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Required Fingerprinting of Prospective School Employees by Covered Schools

To: District Superintendents
Superintendents
Charter School Administrators
TEACH School District Users for Covered Schools including Directors of
Human Resources and Fingerprint Coordinators

From: Samuel J. Finessey, Jr., OSPRA Director & Assistant Counsel

Subject: Required Fingerprinting of Prospective School Employees by Covered
Schools

Date: September 25, 2024

1. The purpose of this memorandum is to further inform and remind all covered schools that it is the responsibility of a covered school to ensure that all prospective school employees are required to be fingerprinted and have a criminal history background check done prior to covered school employment as outlined in 8 NYCRR 3 DUW RI WKH 1HZ <RUN 6WDWH (GXFDWLRQ 'HSDUWPHQW ¶V
2. 1 < & 55 † H RI WKH 'HSDUWPHQW ¶V UH R X D W G R O S K R I O L Q H P H D Q L Q J ³ D E B o d e r a t i v e E d u c a t i o n a l services, a charter school, a school district, or any nonpublic or private

3. 1 < & 55 † N RI WKH 'HSDUWPHQW ¶ V UHJXODWLRQV GHILQH
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(1) who is either:

- (i) seeking a compensated position with a covered school and is not currently employed by such covered school or a student enrolled in the instructional program of a grade level in such covered school;
- (ii) an employee of a provider of contracted services to a covered school who is to be placed within such covered school; or
- (iii) a worker who is to be placed within a covered school under a public assistance employment program pursuant to title 9 - B of article V of the Social Services Law, directly or through contract;

(2) who will reasonably be expected by such covered school to provide services which involve direct contact, meaning in person, face -to -face communication or interaction, with students under the age of 21, or online communication or interaction directly with such students; and

(3) excluding individuals who:

- (i) are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to sections 509 - cc, 509 -d and/or 1229 -d of the Vehicle and Traffic Law after fingerprinting and a criminal history record check and whose fingerprints remain on file with DCJS;
- (ii) have provided services for the covered school in the previous school year either: in a compensated position, or as an employee of a provider of contracted services to such covered school, or as a worker placed within the covered school under a public assistance employment program

pursuant to title 9 -B of article V of the Social Services Law directly or through contract; or

(iii) will reasonably be expected by such covered school to provide services for the covered school on no more than five days in the school year in which services are to be performed, provided that the covered school provides in -person supervision of such individual by one or more employees of the covered school while that individual is providing such services. Individuals providing such time -limited and supervised services

Who Must Be Fingerprinted Charts

Applicants for Certification and Employment Situations

Please note: These charts are intended for general guidance only and are not meant to replace a comprehensive review of the requirements of [Part 87 of the Regulations of the Commissioner of Education](#) (link is external) and the Safe Schools Against Violence in Education (SAVE) legislation ([Chapter 180 of the Laws of 2001](#)).

Applicants for Certification Chart

Applicants for Certification Chart	
Applicants for Certificates, Licenses or Permits	As of July 1, 2007, all applicants must undergo a fingerprint supported criminal history background check

Employment/Other Situations Where Fingerprinting is Required Chart

Employment/Other Situations Where Fingerprinting is Required Chart	
Type of Situation	<p>Fingerprinting is required for the situations described below if:</p> <ul style="list-style-type: none"> x the term of employment is greater than five days, x the employment involves (Applicants for employment in public school, charter school or BOCES) x the employee is not otherwise exempt <p>Please refer to 8 NYCRR §87.2(k) for a definition of "prospective school employee."</p>
Applicant for employment in public school, charter school or BOCES	Yes

Employment/Other Situations Where Fingerprinting Required Chart

Applicant for employment in a private or nonpublic school	If the private or nonpublic school elects to fingerprint new employees, then it must adhere to the situations covered in this chart for all new employees. If the private or nonpublic school elects to not fingerprint new employees, then this chart is not applicable.
Student employee (i.e., lifeguard or tutor) not enrolled in grade level program of same covered school	Yes
Clerical staff in covered school who have direct contact with students	Yes
Janitorial staff who have direct contact with students	Yes
Coaches	Yes
Substitute Teachers	Yes
Paid Student Teachers or Student Interns	Yes- paid student teachers are treated like employees and therefore, are subject to fingerprinting
Hall Monitors	Yes
Bus Monitors	Yes
Cafeteria employees	Yes
Adult Continuing Education Instructors who have direct contact with students	Yes
Home and Hospital Instructors	Yes

