

Bill as Introduced

HB 1286 - AS INTRODUCED

2010 SESSION

10-2016

04/03

HOUSE BILL **1286**

AN ACT allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

SPONSORS: Rep. Stevens, Carr 4; Rep. Charron, Rock 7

COMMITTEE: Education

ANALYSIS

This bill permits nonpublic schools to submit criminal history records checks through the division of state police.

This bill is a request of the department of safety.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as
2 follows:

3 189:13-a School Employee and Volunteer [~~Background Investigations~~] **Criminal History**
4 **Records Check.**

5 I. The employing school administrative unit, school district, or chartered public school shall
6 complete a [~~background investigation and a~~] criminal history records check on every selected
7 applicant for employment in any position in the school administrative unit, school district, or
8 chartered public school prior to a final offer of employment. **A nonpublic school approved by the**
9 **New Hampshire state board of education may submit criminal history records checks on**
10 **applicants for employment pursuant to this section.** A school administrative unit, school
11 district, [Ø] chartered public school, **or participating nonpublic school** may extend a conditional
12 offer of employment to a selected applicant [~~after completing a background investigation~~], with a
13 final offer of employment subject to a successfully completed criminal history records check. No
14 selected applicant may be extended a [~~conditional~~] **final** offer of employment unless the school
15 administrative unit, school district, [Ø] chartered public school, **or participating nonpublic**
16 **school** has [~~initiated~~] **completed** a criminal history records check. The school administrative unit,
17 school district, [Ø] chartered public school, **or participating nonpublic school** shall not be held
18 liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an
19 applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal
20 history was in any way negligent or deficient, if the school administrative unit, school district, [Ø]
21 chartered public school, **or participating nonpublic school** fulfilled the requirements of this
22 section.

23 II. The selected applicant for employment or designated volunteer with a school
24 administrative unit, school district, [Ø] chartered public school, **or participating nonpublic**
25 **school** shall submit to the employer a notarized criminal history records release form, as provided by
26 the division of state police, which authorizes the release of information regarding the presence or
27 absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V.
28 The applicant shall submit with the release form a complete set of fingerprints taken by a qualified
29 law enforcement agency or an authorized employee of the school administrative unit, school district,
30 [Ø] chartered public school, **or participating nonpublic school.** In the event that the first set of

1 fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in
2 order to complete the criminal history records check, the conditional offer of employment shall
3 remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the
4 school administrative unit, school district, ~~or~~ chartered public school, **or participating nonpublic**
5 **school** may, in lieu of the criminal history records check, accept police clearances from every city,
6 town, or county where an applicant has lived during the past 5 years.

7 III. The school administrative unit, school district, ~~or~~ chartered public school, **or**
8 **participating nonpublic school** shall submit the criminal history records release form to the New
9 Hampshire state police which shall conduct a criminal history records check through its records and
10 through the Federal Bureau of Investigation. ~~[Upon completion of the background investigation,]~~
11 The state police shall examine the list of crimes constituting grounds for non-approval of
12 employment, or non-acceptance of volunteer services in that school administrative unit, school
13 district, ~~or~~ chartered public school, **or participating nonpublic school**, and shall report the
14 presence or absence of any such crime to the school administrative unit, school district, ~~or~~ chartered
15 public school, **or participating nonpublic school**. Under no circumstances shall the criminal
16 records be released to the school administrative unit, school district, ~~or~~ chartered public school, **or**
17 **participating nonpublic school**. The school administrative unit, school district, ~~or~~ chartered
18 public school, **or participating nonpublic school** shall maintain the confidentiality of all criminal
19 history records information received pursuant to this paragraph. If the criminal history records
20 information indicates no criminal record, the school administrative unit, school district, ~~or~~
21 chartered public school, **or participating nonpublic school** shall destroy the information received
22 immediately following its review of the information. If the criminal history records information
23 indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the
24 school administrative unit, school district, ~~or~~ chartered public school, **or participating nonpublic**
25 **school** shall review the information for a hiring decision, and the division of state police shall notify
26 the department of education of any such convictions. The school administrative unit, school district,
27 ~~or~~ chartered public school, **or participating nonpublic school** shall destroy any criminal history
28 record information that indicates a criminal record within 30 days of receiving such information.

29 IV. The school administrative unit, school district, ~~or charter~~ **chartered public school, or**
30 **participating nonpublic school** may require the selected applicant for employment or designated
31 volunteer to pay the actual costs of the ~~[background investigation and a]~~ criminal history records
32 check.

33 V. Any person who has been convicted of any violation or attempted violation of RSA 630:1;
34 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3;
35 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2
36 where the act involves a child in material deemed obscene; in this state, or under any statute
37 prohibiting the same conduct in another state, territory, or possession of the United States, shall not

1 be hired by a school administrative unit, school district, ~~[or]~~ chartered public school, **or**
2 **participating nonpublic school**. By decision of the appropriate governing body, a school
3 administrative unit, school district, ~~[or]~~ chartered public school, **or participating nonpublic**
4 **school** may deny a selected applicant a final offer of employment if such person has been convicted
5 of any felony in addition to those listed above. The governing body may adopt a policy stating that
6 any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

7 VI. This section applies to any employee, selected applicant for employment, designated
8 volunteer, or volunteer organization which contracts with a school administrative unit, school
9 district, ~~[or]~~ chartered public school, **or participating nonpublic school** to provide services,
10 including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other
11 service where the contractor or employees of the contractor provide services directly to students of
12 the district ~~[or]~~, chartered public school, **or participating nonpublic school**. The cost for
13 ~~[background investigations, including]~~ criminal history records checks^[,] for employees or selected
14 applicants for employment with such contractors shall be borne by the contractor.

