

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. RABBITT, KOLB, GIGLIO, HAWLEY, McDONOUGH --  
Multi-Sponsored by -- M. of A. FINCH -- read once and referred 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of subdivision 2 of section 3020-a of the  
2 education law, as separately amended by chapters 296 and 325 of the laws  
3 of 2008, is amended to read as follows:  
4 (b) The employee may be suspended pending a hearing on the charges and  
5 the final determination thereof. The suspension shall be with pay,  
6 except the employee may be suspended without pay if the employee has  
7 entered a guilty plea to or has been convicted of a felony crime  
8 concerning the criminal sale or possession of a controlled substance, a  
9 precursor of a controlled substance, or drug paraphernalia as defined in  
10 article two hundred twenty or two hundred twenty-one of the penal law;  
11 [or] a felony crime involving the physical abuse of a minor or student;  
12 OR A FELONY CRIME INVOLVING POSSESSION OR PROMOTION OF AN OBSCENE SEXUAL  
13 PERFORMANCE BY A CHILD OR USE, POSSESSION OR PROMOTION OF A SEXUAL  
14 PERFORMANCE BY A CHILD AS DEFINED IN ARTICLE TWO HUNDRED SIXTY-THREE OF  
15 THE PENAL LAW. The employee shall be terminated without a hearing, as  
16 provided for in this section, upon conviction of a sex offense, as  
17 defined in subparagraph two of paragraph b of subdivision seven-a of  
18 section three hundred five of this chapter. To the extent this section  
19 applies to an employee acting as a school administrator or supervisor,  
20 as defined in subparagraph three of paragraph b of subdivision seven-b  
21 of section three hundred five of this chapter, such employee shall be  
22 terminated without a hearing, as provided for in this section, upon  
23 conviction of a felony offense defined in subparagraph two of paragraph  
24 b of subdivision seven-b of section three hundred five of this chapter.  
25 S 2. This act shall take effect immediately.

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

LBD01634-01-1