

STATE OF NEW YORK

6456

2019-2020 Regular Sessions

IN ASSEMBLY

March 7, 2019

Introduced by M. of A. STIRPE -- read once and referred to the Committee on Education

AN ACT to amend the education law, the criminal procedure law, and the retirement and social security law, in relation to the creation of the Comprehensive School Resource Officer Training and Implementation Program (SRO TIP)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 2801-c
2 to read as follows:

3 § 2801-c. New York state school resource officer program. 1. For
4 purposes of this section, the term "school resource officer" shall mean
5 a school resource officer, school safety officer, school security offi-
6 cer, or any other substantially similar position or office whose purpose
7 is to provide improved public safety and/or security on school grounds.

8 2. Any boards of cooperative educational services, public or nonpublic
9 school may employ, in either the classified or unclassified service, any
10 school resource officer. Such school resource officer shall be: (a) a
11 retired police officer, a retired state trooper, or a retired deputy
12 sheriff and who, once a certification process is established, is certi-
13 fied as a school resource officer under section twenty-eight hundred
14 one-d of this article; or (b) an active duty state trooper, police offi-
15 cer in the service of a town, city or village, or deputy sheriff from a
16 county sheriff's department.

17 3. Any boards of cooperative educational services, public or nonpublic
18 school may contract with the state of New York, or a county, city, town
19 or village, for the provision of a state trooper, police officer or
20 deputy sheriff, to serve as a school resource officer. A board of coop-
21 erative educational services or school district shall be authorized to
22 employ or contract for as many school resource officers as such board of
23 cooperative educational services or district deems necessary.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 4. It shall be the primary role of the school resource officer to
2 provide improved public safety and/or security on school grounds through
3 community policing techniques, investigative measures, and tactical
4 preparedness. In addition to such primary role, school resource officers
5 also may serve additional roles, including but not limited to:

6 (a) Proposing and enforcing policies and administrative procedures
7 related to school safety;

8 (b) Utilizing technology in the implementation of a comprehensive
9 safety program;

10 (c) Serving as a liaison with other school officials and other commu-
11 nity agencies, including but not limited to, other law enforcement enti-
12 ties, courts, health care entities, and mental health entities;

13 (d) Proposing and implementing strategies concerning prevention,
14 response and recovery efforts for incidents and/or emergency situations
15 occurring on school grounds and/or involving students, faculty, adminis-
16 tration or visitors to the school;

17 (e) Proposing and assisting in the execution of school emergency
18 drills and proposing and assisting in the creation of school safety
19 plans;

20 (f) Providing educational and mentoring services to students;

21 (g) Assisting in the design, explanation and enforcement of school
22 safety and security policies and procedures; and

23 (h) Performing such other and further roles, responsibilities and
24 activities as the school district may deem appropriate and proper for a
25 law enforcement officer to perform, in order to advance the security,
26 safety and well-being of students, faculty, administration and visitors
27 to the school district's schools, transportation vehicles and school
28 grounds.

29 5. Such school resource officer may carry and possess firearms during
30 the course of their duties at such school district, but nothing in this
31 subdivision shall be deemed to authorize such school resource officer to
32 carry, possess, repair or dispose of a firearm unless the appropriate
33 license therefor has been issued pursuant to section 400.00 of the penal
34 law.

35 § 2. The education law is amended by adding a new section 2801-d to
36 read as follows:

37 § 2801-d. New York state school resource officer certification
38 program. 1. For purposes of this section, the term "school resource
39 officer" shall mean a school resource officer, school safety officer,
40 school security officer, or any other substantially similar position or
41 office whose purpose is to provide improved public safety and/or securi-
42 ty on school grounds.

43 2. The department shall, utilizing boards of cooperative educational
44 services, establish a school resource officer training program to certi-
45 fy retired police officers, retired deputy sheriffs, and retired state
46 troopers as school resource officers as well as a school resource offi-
47 cer recertification program to recertify school resource officers who
48 have previously completed and passed the department's school resource
49 officer certification program. Such programs shall be designed by the
50 department to include, but not be limited to, counseling techniques,
51 community policing practices, gender and racial sensitivity awareness,
52 and field and tactical training for prevention and response to inci-
53 dents. The department shall utilize current or retired police officers,
54 in order to train school resource officers in any police related or
55 tactical training provided for certification. The certifications granted

1 from such programs shall expire one year after the program was completed
2 and passed.

3 3. The department shall separately offer the school resource officer
4 training program and the school resource officer recertification program
5 at least once per year per county.

6 § 3. Section 2.10 of the criminal procedure law is amended by adding a
7 new subdivision 85 to read as follows:

8 85. Retired police officers, retired state troopers, or retired deputy
9 sheriffs employed by boards of cooperative educational services or a
10 school district as a school resource officer; provided, however, that
11 nothing in this subdivision shall be deemed to authorize such officer to
12 carry, possess, repair or dispose of a firearm unless the appropriate
13 license therefor has been issued pursuant to section 400.00 of the penal
14 law.

15 § 4. Subdivision 3 of section 212 of the retirement and social securi-
16 ty law, as added by section 1 of part Y of chapter 55 of the laws of
17 2013, is amended to read as follows:

18 3. Notwithstanding the provisions of subdivisions one and two of this
19 section, the commissioner of education may determine, pursuant to
20 section two hundred eleven of this article, that such earnings limita-
21 tions shall not apply to a retired police officer, retired state trooper
22 or retired deputy sheriff employed by boards of cooperative educational
23 services or a school district as a school resource officer; or to a
24 retired police officer, retired state trooper, or retired deputy sheriff
25 who is employed as a school resource officer by a county, city, town or
26 village police department pursuant to a contract with a school district
27 to provide such services.

28 § 5. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

Insofar as this bill will affect the New York State and Local Employ-
ees' Retirement System (ERS) and the New York State and Local Police and
Fire Retirement System (PFRS), this bill will allow the commissioner of
education to determine that the earnings limitations set forth in
section two hundred eleven shall not apply to retired police officers,
retired state troopers and retired deputy sheriffs who are employed as a
school resource officer by either a board of cooperative educational
services or a school district, or by a county, city, town or village
police department pursuant to a contract with a school district to
provide such services. Currently, this privilege is only allowed to
retired police officers who are employed as a school resource officer by
a school district.

If this bill is enacted, we expect few retirees to be affected. There
would be negligible additional annual costs. However, if large numbers
of retirees are hired into such positions, there would be additional
annual costs which would be shared by the state of New York and all of
the participating employers in the System.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed
change was the same as that used in the March 31, 2018 actuarial valu-
ation. Distributions and other statistics can be found in the 2018
Report of the Actuary and the 2018 Comprehensive Annual Financial
Report.

The actuarial assumptions and methods used are described in the 2015,
2016, 2017 and 2018 Annual Report to the Comptroller on Actuarial
Assumptions, and the Codes Rules and Regulations of the State of New
York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2018 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 20, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-78, prepared by the Actuary for the New York State and Local Retirement System.