March 22, 2019

The Honorable Curt Sonney

The Pennsylvania House of Representatives

PO Box 202004

Harrisburg, PA 17120-2004

Dear Chairman Sonney,

For the past year PSBA has been working with school districts to encourage compliance with Act 44 of 2018.  Our work with the Attorney General’s office has helped schools with developing policy and procedures to comply with Safe2Say Something and our security symposium encouraged compliance with training and security assessments.  PSBA’s priority is keeping our students safe so it is in that spirit that we submit to you our membership concerns with Act 44 and suggestions that could assist schools in complying with the goals of the law.

The list below is based on questions/concerns brought up at the School Safety & Security Exchange and from administrators since that event. The items are not placed in any particular order or priority.

* School Code 1309-B: clarification of who is a “school administrator” that can serve as the School Safety & Security Coordinator.  Schools struggled with the FAQ document by PCCD and PDE on this issue and are still unsure if they are correct in appointing school police or school security personnel to this position.   It would be helpful to allow both traditional school administrators and security professionals to be appointed to this designation and to allow flexibility in this appointment.  We recommend that the law allow non Act 93 employees to serve in this position. This way schools who want the superintendent to fill this roll will do so and those who want to hire staff for this specific responsibility can also comply in the most logical manner.
  + - School Code 1310-B: clarification if the new mandated training on school safety and security is required to address all of the items listed in the statute, or if they are a menu of options to select from when providing training.  At this time PCCD has deferred to PDE and no clear answer has been provided.  We would request that this training be a menu of options and that it allow schools to count training done for a different school code requirement towards one of the items on the Act 44 menu.
* School Code 1305-C and 1306-C: clarification on authorization of school police to carry a firearm; the statute includes language about training, but not about obtaining certification to carry a firearm.  Several districts are having difficulty with this section and we have been told that solicitors and judges are not clear on how to interpret it.  We recommend language that specifically states that these individuals can be trained under Act 120.
* School Code [1305-C](https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1949&sessInd=0&smthLwInd=0&act=14&chpt=13C&sctn=5&subsctn=0): requires that school police be trained in accordance with 53 Pa. C.S. Ch. 21, Subchapter D, which is Municipal Police Education and Training. However, the Municipal Police Officers’ Education and Training Commission (MPOETC) does not provide training for school police since they are not part of a municipality—see this section on their website: <https://mpoetc.psp.pa.gov/Pages/School-Police.aspx>. Their website states that school police should meet the minimum requirements of School Code 1304-C and Act 120 annual training requirements, but School police are having difficulty acquiring this type of training and are at a complete loss as to whether they are meeting requirements.  We recommend the addition of a section that specifically allows school police to be considered municipal police for the purpose of this act.
* School Code 1310-C: clarification on applicability of this statute if school police is contracted out, but does not meet the criteria of School Code 1311-C.  Many districts are interested in contracting out these services and feel they need specific language in the act to allow for this specific hiring.  We recommend companies be added to this language to allow for increased flexibility.
* School Code 1311-C: clarification that independent contractors may be compensated on a fee basis and receive no other compensation or fringe benefits and shall not be treated as school employees for purposes of 24 Pa. C.S. 8102 and 8301, but when provided in a written contract independent contractors shall be treated in the same manner as local agency employees under 42 Pa. C.S. 8548 (relating to indemnity).
* School Code 1314-C – Recently PDE has incorrectly interpreted the law to state that security guards shall not have the right to carry firearms even if authorized and trained. Even though PDE’s guidance directed that this was not to be done the Municipal Police MPOETC website previously contradicted PDE’s guidance.  We request that it be made clear that school districts be allowed to determine if school security guards can be armed with proper training.   Many of our school districts currently have their trained security guards armed and the position of the Department of Education has caused many issues and is creating barriers to school district efforts to increase school campus security.

Thank you for your consideration of these issues.  If you need additional information, please do not hesitate to contact me or any member of our staff.

Sincerely,

John M. Callahan

Chief Advocacy Officer

cc: Alaina Koltash, Executive Director