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I N   S E N A T E

May 28, 2014

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Introduced by Sen. FLANAGAN -- 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 requiring the fingerprinting of prospective employees of approved private special education schools, phasing-in a requirement that all fingerprints submitted by prospective employees and applicants for certification be electronically submitted, strengthening identification verification practices for the purpose of conducting criminal history record checks and enhancing existing statutory mechanisms to expedite the removal of persons who commit fingerprint fraud, to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to making permanent certain provisions relating to conditional clearances for employment, and to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education, and community boards, in relation to the effectiveness thereof; and to repeal section 4 of chapter 91 of the laws of 2002, amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education, and community boards, relating thereto

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

1     Section 1. Paragraphs (a) and (b) of subdivision 30 of section 305 of  
2     the education law, paragraph (a) and the opening paragraph and subpara-  
3     graph (i) of paragraph (b) as amended by chapter 630 of the laws of  
4     2006, paragraph (b) as added by chapter 180 of the laws of 2000, are  
5     amended to read as follows:  
6     (a) The commissioner, in cooperation with the division of criminal  
7     justice services and in accordance with all applicable provisions of  
8     law, shall promulgate rules and regulations to require the fingerprint-  
9     ing of prospective employees, as defined in section eleven hundred twen-  
10    ty-five of this chapter, of school districts, charter schools and boards  
11    of cooperative educational services, AND SPECIAL EDUCATION SCHOOLS, and

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

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1 authorizing the fingerprinting of prospective employees of nonpublic and  
2 private elementary and secondary schools, and for the use of information  
3 derived from searches of the records of the division of criminal justice  
4 services and the federal bureau of investigation based on the use of  
5 such fingerprints. The commissioner shall also develop a form for use by  
6 school districts, charter schools, boards of cooperative educational  
7 services, SPECIAL EDUCATION SCHOOLS, and nonpublic and private elementa-  
8 ry and secondary schools in connection with the submission of finger-  
9 prints that contains the specific job title sought and any other infor-  
10 mation that may be relevant to consideration of the applicant.  
11 PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FING-  
12 ERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY  
13 THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH  
14 THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT  
15 BE LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,  
16 PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES.  
17 OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE  
18 NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS  
19 PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT  
20 WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON  
21 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF  
22 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,  
23 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR  
24 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK  
25 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE  
26 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION  
27 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE  
28 COMMISSIONER. The commissioner shall also establish a form for the  
29 recordation of allegations of child abuse in an educational setting, as  
30 required pursuant to section eleven hundred twenty-six of this chapter.  
31 No person who has been fingerprinted pursuant to section three thousand  
32 four-b of this chapter or pursuant to section five hundred nine-cc or  
33 twelve hundred twenty-nine-d of the vehicle and traffic law and whose  
34 fingerprints remain on file with the division of criminal justice  
35 services shall be required to undergo fingerprinting for purposes of a  
36 new criminal history record check. This subdivision and the rules and  
37 regulations promulgated pursuant thereto shall not apply to a school  
38 district within a city with a population of one million or more, OR TO  
39 SPECIAL EDUCATION SCHOOLS LOCATED WITHIN SUCH CITY.

40 (b) The commissioner, in cooperation with the division of criminal  
41 justice services, shall promulgate a form to be provided to all such  
42 prospective employees of school districts, charter schools, boards of  
43 cooperative educational services, SPECIAL EDUCATION SCHOOLS and nonpub-  
44 lic and private elementary and secondary schools that elect to finger-  
45 print and seek clearance for prospective employees that shall:

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

53 (ii) inform the prospective employee that he or she has the right to  
54 obtain, review and seek correction of his or her criminal history infor-  
55 mation pursuant to regulations and procedures established by the divi-  
56 sion of criminal justice services.

1 S 2. Subparagraph (vii) of paragraph (c) of subdivision 30 of section  
2 305 of the education law, as amended by chapter 630 of the laws of 2006,  
3 is amended to read as follows:

4 (vii) been informed that in the event his or her employment is termi-  
5 nated and such person has not become employed in the same or another  
6 school district, charter school, board of cooperative educational  
7 services, SPECIAL EDUCATION SCHOOL or nonpublic or private elementary or  
8 secondary school within twelve-months of such termination, the commis-  
9 sioner shall notify the division of criminal justice services of such  
10 termination, and the division of criminal justice services shall destroy  
11 the fingerprints of such person. Such person may request that the  
12 commissioner notify the division of criminal justice services that his  
13 or her fingerprints shall be destroyed prior to the expiration of such  
14 twelve month period in which case the commissioner shall notify the  
15 division of criminal justice services and the division shall destroy the  
16 fingerprints of such person promptly upon receipt of the request; and

17 S 3. Paragraph (d) of subdivision 30 of section 305 of the education  
18 law, as amended by chapter 630 of the laws of 2006, is amended to read  
19 as follows:

20 (d) The commissioner shall develop forms to be provided to all school  
21 districts, charter schools, boards of cooperative educational services,  
22 SPECIAL EDUCATION SCHOOLS and to all nonpublic and private elementary  
23 and secondary schools that elect to fingerprint their prospective  
24 employees, to be completed and signed by prospective employees when  
25 conditional appointment or emergency conditional appointment is offered.

26 S 4. Subdivision 30 of section 305 of the education law is amended by  
27 adding a new paragraph (f) to read as follows:

28 (F) AS USED IN THIS SECTION AND SECTION THREE THOUSAND THIRTY-FIVE OF  
29 THIS CHAPTER, "SPECIAL EDUCATION SCHOOL" SHALL MEAN A STATE SCHOOL OPER-  
30 ATED PURSUANT TO ARTICLE EIGHTY-SEVEN OR EIGHTY-EIGHT OF THIS CHAPTER, A  
31 STATE-SUPPORTED SCHOOL OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS  
32 CHAPTER, AN APPROVED PRIVATE NON-RESIDENTIAL OR RESIDENTIAL SCHOOL FOR  
33 THE EDUCATION OF STUDENTS WITH DISABILITIES THAT IS LOCATED WITHIN THE  
34 STATE, OR AN APPROVED PROVIDER OF PRESCHOOL SPECIAL EDUCATION SERVICES  
35 OR PROGRAMS THAT IS LOCATED WITHIN THE STATE; PROVIDED THAT SUCH TERM  
36 SHALL NOT APPLY TO A SCHOOL OR FACILITY OPERATED OR LICENSED BY A STATE  
37 AGENCY OTHER THAN THE DEPARTMENT, UNLESS SUCH SCHOOL OR FACILITY IS ALSO  
38 AN APPROVED PRIVATE SCHOOL FOR STUDENTS WITH DISABILITIES OR AN APPROVED  
39 PROVIDER UNDER SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER.

