



OSPRA 100 (06/03)

Fingerprinting Information and Instructions

This is a four page document

Office of School Personnel Review and Accountability

NYS Education Department
987 Education Building Annex
Albany, NY 12234

ph: (518) 473-2998 fax: (518) 473-8812

www.highered.nysed.gov/tcert/ospra

OSPRA@mail.nysed.gov

FINGERPRINT INSTRUCTIONS

Please read this form before you start the fingerprint process.

1. **Obtain a Fingerprint Packet:** A complete Fingerprint Packet includes the following:
 - Fingerprinting Information and Instructions (OSPRA 100)
 - Consent Form (OSPRA 101)
 - Two blue FBI fingerprint cards
 - Sample fingerprint card
 - Preaddressed envelope
2. **Complete the Consent Form:** Completely fill out **all** of the information on the Consent Form (OSPRA 101) pertaining to yourself in Sections 1 and 2. If you are seeking clearance for employment, have your prospective employer complete the information in Sections 3 and 4. Sign and date the consent form.
3. **Complete the Top Portion of the Fingerprint Cards:** Please fill out the top of **both blue** fingerprint cards as completely as possible, in accordance with the enclosed sample. Please compare your card to the sample very carefully. OSPRA has begun a new scanning process for the cards. If your fingerprint card is missing required information, or your fingerprint card has stray marks or highlighting on it, your application will be rejected **before** it is processed, which will result in a significant delay.
4. **Get the Fingerprint Processing Fee:** There is a **\$94.25** (effective 10/23/07) fee for processing your fingerprint cards. The fee must be paid with a certified check, bank check, money order, school district check or contract service provider check payable to the New York State Education Department. **Personal checks will not be accepted and will result in rejection of your application.** Individuals may apply to their prospective employer for a fee waiver if the fee would cause an unreasonable financial hardship. School districts, charter schools, and BOCES may submit a single check to cover the fee for multiple prospective employees, provided a list of the names covered by the check is also submitted along with the check.
5. **Get Fingerprinted:** If you are getting fingerprinted for employment, contact your prospective employer (school district, charter school or BOCES) and find out where they want you to have your fingerprints taken. Some schools perform this service. Other schools have made arrangements with a BOCES or local police station for fingerprinting. You may be charged a fee by the fingerprinting entity for the "rolling" of your fingerprints. If you are getting fingerprinted for certification, you may be fingerprinted at a police station, some colleges and universities, or the school where you are employed.
6. **Send the Complete Fingerprint Packet to OSPRA:** Please send your completed packet to OSPRA in the preaddressed envelope provided by OSPRA. A complete fingerprint packet to mail to OSPRA must include:
 - Signed completed Consent Form (OSPRA 101)
 - Two properly completed and signed FBI cards
 - Certified check, bank check, money order, school district check
or contract service provider check for \$94.25 (effective 10/23/07)
7. **Where to Mail Your Application:** Please mail your packet to:

Fingerprint Processing

NYS Education Department
PO Box 7352
Albany, NY 12214-0349

FINGERPRINTING INFORMATION

SAVE Law: Effective July 1, 2001, Education Law §§305(30), 3004-b, 3004-c and 3035, as amended by Chapter 180 of the Laws of 2000, and Part 87 of the Commissioner's Regulations require the Commissioner of Education to request a fingerprint-supported criminal history background check for applicants for certification as well as for prospective employees of school districts, charter schools and boards of cooperative educational services (BOCES). The Commissioner of Education carries out these responsibilities through the New York State Education Department's Office of School Personnel Review and Accountability (OSPRA).

Fingerprint Processing: An individual has their fingerprints taken, in accordance with the procedures described above, and sends them to OSPRA. OSPRA then electronically forwards properly completed fingerprint cards to the New York State Division of Criminal Justice Services (DCJS) and to the Federal Bureau of Investigation (FBI) for processing. DCJS and the FBI provides OSPRA with a copy of the individual's criminal history background, if any, so that OSPRA can make a determination on clearance for employment or certification.

Rejection of Fingerprints and/or a Fingerprint Application: There are several reasons why an application and/or fingerprints are rejected prior to completion of the fingerprint process. OSPRA may reject the application because the fee submitted was either insufficient or was a personal check, or because the fingerprint application or fingerprint cards were not completely filled out. DCJS and/or the FBI may reject the fingerprints because there was a problem with the quality of the fingerprints, such as, the fingerprints were smudged, or too light or too dark. If a fingerprint packet is rejected, OSPRA will send the applicant detailed instructions on the steps to take to resubmit the fingerprint packet for reprocessing.

