

# STATE OF NEW YORK

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5207

2017-2018 Regular Sessions

## IN SENATE

March 15, 2017

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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-

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

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ing of prospective employees, as defined in section eleven hundred twenty-five of this chapter, of school districts, charter schools and boards of cooperative educational services, and special education schools, and authorizing the fingerprinting of prospective employees of nonpublic and private elementary and secondary schools, and for the use of information derived from searches of the records of the division of criminal justice services and the federal bureau of investigation based on the use of such fingerprints. The commissioner shall also develop a form for use by school districts, charter schools, boards of cooperative educational services, special education schools, and nonpublic and private elementary and secondary schools in connection with the submission of fingerprints that contains the specific job title sought and any other information that may be relevant to consideration of the applicant. Prospective employees, including out-of-state applicants, shall be fingerprinted using electronic scanning technology in a manner prescribed by the commissioner in rules and regulations developed in cooperation with the division of criminal justice services, which shall include but not be limited to standards for the submission of electronic fingerprints, photographs and verification of the identity of prospective employees. Out-of-state prospective employees, who submit fingerprint cards and are not fingerprinted electronically pursuant to the requirements of this paragraph shall be fingerprinted electronically prior to employment within the state. The prospective employee shall sign an attestation, on a form prescribed by the commissioner, attesting that: at the time of fingerprinting, he or she presented two forms of proper identification, with at least one providing a photograph; and he or she submitted his or her own fingerprints in support of the criminal history background check provided for in this section. This attestation shall be retained by the department as a business record as defined in subdivision two of section 175.00 of the penal law in a manner prescribed in regulations of the commissioner. The commissioner shall also establish a form for the recordation of allegations of child abuse in an educational setting, as required pursuant to section eleven hundred twenty-six of this chapter. No person who has been fingerprinted pursuant to section three 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.

§ 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

§ 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.

§ 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.

§ 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,

1 whereby such services performed by such person involve direct student  
2 contact.

3 4. "Volunteer" shall mean any person, other than an employee, who  
4 provides services to a school or school district or non-residential  
5 special education school or program, which involve direct student  
6 contact.

7 5. "Educational setting" shall mean the building and grounds of a  
8 public school district, non-residential special education school or  
9 program, the vehicles provided by the school district for the transpor-  
10 tation of students to and from school buildings, field trips, co-curri-  
11 cular and extra-curricular activities both on and off school district  
12 grounds, all co-curricular and extra-curricular activity sites, and any  
13 other location where direct contact between an employee or volunteer and  
14 a child has allegedly occurred, except that such term shall not apply to  
15 the residential component of a facility, as defined in section four  
16 hundred eighty-eight of the social services law, for whom allegations of  
17 abuse of a child in residential care or neglect of a child in residen-  
18 tial care are subject to mandatory reporting to the statewide central  
19 register of child abuse and maltreatment pursuant to title six of arti-  
20 cle six of the social services law. Such term shall not include a  
21 special act school district as defined in section four thousand one of  
22 this chapter which shall be subject to article eleven of the social  
23 services law.

24 6. "Administrator" or "school administrator" shall mean a principal of  
25 a public school, non-residential special education school or program,  
26 charter school or board of cooperative educational services, or other  
27 chief school officer.

28 10. "Non-residential special education school or program" shall mean a  
29 state supported school operated pursuant to article eighty-five of this  
30 chapter that does not have a residential component, an approved private  
31 non-residential school for the education of students with disabilities  
32 that is located within the state, or an approved provider of preschool  
33 special education services or programs that is located within the state;  
34 provided that such term shall also apply to an approved private residen-  
35 tial school or approved provider of preschool special education that  
36 provides a residential program that also provides a day program or other  
37 non-residential program if the students in such non-residential program  
38 are not children in a facility as defined in section four hundred eight-  
39 y-eight of the social services law, for whom allegations of abuse of a  
40 child in residential care or neglect of a child in residential care are  
41 subject to mandatory reporting to the statewide central register of  
42 child abuse and maltreatment pursuant to title six of article six of the  
43 social services law.

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

46 2. ~~[In]~~ (a) Except as otherwise provided in paragraph (b) of this  
47 subdivision, in any case where it is alleged that a child was abused by  
48 an employee or volunteer of a school other than a school within the  
49 school district of the child's attendance, the report of such allega-  
50 tions shall be promptly forwarded to the superintendent of schools of  
51 the school district of the child's attendance and the school district  
52 where the abuse allegedly occurred, whereupon both school superinten-  
53 dents shall comply with sections eleven hundred twenty-eight and eleven  
54 hundred twenty-eight-a of this article.