40 S 5. Subdivisions 3, 4, 5 and 6 of section 1125 of the education law,  
41 subdivisions 3, 4 and 6 as added by chapter 180 of the laws of 2000 and  
42 subdivision 5 as amended by section 1 of part E of chapter 501 of the  
43 laws of 2012, are amended and a new subdivision 10 is added to read as  
44 follows:

45 3. "Employee" shall mean any person receiving compensation from a  
46 school district, NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM, or  
47 employee of a contracted service provider or worker placed within the  
48 school under a public assistance employment program, pursuant to title  
49 nine-B of article five of the social services law, and consistent with  
50 the provisions of such title for the provision of services to such  
51 district, its students or employees, directly or through contract,  
52 whereby such services performed by such person involve direct student  
53 contact.

54 4. "Volunteer" shall mean any person, other than an employee, who  
55 provides services to a school or school district OR NON-RESIDENTIAL

1 SPECIAL EDUCATION SCHOOL OR PROGRAM, which involve direct student  
2 contact.

3 5. "Educational setting" shall mean the building and grounds of a  
4 public school district, NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR  
5 PROGRAM, the vehicles provided by the school district for the transpor-  
6 tation of students to and from school buildings, field trips, co-curri-  
7 cular and extra-curricular activities both on and off school district  
8 grounds, all co-curricular and extra-curricular activity sites, and any  
9 other location where direct contact between an employee or volunteer and  
10 a child has allegedly occurred, EXCEPT THAT SUCH TERM SHALL NOT APPLY TO  
11 THE RESIDENTIAL COMPONENT OF A FACILITY, AS DEFINED IN SECTION FOUR  
12 HUNDRED EIGHTY-EIGHT OF THE SOCIAL SERVICES LAW, FOR WHOM ALLEGATIONS OF  
13 ABUSE OF A CHILD IN RESIDENTIAL CARE OR NEGLECT OF A CHILD IN RESIDEN-  
14 TIAL CARE ARE SUBJECT TO MANDATORY REPORTING TO THE STATEWIDE CENTRAL  
15 REGISTER OF CHILD ABUSE AND MALTREATMENT PURSUANT TO TITLE SIX OF ARTI-  
16 CLE SIX OF THE SOCIAL SERVICES LAW. Such term shall not include a  
17 special act school district as defined in section four thousand one of  
18 this chapter which shall be subject to article eleven of the social  
19 services law.

20 6. "Administrator" or "school administrator" shall mean a principal of  
21 a public school, NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM,  
22 charter school or board of cooperative educational services, or other  
23 chief school officer.

24 10. "NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM" SHALL MEAN A  
25 STATE SUPPORTED SCHOOL OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS  
26 CHAPTER THAT DOES NOT HAVE A RESIDENTIAL COMPONENT, AN APPROVED PRIVATE  
27 NON-RESIDENTIAL SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES  
28 THAT IS LOCATED WITHIN THE STATE, OR AN APPROVED PROVIDER OF PRESCHOOL  
29 SPECIAL EDUCATION SERVICES OR PROGRAMS THAT IS LOCATED WITHIN THE STATE;  
30 PROVIDED THAT SUCH TERM SHALL ALSO APPLY TO AN APPROVED PRIVATE RESIDEN-  
31 TIAL SCHOOL OR APPROVED PROVIDER OF PRESCHOOL SPECIAL EDUCATION THAT  
32 PROVIDES A RESIDENTIAL PROGRAM THAT ALSO PROVIDES A DAY PROGRAM OR OTHER  
33 NON-RESIDENTIAL PROGRAM IF THE STUDENTS IN SUCH NON-RESIDENTIAL PROGRAM  
34 ARE NOT CHILDREN IN A FACILITY AS DEFINED IN SECTION FOUR HUNDRED EIGHT-  
35 Y-EIGHT OF THE SOCIAL SERVICES LAW, FOR WHOM ALLEGATIONS OF ABUSE OF A  
36 CHILD IN RESIDENTIAL CARE OR NEGLECT OF A CHILD IN RESIDENTIAL CARE ARE  
37 SUBJECT TO MANDATORY REPORTING TO THE STATEWIDE CENTRAL REGISTER OF  
38 CHILD ABUSE AND MALTREATMENT PURSUANT TO TITLE SIX OF ARTICLE SIX OF THE  
39 SOCIAL SERVICES LAW.

40 S 6. Subdivision 2 of section 1126 of the education law, as added by  
41 chapter 180 of the laws of 2000, is amended to read as follows:

42 2. [In] (A) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (B) OF THIS  
43 SUBDIVISION, IN any case where it is alleged that a child was abused by  
44 an employee or volunteer of a school other than a school within the  
45 school district of the child's attendance, the report of such allega-  
46 tions shall be promptly forwarded to the superintendent of schools of  
47 the school district of the child's attendance and the school district  
48 where the abuse allegedly occurred, whereupon both school superinten-  
49 dents shall comply with sections eleven hundred twenty-eight and eleven  
50 hundred twenty-eight-a of this article.

51 (B) IN THE CASE OF A NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL, WHERE  
52 IT IS ALLEGED THAT A CHILD WAS ABUSED BY AN EMPLOYEE OR VOLUNTEER OF  
53 SUCH NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL, THE REPORT OF SUCH ALLE-  
54 GATIONS SHALL BE PROMPTLY FORWARDED TO THE ADMINISTRATOR OF SUCH SCHOOL,  
55 WHO SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL THE PROVISIONS OF THIS  
56 ARTICLE THAT APPLY TO SUPERINTENDENTS OF SCHOOLS.

