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

1634

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

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

AN ACT to amend the education law, in relation to the child abuse reporting requirements in educational settings; to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to making a technical correction thereto; and to amend the vehicle and traffic law, in relation to qualifications for school bus drivers

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

Section 1. Paragraph (a) of subdivision 30 of section 305 of the education law, as amended by chapter 630 of the laws of 2006, is amended to read as follows:

(a) The commissioner, in cooperation with the division of criminal justice services and in accordance with all applicable provisions of law, shall promulgate rules and regulations to require the fingerprinting of prospective employees, as defined in section eleven hundred twenty-five of this chapter, of school districts, charter schools and boards of cooperative educational services and authorizing the fingerprinting of prospective employees of nonpublic and private elementary and secondary schools, and for the use of information derived from searches of the records of the division of criminal justice services and the federal bureau of investigation based on the use of such fingerprints. The commissioner shall also develop a form for use by school districts, charter schools, boards of cooperative educational services, and nonpublic and private elementary and secondary schools in connection with the submission of fingerprints that contains the specific job title sought and any other information that may be relevant to consideration of the applicant. The commissioner shall also establish a form for the recordation of allegations of child abuse in an educational setting, as

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

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required pursuant to section eleven hundred twenty-six of this chapter. No person who has been fingerprinted pursuant to section three thousand four-b of this chapter [or pursuant to section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law] and whose fingerprints remain on file with the division of criminal justice services shall be required to undergo fingerprinting for purposes of a new criminal history record check. This subdivision and the rules and regulations promulgated pursuant thereto shall not apply to a school district within a city with a population of one million or more.

S 2. Paragraph a of subdivision 39 of section 1604 of the education law, as amended by chapter 147 of the laws of 2001, is amended to read as follows:

a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 3. Subdivision 39 of section 1604 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

39. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 4. Paragraph a of subdivision 39 of section 1709 of the education law, as amended by chapter 147 of the laws of 2001, is amended to read as follows:

a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 5. Subdivision 39 of section 1709 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

39. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 6. Paragraph a of subdivision 9 of section 1804 of the education law, as amended by chapter 147 of the laws of 2001, is amended to read as follows:

a. The board of education shall, for purposes of a criminal history record check, require the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 7. Subdivision 9 of section 1804 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

9. The board of education shall, for purposes of a criminal history record check, require the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 8. Subparagraph a of paragraph ll of subdivision 4 of section 1950 of the education law, as amended by chapter 147 of the laws of 2001, is amended to read as follows:

a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of

fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 9. Paragraph ll of subdivision 4 of section 1950 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

ll. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 10. Paragraph a of subdivision 18 of section 2503 of the education law, as amended by chapter 147 of the laws of 2001, is amended to read as follows:

a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 11. Subdivision 18 of section 2503 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

18. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 12. Paragraph a of subdivision 25 of section 2554 of the education law, as amended by section 2 of chapter 91 of the laws of 2002, is amended to read as follows:

a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant

with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 13. Subdivision 25 of section 2554 of the education law, as amended by section 4 of chapter 91 of the laws of 2002, is amended to read as follows:

25. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 14. Section 34 of chapter 91 of the laws of 2002, amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one, THREE AND FIVE through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, 2009; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, 2009 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

S 15. Subparagraph (i) of paragraph (a-2) of subdivision 3 of section 2854 of the education law, as amended by chapter 147 of the laws of 2001, is amended to read as follows:

(i) The board of trustees of a charter school shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 16. Paragraph (a-2) of subdivision 3 of section 2854 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

(a-2) The board of trustees of a charter school shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter [or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law]. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 17. Section 1125 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-A. "SEXUAL ABUSE BY A STUDENT" SHALL MEAN AN ACT COMMITTED IN AN EDUCATIONAL SETTING BY A CHILD AGAINST ANOTHER CHILD WHICH IS DEFINED AS CHILD SEXUAL ABUSE IN THIS SECTION.

