

9632

I N A S S E M B L Y

March 23, 2016

Introduced by M. of A. NOLAN -- (at request of the State Education Department) -- read once and referred 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 and enhancing existing statutory mechanisms to expedite the removal of persons who commit fingerprint fraud

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 2006
4 and 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] TITLE, of school districts, charter schools
11 and boards of cooperative educational services, AND SPECIAL EDUCATION
12 SCHOOLS, and authorizing the fingerprinting of prospective employees of
13 nonpublic and private elementary and secondary schools, and for the use
14 of information derived from searches of the records of the division of
15 criminal justice services and the federal bureau of investigation based
16 on the use of such fingerprints. The commissioner shall also develop a
17 form for use by school districts, charter schools, boards of cooperative
18 educational services, SPECIAL EDUCATION SCHOOLS, and nonpublic and
19 private elementary and secondary schools in connection with the
20 submission of fingerprints that contains the specific job title sought
21 and any other information that may be relevant to consideration of the
22 applicant. The commissioner shall also establish a form for the recorda-
23 tion of allegations of child abuse in an educational setting, as
24 required pursuant to section eleven hundred twenty-six of this [chapter]
25 TITLE. No person who has been fingerprinted pursuant to section three
26 thousand four-b of this chapter or pursuant to section five hundred

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

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1 nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law
2 and whose fingerprints remain on file with the division of criminal
3 justice services shall be required to undergo fingerprinting for
4 purposes of a new criminal history record check. This subdivision and
5 the rules and regulations promulgated pursuant thereto shall not apply
6 to a school district within a city with a population of one million or
7 more, OR TO SPECIAL EDUCATION SCHOOLS LOCATED WITHIN SUCH CITY.

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

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

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

25 S 2. Subparagraph (vii) of paragraph (c) of subdivision 30 of section
26 305 of the education law, as amended by chapter 630 of the laws of 2006,
27 is amended to read as follows:

28 (vii) been informed that in the event his or her employment is termi-
29 nated and such person has not become employed in the same or another
30 school district, charter school, board of cooperative educational
31 services, SPECIAL EDUCATION SCHOOL or nonpublic or private elementary or
32 secondary school within twelve-months of such termination, the commis-
33 sioner shall notify the division of criminal justice services of such
34 termination, and the division of criminal justice services shall destroy
35 the fingerprints of such person. Such person may request that the
36 commissioner notify the division of criminal justice services that his
37 or her fingerprints shall be destroyed prior to the expiration of such
38 twelve month period in which case the commissioner shall notify the
39 division of criminal justice services and the division shall destroy the
40 fingerprints of such person promptly upon receipt of the request; and

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

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

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

52 (F) AS USED IN THIS SECTION AND SECTION THREE THOUSAND THIRTY-FIVE OF
53 THIS CHAPTER, "SPECIAL EDUCATION SCHOOL" SHALL MEAN A STATE SCHOOL OPER-
54 ATED PURSUANT TO ARTICLE EIGHTY-SEVEN OR EIGHTY-EIGHT OF THIS CHAPTER, A
55 STATE-SUPPORTED SCHOOL OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS
56 CHAPTER, AN APPROVED PRIVATE NON-RESIDENTIAL OR RESIDENTIAL SCHOOL FOR

1 THE EDUCATION OF STUDENTS WITH DISABILITIES THAT IS LOCATED WITHIN THE
2 STATE, OR AN APPROVED PROVIDER OF PRESCHOOL SPECIAL EDUCATION SERVICES
3 OR PROGRAMS THAT IS LOCATED WITHIN THE STATE; PROVIDED THAT SUCH TERM
4 SHALL NOT APPLY TO A SCHOOL OR FACILITY OPERATED OR LICENSED BY A STATE
5 AGENCY OTHER THAN THE DEPARTMENT, UNLESS SUCH SCHOOL OR FACILITY IS ALSO
6 AN APPROVED PRIVATE SCHOOL FOR STUDENTS WITH DISABILITIES OR AN APPROVED
7 PROVIDER UNDER SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER.