55 (b) In the case of a non-residential special education school, where  
56 it is alleged that a child was abused by an employee or volunteer of

1 such non-residential special education school, the report of such alle-  
2 gations shall be promptly forwarded to the administrator of such school,  
3 who shall be responsible for compliance with all the provisions of this  
4 article that apply to superintendents of schools.

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

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

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

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

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

23 a. Shall require, for purposes of a criminal history record check, the  
24 fingerprinting of all prospective employees pursuant to section three  
25 thousand thirty-five of this chapter, who do not hold valid clearance  
26 pursuant to such section or pursuant to section three thousand four-b of  
27 this chapter or section five hundred nine-cc or twelve hundred twenty-  
28 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
29 printing process, the prospective employer shall furnish the applicant  
30 with the form described in paragraph (c) of subdivision thirty of  
31 section three hundred five of this chapter and shall obtain the appli-  
32 cant's consent to the criminal history records search. Prospective  
33 employees, including out-of-state applicants, shall be fingerprinted  
34 using electronic scanning technology in a manner prescribed by the  
35 commissioner in rules and regulations developed in cooperation with the  
36 division of criminal justice services, which shall include but not be  
37 limited to standards for the submission of electronic fingerprints,  
38 photographs and verification of the identity of prospective employees.  
39 Out-of-state prospective employees, who submit fingerprint cards and are  
40 not fingerprinted electronically pursuant to the requirements of this  
41 paragraph shall be fingerprinted electronically prior to employment  
42 within the state. The prospective employee shall sign an attestation, on  
43 a form prescribed by the commissioner, attesting that: at the time of  
44 fingerprinting, he or she presented two forms of proper identification,  
45 with at least one providing a photograph; and he or she submitted his or  
46 her own fingerprints in support of the criminal history background check  
47 provided for in this section. This attestation shall be retained by the  
48 department as a business record as defined in subdivision two of section  
49 175.00 of the penal law in a manner prescribed in regulations of the  
50 commissioner. Every set of fingerprints taken pursuant to this subdivi-  
51 sion shall be promptly submitted to the commissioner for purposes of  
52 clearance for employment.

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



1 a. Shall require, for purposes of a criminal history record check, the  
2 fingerprinting of all prospective employees pursuant to section three  
3 thousand thirty-five of this chapter, who do not hold valid clearance  
4 pursuant to such section or pursuant to section three thousand four-b of  
5 this chapter or section five hundred nine-cc or twelve hundred twenty-  
6 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
7 printing process, the prospective employer shall furnish the applicant  
8 with the form described in paragraph (c) of subdivision thirty of  
9 section three hundred five of this chapter and shall obtain the appli-  
10 cant's consent to the criminal history records search. Prospective  
11 employees, including out-of-state applicants, shall be fingerprinted  
12 using electronic scanning technology in a manner prescribed by the  
13 commissioner in rules and regulations developed in cooperation with the  
14 division of criminal justice services, which shall include but not be  
15 limited to standards for the submission of electronic fingerprints,  
16 photographs and verification of the identity of prospective employees.  
17 Out-of-state prospective employees, who submit fingerprint cards and are  
18 not fingerprinted electronically pursuant to the requirements of this  
19 paragraph shall be fingerprinted electronically prior to employment  
20 within the state. The prospective employee shall sign an attestation, on  
21 a form prescribed by the commissioner, attesting that: at the time of  
22 fingerprinting, he or she presented two forms of proper identification,  
23 with at least one providing a photograph; and he or she submitted his or  
24 her own fingerprints in support of the criminal history background check  
25 provided for in this section. This attestation shall be retained by the  
26 department as a business record as defined in subdivision two of section  
27 175.00 of the penal law in a manner prescribed in regulations of the  
28 commissioner. Every set of fingerprints taken pursuant to this subdivi-  
29 sion shall be promptly submitted to the commissioner for purposes of  
30 clearance for employment.

