STATE OF NEW YORK

4985

2023-2024 Regular Sessions

IN SENATE

February 21, 2023

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law and the retirement and social security law, in relation to a school resource officer program

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

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

§ 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 or nonpublic school 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 or nonpublic school 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 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:

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

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

(b) Utilizing technology with 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, 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. Section 3641 of the education law is amended by adding a new subdivision 18 to read as follows:

18. School resource officer grants. a. In the two thousand twenty-three--two thousand twenty-four school year and thereafter, within the amount appropriated for services and expenses related to the expense of school resource officers, the commissioner shall provide grants pursuant to this subdivision to: (1) public school districts other than a city school district in a city with a population of one million or more inhabitants, (2) charter schools, and (3) non-public schools.

b. Grants under this subdivision shall be equal to the greater of fifty thousand dollars or the product of (1) twenty thousand dollars, and (2) the greater of (A) the total number of instructional school buildings owned, leased or in use for instructional purposes by such public school district, charter school, or non-public school, or (B) the quotient of the enrollment of such public school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article divided by two hundred fifty, and (3) the aid ratio pursuant to subdivision seven of section thirty-six hundred two of this article, provided that for a charter school or non-public school, the aid ratio shall be the aid ratio for the public school district where the charter school or the non-public school is located.

c. The commissioner shall be authorized to adopt regulations to implement the provisions of this subdivision.

d. In the event the appropriation for purposes of this subdivision in any year is insufficient to pay all claims received pursuant to this subdivision, the commissioner shall pay such claims on a prorated basis

among all districts filing such claims until the appropriation is exhausted.

§ 3. Subparagraph 2 of paragraph (b) of subdivision 2 of section 211 of the retirement and social security law, as amended by chapter 640 of the laws of 2008, is amended and a new subparagraph 3-a is added to read as follows:

(2) that he or she will earn more than one thousand dollars in one year, including compensation earned in such position under other provisions of this article that there are not readily available for recruitment persons qualified to perform the duties of such position; [~~and (4)~~];]

(3-a) that his or her employment title and respective duties will be restricted to school resource officer as such term is defined in section twenty-eight hundred one-c of the education law;

§ 4. This act shall take effect immediately.