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

13 3. "Employee" shall mean any person receiving compensation from a
14 school district, NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM, or
15 employee of a contracted service provider or worker placed within the
16 school under a public assistance employment program, pursuant to title
17 nine-B of article five of the social services law, and consistent with
18 the provisions of such title for the provision of services to such
19 district, its students or employees, directly or through contract,
20 whereby such services performed by such person involve direct student
21 contact.

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

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

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

47 10. "NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM" SHALL MEAN A
48 STATE SUPPORTED SCHOOL OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS
49 CHAPTER THAT DOES NOT HAVE A RESIDENTIAL COMPONENT, AN APPROVED PRIVATE
50 NON-RESIDENTIAL SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES
51 THAT IS LOCATED WITHIN THE STATE, OR AN APPROVED PROVIDER OF PRESCHOOL
52 SPECIAL EDUCATION SERVICES OR PROGRAMS THAT IS LOCATED WITHIN THE STATE;
53 PROVIDED THAT SUCH TERM SHALL ALSO APPLY TO AN APPROVED PRIVATE RESIDEN-
54 TIAL SCHOOL OR APPROVED PROVIDER OF PRESCHOOL SPECIAL EDUCATION THAT
55 PROVIDES A RESIDENTIAL PROGRAM THAT ALSO PROVIDES A DAY PROGRAM OR OTHER
56 NON-RESIDENTIAL PROGRAM IF THE STUDENTS IN SUCH NON-RESIDENTIAL PROGRAM

1 ARE NOT CHILDREN IN A FACILITY AS DEFINED IN SECTION FOUR HUNDRED EIGHT-
2 Y-EIGHT OF THE SOCIAL SERVICES LAW, FOR WHOM ALLEGATIONS OF ABUSE OF A
3 CHILD IN RESIDENTIAL CARE OR NEGLECT OF A CHILD IN RESIDENTIAL CARE ARE
4 SUBJECT TO MANDATORY REPORTING TO THE STATEWIDE CENTRAL REGISTER OF
5 CHILD ABUSE AND MALTREATMENT PURSUANT TO TITLE SIX OF ARTICLE SIX OF THE
6 SOCIAL SERVICES LAW.

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

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

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

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

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

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

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

39 S 9. Paragraph a of subdivision 9 of section 1804 of the education
40 law, as amended by chapter 147 of the laws of 2001, is amended to read
41 as follows:

42 a. The board of education shall, for purposes of a criminal history
43 record check, require the fingerprinting of all prospective employees
44 pursuant to section three thousand thirty-five of this chapter, who do
45 not hold valid clearance pursuant to such section or pursuant to section
46 three thousand four-b of this chapter or section five hundred nine-cc or
47 twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to
48 initiating the fingerprinting process, the prospective employer shall
49 furnish the applicant with the form described in paragraph (c) of subdi-
50 vision thirty of section three hundred five of this chapter and shall
51 obtain the applicant's consent to the criminal history records search.
52 PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FING-
53 ERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY
54 THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH
55 THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT
56 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. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

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

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

S 11. Subdivision 20 of section 2590-h of the education law, as amended by chapter 100 of the laws of 2003, is amended to read as follows:

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

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

1. Criminal history records search. Upon receipt of an application for certification as a superintendent of schools, teacher, administrator or supervisor, teaching assistant or school personnel required to hold a teaching or administrative license or certificate, the commissioner shall, subject to the rules and regulations of the division of criminal justice services, initiate a criminal history records search of the person making application, except that nothing in this section shall be construed to require a criminal history record check of an individual who holds a valid provisional certificate on the effective date of this section and applies for permanent certification in the same certificate title, or of an individual who applies for a temporary license to serve in the city school district of the city of New York and has been cleared for licensure and/or employment by such city school district pursuant to subdivision twenty of section twenty-five hundred ninety-h of this chapter. Prior to initiating the fingerprinting process, the commissioner 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

