

3214

2015-2016 Regular Sessions

I N S E N A T E

February 3, 2015

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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

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

1 Section 1. Paragraphs (a) and (b) of subdivision 30 of section 305 of
2 the education law, paragraph (a) and the opening paragraph and subpara-
3 graph (i) of paragraph (b) as amended by chapter 630 of the laws of
4 2006, paragraph (b) as added by chapter 180 of the laws of 2000, are
5 amended to read as follows:

6 (a) The commissioner, in cooperation with the division of criminal
7 justice services and in accordance with all applicable provisions of
8 law, shall promulgate rules and regulations to require the fingerprint-

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

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1 ing of prospective employees, as defined in section eleven hundred twen-
2 ty-five of this chapter, of school districts, charter schools and boards
3 of cooperative educational services, AND SPECIAL EDUCATION SCHOOLS, and
4 authorizing the fingerprinting of prospective employees of nonpublic and
5 private elementary and secondary schools, and for the use of information
6 derived from searches of the records of the division of criminal justice
7 services and the federal bureau of investigation based on the use of
8 such fingerprints. The commissioner shall also develop a form for use by
9 school districts, charter schools, boards of cooperative educational
10 services, SPECIAL EDUCATION SCHOOLS, and nonpublic and private elementa-
11 ry and secondary schools in connection with the submission of finger-
12 prints that contains the specific job title sought and any other infor-
13 mation that may be relevant to consideration of the applicant.
14 PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FING-
15 ERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY
16 THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH
17 THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT
18 BE 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. The commissioner shall also establish a form for the
32 recordation of allegations of child abuse in an educational setting, as
33 required pursuant to section eleven hundred twenty-six of this chapter.
34 No person who has been fingerprinted pursuant to section three thousand
35 four-b of this chapter or pursuant to section five hundred nine-cc or
36 twelve hundred twenty-nine-d of the vehicle and traffic law and whose
37 fingerprints remain on file with the division of criminal justice
38 services shall be required to undergo fingerprinting for purposes of a
39 new criminal history record check. This subdivision and the rules and
40 regulations promulgated pursuant thereto shall not apply to a school
41 district within a city with a population of one million or more, OR TO
42 SPECIAL EDUCATION SCHOOLS LOCATED WITHIN SUCH CITY.

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

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

1 SUCH NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL, THE REPORT OF SUCH ALLE-
2 GATIONS SHALL BE PROMPTLY FORWARDED TO THE ADMINISTRATOR OF SUCH SCHOOL,
3 WHO SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL THE PROVISIONS OF THIS
4 ARTICLE THAT APPLY TO SUPERINTENDENTS OF SCHOOLS.

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

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

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

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

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

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

53 S 10. Paragraph a of subdivision 39 of section 1709 of the education
54 law, as amended by chapter 147 of the laws of 2001, is amended to read
55 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 11. Paragraph a of subdivision 9 of section 1804 of the education
32 law, as amended by chapter 147 of the laws of 2001, is amended to read
33 as follows:

34 a. The board of education shall, for purposes of a criminal history
35 record check, require the fingerprinting of all prospective employees
36 pursuant to section three thousand thirty-five of this chapter, who do
37 not hold valid clearance pursuant to such section or pursuant to section
38 three thousand four-b of this chapter or section five hundred nine-cc or
39 twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to
40 initiating the fingerprinting process, the prospective employer shall
41 furnish the applicant with the form described in paragraph (c) of subdivi-
42 sion thirty of section three hundred five of this chapter and shall
43 obtain the applicant's consent to the criminal history records search.
44 PROSPECTIVE EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FING-
45 ERPRINTED USING ELECTRONIC SCANNING TECHNOLOGY IN A MANNER PRESCRIBED BY
46 THE COMMISSIONER IN RULES AND REGULATIONS DEVELOPED IN COOPERATION WITH
47 THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT
48 BE 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 12. Subparagraph 4 of paragraph h of subdivision 4 of section 1950
9 of the education law, as amended by chapter 17 of the laws of 2011, is
10 amended to read as follows:

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

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

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

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

54 a. Shall require, for purposes of a criminal history record check, the
55 fingerprinting of all prospective employees pursuant to section three
56 thousand thirty-five of this chapter, who do not hold valid clearance

