

6507

I N S E N A T E

January 21, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 a. Shall require, for purposes of a criminal history record check, the
50 fingerprinting of all prospective employees pursuant to section three
51 thousand thirty-five of this chapter, who do not hold valid clearance
52 pursuant to such section or pursuant to section three thousand four-b of
53 this chapter or section five hundred nine-cc or twelve hundred twenty-
54 nine-d of the vehicle and traffic law. Prior to initiating the finger-
55 printing process, the prospective employer shall furnish the applicant
56 with the form described in paragraph (c) of subdivision thirty of

1 section three hundred five of this chapter and shall obtain the appli-
2 cant's consent to the criminal history records search. PROSPECTIVE
3 EMPLOYEES, INCLUDING OUT-OF-STATE APPLICANTS, SHALL BE FINGERPRINTED
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14 FINGERPRINTING, HE OR SHE PRESENTED TWO FORMS OF PROPER IDENTIFICATION,
15 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR
16 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK
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19 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE
20 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-
21 sion shall be promptly submitted to the commissioner for purposes of
22 clearance for employment.

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

26 a. Shall require, for purposes of a criminal history record check, the
27 fingerprinting of all prospective employees pursuant to section three
28 thousand thirty-five of this chapter, who do not hold valid clearance
29 pursuant to such section or pursuant to section three thousand four-b of
30 this chapter or section five hundred nine-cc or twelve hundred twenty-
31 nine-d of the vehicle and traffic law. Prior to initiating the finger-
32 printing process, the prospective employer shall furnish the applicant
33 with the form described in paragraph (c) of subdivision thirty of
34 section three hundred five of this chapter and shall obtain the appli-
35 cant's consent to the criminal history records search. PROSPECTIVE
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48 WITH AT LEAST ONE PROVIDING A PHOTOGRAPH; AND HE OR SHE SUBMITTED HIS OR
49 HER OWN FINGERPRINTS IN SUPPORT OF THE CRIMINAL HISTORY BACKGROUND CHECK
50 PROVIDED FOR IN THIS SECTION. THIS ATTESTATION SHALL BE RETAINED BY THE
51 DEPARTMENT AS A BUSINESS RECORD AS DEFINED IN SUBDIVISION TWO OF SECTION
52 175.00 OF THE PENAL LAW IN A MANNER PRESCRIBED IN REGULATIONS OF THE
53 COMMISSIONER. Every set of fingerprints taken pursuant to this subdivi-
54 sion shall be promptly submitted to the commissioner for purposes of
55 clearance for employment.

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

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

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

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

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

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

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

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

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

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

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

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

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

52 1. The commissioner shall submit to the division of criminal justice
53 services ONE SET OR WHERE NECESSARY, two sets of fingerprints of
54 prospective employees as defined in subdivision three of section eleven
55 hundred twenty-five of this chapter received from a school district,
56 charter school or board of cooperative educational services and of

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

21 S 21. Subdivisions 3 and 3-a of section 3035 of the education law,
22 subdivision 3 as amended by section 7 of chapter 630 of the laws of
23 2006, and subdivision 3-a as added by chapter 380 of the laws of 2001,
24 are amended to read as follows:

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

43 (b) Conditional clearance. When the commissioner receives a request
44 for a determination on the conditional clearance of a prospective
45 employee, the commissioner, after receipt of a criminal history record
46 from the division of criminal justice services, shall promptly notify
47 the prospective employee and the appropriate school district, charter
48 school, board of cooperative educational services, [or] nonpublic or
49 private elementary or secondary school OR SPECIAL EDUCATION SCHOOL that
50 the prospective employee to which such report relates is conditionally
51 cleared for employment based upon his or her criminal history or that
52 more time is needed to make the determination. If the commissioner
53 determines that more time is needed, the notification shall include a
54 good faith estimate of the amount of additional time needed. Such
55 notification shall be made within fifteen business days after the
56 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 22. 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 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 23. Section 4212 of the education law is amended by adding a new subdivision (c) to read as follows:

(C) (I) THE SCHOOL 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, EXCEPT WHERE SUCH PROSPECTIVE EMPLOYEES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE THOUSAND THIRTY-FIVE OR 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 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

1 THE CRIMINAL HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN
2 PURSUANT TO THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMIS-
3 SIONER FOR PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY
4 OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE
5 AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO THE
6 SCHOOL FOR ITS EMPLOYEES.

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

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

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

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

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

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

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

54 (i) consistent with appropriate collective bargaining agreements and
55 applicable provisions of the civil service law, the review and evalu-
56 ation of the backgrounds of and the information supplied by any person

1 applying to be an employee, a volunteer or consultant, which shall
2 include but not be limited to the following requirements: that the
3 applicant set forth his or her employment history, provide personal and
4 employment references and relevant experiential and educational informa-
5 tion, and sign a sworn statement indicating whether the applicant, to
6 the best of his or her knowledge, has ever been convicted of a crime in
7 this state or any other jurisdiction AND, IN THE CASE OF A PROSPECTIVE
8 EMPLOYEE, BE FINGERPRINTED FOR PURPOSES OF A CRIMINAL HISTORY BACKGROUND
9 CHECK PURSUANT TO SUBDIVISION (C) OF THIS SECTION;

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

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

27 (II) 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 PROSPECTIVE EMPLOYEES OF THE SCHOOL
30 BY THE DEPARTMENT TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A
31 BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVI-
32 SION THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

33 S 28. Paragraph (a) of subdivision 11 of section 4403 of the education
34 law, as amended by section 4 of part E of chapter 501 of the laws of
35 2012, is amended to read as follows:

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

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

50 22. A. THE COMMISSIONER SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL
51 HISTORY RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF
52 APPROVED PRIVATE RESIDENTIAL AND NON-RESIDENTIAL SCHOOLS WHICH ARE
53 LOCATED WITHIN THE STATE BY SUCH SCHOOLS PURSUANT TO SUBDIVISION THIRTY
54 OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOUSAND THIRTY-FIVE OF
55 THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOYEES HOLD VALID CLEAR-
56 ANCE PURSUANT TO SUCH SECTION THREE THOUSAND THIRTY-FIVE OR PURSUANT TO

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

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

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

24 9-E. PROSPECTIVE EMPLOYEE FINGERPRINTING. A. THE COMMISSIONER SHALL
25 REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY RECORD CHECK, THE FINGER-
26 PRINTING OF ALL PROSPECTIVE EMPLOYEES OF APPROVED PROVIDERS OF SPECIAL
27 SERVICES OR PROGRAMS THAT ARE LOCATED WITHIN THE STATE PURSUANT TO
28 SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND SECTION THREE THOU-
29 SAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH PROSPECTIVE EMPLOY-
30 EES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE THOUSAND THIRTY-FIVE
31 OR THREE THOUSAND FOUR-B OF THIS CHAPTER OR SECTION FIVE HUNDRED NINE-CC
32 OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND TRAFFIC LAW OR A
33 VALID CLEARANCE ISSUED BY THE CITY OF NEW YORK PURSUANT TO LOCAL LAW. AN
34 INDIVIDUAL WHO PROVIDES RELATED SERVICES PURSUANT TO THIS SECTION SHALL
35 BE DEEMED A PROSPECTIVE EMPLOYEE FOR PURPOSES OF THIS SUBDIVISION AND
36 SHALL BE RESPONSIBLE FOR SUBMITTING HIS OR HER FINGERPRINTS TO THE
37 COMMISSIONER FOR PURPOSES OF RECEIVING CLEARANCE FOR EMPLOYMENT PRIOR TO
38 HIS OR HER INCLUSION ON A LIST OF RELATED SERVICE PROVIDERS MAINTAINED
39 BY THE MUNICIPALITY OR BOARD PURSUANT TO PARAGRAPH C OF SUBDIVISION NINE
40 OF THIS SECTION. PRIOR TO INITIATING THE FINGERPRINTING PROCESS, THE
41 PROVIDER SHALL FURNISH ITS PROSPECTIVE EMPLOYEE WITH THE FORM DESCRIBED
42 IN PARAGRAPH (C) OF SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE OF
43 THIS CHAPTER AND SHALL OBTAIN THE APPLICANT'S CONSENT TO THE CRIMINAL
44 HISTORY RECORDS SEARCH. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO
45 THIS SUBDIVISION SHALL BE PROMPTLY SUBMITTED TO THE COMMISSIONER FOR
46 PURPOSES OF CLEARANCE FOR EMPLOYMENT. NOTWITHSTANDING ANY OTHER
47 PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED
48 TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO APPROVED PROVID-
49 ERS FOR THEIR EMPLOYEES. IN THE CASE OF A PROSPECTIVE EMPLOYEE WHO IS
50 EMPLOYED BY THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, THE
51 COMMISSIONER SHALL BE AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY
52 NOTIFICATIONS DIRECTLY TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW
53 YORK.

54 B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
55 APPROVED PROVIDER MAY ESTABLISH PROCEDURES FOR THE CONDITIONAL APPOINT-
56 MENT OR EMERGENCY CONDITIONAL APPOINTMENT OF PROSPECTIVE EMPLOYEES OF

1 THE PROVIDER TO THE SAME EXTENT AND UNDER THE SAME CONDITIONS AS A BOARD
2 OF EDUCATION OF A UNION FREE SCHOOL DISTRICT PURSUANT TO SUBDIVISION
3 THIRTY-NINE OF SECTION SEVENTEEN HUNDRED NINE OF THIS CHAPTER.

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

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

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

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

33 S 33. Section 34 of chapter 91 of the laws of 2002, amending the
34 education law and other laws relating to the reorganization of the New
35 York city school construction authority, board of education, and commu-
36 nity boards, as amended by section 1 of subpart D of part B of chapter
37 20 of the laws of 2015, is amended to read as follows:

38 S 34. This act shall take effect July 1, 2002; provided, that sections
39 one through twenty, twenty-four, and twenty-six through thirty of this
40 act shall expire and be deemed repealed June 30, 2016; provided,
41 further, that notwithstanding any provision of article 5 of the general
42 construction law, on June 30, 2016 the provisions of subdivisions 3, 5,
43 and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d,
44 and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of
45 the education law as repealed by section three of this act, subdivision
46 1 of section 2590-b of the education law as repealed by section six of
47 this act, paragraph (a) of subdivision 2 of section 2590-b of the educa-
48 tion law as repealed by section seven of this act, section 2590-c of the
49 education law as repealed by section eight of this act, paragraph c of
50 subdivision 2 of section 2590-d of the education law as repealed by
51 section twenty-six of this act, subdivision 1 of section 2590-e of the
52 education law as repealed by section twenty-seven of this act, subdivi-
53 sion 28 of section 2590-h of the education law as repealed by section
54 twenty-eight of this act, subdivision 30 of section 2590-h of the educa-
55 tion law as repealed by section twenty-nine of this act, subdivision
56 30-a of section 2590-h of the education law as repealed by section thir-

ty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003[; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect].

S 34. 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, is REPEALED.

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

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

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

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

d. the amendments to paragraph a of subdivision 25 of section 2554 of the education law made by section fifteen of this act shall not affect the expiration of such subdivision and shall be deemed expired therewith.