31 § 11. Paragraph a of subdivision 9 of section 1804 of the education  
32 law, as amended by chapter 147 of the laws of 2001, is amended to read  
33 as follows:

34 a. The board of education shall, for purposes of a criminal history  
35 record check, require the fingerprinting of all prospective employees  
36 pursuant to section three thousand thirty-five of this chapter, who do  
37 not hold valid clearance pursuant to such section or pursuant to section  
38 three thousand four-b of this chapter or section five hundred nine-cc or  
39 twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to  
40 initiating the fingerprinting process, the prospective employer shall  
41 furnish the applicant with the form described in paragraph (c) of subdivi-  
42 sion thirty of section three hundred five of this chapter and shall  
43 obtain the applicant's consent to the criminal history records search.  
44 Prospective employees, including out-of-state applicants, shall be fing-  
45 erprinted using electronic scanning technology in a manner prescribed by  
46 the commissioner in rules and regulations developed in cooperation with  
47 the division of criminal justice services, which shall include but not  
48 be limited to standards for the submission of electronic fingerprints,  
49 photographs and verification of the identity of prospective employees.  
50 Out-of-state prospective employees, who submit fingerprint cards and are  
51 not fingerprinted electronically pursuant to the requirements of this  
52 paragraph shall be fingerprinted electronically prior to employment  
53 within the state. The prospective employee shall sign an attestation, on  
54 a form prescribed by the commissioner, attesting that: at the time of  
55 fingerprinting, he or she presented two forms of proper identification,  
56 with at least one providing a photograph; and he or she submitted his or

1 her own fingerprints in support of the criminal history background check  
2 provided for in this section. This attestation shall be retained by the  
3 department as a business record as defined in subdivision two of section  
4 175.00 of the penal law in a manner prescribed in regulations of the  
5 commissioner. Every set of fingerprints taken pursuant to this subdivi-  
6 sion shall be promptly submitted to the commissioner for purposes of  
7 clearance for employment.

8 § 12. Subparagraph 4 of paragraph h of subdivision 4 of section 1950  
9 of the education law, as amended by chapter 17 of the laws of 2011, is  
10 amended to read as follows:

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

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

21 a. Shall require, for purposes of a criminal history record check, the  
22 fingerprinting of all prospective employees pursuant to section three  
23 thousand thirty-five of this chapter, who do not hold valid clearance  
24 pursuant to such section or pursuant to section three thousand four-b of  
25 this chapter or section five hundred nine-cc or twelve hundred twenty-  
26 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
27 printing process, the prospective employer shall furnish the applicant  
28 with the form described in paragraph (c) of subdivision thirty of  
29 section three hundred five of this chapter and shall obtain the appli-  
30 cant's consent to the criminal history records search. Prospective  
31 employees, including out-of-state applicants, shall be fingerprinted  
32 using electronic scanning technology in a manner prescribed by the  
33 commissioner in rules and regulations developed in cooperation with the  
34 division of criminal justice services, which shall include but not be  
35 limited to standards for the submission of electronic fingerprints,  
36 photographs and verification of the identity of prospective employees.  
37 Out-of-state prospective employees, who submit fingerprint cards and are  
38 not fingerprinted electronically pursuant to the requirements of this  
39 paragraph shall be fingerprinted electronically prior to employment  
40 within the state. The prospective employee shall sign an attestation, on  
41 a form prescribed by the commissioner, attesting that: at the time of  
42 fingerprinting, he or she presented two forms of proper identification,  
43 with at least one providing a photograph; and he or she submitted his or  
44 her own fingerprints in support of the criminal history background check  
45 provided for in this section. This attestation shall be retained by the  
46 department as a business record as defined in subdivision two of section  
47 175.00 of the penal law in a manner prescribed in regulations of the  
48 commissioner. Every set of fingerprints taken pursuant to this paragraph  
49 shall be promptly submitted to the commissioner for purposes of clear-  
50 ance for employment.

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

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

1 pursuant to such section or pursuant to section three thousand four-b of  
2 this chapter or section five hundred nine-cc or twelve hundred twenty-  
3 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
4 printing process, the prospective employer shall furnish the applicant  
5 with the form described in paragraph (c) of subdivision thirty of  
6 section three hundred five of this chapter and shall obtain the appli-  
7 cant's consent to the criminal history records search. Prospective  
8 employees, including out-of-state applicants, shall be fingerprinted  
9 using electronic scanning technology in a manner prescribed by the  
10 commissioner in rules and regulations developed in cooperation with the  
11 division of criminal justice services, which shall include but not be  
12 limited to standards for the submission of electronic fingerprints,  
13 photographs and verification of the identity of prospective employees.  
14 Out-of-state prospective employees, who submit fingerprint cards and are  
15 not fingerprinted electronically pursuant to the requirements of this  
16 paragraph shall be fingerprinted electronically prior to employment  
17 within the state. The prospective employee shall sign an attestation, on  
18 a form prescribed by the commissioner, attesting that: at the time of  
19 fingerprinting, he or she presented two forms of proper identification,  
20 with at least one providing a photograph; and he or she submitted his or  
21 her own fingerprints in support of the criminal history background check  
22 provided for in this section. This attestation shall be retained by the  
23 department as a business record as defined in subdivision two of section  
24 175.00 of the penal law in a manner prescribed in regulations of the  
25 commissioner. Every set of fingerprints taken pursuant to this subdivi-  
26 sion shall be promptly submitted to the commissioner for purposes of  
27 clearance for employment.