1 S 7. Subdivision 1 of section 1128-a of the education law, as added by  
2 chapter 180 of the laws of 2000, is amended to read as follows:

3 1. Where a superintendent of schools OR SCHOOL ADMINISTRATOR forwards  
4 to law enforcement a report as described in paragraph (a) of subdivision  
5 one of section eleven hundred twenty-six of this article, he or she  
6 shall refer such report to the commissioner where the employee or volun-  
7 teer alleged to have committed an act of child abuse as defined in this  
8 article holds a certification or license issued by the department.

9 S 8. Subdivision 3 of section 1133 of the education law, as added by  
10 chapter 180 of the laws of 2000, is amended to read as follows:

11 3. Any superintendent of schools OR SCHOOL ADMINISTRATOR who reason-  
12 ably and in good faith reports to law enforcement officials information  
13 regarding allegations of child abuse or a resignation as required by  
14 this article shall have immunity from any liability, civil or criminal,  
15 which might otherwise result by reason of such actions.

16 S 9. Paragraph a of subdivision 39 of section 1604 of the education  
17 law, as amended by chapter 147 of the laws of 2001, is amended to read  
18 as follows:

19 a. Shall require, for purposes of a criminal history record check, the  
20 fingerprinting of all prospective employees pursuant to section three  
21 thousand thirty-five of this chapter, who do not hold valid clearance  
22 pursuant to such section or pursuant to section three thousand four-b of  
23 this chapter or section five hundred nine-cc or twelve hundred twenty-  
24 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
25 printing process, the prospective employer shall furnish the applicant  
26 with the form described in paragraph (c) of subdivision thirty of  
27 section three hundred five of this chapter and shall obtain the appli-  
28 cant's consent to the criminal history records search. PROSPECTIVE  
29 EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED  
30 USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY THE  
31 COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH THE  
32 DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT BE  
33 LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,  
34 PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES.  
35 OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE  
36 NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS  
37 PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT  
38 WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON  
39 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF  
40 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,  
41 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR  
42 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK  
43 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE  
44 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION  
45 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE  
46 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-  
47 sion shall be promptly submitted to the commissioner for purposes of  
48 clearance for employment.

49 S 10. Paragraph a of subdivision 39 of section 1709 of the education  
50 law, as amended by chapter 147 of the laws of 2001, is amended to read  
51 as follows:

52 a. Shall require, for purposes of a criminal history record check, the  
53 fingerprinting of all prospective employees pursuant to section three  
54 thousand thirty-five of this chapter, who do not hold valid clearance  
55 pursuant to such section or pursuant to section three thousand four-b of  
56 this chapter or section five hundred nine-cc or twelve hundred twenty-

1 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
2 printing process, the prospective employer shall furnish the applicant  
3 with the form described in paragraph (c) of subdivision thirty of  
4 section three hundred five of this chapter and shall obtain the appli-  
5 cant's consent to the criminal history records search. PROSPECTIVE  
6 EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED  
7 USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY THE  
8 COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH THE  
9 DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT BE  
10 LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,  
11 PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES.  
12 OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE  
13 NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS  
14 PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT  
15 WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON  
16 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF  
17 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,  
18 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR  
19 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK  
20 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE  
21 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION  
22 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE  
23 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-  
24 sion shall be promptly submitted to the commissioner for purposes of  
25 clearance for employment.

26 S 11. Paragraph a of subdivision 9 of section 1804 of the education  
27 law, as amended by chapter 147 of the laws of 2001, is amended to read  
28 as follows:

29 a. The board of education shall, for purposes of a criminal history  
30 record check, require the fingerprinting of all prospective employees  
31 pursuant to section three thousand thirty-five of this chapter, who do  
32 not hold valid clearance pursuant to such section or pursuant to section  
33 three thousand four-b of this chapter or section five hundred nine-cc or  
34 twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to  
35 initiating the fingerprinting process, the prospective employer shall  
36 furnish the applicant with the form described in paragraph (c) of subdivi-  
37 sion thirty of section three hundred five of this chapter and shall  
38 obtain the applicant's consent to the criminal history records search.  
39 PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FING-  
40 ERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY  
41 THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH  
42 THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT  
43 BE LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,  
44 PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES.  
45 OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE  
46 NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS  
47 PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT  
48 WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON  
49 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF  
50 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,  
51 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR  
52 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK  
53 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE  
54 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION  
55 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE  
56 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-

sion shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 12. Subparagraph 4 of paragraph h of subdivision 4 of section 1950 of the education law, as amended by chapter 17 of the laws of 2011, is amended to read as follows:

(4) To enter into contracts with nonpublic schools to provide data processing services for pupil personnel records and other administrative records of the nonpublic schools [and the processing of fingerprints utilized in criminal history record checks for those nonpublic schools that elect to require such criminal history record checks pursuant to paragraph (a) of subdivision thirty of section three hundred five of this chapter].

S 13. Subparagraph a of paragraph 11 of subdivision 4 of section 1950 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, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS, PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES. OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION, WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE COMMISSIONER. Every set of fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

S 14. Paragraph a of subdivision 18 of section 2503 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

1 section three hundred five of this chapter and shall obtain the appli-  
2 cant's consent to the criminal history records search. PROSPECTIVE  
3 EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED  
4 USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY THE  
5 COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH THE  
6 DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT BE  
7 LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,  
8 PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES.  
9 OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE  
10 NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS  
11 PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT  
12 WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON  
13 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF  
14 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,  
15 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR  
16 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK  
17 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE  
18 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION  
19 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE  
20 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-  
21 sion shall be promptly submitted to the commissioner for purposes of  
22 clearance for employment.

23 S 15. Paragraph a of subdivision 25 of section 2554 of the education  
24 law, as amended by section 2 of chapter 91 of the laws of 2002, is  
25 amended to read as follows:

26 a. Shall require, for purposes of a criminal history record check, the  
27 fingerprinting of all prospective employees pursuant to section three  
28 thousand thirty-five of this chapter, who do not hold valid clearance  
29 pursuant to such section or pursuant to section three thousand four-b of  
30 this chapter or section five hundred nine-cc or twelve hundred twenty-  
31 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
32 printing process, the prospective employer shall furnish the applicant  
33 with the form described in paragraph (c) of subdivision thirty of  
34 section three hundred five of this chapter and shall obtain the appli-  
35 cant's consent to the criminal history records search. PROSPECTIVE  
36 EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED  
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39 DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT BE  
40 LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,  
41 PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES.  
42 OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE  
43 NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS  
44 PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT  
45 WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON  
46 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF  
47 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,  
48 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR  
49 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK  
50 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE  
51 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION  
52 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE  
53 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-  
54 sion shall be promptly submitted to the commissioner for purposes of  
55 clearance for employment.