S 18. The education law is amended by adding a new section 1126-a to read as follows:

S 1126-A. DUTIES OF EMPLOYEES NOT SPECIFICALLY ENUMERATED IN SECTION ELEVEN HUNDRED TWENTY-SIX OF THIS ARTICLE UPON RECEIPT OF AN ALLEGATION OR DIRECT OBSERVATION OF CHILD ABUSE OR SEXUAL ABUSE BY A STUDENT IN AN EDUCATIONAL SETTING. 1. IN ANY CASE WHERE CHILD ABUSE IS OBSERVED OR WHEN AN ORAL OR WRITTEN ALLEGATION IS MADE TO AN EMPLOYEE, AS DEFINED IN SUBDIVISION THREE OF SECTION ELEVEN HUNDRED TWENTY-FIVE OF THIS ARTICLE WHO IS NOT ENUMERATED IN SECTION ELEVEN HUNDRED TWENTY-SIX OF THIS ARTICLE, THAT A CHILD HAS BEEN SUBJECTED TO CHILD ABUSE BY AN EMPLOYEE OR A VOLUNTEER IN AN EDUCATIONAL SETTING, OR SEXUAL ABUSE BY A STUDENT IN AN EDUCATIONAL SETTING, SUCH PERSON SHALL UPON RECEIPT OF SUCH ALLEGATION PROMPTLY INFORM THE SCHOOL ADMINISTRATOR OR HIS OR HER DESIGNATED AGENT.

2. THE COMMISSIONER SHALL DEVELOP A FORM FOR USE BY SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THAT CONTAINS, FOR RECORDATION ANY INFORMATION THAT IS RELEVANT TO THE ALLEGED ACT OF CHILD ABUSE BY A CHILD IN AN EDUCATIONAL SETTING.

3. THE DESIGNATED AGENT OF THE SCHOOL ADMINISTRATOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE PROCEDURES SET FORTH IN THIS ARTICLE.

4. ANY EMPLOYEE WHO REASONABLY AND IN GOOD FAITH MAKES A REPORT OF ALLEGATIONS OF CHILD ABUSE OR SEXUAL ABUSE BY A STUDENT IN AN EDUCATIONAL SETTING TO THE SCHOOL ADMINISTRATOR OR HIS OR HER DESIGNATED

AGENT IN A MANNER DESCRIBED IN THIS SECTION, SHALL HAVE IMMUNITY FROM CIVIL LIABILITY WHICH MIGHT OTHERWISE RESULT BY REASON OF SUCH ACTIONS.

5. ANY OTHER PERSON WHO REASONABLY AND IN GOOD FAITH MAKES A REPORT OF CHILD ABUSE OR SEXUAL ABUSE BY A STUDENT IN AN EDUCATIONAL SETTING TO A SCHOOL EMPLOYEE IN A MANNER DESCRIBED IN THIS SECTION SHALL HAVE IMMUNITY FROM CIVIL LIABILITY WHICH MIGHT OTHERWISE RESULT BY REASON OF SUCH ACTIONS.

S 19. Sections 1126, 1127 and 1128 of the education law, as added by chapter 180 of the laws of 2000, are amended to read as follows:

S 1126. Duties of employees specifically enumerated in this section upon receipt of an allegation OR DIRECT OBSERVATION of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting. 1. In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member or other school personnel required to hold a teaching or administrative license or certificate, that a child has been subjected to SEXUAL ABUSE BY A STUDENT OR TO child abuse by an employee or volunteer in an educational setting, such person shall upon receipt of such allegation:

(a) promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee [or], volunteer OR STUDENT against whom the allegation was made; and a listing of the specific allegations of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting. Such written report shall be upon a form as prescribed in section eleven hundred thirty-two of this article.

(b) except where the school administrator DIRECTLY OBSERVES OR is the person receiving such oral or written allegation, promptly personally deliver a copy of such written report to the school administrator of the school in which the child abuse OR SEXUAL ABUSE BY A STUDENT allegedly occurred.

2. In any case where it is alleged that a child was abused by an employee [or], volunteer OR STUDENT of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the superintendent of schools of the school district of the child's attendance and the school district where the abuse allegedly occurred, whereupon both school superintendents shall comply with sections eleven hundred twenty-eight and eleven hundred twenty-eight-a of this article.

3. Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting to a person and in a manner described in this section shall have immunity from civil liability which might otherwise result by reason of such actions.

S 1127. Confidentiality of records. Reports and other written material submitted pursuant to this article, and photographs taken concerning such reports in the possession of any person authorized to receive such information, pursuant to this article, shall be confidential and shall not be redisclosed except to law enforcement authorities involved in an investigation of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. A school administrator or a school superintendent shall exercise reasonable care in preventing such unauthorized disclosure. Willful disclosure of a written record required to be kept confi-

dential pursuant to this section to a person not authorized to receive or review such record is a class A misdemeanor.