15 VII. The school administrative unit, school district, ~~[or]~~ chartered public school, **or**
16 **participating nonpublic school** shall not be required to complete a ~~[background investigation or~~
17 **a]** criminal history records check on volunteers, provided that the governing body of a school
18 administrative unit, school district, ~~[or]~~ chartered public school, **or participating nonpublic**
19 **school** shall adopt a policy designating certain categories of volunteers as "designated volunteers"
20 who may be required to undergo a ~~[background investigation and a]~~ criminal history records check.

21 VIII. A school administrative unit, school district, chartered public school, **participating**
22 **nonpublic school**, or school official acting pursuant to a policy establishing procedures for certain
23 volunteers shall be immune from civil or criminal liability, provided the school administrative unit,
24 school district, chartered public school, **participating nonpublic school**, or school official has in
25 good faith acted in accordance with said policy. Nothing in this paragraph shall be deemed to grant
26 immunity to any person for that person's reckless or wanton conduct.

27 IX. **(a) Substitute teachers, student teachers, student interns, and other educational**
28 **staff shall apply for a criminal history records check at the employing school**
29 **administrative unit, school district, chartered public school, or participating nonpublic**
30 **school. The division of state police shall complete the criminal history records check and,**
31 **upon completion, shall issue a letter to the applicant. The letter shall be valid for 15 days**
32 **from the date of issue and shall constitute satisfactory proof of compliance with this**
33 **section.**

34 **(b) Student teachers and student interns shall submit a criminal history**
35 **records check upon enrollment in a teacher preparation program, but shall not be required**
36 **to submit additional criminal history records checks if the student teacher or student**
37 **intern maintains continuous enrollment in the teacher preparation program.**

1 (c) *In addition to the criminal history records check fee, substitute teachers,*
2 *student teachers, student interns, and other educational staff shall pay an additional fee*
3 *of \$25 to the division of state police to offset the additional administrative costs under this*
4 *paragraph.*

5 X. *Violations of this section shall be jointly investigated by the state police and the*
6 *department of education. Information obtained through such investigations shall remain*
7 *confidential and shall not be subject to RSA 91-A.*

8 2 One-Year Certificate of Eligibility. Amend RSA 189:39-b, I(b) to read as follows:

9 (b) Is subject to a [~~background investigation~~] *criminal history records check* pursuant
10 to RSA 189:13-a.

11 3 Effective Date. This act shall take effect 60 days after its passage.

HB 1286 - AS AMENDED BY THE HOUSE

10Feb2010... 0396h

2010 SESSION

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HOUSE BILL **1286**

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SPONSORS: Rep. Stevens, Carr 4; Rep. Charron, Rock 7

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AMENDED ANALYSIS

This bill requires nonpublic schools and public academies to submit a criminal history records check through the division of state police.

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7 applicant for employment in any position in the school administrative unit, school district, or
8 chartered public school prior to a final offer of employment. ***A nonpublic school or public***
9 ***academy approved by the New Hampshire state board of education shall submit a criminal***
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29 law enforcement agency or an authorized employee of the school administrative unit, school district,

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30 within 30 days of receiving such information.

31 IV. The school administrative unit, school district, [~~or charter~~] *chartered public* school,
32 *nonpublic school, or public academy* may require the selected applicant for employment or
33 designated volunteer to pay the actual costs of the [~~background investigation and a~~] criminal history
34 records check.

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24 *school, public academy*, or school official acting pursuant to a policy establishing procedures for
25 certain volunteers shall be immune from civil or criminal liability, provided the school
26 administrative unit, school district, chartered public school, *nonpublic school, public academy*, or
27 school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall
28 be deemed to grant immunity to any person for that person’s reckless or wanton conduct.

29 IX.(a) *Substitute teachers, student teachers, student interns, and other educational*
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32 *academy. The division of state police shall complete the criminal history records check*
33 *and, upon completion, shall issue a letter to the applicant. The letter shall be valid for 30*
34 *days from the date of issue and shall constitute satisfactory proof of compliance with this*
35 *section.*

36 (b) *Student teachers and student interns shall submit a criminal history*
37 *records check upon enrollment in a teacher preparation program, but shall not be*

1 *required to submit additional criminal history records checks if the student teacher or*
2 *student intern maintains continuous enrollment in the teacher preparation program.*

3 *(c) In addition to the criminal history records check fee, substitute teachers,*
4 *student teachers, and student interns shall pay an additional fee of \$25 to the division of*
5 *state police to offset the additional administrative costs under this paragraph.*

6 *X. Violations of this section shall be jointly investigated by the state police and the*
7 *department of education. Information obtained through such investigations shall remain*
8 *confidential and shall not be subject to RSA 91-A.*

9 *XI. In this section, "public academy" shall have the same meaning as in RSA 194:23,*

10 *II.*

11 2 One-Year Certificate of Eligibility. Amend RSA 189:39-b, I(b) to read as follows:

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13 to RSA 189:13-a.