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

31 a. Shall require, for purposes of a criminal history record check, the  
32 fingerprinting of all prospective employees pursuant to section three  
33 thousand thirty-five of this chapter, who do not hold valid clearance  
34 pursuant to such section or pursuant to section three thousand four-b of  
35 this chapter or section five hundred nine-cc or twelve hundred twenty-  
36 nine-d of the vehicle and traffic law. Prior to initiating the finger-  
37 printing process, the prospective employer shall furnish the applicant  
38 with the form described in paragraph (c) of subdivision thirty of  
39 section three hundred five of this chapter and shall obtain the appli-  
40 cant's consent to the criminal history records search. Prospective  
41 employees, including out-of-state applicants, shall be fingerprinted  
42 using electronic scanning technology in a manner prescribed by the  
43 commissioner in rules and regulations developed in cooperation with the  
44 division of criminal justice services, which shall include but not be  
45 limited to standards for the submission of electronic fingerprints,  
46 photographs and verification of the identity of prospective employees.  
47 Out-of-state prospective employees, who submit fingerprint cards and are  
48 not fingerprinted electronically pursuant to the requirements of this  
49 paragraph shall be fingerprinted electronically prior to employment  
50 within the state. The prospective employee shall sign an attestation, on  
51 a form prescribed by the commissioner, attesting that: at the time of  
52 fingerprinting, he or she presented two forms of proper identification,  
53 with at least one providing a photograph; and he or she submitted his or  
54 her own fingerprints in support of the criminal history background check  
55 provided for in this section. This attestation shall be retained by the  
56 department as a business record as defined in subdivision two of section



1 175.00 of the penal law in a manner prescribed in regulations of the  
2 commissioner. Every set of fingerprints taken pursuant to this subdivi-  
3 sion shall be promptly submitted to the commissioner for purposes of  
4 clearance for employment.

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

8 20. Ensure compliance with qualifications established for all person-  
9 nel employed in the city district, including the taking of fingerprints  
10 as a prerequisite for licensure and/or employment of such personnel and,  
11 the taking of fingerprints as a prerequisite for licensure and/or  
12 employment of personnel employed by a special education school that  
13 contracts with the city school district of the city of New York. Every  
14 set of fingerprints taken pursuant to this subdivision shall be promptly  
15 submitted to the division of criminal justice services where it shall be  
16 appropriately processed. Furthermore, the division of criminal justice  
17 services is authorized to submit the fingerprints to the federal bureau  
18 of investigation for a national criminal history record check.

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

22 20. Ensure compliance with qualifications established for all person-  
23 nel employed in the city district, including the taking of fingerprints  
24 as a prerequisite for licensure and/or employment of such personnel and,  
25 the taking of fingerprints as a prerequisite for licensure and/or  
26 employment of personnel employed by a special education school that  
27 contracts with the city school district of the city of New York. Every  
28 set of fingerprints taken pursuant to this subdivision shall be promptly  
29 submitted to the division of criminal justice services where it shall be  
30 appropriately processed. Furthermore, the division of criminal justice  
31 services is authorized to submit the fingerprints to the federal bureau  
32 of investigation for a national criminal history record check.

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

36 (i) The board of trustees of a charter school shall require, for  
37 purposes of a criminal history record check, the fingerprinting of all  
38 prospective employees pursuant to section three thousand thirty-five of  
39 this chapter, who do not hold valid clearance pursuant to such section  
40 or pursuant to section three thousand four-b of this chapter or section  
41 five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and  
42 traffic law. Prior to initiating the fingerprinting process, the  
43 prospective employer shall furnish the applicant with the form described  
44 in paragraph (c) of subdivision thirty of section three hundred five of  
45 this chapter and shall obtain the applicant's consent to the criminal  
46 history records search. Prospective employees, including out-of-state  
47 applicants, shall be fingerprinted using electronic scanning technology  
48 in a manner prescribed by the commissioner in rules and regulations  
49 developed in cooperation with the division of criminal justice services,  
50 which shall include but not be limited to standards for the submission  
51 of electronic fingerprints, photographs and verification of the identity  
52 of prospective employees. Out-of-state prospective employees, who submit  
53 fingerprint cards and are not fingerprinted electronically pursuant to  
54 the requirements of this paragraph shall be fingerprinted electronically  
55 prior to employment within the state. The prospective employee shall  
56 sign an attestation, on a form prescribed by the commissioner, attesting

1 that: at the time of fingerprinting, he or she presented two forms of  
2 proper identification, with at least one providing a photograph; and he  
3 or she submitted his or her own fingerprints in support of the criminal  
4 history background check provided for in this section. This attestation  
5 shall be retained by the department as a business record as defined in  
6 subdivision two of section 175.00 of the penal law in a manner  
7 prescribed in regulations of the commissioner. Every set of fingerprints  
8 taken pursuant to this paragraph shall be promptly submitted to the  
9 commissioner for purposes of clearance for employment.