S 1128. Duties of school administrators and superintendents upon receipt of a written report alleging child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting. Upon receipt of a written report described in paragraph (a) of subdivision one of section eleven hundred twenty-six of this article alleging that a child has been abused in an educational setting, a school administrator or superintendent shall where there is a reasonable suspicion to believe that an act of child abuse OR SEXUAL ABUSE BY A STUDENT has occurred:

1. Where the subject child has made the allegation: (a) promptly notify the parent of such child that an allegation of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting has been made regarding such child and promptly provide the parent with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article; (b) where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and (c) promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

2. Where a parent of the child has made the allegation: (a) promptly provide the parent of such child with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article; (b) where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and (c) promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

3. Where a person other than the subject child or the parent of a subject child has made the allegation: (a) promptly notify the parent of the subject child that an allegation of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting has been made regarding his or her child and promptly provide the parent with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article; (b) ascertain from the person making such report the source and basis for such allegation; (c) where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and (d) promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

4. Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting or reasonably and in good faith transmits such a report to a person or agency as required by this article and in a manner described in section eleven hundred twenty-six of this article and this section shall have immunity from civil liability which might otherwise result by reason of such actions.

S 20. Section 1129 of the education law is amended by adding a new subdivision 3 to read as follows:

3. THE WILLFUL FAILURE OF AN EMPLOYEE HAVING DIRECTLY OBSERVED OR HAVING RECEIVED AN ALLEGATION OF CHILD ABUSE OR SEXUAL ABUSE BY A STUDENT IN AN EDUCATIONAL SETTING TO INFORM THE SCHOOL ADMINISTRATOR OR

HIS OR HER DESIGNATED AGENT OF SUCH OBSERVATION OR ALLEGATION, AS SET FORTH IN THIS SECTION, SHALL BE A CLASS A MISDEMEANOR.

S 21. Section 1130 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

S 1130. Notification by district attorney. Where a criminal investigation of an allegation of SEXUAL ABUSE BY A STUDENT OR child abuse by an employee or volunteer is undertaken in response to a report forwarded by a school administrator or superintendent to law enforcement authorities pursuant to section eleven hundred twenty-eight of this article, and where law enforcement authorities have provided such report to the district attorney and have requested assistance, as soon as practicable, it shall be the responsibility of the district attorney to notify the superintendent of schools of the district where the acts of child abuse OR SEXUAL ABUSE BY A STUDENT allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the employee [or], volunteer OR STUDENT against whom an allegation of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting was made. The district attorney shall notify the superintendent of schools of the district where the acts of child abuse OR SEXUAL ABUSE BY A STUDENT allegedly occurred and of the school district, if different, where the child is attending of the disposition of the criminal case against such employee [or], volunteer OR STUDENT or the suspension or termination of the criminal investigation of such employee [or], volunteer OR STUDENT.

S 22. Section 1132 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

S 1132. Duties of the commissioner; child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting. 1. The commissioner shall prepare a form for the recording and transmitting of allegations of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting. Such form shall include: (i) all definitions set out in section eleven hundred twenty-five of this article; and (ii) adequate space for the inclusion of any other information which the person making or filing the report believes would be helpful in describing or explaining the circumstances surrounding an allegation of child abuse OR SEXUAL ABUSE BY A STUDENT in an educational setting in accordance with the provisions of this article.

2. The commissioner shall promulgate rules and regulations for training necessary for the implementation of this article.

S 23. Section 509-cc of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, paragraph (c) of subdivision 1 and paragraph (d) of subdivision 2 as added and paragraph (b) and subparagraph (iv) of subdivision (c) of subdivision 2 and paragraph (b) of subdivision 4 as amended by chapter 360 of the laws of 1986, paragraphs (e) and (f) of subdivision 1 and paragraphs (f) and (g) of subdivision 2 as added and paragraph (d) of subdivision 1 and paragraph (e) of subdivision 2 as amended by chapter 599 of the laws of 1993, paragraph (g) of subdivision 1 and paragraph (h) of subdivision 2 as added by chapter 475 of the laws of 2001, subparagraph (v) of paragraph (c) of subdivision 2 and paragraph (c) of subdivision 4 as amended by chapter 345 of the laws of 2007, paragraph (a) of subdivision 4 as amended by chapter 93 of the laws of 2006, subdivision 5 as added by chapter 164 of the laws of 2003, is amended to read as follows:

S 509-cc. Disqualification of drivers of school buses. (1) A person employed as a driver of a school bus as defined in paragraph (a) of subdivision one of section five hundred nine-a of this chapter [on September fifteenth, nineteen hundred eighty-five and who was subject to

the provisions of this article as it existed immediately prior to September fifteen, nineteen hundred eighty-five, and was employed in this state as a driver of a school bus as defined in paragraph (a) of subdivision one of section five hundred nine-a of this chapter at any time during the first six months of nineteen hundred eighty-five,] shall be disqualified from operating a school bus as follows:

(a) [permanently, if that person

(i) has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law, provided, however, the provisions of this subparagraph shall not apply to convictions, suspensions or revocations or forfeitures of bonds for collateral upon any of the charges listed in this subparagraph for violations which occurred prior to September first, nineteen hundred seventy-four committed by a person employed as a bus driver on September first, nineteen hundred seventy-four. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities as provided for in section seven hundred one of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children to the applicant's prospective employment, prior to granting such a certificate; or

(ii) has been convicted of an offense listed in paragraph (a) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities as provided for in section seven hundred one of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate; or

(iii) has been convicted of an offense listed in paragraph (b) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification shall be waived provided that five years have expired since the applicant discharged or released from a sentence of imprisonment imposed

pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities as provided for in section seven hundred one of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate. Provided, however, that at the discretion of the commissioner, the certificate of relief from disabilities may remove disqualification at any time; or

(b)] for a period of five years from the date of last conviction specified herein, if that person

(i) [has been convicted within the preceding five years of an offense listed in paragraph (c) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities as provided for in section seven hundred one of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate;

(ii)] has been convicted of any violation of section eleven hundred ninety-two of this chapter or an offense committed outside this state which would constitute a violation of section eleven hundred ninety-two of this chapter, and the offense was committed while the driver was driving a bus in the employ of a motor carrier or in the furtherance of a commercial enterprise in interstate, intrastate or foreign commerce;

[(iii)] (II) has been twice convicted of a violation of any subdivision of section eleven hundred ninety-two of this chapter or offenses committed outside this state which would constitute a violation of section eleven hundred ninety-two of this chapter, committed within the preceding five year period;

[(iv)] (III) has been twice convicted of a violation of any subdivision of section eleven hundred ninety-two of this chapter, or an offense committed outside of this state which would constitute a violation of any subdivision of section [one thousand one] ELEVEN hundred ninety-two of this chapter, committed within any ten year period after September fifteenth, nineteen hundred eighty-five; or

[(v)] (IV) has been convicted of leaving the scene of an accident which resulted in personal injury or death under section six hundred of this chapter or an offense committed outside of this state which would constitute a violation of section six hundred of this chapter.

[(c)] (B) for a period of five years from the date of last conviction, if that person has been convicted of a violation of subdivision three of section five hundred eleven of this [chapter] TITLE on or after September fifteenth, nineteen hundred eighty-five;

[(d)] (C) for a period of one year, if that person has accumulated nine or more points on his or her driving record for acts that occurred during an eighteen month period on or after September fifteenth, nine-

teen hundred eighty-five, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle accident prevention course.

[(e)] (D) for a period of one year, if that person [or] was the operator of a motor vehicle involved in two or more accidents of a nature and type set forth in section five hundred nine-a of this article, where such accidents occurred within an eighteen-month period following a reexamination conducted pursuant to section five hundred nine-bb of this article, provided that accidents in which the driver was completely without fault shall not be included in determining whether such disqualification is required;

[(f)] (E) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle accident prevention course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

[(g)] (F) for the period that such person's license is revoked or suspended for violating section eleven hundred ninety-two of this chapter or an offense committed outside of this state which would constitute a violation of section eleven hundred ninety-two of this chapter. Such disqualification shall be for not less than six months.

(2) [All other school bus drivers who are not subject to subdivision one of this section shall be disqualified from operating a bus as follows:

(a) permanently, if that person has been convicted of an offense listed in paragraph (a) of subdivision four of this section. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities as provided for in section seven hundred one of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children to the applicant's prospective employment, prior to granting such a certificate.

