To: School Leaders and Board Chairs of all Charter Schools

From: David Frank, Executive Director, Charter School Office

Date: April 10, 2018

Subject: Important Notice - Employee Fingerprint Clearances

Pursuant to Education Law § 2854(3), charter schools must ensure that all prospective employees receive clearance through the NYSED Office of School Personnel Review and Accountability (OSPRA) prior to employment. Clearance is achieved by means of a fingerprint-supported criminal background check through the mandatory process outlined on the OSPRA website at http://www.highered.nysed.gov/tsei/ospra/. After an employee has been cleared, schools are required to maintain proof of such clearance in the file of each employee.

If an employee’s fingerprints have already been submitted, but the employee has not yet been cleared, under limited circumstances, schools may use the emergency conditional clearance or conditional clearance provisions of the applicable law and regulations through the process set forth in law.

SCHOOLS MAY NOT CONTINUE TO EMPLOY PERSONS WHO HAVE BEEN DENIED CLEARANCE.

Charter Schools that have sought clearance for individuals that been denied clearance, yet the school has not yet terminated the request for clearance in TEACH, will receive a separate email and will have two weeks to provide documentation showing that these people have been terminated in the TEACH system and are not employed by the charter school.

More information on the NYSED Employee Fingerprint Clearance process can be found at:

- View Fingerprinting Clearance Status
- Request Clearance
- Enter Hire/Termination Dates

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1 Employees that must be cleared include, but are not limited to, teachers, administrative staff, janitors, security personnel and cafeteria workers, and other staff who are present when children are in the school building. Please visit the NYSED website at: http://www.highered.nysed.gov/tsei/ospra/fingerprintingcharts.html for more information regarding who must be fingerprinted. Also see, 8 NYCRR §87.2.

2 Additional guidance is available on the NYSED TEACH website at: http://www.highered.nysed.gov/tsei/ospra/home.html

3 In addition to providing proof of fingerprinting clearances to NYSED, and the school’s authorizer, schools may also be required to provide evidence of clearance to their independent auditor. See NYSED Charter School Audit Guide at: http://www.p12.nysed.gov/psc/registoversghtplan/otherdocuments/AuditGuide.html

4 Visit http://www.highered.nysed.gov/tsei/ospra/lawregs.html for a list of applicable laws and regulations related to the fingerprinting and clearance of employees.