



NEW YORK STATE SENATOR

Stephen M. Saland

## The Protection Of Children Must Be Our Highest Priority

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There are over 225,000 classroom teachers in New York State and by far, the vast majority are hard working, dedicated individuals who care deeply about the well being of students. A small number, however, capture the headlines when caught preying on innocent children. These are the predators that every parent fears.

In 2000, I authored a law that required all prospective school employees be fingerprinted to undergo a FBI background check. In addition, this law required school districts to directly report to law enforcement all criminal allegations involving suspected abuse of a child by a school employee.

According to a 2007 State Education Department Report, the law is working as it was designed to do. Nearly 1,400 applicants were denied clearance to work in a school setting after the criminal background check revealed they were unfit to work with children. In addition, the number of reports involving teacher misconduct more than doubled since 2001. While the number is alarming, it is clear that more children are being protected by a law that was crafted to stop the old practice of districts sweeping criminal behavior under the rug and "passing the trash" to another unsuspecting school.

This staggering increase in reports, however, has created a tremendous backlog in the number of investigations being reviewed and prosecuted. In working closely with the State Education Department's Office of School Personnel Review and Accountability (OSPRA) that handles these cases, I have learned they are in critical need of additional personnel, as many cases are languishing for over a year.

OSPRA has indicated it is seeking \$600,000 for additional personnel to more expeditiously address its backlog of cases to determine whether a teacher's actions should result in suspension or termination of their teaching certification.

Unfortunately, despite this well reasoned request for funds, the Governor's Executive Budget did not include an increase for OSPRA's operations. Instead, the Governor cut OSPRA's budget by \$500,000 or nearly one-third of its operating costs. The Governor's Division of Budget rationale for this severe reduction is an anticipated savings generated by the introduction of new technology (LiveScan). This new technology, which will cost school districts roughly \$14,000 to purchase and \$1,000 a year to maintain, will eventually eliminate the need for the roll and stamp fingerprinting at the district level and replace it with an advanced electronic system which will reduce errors in the fingerprint collection process.

Presently, fingerprints forwarded by districts are reviewed by six part-time temporary employees at the State Education Department. While this advancement in technology is a vast improvement over the present collection and review of fingerprints, the Department has made it clear that it does not address OSPRA's need for more investigators, attorneys and support staff. The Governor's recommendation to slash \$500,000 from this unit's budget will further hinder their efforts to review cases involving sex offenses and sexual misconduct. Surely, this gross error should be rectified and OSPRA's efforts to protect children should be adequately funded in this year's State Budget.

In addition to addressing OSPRA's backlog of cases, I plan to introduce legislation which would immediately remove a teacher's certification if they have been convicted of or pled guilty to a felony sex offense. While it is important to insure tenured teachers due process at both the school district level and the State Education Department's certification review, these safeguards become costly vehicles of redundancy and delay following a conviction or a plea to a sex offense. This practice is unjust and should be immediately rectified.

I do not view this as a partisan or political issue, but a matter of conscience and moral obligation that should be embraced by all. As the Chairman of the Senate Education Committee, my priorities are clear – we must act swiftly to remove predators from our schools.