

STATE OF NEW YORK

6382--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 5, 2023

Introduced by M. of A. STIRPE, SEAWRIGHT, SAYEGH, DAVILA, GUNTHER, McDONALD -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the criminal procedure law, and the retirement and social security law, in relation to the creation of the Comprehensive School Resource Officer Training and Implementation Program (SRO TIP)

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 whose purpose is to provide improved public safety and/or security on school grounds.

2. Any boards of cooperative educational services, public or nonpublic school which is not in a city school district in a city having a population of one million or more may employ, in either the classified or unclassified service, any school resource officer. Such school resource officer shall be: (a) a retired police officer, a retired state trooper, a retired deputy sheriff, or a retired federal law enforcement officer and who, once a certification process is established, is certified as a school resource officer under section twenty-eight hundred one-d of this article; or (b) an active duty state trooper, police officer in the service of a town, city or village, or deputy sheriff from a county sheriff's department.

3. Any boards of cooperative educational services, public or nonpublic school which is not in a city school district in a city having a popu-

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

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lation of one million or more may 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. A board of cooperative educational services or school district which is not in a city school district in a city having a population of one million or more shall be authorized to employ or contract for as many school resource officers as such board of cooperative educational services or district deems necessary.

4. It shall be the primary role of the school resource officer to provide improved public safety and/or security on school grounds through community policing techniques, investigative measures, and tactical preparedness. In addition to such 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.

5. 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. The education law is amended by adding a new section 2801-d to read as follows:

§ 2801-d. New York state school resource officer certification 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 whose purpose is to provide improved public safety and/or security on school grounds.

2. The department shall, utilizing boards of cooperative educational services, establish a school resource officer training program to certify retired police officers, retired deputy sheriffs, retired state troopers and retired federal law enforcement officers as school resource officers as well as a school resource officer recertification program to recertify school resource officers who have previously completed and

1 passed the department's school resource officer certification program.
2 Such programs shall be designed by the department to include, but not be
3 limited to, counseling techniques, community policing practices, gender
4 and racial sensitivity awareness, and field and tactical training for
5 prevention and response to incidents. The department shall utilize
6 current or retired police officers, in order to train school resource
7 officers in any police related or tactical training provided for certifi-
8 cation. The certifications granted from such programs shall expire one
9 year after the program was completed and passed.

10 3. The department shall separately offer the school resource officer
11 training program and the school resource officer recertification program
12 at least once per year per county.

13 § 3. Section 2.10 of the criminal procedure law is amended by adding a
14 new subdivision 87 to read as follows:

15 87. Retired police officers, retired state troopers, retired deputy
16 sheriffs or retired federal law enforcement officers employed by boards
17 of cooperative educational services or a school district as a school
18 resource officer; provided, however, that nothing in this subdivision
19 shall be deemed to authorize such officer to carry, possess, repair or
20 dispose of a firearm unless the appropriate license therefor has been
21 issued pursuant to section 400.00 of the penal law.

22 § 4. Subdivision 3 of section 212 of the retirement and social securi-
23 ty law, as added by section 1 of part Y of chapter 55 of the laws of
24 2013, is amended to read as follows:

25 3. Notwithstanding the provisions of subdivisions one and two of this
26 section, the commissioner of education may determine, pursuant to
27 section two hundred eleven of this article, that such earnings limita-
28 tions shall not apply to a retired police officer, retired state trooper
29 or retired deputy sheriff employed by boards of cooperative educational
30 services or a school district as a school resource officer; or to a
31 retired police officer, retired state trooper, or retired deputy sheriff
32 who is employed as a school resource officer by a county, city, town or
33 village police department pursuant to a contract with a school district
34 to provide such services. The commissioner of education may include no
35 more than thirty thousand dollars in addition to the earning limitations
36 set forth in the table in subdivision two of this section to such
37 retired police officer, retired state trooper, or retired deputy sheriff
38 who is employed as a school resource officer.

39 § 5. This act shall take effect immediately.

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

This bill would allow, with the approval of the Commissioner of Educa-
tion, retired police officers, retired state troopers, and retired depu-
ty sheriffs who are employed as school resource officers with an annual
salary of \$65,000 or less to continue to receive their full retirement
benefit, provided that such employment is by any of (1) a school
district, (2) a board of cooperative educational services, or (3) by a
county, city, town or village police department pursuant to a contract
with a school district to provide such services. Currently, only retired
police officers employed as school resource officers by a school
district are allowed enhanced post-retirement earning.

Insofar as this bill affects the New York State and Local Retirement
System (NYSLRS), if this bill were enacted during the 2024 Legislative
Session, the direct cost incurred would be the retiree's pension benefit
paid while post-retirement earnings are between \$35,000 and \$65,000 each
calendar year. The pension benefit expected to be paid by the NYSLRS
during that 2-month period is estimated to be \$15,000 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be \$4,500 per person.

Pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision.

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 \$19,500 is expected. If large numbers of retirees are rehired into such positions, significant annual costs would result.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 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, 2023 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 7, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-70 Revised, prepared by the Actuary for the New York State and Local Retirement System.