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

639

2009-2010 Regular Sessions

I N S E N A T E

January 12, 2009

Introduced by Sens. LARKIN, LANZA, LEIBELL, ROBACH -- 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 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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