14 3 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to HB 1286

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring nonpublic schools and public academies to obtain a criminal history
4 records check on employees and volunteers.
5

6 Amend the bill by replacing section 1 with the following:

7

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9 follows:

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11 ***Records Check.***

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17 ***history records check on applicants for employment pursuant to this section.*** A school
18 administrative unit, school district, [~~or~~] chartered public school, ***nonpublic school, or public***
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21 criminal history records check. No selected applicant may be extended a [~~conditional~~] ***final*** offer of
22 employment unless the school administrative unit, school district, [~~or~~] chartered public school,
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28 administrative unit, school district, [~~or~~] chartered public school, ***nonpublic school, or public***
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Amendment to HB 1286

- Page 2 -

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2 absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V.
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This bill requires nonpublic schools and public academies to submit a criminal history records check through the division of state police.

This bill is a request of the department of safety.

Rep. R. Ober, Hills. 27
March 4, 2010
2010-0899h
04/03

Amendment to HB 1286

- 1 Amend RSA 189:13-a, IX as inserted by section 1 of the bill by deleting subparagraph (c).

Rep. R. Ober, Hills. 27
March 4, 2010
2010-0899h
04/03

Amendment to HB 1286

- 1 Amend RSA 189:13-a, IX as inserted by section 1 of the bill by deleting subparagraph (c).

Rep. Vachon, Straf. 3
March 8, 2010
2010-0920h
04//10

Amendment to HB 1286

NOT ADOPTED

1 Amend RSA 189:13-a, IX(c) as inserted by section 1 of the bill by replacing it with the following:

2

3 *(c) In addition to the criminal history records check fee, substitute teachers,*
4 *student teachers, and student interns shall pay an additional fee of \$25 to the division of*
5 *state police to offset the additional administrative costs under this paragraph when*
6 *applying for criminal history records check information for more than one school*
7 *administrative unit, school district, chartered public school, nonpublic school, or public*
8 *academy.*

Committee Minutes

HOUSE COMMITTEE ON WAYS AND MEANS
FULL COMMITTEE WORK SESSION ON HB 1286

BILL TITLE: (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

DATE: 3/2/10

Committee Members:

Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Ulery, Osgood and Sapareto.

Comments and Recommendations: Jeff Kellett from the Department of Safety discussed the fee provisions within the bill and responded to questions from Committee members.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.


Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. William Butynski
Committee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS
FULL COMMITTEE WORK SESSION ON HB 1286

BILL TITLE: (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

DATE: 3/2/10

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mach, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Ulery, Osgood and Woyler.

Comments and Recommendations: *Separate*
Jeff Kellott from the Dept. of Safety discussed the fee provisions
within the bill and responded to questions from the Committee members.

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,
William Butynski
Rep. ~~{Type NAME}~~
~~Sub~~committee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS
FULL COMMITTEE WORK SESSION ON HB 1286

BILL TITLE: (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

DATE: 3/8/10

Subcommittee Members:

Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley,
Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood,
Bettencourt, R. Ober, Ulery, Osgood and Sapareto.

Comments and Recommendations: The Committee discussed the bill.

Amendments:

Sponsor: Reps. Ober & Mack

OLS Document #: 0899h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP (OTP/A, ITL), Retained (Please circle one.)

Moved by Rep. Ober

Seconded by Rep. Mack

Vote: Unanimous 12 Yes & 0 No (Two additional committee members entered the room and discussion after the vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

~~SUB~~ COMMITTEE WORK SESSION ON HB 1286
FULL

BILL TITLE: (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

DATE: 3/8/10}

Subcommittee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Bettencourt, R. Obee, Ulery, Osgood and Sapareto.

Comments and Recommendations: *The Committee discussed the bill.*

Amendments:

Sponsor: Rep. <i>Oliver & Mack</i>	OLS Document #: <i>2010-0899 h</i>
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: *Amendment #0899 (h)*
 OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Oliver*

Seconded by Rep. *Mack*

Vote: *Unanimous 12 Yes & 0 No (Two additional Committee members entered the room and discussion after this vote)*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. William Butynski
Subcommittee Chairman/Clerk

Rep. R. Ober, Hills. 27
March 4, 2010
2010-0899h
04/03

Amendment to HB 1286

- 1 Amend RSA 189:13-a, IX as inserted by section 1 of the bill by deleting subparagraph (c).

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1286

BILL TITLE: allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

DATE: January 12, 2010

LOB ROOM: 207 **Time Public Hearing Called to Order:** 11:00 AM

Time Adjourned: 11:20 AM

(please circle if present)

Committee Members: Reps. Rous, Reeve, Yeaton, Clarke, B. Shaw, S. Merrick, K. Shaw, J. Day, O'Neil, Burke, P. Harvey, P. Price, Ingbretson, Stiles, K. Hutchinson, Boehm, Laurent, B. Ward, Fleck and Ladd.

Bill Sponsors: Reps. Stevens, Carr 4; Charron, Rock 7

TESTIMONY

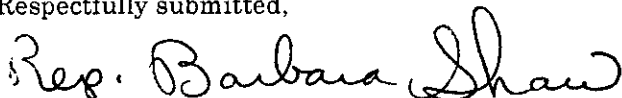
* Use asterisk if written testimony and/or amendments are submitted.