1 pursuant to such section or pursuant to section three thousand four-b of
2 this chapter or section five hundred nine-cc or twelve hundred twenty-
3 nine-d of the vehicle and traffic law. Prior to initiating the finger-
4 printing process, the prospective employer shall furnish the applicant
5 with the form described in paragraph (c) of subdivision thirty of
6 section three hundred five of this chapter and shall obtain the appli-
7 cant's consent to the criminal history records search. PROSPECTIVE
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11 DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL INCLUDE BUT NOT BE
12 LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS,
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18 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF
19 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,
20 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR
21 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK
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23 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION
24 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE
25 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-
26 sion shall be promptly submitted to the commissioner for purposes of
27 clearance for employment.

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

31 a. Shall require, for purposes of a criminal history record check, the
32 fingerprinting of all prospective employees pursuant to section three
33 thousand thirty-five of this chapter, who do not hold valid clearance
34 pursuant to such section or pursuant to section three thousand four-b of
35 this chapter or section five hundred nine-cc or twelve hundred twenty-
36 nine-d of the vehicle and traffic law. Prior to initiating the finger-
37 printing process, the prospective employer shall furnish the applicant
38 with the form described in paragraph (c) of subdivision thirty of
39 section three hundred five of this chapter and shall obtain the appli-
40 cant's consent to the criminal history records search. PROSPECTIVE
41 EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED
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51 A FORM PRESCRIBED BY THE COMMISSIONER, ATTESTING THAT: AT THE TIME OF
52 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,
53 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR
54 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK
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56 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION

1 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE
2 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-
3 sion shall be promptly submitted to the commissioner for purposes of
4 clearance for employment.

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

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

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

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

33 S 17. Subparagraph (i) of paragraph (a-2) of subdivision 3 of section
34 2854 of the education law, as amended by chapter 147 of the laws of
35 2001, is amended to read as follows:

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

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

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

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

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

41 S 19. Paragraph b of subdivision 2 of section 3020-a of the education
42 law, as amended by section 1 of part B of chapter 57 of the laws of
43 2012, is amended to read as follows:

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

1 of this chapter. To the extent this section applies to an employee
2 acting as a school administrator or supervisor, as defined in subpara-
3 graph three of paragraph b of subdivision seven-b of section three
4 hundred five of this chapter, such employee shall be terminated without
5 a hearing, as provided for in this section, upon conviction of a felony
6 offense defined in subparagraph two of paragraph b of subdivision
7 seven-b of section three hundred five of this chapter.

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

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

35 S 21. Subdivisions 3 and 3-a of section 3035 of the education law,
36 subdivision 3 as amended by section 7 of chapter 630 of the laws of
37 2006, and subdivision 3-a as added by chapter 380 of the laws of 2001,
38 are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT.

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

S 26. Paragraph (i) of subdivision (a) of section 4358 of the education law, as amended by section 3 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 include but not be limited to the following requirements: that the applicant set forth his or her employment history, provide personal and employment references and relevant experiential and educational information, and sign a sworn statement indicating whether the applicant, to the best of his or her knowledge, has ever been convicted of a crime in this state or any other jurisdiction AND, IN THE CASE OF A PROSPECTIVE EMPLOYEE, BE FINGERPRINTED FOR PURPOSES OF A CRIMINAL HISTORY BACKGROUND CHECK PURSUANT TO SUBDIVISION (C) OF THIS SECTION;

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

(C) (I) THE DEPARTMENT SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF THE SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, WHO DO NOT HOLD VALID CLEARANCE PURSUANT TO SUCH SECTION THREE THOUSAND THIRTY-FIVE 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, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE DEPARTMENT SHALL FURNISH THE PROSPECTIVE EMPLOYEE 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. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT.

