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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 49 Session of  
2019

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INTRODUCED BY BROWN, PICKETT, T. DAVIS, RYAN, MURT, MACKENZIE,  
KAUFFMAN, BERNSTINE, MILLARD, MENTZER, ZIMMERMAN, LONGIETTI,  
SAINATO, YOUNGBLOOD, FREEMAN, SCHWEYER, SAYLOR, STAATS, HAHN,  
NEILSON, STRUZZI, GAYDOS, WHEELAND, MULLINS, STURLA, ROTHMAN,  
KORTZ, KINSEY AND TOOHIL, JANUARY 28, 2019

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AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,  
NOVEMBER 18, 2019

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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 school security, further providing  
6 for definitions, for school police officers, for training,  
7 for powers and duties, for school resource officers and for  
8 school security guards; in high schools, further providing  
9 for courses of study; in miscellaneous provisions relating to  
10 institutions of higher education, further providing for  
11 Public Higher Education Funding Commission; and, in fostering  
12 independence through education, further providing for  
13 fostering independence waiver program.

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

16 Section 1. The definition of "school security guard" in  
17 section 1301-C of the act of March 10, 1949 (P.L.30, No.14),  
18 known as the Public School Code of 1949, amended July 2, 2019  
19 (P.L.406, No.67), is amended to read:

20 Section 1301-C. Definitions.

21 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 \* \* \*

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

9 \* \* \*

10 Section 2. Sections 1302-C(b)(2), 1305-C(a), 1306-C, 1313-  
11 C(a.1)(2) and 1314-C(b) AND (C)(3) of the act, amended July 2, <--  
12 2019 (P.L.406, No.67), are amended to read:

13 Section 1302-C. School police officers.

14 \* \* \*

15 (b) Appointment.--

16 \* \* \*

17 (2) The judge may, at the request of the school entity  
18 or nonpublic school, grant the school police officer the  
19 powers as provided under section 1306-C(b), the authority to  
20 issue citations for summary offenses as provided in section  
21 [1306-C(3)] 1306-C(a)(3) or the authority to detain students  
22 until the arrival of local law enforcement or any combination  
23 thereof.

24 \* \* \*

25 Section 1305-C. Training.

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

30 (1) Successfully complete basic training as required by

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

7 (2) (i) Successfully complete the Basic School Resource  
8 Officer Course offered by the National Association of  
9 School Resource Officers or an equivalent course of  
10 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 before September 2, 2019, shall have [six months  
14 from the effective date of this paragraph] until the  
15 beginning of the 2020-2021 school year to complete the  
16 instruction.

17 \* \* \*

18 Section 1306-C. Powers and duties.

19 (a) General rule.--A school police officer appointed under  
20 section 1302-C(b) shall possess and exercise all the following  
21 powers and duties:

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

1 (3) If authorized by the court, to issue summary  
2 citations or to detain individuals WHO ARE in school  
3 buildings, on school buses and on school grounds in the  
4 respective school entities or nonpublic schools until local  
5 law enforcement is notified.

6 (b) Specific powers.--If authorized by the court, a school  
7 police officer who is a law enforcement officer employed by a  
8 school entity or nonpublic school whose responsibilities,  
9 including work hours, are established by the school entity or  
10 nonpublic school, may exercise the same powers as exercised  
11 under authority of law or ordinance by the police of the  
12 municipality in which the school property is located.

13 Section 1313-C. School resource officers.

14 \* \* \*

15 (a.1) Training.--

16 \* \* \*

17 (2) A school resource officer who is [currently]  
18 stationed in a school entity or nonpublic school before  
19 September 2, 2019, shall have [six months from the effective  
20 date of this subsection] until the beginning of the 2020-2021  
21 school year to complete the instruction.

22 \* \* \*

23 Section 1314-C. School security guards.

24 \* \* \*

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

26 (1) [A] Prior to entering upon the duties of the office,  
27 a school security guard shall successfully complete the Basic  
28 School Resource Officer Course offered by the National  
29 Association of School Resource Officers or an equivalent  
30 course of instruction approved by the commission.