(b) permanently, if that person has been convicted of an offense listed in paragraph (b) of subdivision four of this section. However, such disqualification shall be waived provided that five years have expired since the applicant was incarcerated pursuant to a sentence of imprisonment imposed on conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities as provided for in section seven hundred one of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or

offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate. Provided, however, that at the discretion of the commissioner the certificate of relief from disabilities may remove disqualification at any time.

(c) for a period of five years from the date of last conviction specified herein, if that person

(i) has been convicted within the preceding five years of an offense listed in paragraph (c) of subdivision four of this section. However, notwithstanding the provisions of subdivision three of section seven hundred one of the correction law. Such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities as provided for in section seven hundred one-g of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate.

(ii) has been convicted of a violation of any subdivision of section eleven hundred ninety-two of this chapter or an offense committed outside of this state which would constitute a violation of section eleven hundred ninety-two of this chapter, and the offense was committed while the driver was driving a bus in the employ of a motor carrier or in the furtherance of a commercial enterprise in interstate, intrastate or foreign commerce;

(iii) has been twice convicted of a violation of any subdivision of section eleven hundred ninety-two of this chapter or an offense committed outside of this state within any ten year period on or after September fifteenth, nineteen hundred eighty-five, which would constitute a violation of section eleven hundred ninety-two of this chapter; or

(iv) has been convicted of leaving the scene of an accident which resulted in personal injury or death under subdivision two of section six hundred of this chapter or an offense committed outside of this state which would constitute a violation of subdivision two of section six hundred of this chapter; or

(v) has been convicted of a violation of section 120.04, 120.04-a, 125.13, 125.14 or 235.07 of the penal law.

(d) for a period of five years from the date of last conviction, if that person has been convicted of a violation of subdivision three of section five hundred eleven of this chapter on or after September fifteenth, nineteen hundred eighty-five;

(e) for a period of one year, if that person accumulates nine or more points on his or her driving record for acts occurring during an eighteen month period, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle accident prevention course.

(f) for a period of one year, if that person was the operator of a motor vehicle involved in two or more accidents of a nature and type set forth in section five hundred nine-a of this article, where such accidents occurred within an eighteen-month period following a reexamination conducted pursuant to section five hundred nine-bb of this article, provided that accidents in which the driver was completely without fault

shall not be included in determining whether such disqualification is required;

(g) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle accident prevention course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

(h) for the period that such person's license is revoked or suspended for violating section eleven hundred ninety-two of this chapter or an offense committed outside of this state which would constitute a violation of section eleven hundred ninety-two of this chapter. Such disqualification shall be for not less than six months.

(3)] A person shall be disqualified from operating a school bus if that person has had any license, permit, or privilege to operate a motor vehicle suspended, revoked, withdrawn or denied and such license, permit or privilege has not been reinstated by the authority which took such action. Provided, however, that the provisions of this subdivision shall not apply to a person whose (i) license, permit or privilege to operate a motor vehicle cannot be reinstated because of non-residency in the state in which the license was suspended, revoked, withdrawn or denied or (ii) a person holds a conditional driver's license or a restricted use license issued by the commissioner pursuant to the provisions of article twenty-one or twenty-one-A of this chapter, and is not disqualified under any other provision of this article.

[(4) (a) The offenses referred to in subparagraph (ii) of paragraph (a) of subdivision one and paragraph (a) of subdivision two of this section that result in permanent disqualification shall include a conviction under sections 125.12, 125.20, 125.25, 125.26, 125.27, 130.30, 130.35, 130.45, 130.50, 130.70, 135.25, 150.20 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

(b) The offenses referred to in subparagraph (ii) of paragraph (a) of subdivision one and paragraph (b) of subdivision two of this section that result in permanent disqualification shall include a conviction under sections 100.13, 105.15, 105.17, 115.08, 125.10, 125.15, 130.40, 130.60, 130.65, 135.20, 160.15, 220.18, 220.21, 220.39, 220.41, 220.43, 260.00, 263.05, 263.10, 263.15, 265.04 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