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

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

32 Applicants for certification, who are required to be finger-  
33 printed under this section, including out-of-state applicants, shall be  
34 fingerprinted using electronic scanning technology in a manner  
35 prescribed by the commissioner in rules and regulations developed in  
36 cooperation with the division of criminal justice services, which shall  
37 include but not be limited to standards for the submission of electronic  
38 fingerprints, photographs and verification of the identity of prospec-  
39 tive employees. Out-of-state prospective employees, who submit finger-  
40 print cards and are not fingerprinted electronically pursuant to the  
41 requirements of this paragraph shall be fingerprinted electronically  
42 prior to employment within the state. The prospective employee shall  
43 sign an attestation, on a form prescribed by the commissioner, attesting  
44 that: at the time of fingerprinting, he or she presented two forms of  
45 proper identification, with at least one providing a photograph; and he  
46 or she submitted his or her own fingerprints in support of the criminal  
47 history background check provided for in this section. This attestation  
48 shall be retained by the department as a business record as defined in  
49 subdivision two of section 175.00 of the penal law in a manner  
50 prescribed in regulations of the commissioner. The commissioner shall  
51 obtain from each applicant one set, or where necessary, two sets of  
52 fingerprints and the division of criminal justice services processing  
53 fee imposed pursuant to subdivision eight-a of section eight hundred  
54 thirty-seven of the executive law and any fee imposed by the federal  
55 bureau of investigation. The commissioner shall promptly transmit such  
56 fingerprints and fees to the division of criminal justice services for  
its full search and retain processing. The division of criminal justice

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

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

44 b. The employee may be suspended pending a hearing on the charges and  
45 the final determination thereof. The suspension shall be with pay,  
46 except the employee may be suspended without pay if the employee has  
47 entered a guilty plea to or has been convicted of a felony crime  
48 concerning the criminal sale or possession of a controlled substance, a  
49 precursor of a controlled substance, or drug paraphernalia as defined in  
50 article two hundred twenty or two hundred twenty-one of the penal law;  
51 or a felony crime involving the physical abuse of a minor or student; or  
52 a felony crime involving the submission of false information or the  
53 commission of fraud related to a criminal history record check.

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

1 1. The commissioner shall submit to the division of criminal justice  
2 services one set or where necessary, two sets of fingerprints of  
3 prospective employees as defined in subdivision three of section eleven  
4 hundred twenty-five of this chapter received from a school district,  
5 charter school or board of cooperative educational services and of  
6 prospective employees received from nonpublic and private elementary and  
7 secondary schools pursuant to title two of this chapter or a special  
8 education school, as defined in paragraph (f) of subdivision thirty of  
9 section three hundred five of this chapter, pursuant to title six of  
10 article six of the social services law, other than a special education  
11 school located in the city of New York, and the division of criminal  
12 justice services processing fee imposed pursuant to subdivision eight-a  
13 of section eight hundred thirty-seven of the executive law and any fee  
14 imposed by the federal bureau of investigation. The division of criminal  
15 justice services and the federal bureau of investigation shall forward  
16 such criminal history record to the commissioner in a timely manner. For  
17 the purposes of this section, the term "criminal history record" shall  
18 mean a record of all convictions of crimes and any pending criminal  
19 charges maintained on an individual by the division of criminal justice  
20 services and the federal bureau of investigation. All such criminal  
21 history records sent to the commissioner pursuant to this subdivision  
22 shall be confidential pursuant to the applicable federal and state laws,  
23 rules and regulations, and shall not be published or in any way  
24 disclosed to persons other than the commissioner, unless otherwise  
25 authorized by law.