Representative Stanley Stevens, prime sponsor - supports. Currently the FBI will not release records to non public school systems, only to public school systems. We need legislation that will allow non public schools to obtain these criminal background checks.

Commissioner Earl Sweeney, Department of Safety - supports. This bill is a collaboration between the Department of Safety and the Department of Education. Non public schools have come to the Department of Safety looking for background checks that they cannot get. Background check is different from criminal record check and what the bill should request is a criminal check. This information should also remain confidential within the school district.

Judith Fillion, NHDOE - supports. See written testimony. This was in place at one time for first time hires. Later federal law was changed so that the holding by a district of this background check was no longer done and no checks were done in non public schools. We need legislation to return to criminal history checks for all. This legislation would help return the law.

Respectfully submitted,



Representative Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1286

BILL TITLE: allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

DATE: 1-12-10

LOB ROOM: 207

Time Public Hearing Called to Order: 11:00 AM

Time Adjourned: 11:20 AM

(please circle if present)

Committee Members: Reps. Rous, Reeve, Yeaton, Clarke, B. Shaw, S. Merrick, K. Shaw, J. Day, O'Neil, Burke, P. Harvey, P. Price, Ingretson, Stiles, K. Hutchinson, Boehm, Laurent, B. Ward, Fleck and Ladd

Bill Sponsors: Reps. Stevens, Carr 4; Charron, Rock 7

Rep. Barbara Shaw
Clerk

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep. Stanley Stevens - currently FBI will not release records to non-public school systems, only public systems. Need to have legislation that will allow non-public school to obtain these criminal background checks.
- ② Commissioner Earl Sweeney - Dept of Safety + Dept of Ed. bill result of collaboration between Dept of Safety + Dept of Ed. non-public schools have come to DOS looking for ^{background} checks that they cannot get background check is different from criminal record check & what the bill should request is a criminal check. This information should also remain confidential within the school district

③ Judy Fillion - NH DOE
supports legislation

had this in place at one time for 1st time.
later ^{Feb} law was changed so that the holding by ^{hires.} district
of this ^{background} check was no longer done & no
checks were done in non-public schools.

need legislation to return to criminal history
checks for all.

this legislation would help return the law

* written testimony

Sub-Committee Actions

HOUSE COMMITTEE ON EDUCATION
SUBCOMMITTEE WORK SESSION ON HB 1286

BILL TITLE: allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

DATE: January 28, 2010

Subcommittee Members: Reps. J. O'Neil, B. Ward, S. Shurtleff

Comments and Recommendations: The subcommittee proposed an amendment.

Amendments:

Sponsor: Rep. J. O'Neil	OLS Document #:	2010	0396h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. B. Ward

Seconded by Rep. S. Shurtleff

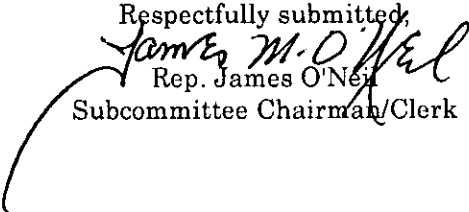
Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. James O'Neil
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION ON HB 1286

BILL TITLE: allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

DATE: 1/28/2010

Subcommittee Members: Reps. O'NEIL, WARD AND SHURTLEFF (CRIMINAL JUSTICE)

Comments and Recommendations: Second by SHURTLEFF TO See ATTACHED AMEND HB1286

Amendments:

Sponsor: Rep. WARD	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

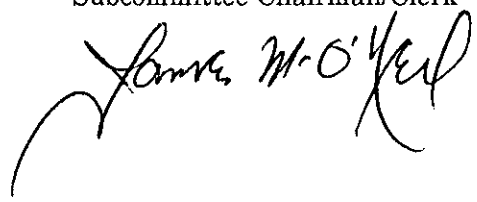
Moved by Rep.
Seconded by Rep.
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. WARD
Seconded by Rep. SHURTLEFF
Vote: 3-0

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk



D

HB 1286

PROPOSED AMENDMENT TO HB 1286. ADDITIONS ARE BOLD FACE UNDERLINED AND DELETIONS ARE IN BRACKETS.

1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee and Volunteer [~~Background Investigations~~] ***Criminal History Records Check.***

I. The employing school administrative unit, school district, or chartered public school shall complete a [~~background investigation and a~~] criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment. ***A nonpublic school approved by the New Hampshire state board of education ~~may~~ submit criminal history records checks on applicants for employment pursuant to this section.*** A school administrative unit, school district, [~~or~~] chartered public school, ***or participating nonpublic school*** may extend a conditional offer of employment to a selected applicant [~~after completing a background investigation~~], with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a [~~conditional~~] ***final*** offer of employment unless the school administrative unit, school district, [~~or~~] chartered public school, ***or participating nonpublic school*** has [~~initiated~~] ***completed*** a criminal history records check. The school administrative unit, school district, [~~or~~] chartered public school, ***or participating nonpublic school*** shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, [~~or~~] chartered public school, ***or participating nonpublic school*** fulfilled the requirements of this section.

