

Alert

New York City to Provide Certain Non-Public Schools with Funds to Hire and Train Security Guards

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On Jan. 5, 2016, Mayor Bill de Blasio signed a law which will, for the first time, provide certain non-public New York City schools with funds to hire and train security guards. The new law provides that New York City will reimburse non-public schools with 300 or more students in pre-kindergarten through 12th grade for certain costs of hiring and training unarmed security guards. These costs may include the security guards' wages, reasonable costs paid to security guard companies, and the cost of training that may be required pursuant to the law (but not training that would already be required for security guards under any other law). The security guards' pay will be reimbursed up to the "prevailing wage" for such services. The reimbursement will be available for security during the school day as well as during after-school programs and events, including athletic events.

The size of the school's student body will determine the number of security guards the city will pay for: Schools with between 300 and 499 students will be reimbursed for one security guard, schools with at least 500 students will be reimbursed for two, and for each additional 500 students, the cost of an additional security guard will be covered. There will be a \$19.8-million cap on total reimbursements paid under this law in the first full year that the law is implemented.

The law provides that the program will be administered by an administrative agency to be named, which will have the authority to promulgate rules governing schools' eligibility for the program. The administering agency will be authorized to limit schools' selection of security providers by establishing a list of qualified providers. If no such list is promulgated, the security guards must be employed by a security company. The security guards must be registered with the state, but will remain private and unaffiliated with the New York City Police Department. To be eligible for reimbursement, however, schools must report all criminal and public safety-related incidents to police and/or the relevant government agency at the time of occurrence, as well as in annual summary reports. Participating schools will be reimbursed quarterly after providing the administering agency with "satisfactory proof" of the school's compliance with all program requirements.

At this time, no agency has been named and no rules have been promulgated for the program. The law will take effect on April 1, 2016.

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If you have any questions concerning this *Alert*, please contact your attorney at Schulte Roth & Zabel or one of the authors.

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