

6600--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 27, 2015

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

LBD08340-03-5

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

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

52 (i) inform the prospective employee that the commissioner is required
53 or authorized to request his or her criminal history information from
54 the division of criminal justice services and the federal bureau of
55 investigation and review such information pursuant to this section, and
56 provide a description of the manner in which his or her [fingerprint

cards] FINGERPRINTS will be TAKEN AND used upon submission to the division of criminal justice services;

(ii) inform the prospective employee that he or she has the right to obtain, review and seek correction of his or her criminal history information pursuant to regulations and procedures established by the division of criminal justice services.

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

(vii) been informed that in the event his or her employment is terminated and such person has not become employed in the same or another school district, charter school, board of cooperative educational services, SPECIAL EDUCATION SCHOOL or nonpublic or private elementary or secondary school within twelve-months of such termination, the commissioner shall notify the division of criminal justice services of such termination, and the division of criminal justice services shall destroy the fingerprints of such person. Such person may request that the commissioner notify the division of criminal justice services that his or her fingerprints shall be destroyed prior to the expiration of such twelve month period in which case the commissioner shall notify the division of criminal justice services and the division shall destroy the fingerprints of such person promptly upon receipt of the request; and

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

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

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

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

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

3. "Employee" shall mean any person receiving compensation from a school district, NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM, or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such

district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

4. "Volunteer" shall mean any person, other than an employee, who provides services to a school or school district OR NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM, which involve direct student contact.

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

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

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

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

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

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

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

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

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

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

S 9. Paragraph a of subdivision 39 of section 1604 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 subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

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

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

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

37 a. The board of education shall, for purposes of a criminal history
38 record check, require the fingerprinting of all prospective employees
39 pursuant to section three thousand thirty-five of this chapter, who do
40 not hold valid clearance pursuant to such section or pursuant to section
41 three thousand four-b of this chapter or section five hundred nine-cc or
42 twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to
43 initiating the fingerprinting process, the prospective employer shall
44 furnish the applicant with the form described in paragraph (c) of subdivi-
45 sion thirty of section three hundred five of this chapter and shall
46 obtain the applicant's consent to the criminal history records search.
47 PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FING-
48 ERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY
49 THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH
50 THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT
51 BE LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,
52 PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES.
53 OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE
54 NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS
55 PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT
56 WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL SIGN AN ATTESTATION, ON

1 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF
2 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,
3 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR
4 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK
5 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE
6 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION
7 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE
8 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-
9 sion shall be promptly submitted to the commissioner for purposes of
10 clearance for employment.

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

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

21 S 13. Subparagraph a of paragraph 11 of subdivision 4 of section 1950
22 of the education law, as amended by chapter 147 of the laws of 2001, is
23 amended to read as follows:

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

54 S 14. Paragraph a of subdivision 18 of section 2503 of the education
55 law, as amended by chapter 147 of the laws of 2001, is amended to read
56 as follows:

1 a. Shall require, for purposes of a criminal history record check, the
2 fingerprinting of all prospective employees pursuant to section three
3 thousand thirty-five of this chapter, who do not hold valid clearance
4 pursuant to such section or pursuant to section three thousand four-b of
5 this chapter or section five hundred nine-cc or twelve hundred twenty-
6 nine-d of the vehicle and traffic law. Prior to initiating the finger-
7 printing process, the prospective employer shall furnish the applicant
8 with the form described in paragraph (c) of subdivision thirty of
9 section three hundred five of this chapter and shall obtain the appli-
10 cant's consent to the criminal history records search. PROSPECTIVE
11 EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED
12 USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY THE
13 COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH THE
14 DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT BE
15 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. Every set of fingerprints taken pursuant to this subdivi-
29 sion shall be promptly submitted to the commissioner for purposes of
30 clearance for employment.

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

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

1 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK
2 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE
3 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION
4 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE
5 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-
6 sion shall be promptly submitted to the commissioner for purposes of
7 clearance for employment.

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

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

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

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

36 S 17. Subparagraph (i) of paragraph (a-2) of subdivision 3 of section
37 2854 of the education law, as amended by chapter 147 of the laws of
38 2001, is amended to read as follows:

39 (i) The board of trustees of a charter school shall require, for
40 purposes of a criminal history record check, the fingerprinting of all
41 prospective employees pursuant to section three thousand thirty-five of
42 this chapter, who do not hold valid clearance pursuant to such section
43 or pursuant to section three thousand four-b of this chapter or section
44 five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and
45 traffic law. Prior to initiating the fingerprinting process, the
46 prospective employer shall furnish the applicant with the form described
47 in paragraph (c) of subdivision thirty of section three hundred five of
48 this chapter and shall obtain the applicant's consent to the criminal
49 history records search. PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE
50 APPLICANTS, SHALL BE FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY
51 IN A MANNER PRESCRIBED BY THE COMMISSIONER IN RULES AND REGULATIONS
52 DEVELOPED IN COOPERATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES,
53 WHICH SHALL INCLUDE BUT NOT BE LIMITED TO STANDARDS FOR THE SUBMISSION
54 OF ELECTRONIC FINGERPRINTS, PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY
55 OF PROSPECTIVE EMPLOYEES. OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT
56 FINGERPRINT CARDS AND ARE NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO

1 THE REQUIREMENTS OF THIS PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY
2 PRIOR TO EMPLOYMENT WITHIN THE STATE. THE PROSPECTIVE EMPLOYEE SHALL
3 SIGN AN ATTESTATION, ON A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING
4 THAT: AT THE TIME OF FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF
5 PROPER IDENTIFICATION, WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE
6 OR SHE SUBMITTED HIS OR HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL
7 HISTORY BACKGROUND CHECK PROVIDED FOR IN THIS SECTION. THIS ATTESTATION
8 SHALL BE RETAINED BY THE DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN
9 SUBDIVISION TWO OF SECTION 175.00 OF THE PENAL LAW IN A MANNER
10 PRESCRIBED IN REGULATIONS OF THE COMMISSIONER. Every set of fingerprints
11 taken pursuant to this paragraph shall be promptly submitted to the
12 commissioner for purposes of clearance for employment.

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

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

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

44 S 19. Paragraph b of subdivision 2 of section 3020-a of the education
45 law, as amended by section 3 of subpart G of part EE of chapter 56 of
46 the laws of 2015, is amended to read as follows:

47 b. The employee may be suspended pending a hearing on the charges and
48 the final determination thereof. The suspension shall be with pay,
49 except the employee may be suspended without pay if the employee has
50 entered a guilty plea to or has been convicted of a felony crime
51 concerning the criminal sale or possession of a controlled substance, a
52 precursor of a controlled substance, or drug paraphernalia as defined in
53 article two hundred twenty or two hundred twenty-one of the penal law;
54 or a felony crime involving the physical abuse of a minor or student; OR
55 A FELONY CRIME INVOLVING THE SUBMISSION OF FALSE INFORMATION OR THE
56 COMMISSION OF FRAUD RELATED TO A CRIMINAL HISTORY RECORD CHECK.

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

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

28 S 21. Subdivisions 3 and 3-a of section 3035 of the education law,
29 subdivision 3 as amended by section 7 of chapter 630 of the laws of
30 2006, and subdivision 3-a as added by chapter 380 of the laws of 2001,
31 are amended to read as follows:

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

50 (b) Conditional clearance. When the commissioner receives a request
51 for a determination on the conditional clearance of a prospective
52 employee, the commissioner, after receipt of a criminal history record
53 from the division of criminal justice services, shall promptly notify
54 the prospective employee and the appropriate school district, charter
55 school, board of cooperative educational services, [or] nonpublic or
56 private elementary or secondary school OR SPECIAL EDUCATION SCHOOL that

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

12 3-a. Upon request from a prospective employee who has been cleared by
13 the commissioner for employment and/or certification, the commissioner
14 shall have the authority to forward a copy of such criminal history
15 record to the city school district of the city of New York by the most
16 expeditious means available. Furthermore, upon notification that such
17 prospective employee is employed by the city school district of the city
18 of New York OR IS EMPLOYED BY A SPECIAL EDUCATION SCHOOL THAT CONTRACTS
19 WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, the division of
20 criminal justice services shall have the authority to provide subsequent
21 criminal history notifications directly to the city school district of
22 the city of New York. Upon request from a prospective employee who has
23 been cleared for licensure and/or employment by the city school district
24 of the city of New York OR HAS BEEN CLEARED BY THE CITY OF NEW YORK FOR
25 EMPLOYMENT BY A SPECIAL EDUCATION SCHOOL THAT IS LOCATED OUTSIDE OF THE
26 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, such school district OR
27 CITY shall have the authority to forward a copy of the prospective
28 employee's criminal history record to the commissioner, by the most
29 expeditious means available, for the purposes of this section. Further-
30 more, upon notification that such prospective employee is employed by a
31 school district outside the city of New York OR BY A SPECIAL EDUCATION
32 SCHOOL THAT IS LOCATED OUTSIDE OF THE CITY OF NEW YORK, the division of
33 criminal justice services shall have the authority to provide subsequent
34 criminal history notifications directly to the commissioner.

