

# 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:

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

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

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

22 3. It shall be the primary role of the school resource officer to  
23 provide improved public safety and/or security on school grounds. In  
24 addition to this primary role, school resource officers also may serve  
25 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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1 (a) Proposing and enforcing policies and administrative procedures  
2 related to school safety;

3 (b) Utilizing technology with the implementation of a comprehensive  
4 safety program;

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

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

12 (e) Proposing and assisting in the execution of school emergency  
13 drills and proposing and assisting in the creation of school safety  
14 plans;

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

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

18 (h) Performing such other and further roles, responsibilities and  
19 activities as the school district may deem appropriate and proper for a  
20 law enforcement officer to perform, in order to advance the security,  
21 safety and well-being of students, faculty, administration and visitors  
22 to the school district's schools, transportation vehicles and school  
23 grounds.

24 4. Such school resource officer may carry and possess firearms during  
25 the course of their duties at such school district, but nothing in this  
26 subdivision shall be deemed to authorize such school resource officer to  
27 carry, possess, repair or dispose of a firearm unless the appropriate  
28 license therefor has been issued pursuant to section 400.00 of the penal  
29 law.

30 § 2. Section 3641 of the education law is amended by adding a new  
31 subdivision 18 to read as follows:

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

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

51 c. The commissioner shall be authorized to adopt regulations to imple-  
52 ment the provisions of this subdivision.

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

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

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

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

12 (3-a) that his or her employment title and respective duties will be  
13 restricted to school resource officer as such term is defined in section  
14 twenty-eight hundred one-c of the education law;

15 § 4. This act shall take effect immediately.