ECLEG MAR22'18 AM11:05

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MILLER-WILLIAMS

Re: Improving School Safety through Support for School Resource Officers

WHEREAS, there has been a terrifying increase in school violence in recent years, marked by the February 14, 2018 murder of 17 students and teachers at Marjory Stoneman Douglas High School in Parkland, Florida, but also including the December 7, 2017 murder of 2 students at Aztec High School in Aztec, New Mexico; and

WHEREAS, while the events at Parkland seemingly reflect a problem with the conduct of the Sheriff Deputy assigned as a School Resource Officer to the school, most communities and school districts desire to work with local police agencies and have armed police officers on campus as School Resource Officers; and

WHEREAS, School Resource Officers serve many roles in schools such as law enforcement and safety, developing crime reduction and prevention programs, training and securing school personnel, assisting students in conflict resolution, and being positive role models; and

WHEREAS, there is legislation pending in the New York State Legislature which would allow for the greater use of School Resource Officers in school districts, such as Senate Bills S.7810, S.7811, S.1144 and S.7791, all introduced by Senator Patrick Gallivan, which would provide for the use of School Resource Officers, provide for some state funding for such officers, and would amend state retirement law to allow for retired police officers to be paid up to $50,000 annually to serve in such roles while collecting their full retirement.

NOW, THEREFORE, BE IT

RESOLVED, that as a safety measure to safeguard our children and their educators, the Erie County Legislature expresses support for the concept of School Resource Officers in public, non-public, and charter schools; and be it further

RESOLVED, that this Honorable Body expresses its support for legislation to be introduced in the New York State Assembly to assist in increasing the number of School Resource Officers in local schools, and to provide for new state aid to support the allocation of additional new School Resource Officers in schools; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to Governor Andrew M. Cuomo, the New York State Assembly, New York State Senate, and Mary Ellen Elia, Commissioner of the New York State Department of Education.

Fiscal Impact: None for this resolution.

S07791 Summary:

BILL NO S07791

SAME AS No Same As

SPONSOR GALLIVAN

COSPNSR AKSHAR, BONACIC, FUNKE, GOLDEN, HELMING, JACOBS, LARKIN, MARCELLINO, MARCHIONE, MURPHY, O'MARA, ORTT, PHILLIPS, RANZENHOFER, RITCHIE, ROBACH, SEWARD, TEDISCO, VALESKY

MLTSPNSR

Amd 212, R & SS L

Relates to the earnings limitation for retired police officers employed as school resource officers; $50,000 for the year 2018 and thereafter.

S07791 Actions:

BILL NO S07791

02/23/2018 REFERRED TO EDUCATION
03/05/2018 COMMITTEE DISCHARGED AND COMMITTED TO RULES
03/05/2018 ORDERED TO THIRD READING CAL.548
03/05/2018 PASSED SENATE
03/05/2018 DELIVERED TO ASSEMBLY
03/05/2018 referred to governmental employees

S07791 Committee Votes:

S07791 Text:

STATE OF NEW YORK

7791

IN SENATE

February 23, 2018

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

AN ACT to amend the retirement and social security law, in relation to annual earnings limitations for retired police officers employed as school resource officers

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

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

4. Notwithstanding the provisions of subdivisions one and two of this section, such annual earnings limitations for a retired police officer employed by a school district in either the classified or unclassified service as a school resource officer, school safety officer, school security officer or any other substantially similar position or office that is designed to provide safety and/or security on school grounds, provided that such retired police officer is duly qualified, competent and physically fit for performance of the duties of the position in which he or she is to be employed as determined by the school district and is properly certified where such certification is required, shall be $50,000 for the year 2018 and thereafter.

§ 2. This act shall take effect immediately.

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

This bill will allow retired police officers to be employed by a school district as a school safety officer, school security officer or any other substantially similar position for an annual salary of less than $50,000 and continue to receive their full retirement benefit. Currently, this privilege is only allowed to retired police officers who are employed as a school resource officer.

If this bill is enacted, insofar as it will affect the New York State and Local Police and Fire Retirement System, we expect few retirees to be affected. There would be negligible additional annual costs.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2016 actuarial valu-

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

LBD14887-01-8

ation. Distributions and other statistics can be found in the 2016 Report of the Actuary and the 2016 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 and 2016 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, 2016 New York State and Local Retirement System Financial Statements and Supplementary Information.

This estimate, dated February 23, 2018 and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 1, prepared by the New York State Senate Standing Committee on Finance.

S01144 Summary:

BILL NO S01144A

SAME AS No Same As

SPONSOR GALLIVAN

COSPNSR AKSHAR, BONACIC, FUNKE, GOLDEN, HELMING, JACOBS, LARKIN, MARCELLINO, MARCHIONE, MURPHY, PHILLIPS, RANZENHOFER, ROBACH, SEWARD, TEDISCO, VALESKY

MLTSPNSR

Amd §2.10, CP L

Relates to categorizing retired police officers employed by a school district as school resource officers as peace officers.

