

# STATE OF NEW YORK

9432

## IN ASSEMBLY

March 7, 2022

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

AN ACT to amend the education law, in relation to a school resource officer program and providing school resource officer security protection aid (Part A); to amend the criminal procedure law, in relation to peace officers who are retired police officers employed by a school district as a school resource officer (Part B); and to amend the retirement and social security law, in relation to annual earnings limitations for retired police officers employed as school resource officers (Part C)

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

1 Section 1. This act enacts into law components of legislation relating  
2 to school safety. Each component is wholly contained within a Part identified as Parts A through C. The effective date for each particular  
3 provision contained within such Part as set forth in the last section of  
4 such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section  
5 "of this act", when used in connection with that particular component,  
6 shall be deemed to mean and refer to the corresponding section of the  
7 Part in which it is found. Section two of this act sets forth the general effective date of this act.

### 11 PART A

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

14 § 2801-c. New York state school resource officer program. 1. For  
15 purposes of this section, the term "school resource officer" shall mean  
16 a school resource officer, school safety officer, school security officer,  
17 or any other substantially similar position or office, that is  
18 designed to provide improved public safety and/or security on school  
19 grounds. Such school resource officer may be a retired police officer, a  
20 retired state trooper, a retired deputy sheriff, a state trooper, a

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

LBD04103-07-2

1 police officer in the active duty service of a town, city or village, or  
2 a deputy sheriff from a county sheriff's department.

3 2. Any public, nonpublic or charter school, or a board of cooperative  
4 educational services, may employ, in either the classified or unclassi-  
5 fied service, any school resource officer for the purpose of providing  
6 improved public safety and/or security on school grounds. Any such  
7 public, nonpublic or charter school, or a board of cooperative educa-  
8 tional services, may also contract with the state of New York, or a  
9 county, city, town or village, for the provision of a state trooper,  
10 police officer or deputy sheriff, to serve as a school resource officer,  
11 for the purpose of providing improved public safety and/or security on  
12 school grounds. A school district, nonpublic school, charter school, or  
13 a board of cooperative educational services, shall be authorized to  
14 employ or contract for as many school resource officers as such district  
15 deems necessary.

16 3. It shall be the primary role of the school resource officer to  
17 provide improved public safety and/or security on school grounds. In  
18 addition, to this primary role, school resource officers also may serve  
19 additional roles, including but not limited to:

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

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

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

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

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

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

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

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

43 4. Such school resource officer may carry and possess firearms during  
44 the course of their duties at such school district, nonpublic school,  
45 charter school, or a board of cooperative educational services, but  
46 nothing in this subdivision shall be deemed to authorize such school  
47 resource officer to carry, possess, repair or dispose of a firearm  
48 unless the appropriate license therefor has been issued pursuant to  
49 section 400.00 of the penal law.

50 § 2. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of  
51 the education law, as amended by chapter 474 of the laws of 1996, is  
52 amended and a new subparagraph 1-a is added to read as follows:

53 (1) Aidable shared services. At the request of component school  
54 districts, and with the approval of the commissioner, provide any of the  
55 following services on a cooperative basis: school nurse teacher, attend-  
56 ance supervisor, supervisor of teachers, dental hygienist, psychologist,

school resource officer, as such term is defined in section twenty-eight hundred one-c of this title, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

(1-a) Notwithstanding any other provision of law, rule, or regulation to the contrary, school resource officers may be requested by charter schools and school districts for up to six days per week throughout the entire school year.

§ 3. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding two new subparagraphs 14 and 15 to read as follows:

(14) To enter into contracts with charter schools to provide school resource officers, as such term is defined in section twenty-eight hundred one-c of this title, provided that the costs of such school resource officers shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that the aid ratio shall be the aid ratio for the public school district where the charter school is located, and further provided that charter schools shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

(15) To enter into contracts with non-component school districts including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to provide school resource officers, as such term is defined in section twenty-eight hundred one-c of this title, provided that the costs of such school resource officers shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

§ 4. The education law is amended by adding a new section 3039 to read as follows:

§ 3039. Grants for school resource officers. 1. For purposes of this section, school resource officers shall have the same meaning as defined in section twenty-eight hundred one-c of this chapter.

2. Nonpublic schools shall, upon application, be reimbursed by the department for the salaries of school resource officers. Each school which seeks a reimbursement pursuant to this section shall submit to the office of religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section must be received by August first of each year for schools to be reimbursed for the salaries of eligible school resource officers in the prior year.

1 3. The commissioner may promulgate any rules or regulations necessary  
2 to carry out the provisions of this section.

3 § 5. This act shall take effect immediately.

4 PART B

5 Section 1. Section 2.10 of the criminal procedure law is amended by  
6 adding a new subdivision 86 to read as follows:

7 86. Retired police officers employed by a school district, nonpublic  
8 school, charter school, or a board of cooperative educational services,  
9 as a school resource officer; provided, however, that nothing in this  
10 subdivision shall be deemed to authorize such officer to carry, possess,  
11 repair or dispose of a firearm unless the appropriate license therefor  
12 has been issued pursuant to section 400.00 of the penal law.

13 § 2. This act shall take effect immediately.

14 PART C

15 Section 1. Section 212 of the retirement and social security law is  
16 amended by adding a new subdivision 4 to read as follows:

17 4. Notwithstanding the provisions of subdivisions one and two of this  
18 section, such annual earnings limitations for a retired police officer  
19 employed by a school district or a board of cooperative educational  
20 services, in either the classified or unclassified service as a school  
21 resource officer, school safety officer, school security officer or any  
22 other substantially similar position or office that is designed to  
23 provide safety and/or security on school grounds, provided that such  
24 retired police officer is duly qualified, competent and physically fit  
25 for performance of the duties of the position in which he or she is to  
26 be employed as determined by the school district or board of cooperative  
27 educational services and is properly certified where such certification  
28 is required, shall be fifty thousand dollars for the year two thousand  
29 twenty-two and thereafter.

30 § 2. This act shall take effect immediately.

31 § 2. This act shall take effect immediately; provided, however, that  
32 the applicable effective date of Parts A through C of this act shall be  
33 as specifically set forth in the last section of such Parts.

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

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System (NYSLPFRS), this bill would allow retired police officers who are employed by a school district as a school resource officer, school safety officer, school security officer or any other substantially similar position with an annual salary of \$50,000 or less and continue to receive their full retirement benefit. Currently, the salary limit is \$35,000.

If this bill is enacted during the 2022 legislative session, 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 NYSLPFRS.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the

2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 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, 2021 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 March 1, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-85, prepared by the Actuary for the New York State and Local Retirement System.