

Board Policy

Fingerprinting of Prospective Employees

Unless otherwise authorized, Eastern Suffolk BOCES will not employ or utilize a prospective employee unless the prospective employee has been granted "full" clearance for employment by the State Education Department (SED). ESBOCES will require a prospective employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

SED joined the Statewide Vendor Management System (SVMS) operated by MorphoTrust in conjunction with DCJS for the capture and transmission of the fingerprint application, fee, and digital fingerprint images. ESBOCES will use the SVMS as directed by SED. ESBOCES will still request clearance for employment, view information regarding an applicant's status, and enter hire/termination dates through SED's Web-based application known as *TEACH*.

Safety of Students

ESBOCES 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. These procedures will address the safety of students in the classroom, students attending activities off ESBOCES premises under the supervision of ESBOCES, and students participating in extracurricular or co-curricular activities.

Safety procedures to be addressed include, but are not limited to, 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.

ESBOCES shall obtain the signed, informed consent of the applicant to perform the criminal history check.

Where the prospective employee is already in the SED criminal history file database, ESBOCES shall request the clearance for employment using the SED *TEACH* system. Furthermore, ESBOCES shall notify SED, in a manner prescribed by SED, of a prospective employee who has commenced employment with or began providing services for ESBOCES, the date of the commencement of such employment or service, and the position held by such individual. Similarly, ESBOCES shall notify SED, in a manner prescribed by SED, of a fingerprinted employee who has been separated from employment with ESBOCES or ceased providing services for ESBOCES and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise provided by law, the applicant shall be responsible for the payment of fees for a criminal history record check. However, if approved by Board resolution, the Board may authorize the payment of such fees on behalf of prospective employees.

References:

- NYS Correction Law Article 23-A
- NYS Education Law §§305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c, and 3035
- NYS Executive Law §296(16)
- NYS Social Services Law Article 5, Title 9-B
- 8 NYCRR §80-1.11 and Part 87
- Administrative Regulation 5156R.1 – Fingerprint Clearance of New Hires and Other Situations Where Fingerprinting is Required

First Adopted: 7/1/2003

Readopted: 7/11/2007

Readopted: 2/29/2012

Readopted: 8/29/2012

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