S01144 Actions:

BILL NO S01144A

01/06/2017 REFERRED TO CODES
02/06/2017 1ST REPORT CAL.159
02/07/2017 2ND REPORT CAL.
02/13/2017 ADVANCED TO THIRD READING
03/06/2017 PASSED SENATE
03/06/2017 DELIVERED TO ASSEMBLY
03/06/2017 referred to codes
01/03/2018 died in assembly
01/03/2018 returned to senate
01/03/2018 REFERRED TO CODES
02/06/2018 AMEND AND RECOMMIT TO CODES
02/06/2018 PRINT NUMBER 1144A
03/05/2018 COMMITTEE DISCHARGED AND COMMITTED TO RULES
03/05/2018 ORDERED TO THIRD READING CAL.543
03/05/2018 PASSED SENATE
03/05/2018 DELIVERED TO ASSEMBLY
03/05/2018 referred to codes

S01144 Committee Votes:

S01144 Text:

STATE OF NEW YORK

1144--A

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sens. GALLIVAN, GOLDEN, LARKIN, MARCHIONE, PHILLIPS, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes 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 criminal procedure law, in relation to peace officers

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

Section 1. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 85 to read as follows:

85. Retired police officers employed by a school district as a school resource officer; provided, however, that nothing in this subdivision shall be deemed to authorize such 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. This act shall take effect immediately.

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

LBD00111-02-8

S07811 Summary:

BILL NO S07811A

SAME AS No Same As

SPONSOR GALLIVAN

COSPNSR AKSHAR, AMEDORE, BONACIC, FUNKE, GOLDEN, HELMING, JACOBS, LARKIN, MARCELLINO, MARCHIONE, MURPHY, ORTT, RANZENHOFER, RITCHIE, ROBACH, SEWARD, TEDISCO, VALESKY

MLTSPNSR

Add §2801-c, amd §§3602 & 3602-c, Ed L

Relates to creating a school resource officer program to permit the employment of retired law enforcement officers; provides school resource officer security protection aid.

S07811 Actions:

BILL NO S07811A

02/27/2018 REFERRED TO EDUCATION
03/01/2018 AMEND AND RECOMMIT TO EDUCATION
03/01/2018 PRINT NUMBER 7811A
03/05/2018 COMMITTEE DISCHARGED AND COMMITTED TO RULES
03/05/2018 ORDERED TO THIRD READING CAL.551
03/05/2018 PASSED SENATE
03/05/2018 DELIVERED TO ASSEMBLY
03/05/2018 referred to education

S07811 Committee Votes:

S07811 Text:

STATE OF NEW YORK

7811--A

IN SENATE

February 27, 2018

Introduced by Sens. GALLIVAN, AMEDORE, HELMING, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- 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

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.

LBD14905-03-8

(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.

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 3602 of the education law is amended by adding a new subdivision 5-b to read as follows:

5-b. School resource officer security protection aid. Every school district, outside of a city with a population of one million or more, employing or contracting for the services of a school resource officer in either the classified or unclassified service, in accordance with section twenty-eight hundred one-c of this chapter, shall be entitled to a payment of school resource officer protection aid in the amount of the district's expenditure for the cost of such employment or contracting of such school resource officer, but in no event shall such aid to such school district be in excess of fifty thousand dollars annually. The school resource officer security protection aid provided by this subdivision shall be further limited to the payment for one school resource officer per school district.

§ 3. Section 3602-c of the education law is amended by adding a new subdivision 11 to read as follows:

11. Aid shall be made available to all nonpublic schools under this section, for school resource officers, in the same manner as for public schools in subdivision five-b of section thirty-six hundred two of this article.

§ 4. This act shall take effect immediately.

S07810 Summary:

BILL NO S07810A

SAME AS No Same As

SPONSOR GALLIVAN

COSPNSR AKSHAR, AMEDORE, BONACIC, FUNKE, GOLDEN, HELMING, JACOBS, LARKIN, MARCELLINO, MARCHIONE, MURPHY, O'MARA, ORTT, RANZENHOFER, RITCHIE, ROBACH, SEWARD, TEDISCO, VALESKY

MLTSPNSR

Add §2801-c, amd §3641, Ed L; amd §211, R & SS L

Relates to creating a school resource officer program to permit the employment of retired law enforcement officers and provide grants to school districts and non-public schools for such purpose.

S07810 Actions:

BILL NO S07810A

02/27/2018 REFERRED TO EDUCATION
03/01/2018 AMEND AND RECOMMIT TO EDUCATION
03/01/2018 PRINT NUMBER 7810A
03/05/2018 COMMITTEE DISCHARGED AND COMMITTED TO RULES
03/05/2018 ORDERED TO THIRD READING CAL.550
03/05/2018 PASSED SENATE
03/05/2018 DELIVERED TO ASSEMBLY
03/05/2018 referred to education

S07810 Committee Votes:

S07810 Text:

STATE OF NEW YORK

7810--A

IN SENATE

February 27, 2018

Introduced by Sens. GALLIVAN, AMEDORE, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

LBD14902-03-8

(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 17 to read as follows:

17. School resource officer grants. a. In the two thousand eighteen--two thousand nineteen 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 and 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. Paragraph (b) of subdivision 2 of section 211 of the retirement and social security law is amended by adding a new subparagraph 3-a to read as follows:

(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.