1 S 16. Subdivision 20 of section 2590-h of the education law, as  
2 amended by chapter 345 of the laws of 2009, is amended to read as  
3 follows:

4 20. Ensure compliance with qualifications established for all person-  
5 nel employed in the city district, including the taking of fingerprints  
6 as a prerequisite for licensure and/or employment of such personnel AND,  
7 THE TAKING OF FINGERPRINTS AS A PREREQUISITE FOR LICENSURE AND/OR  
8 EMPLOYMENT OF PERSONNEL EMPLOYED BY A SPECIAL EDUCATION SCHOOL THAT  
9 CONTRACTS WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. Every  
10 set of fingerprints taken pursuant to this subdivision shall be promptly  
11 submitted to the division of criminal justice services where it shall be  
12 appropriately processed. Furthermore, the division of criminal justice  
13 services is authorized to submit the fingerprints to the federal bureau  
14 of investigation for a national criminal history record check.

15 S 16-a. Subdivision 20 of section 2590-h of the education law, as  
16 amended by chapter 100 of the laws of 2003, is amended to read as  
17 follows:

18 20. Ensure compliance with qualifications established for all person-  
19 nel employed in the city district, including the taking of fingerprints  
20 as a prerequisite for licensure and/or employment of such personnel AND,  
21 THE TAKING OF FINGERPRINTS AS A PREREQUISITE FOR LICENSURE AND/OR  
22 EMPLOYMENT OF PERSONNEL EMPLOYED BY A SPECIAL EDUCATION SCHOOL THAT  
23 CONTRACTS WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. Every  
24 set of fingerprints taken pursuant to this subdivision shall be promptly  
25 submitted to the division of criminal justice services where it shall be  
26 appropriately processed. Furthermore, the division of criminal justice  
27 services is authorized to submit the fingerprints to the federal bureau  
28 of investigation for a national criminal history record check.

29 S 17. Subparagraph (i) of paragraph (a-2) of subdivision 3 of section  
30 2854 of the education law, as amended by chapter 147 of the laws of  
31 2001, is amended to read as follows:

32 (i) The board of trustees of a charter school shall require, for  
33 purposes of a criminal history record check, the fingerprinting of all  
34 prospective employees pursuant to section three thousand thirty-five of  
35 this chapter, who do not hold valid clearance pursuant to such section  
36 or pursuant to section three thousand four-b of this chapter or section  
37 five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and  
38 traffic law. Prior to initiating the fingerprinting process, the  
39 prospective employer shall furnish the applicant with the form described  
40 in paragraph (c) of subdivision thirty of section three hundred five of  
41 this chapter and shall obtain the applicant's consent to the criminal  
42 history records search. PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE  
43 APPLICANTS, SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY  
44 IN A MANNER PRESCRIBED BY THE COMMISSIONER IN RULES AND REGULATIONS  
45 DEVELOPED IN COOPERATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES,  
46 WHICH SHALL INCLUDE BUT NOT BE LIMITED TO STANDARDS FOR THE SUBMISSION  
47 OF ELECTRONIC FINGERPRINTS, PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY  
48 OF PROSPECTIVE EMPLOYEES. OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT  
49 FINGERPRINT CARDS AND ARE NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO  
50 THE REQUIREMENTS OF THIS PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY  
51 PRIOR TO EMPLOYMENT WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL  
52 SIGN AN ATTESTATION, ON A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING  
53 THAT: AT THE TIME OF FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF  
54 PROPER IDENTIFICATION, WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE  
55 OR SHE SUBMITTED HIS OR HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL  
56 HISTORY BACKGROUND CHECK PROVIDED FOR IN THIS SECTION. THIS ATTESTATION

1 SHALL BE RETAINED BY THE DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN  
2 SUBDIVISION TWO OF SECTION 175.00 OF THE PENAL LAW IN A MANNER  
3 PRESCRIBED IN REGULATIONS OF THE COMMISSIONER. Every set of fingerprints  
4 taken pursuant to this paragraph shall be promptly submitted to the  
5 commissioner for purposes of clearance for employment.

6 S 18. Subdivision 1 of section 3004-b of the education law, as sepa-  
7 rately amended by chapters 147 and 380 of the laws of 2001, is amended  
8 to read as follows:

9 1. Criminal history records search. Upon receipt of an application for  
10 certification as a superintendent of schools, teacher, administrator or  
11 supervisor, teaching assistant or school personnel required to hold a  
12 teaching or administrative license or certificate, the commissioner  
13 shall, subject to the rules and regulations of the division of criminal  
14 justice services, initiate a criminal history records search of the  
15 person making application, except that nothing in this section shall be  
16 construed to require a criminal history record check of an individual  
17 who holds a valid provisional certificate on the effective date of this  
18 section and applies for permanent certification in the same certificate  
19 title, or of an individual who applies for a temporary license to serve  
20 in the city school district of the city of New York and has been cleared  
21 for licensure and/or employment by such city school district pursuant to  
22 subdivision twenty of section twenty-five hundred ninety-h of this chap-  
23 ter. Prior to initiating the fingerprinting process, the commissioner  
24 shall furnish the applicant with the form described in paragraph (c) of  
25 subdivision thirty of section three hundred five of this chapter and  
26 shall obtain the applicant's consent to the criminal history records  
27 search. APPLICANTS FOR CERTIFICATION, WHO ARE REQUIRED TO BE FINGER-  
28 PRINTED UNDER THIS SECTION, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE  
29 FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER  
30 PRESCRIBED BY THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN  
31 COOPERATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL  
32 INCLUDE BUT NOT BE LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC  
33 FINGERPRINTS, PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPEC-  
34 TIVE EMPLOYEES. OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGER-  
35 PRINT CARDS AND ARE NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE  
36 REQUIREMENTS OF THIS PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY  
37 PRIOR TO EMPLOYMENT WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL  
38 SIGN AN ATTESTATION, ON A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING  
39 THAT: AT THE TIME OF FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF  
40 PROPER IDENTIFICATION, WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE  
41 OR SHE SUBMITTED HIS OR HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL  
42 HISTORY BACKGROUND CHECK PROVIDED FOR IN THIS SECTION. THIS ATTESTATION  
43 SHALL BE RETAINED BY THE DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN  
44 SUBDIVISION TWO OF SECTION 175.00 OF THE PENAL LAW IN A MANNER  
45 PRESCRIBED IN REGULATIONS OF THE COMMISSIONER. The commissioner shall  
46 obtain from each applicant ONE SET, OR WHERE NECESSARY, two sets of  
47 fingerprints and the division of criminal justice services processing  
48 fee imposed pursuant to subdivision eight-a of section eight hundred  
49 thirty-seven of the executive law and any fee imposed by the federal  
50 bureau of investigation. The commissioner shall promptly transmit such  
51 fingerprints and fees to the division of criminal justice services for  
52 its full search and retain processing. The division of criminal justice  
53 services is authorized to submit the fingerprints and the appropriate  
54 fee to the federal bureau of investigation for a national criminal  
55 history record check. The division of criminal justice services and the  
56 federal bureau of investigation shall forward such criminal history