Clearance Process: If there is no criminal history OSPRA will automatically issue a clearance. If there is a criminal history, the matter is reviewed by OSPRA, pursuant to the provisions in Executive Law §296(16) and Correction Law §§752 and 753, to determine whether there is any basis for a possible denial of clearance.

Full Clearances for Employment: Full clearances for employment will be forwarded directly to the prospective school employee and the appropriate school district, charter school or BOCES. A full clearance for employment does not entitle the individual to a job. Final employment decisions rest with the school district, charter school or (BOCES).

Conditional Clearances for Employment: In the event that the FBI criminal history report is delayed and there is no possible basis for denial based on the DCJS report, OSPRA may issue a conditional clearance for employment (pursuant to Chapter 147 of the Laws of 2001). A conditional clearance for employment would permit the school district, charter school or BOCES to hire the prospective employee on a conditional basis while OSPRA is waiting for criminal history results from the FBI. A conditional clearance for employment does not entitle the individual to a job. Final employment decisions rest with the school district, charter school or (BOCES).

Clearance for Certification: The New York State Office of Teaching Initiatives is automatically notified that the individual is **cleared for certification** after OSPRA has reviewed both the DCJS and FBI criminal history reports and determined that there is no basis for a possible denial of clearance. **The individual will not receive a clearance letter from OSPRA indicating that his or her fingerprints have been cleared, unless they have also completed the employment information in Section 3 of the OSPRA 101.**

Denial of Clearance for Employment: If OSPRA makes an initial determination that clearance for employment should be denied, OSPRA follows the due process steps outlined in Part 87 of the Commissioner's regulation. The prospective employee will receive an "Intent to Deny" letter. A copy of the "Intent to Deny" letter **will not** be forwarded to the prospective school district, charter school or BOCES. The letter will advise the prospective employee on how to submit written material to demonstrate that clearance for employment should be granted. OSPRA will then review any information submitted by or on behalf of the prospective employee and make a final determination on clearance for employment. The prospective employee will then receive either a clearance for employment or a final denial. If the prospective employee receives a final denial of clearance for employment, the prospective school district, charter school or BOCES will receive a notification that the prospective employee has been denied clearance for employment. The school district, charter school or BOCES will not receive a copy of the denial letter. A final denial of clearance for employment may be appealed to the Executive Coordinator for the Office of Teaching. Instructions on how to file an appeal will be provided to the prospective employee with the final denial letter.

Denial of Clearance for Certification: Applicants for certification who have issues in their criminal history background and who may potentially be denied clearance for certification will be provided with information on their due process rights. Such individuals may not be denied clearance for certification without following the due process steps set forth in Part 83 of the Commissioner's Regulations.

Submission of Additional Information: At any time during the process, an individual has the right to submit any information, in writing, that may be relevant to the consideration of his or her application for clearance, including, information in regard to good conduct and rehabilitation.

Subsequent Arrests: If an individual is arrested subsequent to providing their fingerprints to OSPRA, notice of the arrest will be made to OSPRA by DCJS. OSPRA is obligated to notify the school district, charter school or BOCES of the name of the arresting agency, the date of the arrest and the court of jurisdiction

Destruction of Fingerprints: The FBI will destroy the fingerprints its criminal background check is completed. DCJS will retain the fingerprints following its criminal background check as part of its "Search and Retain" services, until the Department requests that the fingerprints be destroyed. If an individual was fingerprinted for employment purposes, leaves that employment and is not reemployed within 12 months at a public school, charter school or BOCES, OSPRA shall request that DCJS destroy his or her fingerprints. Such individuals also have the right to request that his or her fingerprints be destroyed prior to the end of the twelve-month period. An individual who seeks employment in a school after his or her fingerprints have been destroyed will need to be fingerprinted again. Individuals who are fingerprinted for certification purposes may not have their fingerprints destroyed for the period of time that their certification is valid.