(c) The offenses referred to in subparagraph (i) of paragraph (b) of subdivision one and subparagraph (i) of paragraph (c) of subdivision two of this section that result in disqualification for a period of five years shall include a conviction under sections 100.10, 105.13, 115.05, 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 125.13, 125.14, 125.40, 125.45, 130.20, 130.25, 130.55, 135.10, 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09, 220.16, 220.31, 220.34, 220.60, 221.30, 221.50, 221.55, 230.00, 230.05, 230.06,

230.20, 230.25, 230.30, 230.32, 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any similar offenses committed under a former section of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

(5) As a part of such determination concerning whether an individual is disqualified from operating a school bus pursuant to this section, the department shall submit a prospective driver's fingerprints to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may submit such fingerprints to the federal bureau of investigation for a national criminal history record check.] (3) THE DEPARTMENT SHALL SUBMIT TO THE DIVISION OF CRIMINAL JUSTICE SERVICES TWO SETS OF FINGERPRINTS OF A PROSPECTIVE SCHOOL BUS DRIVER AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION FIVE HUNDRED NINE-A OF THIS ARTICLE, AND THE DIVISION OF CRIMINAL JUSTICE SERVICES PROCESSING FEE IMPOSED PURSUANT TO SUBDIVISION EIGHT-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW AND ANY FEE IMPOSED BY THE FEDERAL BUREAU OF INVESTIGATION. THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE FEDERAL BUREAU OF INVESTIGATION SHALL FORWARD SUCH CRIMINAL HISTORY RECORD TO THE DEPARTMENT IN A TIMELY MANNER. FOR THE PURPOSES OF THIS SECTION, THE TERM "CRIMINAL HISTORY RECORD" SHALL MEAN A RECORD OF ALL CONVICTIONS OF CRIMES AND ANY PENDING CRIMINAL CHARGES MAINTAINED ON AN INDIVIDUAL BY THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE FEDERAL BUREAU OF INVESTIGATION. THE PROVISION OF SUCH INFORMATION BY THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW. THE CONSIDERATION OF SUCH CRIMINAL HISTORY RECORD BY THE DEPARTMENT SHALL BE SUBJECT TO ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW.

(4) AFTER RECEIPT OF A CRIMINAL HISTORY RECORD FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE FEDERAL BUREAU OF INVESTIGATION THE DEPARTMENT SHALL PROMPTLY NOTIFY THE APPROPRIATE MOTOR CARRIER WHETHER THE PROSPECTIVE SCHOOL BUS DRIVER TO WHICH THE REPORT RELATES IS QUALIFIED OR DISQUALIFIED FOR EMPLOYMENT BASED UPON HIS OR HER CRIMINAL HISTORY. ALL DETERMINATIONS TO GRANT OR DENY CLEARANCE FOR EMPLOYMENT PURSUANT TO THIS PARAGRAPH SHALL BE PERFORMED IN ACCORDANCE WITH SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW. WHEN THE DEPARTMENT DENIES A PROSPECTIVE SCHOOL BUS DRIVER CLEARANCE FOR EMPLOYMENT, SUCH PROSPECTIVE SCHOOL BUS DRIVER SHALL BE AFFORDED NOTICE AND THE RIGHT TO BE HEARD AND OFFER PROOF IN OPPOSITION TO SUCH DETERMINATION IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT AND PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED NINE-D OF THIS ARTICLE.

(5) THE COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF EDUCATION TO DEVELOP PROCEDURES FOR THE APPLICATION OF THE DISQUALIFICATION CRITERIA SET FORTH IN THIS SECTION.

S 24. Subdivision 2 of section 509-d of the vehicle and traffic law, as added by chapter 675 of the laws of 1985 and paragraph (a) as amended by chapter 164 of the laws of 2003, is amended to read as follows:

(2) Investigations and inquiries of drivers of school buses; maintenance of file; availability to subsequent employer. (a) A motor carrier shall request the department to initiate a criminal history RECORD check for persons employed as drivers of school buses, as defined in paragraph (a) of subdivision one of section five hundred nine-a of this [chapter, on September fourteenth, nineteen hundred eighty-five by such motor carrier,] ARTICLE in accordance with [regulations of the commissioner by requiring such] THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION FIVE HUNDRED NINE-CC OF THIS ARTICLE WHICH REQUIRES school bus drivers to submit to the mandated fingerprinting procedure. The department of motor vehicles at the request of the motor carrier shall initiate a criminal history check PURSUANT TO SECTION FIVE HUNDRED NINE-CC OF THIS ARTICLE of all current school bus drivers of such motor carrier [as well as those hired on or after September fifteenth, nineteen hundred eighty-five by requiring such drivers and applicants to submit to the mandated fingerprinting procedure as part of the school bus driver qualification procedure. Such fingerprinting procedure and the related fee as well as a procedure]. A PROCEDURE SHALL BE ESTABLISHED for the return of such fingerprints upon application of a person who has terminated employment as a school bus driver [shall be established] in accordance with regulations of the commissioner in consultation with the commissioner of the division of criminal justice services. [The fee to be paid by or on behalf of the school bus driver or applicant shall be no more than five dollars over the cost to the commissioner for the criminal history check.] No cause of action against the department, the division of criminal justice services, a motor carrier or political subdivision for damages related to the dissemination of criminal history records pursuant to this section shall exist when such department, division, motor carrier or political subdivision has reasonably and in good faith relied upon the accuracy and completeness of criminal history information furnished to it by qualified agencies. [Fingerprints submitted to the division of criminal justice services pursuant to this subdivision may also be submitted to the federal bureau of investigation for a national criminal history record check.]

(b) After a motor carrier has completed the procedures set forth in paragraph (a) OF this [of] subdivision, it shall designate each new school bus driver as a conditional school bus driver as defined in section five hundred nine-h of this article, until the carrier is in receipt of information of the new school bus driver's qualification from the department and the required driving records from each appropriate state agency. If the information received indicates that there is a pending criminal offense or driving violation that would require disqualification of a school bus driver under this article, the motor carrier shall require the applicant to provide documentation evidencing the disposition of such offense or violation in accordance with regulations established by the commissioner. The department, upon notice of disqualification to an applicant, shall include in such notice information regarding the applicant's right to appeal and contest any claimed ground for disqualification. Such notice shall also advise the applicant of his or her right to obtain, examine, inspect and copy any information used by the department in support of its determination of disqualification. In the event the applicant contests the existence of a criminal conviction in his or her name, such applicant may provide documentation evidencing the disposition of such offense or violation in accordance with regulations established by the commissioner.

S 25. Subdivision 2 of section 1229-d of the vehicle and traffic law, as amended by chapter 164 of the laws of 2003, is amended to read as follows:

(2) Screening of applicants for position of school bus attendant (a) a school district, [pursuant to a policy statement or resolution adopted by such district, may review the qualifications of] CHARTER SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL, FOR every applicant for the position of school bus attendant on school buses operated by or under contract to the district [and determine at its discretion whether the applicant is suitable for qualification. In such cases, applicants may be made the subject of a criminal history check. Upon receipt of the fingerprints forwarded to them by such school district, the division of criminal justice services shall forward to such school district the criminal history review. A fee not to exceed the cost for the criminal history review shall be charged by the division of criminal justice services. Such fingerprints also may be submitted to the federal bureau of investigation for a national criminal history record check.

(b) In determining the qualifications of school bus attendants, a school district may use the criteria listed in subdivision two of section five hundred nine-cc of this chapter relative to criminal convictions], REQUIRE A CRIMINAL HISTORY REVIEW PURSUANT TO SECTION THREE THOUSAND THIRTY-FIVE OF THE EDUCATION LAW.

[(c)] (B) All inquiries made, and the use of any criminal record obtained, pursuant to this section shall be in accordance with section two hundred ninety-six of the executive law. In addition, the secondary dissemination of such information shall be limited to other authorized agencies, by express agreement between the school district and the division of criminal justice services, or as authorized pursuant to federal law, and rules and regulations. No cause of action against the school district or division of criminal justice services for damages related to the dissemination of criminal history records pursuant to this section shall exist when the school district or division of criminal justice services has reasonably and in good faith relied upon the accuracy and completeness of criminal history information furnished to it by qualified agencies.

S 26. This act shall take effect July 1, 2010; provided, however that section fourteen of this act shall take effect immediately; provided, further that the amendments to sections 1604, 1709, 1804, 1950, 2503, 2554 and 2854 of the education law, made by sections two, four, six, eight, ten, twelve and fifteen of this act shall be subject to the expiration and reversion of such provisions pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of sections three, five, seven, nine, eleven, thirteen and sixteen of this act shall take effect.