S T A T E O F N E W Y O R K

1794

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. RABBITT, KOLB, ERRIGO, GIGLIO, HAWLEY, McDONOUGH, BALL -- Multi-Sponsored by -- M. of A. FINCH -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to suspending the pay of any tenured person upon the conviction of a felony for possession of sexual performance by a child

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 2 of section 3020-a of the education law, as separately amended by chapters 296 and 325 of the laws of 2008, is amended to read as follows:

(b) The employee may be suspended pending a hearing on the charges and the final determination thereof. The suspension shall be with pay, except the employee may be suspended without pay if the employee has entered a guilty plea to or has been convicted of a felony crime concerning the criminal sale or possession of a controlled substance, a precursor of a controlled substance, or drug paraphernalia as defined in article two hundred twenty or two hundred twenty-one of the penal law; [or] a felony crime involving the physical abuse of a minor or student; OR A FELONY CRIME INVOLVING POSSESSION OR PROMOTION OF AN OBSCENE SEXUAL PERFORMANCE BY A CHILD OR USE, POSSESSION OR PROMOTION OF A SEXUAL PERFORMANCE BY A CHILD AS DEFINED IN ARTICLE TWO HUNDRED SIXTY-THREE OF THE PENAL LAW. The employee shall be terminated without a hearing, as provided for in this section, upon conviction of a sex offense, as defined in subparagraph two of paragraph b of subdivision seven-a of section three hundred five of this chapter. To the extent this section applies to an employee acting as a school administrator or supervisor, as defined in subparagraph three of paragraph b of subdivision seven-b of section three hundred five of this chapter, such employee shall be terminated without a hearing, as provided for in this section, upon conviction of a felony offense defined in subparagraph two of paragraph b of subdivision seven-b of section three hundred five of this chapter.

S 2. This act shall take effect immediately.

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

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