

9031

I N A S S E M B L Y

March 10, 2014

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the fingerprinting of prospective employees of child day care centers, and the education law, in relation to sharing fingerprint results

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

1 Section 1. Paragraph (b) of subdivision 2 of section 390-b of the  
2 social services law, as added by chapter 416 of the laws of 2000, is  
3 amended to read as follows:

4 (b) (I) Every child day care center or school age child care provider  
5 shall obtain a set of fingerprints for each prospective employee or  
6 volunteer and such other information as is required by the office of  
7 children and family services and the division of criminal justice  
8 services, EXCEPT WHEN THE PROSPECTIVE EMPLOYEE OR VOLUNTEER HAS ALREADY  
9 PROVIDED A SET OF FINGERPRINTS TO THE NEW YORK STATE EDUCATION DEPART-  
10 MENT FOR EMPLOYMENT AT A SCHOOL. The child day care center or school age  
11 child care program shall furnish to the applicant blank fingerprint  
12 cards and a description of how the completed fingerprint cards will be  
13 used. The child day care center or school age child care program shall  
14 promptly transmit such fingerprint cards to the office of children and  
15 family services.

16 (II) EVERY APPLICANT SHALL SIGN A CONSENT FORM AUTHORIZING THE DEPART-  
17 MENT OF EDUCATION'S RELEASE OF THE RESULTS OF ANY PRIOR BACKGROUND CHECK  
18 OF THE APPLICANT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES.

19 S 2. Paragraph (c) of subdivision 2 of section 390-b of the social  
20 services law, as added by chapter 416 of the laws of 2000, is amended to  
21 read as follows:

22 (c) As part of the provider's application for, or renewal of, a group  
23 family day care home license or family day care home registration, the  
24 provider shall furnish the office of children and family services with  
25 fingerprint cards of any operator of a group family day care home or  
26 family day care home, and any assistant, employee or volunteer, and any  
27 person age eighteen or over residing on the premises of the group family

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

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1 day care home or family day care home, who previously did not have a  
2 criminal history record check performed in accordance with this section,  
3 together with such other information as is required by the office of  
4 children and family services and the division of criminal justice  
5 services. THE PROVIDER DOES NOT NEED TO FURNISH FINGERPRINT CARDS WHEN  
6 THE PROSPECTIVE EMPLOYEE OR VOLUNTEER HAS ALREADY PROVIDED A SET OF  
7 FINGERPRINTS TO THE NEW YORK STATE EDUCATION DEPARTMENT FOR EMPLOYMENT  
8 AT A SCHOOL.

9 S 3. Subdivision 6 of section 3035 of the education law is renumbered  
10 subdivision 7 and a new subdivision 6 is added to read as follows:

11 6. THE STATE EDUCATION DEPARTMENT SHALL, UPON REQUEST OF THE OFFICE OF  
12 CHILDREN AND FAMILY SERVICES, SHARE THE FINGERPRINT RESULTS OF A SPECIF-  
13 IC APPLICANT WITH SUCH OFFICE.

14 S 4. This act shall take effect immediately.