

CRIMINAL HISTORY BACKGROUND CHECKS

It is the policy of the Board of Education that no individual shall be employed by or actively work in the District unless such individual has undergone a criminal history background check and has been cleared for such employment or work as required by the New York State Education Law and the regulations of the Commissioner of Education.

For purposes of this policy, the term, “criminal history record” shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) or the Federal Bureau of Investigation (FBI). Individuals shall be cleared for employment when the District has received notification from SED that the individual has been cleared and may legally work in the District.

Prior to initiating the criminal history background check process, the District shall furnish an applicant with all notices and information required by the New York State Education Law and regulations of the Commissioner of Education and in the form and manner prescribed thereby.

All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential and may not be published or disclosed to persons other than the Commissioner unless otherwise authorized by law.

Who Must Be Fingerprinted

Under New York law, all “prospective school employees” of the School District must be fingerprinted. Under the applicable provisions of the Education Law and Commissioner’s Regulations, “prospective school employee” shall mean any individual who will reasonably be expected by the School District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the School District; or
- b) An employee of a provider of contracted services to the School District who is to be placed within the District; or
- c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract.

Individuals Who Are Specifically Excluded

The following categories of individuals are excluded from a criminal history record check requirement pursuant to this policy as allowed by law:

- a) Those seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Those who have previously undergone a criminal history record check for the District and who have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to title 9-B of Article 5 of the Social Services Law directly or through contract; or
- c) Those who will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification or employment within another school district, and whose fingerprints remain on file with the division of Criminal Justice Services (DCJS), will be required to undergo a criminal history background check but will not be required to be fingerprinted again.

The District encourages employees to seek new and interesting opportunities throughout the District when they become available. Due to this potential for employee movement, the District considers all individuals who accept employment with the District to be “prospective school employees” and requires that all such individuals be fingerprinted.

Separation from Employment

Whenever an employee or worker who has been fingerprinted separates from the District, the District shall immediately notify SED of the separation and date thereof. Such notice shall be in manner and form prescribed by SED.

References:

Education Law § 305(30), § 2554, § 3004-b, § 3004-c, § 3035

Correction Law Article 23-A

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

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