

STATE OF NEW YORK

6456--A

2019-2020 Regular Sessions

IN ASSEMBLY

March 7, 2019

Introduced by M. of A. STIRPE, ZEBROWSKI, GOTTFRIED, SAYEGH, THIELE, JEAN-PIERRE, JONES, JAFFEE, COOK, WILLIAMS, NORRIS, MIKULIN, McDONOUGH, MONTESANO, BRABENEC, ASHBY, SCHMITT, DeSTEFANO, ROMEO, RA, CROUCH, BYRNE, MORINELLO, MANKTELOW, PALUMBO, RAYNOR, PALMESANO, BURKE, WALLACE -- Multi-Sponsored by -- M. of A. BLANKENBUSH, WALSH -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 which is not in a city school district in a city having a popu-
10 lation of one million or more may employ, in either the classified or
11 unclassified service, any school resource officer. Such school resource
12 officer shall be: (a) a retired police officer, a retired state trooper,
13 or a retired deputy sheriff and who, once a certification process is
14 established, is certified as a school resource officer under section
15 twenty-eight hundred one-d of this article; or (b) an active duty state
16 trooper, police officer in the service of a town, city or village, or
17 deputy sheriff from a county sheriff's department.

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

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3. Any boards of cooperative educational services, public or nonpublic school which is not in a city school district in a city having a population of one million or more may contract with the state of New York, or a county, city, town or village, for the provision of a state trooper, police officer or deputy sheriff, to serve as a school resource officer. A board of cooperative educational services or school district which is not in a city school district in a city having a population of one million or more shall be authorized to employ or contract for as many school resource officers as such board of cooperative educational services or district deems necessary.

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

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

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

(c) Serving as a liaison with other school officials and other community agencies, including but not limited to, other law enforcement entities, courts, health care entities, and mental health entities;

(d) Proposing and implementing strategies concerning prevention, response and recovery efforts for incidents and/or emergency situations occurring on school grounds and/or involving students, faculty, administration or visitors to the school;

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

(f) Providing educational and mentoring services to students;

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

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

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

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

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

2. The department shall, utilizing boards of cooperative educational services, establish a school resource officer training program to certify retired police officers, retired deputy sheriffs, and retired state troopers as school resource officers as well as a school resource offi-

cer recertification program to recertify school resource officers who have previously completed and passed the department's school resource officer certification program. Such programs shall be designed by the department to include, but not be limited to, counseling techniques, community policing practices, gender and racial sensitivity awareness, and field and tactical training for prevention and response to incidents. The department shall utilize current or retired police officers, in order to train school resource officers in any police related or tactical training provided for certification. The certifications granted from such programs shall expire one year after the program was completed and passed.

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

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

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

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

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

§ 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 Employees' 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 twelve 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 valuation. 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 May 20, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-125, prepared by the Actuary for the New York State and Local Retirement System.