

# STATE OF NEW YORK

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4286--A

2021-2022 Regular Sessions

## IN SENATE

February 3, 2021

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Introduced by Sens. GALLIVAN, AKSHAR -- 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:

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

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

LBD04103-06-2

1 § 2801-c. New York state school resource officer program. 1. For  
2 purposes of this section, the term "school resource officer" shall mean  
3 a school resource officer, school safety officer, school security offi-  
4 cer, or any other substantially similar position or office, that is  
5 designed to provide improved public safety and/or security on school  
6 grounds. Such school resource officer may be a retired police officer, a  
7 retired state trooper, a retired deputy sheriff, a state trooper, a  
8 police officer in the active duty service of a town, city or village, or  
9 a deputy sheriff from a county sheriff's department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 § 3039. Grants for school resource officers. 1. For purposes of this  
52 section, school resource officers shall have the same meaning as defined  
53 in section twenty-eight hundred one-c of this chapter.

54 2. Nonpublic schools shall, upon application, be reimbursed by the  
55 department for the salaries of school resource officers. Each school  
56 which seeks a reimbursement pursuant to this section shall submit to the

1 office of religious and independent schools an application therefor,  
2 together with such additional documents as the commissioner may reason-  
3 ably require, at such times, in such form and containing such informa-  
4 tion as the commissioner may prescribe by regulation. Applications for  
5 reimbursement pursuant to this section must be received by August first  
6 of each year for schools to be reimbursed for the salaries of eligible  
7 school resource officers in the prior year.

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

10 § 5. This act shall take effect immediately.

11 PART B

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

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

20 § 2. This act shall take effect immediately.

21 PART C

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

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

37 § 2. This act shall take effect immediately.

38 § 2. This act shall take effect immediately; provided, however, that  
39 the applicable effective date of Parts A through C of this act shall be  
40 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.