INDIVIDUALS WHO WERE FINGERPRINTED BY THE NYCBOE

Individuals who were previously fingerprinted for employment with the New York City Department of Education (NYCDOE) after July 1, 1990 may not have to be fingerprinted again. Chapter 380 of the Laws of 2001 authorizes the NYCBOE to share the results of such background checks with OSPRA for the purpose of clearance for employment and certification. Applicants must complete an **Authorization to Forward Criminal History Record Information from the City School District of the City of New York to the New York State Education Department** (OSPRA 104) form and mail it to the NYCDOE at the address on the form. The NYCDOE will forward the results of your criminal history background check to OSPRA for review. No fee is due to OSPRA for this service.

REVIEW OF CRIMINAL HISTORY

An applicant has the right to obtain a copy of his or her criminal history for review from DCJS and/or the FBI at the addresses listed below. He or she has the right to make a written challenge to the accuracy or completeness of any entry on his or her criminal history record. Challenges must be addressed directly to DCJS and/or the FBI. OSPRA does not have the authority to obtain reviews and seek corrections of individual criminal history information.

NYS Division of Criminal Justice Services

Criminal History Bureau
Record Review Unit - 5th Floor
4 Tower Place
Albany, NY 12203
(518) 485-7675

Federal Bureau of Investigation

Criminal Justice Information Services (CJIS) Division
ATTN: SCU, Mod. D-2
1000 Custer Hollow Road
Clarksburg, WV 26306

SUBSEQUENT APPLICATIONS FOR CERTIFICATION AND CLEARANCES FOR EMPLOYMENT

Once an individual has been fingerprinted and entered into the OSPRA fingerprinting database, he or she does not have to be fingerprinted again for future employment in a school district, charter school, or BOCES in New York State or additional certification applications as long as the fingerprint records have not been destroyed. For additional clearances for employment, a prospective employer will need to submit a **Clearance for Employment Request** (OSPRA 102) form. All subsequent clearance determinations will follow the procedures as detailed in the above paragraphs.

OSPRA FORMS and WEBSITE

OSPRA created a comprehensive website to provide information and assistance about the fingerprinting process. The website address is: www.highered.nysed.gov/tcert/ospra. It contains the relevant laws and regulations, the most recent OSPRA forms for filing, a sample properly completed FBI card, frequently asked questions (FAQs), special information for individuals who were previously fingerprinted by the New York City Board of Education (NYCBOE), a chart describing who must be fingerprinted and other critical information and updates.














ADDITIONAL QUESTIONS OR CONCERNS

If you have any additional questions or concerns, contact the Office of School Personnel Review and Accountability at the number and address on the first page of this form.

Sample FBI Fingerprint Card

(The information may be typed or legibly printed)

APPLICANT	LEAVE BLANK <i>Leave Blank</i>	TYPE OR PRINT ALL INFORMATION IN BLACK LAST NAME NAM FIRST NAME Teacher, Theresa MIDDLE NAME C.				FBI LEAVE BLANK <i>Leave Blank</i>
SIGNATURE OF PERSON FINGERPRINTED		ALIASES AKA Formerly: Theresa Smith		O R I NY921940Z NY ST ED Dept-FPU ALBANY, NY		
RESIDENCE OF PERSON FINGERPRINTED 318 School Street Hometown, NY 11111		CITIZENSHIP CTZ US		SEX F RACE W HGT 5"7" WGT 155 EYES Gr HAIR Bro	DATE OF BIRTH DOB 12/31/70	
DATE 5/01/02	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		YOUR NO. 004	PLACE OF BIRTH POB Ohio		
EMPLOYER AND ADDRESS <i>(if applicable)</i> Smart Falls Central School Dist Smart Falls, NY 11111		FBI NO. Leave Blank		LEAVE BLANK		
REASON FINGERPRINTED <i>Leave Blank</i>		ARMED FORCES NO. MNIJ Leave Blank		CLASS <i>Leave Blank</i>		
		SOCIAL SECURITY NO. SOC 000-10-1111		REF <i>Leave Blank</i>		
		MISCELLANEOUS NO. MNIJ Leave Blank				

 1. R. THUMB	 2. R. INDEX	 3. R. MIDDLE	 4. R. RING	 5. R. LITTLE
 6. L. THUMB	 7. L. INDEX	 8. L. MIDDLE	 9. L. RING	 10. L. LITTLE
 LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		 L. THUMB R. THUMB	 RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY	

This is an example of a properly completed FBI card. There should not be any marks in the categories above that are identified as "Leave Blank." Every other category **MUST** be completely filled out with the appropriate information.

Do not make any stray marks or use a highlighter on the card.

**Failure to complete the card properly will result in rejection of the card
and a significant delay in processing.**