



## Legislation Text

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### Res. No. 185

Resolution calling on the New York State Legislature to require all nonpublic schools to conduct criminal background checks on teachers, administrators and supervisors.

By Council Members Gentile, Foster, Mark-Viverito, Nelson, Recchia Jr., Sanders Jr. and Liu

Whereas, Education Law §549 declares that it is the State's "primary responsibility to ensure the health, welfare and safety of children attending both public and nonpublic schools," and

Whereas, The State implements this legislative objective in numerous ways, such as providing both public and nonpublic school children with access to medical care and staff, providing transportation for both public and nonpublic schools, and assigning crossing guards to both public and nonpublic schools; and

Whereas, With regard to conducting a criminal history records check of school personnel, however, State law only requires that public school teachers, administrators and supervisors, not those employed by nonpublic schools, undergo such a background check; and

Whereas, This mandatory procedure for public school personnel is designed to discover whether those with any criminal history, particularly of sex offenses or other acts injurious to children, are applying for these sensitive positions of trust within our public school system; and

Whereas, As past incidents demonstrate, though, teachers and other school personnel who may prey on our students are not limited to public schools; and

Whereas, For example, in an incident in Brooklyn in March of 2004, a nonpublic school teacher was arrested on child pornography charges, and had previously been arrested for the same charge in 1999, yet the school was not aware of his criminality when he was hired; and

Whereas, This incident, and others like it, point to the importance of mandating that nonpublic school

personnel be subject to the same criminal background checks as those who teach and work in our public schools; and

Whereas, Several states, including Maryland, currently mandate such criminal checks for those who teach in public and nonpublic schools, and such a common sense statute should be enacted by the Legislature and Governor in this State; and

Whereas, By mandating this criminal background check for all school personnel, public and nonpublic, the State will ensure that our children's safety is paramount; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to require all nonpublic schools to conduct criminal background checks on all personnel, including teachers, administrators and supervisors.

SS  
Res 267/2004