SHALL

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, [~~or~~] chartered public school, ***or participating nonpublic school*** shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, [~~or~~] chartered public school, ***or participating nonpublic school***. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, [~~or~~] chartered public school, ***or participating nonpublic school*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

"Public Academies" Add

III. The school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school* shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. [~~Upon completion of the background investigation,~~] The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school*, and shall report the presence or absence of any such crime to the school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school*. Under no circumstances shall the criminal records be released to the school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school*. The school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school* shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school* shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school* shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such convictions. The school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school* shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, [~~or charter~~] *chartered public school, or participating nonpublic school* may require the selected applicant for employment or designated volunteer to pay the actual costs of the [~~background investigation and a~~] criminal history records check.

V. Any person who has been convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school*. By decision of the appropriate governing body, a school administrative unit, school district, [ø] chartered public school, *or participating nonpublic school* may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

VI. This section applies to any employee, selected applicant for employment, designated volunteer, or volunteer organization which contracts with a school administrative unit, school district, [ø] chartered public school, **or participating nonpublic school** to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district [ø], chartered public school, **or participating nonpublic school**. The cost for [~~background investigations, including~~] criminal history records checks[;] for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The school administrative unit, school district, [ø] chartered public school, **or participating nonpublic school** shall not be required to complete a [~~background investigation or a~~] criminal history records check on volunteers, provided that the governing body of a school administrative unit, school district, [ø] chartered public school, **or participating nonpublic school** shall adopt a policy designating certain categories of volunteers as “designated volunteers” who may be required to undergo a [~~background investigation and a~~] criminal history records check.

VIII. A school administrative unit, school district, chartered public school, **participating nonpublic school**, or school official acting pursuant to a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, chartered public school, **participating nonpublic school**, or school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall be deemed to grant immunity to any person for that person’s reckless or wanton conduct.

IX.(a) Substitute teachers, student teachers, student interns, and other educational staff shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or participating nonpublic school. The division of state police shall complete the criminal history records check and, upon completion, shall issue a letter to the applicant. The letter shall be valid for [15] 30 days from the date of issue and shall constitute satisfactory proof of compliance with this section.

(b) Student teachers and student interns shall submit a criminal history records check upon enrollment in a teacher preparation program, but shall not be required to submit additional criminal history records checks if the student teacher or student intern maintains continuous enrollment in the teacher preparation program.

(c) In addition to the criminal history records check fee, substitute teachers, student teachers, student interns, and other educational staff shall pay an additional fee of \$25 to the division of state police to offset the additional administrative costs under this paragraph.

X. Violations of this section shall be jointly investigated by the state police and the department of education. Information obtained through such investigations shall remain confidential and shall not be subject to RSA 91-A.

2 One-Year Certificate of Eligibility. Amend RSA 189:39-b, I(b) to read as follows:

(b) Is subject to a [~~background investigation~~] ***criminal history records check*** pursuant to RSA 189:13-a.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1286

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring nonpublic schools and public academies to obtain a criminal history
4 records check on employees and volunteers.
5

6 Amend the bill by replacing section 1 with the following:

7

8 1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as
9 follows:

10 189:13-a School Employee and Volunteer [~~Background Investigations~~] ***Criminal History***
11 ***Records Check.***

12 I. The employing school administrative unit, school district, or chartered public school shall
13 complete a [~~background investigation and a~~] criminal history records check on every selected
14 applicant for employment in any position in the school administrative unit, school district, or
15 chartered public school prior to a final offer of employment. ***A nonpublic school or public***
16 ***academy approved by the New Hampshire state board of education shall submit a criminal***
17 ***history records check on applicants for employment pursuant to this section.*** A school
18 administrative unit, school district, [or] chartered public school, ***nonpublic school, or public***
19 ***academy*** may extend a conditional offer of employment to a selected applicant [~~after completing a~~
20 ~~background investigation~~], with a final offer of employment subject to a successfully completed
21 criminal history records check. No selected applicant may be extended a [~~conditional~~] ***final*** offer of
22 employment unless the school administrative unit, school district, [or] chartered public school,
23 ***nonpublic school, or public academy*** has [~~initiated~~] ***completed*** a criminal history records check.
24 The school administrative unit, school district, [or] chartered public school, ***nonpublic school, or***
25 ***public academy*** shall not be held liable in any lawsuit alleging that the extension of a conditional
26 or final offer of employment to an applicant, or the acceptance of volunteer services from a
27 designated volunteer, with a criminal history was in any way negligent or deficient, if the school
28 administrative unit, school district, [or] chartered public school, ***nonpublic school, or public***
29 ***academy*** fulfilled the requirements of this section.

30 II. The selected applicant for employment or designated volunteer with a school
31 administrative unit, school district, [or] chartered public school, ***nonpublic school, or public***
32 ***academy*** shall submit to the employer a notarized criminal history records release form, as provided

1 by the division of state police, which authorizes the release of information regarding the presence or
2 absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V.
3 The applicant shall submit with the release form a complete set of fingerprints taken by a qualified
4 law enforcement agency or an authorized employee of the school administrative unit, school district,
5 ~~[or]~~ chartered public school, *nonpublic school, or public academy*. In the event that the first set
6 of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in
7 order to complete the criminal history records check, the conditional offer of employment shall
8 remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the
9 school administrative unit, school district, ~~[or]~~ chartered public school, *nonpublic school, or public*
10 *academy* may, in lieu of the criminal history records check, accept police clearances from every city,
11 town, or county where an applicant has lived during the past 5 years.

