

SUBJECT: FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the BOCES shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The BOCES shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized BOCES personnel. For purposes of this provision of law, 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) and the Federal Bureau of Investigation (FBI).

The BOCES shall utilize SED's Web-based application known as TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

By resolution on February 11, 2010, the cost of fingerprinting of new employees will be the sole responsibility of the employee and not the BOCES.

Safety of Students

The BOCES will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the BOCES, and students participating in extracurricular and/or co-curricular activities.

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

(Continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES (Cont'd.)**"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments**

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2010; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Access to TEACH

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on www.highered.nysed.gov/tcert/ospra. To request access to TEACH, e-mail TEACHHELP@mail.nysed.gov.

OMRDD Supported Employment Program

All employees hired after April 1, 2005, who work in the OMRDD (Office of Mental Retardation and Developmental Disabilities) Supported Employment program are required to submit to criminal history background record information check and adhere to OMRDD regulations: 12 NYCRR Section 633.5.

Education Law Sections 305(30), 1950, 3004-b, 3004-c, and 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 Section 80-1.11 and Part 87

12 NYCRR Section 633.5

Adopted: 3/2006
Revised: 1/2010