

**SUBJECT: SAFETY OF CHILDREN AND STUDENTS (EMPLOYMENT CLEARANCE FOR NEW HIRES)**

The BOCES is committed to ensuring the safety of all children and students in school buildings or on school grounds, and/or participating in school activities. The safety of all children and students shall be the responsibility of the BOCES, its administrators and all other employees.

For all prospective employees and prior to the date of appointment, the BOCES, its administrators and employees shall take any and all available steps to ensure and expedite a full clearance for employment granted by the New York State Education Department Office of School Personnel Review and Accountability (OSPRA), through a fingerprint supported criminal history background check. For the purpose of this provision of the law, the term “criminal history” 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 obtain the applicant’s consent to the criminal history records search.

Prospective school employees who require an employment clearance are defined in Part 87.2 (k) of the Regulations of the Commissioner of Education. In addition, the BOCES and its administrators will determine, on a case-by-case basis, the level of supervision for prospective employees with a term of employment that does not exceed five (5) days.

Correction Law Article 23-A

Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c, and 3035

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

**Adopted: February 13, 2002**

**Revised: June 8, 2011**