1 search. APPLICANTS FOR CERTIFICATION, WHO ARE REQUIRED TO BE FINGER-
2 PRINTED UNDER THIS SECTION, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE
3 FINGERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER
4 PRESCRIBED BY THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN
5 COOPERATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL
6 INCLUDE BUT NOT BE LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC
7 FINGERPRINTS, PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPEC-
8 TIVE EMPLOYEES. OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGER-
9 PRINT CARDS AND ARE NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE
10 REQUIREMENTS OF THIS PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY
11 PRIOR TO EMPLOYMENT WITHIN THE STATE. The commissioner shall obtain from
12 each applicant ONE SET, OR WHERE NECESSARY, two sets of fingerprints and
13 the division of criminal justice services processing fee imposed pursu-
14 ant to subdivision eight-a of section eight hundred thirty-seven of the
15 executive law and any fee imposed by the federal bureau of investi-
16 gation. The commissioner shall promptly transmit such fingerprints and
17 fees to the division of criminal justice services for its full search
18 and retain processing. The division of criminal justice services is
19 authorized to submit the fingerprints and the appropriate fee to the
20 federal bureau of investigation for a national criminal history record
21 check. The division of criminal justice services and the federal bureau
22 of investigation shall forward such criminal history record to the
23 commissioner in a timely manner. For the purposes of this section the
24 term "criminal history record" shall mean a record of all convictions of
25 crimes and any pending criminal charges maintained on an individual by
26 the division of criminal justice services and the federal bureau of
27 investigation. In addition, upon request from an applicant who has
28 applied for employment with the city school district of the city of New
29 York, the commissioner shall have the authority to forward a copy of
30 such criminal history record to the city school district of the city of
31 New York by the most expeditious means available. Furthermore, upon
32 notification that such applicant is employed by the city school district
33 of the city of New York, the division of criminal justice services shall
34 have the authority to provide subsequent criminal history notifications
35 directly to the city school district of the city of New York. Upon
36 request from an applicant who has already been cleared for licensure
37 and/or employment by the city school district of the city of New York,
38 such school district shall have the authority to forward a copy of the
39 applicant's criminal history record to the commissioner, by the most
40 expeditious means available, for the purposes of this section. Further-
41 more, upon notification that such applicant has been certified, the
42 division of criminal justice services shall have the authority to
43 provide subsequent criminal history notifications directly to the
44 commissioner. All such criminal history records processed and sent
45 pursuant to this subdivision shall be confidential pursuant to the
46 applicable federal and state laws, rules and regulations, and shall not
47 be published or in any way disclosed to persons other than the commis-
48 sioner, unless otherwise authorized by law. No cause of action against
49 the department or the division of criminal justice services for damages
50 related to the dissemination of criminal history records pursuant to
51 this subdivision shall exist when the department or division of criminal
52 justice services has reasonably and in good faith relied upon the accu-
53 racy and completeness of criminal history information furnished to it by
54 qualified agencies. The provision of such criminal history record by the
55 division of criminal justice services shall be subject to the provisions
56 of subdivision sixteen of section two hundred ninety-six of the execu-

1 tive law. The commissioner shall consider such criminal history record
2 pursuant to article twenty-three-A of the correction law.

3 S 13. Paragraph b of subdivision 2 of section 3020-a of the education
4 law, as amended by section 3 of subpart G of part EE of chapter 56 of
5 the laws of 2015, is amended to read as follows:

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

16 S 14. Subdivision 1 of section 3035 of the education law, as amended
17 by chapter 630 of the laws of 2006, is amended to read as follows:

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

43 S 15. Subdivisions 3 and 3-a of section 3035 of the education law,
44 subdivision 3 as amended by section 7 of chapter 630 of the laws of 2006
45 and subdivision 3-a as added by chapter 380 of the laws of 2001, are
46 amended to read as follows:

47 3. (a) Clearance. After receipt of a criminal history record from the
48 division of criminal justice services and the federal bureau of investi-
49 gation the commissioner shall promptly notify the appropriate school
50 district, charter school, board of cooperative educational services,
51 [or] nonpublic or private elementary or secondary school, OR SPECIAL
52 EDUCATION SCHOOL whether the prospective employee to which such report
53 relates is cleared for employment based upon his or her criminal histo-
54 ry. All determinations to grant or deny clearance for employment pursu-
55 ant to this paragraph shall be performed in accordance with subdivision
56 sixteen of section two hundred ninety-six of the executive law and arti-

cle twenty-three-A of the correction law. When the commissioner denies a prospective employee clearance for employment, such prospective employee shall be afforded notice and the right to be heard and offer proof in opposition to such determination in accordance with the regulations of the commissioner, PROVIDED THAT IN THE CASE OF PROSPECTIVE EMPLOYEES OF STATE SCHOOLS PURSUANT TO ARTICLE EIGHTY-SEVEN OR EIGHTY-EIGHT OF THIS CHAPTER THE DUE PROCESS PROCEDURES ESTABLISHED BY THE COMMISSIONER PURSUANT TO SECTION FIFTY OF THE CIVIL SERVICE LAW SHALL APPLY.

(b) Conditional clearance. When the commissioner receives a request for a determination on the conditional clearance of a prospective employee, the commissioner, after receipt of a criminal history record from the division of criminal justice services, shall promptly notify the prospective employee and the appropriate school district, charter school, board of cooperative educational services, [or] nonpublic or private elementary or secondary school OR SPECIAL EDUCATION SCHOOL that the prospective employee to which such report relates is conditionally cleared for employment based upon his or her criminal history or that more time is needed to make the determination. If the commissioner determines that more time is needed, the notification shall include a good faith estimate of the amount of additional time needed. Such notification shall be made within fifteen business days after the commissioner receives the prospective employee's fingerprints. All determinations to grant or deny conditional clearance for employment pursuant to this paragraph shall be performed in accordance with subdivision sixteen of section two hundred ninety-six of the executive law and article twenty-three-A of the correction law.

3-a. Upon request from a prospective employee who has been cleared by the commissioner for employment and/or certification, the commissioner shall have the authority to forward a copy of such criminal history record to the city school district of the city of New York by the most expeditious means available. Furthermore, upon notification that such prospective employee is employed by the city school district of the city of New York OR IS EMPLOYED BY A SPECIAL EDUCATION SCHOOL THAT CONTRACTS WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, the division of criminal justice services shall have the authority to provide subsequent criminal history notifications directly to the city school district of the city of New York. Upon request from a prospective employee who has been cleared for licensure and/or employment by the city school district of the city of New York OR HAS BEEN CLEARED BY THE CITY OF NEW YORK FOR EMPLOYMENT BY A SPECIAL EDUCATION SCHOOL THAT IS LOCATED OUTSIDE OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, such school district OR CITY shall have the authority to forward a copy of the prospective employee's criminal history record to the commissioner, by the most expeditious means available, for the purposes of this section. Furthermore, upon notification that such prospective employee is employed by a school district outside the city of New York OR BY A SPECIAL EDUCATION SCHOOL THAT IS LOCATED OUTSIDE OF THE CITY OF NEW YORK, the division of criminal justice services shall have the authority to provide subsequent criminal history notifications directly to the commissioner.

S 16. Paragraph (i) of subdivision (a) of section 4212 of the education law, as amended by section 1-a of part E of chapter 501 of the laws of 2012, is amended to read as follows:

(i) consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law, the review and evaluation of the backgrounds of and the information supplied by any person applying to be an employee, a volunteer or consultant, which shall

1 include but not be limited to the following requirements: that the
2 applicant set forth his or her employment history, provide personal and
3 employment references, and relevant experiential and educational infor-
4 mation, [and] sign a sworn statement indicating whether the applicant,
5 to the best of his or her knowledge, has ever been convicted of a crime
6 in this state or any other jurisdiction AND, IN THE CASE OF A PROSPEC-
7 TIVE EMPLOYEE, BE FINGER-PRINTED FOR PURPOSES OF A CRIMINAL HISTORY
8 BACKGROUND CHECK PURSUANT TO SUBDIVISION (C) OF THIS SECTION;