1           (2) [A] AN UNARMED school security guard who is           <--  
2 [currently] employed or contracted by a school entity or  
3 nonpublic school before September 2, 2019, shall have [six  
4 months from the effective date of this subsection] until the  
5 beginning of the 2020-2021 school year to complete the  
6 instruction.

7           \* \* \*

8           (3) AN ARMED SCHOOL SECURITY GUARD WHO IS EMPLOYED OR           <--  
9 CONTRACTED BY A SCHOOL ENTITY OR NONPUBLIC SCHOOL BEFORE  
10 SEPTEMBER 2, 2019, SHALL HAVE UNTIL FEBRUARY 28, 2020, TO  
11 COMPLETE THE INSTRUCTION UNDER PARAGRAPH (1) UNLESS AN  
12 EXTENSION IS APPROVED THROUGH THE FOLLOWING PROCESS:

13           (I) THE GOVERNING BODY OF A SCHOOL ENTITY OR  
14 NONPUBLIC SCHOOL MAY APPROVE AN EXTENSION OF THE DEADLINE  
15 SPECIFIED IN THIS PARAGRAPH FOR ARMED SCHOOL SECURITY  
16 GUARDS TO COMPLETE THE REQUIRED INSTRUCTION DUE TO A  
17 HARDSHIP IN COMPLYING WITH THE DEADLINE. THE DEADLINE MAY  
18 BE EXTENDED TO NO LATER THAN THE BEGINNING OF THE 2020-  
19 2021 SCHOOL YEAR. THE FOLLOWING SHALL APPLY:

20           (A) THE GOVERNING BODY MUST DETERMINE THAT  
21 COMPLYING WITH THE INSTRUCTION DEADLINE WOULD PRESENT  
22 A HARDSHIP FOR THE SCHOOL ENTITY OR NONPUBLIC SCHOOL.

23           (B) THE GOVERNING BODY OF A SCHOOL ENTITY WHICH  
24 IS SUBJECT TO 65 PA.C.S. CH. 7 (RELATING TO OPEN  
25 MEETINGS) MAY DISCUSS THE ISSUE OF A HARDSHIP  
26 EXTENSION IN EXECUTIVE SESSION, EXCEPT THAT APPROVAL  
27 OF THE HARDSHIP EXTENSION MUST OCCUR AT A PUBLIC  
28 MEETING.

29           (C) THE SCHOOL ENTITY OR NONPUBLIC SCHOOL SHALL  
30 SUBMIT THE APPROVED HARDSHIP EXTENSION TO THE OFFICE

1 OF SAFE SCHOOLS WITHIN THE DEPARTMENT NOT LATER THAN  
2 15 DAYS FROM THE DATE OF APPROVAL. ANY DOCUMENTATION  
3 SUBMITTED UNDER THIS CLAUSE MAY NOT BE SUBJECT TO THE  
4 ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE  
5 RIGHT-TO-KNOW LAW.

6 (II) FOR THE PURPOSES OF THIS SECTION, A HARDSHIP  
7 SHALL INCLUDE ANY OF THE FOLLOWING:

8 (A) INCREASED RISK TO STUDENTS, STAFF OR  
9 VISITORS DUE TO THE ABSENCE OF SCHOOL SECURITY GUARDS  
10 WHILE SCHOOL IS IN SESSION BECAUSE OF COMPLIANCE WITH  
11 THE INSTRUCTION DEADLINE.

12 (B) DEPLOYMENT OR ACTIVE MILITARY SERVICE,  
13 ILLNESS, FAMILY EMERGENCY, DEATH IN THE IMMEDIATE  
14 FAMILY OR OTHER APPROVED LEAVE OF ABSENCE WHICH WOULD  
15 PREVENT SCHOOL SECURITY GUARDS FROM COMPLYING WITH  
16 THE INSTRUCTION DEADLINE.

17 (C) ARMED SCHOOL SECURITY GUARDS.--A SCHOOL ENTITY OR  
18 NONPUBLIC SCHOOL MAY EMPLOY OR CONTRACT WITH AN INDEPENDENT  
19 CONTRACTOR OR A THIRD-PARTY VENDOR UNDER SECTION 1311-C FOR AN  
20 ARMED SCHOOL SECURITY GUARD IF ALL OF THE FOLLOWING CONDITIONS  
21 ARE MET:

22 \* \* \*

23 (3) THE SCHOOL SECURITY GUARD HAS [COMPLIED WITH  
24 TRAINING] COMPLETED THE INSTRUCTIONAL REQUIREMENTS UNDER  
25 SUBSECTION (B).