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

30 3. (a) Clearance. After receipt of a criminal history record from the  
31 division of criminal justice services and the federal bureau of investi-  
32 gation the commissioner shall promptly notify the appropriate school  
33 district, charter school, board of cooperative educational services,  
34 ~~[or]~~ nonpublic or private elementary or secondary school, or special  
35 education school whether the prospective employee to which such report  
36 relates is cleared for employment based upon his or her criminal histo-  
37 ry. All determinations to grant or deny clearance for employment pursu-  
38 ant to this paragraph shall be performed in accordance with subdivision  
39 sixteen of section two hundred ninety-six of the executive law and arti-  
40 cle twenty-three-A of the correction law. When the commissioner denies a  
41 prospective employee clearance for employment, such prospective employee  
42 shall be afforded notice and the right to be heard and offer proof in  
43 opposition to such determination in accordance with the regulations of  
44 the commissioner, provided that in the case of prospective employees of  
45 state schools pursuant to article eighty-seven or eighty-eight of this  
46 chapter the due process procedures established by the commissioner  
47 pursuant to section fifty of the civil service law shall apply.

48 (b) Conditional clearance. When the commissioner receives a request  
49 for a determination on the conditional clearance of a prospective  
50 employee, the commissioner, after receipt of a criminal history record  
51 from the division of criminal justice services, shall promptly notify  
52 the prospective employee and the appropriate school district, charter  
53 school, board of cooperative educational services, ~~[or]~~ nonpublic or  
54 private elementary or secondary school or special education school that  
55 the prospective employee to which such report relates is conditionally  
56 cleared for employment based upon his or her criminal history or that

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

10 3-a. Upon request from a prospective employee who has been cleared by  
11 the commissioner for employment and/or certification, the commissioner  
12 shall have the authority to forward a copy of such criminal history  
13 record to the city school district of the city of New York by the most  
14 expeditious means available. Furthermore, upon notification that such  
15 prospective employee is employed by the city school district of the city  
16 of New York or is employed by a special education school that contracts  
17 with the city school district of the city of New York, the division of  
18 criminal justice services shall have the authority to provide subsequent  
19 criminal history notifications directly to the city school district of  
20 the city of New York. Upon request from a prospective employee who has  
21 been cleared for licensure and/or employment by the city school district  
22 of the city of New York or has been cleared by the city of New York for  
23 employment by a special education school that is located outside of the  
24 city school district of the city of New York, such school district or  
25 city shall have the authority to forward a copy of the prospective  
26 employee's criminal history record to the commissioner, by the most  
27 expeditious means available, for the purposes of this section. Further-  
28 more, upon notification that such prospective employee is employed by a  
29 school district outside the city of New York or by a special education  
30 school that is located outside of the city of New York, the division of  
31 criminal justice services shall have the authority to provide subsequent  
32 criminal history notifications directly to the commissioner.

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

36 (i) 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 infor-  
43 mation, ~~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 (c) of this section;

48 § 23. Section 4212 of the education law is amended by adding a new  
49 subdivision (c) to read as follows:

50 (c) (i) The school shall require, for purposes of a criminal history  
51 record check, the fingerprinting of all prospective employees of the  
52 school pursuant to subdivision thirty of section three hundred five and  
53 section three thousand thirty-five of this chapter, except where such  
54 prospective employees hold valid clearance pursuant to section three  
55 thousand thirty-five or section three thousand four-b of this chapter or  
56 section five hundred nine-cc or twelve hundred twenty-nine-d of the



1 vehicle and traffic law, or valid clearance issued by the city of New  
2 York pursuant to local law. Prior to initiating the fingerprinting proc-  
3 ess, the school shall furnish the prospective employee with the form  
4 described in paragraph (c) of subdivision thirty of section three  
5 hundred five of this chapter and shall obtain the applicant's consent to  
6 the criminal history records search. Every set of fingerprints taken  
7 pursuant to this subdivision shall be promptly submitted to the commis-  
8 sioner for purposes of clearance for employment. Notwithstanding any  
9 other provision of law to the contrary, the commissioner shall be  
10 authorized to provide subsequent criminal history notifications to the  
11 school for its employees.

12 (ii) Notwithstanding any other provision of law to the contrary, the  
13 school may establish procedures for the conditional appointment or emer-  
14 gency conditional appointment of prospective employees of the school to  
15 the same extent and under the same conditions as a board of education of  
16 a union free school district pursuant to subdivision thirty-nine of  
17 section seventeen hundred nine of this chapter.

