

6816

2013-2014 Regular Sessions

I N A S S E M B L Y

April 19, 2013

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

AN ACT to amend the education law, in relation to the fingerprinting of
applicants as school district employees

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

1 Section 1. Paragraph (a) of subdivision 30 of section 305 of the
2 education law, as amended by chapter 630 of the laws of 2006, is amended
3 to read as follows:
4 (a) The commissioner, in cooperation with the division of criminal
5 justice services and in accordance with all applicable provisions of
6 law, shall promulgate rules and regulations to require the fingerprint-
7 ing of prospective employees, as defined in section eleven hundred twen-
8 ty-five of this chapter, of school districts, charter schools and boards
9 of cooperative educational services and authorizing the fingerprinting
10 of prospective employees of nonpublic and private elementary and second-
11 ary schools, and for the use of information derived from searches of the
12 records of the division of criminal justice services and the federal
13 bureau of investigation based on the use of such fingerprints. The
14 commissioner shall also develop a form for use by school districts,
15 charter schools, boards of cooperative educational services, and nonpub-
16 lic and private elementary and secondary schools in connection with the
17 submission of fingerprints that contains the specific job title sought
18 and any other information that may be relevant to consideration of the
19 applicant. PROSPECTIVE EMPLOYEES SHALL BE FINGERPRINTED USING ELECTRON-
20 IC SCANNING TECHNOLOGY BY AUTHORIZED PERSONNEL AT DESIGNATED FINGER-
21 PRINTING ENTITIES APPROVED BY THE DEPARTMENT. PRIOR TO INITIATING THE
22 FINGERPRINTING PROCESS AND IN THE PRESENCE OF AUTHORIZED PERSONNEL, A
23 PROSPECTIVE EMPLOYEE SHALL SIGN A SWORN STATEMENT PREPARED BY THE
24 DEPARTMENT VERIFYING THE PROSPECTIVE EMPLOYEE'S IDENTITY AND PRESENT TWO
25 FORMS OF IDENTIFICATION, ONE OF WHICH SHALL BE AN OFFICIAL GOVERNMENT

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

LBD10119-01-3

1 ISSUED PHOTO IDENTIFICATION CAPABLE OF BEING VERIFIED. A PHOTOGRAPH OF
2 THE PROSPECTIVE EMPLOYEE SHALL BE TAKEN BY AUTHORIZED PERSONNEL AND
3 AFFIXED TO THE PROSPECTIVE EMPLOYEE'S SIGNED, SWORN STATEMENT. UPON
4 COMPLETION OF THE FINGERPRINTING PROCESS, THE AUTHORIZED PERSONNEL SHALL
5 SIGN AN AFFIDAVIT PREPARED BY THE DEPARTMENT ATTESTING THAT HE OR SHE
6 VERIFIED THE PHOTO IDENTIFICATION PRESENTED, WITNESSED THE SIGNATURE AND
7 PROCESSED THE FINGERPRINTS IN ACCORDANCE WITH THIS CHAPTER AND THE RULES
8 AND REGULATIONS OF THE DEPARTMENT. The commissioner shall also establish
9 a form for the recordation of allegations of child abuse in an educa-
10 tional setting, as required pursuant to section eleven hundred twenty-
11 six of this chapter. No person who has been fingerprinted pursuant to
12 section three thousand four-b of this chapter or pursuant to section
13 five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and
14 traffic law and whose fingerprints remain on file with the division of
15 criminal justice services shall be required to undergo fingerprinting
16 for purposes of a new criminal history record check. This subdivision
17 and the rules and regulations promulgated pursuant thereto shall not
18 apply to a school district within a city with a population of one
19 million or more.

20 S 2. Subparagraph (i) of paragraph (b) of subdivision 30 of section
21 305 of the education law, as amended by chapter 630 of the laws of 2006,
22 is amended to read as follows:

23 (i) inform the prospective employee that the commissioner is required
24 or authorized to request his or her criminal history information from
25 the division of criminal justice services and the federal bureau of
26 investigation and review such information pursuant to this section, and
27 provide a description of the manner in which his or her [fingerprint
28 cards] FINGERPRINTS will be TAKEN AND used upon submission to the divi-
29 sion of criminal justice services;

30 S 3. Paragraph a of subdivision 39 of section 1604 of the education
31 law, as amended by chapter 147 of the laws of 2001, is amended to read
32 as follows:

33 a. Shall require, for purposes of a criminal history record check, the
34 fingerprinting of all prospective employees pursuant to section three
35 thousand thirty-five of this chapter, who do not hold valid clearance
36 pursuant to such section or pursuant to section three thousand four-b of
37 this chapter or section five hundred nine-cc or twelve hundred twenty-
38 nine-d of the vehicle and traffic law. Prior to initiating the finger-
39 printing process, the prospective employer shall furnish the applicant
40 with the form described in paragraph (c) of subdivision thirty of
41 section three hundred five of this chapter and shall obtain the appli-
42 cant's consent to the criminal history records search. PROSPECTIVE
43 EMPLOYEES SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY BY
44 AUTHORIZED PERSONNEL AT DESIGNATED FINGERPRINTING ENTITIES APPROVED BY
45 THE DEPARTMENT. PRIOR TO INITIATING THE FINGERPRINTING PROCESS AND IN
46 THE PRESENCE OF AUTHORIZED PERSONNEL, A PROSPECTIVE EMPLOYEE SHALL SIGN
47 A SWORN STATEMENT PREPARED BY THE DEPARTMENT VERIFYING THE PROSPECTIVE
48 EMPLOYEE'S IDENTITY AND PRESENT TWO FORMS OF IDENTIFICATION, ONE OF
49 WHICH SHALL BE AN OFFICIAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CAPA-
50 BLE OF BEING VERIFIED. A PHOTOGRAPH OF THE PROSPECTIVE EMPLOYEE SHALL BE
51 TAKEN BY AUTHORIZED PERSONNEL AND AFFIXED TO THE PROSPECTIVE EMPLOYEE'S
52 SIGNED, SWORN STATEMENT. UPON COMPLETION OF THE FINGERPRINTING PROCESS,
53 THE AUTHORIZED PERSONNEL SHALL SIGN AN AFFIDAVIT PREPARED BY THE DEPART-
54 MENT ATTESTING THAT HE OR SHE VERIFIED THE PHOTO IDENTIFICATION
55 PRESENTED, WITNESSED THE SIGNATURE AND PROCESSED THE FINGERPRINTS IN
56 ACCORDANCE WITH THIS CHAPTER AND THE RULES AND REGULATIONS OF THE

DEPARTMENT. 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. PROSPECTIVE EMPLOYEES SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY BY AUTHORIZED PERSONNEL AT DESIGNATED FINGERPRINTING ENTITIES APPROVED BY THE DEPARTMENT. PRIOR TO INITIATING THE FINGERPRINTING PROCESS AND IN THE PRESENCE OF AUTHORIZED PERSONNEL, AN APPLICANT SHALL SIGN A SWORN STATEMENT PREPARED BY THE DEPARTMENT VERIFYING THE APPLICANT'S IDENTITY AND PRESENT TWO FORMS OF IDENTIFICATION, ONE OF WHICH SHALL BE AN OFFICIAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CAPABLE OF BEING VERIFIED. A PHOTOGRAPH OF THE APPLICANT SHALL BE TAKEN BY AUTHORIZED PERSONNEL AND AFFIXED TO THE APPLICANT'S SIGNED, SWORN STATEMENT. UPON COMPLETION OF THE FINGERPRINTING PROCESS, THE AUTHORIZED PERSONNEL SHALL SIGN AN AFFIDAVIT PREPARED BY THE DEPARTMENT ATTESTING THAT HE OR SHE VERIFIED THE PHOTO IDENTIFICATION PRESENTED, WITNESSED THE SIGNATURE AND PROCESSED THE FINGERPRINTS IN ACCORDANCE WITH THIS CHAPTER AND THE RULES AND REGULATIONS OF THE DEPARTMENT. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 5. 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. PROSPECTIVE EMPLOYEES SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY BY AUTHORIZED PERSONNEL AT DESIGNATED FINGERPRINTING ENTITIES APPROVED BY THE DEPARTMENT. PRIOR TO INITIATING THE FINGERPRINTING PROCESS AND IN THE PRESENCE OF AUTHORIZED PERSONNEL, AN APPLICANT SHALL SIGN A SWORN STATEMENT PREPARED BY THE DEPARTMENT VERIFYING THE APPLICANT'S IDENTITY AND PRESENT TWO FORMS OF IDENTIFICATION, ONE OF WHICH SHALL BE AN OFFICIAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CAPABLE OF BEING VERIFIED. A PHOTOGRAPH OF THE APPLICANT SHALL BE TAKEN BY AUTHORIZED PERSONNEL AND AFFIXED TO THE APPLICANT'S SIGNED, SWORN STATEMENT. UPON COMPLETION OF THE FINGERPRINTING PROCESS, THE AUTHORIZED PERSONNEL SHALL SIGN AN AFFIDAVIT PREPARED BY THE DEPARTMENT ATTESTING THAT HE OR