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

37 S 19. Paragraph b of subdivision 2 of section 3020-a of the education  
38 law, as amended by section 1 of part B of chapter 57 of the laws of  
39 2012, is amended to read as follows:

40 b. The employee may be suspended pending a hearing on the charges and  
41 the final determination thereof. The suspension shall be with pay,  
42 except the employee may be suspended without pay if the employee has  
43 entered a guilty plea to or has been convicted of a felony crime  
44 concerning the criminal sale or possession of a controlled substance, a  
45 precursor of a controlled substance, or drug paraphernalia as defined in  
46 article two hundred twenty or two hundred twenty-one of the penal law;  
47 or a felony crime involving the physical abuse of a minor or student; OR  
48 A FELONY CRIME INVOLVING THE SUBMISSION OF FALSE INFORMATION OR THE  
49 COMMISSION OF FRAUD RELATED TO A CRIMINAL HISTORY RECORD CHECK. The  
50 employee shall be terminated without a hearing, as provided for in this  
51 section, upon conviction of a sex offense, as defined in subparagraph  
52 two of paragraph b of subdivision seven-a of section three hundred five  
53 of this chapter. To the extent this section applies to an employee  
54 acting as a school administrator or supervisor, as defined in subpara-  
55 graph three of paragraph b of subdivision seven-b of section three  
56 hundred five of this chapter, such employee shall be terminated without

1 a hearing, as provided for in this section, upon conviction of a felony  
2 offense defined in subparagraph two of paragraph b of subdivision  
3 seven-b of section three hundred five of this chapter.

4 S 20. Subdivision 1 of section 3035 of the education law, as amended  
5 by chapter 630 of the laws of 2006, is amended to read as follows:

6 1. The commissioner shall submit to the division of criminal justice  
7 services ONE SET OR WHERE NECESSARY, two sets of fingerprints of  
8 prospective employees as defined in subdivision three of section eleven  
9 hundred twenty-five of this chapter received from a school district,  
10 charter school or board of cooperative educational services and of  
11 prospective employees received from nonpublic and private elementary and  
12 secondary schools pursuant to title two of this chapter OR A SPECIAL  
13 EDUCATION SCHOOL, AS DEFINED IN PARAGRAPH (F) OF SUBDIVISION THIRTY OF  
14 SECTION THREE HUNDRED FIVE OF THIS CHAPTER, PURSUANT TO TITLE SIX OF  
15 ARTICLE SIX OF THE SOCIAL SERVICES LAW, OTHER THAN A SPECIAL EDUCATION  
16 SCHOOL LOCATED IN THE CITY OF NEW YORK, and the division of criminal  
17 justice services processing fee imposed pursuant to subdivision eight-a  
18 of section eight hundred thirty-seven of the executive law and any fee  
19 imposed by the federal bureau of investigation. The division of criminal  
20 justice services and the federal bureau of investigation shall forward  
21 such criminal history record to the commissioner in a timely manner. For  
22 the purposes of this section, the term "criminal history record" shall  
23 mean a record of all convictions of crimes and any pending criminal  
24 charges maintained on an individual by the division of criminal justice  
25 services and the federal bureau of investigation. All such criminal  
26 history records sent to the commissioner pursuant to this subdivision  
27 shall be confidential pursuant to the applicable federal and state laws,  
28 rules and regulations, and shall not be published or in any way  
29 disclosed to persons other than the commissioner, unless otherwise  
30 authorized by law.

31 S 21. Subdivisions 3 and 3-a of section 3035 of the education law,  
32 subdivision 3 as amended by section 7 of chapter 630 of the laws of  
33 2006, and subdivision 3-a as added by chapter 380 of the laws of 2001,  
34 are amended to read as follows:

35 3. (a) Clearance. After receipt of a criminal history record from the  
36 division of criminal justice services and the federal bureau of investi-  
37 gation the commissioner shall promptly notify the appropriate school  
38 district, charter school, board of cooperative educational services,  
39 [or] nonpublic or private elementary or secondary school, OR SPECIAL  
40 EDUCATION SCHOOL whether the prospective employee to which such report  
41 relates is cleared for employment based upon his or her criminal histo-  
42 ry. All determinations to grant or deny clearance for employment pursu-  
43 ant to this paragraph shall be performed in accordance with subdivision  
44 sixteen of section two hundred ninety-six of the executive law and arti-  
45 cle twenty-three-A of the correction law. When the commissioner denies a  
46 prospective employee clearance for employment, such prospective employee  
47 shall be afforded notice and the right to be heard and offer proof in  
48 opposition to such determination in accordance with the regulations of  
49 the commissioner, PROVIDED THAT IN THE CASE OF PROSPECTIVE EMPLOYEES OF  
50 STATE SCHOOLS PURSUANT TO ARTICLE EIGHTY-SEVEN OR EIGHTY-EIGHT OF THIS  
51 CHAPTER THE DUE PROCESS PROCEDURES ESTABLISHED BY THE COMMISSIONER  
52 PURSUANT TO SECTION FIFTY OF THE CIVIL SERVICE LAW SHALL APPLY.