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

21 (i) consistent with appropriate collective agreements and applicable  
22 provisions of the civil service law, the review and evaluation of the  
23 backgrounds of and the information supplied by any person applying to be  
24 an employee, a volunteer or consultant, which shall include but not be  
25 limited to the following requirements: that the applicant set forth his  
26 or her employment history, provide personal and employment references,  
27 and relevant experiential and educational information, and sign a sworn  
28 statement indicating whether the applicant, to the best of his or her  
29 knowledge, has ever been convicted of a crime in this state or any other  
30 jurisdiction and, in the case of a prospective employee, be fingerprint-  
31 ed for purposes of a criminal history background check pursuant to  
32 subdivision (c) of this section;

33 § 25. Section 4314 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 § 26. Paragraph (i) of subdivision (a) of section 4358 of the educa-  
2 tion law, as amended by section 3 of part E of chapter 501 of the laws  
3 of 2012, is amended to read as follows:

4 (i) 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 informa-  
11 tion, and sign a sworn statement indicating whether the applicant, to  
12 the best of his or her knowledge, has ever been convicted of a crime in  
13 this state or any other jurisdiction and, in the case of a prospective  
14 employee, be fingerprinted for purposes of a criminal history background  
15 check pursuant to subdivision (c) of this section;

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

18 (c) (i) The department shall require, for purposes of a criminal  
19 history record check, the fingerprinting of all prospective employees of  
20 the school pursuant to subdivision thirty of section three hundred five  
21 and section three thousand thirty-five of this chapter, who do not hold  
22 valid clearance pursuant to such section three thousand thirty-five or  
23 pursuant to section three thousand four-b of this chapter or section  
24 five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and  
25 traffic law, or valid clearance issued by the city of New York pursuant  
26 to local law. Prior to initiating the fingerprinting process, the  
27 department shall furnish the prospective employee with the form  
28 described in paragraph (c) of subdivision thirty of section three  
29 hundred five of this chapter and shall obtain the applicant's consent to  
30 the criminal history records search. Every set of fingerprints taken  
31 pursuant to this subdivision shall be promptly submitted to the commis-  
32 sioner for purposes of clearance for employment.

33 (ii) Notwithstanding any other provision of law to the contrary, the  
34 commissioner may establish procedures for the conditional appointment or  
35 emergency conditional appointment of prospective employees of the school  
36 by the department to the same extent and under the same conditions as a  
37 board of education of a union free school district pursuant to subdivi-  
38 sion thirty-nine of section seventeen hundred nine of this chapter.

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

42 (a) consistent with appropriate collective bargaining agreements and  
43 applicable provisions of the civil service law, the review and evalu-  
44 ation of the backgrounds of and the information supplied by any person  
45 applying to be an employee, a volunteer or consultant, which shall  
46 include but not be limited to the following requirements: that the  
47 applicant set forth his or her employment history, provide personal and  
48 employment references, and relevant experiential and educational quali-  
49 fications and, sign a sworn statement indicating whether the applicant,  
50 to the best of his or her knowledge has ever been convicted of a crime  
51 in this state or any other jurisdiction and, in the case of a prospec-  
52 employee, be fingerprinted for purposes of a criminal history back-  
53 ground check pursuant to subdivision twenty-two of this section;

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

1 22. a. The commissioner shall require, for purposes of a criminal  
2 history record check, the fingerprinting of all prospective employees of  
3 approved private residential and non-residential schools which are  
4 located within the state by such schools pursuant to subdivision thirty  
5 of section three hundred five and section three thousand thirty-five of  
6 this chapter, except where such prospective employees hold valid clear-  
7 ance pursuant to such section three thousand thirty-five or pursuant to  
8 section three thousand four-b of this chapter or section five hundred  
9 nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law,  
10 or valid clearance issued by the city of New York pursuant to local law.  
11 The provisions of this subdivision shall not apply to programs operated  
12 pursuant to section forty-four hundred eight of this article by a school  
13 district or board of cooperative educational services. Prior to initiat-  
14 ing the fingerprinting process, the school shall furnish the prospective  
15 employee with the form described in paragraph (c) of subdivision thirty  
16 of section three hundred five of this chapter and shall obtain the  
17 applicant's consent to the criminal history records search. Every set of  
18 fingerprints taken pursuant to this subdivision shall be promptly  
19 submitted to the commissioner for purposes of clearance for employment.  
20 Notwithstanding any other provision of law to the contrary, the commis-  
21 sioner shall be authorized to provide subsequent criminal history  
22 notifications to approved private schools for their employees.

23 b. Notwithstanding any other provision of law to the contrary, the  
24 approved private school may establish procedures for the conditional  
25 appointment or emergency conditional appointment of prospective employ-  
26 ees of the school to the same extent and under the same conditions as a  
27 board of education of a union free school district pursuant to subdivi-  
28 sion thirty-nine of section seventeen hundred nine of this chapter.