1 SHE VERIFIED THE PHOTO IDENTIFICATION PRESENTED, WITNESSED THE SIGNATURE
2 AND PROCESSED THE FINGERPRINTS IN ACCORDANCE WITH THIS CHAPTER AND THE
3 RULES AND REGULATIONS OF THE DEPARTMENT. Every set of fingerprints taken
4 pursuant to this subdivision shall be promptly submitted to the commis-
5 sioner for purposes of clearance for employment.

6 S 6. Subparagraph a of paragraph 11 of subdivision 4 of section 1950
7 of the education law, as amended by chapter 147 of the laws of 2001, is
8 amended to read as follows:

9 a. Shall require, for purposes of a criminal history record check, the
10 fingerprinting of all prospective employees pursuant to section three
11 thousand thirty-five of this chapter, who do not hold valid clearance
12 pursuant to such section or pursuant to section three thousand four-b of
13 this chapter or section five hundred nine-cc or twelve hundred twenty-
14 nine-d of the vehicle and traffic law. Prior to initiating the finger-
15 printing process, the prospective employer shall furnish the applicant
16 with the form described in paragraph (c) of subdivision thirty of
17 section three hundred five of this chapter and shall obtain the appli-
18 cant's consent to the criminal history records search. PROSPECTIVE
19 EMPLOYEES SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY BY
20 AUTHORIZED PERSONNEL AT DESIGNATED FINGERPRINTING ENTITIES APPROVED BY
21 THE DEPARTMENT. PRIOR TO INITIATING THE FINGERPRINTING PROCESS AND IN
22 THE PRESENCE OF AUTHORIZED PERSONNEL, AN APPLICANT SHALL SIGN A SWORN
23 STATEMENT PREPARED BY THE DEPARTMENT VERIFYING THE APPLICANT'S IDENTITY
24 AND PRESENT TWO FORMS OF IDENTIFICATION, ONE OF WHICH SHALL BE AN OFFI-
25 CIAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CAPABLE OF BEING VERIFIED. A
26 PHOTOGRAPH OF THE APPLICANT SHALL BE TAKEN BY AUTHORIZED PERSONNEL AND
27 AFFIXED TO THE APPLICANT'S SIGNED, SWORN STATEMENT. UPON COMPLETION OF
28 THE FINGERPRINTING PROCESS, THE AUTHORIZED PERSONNEL SHALL SIGN AN AFFI-
29 DAVIT PREPARED BY THE DEPARTMENT ATTESTING THAT HE OR SHE VERIFIED THE
30 PHOTO IDENTIFICATION PRESENTED, WITNESSED THE SIGNATURE AND PROCESSED
31 THE FINGERPRINTS IN ACCORDANCE WITH THIS CHAPTER AND THE RULES AND REGU-
32 LATIONS OF THE DEPARTMENT. Every set of fingerprints taken pursuant to
33 this paragraph shall be promptly submitted to the commissioner for
34 purposes of clearance for employment.

35 S 7. Paragraph a of subdivision 18 of section 2503 of the education
36 law, as amended by chapter 147 of the laws of 2001, is amended to read
37 as follows:

38 a. Shall require, for purposes of a criminal history record check, the
39 fingerprinting of all prospective employees pursuant to section three
40 thousand thirty-five of this chapter, who do not hold valid clearance
41 pursuant to such section or pursuant to section three thousand four-b of
42 this chapter or section five hundred nine-cc or twelve hundred twenty-
43 nine-d of the vehicle and traffic law. Prior to initiating the finger-
44 printing process, the prospective employer shall furnish the applicant
45 with the form described in paragraph (c) of subdivision thirty of
46 section three hundred five of this chapter and shall obtain the appli-
47 cant's consent to the criminal history records search. PROSPECTIVE
48 EMPLOYEES SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY BY
49 AUTHORIZED PERSONNEL AT DESIGNATED FINGERPRINTING ENTITIES APPROVED BY
50 THE DEPARTMENT. PRIOR TO INITIATING THE FINGERPRINTING PROCESS AND IN
51 THE PRESENCE OF AUTHORIZED PERSONNEL, AN APPLICANT SHALL SIGN A SWORN
52 STATEMENT PREPARED BY THE DEPARTMENT VERIFYING THE APPLICANT'S IDENTITY
53 AND PRESENT TWO FORMS OF IDENTIFICATION, ONE OF WHICH SHALL BE AN OFFI-
54 CIAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CAPABLE OF BEING VERIFIED. A
55 PHOTOGRAPH OF THE APPLICANT SHALL BE TAKEN BY AUTHORIZED PERSONNEL AND
56 AFFIXED TO THE APPLICANT'S SIGNED, SWORN STATEMENT. UPON COMPLETION OF

1 THE FINGERPRINTING PROCESS, THE AUTHORIZED PERSONNEL SHALL SIGN AN AFFI-
2 DAVIT PREPARED BY THE DEPARTMENT ATTESTING THAT HE OR SHE VERIFIED THE
3 PHOTO IDENTIFICATION PRESENTED, WITNESSED THE SIGNATURE AND PROCESSED
4 THE FINGERPRINTS IN ACCORDANCE WITH THIS CHAPTER AND THE RULES AND REGU-
5 LATIONS OF THE DEPARTMENT. Every set of fingerprints taken pursuant to
6 this subdivision shall be promptly submitted to the commissioner for
7 purposes of clearance for employment.

8 S 8. Paragraph a of subdivision 25 of section 2554 of the education
9 law, as amended by chapter 91 of the laws of 2002, is amended to read as
10 follows:

11 a. Shall require, for purposes of a criminal history record check, the
12 fingerprinting of all prospective employees pursuant to section three
13 thousand thirty-five of this chapter, who do not hold valid clearance
14 pursuant to such section or pursuant to section three thousand four-b of
15 this chapter or section five hundred nine-cc or twelve hundred twenty-
16 nine-d of the vehicle and traffic law. Prior to initiating the finger-
17 printing process, the prospective employer shall furnish the applicant
18 with the form described in paragraph (c) of subdivision thirty of
19 section three hundred five of this chapter and shall obtain the appli-
20 cant's consent to the criminal history records search. PROSPECTIVE
21 EMPLOYEES SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY BY
22 AUTHORIZED PERSONNEL AT DESIGNATED FINGERPRINTING ENTITIES APPROVED BY
23 THE DEPARTMENT. PRIOR TO INITIATING THE FINGERPRINTING PROCESS AND IN
24 THE PRESENCE OF AUTHORIZED PERSONNEL, AN APPLICANT SHALL SIGN A SWORN
25 STATEMENT PREPARED BY THE DEPARTMENT VERIFYING THE APPLICANT'S IDENTITY
26 AND PRESENT TWO FORMS OF IDENTIFICATION, ONE OF WHICH SHALL BE AN OFFI-
27 CIAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CAPABLE OF BEING VERIFIED. A
28 PHOTOGRAPH OF THE APPLICANT SHALL BE TAKEN BY AUTHORIZED PERSONNEL AND
29 AFFIXED TO THE APPLICANT'S SIGNED, SWORN STATEMENT. UPON COMPLETION OF
30 THE FINGERPRINTING PROCESS, THE AUTHORIZED PERSONNEL SHALL SIGN AN AFFI-
31 DAVIT PREPARED BY THE DEPARTMENT ATTESTING THAT HE OR SHE VERIFIED THE
32 PHOTO IDENTIFICATION PRESENTED, WITNESSED THE SIGNATURE AND PROCESSED
33 THE FINGERPRINTS IN ACCORDANCE WITH THIS CHAPTER AND THE RULES AND REGU-
34 LATIONS OF THE DEPARTMENT. Every set of fingerprints taken pursuant to
35 this subdivision shall be promptly submitted to the commissioner for
36 purposes of clearance for employment.