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

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

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

52 (C) (I) THE SCHOOL SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY
53 RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF THE
54 SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND
55 SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH
56 PROSPECTIVE EMPLOYEES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE

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

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

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

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

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

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

52 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
53 COMMISSIONER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR
54 EMERGENCY CONDITIONAL APPOINTMENT OF PROSPECTIVE EMPLOYEES OF THE SCHOOL
55 BY THE DEPARTMENT TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A

1 BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVI-
2 SION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

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

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

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

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

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

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

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

1 S 29. Section 4403 of the education law is amended by adding a new
2 subdivision 22 to read as follows:

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

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

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

33 9-E. PROSPECTIVE EMPLOYEE FINGERPRINTING. A. THE COMMISSIONER SHALL
34 REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY RECORD CHECK, THE FINGER-
35 PRINTING OF ALL PROSPECTIVE EMPLOYEES OF APPROVED PROVIDERS OF SPECIAL
36 SERVICES OR PROGRAMS THAT ARE LOCATED WITHIN THE STATE PURSUANT TO
37 SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOU-
38 SAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOY-
39 EES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE THOUSAND THIRTY-FIVE
40 OR THREE THOUSAND FOUR-B OF THIS CHAPTER OR SECTION FIVE HUNDRED NINE-CC
41 OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND TRAFFIC LAW OR A
42 VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW. AN
43 INDIVIDUAL WHO PROVIDES RELATED SERVICES PURSUANT TO THIS SECTION SHALL
44 BE DEEMED A PROSPECTIVE EMPLOYEE FOR PURPOSES OF THIS SUBDIVISION AND
45 SHALL BE RESPONSIBLE FOR SUBMITTING HIS OR HER FINGERPRINTS TO THE
46 COMMISSIONER FOR PURPOSES OF RECEIVING CLEARANCE FOR EMPLOYMENT PRIOR TO
47 HIS OR HER INCLUSION ON A LIST OF RELATED SERVICE PROVIDERS MAINTAINED
48 BY THE MUNICIPALITY OR BOARD PURSUANT TO PARAGRAPH C OF SUBDIVISION NINE
49 OF THIS SECTION. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE
50 PROVIDER SHALL FURNISH ITS PROSPECTIVE EMPLOYEE WITH THE FORM DESCRIBED
51 IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE OF
52 THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO THE CRIMINAL
53 HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO
54 THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR
55 PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY OTHER
56 PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED

1 TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO APPROVED PROVID-
2 ERS FOR THEIR EMPLOYEES. IN THE CASE OF A PROSPECTIVE EMPLOYEE WHO IS
3 EMPLOYED BY THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, THE
4 COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY
5 NOTIFICATIONS DIRECTLY TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW
6 YORK.

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

13 C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
14 COMMISSIONER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR
15 EMERGENCY CONDITIONAL APPOINTMENT OF INDIVIDUALS WHO PROVIDE RELATED
16 SERVICES PURSUANT TO THIS SECTION TO THE SAME EXTENT AND UNDER THE SAME
17 CONDITIONS AS A BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT
18 PURSUANT TO SUBDIVISION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF
19 THIS CHAPTER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRA-
20 RY, THE COMMISSIONER SHALL PROVIDE EACH MUNICIPALITY OR BOARD IN WHICH
21 SUCH INDIVIDUAL SEEKS TO BE INCLUDED ON A LIST OF RELATED SERVICES OR
22 SPECIAL EDUCATION ITINERANT SERVICES PROVIDERS WITH A COPY OF SUCH INDI-
23 VIDUAL'S CRIMINAL CLEARANCE OR DENIAL OF CRIMINAL CLEARANCE, AND IN THE
24 EVENT OF A DENIAL OF CLEARANCE, SUCH MUNICIPALITY OR BOARD SHALL REMOVE
25 THE INDIVIDUAL FROM SUCH LIST UNLESS CRIMINAL CLEARANCE IS SUBSEQUENTLY
26 ISSUED BY THE COMMISSIONER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW
27 TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSE-
28 QUENT CRIMINAL HISTORY NOTIFICATIONS TO EACH MUNICIPALITY OR BOARD IN
29 WHICH SUCH INDIVIDUAL IS INCLUDED ON A LIST OF RELATED SERVICE PROVID-
30 ERS.

31 S 31. Section 12 of chapter 147 of the laws of 2001, amending the
32 education law relating to conditional appointment of school district,
33 charter school or BOCES employees, as amended by section 19 of part A of
34 chapter 56 of the laws of 2015, is amended to read as follows:

35 S 12. This act shall take effect on the same date as chapter 180 of
36 the laws of 2000 takes effect[, and shall expire July 1, 2016 when upon
37 such date the provisions of this act shall be deemed repealed].

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

42 S 33. Section 34 of chapter 91 of the laws of 2002, amending the
43 education law and other laws relating to the reorganization of the New
44 York city school construction authority, board of education, and commu-
45 nity boards, as amended by section 1 of subpart D of part B of chapter
46 20 of the laws of 2015, is amended to read as follows:

47 S 34. This act shall take effect July 1, 2002; provided, that sections
48 one through twenty, twenty-four, and twenty-six through thirty of this
49 act shall expire and be deemed repealed June 30, 2016; provided,
50 further, that notwithstanding any provision of article 5 of the general
51 construction law, on June 30, 2016 the provisions of subdivisions 3, 5,
52 and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d,
53 and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of
54 the education law as repealed by section three of this act, subdivision
55 1 of section 2590-b of the education law as repealed by section six of
56 this act, paragraph (a) of subdivision 2 of section 2590-b of the educa-

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

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

23 S 35. This act shall take effect on July 1, 2017; provided that:

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

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

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

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