12 III. The school administrative unit, school district, ~~[or]~~ chartered public school, *nonpublic*
13 *school, or public academy* shall submit the criminal history records release form to the New
14 Hampshire state police which shall conduct a criminal history records check through its records and
15 through the Federal Bureau of Investigation. ~~[Upon completion of the background investigation,]~~
16 The state police shall examine the list of crimes constituting grounds for non-approval of
17 employment, or non-acceptance of volunteer services in that school administrative unit, school
18 district, ~~[or]~~ chartered public school, *nonpublic school, or public academy*, and shall report the
19 presence or absence of any such crime to the school administrative unit, school district, ~~[or]~~
20 chartered public school, *nonpublic school, or public academy*. Under no circumstances shall the
21 criminal records be released to the school administrative unit, school district, ~~[or]~~ chartered public
22 school, *nonpublic school, or public academy*. The school administrative unit, school district, ~~[or]~~
23 chartered public school, *nonpublic school, or public academy* shall maintain the confidentiality
24 of all criminal history records information received pursuant to this paragraph. If the criminal
25 history records information indicates no criminal record, the school administrative unit, school
26 district, ~~[or]~~ chartered public school, *nonpublic school, or public academy* shall destroy the
27 information received immediately following its review of the information. If the criminal history
28 records information indicates that the applicant has been convicted of a felony or of a crime listed in
29 paragraph V, the school administrative unit, school district, ~~[or]~~ chartered public school, *nonpublic*
30 *school, or public academy* shall review the information for a hiring decision, and the division of
31 state police shall notify the department of education of any such convictions. The school
32 administrative unit, school district, ~~[or]~~ chartered public school, *nonpublic school, or public*
33 *academy* shall destroy any criminal history record information that indicates a criminal record
34 within 30 days of receiving such information.

35 IV. The school administrative unit, school district, ~~[or charter]~~ *chartered public* school,
36 *nonpublic school, or public academy* may require the selected applicant for employment or
37 designated volunteer to pay the actual costs of the ~~[background investigation and a]~~ criminal history

1 records check.

2 V. Any person who has been convicted of any violation or attempted violation of RSA 630:1;
3 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3;
4 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2
5 where the act involves a child in material deemed obscene; in this state, or under any statute
6 prohibiting the same conduct in another state, territory, or possession of the United States, shall not
7 be hired by a school administrative unit, school district, [ø] chartered public school, **nonpublic**
8 **school, or public academy**. By decision of the appropriate governing body, a school administrative
9 unit, school district, [ø] chartered public school, **nonpublic school, or public academy** may deny
10 a selected applicant a final offer of employment if such person has been convicted of any felony in
11 addition to those listed above. The governing body may adopt a policy stating that any person who
12 has been convicted of any felony, or any of a list of felonies, shall not be hired.

13 VI. This section applies to any employee, selected applicant for employment, designated
14 volunteer, or volunteer organization which contracts with a school administrative unit, school
15 district, [ø] chartered public school, **nonpublic school, or public academy** to provide services,
16 including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other
17 service where the contractor or employees of the contractor provide services directly to students of
18 the district [ø], chartered public school, **nonpublic school, or public academy**. The cost for
19 [~~background investigations, including~~] criminal history records checks[.] for employees or selected
20 applicants for employment with such contractors shall be borne by the contractor.

21 VII. The school administrative unit, school district, [ø] chartered public school, **nonpublic**
22 **school, or public academy** shall not be required to complete a [~~background investigation or a~~]
23 criminal history records check on volunteers, provided that the governing body of a school
24 administrative unit, school district, [ø] chartered public school, **nonpublic school, or public**
25 **academy** shall adopt a policy designating certain categories of volunteers as "designated volunteers"
26 who may be required to undergo a [~~background investigation and a~~] criminal history records check.

27 VIII. A school administrative unit, school district, chartered public school, **nonpublic**
28 **school, public academy**, or school official acting pursuant to a policy establishing procedures for
29 certain volunteers shall be immune from civil or criminal liability, provided the school
30 administrative unit, school district, chartered public school, **nonpublic school, public academy**, or
31 school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall
32 be deemed to grant immunity to any person for that person's reckless or wanton conduct.

33 IX.(a) **Substitute teachers, student teachers, student interns, and other educational**
34 **staff shall apply for a criminal history records check at the employing school**
35 **administrative unit, school district, chartered public school, nonpublic school, or public**
36 **academy. The division of state police shall complete the criminal history records check**
37 **and, upon completion, shall issue a letter to the applicant. The letter shall be valid for 30**

1 *days from the date of issue and shall constitute satisfactory proof of compliance with this*
2 *section.*

3 *(b) Student teachers and student interns shall submit a criminal history*
4 *records check upon enrollment in a teacher preparation program, but shall not be*
5 *required to submit additional criminal history records checks if the student teacher or*
6 *student intern maintains continuous enrollment in the teacher preparation program.*

7 *(c) In addition to the criminal history records check fee, substitute teachers,*
8 *student teachers, and student interns shall pay an additional fee of \$25 to the division of*
9 *state police to offset the additional administrative costs under this paragraph.*

10 *X. Violations of this section shall be jointly investigated by the state police and the*
11 *department of education. Information obtained through such investigations shall remain*
12 *confidential and shall not be subject to RSA 91-A.*

13 *XI. In this section, "public academy" shall have the same meaning as in RSA 194:23,*
14 *II.*

Amendment to HB 1286
- Page 5 -

2010-0396h

AMENDED ANALYSIS

This bill requires nonpublic schools and public academies to submit a criminal history records check through the division of state police.

