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

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I N A S S E M B L Y

(PREFILED)

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Introduced by M. of A. ZEBROWSKI, DINOWITZ, SPANO, EDDINGTON, ROBINSON, PHEFFER -- Multi-Sponsored by -- M. of A. HOOPER, MAYERSOHN, TOWNS, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the fingerprinting of prekindergarten teachers regardless of their certification

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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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 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

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

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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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE

PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 14. Subdivision 25 of section 2554 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

25. Shall require, for purposes of a criminal history record check, except in the city school district of the city of New York, 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. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

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. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. 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. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEES" SHALL INCLUDE ALL PREKINDERGARTEN TEACHERS REGARDLESS OF THEIR CERTIFICATION. Every set of fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 17. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided, however that the amendments to sections 1604, 1709, 1804, 1950, 2503 and 2854 of the education law, made by sections two, four, six, eight, ten 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 and sixteen of this act shall take effect and provided further that the amendments to paragraph a of subdivision 25 of section 2554 of the education law made by section twelve of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section thirteen of this act shall take effect; and provided further that the amendments to subdivision 25 of section 2554 of the education law made by section thirteen of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of chapter 91 of the laws of 2002, as amended, when upon such date the provisions of section fourteen of this act shall take effect.