schools are authorized to apply to the office
2 for grant funding under paragraph (1) to be used for the costs
3 associated with obtaining the services of a school police
4 officer from a list of approved vendors certified by the office.
5 Grant awards for this purpose shall be awarded and paid directly
6 to the approved vendor with which the nonpublic school contracts
7 for services. NONPUBLIC SCHOOLS MAY NOT APPLY FOR GRANT FUNDING <--
8 UNDER THIS SECTION FOR ANY PURPOSE OTHER THAN OBTAINING THE
9 SERVICES OF A SCHOOL POLICE OFFICER UNDER THIS PARAGRAPH.

10 (d) The office shall have the following duties as to
11 targeted grants:

12 (1) Targeted grants shall be allocated through a competitive
13 grant review process established by the office. School entities
14 must satisfy the requirements of this section and section 1303-A
15 to be eligible for grants. The application for a targeted grant
16 shall include:

17 (i) the purpose for which the targeted grant shall be
18 utilized;

19 (ii) information indicating need for the targeted grant,
20 including, but not limited to, school violence statistics;

21 (iii) an estimated budget;

22 (iv) methods for measuring outcomes; and

23 (v) any other criteria as the office may require.

24 (2) The office shall:

25 (i) Give priority in grant funding under subsection (c) to a
26 school entity designated as a persistently dangerous school as
27 defined in 22 Pa. Code § 403.2 (relating to definitions).

28 (ii) Give priority in grant funding under subsection (c) to
29 school entities with the greatest need to establish safety and
30 order.

1 (iii) To the greatest extent possible, ensure that grant
2 funding is geographically dispersed to school entities and
3 municipalities throughout this Commonwealth.

4 (iv) For school entities [and], municipalities, local law
5 enforcement agencies and nonpublic schools that apply for
6 funding for the training and compensation of school resource
7 officers and school police officers under subsection (c.1), give
8 priority to school entities [and], municipalities, local law
9 enforcement agencies and nonpublic schools that utilize school
10 resource officers or school police officers who have completed
11 additional training recommended by the Department of Education
12 relating to interaction with all children and adolescents within
13 a school setting.

14 (v) For school entities or nonpublic schools that apply for
15 funding for school police officers under subsection (c.1), give
16 priority to school entities and nonpublic schools that utilize
17 school police officers who satisfy all of the following:

18 (A) Are retired Federal agents or retired State, municipal
19 or military police officers.

20 (B) Are independent contractors of the school entity or
21 nonpublic school.

22 (C) Are compensated on an hourly basis and receive no other
23 compensation or fringe benefits from the school entity or
24 nonpublic school.

25 (D) Have completed such annual training as shall be required
26 by the Municipal Police Officers' Education and Training
27 Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to
28 municipal police education and training).

29 (E) Are in satisfaction of the requirements of section 111.

30 (F) [Have] In the case of a school entity, have been

1 indemnified by the school entity pursuant to 42 Pa.C.S. § 8548
2 (relating to indemnity).

3 (G) Are utilized by a school entity or nonpublic school that
4 has not employed a school police officer within the three years
5 immediately preceding the effective date of this clause.
6 Nothing in this clause shall be construed to impact on grant
7 decisions for school entities [and], municipalities or local law
8 enforcement agencies that apply for funding for hiring of school
9 resource officers pursuant to subsection (c.1).

10 (3) The office shall provide all targeted grant agreements
11 to the Department of Education's comptroller for review and
12 approval prior to awarding the grant. The school entity [or],
13 municipality, local law enforcement agency or approved vendor
14 shall provide the office with full and complete access to all
15 records relating to the performance of the grant, and shall
16 submit, at such time and in such form as may be prescribed,
17 truthful and accurate information that the office may require.
18 The office shall conduct a thorough annual evaluation of each
19 program for which a grant under this section is made. The office
20 shall seek repayment of funds if it determines that funds were
21 not utilized for the original stated purpose.

22 * * *

23 (f) As used in this section, "school entity" shall have the
24 same meaning given to it under section 222(c).

25 Section 4. This act shall take effect in 60 days.