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

1918

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. CLARK -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to background investigations of all after-school program personnel

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

Section 1. The education law is amended by adding a new section 3001-e to read as follows:

S 3001-E. INVESTIGATION OF AFTER-SCHOOL PROGRAM PERSONNEL EMPLOYED IN SCHOOL DISTRICTS. 1. EVERY SCHOOL DISTRICT SHALL CONDUCT BACKGROUND INVESTIGATIONS OF ALL AFTER-SCHOOL PROGRAM PERSONNEL EMPLOYED IN SUCH DISTRICT.

2. EACH DISTRICT, IN COOPERATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL PROMULGATE REGULATIONS REQUIRING ALL AFTER-SCHOOL PROGRAM PERSONNEL EMPLOYED IN SUCH SCHOOL DISTRICT TO SUBMIT TO MANDATORY FINGERPRINTING PROCEDURES AND BACKGROUND QUESTIONNAIRES.

3. EVERY PERSON, AS A CONDITION OF EMPLOYMENT IN AN AFTER-SCHOOL PROGRAM, SHALL BE FINGERPRINTED, COMPLETE A BACKGROUND QUESTIONNAIRE AND SIGN A DECLARATION UNDER PENALTY OF PERJURY REGARDING ANY PRIOR CRIMINAL CONVICTIONS.

4. NO AFTER-SCHOOL PROGRAM EMPLOYEE SHALL BE ASSIGNED TO WORK INVOLVING THE CARE, CUSTODY OR SUPERVISION OF A CHILD IF IT IS DETERMINED ON THE BASIS OF A CRIMINAL HISTORY CHECK PURSUANT TO THIS SECTION THAT SUCH PERSON HAS BEEN CONVICTED OF A CRIME.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that any rules or regulations necessary to implement the provisions of this act shall be promulgated on or before its effective date.

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

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