53 (b) Conditional clearance. When the commissioner receives a request  
54 for a determination on the conditional clearance of a prospective  
55 employee, the commissioner, after receipt of a criminal history record  
56 from the division of criminal justice services, shall promptly notify

1 the prospective employee and the appropriate school district, charter  
2 school, board of cooperative educational services, [or] nonpublic or  
3 private elementary or secondary school OR SPECIAL EDUCATION SCHOOL that  
4 the prospective employee to which such report relates is conditionally  
5 cleared for employment based upon his or her criminal history or that  
6 more time is needed to make the determination. If the commissioner  
7 determines that more time is needed, the notification shall include a  
8 good faith estimate of the amount of additional time needed. Such  
9 notification shall be made within fifteen business days after the  
10 commissioner receives the prospective employee's fingerprints. All  
11 determinations to grant or deny conditional clearance for employment  
12 pursuant to this paragraph shall be performed in accordance with subdi-  
13 vision sixteen of section two hundred ninety-six of the executive law  
14 and article twenty-three-A of the correction law.

15 3-a. Upon request from a prospective employee who has been cleared by  
16 the commissioner for employment and/or certification, the commissioner  
17 shall have the authority to forward a copy of such criminal history  
18 record to the city school district of the city of New York by the most  
19 expeditious means available. Furthermore, upon notification that such  
20 prospective employee is employed by the city school district of the city  
21 of New York OR IS EMPLOYED BY A SPECIAL EDUCATION SCHOOL THAT CONTRACTS  
22 WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, the division of  
23 criminal justice services shall have the authority to provide subsequent  
24 criminal history notifications directly to the city school district of  
25 the city of New York. Upon request from a prospective employee who has  
26 been cleared for licensure and/or employment by the city school district  
27 of the city of New York OR HAS BEEN CLEARED BY THE CITY OF NEW YORK FOR  
28 EMPLOYMENT BY A SPECIAL EDUCATION SCHOOL THAT IS LOCATED OUTSIDE OF THE  
29 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, such school district OR  
30 CITY shall have the authority to forward a copy of the prospective  
31 employee's criminal history record to the commissioner, by the most  
32 expeditious means available, for the purposes of this section. Further-  
33 more, upon notification that such prospective employee is employed by a  
34 school district outside the city of New York OR BY A SPECIAL EDUCATION  
35 SCHOOL THAT IS LOCATED OUTSIDE OF THE CITY OF NEW YORK, the division of  
36 criminal justice services shall have the authority to provide subsequent  
37 criminal history notifications directly to the commissioner.

38 S 22. Paragraph (i) of subdivision (a) of section 4212 of the educa-  
39 tion law, as amended by section 1-a of part E of chapter 501 of the laws  
40 of 2012, is amended to read as follows:

41 (i) consistent with appropriate collective bargaining agreements and  
42 applicable provisions of the civil service law, the review and evalu-  
43 ation of the backgrounds of and the information supplied by any person  
44 applying to be an employee, a volunteer or consultant, which shall  
45 include but not be limited to the following requirements: that the  
46 applicant set forth his or her employment history, provide personal and  
47 employment references, and relevant experiential and educational infor-  
48 mation, [and] sign a sworn statement indicating whether the applicant,  
49 to the best of his or her knowledge, has ever been convicted of a crime  
50 in this state or any other jurisdiction AND, IN THE CASE OF A PROSPEC-  
51 TIVE EMPLOYEE, BE FINGERPRINTED FOR PURPOSES OF A CRIMINAL HISTORY BACK-  
52 GROUND CHECK PURSUANT TO SUBDIVISION (C) OF THIS SECTION;

53 S 23. Section 4212 of the education law is amended by adding a new  
54 subdivision (c) to read as follows:

55 (C) (I) THE SCHOOL SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY  
56 RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF THE

1 SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND  
2 SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH  
3 PROSPECTIVE EMPLOYEES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE  
4 THOUSAND THIRTY-FIVE OR SECTION THREE THOUSAND FOUR-B OF THIS CHAPTER OR  
5 SECTION FIVE HUNDRED NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE  
6 VEHICLE AND TRAFFIC LAW, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW  
7 YORK PURSUANT TO LOCAL LAW. PRIOR TO INITIATING THE FINGERPRINTING PROC-  
8 ESS, THE SCHOOL SHALL FURNISH THE PROSPECTIVE EMPLOYEE WITH THE FORM  
9 DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE  
10 HUNDRED FIVE OF THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO  
11 THE CRIMINAL HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN  
12 PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMIS-  
13 SIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY  
14 OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE  
15 AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO THE  
16 SCHOOL FOR ITS EMPLOYEES.

17 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
18 SCHOOL MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR EMER-  
19 GENCY CONDITIONAL APPOINTMENT OF PROSPECTIVE EMPLOYEES OF THE SCHOOL TO  
20 THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A BOARD OF EDUCATION OF  
21 A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVISION THIRTY-NINE OF  
22 SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

23 S 24. Paragraph (i) of subdivision (a) of section 4314 of the educa-  
24 tion law, as amended by section 2 of part E of chapter 501 of the laws  
25 of 2012, is amended to read as follows:

26 (i) consistent with appropriate collective agreements and applicable  
27 provisions of the civil service law, the review and evaluation of the  
28 backgrounds of and the information supplied by any person applying to be  
29 an employee, a volunteer or consultant, which shall include but not be  
30 limited to the following requirements: that the applicant set forth his  
31 or her employment history, provide personal and employment references,  
32 and relevant experiential and educational information, and sign a sworn  
33 statement indicating whether the applicant, to the best of his or her  
34 knowledge, has ever been convicted of a crime in this state or any other  
35 jurisdiction AND, IN THE CASE OF A PROSPECTIVE EMPLOYEE, BE FINGERPRINT-  
36 ED FOR PURPOSES OF A CRIMINAL HISTORY BACKGROUND CHECK PURSUANT TO  
37 SUBDIVISION (C) OF THIS SECTION;

38 S 25. Section 4314 of the education law is amended by adding a new  
39 subdivision (c) to read as follows:

40 (C) (I) THE DEPARTMENT SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL  
41 HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF  
42 THE SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE  
43 AND SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, WHO DO NOT HOLD  
44 VALID CLEARANCE PURSUANT TO SUCH SECTION THREE THOUSAND THIRTY-FIVE OR  
45 PURSUANT TO SECTION THREE THOUSAND FOUR-B OF THIS CHAPTER OR SECTION  
46 FIVE HUNDRED NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND  
47 TRAFFIC LAW, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT  
48 TO LOCAL LAW. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE  
49 DEPARTMENT SHALL FURNISH THE PROSPECTIVE EMPLOYEE WITH THE FORM  
50 DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE  
51 HUNDRED FIVE OF THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO  
52 THE CRIMINAL HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN  
53 PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMIS-  
54 SIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT.