Employment/Other Situations Where Fingerprinting is Required Chart

Bus Drivers who also serve another role in covered school and have direct contact with students (i.e., janitor)	Yes
Individuals who have been fingerprinted for another purpose i.e., teachers from another state, former police officers, former daycare workers*)	Yes* (If they were fingerprinted by NYCDOE after July 1 1990, they may be able to have their fingerprint background information sent to SED. Please refer to the OSPRA 104 form for details)
Worker placed in the covered school under a public assistance employment program pursuant to Title 9-B of Article V of the Social Services Law	Yes
Employees of contract service providers who are placed within the school	Yes
Employees of Supplemental Education Services providers (SE Providers) pursuant to NCLB	Yes

Employment/Other Situations Where Fingerprinting is Not Allowed Under the Current Legislation Chart

Employment/Other Situations Where Fingerprinting is Not Allowed Under the Current Legislation Chart

Type of Situation	The situations described below are not covered by the SAVE legislation, therefore the Education Department is not authorized to process fingerprinting applications for these types of individuals.
Applicant for employment in a private or non-public school	If the private or non-public school elects not to fingerprint new employees, they can not fingerprint any employees.
Volunteer	No

Employment/Other Situations Where Fingerprinting is Not Allowed Under the Current Legislation Chart

Non-Certified Special Education School Employees (certified employees are subject to fingerprinting for certification purposes)	No
Student employee (i.e., lifeguard or tutor) enrolled in grade level program of same covered school	No
Student employee who has no direct contact with students (i.e., summer maintenance helper)	No
Unpaid Student Teachers or Student Interns	No - unpaid student teachers are treated like volunteers and, therefore, are not subject to fingerprinting
Clerical staff in covered school who have NO direct contact with students	No
Janitorial staff who have NO direct contact with students	No
Adult Continuing Education Instructors who have no direct contact with students	No
Guest Lecturers or Performing Artists who will not be in any particular covered school times or less and they have person supervision by a employee of the covered school	No
Bus Drivers who have been cleared for employment pursuant to sections 509, 509-d and/or 1229d of the Vehicle and Traffic Law	No
Construction workers (i.e., painters, plumbers, architects) who have NO direct contact with students	No

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TEACH Online Services System, the FRYHUGH V Filing Point Coordinator must choose the closest matching Job Title category from one of the following selections when submitting the request for clearance :

- Administrator (Superintendent, Principal, School Business Official)
- Building and Grounds Services (Custodian, Janitor, Cleaner, Maintenance, Trades, Laborer)
- Cafeteria Staff
- Cashier
- Clerical Support Staff (Clerk, Secretary, Aide, Other)
- Coach
- Continuing Education Staff
- Contractor (Trades, Other Services)
- Guest Lecturer/Presenter/Performer
- Monitor (School, Bus, Other Transportation)
- Other Non -Certified School Employee

OSPRA 100

(Updated:04/09/2024)

Fingerprinting Information
and Instructions
(NYSED purposes only)

This is a five-page document

Office of School Personnel Review and
Accountability (OSPRA)
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Privacy Act Statement

§ X W K R U L W \ 7 K H) % , ¶ V D i o n , a n d e x c h a n g e r e c o r d s o f f i n g e r p r i n t s a n d a s s o c i a t e d information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the S X U S R V H R I F R P S D U L Q J \ R X U I L Q J H U S U L Q Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including

IDENTIFICATION REQUIREMENTS:

What kind of identification must I provide to IdentoGO / IDEMIA at the time of fingerprinting?

A: For the most current list of identification documents accepted by IdentoGo, visit the IdentoGo website through the appropriate link at <https://www.nysed.gov/educator-integrity/fingerprinting>, then select the option that reflects the reason for your fingerprinting, which will take you to IdentoGO's website. "How do I bring to enrollment?".

You must bring one of the valid/unexpired identification documents from the list below to your enrollment appointment.

- U.S. State or Outlying Possession of the U.S.
- Enhanced Driver's License (EDL)
- Commercial Driver's License (CDL)
- Mexican Driver's License (Commercial or Non-Commercial)
- U.S. State or Outlying Possession of the U.S.
- DMV Non-Driver Identification Card
- Department of Defense Common Access Card
- Driver's License PERMIT issued by a U.S. State or outlying possession of the U.S.
- Employment Authorization Card/ Document (Form I-766) with a photograph
- Enhanced Commercial Driver's License
- Enhanced Tribal Identification Card (for federally recognized U.S. Tribes)
- Federal ID Card with a seal or logo from a federal agency
- Foreign passport
- Merchant Mariner Document (MMD)
- Military Identification Card
- Military Identification Card (Retired)
- NYC Identification Card
- NYS Benefit Identification Card
- Passport Book or Card
- Permanent Resident Card / Green Card (I-551)
- Waiver Form for Applicants age 17 and Under and U.S. Social Security Card or Birth Certificate
- U.S. Visa issued by the U.S. Department of Consular Affairs for travel to or within, or residence within, the U.S.
- Uniformed Services Identification Card (Form DD-1172-2)

NOTE: For the most current list of Identification Requirements, please visit the IdentoGo website.