37 S 9. Subparagraph (i) of paragraph (a-2) of subdivision 3 of section
38 2854 of the education law, as amended by chapter 147 of the laws of
39 2001, is amended to read as follows:

40 (i) The board of trustees of a charter school shall require, for
41 purposes of a criminal history record check, the fingerprinting of all
42 prospective employees pursuant to section three thousand thirty-five of
43 this chapter, who do not hold valid clearance pursuant to such section
44 or pursuant to section three thousand four-b of this chapter or section
45 five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and
46 traffic law. Prior to initiating the fingerprinting process, the
47 prospective employer shall furnish the applicant with the form described
48 in paragraph (c) of subdivision thirty of section three hundred five of
49 this chapter and shall obtain the applicant's consent to the criminal
50 history records search. PROSPECTIVE EMPLOYEES SHALL BE FINGERPRINTED
51 USING ELECTRONIC SCANNING TECHNOLOGY BY AUTHORIZED PERSONNEL AT DESIG-
52 NATED FINGERPRINTING ENTITIES APPROVED BY THE DEPARTMENT. PRIOR TO
53 INITIATING THE FINGERPRINTING PROCESS AND IN THE PRESENCE OF AUTHORIZED
54 PERSONNEL, AN APPLICANT SHALL SIGN A SWORN STATEMENT PREPARED BY THE
55 DEPARTMENT VERIFYING THE APPLICANT'S IDENTITY AND PRESENT TWO FORMS OF
56 IDENTIFICATION, ONE OF WHICH SHALL BE AN OFFICIAL GOVERNMENT ISSUED

1 PHOTO IDENTIFICATION CAPABLE OF BEING VERIFIED. A PHOTOGRAPH OF THE
2 APPLICANT SHALL BE TAKEN BY AUTHORIZED PERSONNEL AND AFFIXED TO THE
3 APPLICANT'S SIGNED, SWORN STATEMENT. UPON COMPLETION OF THE FINGERPRINT-
4 ING PROCESS, THE AUTHORIZED PERSONNEL SHALL SIGN AN AFFIDAVIT PREPARED
5 BY THE DEPARTMENT ATTESTING THAT HE OR SHE VERIFIED THE PHOTO IDENTIFI-
6 CATION PRESENTED, WITNESSED THE SIGNATURE AND PROCESSED THE FINGERPRINTS
7 IN ACCORDANCE WITH THIS CHAPTER AND THE RULES AND REGULATIONS OF THE
8 DEPARTMENT. Every set of fingerprints taken pursuant to this paragraph
9 shall be promptly submitted to the commissioner for purposes of clear-
10 ance for employment.

11 S 10. Subdivision 1 of section 3004-b of the education law, as sepa-
12 rately amended by chapters 147 and 380 of the laws of 2001, is amended
13 to read as follows:

14 1. Criminal history records search. Upon receipt of an application for
15 certification as a superintendent of schools, teacher, administrator or
16 supervisor, teaching assistant or school personnel required to hold a
17 teaching or administrative license or certificate, the commissioner
18 shall, subject to the rules and regulations of the division of criminal
19 justice services, initiate a criminal history records search of the
20 person making application, except that nothing in this section shall be
21 construed to require a criminal history record check of an individual
22 who holds a valid provisional certificate on the effective date of this
23 section and applies for permanent certification in the same certificate
24 title, or of an individual who applies for a temporary license to serve
25 in the city school district of the city of New York and has been cleared
26 for licensure and/or employment by such city school district pursuant to
27 subdivision twenty of section twenty-five hundred ninety-h of this chap-
28 ter. Prior to initiating the fingerprinting process, the commissioner
29 shall furnish the applicant with the form described in paragraph (c) of
30 subdivision thirty of section three hundred five of this chapter and
31 shall obtain the applicant's consent to the criminal history records
32 search. APPLICANTS SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING
33 TECHNOLOGY BY AUTHORIZED PERSONNEL AT DESIGNATED FINGERPRINTING ENTITIES
34 APPROVED BY THE DEPARTMENT. PRIOR TO INITIATING THE FINGERPRINTING PROC-
35 ESS AND IN THE PRESENCE OF AUTHORIZED PERSONNEL, AN APPLICANT SHALL SIGN
36 A SWORN STATEMENT PREPARED BY THE DEPARTMENT VERIFYING THE APPLICANT'S
37 IDENTITY AND PRESENT TWO FORMS OF IDENTIFICATION, ONE OF WHICH SHALL BE
38 AN OFFICIAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CAPABLE OF BEING
39 VERIFIED. A PHOTOGRAPH OF THE APPLICANT SHALL BE TAKEN BY AUTHORIZED
40 PERSONNEL AND AFFIXED TO THE APPLICANT'S SIGNED, SWORN STATEMENT. UPON
41 COMPLETION OF THE FINGERPRINTING PROCESS, THE AUTHORIZED PERSONNEL SHALL
42 SIGN AN AFFIDAVIT PREPARED BY THE DEPARTMENT ATTESTING THAT HE OR SHE
43 VERIFIED THE PHOTO IDENTIFICATION PRESENTED, WITNESSED THE SIGNATURE AND
44 PROCESSED THE FINGERPRINTS IN ACCORDANCE WITH THIS CHAPTER AND THE RULES
45 AND REGULATIONS OF THE DEPARTMENT. The commissioner shall obtain from
46 each applicant two sets of fingerprints and the division of criminal
47 justice services processing fee imposed pursuant to subdivision eight-a
48 of section eight hundred thirty-seven of the executive law and any fee
49 imposed by the federal bureau of investigation. The commissioner shall
50 promptly transmit such fingerprints and fees to the division of criminal
51 justice services for its full search and retain processing. The division
52 of criminal justice services is authorized to submit the fingerprints
53 and the appropriate fee to the federal bureau of investigation for a
54 national criminal history record check. The division of criminal justice
55 services and the federal bureau of investigation shall forward such
56 criminal history record to the commissioner in a timely manner. For the

