STATE OF NEW YORK

9630

IN ASSEMBLY

March 26, 2024

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

AN ACT to amend the education law and the racing, pari-mutuel wagering and breeding law, in relation to establishing the New York state school safety and security act

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

Section 1. This act shall be known and may be cited as the "New York state school safety and security act".

§ 2. Article 3 of the education law is amended by adding a new part 2 to read as follows:

PART II

SCHOOL SAFETY AND SECURITY

Section 150. Definitions.
151. Office of school safety and security.
152. School safety and security advisory board.

§ 150. Definitions. As used in this part, the following terms shall have the following meanings:

1. The term "office" means the office of school safety and security.

2. The term "advisory board" means the school safety and security advisory board.

3. The term "executive director" means the executive director heading the office.

§ 151. Office of school safety and security. 1. There is hereby established within the department an office that shall be known as the office of school safety and security. The office shall create and implement programs to ensure schools maintain adequate safety and security standards and shall serve as a clearinghouse for best practices and techniques from school districts, law enforcement, stakeholders, and any other entity as determined by the commissioner.

2. The office shall be headed by an executive director appointed by the commissioner. The executive director shall be responsible for the performance of the regular administrative functions of the office and other duties as the commissioner may direct. The commissioner may employ

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

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persons within the office in addition to the executive director as necessary to fulfill the responsibilities of the office as set forth in this part.

3. The office shall conduct assessments for consistency with the school safety and security guidelines developed by the advisory board at all public educational facilities in the state each school year. Employees of the office shall be permitted to enter a public educational facility at a reasonable time to conduct such annual assessments. The executive director shall prepare a written report for each security assessment conducted by the office. Such reports shall include, but not be limited to, any safety or security vulnerabilities found in the subject educational facility and recommendations for remedying such vulnerabilities. The office shall provide a copy of the report to the local education agency or institution, local and state law enforcement agencies and to the school principal or institution president.

4. The office shall, on or before September first of each year, prepare an annual report based on the findings from the previous school year's assessments conducted under subdivision three of this section. A copy of such report shall be submitted to the commissioner and to the advisory board.

5. Upon request of any public educational institution, the office shall provide training and technical assistance on best practices and resources for school safety and security as set forth in the guidelines established by the advisory board.

§ 152. School safety and security advisory board. 1. There is hereby established within the department the school safety and security advisory board. The advisory board shall consist of fourteen members as follows:

(a) Four members appointed by the governor as follows:

(i) One parent of a student who attends a New York public school;

(ii) One teacher who teaches in a New York public school;

(iii) One representative of a local school board; and

(iv) One representative of school superintendents;

(b) The chancellor of the New York city department of education or the chancellor's designee;

(c) One representative from the state education department as appointed by the commissioner;

(d) One representative from the New York state police as appointed by the superintendent of state police;

(e) One representative from the New York state association of chiefs of police as appointed by the executive director of the New York state association of chiefs of police;

(f) One representative from the New York sheriffs' association as appointed by the president of the New York sheriffs' association;

(g) One representative from the New York state association of fire chiefs as appointed by the president of the New York state association of fire chiefs; and

(h) Four representatives from the state legislature that shall include one member from the senate appointed by the temporary president of the senate, one member from the senate appointed by the minority leader of the senate, one member from the assembly appointed by the speaker of the assembly and one member from the assembly appointed by the minority leader of the assembly.

2. The members of the advisory board shall serve the following terms:

(a) The gubernatorial appointees shall serve terms of three years.

(b) All other members shall serve terms of two years.

3. A vacancy on the advisory board shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

4. The advisory board shall appoint a chairperson from among its members for a one year term.

5. The members of the advisory board shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

6. The advisory board shall meet at least annually but may meet more frequently subject to the call of the chairperson.

7. The advisory board shall:

(a) Develop, annually review, and modify, if necessary, school safety and security best practices and resources for the office to use in conducting its annual assessments, training, and technical assistance. Such best practices and resources shall be contained within a searchable repository in machine readable format and posted on the department's public website;

(b) Regularly assess school safety and security best practices and resources that may be used in public educational facilities; and

(c) On or before February first of each year, report to the legislature and the governor on the status of school safety and security in New York public educational facilities.

§ 3. Subdivision 8 of section 1367 of the racing, pari-mutuel wagering and breeding law, as added by section 3 of part Y of chapter 59 of the laws of 2021, is amended to read as follows:

8. Notwithstanding section thirteen hundred fifty-one of this article, mobile sports wagering gross gaming revenue and tax revenue shall be excluded from sports wagering gross gaming revenue and tax revenue. Mobile sports wagering tax revenue shall be separately maintained and returned to the state for deposit into the state lottery fund for education aid except as otherwise provided in this subdivision. Any interest and penalties imposed by the commission relating to those taxes, all penalties levied and collected by the commission, and the appropriate funds, cash or prizes forfeited from sports wagering shall be deposited into the state lottery fund for education. In the first fiscal year in which mobile sports wagering licensees commence operations and accept mobile sports wagers pursuant to this section, the commission shall pay into the commercial gaming fund one percent of the state tax imposed on mobile sports wagering by this section to be distributed for problem gambling education and treatment purposes pursuant to paragraph a of subdivision four of section ninety-seven-nnnn of the state finance law; provided however, that such amount shall be equal to six million dollars for each fiscal year thereafter. In the first fiscal year in which mobile sports wagering licensees commence operations and accept mobile sports wagers pursuant to this section, the commission shall pay one percent of the state tax imposed on mobile sports wagering by this section to the general fund, a program to be administered by the office of children and family services for a statewide youth sports activities and education grant program for the purpose of providing annual awards to sports programs for underserved youth under the age of eighteen years; provided however, that such amount shall be equal to five million dollars for each fiscal year thereafter. Beginning in fiscal year two thousand twenty-four--two thousand twenty-five, the commission shall pay one percent of state tax imposed on mobile sports wagering by this section to the general fund, for expenses incurred by the office of school safety and security in the department of education; provided however, that such amount shall not exceed the actual costs incurred in

the performance of the duties of such office for each fiscal year thereafter. The commission shall require at least monthly deposits by a platform provider of any payments pursuant to subdivision seven of this section, at such times, under such conditions, and in such depositories as shall be prescribed by the state comptroller. The deposits shall be deposited to the credit of the state commercial gaming revenue fund. The commission shall require a monthly report and reconciliation statement to be filed with it on or before the tenth day of each month, with respect to gross revenues and deposits received and made, respectively, during the preceding month.

§ 4. This act shall take effect immediately.