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

8658

2011-2012 Regular Sessions

I N A S S E M B L Y

October 14, 2011

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

AN ACT to amend the education law, in relation to requiring school districts to subject prospective volunteers to fingerprinting and background checks prior to commencing work at such school district

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

Section 1. Subdivision 1 of section 3035 of the education law, as amended by chapter 630 of the laws of 2006, is amended to read as follows:

1. (A) The commissioner shall submit to the division of criminal justice services two sets of fingerprints of prospective employees as defined in subdivision three of section eleven hundred twenty-five of this chapter OR PROSPECTIVE VOLUNTEERS AS DEFINED IN SUBDIVISION FOUR OF SECTION ELEVEN HUNDRED TWENTY-FIVE OF THIS CHAPTER received from a school district, charter school or board of cooperative educational services and of prospective employees OR PROSPECTIVE VOLUNTEERS received from nonpublic and private elementary and secondary schools pursuant to title two of this chapter, 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 commissioner 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. All such criminal history records sent to the commissioner pursuant to this subdivision shall be confidential pursuant to the applicable federal and state laws, rules

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

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and regulations, and shall not be published or in any way disclosed to persons other than the commissioner, unless otherwise authorized by law.

(B) THE COMMISSIONER SHALL REQUIRE EVERY SCHOOL DISTRICT, CHARTER SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO SUBMIT A FORM, WHICH SHALL BE PRESCRIBED AND FURNISHED BY THE COMMISSIONER, WHICH SHALL INCLUDE A SWORN STATEMENT CERTIFYING THAT SUCH SCHOOL DISTRICT, CHARTER SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES CONFIRMED THAT SUCH PROSPECTIVE VOLUNTEER IS NOT LISTED ON THE STATE SEX OFFENDER REGISTRY PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW PRIOR TO THE DAY SUCH VOLUNTEER COMMENCES WORK AT SUCH SCHOOL DISTRICT, CHARTER SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.