

# STATE OF NEW YORK

1330

2019-2020 Regular Sessions

## IN SENATE

January 14, 2019

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed 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 three of this act sets forth the  
8 general effective date of this act.  
9  
10

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

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

LBD03845-02-9

1 designed to provide improved public safety and/or security on school  
2 grounds. Such school resource officer may be a retired police officer, a  
3 retired state trooper, a retired deputy sheriff, a state trooper, a  
4 police officer in the active duty service of a town, city or village, or  
5 a deputy sheriff from a county sheriff's department.

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) Aidable shared services. At the request of component school  
2 districts, and with the approval of the commissioner, provide any of the  
3 following services on a cooperative basis: school nurse teacher, attend-  
4 ance supervisor, supervisor of teachers, dental hygienist, psychologist,  
5 school resource officer, as such term is defined in section twenty-eight  
6 hundred one-c of this chapter, teachers of art, music, physical educa-  
7 tion, career education subjects, guidance counsellors, operation of  
8 special classes for students with disabilities, as such term is defined  
9 in article eighty-nine of this chapter; pupil and financial accounting  
10 service by means of mechanical equipment; maintenance and operation of  
11 cafeteria or restaurant service for the use of pupils and teachers while  
12 at school, and such other services as the commissioner may approve. Such  
13 cafeteria or restaurant service may be used by the community for school  
14 related functions and activities and to furnish meals to the elderly  
15 residents of the district, sixty years of age or older. Utilization by  
16 elderly residents or school related groups shall be subject to the  
17 approval of the board of education. Charges shall be sufficient to bear  
18 the direct cost of preparation and serving of such meals, exclusive of  
19 any other available reimbursements.

20 (1-a) Notwithstanding any other provision of law, rule, or regulation  
21 to the contrary, school resource officers may be requested by charter  
22 schools and school districts for up to six days per week throughout the  
23 entire school year.

24 § 3. Paragraph h of subdivision 4 of section 1950 of the education law  
25 is amended by adding two new subparagraphs 12 and 13 to read as follows:

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

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

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

48 § 3039. Grants for school resource officers. 1. For purposes of this  
49 section, school resource officers shall have the same meaning as defined  
50 in section twenty-eight hundred one-c of this chapter.

51 2. Nonpublic schools shall, upon application, be reimbursed by the  
52 department for the salaries of school resource officers. Each school  
53 which seeks a reimbursement pursuant to this section shall submit to the  
54 office of religious and independent schools an application therefor,  
55 together with such additional documents as the commissioner may reason-  
56 ably require, at such times, in such form and containing such informa-

1 tion as the commissioner may prescribe by regulation. Applications for  
2 reimbursement pursuant to this section must be received by August first  
3 of each year for schools to be reimbursed for the salaries of eligible  
4 school resource officers in the prior year.

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

7 § 5. This act shall take effect immediately.

8 PART B

9 Section 1. Section 2.10 of the criminal procedure law is amended by  
10 adding a new subdivision 85 to read as follows:

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

17 § 2. This act shall take effect immediately.

18 PART C

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

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

34 § 2. 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 Police and Fire Retirement System (PFRS), this bill will 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 to continue to receive their full retirement benefit. Currently, the salary limit is \$30,000.

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 PFRS.

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 January 8, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-17, prepared by the Actuary for the New York State and Local Retirement System.

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

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