26 \* \* \*

27 Section 3. Section 1605 of the act is amended by adding a  
28 subsection to read:

29 Section 1605. Courses of Study.--\* \* \*

30 (d) (1) Beginning with students graduating from a public

1 high school at the end of the 2020-2021 school year, and  
2 continuing in each school year thereafter, a student who  
3 successfully completes a course in personal finance during  
4 grades nine through twelve shall be permitted to apply up to one  
5 credit earned for successful completion of the course to satisfy  
6 the student's social studies, family and consumer science,  
7 mathematics or business education credit requirement for  
8 graduation, provided that the governing body of the student's  
9 public high school shall have discretion to determine the  
10 graduation credit requirement to which the credit earned by the  
11 student shall be applied.

12 (2) A student shall not be permitted to apply more than one  
13 credit earned under subsections (c) and (d) to satisfy the  
14 student's mathematics credit requirement for graduation.

15 (3) As used in this subsection, the following words and  
16 phrases shall have the meanings given to them in this paragraph  
17 unless the context clearly indicates otherwise:

18 "Personal finance" shall mean the integration of various  
19 factors relating to personal financial management, including  
20 understanding financial institutions, using money, learning to  
21 manage personal assets and liabilities, creating budgets and any  
22 other factors that may assist an individual in this Commonwealth  
23 to be financially responsible.

24 "Public high school" shall mean a public school, including a  
25 school within a school district, a charter school, a cyber  
26 charter school, a regional charter school or a career and  
27 technical school, that offers twelfth grade.

28 Section 4. Section 2001-I(i)(13) of the act, added July 2,  
29 2019 (P.L.417, No.70), is amended to read:

30 Section 2001-I. Public Higher Education Funding Commission.

1 \* \* \*

2 (i) Additional powers and duties.--The commission shall have  
3 all of the following powers and duties:

4 \* \* \*

5 (13) Issue a report of the commission's findings and  
6 recommendations to the Governor, the President pro tempore of  
7 the Senate, the Speaker of the House of Representatives, the  
8 Majority Leader and Minority Leader of the Senate, the  
9 Majority Leader and Minority Leader of the House of  
10 Representatives, the Secretary of Education, the State Board  
11 of Education, the Appropriations Committee of the Senate, the  
12 Appropriations Committee of the House of Representatives, the  
13 Education Committee of the Senate and the Education Committee  
14 of the House of Representatives not later than [one year  
15 after the effective date of this section] November 30, 2020.

16 \* \* \*

17 Section 5. Section 2602-K(c) of the act, added June 28, 2019  
18 (P.L.117, No.16), is amended to read:

19 Section 2602-K. Fostering independence waiver program.

20 \* \* \*

21 (c) Eligibility.--In order to receive a fostering  
22 independence waiver under this section, an individual must be a  
23 current resident of this Commonwealth and eligible for the  
24 Pennsylvania Chafee Education and Training Grant Program under  
25 the Foster Care Independence Act of 1999 (Public Law 106-169,  
26 113 Stat. 1822) as administered by the Department of Human  
27 Services and must have applied for all available Federal and  
28 State grants.

29 \* \* \*

30 SECTION 6. SCHOOL POLICE OFFICERS APPOINTED PRIOR TO

<--



1 SEPTEMBER 2, 2019, SHALL HAVE ALL AUTHORITIES AND POWERS GRANTED  
2 BY THE COURT AT THE TIME OF APPOINTMENT.

3 Section 6 7. This act shall take effect as follows: <--

4 (1) The following provisions shall take effect  
5 immediately:

6 (i) The amendment of the definition of "school  
7 security guard" in section 1301-C and sections 1302-C(b)  
8 (2), 1305-C(a), 1306-C, 1313-C(a.1)(2) and 1314-C(b) AND <--  
9 (C)(3) of the act.

10 (ii) This section.

11 (2) The remainder of this act shall take effect in 60  
12 days.