This bill is a request of the department of safety.

Testimony

3

Judy Fillion DOE

15 days

The Department of Education supports HB 1286

15 days

^{RSA}
~~New Hampshire Revised Statutes Annotated~~ 189:13-a, School Employee and Volunteer Background Investigations has been updated several times since its enactment in 1993. Originally, the criminal records check was associated with certification and renewal of educator credentials and involved only the state level review. In 1998 the law was revised extensively with the active involvement of both the Department of Education and Department of Safety. The criminal check involved both FBI and state reviews and applied to all staff employed by a school district. We have needed clarity on its application to substitute teachers and student teachers. Also, voluntary participation of private schools needs to be included in the legislation.

Deputy Comm. Sweeney

The changes allow educational personnel who are not employed by public schools, access to the criminal history record checks. Non-Public Schools, substitute teachers, student teachers, student interns and other educational staff need to be listed in the law. It is a federal mandate needed to access the FBI criminal records check. These changes reflect what has to be done to accomplish this federal mandate. These changes are requested by the New Hampshire Department of Safety with the support of the New Hampshire Department of Education.

The Nonpublic Advisory Council, which advises the State Board of Education on nonpublic school matters, met last week and is in support of voluntary participation in the criminal history check program.

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1286

BILL TITLE: allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

DATE: February 2, 2010

LOB ROOM: 207

Amendments:

Sponsor: Rep. J. O'Neil OLS Document #: 2010 0396h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) **AMENDMENT 0396h**

Moved by Rep. J. O'Neil

Seconded by Rep. P. Price

Vote: 19-1 (Please attach record of roll call vote.) **HAND VOTE**

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. J. O'Neil

Seconded by Rep. P. Price

Vote: 19-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-1

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Barbara E. Shaw
Rep. Barbara E. Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1286

BILL TITLE: allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

DATE: ~~1/20/2010~~ 2/2/2010

LOB ROOM: 207

Amendments:

Sponsor: Rep. O'Neil OLS Document #: 0396h
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: (ITL) (OTP) (OTP/A) ITL, Interim Study (Please circle one.)

(2) Moved by Rep. O'Neil
Seconded by Rep. Price
Vote: 19-1 (Please attach record of roll call vote.)

Motions: amendment (OTP) (OTP/A) ITL, Interim Study (Please circle one.) 0396h

(1) Moved by Rep. O'Neil
Seconded by Rep. Price
Vote: 19-1 (Please attach record of roll call vote.) hand vote
19-1

CONSENT CALENDAR VOTE: ~~19-1~~ # ~~19-1~~ yes

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Barbara E. Shaw, Clerk

EDUCATION

Bill #: HB 1086 Title: allowing nonpublic schools to obtain criminal history records check on employees and volunteers.

PH Date: 12 / 12 / 10

Exec Session Date: 2 / 2 / 10

Motion: OTP/A

Amendment #: 0396h

MEMBER	YEAS	NAYS
Rous, Emma L, Chairman	✓	
Reever, Judith T, V Chairman	✓	
Yeaton, Charles B	✓	
Clarke, Claire D	✓	
Shaw, Barbara E, Clerk	✓	
Shaw, Kimberly C	✓	
Day, Judith E	✓	
O'Neil, James M	✓	
Burke, Rachel B	✓	
Harvey, Philip R	✓	
Price, Pamela G	✓	
Ingbretson, Paul		✓
Stiles, Nancy F	✓	
Hutchinson, Karen K	✓	
Boehm, Ralph G	✓	
Laurent, John J	✓	
Ward, Brien L	✓	
Fleck, Joseph W	✓	
Ladd, Rick M	✓	
Kim Casey	✓	
	19	1

TOTAL VOTE:

Printed: 12/18/2009

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 1286

BILL TITLE: (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

DATE: 3/16/10

LOB ROOM: 202

Amendments:

Sponsor: Rep. Ober OLS Document #: 0899h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

On Amendment #2010-0899h

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ober

Seconded by Rep. Mack

Vote: 16-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Mack

Seconded by Rep. Bettencourt

Vote: 15-3 (Please attach record of roll call vote.)

NO

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 1286

BILL TITLE: (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

DATE: 3/16/10

LOB ROOM: 202

Amendments:

Sponsor: Rep. *Ober* OLS Document #: 2010-0899h
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: *on Amendment # 2010-0899h*
OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Ober*

Seconded by Rep. *Menke*

Vote: *16 to 2* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Mack*

Seconded by Rep. *Bottomcourt*

Vote: *15 to 3* (Please attach record of roll call vote.)