55 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
56 COMMISSIONER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR

1 EMERGENCY CONDITIONAL APPOINTMENT OF PROSPECTIVE EMPLOYEES OF THE SCHOOL  
2 BY THE DEPARTMENT TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A  
3 BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVI-  
4 SION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

5 S 26. Paragraph (i) of subdivision (a) of section 4358 of the educa-  
6 tion law, as amended by section 3 of part E of chapter 501 of the laws  
7 of 2012, is amended to read as follows:

8 (i) consistent with appropriate collective bargaining agreements and  
9 applicable provisions of the civil service law, the review and evalu-  
10 ation of the backgrounds of and the information supplied by any person  
11 applying to be an employee, a volunteer or consultant, which shall  
12 include but not be limited to the following requirements: that the  
13 applicant set forth his or her employment history, provide personal and  
14 employment references and relevant experiential and educational informa-  
15 tion, and sign a sworn statement indicating whether the applicant, to  
16 the best of his or her knowledge, has ever been convicted of a crime in  
17 this state or any other jurisdiction AND, IN THE CASE OF A PROSPECTIVE  
18 EMPLOYEE, BE FINGERPRINTED FOR PURPOSES OF A CRIMINAL HISTORY BACKGROUND  
19 CHECK PURSUANT TO SUBDIVISION (C) OF THIS SECTION;

20 S 27. Section 4358 of the education law is amended by adding a new  
21 subdivision (c) to read as follows:

22 (C) (I) THE DEPARTMENT SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL  
23 HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF  
24 THE SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE  
25 AND SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, WHO DO NOT HOLD  
26 VALID CLEARANCE PURSUANT TO SUCH SECTION THREE THOUSAND THIRTY-FIVE OR  
27 PURSUANT TO SECTION THREE THOUSAND FOUR-B OF THIS CHAPTER OR SECTION  
28 FIVE HUNDRED NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND  
29 TRAFFIC LAW, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT  
30 TO LOCAL LAW. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE  
31 DEPARTMENT SHALL FURNISH THE PROSPECTIVE EMPLOYEE WITH THE FORM  
32 DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE  
33 HUNDRED FIVE OF THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO  
34 THE CRIMINAL HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN  
35 PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMIS-  
36 SIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT.

37 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
38 COMMISSIONER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR  
39 EMERGENCY CONDITIONAL APPOINTMENT OF PROSPECTIVE EMPLOYEES OF THE SCHOOL  
40 BY THE DEPARTMENT TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A  
41 BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVI-  
42 SION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

43 S 28. Paragraph (a) of subdivision 11 of section 4403 of the education  
44 law, as amended by section 4 of part E of chapter 501 of the laws of  
45 2012, is amended to read as follows:

46 (a) consistent with appropriate collective bargaining agreements and  
47 applicable provisions of the civil service law, the review and evalu-  
48 ation of the backgrounds of and the information supplied by any person  
49 applying to be an employee, a volunteer or consultant, which shall  
50 include but not be limited to the following requirements: that the  
51 applicant set forth his or her employment history, provide personal and  
52 employment references, and relevant experiential and educational quali-  
53 fications and, sign a sworn statement indicating whether the applicant,  
54 to the best of his or her knowledge has ever been convicted of a crime  
55 in this state or any other jurisdiction AND, IN THE CASE OF A PROSPEC-

1 TIVE EMPLOYEE, BE FINGERPRINTED FOR PURPOSES OF A CRIMINAL HISTORY BACK-  
2 GROUND CHECK PURSUANT TO SUBDIVISION TWENTY-ONE OF THIS SECTION;

3 S 29. Section 4403 of the education law is amended by adding a new  
4 subdivision 21 to read as follows:

5 21. A. THE COMMISSIONER SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL  
6 HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF  
7 APPROVED PRIVATE RESIDENTIAL AND NON-RESIDENTIAL SCHOOLS WHICH ARE  
8 LOCATED WITHIN THE STATE BY SUCH SCHOOLS PURSUANT TO SUBDIVISION THIRTY  
9 OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOUSAND THIRTY-FIVE OF  
10 THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOYEES HOLD VALID CLEAR-  
11 ANCE PURSUANT TO SUCH SECTION THREE THOUSAND THIRTY-FIVE OR PURSUANT TO  
12 SECTION THREE THOUSAND FOUR-B OF THIS CHAPTER OR SECTION FIVE HUNDRED  
13 NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND TRAFFIC LAW,  
14 OR VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW.  
15 THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO PROGRAMS OPERATED  
16 PURSUANT TO SECTION FORTY-FOUR HUNDRED EIGHT OF THIS ARTICLE BY A SCHOOL  
17 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES. PRIOR TO INITIAT-  
18 ING THE FINGERPRINTING PROCESS, THE SCHOOL SHALL FURNISH THE PROSPECTIVE  
19 EMPLOYEE WITH THE FORM DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THIRTY  
20 OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER AND SHALL OBTAIN THE  
21 APPLICANT'S CONSENT TO THE CRIMINAL HISTORY RECORDS SEARCH. EVERY SET OF  
22 FINGERPRINTS TAKEN PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY  
23 SUBMITTED TO THE COMMISSIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT.  
24 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMIS-  
25 SIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY  
26 NOTIFICATIONS TO APPROVED PRIVATE SCHOOLS FOR THEIR EMPLOYEES.