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

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

(a) 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 include but not be limited to the following requirements: that the applicant set forth his or her employment history, provide personal and employment references, and relevant experiential and educational quali-

fications and, sign a sworn statement indicating whether the applicant, to the best of his or her knowledge has ever been convicted of a crime in this state or any other jurisdiction AND, IN THE CASE OF A PROSPECTIVE EMPLOYEE, BE FINGERPRINTED FOR PURPOSES OF A CRIMINAL HISTORY BACKGROUND CHECK PURSUANT TO SUBDIVISION TWENTY-TWO OF THIS SECTION;

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

22. A. THE COMMISSIONER SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF APPROVED PRIVATE RESIDENTIAL AND NON-RESIDENTIAL SCHOOLS WHICH ARE LOCATED WITHIN THE STATE BY SUCH SCHOOLS PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOYEES HOLD VALID CLEARANCE PURSUANT TO SUCH SECTION THREE THOUSAND THIRTY-FIVE 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, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO PROGRAMS OPERATED PURSUANT TO SECTION FORTY-FOUR HUNDRED EIGHT OF THIS ARTICLE BY A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE SCHOOL SHALL FURNISH THE PROSPECTIVE EMPLOYEE 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. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO APPROVED PRIVATE SCHOOLS FOR THEIR EMPLOYEES.

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

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

9-E. PROSPECTIVE EMPLOYEE FINGERPRINTING. A. THE COMMISSIONER SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF APPROVED PROVIDERS OF SPECIAL SERVICES OR PROGRAMS THAT ARE LOCATED WITHIN THE STATE PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOYEES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE THOUSAND THIRTY-FIVE OR 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 OR A VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW. AN INDIVIDUAL WHO PROVIDES RELATED SERVICES PURSUANT TO THIS SECTION SHALL BE DEEMED A PROSPECTIVE EMPLOYEE FOR PURPOSES OF THIS SUBDIVISION AND SHALL BE RESPONSIBLE FOR SUBMITTING HIS OR HER FINGERPRINTS TO THE COMMISSIONER FOR PURPOSES OF RECEIVING CLEARANCE FOR EMPLOYMENT PRIOR TO HIS OR HER INCLUSION ON A LIST OF RELATED SERVICE PROVIDERS MAINTAINED BY THE MUNICIPALITY OR BOARD PURSUANT TO PARAGRAPH C OF SUBDIVISION NINE OF THIS SECTION. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE PROVIDER SHALL FURNISH ITS PROSPECTIVE EMPLOYEE WITH THE FORM DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE OF

1 THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO THE CRIMINAL
2 HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO
3 THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR
4 PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY OTHER
5 PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED
6 TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO APPROVED PROVID-
7 ERS FOR THEIR EMPLOYEES. IN THE CASE OF A PROSPECTIVE EMPLOYEE WHO IS
8 EMPLOYED BY THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, THE
9 COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY
10 NOTIFICATIONS DIRECTLY TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW
11 YORK.

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

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

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

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

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

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

52 S 34. This act shall take effect July 1, 2002; provided, that sections
53 one through twenty, twenty-four, and twenty-six through thirty of this
54 act shall expire and be deemed repealed June 30, 2015; provided,
55 further, that notwithstanding any provision of article 5 of the general
56 construction law, on June 30, 2015 the provisions of subdivisions 3, 5,

1 and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d,
2 and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of
3 the education law as repealed by section three of this act, subdivision
4 1 of section 2590-b of the education law as repealed by section six of
5 this act, paragraph (a) of subdivision 2 of section 2590-b of the educa-
6 tion law as repealed by section seven of this act, section 2590-c of the
7 education law as repealed by section eight of this act, paragraph c of
8 subdivision 2 of section 2590-d of the education law as repealed by
9 section twenty-six of this act, subdivision 1 of section 2590-e of the
10 education law as repealed by section twenty-seven of this act, subdivi-
11 sion 28 of section 2590-h of the education law as repealed by section
12 twenty-eight of this act, subdivision 30 of section 2590-h of the educa-
13 tion law as repealed by section twenty-nine of this act, subdivision
14 30-a of section 2590-h of the education law as repealed by section thir-
15 ty of this act shall be revived and be read as such provisions existed
16 in law on the date immediately preceding the effective date of this act;
17 provided, however, that sections seven and eight of this act shall take
18 effect on November 30, 2003[; provided further that the amendments to
19 subdivision 25 of section 2554 of the education law made by section two
20 of this act shall be subject to the expiration and reversion of such
21 subdivision pursuant to section 12 of chapter 147 of the laws of 2001,
22 as amended, when upon such date the provisions of section four of this
23 act shall take effect].

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

28 S 35. This act shall take effect on July 1, 2016; provided that:

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

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

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

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