No
CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
William Butynski
Rep. William Butynski, Clerk

WAYS AND MEANS

Bill #: HB 1286 Title: *(amended) requiring nonpublic schools + public academies to obtain a criminal history records check on employees + students*

PH Date: 3/21/10 Exec Session Date: 3/16/10

Motion: *OT/PA by Mack + Bettencourt* Amendment #: 2010-0899 LD

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman		
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L <i>Griffin, Mary</i>		✓
Griffin, Mary E <i>Price, Pamela</i>	✓	
Lockwood, Priscilla P	✓	
Boutin, David R <i>Herr, David</i>		
Bettencourt, David J	✓	
Ober, Russell T		✓
Sapareto, Frank V		✓
Ulery, Jordan G	✓	
Osgood, Joe	✓	
	<u>15</u>	<u>3</u>

Committee Report

CONSENT CALENDAR

February 10, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on EDUCATION to which was referred
HB1286,**

**AN ACT allowing nonpublic schools to obtain criminal
history records checks on employees and volunteers.**

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. James M O'Neil

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EDUCATION
Bill Number:	HB1286
Title:	allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.
Date:	February 2, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill with the amendment will expand the requirement to have a criminal history records check for any individual hired in any position by a nonpublic school or a public academy approved by the New Hampshire state board of education. The records check will be done through the New Hampshire department of safety. A criminal history records check is currently required for employment in school administrative units, school districts and public charter schools in New Hampshire and has been for a number of years. In addition, substitute teachers, student teachers, and student interns will also need to complete a criminal records check prior to their employment or service in any school.

Vote 19-1.

Rep. James M O'Neil
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EDUCATION

HB1286, allowing nonpublic schools to obtain criminal history records checks on employees and volunteers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M O'Neil for EDUCATION. This bill with the amendment will expand the requirement to have a criminal history records check for any individual hired in any position by a nonpublic school or a public academy approved by the New Hampshire state board of education. The records check will be done through the New Hampshire department of safety. A criminal history records check is currently required for employment in school administrative units, school districts and public charter schools in New Hampshire and has been for a number of years. In addition, substitute teachers, student teachers, and student interns will also need to complete a criminal records check prior to their employment or service in any school. **Vote 19-1.**

Original: House Clerk
Cc: Committee Bill File

This bill with the amendment will expand the requirement to have a criminal history records check for any individual hired in any position by a nonpublic school or a public academy approved by the New Hampshire State Board of Education. The records check will be done through the New Hampshire Department of Safety. A criminal history records check is currently required for employment in school administrative units, school districts and public charter schools in New Hampshire and has been for a number of years. In addition, substitute teachers, student teachers, and student interns will also need to complete a criminal records check prior to their employment or service in any school.

ER

HB 1286

HB 1286, relative to allowing nonpublic schools to obtain criminal history records checks on employees and volunteers. OUGHT TO PASS WITH AMENDMENT. Rep. James M. O'Neil for Education. This bill with the amendment will expand the requirement to have a criminal history records check for any individual hired in any position by a nonpublic school approved by the New Hampshire State Board of Education. The records check will be done through the New Hampshire Department of Safety. A criminal history records check is currently required for employment in school administrative units, school districts and public charter schools in New Hampshire and has been for a number of years. In addition substitute teachers, student teachers, and student interns will also need to complete a criminal records check prior to their employment or service in any school. VOTE 19-1.

↓
OR A PUBLIC
ACADEMY

Jim O'Neil

E. Row

COMMITTEE REPORT

COMMITTEE: Education

BILL NUMBER: HB 1286

TITLE: allowing non public schools to obtain criminal records checks on employees & volunteers

DATE: 2/2/2010

CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
0396b

STATEMENT OF INTENT:

COMMITTEE VOTE: 19-1

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Emma Rows
For the Committee

REGULAR CALENDAR

March 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on WAYS AND MEANS to which was referred HB1286,

AN ACT (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Ron J Mack

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	WAYS AND MEANS
Bill Number:	HB1286
Title:	(New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.
Date:	March 17, 2010
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

The policy committee felt that nonpublic schools and public academies should obtain criminal record checks for part time substitute teachers, student teachers, student interns and volunteers. The ways and means committee felt an additional \$25 fee for administrative costs was excessive and removed the fee from the bill. The criminal records check cost itself can be a burden to those teachers and some objected on these grounds to the original policy.

Vote 15-3.

Rep. Ron J Mack
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

WAYS AND MEANS

HB1286, (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for WAYS AND MEANS. The policy committee felt that nonpublic schools and public academies should obtain criminal record checks for part time substitute teachers, student teachers, student interns and volunteers. The ways and means committee felt an additional \$25 fee for administrative costs was excessive and removed the fee from the bill. The criminal records check cost itself can be a burden to those teachers and some objected on these grounds to the original policy. **Vote 15-3.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Ways + Means

BILL NUMBER: HB 1286

TITLE: Requiring Non Public Schools and Public Academies
obtain Criminal history records check on employees + Volunteers

DATE: 3/16/10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
0899

STATEMENT OF INTENT:

The policy Committee felt that non public schools and public academies should ~~obtain~~ obtain Criminal record checks for part time Substitute teachers, Student teachers, Student interns and Volunteers. The Ways + Means Committee felt an additional \$25. - fee for Administrative Costs was excessive and removed the fee from the bill.

COMMITTEE VOTE: 15 Y 3-N

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. [Signature]
For the Committee [Signature]