27 B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
28 APPROVED PRIVATE SCHOOL MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL  
29 APPOINTMENT OR EMERGENCY CONDITIONAL APPOINTMENT OF PROSPECTIVE EMPLOY-  
30 EES OF THE SCHOOL TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A  
31 BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVI-  
32 SION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

33 S 30. Section 4410 of the education law is amended by adding a new  
34 subdivision 9-e to read as follows:

35 9-E. PROSPECTIVE EMPLOYEE FINGERPRINTING. A. THE COMMISSIONER SHALL  
36 REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY RECORD CHECK, THE FINGER-  
37 PRINTING OF ALL PROSPECTIVE EMPLOYEES OF APPROVED PROVIDERS OF SPECIAL  
38 SERVICES OR PROGRAMS THAT ARE LOCATED WITHIN THE STATE PURSUANT TO  
39 SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOU-  
40 SAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOY-  
41 EES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE THOUSAND THIRTY-FIVE  
42 OR THREE THOUSAND FOUR-B OF THIS CHAPTER OR SECTION FIVE HUNDRED NINE-CC  
43 OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND TRAFFIC LAW OR A  
44 VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW. AN  
45 INDIVIDUAL WHO PROVIDES RELATED SERVICES PURSUANT TO THIS SECTION SHALL  
46 BE DEEMED A PROSPECTIVE EMPLOYEE FOR PURPOSES OF THIS SUBDIVISION AND  
47 SHALL BE RESPONSIBLE FOR SUBMITTING HIS OR HER FINGERPRINTS TO THE  
48 COMMISSIONER FOR PURPOSES OF RECEIVING CLEARANCE FOR EMPLOYMENT PRIOR TO  
49 HIS OR HER INCLUSION ON A LIST OF RELATED SERVICE PROVIDERS MAINTAINED  
50 BY THE MUNICIPALITY OR BOARD PURSUANT TO PARAGRAPH C OF SUBDIVISION NINE  
51 OF THIS SECTION. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE  
52 PROVIDER SHALL FURNISH ITS PROSPECTIVE EMPLOYEE WITH THE FORM DESCRIBED  
53 IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE OF  
54 THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO THE CRIMINAL  
55 HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO  
56 THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR



PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO APPROVED PROVIDERS FOR THEIR EMPLOYEES. IN THE CASE OF A PROSPECTIVE EMPLOYEE WHO IS EMPLOYED BY THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, THE COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS DIRECTLY TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK.

B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE APPROVED PROVIDER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR EMERGENCY CONDITIONAL APPOINTMENT OF PROSPECTIVE EMPLOYEES OF THE PROVIDER TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVISION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR EMERGENCY CONDITIONAL APPOINTMENT OF INDIVIDUALS WHO PROVIDE RELATED SERVICES PURSUANT TO THIS SECTION TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVISION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL PROVIDE EACH MUNICIPALITY OR BOARD IN WHICH SUCH INDIVIDUAL SEEKS TO BE INCLUDED ON A LIST OF RELATED SERVICES OR SPECIAL EDUCATION ITINERANT SERVICES PROVIDERS WITH A COPY OF SUCH INDIVIDUAL'S CRIMINAL CLEARANCE OR DENIAL OF CRIMINAL CLEARANCE, AND IN THE EVENT OF A DENIAL OF CLEARANCE, SUCH MUNICIPALITY OR BOARD SHALL REMOVE THE INDIVIDUAL FROM SUCH LIST UNLESS CRIMINAL CLEARANCE IS SUBSEQUENTLY ISSUED BY THE COMMISSIONER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO EACH MUNICIPALITY OR BOARD IN WHICH SUCH INDIVIDUAL IS INCLUDED ON A LIST OF RELATED SERVICE PROVIDERS.

S 31. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 18 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect[, and shall expire July 1, 2015 when upon such date the provisions of this act shall be deemed repealed].

S 32. The commissioner of education is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement the provisions of this act on its effective date on or before such date.

S 33. Section 34 of chapter 91 of the laws of 2002, amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education, and community boards, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, 2015; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, 2015 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision

1 1 of section 2590-b of the education law as repealed by section six of  
2 this act, paragraph (a) of subdivision 2 of section 2590-b of the educa-  
3 tion law as repealed by section seven of this act, section 2590-c of the  
4 education law as repealed by section eight of this act, paragraph c of  
5 subdivision 2 of section 2590-d of the education law as repealed by  
6 section twenty-six of this act, subdivision 1 of section 2590-e of the  
7 education law as repealed by section twenty-seven of this act, subdivi-  
8 sion 28 of section 2590-h of the education law as repealed by section  
9 twenty-eight of this act, subdivision 30 of section 2590-h of the educa-  
10 tion law as repealed by section twenty-nine of this act, subdivision  
11 30-a of section 2590-h of the education law as repealed by section thir-  
12 ty of this act shall be revived and be read as such provisions existed  
13 in law on the date immediately preceding the effective date of this act;  
14 provided, however, that sections seven and eight of this act shall take  
15 effect on November 30, 2003[; provided further that the amendments to  
16 subdivision 25 of section 2554 of the education law made by section two  
17 of this act shall be subject to the expiration and reversion of such  
18 subdivision pursuant to section 12 of chapter 147 of the laws of 2001,  
19 as amended, when upon such date the provisions of section four of this  
20 act shall take effect].

21 S 34. Section 4 of chapter 91 of the laws of 2002, amending the educa-  
22 tion law and other laws relating to the reorganization of the New York  
23 city school construction authority, board of education, and community  
24 boards, is REPEALED.

25 S 35. This act shall take effect on July 1, 2015; provided that:

26 a. section thirty-one of this act shall take effect immediately;

27 b. the provisions of sections one, two, three, four, eighteen, nine-  
28 teen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twen-  
29 ty-six, twenty-seven and twenty-eight of this act shall apply to  
30 prospective employees of special education schools who are appointed on  
31 or after such effective date and to individual providers of pre-school  
32 related services who are placed on lists maintained by the municipality  
33 pursuant to subdivision 9 of section 4410 of the education law on and  
34 after such effective date;

35 c. the amendments to subdivision 20 of section 2590-h of the education  
36 law made by section sixteen of this act shall be subject to the expira-  
37 tion and reversion of such subdivision pursuant to subdivision 12 of  
38 section 17 of chapter 345 of the laws of 2009, as amended, when upon  
39 such date the provisions of section sixteen-a of this act shall take  
40 effect; and

41 d. the amendments to paragraph a of subdivision 25 of section 2554 of  
42 the education law made by section fifteen of this act shall not affect  
43 the expiration of such subdivision and shall be deemed expired there-  
44 with.