1 purposes of this section the term "criminal history record" shall mean a
2 record of all convictions of crimes and any pending criminal charges
3 maintained on an individual by the division of criminal justice services
4 and the federal bureau of investigation. In addition, upon request from
5 an applicant who has applied for employment with the city school
6 district of the city of New York, the commissioner shall have the
7 authority to forward a copy of such criminal history record to the city
8 school district of the city of New York by the most expeditious means
9 available. Furthermore, upon notification that such applicant is
10 employed by the city school district of the city of New York, the divi-
11 sion of criminal justice services shall have the authority to provide
12 subsequent criminal history notifications directly to the city school
13 district of the city of New York. Upon request from an applicant who has
14 already been cleared for licensure and/or employment by the city school
15 district of the city of New York, such school district shall have the
16 authority to forward a copy of the applicant's criminal history record
17 to the commissioner, by the most expeditious means available, for the
18 purposes of this section. Furthermore, upon notification that such
19 applicant has been certified, the division of criminal justice services
20 shall have the authority to provide subsequent criminal history notifi-
21 cations directly to the commissioner. All such criminal history records
22 processed and sent pursuant to this subdivision shall be confidential
23 pursuant to the applicable federal and state laws, rules and regu-
24 lations, and shall not be published or in any way disclosed to persons
25 other than the commissioner, unless otherwise authorized by law. No
26 cause of action against the department or the division of criminal
27 justice services for damages related to the dissemination of criminal
28 history records pursuant to this subdivision shall exist when the
29 department or division of criminal justice services has reasonably and
30 in good faith relied upon the accuracy and completeness of criminal
31 history information furnished to it by qualified agencies. The provision
32 of such criminal history record by the division of criminal justice
33 services shall be subject to the provisions of subdivision sixteen of
34 section two hundred ninety-six of the executive law. The commissioner
35 shall consider such criminal history record pursuant to article twenty-
36 three-A of the correction law.

37 S 11. This act shall take effect immediately; provided, however, that
38 the amendments made to subdivision 39 of section 1604 of the education
39 law by section three of this act, subdivision 39 of section 1709 of the
40 education law by section four of this act, subdivision 9 of section 1804
41 of the education law by section five of this act, paragraph 11 of subdi-
42 vision 4 of section 1950 of the education law by section six of this
43 act, subdivision 18 of section 2503 of the education law by section
44 seven of this act, subdivision 25 of section 2554 of the education law
45 by section eight of this act, paragraph (a-2) of subdivision 3 of
46 section 2854 of the education law by section nine of this act, and
47 subdivision 1 of section 3004-b of the education law by section ten of
48 this act, shall not affect the expirations of such paragraphs or subdi-
49 visions and shall expire and be deemed repealed therewith.