9 S 17. Section 4212 of the education law is amended by adding a new
10 subdivision (c) to read as follows:

11 (C) (I) THE SCHOOL SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY
12 RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF THE
13 SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND
14 SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH
15 PROSPECTIVE EMPLOYEES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE
16 THOUSAND THIRTY-FIVE OR SECTION THREE THOUSAND FOUR-B OF THIS CHAPTER OR
17 SECTION FIVE HUNDRED NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE
18 VEHICLE AND TRAFFIC LAW, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW
19 YORK PURSUANT TO LOCAL LAW. PRIOR TO INITIATING THE FINGERPRINTING PROC-
20 ESS, THE SCHOOL SHALL FURNISH THE PROSPECTIVE EMPLOYEE WITH THE FORM
21 DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE
22 HUNDRED FIVE OF THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO
23 THE CRIMINAL HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN
24 PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMIS-
25 SIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY
26 OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE
27 AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO THE
28 SCHOOL FOR ITS EMPLOYEES.

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

35 S 18. Paragraph (i) of subdivision (a) of section 4314 of the educa-
36 tion law, as amended by section 2 of part E of chapter 501 of the laws
37 of 2012, is amended to read as follows:

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

50 S 19. Section 4314 of the education law is amended by adding a new
51 subdivision (c) to read as follows:

52 (C) (I) THE DEPARTMENT SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL
53 HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF
54 THE SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE
55 AND SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, WHO DO NOT HOLD
56 VALID CLEARANCE PURSUANT TO SUCH SECTION THREE THOUSAND THIRTY-FIVE OR

1 PURSUANT TO SECTION THREE THOUSAND FOUR-B OF THIS CHAPTER OR SECTION
2 FIVE HUNDRED NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND
3 TRAFFIC LAW, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT
4 TO LOCAL LAW. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE
5 DEPARTMENT 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.

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

17 S 20. Paragraph (i) of subdivision (a) of section 4358 of the educa-
18 tion law, as amended by section 3 of part E of chapter 501 of the laws
19 of 2012, is amended to read as follows:

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

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

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

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

1 S 22. Paragraph (a) of subdivision 11 of section 4403 of the education
2 law, as amended by section 4 of part E of chapter 501 of the laws of
3 2012, is amended to read as follows:

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

16 S 23. Section 4403 of the education law is amended by adding a new
17 subdivision 22 to read as follows:

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

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

46 S 24. Section 4410 of the education law is amended by adding a new
47 subdivision 9-e to read as follows:

48 9-E. FINGERPRINTING. A. THE COMMISSIONER SHALL REQUIRE, FOR PURPOSES
49 OF A CRIMINAL HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPEC-
50 TIVE EMPLOYEES OF APPROVED PROVIDERS OF SPECIAL SERVICES OR PROGRAMS
51 THAT ARE LOCATED WITHIN THE STATE PURSUANT TO SUBDIVISION THIRTY OF
52 SECTION THREE HUNDRED FIVE AND SECTION THREE THOUSAND THIRTY-FIVE OF
53 THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOYEES HOLD VALID CLEAR-
54 ANCE PURSUANT TO SECTION THREE THOUSAND THIRTY-FIVE OR THREE THOUSAND
55 FOUR-B OF THIS CHAPTER OR SECTION FIVE HUNDRED NINE-CC OR TWELVE HUNDRED
56 TWENTY-NINE-D OF THE VEHICLE AND TRAFFIC LAW OR A VALID CLEARANCE ISSUED