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

31 9-e. Prospective employee fingerprinting. a. The commissioner shall  
32 require, for purposes of a criminal history record check, the finger-  
33 printing of all prospective employees of approved providers of special  
34 services or programs that are located within the state pursuant to  
35 subdivision thirty of section three hundred five and section three thou-  
36 sand thirty-five of this chapter, except where such prospective employ-  
37 ees hold valid clearance pursuant to section three thousand thirty-five  
38 or three thousand four-b of this chapter or section five hundred nine-cc  
39 or twelve hundred twenty-nine-d of the vehicle and traffic law or a  
40 valid clearance issued by the city of New York pursuant to local law. An  
41 individual who provides related services pursuant to this section shall  
42 be deemed a prospective employee for purposes of this subdivision and  
43 shall be responsible for submitting his or her fingerprints to the  
44 commissioner for purposes of receiving clearance for employment prior to  
45 his or her inclusion on a list of related service providers maintained  
46 by the municipality or board pursuant to paragraph c of subdivision nine  
47 of this section. Prior to initiating the fingerprinting process, the  
48 provider shall furnish its prospective employee with the form described  
49 in paragraph (c) of subdivision thirty of section three hundred five of  
50 this chapter and shall obtain the applicant's consent to the criminal  
51 history records search. Every set of fingerprints taken pursuant to  
52 this subdivision shall be promptly submitted to the commissioner for  
53 purposes of clearance for employment. Notwithstanding any other  
54 provision of law to the contrary, the commissioner shall be authorized  
55 to provide subsequent criminal history notifications to approved provid-  
56 ers for their employees. In the case of a prospective employee who is

1 employed by the city school district of the city of New York, the  
2 commissioner shall be authorized to provide subsequent criminal history  
3 notifications directly to the city school district of the city of New  
4 York.

5 b. Notwithstanding any other provision of law to the contrary, the  
6 approved provider may establish procedures for the conditional appoint-  
7 ment or emergency conditional appointment of prospective employees of  
8 the provider to the same extent and under the same conditions as a board  
9 of education of a union free school district pursuant to subdivision  
10 thirty-nine of section seventeen hundred nine of this chapter.

11 c. Notwithstanding any other provision of law to the contrary, the  
12 commissioner may establish procedures for the conditional appointment or  
13 emergency conditional appointment of individuals who provide related  
14 services pursuant to this section to the same extent and under the same  
15 conditions as a board of education of a union free school district  
16 pursuant to subdivision thirty-nine of section seventeen hundred nine of  
17 this chapter. Notwithstanding any other provision of law to the contra-  
18 ry, the commissioner shall provide each municipality or board in which  
19 such individual seeks to be included on a list of related services or  
20 special education itinerant services providers with a copy of such indi-  
21 vidual's criminal clearance or denial of criminal clearance, and in the  
22 event of a denial of clearance, such municipality or board shall remove  
23 the individual from such list unless criminal clearance is subsequently  
24 issued by the commissioner. Notwithstanding any other provision of law  
25 to the contrary, the commissioner shall be authorized to provide subse-  
26 quent criminal history notifications to each municipality or board in  
27 which such individual is included on a list of related service provid-  
28 ers.

29 § 31. Section 12 of chapter 147 of the laws of 2001, amending the  
30 education law relating to conditional appointment of school district,  
31 charter school or BOCES employees, as amended by section 34 of part A of  
32 chapter 54 of the laws of 2016, is amended to read as follows:

33 § 12. This act shall take effect on the same date as chapter 180 of  
34 the laws of 2000 takes effect[, and shall expire July 1, 2017 when upon  
35 ~~such date the provisions of this act shall be deemed repealed~~].

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

40 § 33. Section 34 of chapter 91 of the laws of 2002, amending the  
41 education law and other laws relating to the reorganization of the New  
42 York city school construction authority, board of education, and commu-  
43 nity boards, as amended by section 1 of part O of chapter 73 of the laws  
44 of 2016, is amended to read as follows:

45 § 34. This act shall take effect July 1, 2002; provided, that sections  
46 one through twenty, twenty-four, and twenty-six through thirty of this  
47 act shall expire and be deemed repealed June 30, 2017; provided,  
48 further, that notwithstanding any provision of article 5 of the general  
49 construction law, on June 30, 2017 the provisions of subdivisions 3, 5,  
50 and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d,  
51 and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of  
52 the education law as repealed by section three of this act, subdivision  
53 1 of section 2590-b of the education law as repealed by section six of  
54 this act, paragraph (a) of subdivision 2 of section 2590-b of the educa-  
55 tion law as repealed by section seven of this act, section 2590-c of the  
56 education law as repealed by section eight of this act, paragraph c of

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

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

21 § 35. This act shall take effect on July 1, 2018; provided that:

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

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

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

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