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To: District Superintendents of BOCES
Superintendents of Public School Districts
Principals of Public Schools
Charter School Leaders

From: Kathleen R. DeCataldo

Subject: Recent Legislative and Regulatory Changes to Education Law §2801-a and
Commissioner's Regulation §155.17

Effective July 1, 2019, the 2019-20 Enacted State Budget included amendments to [Education Law §2801-a](#) to require schools to define the roles and responsibilities of school personnel, security personnel and law enforcement who are deployed in schools. The Board of Regents adopted [amendments to Commissioner's Regulation §155.17](#) in July, 2019, which implemented the statutory change. Following the 60-day public comment period, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at the October 2019 Regents meeting. If adopted by the Board at its October meeting, the proposed amendment will be adopted as a permanent rule on October 23, 2019. The language of the regulation change pertaining to law enforcement and security personnel is provided below.

10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input, including, but not limited to, parents, students, school administrators, teachers, collective bargaining units, parent and student organizations and community members, as well as probation officers, prosecutors, defense counsels and courts that are familiar with school discipline. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. Such contract or memorandum of understanding shall be consistent with the code of conduct, define law enforcement or security personnel's roles, responsibilities and involvement within a school and clearly delegate the role of school discipline to the school administration. Such written contract or

memorandum of understanding shall be incorporated into and published as part of the district safety plan.

To assist school districts and charter schools in identifying the topics that may be considered for inclusion in a memorandum of understanding (MOU) regarding a School Resource Officer (SRO), please see the following list of topics. Although this list pertains to an SRO MOU, most topics listed should also be incorporated into a contract pertaining to other security personnel deployed in a school setting.

Topics to be Covered in a School Resource Officer MOU

- Overall Goals or Mission of the SRO Program in the District or School
- Overall Roles and Responsibilities of the SRO
 - School-wide emergency response planning
 - Response to immediate threat of harm to students or staff
 - Response to low-level, non-violent criminal activity
 - When/if SRO may intervene in student misconduct
 - Searches, investigations and questioning of students
 - Consultation with school administration regarding arrest
 - Other interactions with students
 - Participation in school events
- Overall Roles and Responsibilities of the School District
 - School administration and staff responsibility for school discipline and code of conduct violations
 - When school staff can request SRO intervention
 - Integration of SRO into school community
- Requirements for Selection of SRO
- Training
 - Preservice requirements and ongoing professional development/training expectations
 - Joint training of school staff and SRO
- Privacy Protections and Information Sharing

- Due process protections and notice to parents
- Oversight of the SRO Program
- Provision of Equipment and Materials for SRO
- Police Department/School District Points of Contact
- Data collection and Reporting