1 BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW. AN INDIVIDUAL WHO
2 PROVIDES RELATED SERVICES PURSUANT TO THIS SECTION SHALL BE DEEMED A
3 PROSPECTIVE EMPLOYEE FOR PURPOSES OF THIS SUBDIVISION AND SHALL BE
4 RESPONSIBLE FOR SUBMITTING HIS OR HER FINGERPRINTS TO THE COMMISSIONER
5 FOR PURPOSES OF RECEIVING CLEARANCE FOR EMPLOYMENT PRIOR TO HIS OR HER
6 INCLUSION ON A LIST OF RELATED SERVICE PROVIDERS MAINTAINED BY THE MUNI-
7 CIPALITY OR BOARD PURSUANT TO PARAGRAPH C OF SUBDIVISION NINE OF THIS
8 SECTION. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE PROVIDER
9 SHALL FURNISH ITS PROSPECTIVE EMPLOYEE WITH THE FORM DESCRIBED IN PARA-
10 GRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE OF THIS
11 CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO THE CRIMINAL HISTORY
12 RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO THIS SUBDI-
13 VISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR PURPOSES OF
14 CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO
15 THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT
16 CRIMINAL HISTORY NOTIFICATIONS TO APPROVED PROVIDERS FOR THEIR EMPLOY-
17 EES. IN THE CASE OF A PROSPECTIVE EMPLOYEE WHO IS EMPLOYED BY THE CITY
18 SCHOOL DISTRICT OF THE CITY OF NEW YORK, THE COMMISSIONER SHALL BE
19 AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS DIRECTLY
20 TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK.

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

27 C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
28 COMMISSIONER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINTMENT OR
29 EMERGENCY CONDITIONAL APPOINTMENT OF INDIVIDUALS WHO PROVIDE RELATED
30 SERVICES PURSUANT TO THIS SECTION TO THE SAME EXTENT AND UNDER THE SAME
31 CONDITIONS AS A BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT
32 PURSUANT TO SUBDIVISION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF
33 THIS CHAPTER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRA-
34 RY, THE COMMISSIONER SHALL PROVIDE EACH MUNICIPALITY OR BOARD IN WHICH
35 SUCH INDIVIDUAL SEEKS TO BE INCLUDED ON A LIST OF RELATED SERVICES OR
36 SPECIAL EDUCATION ITINERANT SERVICES PROVIDERS WITH A COPY OF SUCH INDI-
37 VIDUAL'S CRIMINAL CLEARANCE OR DENIAL OF CRIMINAL CLEARANCE, AND IN THE
38 EVENT OF A DENIAL OF CLEARANCE, SUCH MUNICIPALITY OR BOARD SHALL REMOVE
39 THE INDIVIDUAL FROM SUCH LIST UNLESS CRIMINAL CLEARANCE IS SUBSEQUENTLY
40 ISSUED BY THE COMMISSIONER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW
41 TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSE-
42 QUENT CRIMINAL HISTORY NOTIFICATIONS TO EACH MUNICIPALITY OR BOARD IN
43 WHICH SUCH INDIVIDUAL IS INCLUDED ON A LIST OF RELATED SERVICE PROVID-
44 ERS.

45 S 25. The commissioner of education is authorized to promulgate any
46 and all rules and regulations and take any other measures necessary to
47 implement the provisions of this act on its effective date on or before
48 such date.

49 S 26. This act shall take effect on July 1, 2016; provided that:

50 a. the provisions of sections one, two, three, four, eleven, twelve,
51 thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and
52 twenty-one of this act shall apply to prospective employees of special
53 education schools who are appointed on or after such effective date and
54 to individual providers of preschool related services who are placed on
55 lists maintained by the municipality pursuant to subdivision 9 of
56 section 4410 of the education law on and after such effective date;

1 b. the amendments to paragraph (d) of subdivision 30 of section 305
2 of the education law made by section three of this act shall not affect
3 the repeal of such paragraph and shall be deemed repealed therewith;
4 c. the amendments to subdivision 20 of section 2590-h of the educa-
5 tion law made by section ten of this act shall be subject to the expira-
6 tion and reversion of such section pursuant to subdivision 12 of section
7 17 of chapter 345 of the laws of 2009, as amended, when upon such date
8 the provisions of section eleven of this act shall take effect;
9 d. the amendments to paragraph a of subdivision 9 of section 1804 of
10 the education law made by section nine of this act shall not affect the
11 expiration of such subdivision and shall be deemed to expire therewith;
12 e. the amendments to subdivision 1 of section 3004-b of the education
13 law made by section twelve of this act shall not affect the expiration
14 of such subdivision and shall be deemed to expire therewith; and
15 f. the amendments to subdivision 3 of section 3035 of the education
16 law made by section fifteen of this act shall not affect the expiration
17 of such subdivision and shall be deemed to expire therewith.