

New York City Fingerprinting for School Employment

The New York City Board of Education (NYCBOE) has the authority to conduct fingerprint supported criminal history background checks with the [Division of Criminal Justice Services \(DCJS\)\(link is external\)](#) and the FBI. [Chapter 380 of the Laws of 2001](#) authorizes the NYCBOE to share the results of such background checks with the New York State Education Department (NYSED) for the purposes of clearance for employment and certification.

In lieu of being fingerprinted a second time (to submit to NYSED), an individual will be able to have the criminal history obtained from DCJS and the FBI as a result of the NYCBOE fingerprinting forwarded directly to NYSED from the NYCBOE. This exception applies only to individuals who were fingerprinted by the NYCBOE after July 1, 1990 when DCJS began retaining such fingerprints in order to provide notification of subsequent arrest information (sometimes referred to as "search and retain"). If for some reason an individual's fingerprints were not retained, he or she will need to be fingerprinted again for purposes of the NYSED criminal history background check.

In order to have NYCBOE forward an individual's criminal history (both DCJS and FBI), he or she will have to complete an [OSPRA 104](#) form and submit it to the NYCBOE for processing. There may be a fee due to the NYCBOE for this service. The NYCBOE then transmits the history, if any, to NYSED. NYSED then reviews the history, in accordance with the [Executive Law Section 296\(16\)](#) and the [Corrections Law sections 752 and 753](#), to determine whether to clear the individual for employment or certification. No additional fee is due to NYSED.

NYSED will then issue a clearance for employment to the new employer (provided that a covered school has submitted a request for employment clearance in TEACH) or certification, if appropriate, in same manner as if fingerprints were filed directly with NYSED. If it appears that an individual may be denied clearance, NYSED will follow the regular due process procedures set forth in [Part 87 of the Commissioner's Regulations\(link is external\)](#).