STATE OF NEW YORK

4893--A

2025-2026 Regular Sessions

IN SENATE

February 14, 2025

Introduced by Sens. GALLIVAN, BORRELLO, OBERACKER, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

PART A

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

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

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§ 2801-c. New York state school resource officer 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, that is designed to provide improved public safety and/or security on school grounds. Such school resource officer may be a retired police officer, a retired state trooper, a retired deputy sheriff, a state trooper, a police officer in the active duty service of a town, city or village, or a deputy sheriff from a county sheriff's department.

2. Any public, nonpublic or charter school, or a board of cooperative educational services, may employ, in either the classified or unclassified service, any school resource officer for the purpose of providing improved public safety and/or security on school grounds. Any such public, nonpublic or charter school, or a board of cooperative educational services, may also 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, for the purpose of providing improved public safety and/or security on school grounds. A school district, nonpublic school, charter school, or a board of cooperative educational services, shall be authorized to employ or contract for as many school resource officers as such district deems necessary.

3. It shall be the primary role of the school resource officer to provide improved public safety and/or security on school grounds. In addition, to this 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.

4. Such school resource officer may carry and possess firearms during the course of their duties at such school district, nonpublic school, charter school, or a board of cooperative educational services, 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. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended and a new subparagraph 1-a is added to read as follows:

(1) Aidable shared services. At the request of component school districts, and with the approval of the commissioner, provide any of the following services on a cooperative basis: school nurse teacher, attendance 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.

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

§ 5. This act shall take effect immediately.

PART B

Section 1. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 88 to read as follows:

88. Retired police officers employed by a school district, nonpublic school, charter school, or a board of cooperative educational services, 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.

§ 2. This act shall take effect immediately.

PART C

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

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

§ 2. This act shall take effect immediately.

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

This bill would allow retired police officers to be reemployed as a school resource officer, school safety officer, or school security officer with an annual salary of $50,000 or less and continue to receive their full retirement benefit. Currently, the salary limit for these retirees is $35,000.

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), the direct cost incurred would be the retiree's pension benefit paid while post-retirement earnings are between $35,000 and $50,000 each calendar year. The pension benefit expected to be paid during that 2.5-month period is estimated to be $17,000 per person.

There would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which are estimated to be $2,700 per person.

In the New York State and Local Police and Fire Retirement System, all costs will be shared by the state of New York and all participating employers and spread over future billing cycles.

The number of members and retirees who could be affected by this legislation cannot be readily determined. For each retiree rehired pursuant to this proposal, an annual cost of $19,700 is expected. If large numbers of retirees are rehired into such positions, significant annual costs would result.

This proposal exclusively benefits retirees. Therefore, the increased costs are attributable to legacy groups, but funding for this proposal will be collected on salary reported for current and future members of Tier 6.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

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

This estimate, dated February 5, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-68. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member. I am a member of NYSLRS but do not believe it impairs my objectivity.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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