

STATE OF NEW YORK

4409

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed 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 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.

18 3. Any boards of cooperative educational services, public or nonpublic
19 school which is not in a city school district in a city having a popu-
20 lation of one million or more may contract with the state of New York,
21 or a county, city, town or village, for the provision of a state troop-
22 er, police officer or deputy sheriff, to serve as a school resource
23 officer. A board of cooperative educational services or school district

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

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1 which is not in a city school district in a city having a population of
2 one million or more shall be authorized to employ or contract for as
3 many school resource officers as such board of cooperative educational
4 services or district deems necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 dents. The department shall utilize current or retired police officers,
2 in order to train school resource officers in any police related or
3 tactical training provided for certification. The certifications granted
4 from such programs shall expire one year after the program was completed
5 and passed.

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

9 § 3. Section 2.10 of the criminal procedure law is amended by adding a
10 new subdivision 86 to read as follows:

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

18 § 4. Subdivision 3 of section 212 of the retirement and social securi-
19 ty law, as added by section 1 of part Y of chapter 55 of the laws of
20 2013, is amended to read as follows:

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

31 § 5. This act shall take effect immediately.

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

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

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

50 Summary of relevant resources:

51 Membership data as of March 31, 2020 was used in measuring the impact
52 of the proposed change, the same data used in the April 1, 2020 actuari-
53 al valuation. Distributions and other statistics can be found in the
54 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial
55 Report.

1 The actuarial assumptions and methods used are described in the 2020
2 Annual Report to the Comptroller on Actuarial Assumptions, and the
3 Codes, Rules and Regulations of the State of New York: Audit and
4 Control.

5 The Market Assets and GASB Disclosures are found in the March 31, 2020
6 New York State and Local Retirement System Financial Statements and
7 Supplementary Information.

8 I am a member of the American Academy of Actuaries and meet the Quali-
9 fication Standards to render the actuarial opinion contained herein.

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

13 This estimate, dated January 21, 2021, and intended for use only
14 during the 2021 Legislative Session, is Fiscal Note No. 2021-59,
15 prepared by the Actuary for the New York State and Local Retirement
16 System.