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I N   S E N A T E

April 7, 2016

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Introduced by Sen. MARCELLINO -- (at request of the State Education Department) -- 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 and enhancing existing statutory mechanisms to expedite the removal of persons who commit fingerprint fraud

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

1     Section 1. Paragraphs (a) and (b) of subdivision 30 of section 305 of  
2     the education law, paragraph (a) and the opening paragraph and subpara-  
3     graph (i) of paragraph (b) as amended by chapter 630 of the laws of 2006  
4     and paragraph (b) as added by chapter 180 of the laws of 2000, are  
5     amended to read as follows:  
6     (a) The commissioner, in cooperation with the division of criminal  
7     justice services and in accordance with all applicable provisions of  
8     law, shall promulgate rules and regulations to require the fingerprint-  
9     ing of prospective employees, as defined in section eleven hundred twen-  
10    ty-five of this [chapter] TITLE, of school districts, charter schools  
11    and boards of cooperative educational services, AND SPECIAL EDUCATION  
12    SCHOOLS, and authorizing the fingerprinting of prospective employees of  
13    nonpublic and private elementary and secondary schools, and for the use  
14    of information derived from searches of the records of the division of  
15    criminal justice services and the federal bureau of investigation based  
16    on the use of such fingerprints. The commissioner shall also develop a  
17    form for use by school districts, charter schools, boards of cooperative  
18    educational services, SPECIAL EDUCATION SCHOOLS, and nonpublic and  
19    private elementary and secondary schools in connection with the  
20    submission of fingerprints that contains the specific job title sought  
21    and any other information that may be relevant to consideration of the  
22    applicant. The commissioner shall also establish a form for the recorda-  
23    tion of allegations of child abuse in an educational setting, as  
24    required pursuant to section eleven hundred twenty-six of this [chapter]  
25    TITLE. No person who has been fingerprinted pursuant to section three

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

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

(b) The commissioner, in cooperation with the division of criminal justice services, shall promulgate a form to be provided to all such prospective employees of school districts, charter schools, boards of cooperative educational services, SPECIAL EDUCATION SCHOOLS and nonpublic and private elementary and secondary schools that elect to fingerprint and seek clearance for prospective employees that shall:

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

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

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

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

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

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

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

(F) AS USED IN THIS SECTION AND SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, "SPECIAL EDUCATION SCHOOL" SHALL MEAN A STATE SCHOOL OPERATED PURSUANT TO ARTICLE EIGHTY-SEVEN OR EIGHTY-EIGHT OF THIS CHAPTER, A STATE-SUPPORTED SCHOOL OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS

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

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

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

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

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

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

10. "NON-RESIDENTIAL SPECIAL EDUCATION SCHOOL OR PROGRAM" SHALL MEAN A STATE SUPPORTED SCHOOL OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS CHAPTER THAT DOES NOT HAVE A RESIDENTIAL COMPONENT, AN APPROVED PRIVATE NON-RESIDENTIAL SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES THAT IS LOCATED WITHIN THE STATE, OR AN APPROVED PROVIDER OF PRESCHOOL SPECIAL EDUCATION SERVICES OR PROGRAMS THAT IS LOCATED WITHIN THE STATE; PROVIDED THAT SUCH TERM SHALL ALSO APPLY TO AN APPROVED PRIVATE RESIDENTIAL SCHOOL OR APPROVED PROVIDER OF PRESCHOOL SPECIAL EDUCATION THAT PROVIDES A RESIDENTIAL PROGRAM THAT ALSO PROVIDES A DAY PROGRAM OR OTHER

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

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

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

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

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

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

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

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

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

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

BE LIMITED TO STANDARDS FOR THE SUBMISSION OF ELECTRONIC FINGERPRINTS, PHOTOGRAPHS AND VERIFICATION OF THE IDENTITY OF PROSPECTIVE EMPLOYEES. OUT-OF-STATE PROSPECTIVE EMPLOYEES, WHO SUBMIT FINGERPRINT CARDS AND ARE NOT FINGERPRINTED ELECTRONICALLY PURSUANT TO THE REQUIREMENTS OF THIS PARAGRAPH SHALL BE FINGERPRINTED ELECTRONICALLY PRIOR TO EMPLOYMENT WITHIN THE STATE. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

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

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

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

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

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

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

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

1 of subdivision sixteen of section two hundred ninety-six of the execu-  
2 tive law. The commissioner shall consider such criminal history record  
3 pursuant to article twenty-three-A of the correction law.

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

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

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

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

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

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

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

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

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

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

(i) consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law, the review and evaluation of the backgrounds of and the information supplied by any person



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 infor-  
5 mation, [and] sign a sworn statement indicating whether the applicant,  
6 to the best of his or her knowledge, has ever been convicted of a crime  
7 in this state or any other jurisdiction AND, IN THE CASE OF A PROSPEC-  
8 TIVE EMPLOYEE, BE FINGER-PRINTED FOR PURPOSES OF A CRIMINAL HISTORY  
9 BACKGROUND CHECK PURSUANT TO SUBDIVISION (C) OF THIS SECTION;

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

12 (C) (I) THE SCHOOL SHALL REQUIRE, FOR PURPOSES OF A CRIMINAL HISTORY  
13 RECORD CHECK, THE FINGERPRINTING OF ALL PROSPECTIVE EMPLOYEES OF THE  
14 SCHOOL PURSUANT TO SUBDIVISION THIRTY OF SECTION THREE HUNDRED FIVE AND  
15 SECTION THREE THOUSAND THIRTY-FIVE OF THIS CHAPTER, EXCEPT WHERE SUCH  
16 PROSPECTIVE EMPLOYEES HOLD VALID CLEARANCE PURSUANT TO SECTION THREE  
17 THOUSAND THIRTY-FIVE OR SECTION THREE THOUSAND FOUR-B OF THIS CHAPTER OR  
18 SECTION FIVE HUNDRED NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE  
19 VEHICLE AND TRAFFIC LAW, OR VALID CLEARANCE ISSUED BY THE CITY OF NEW  
20 YORK PURSUANT TO LOCAL LAW. PRIOR TO INITIATING THE FINGERPRINTING PROC-  
21 ESS, THE SCHOOL 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. NOTWITHSTANDING ANY  
27 OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL BE  
28 AUTHORIZED TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS TO THE  
29 SCHOOL FOR ITS EMPLOYEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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