

Bill as Introduced

HB 488-FN - AS INTRODUCED

2011 SESSION

11-0649
05/01

HOUSE BILL **488-FN**

AN ACT relative to criminal records checks for employment with child day care agencies.

SPONSORS: Rep. Day, Hills 7

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides for a more limited criminal records check when an employee of a child day care agency, who has completed the full criminal records check within the last 3 years, transfers to another child day care agency.

This bill is a request of the department of health and human services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 488-FN - AS INTRODUCED

11-0649
05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to criminal records checks for employment with child day care agencies.

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

1 1 New Paragraph; Criminal Records Check Required for Employment with Child Day Care
2 Agency. Amend RSA 170-E:7 by inserting after paragraph II the following new paragraph:

3 II-a. If an individual who is or has been employed at a child day care agency is offered
4 employment at another child day care agency, the individual shall not be required to submit a new
5 set of fingerprints and undergo a new criminal records check through the Federal Bureau of
6 Investigation, as required in subparagraph II(b), provided that the individual has submitted
7 fingerprints and undergone such a criminal records check under this section within 3 years of the
8 individual's first day of employment at the new agency. Before entering employment with the new
9 agency, the individual shall undergo a New Hampshire state criminal records check through the
10 department of safety.

11 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
11-0649
01/19/11

HB 488-FN - FISCAL NOTE

AN ACT relative to criminal records checks for employment with child day care agencies.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Amendments

Rep. Day, Hills. 7
February 16, 2011
2011-0378h
05/10

Amendment to HB 488-FN

1 Amend RSA 170-E:7, II-a as inserted by section 1 of the bill by replacing it with the following:

2

3 II-a. If an individual who is or has been employed or volunteered at a child day care agency
4 is offered employment or volunteers at another child day care agency, the individual shall not be
5 required to submit a new set of fingerprints and undergo a new criminal records check through the
6 Federal Bureau of Investigation, as required in subparagraph II(b), provided that the individual has
7 submitted fingerprints and undergone such a criminal records check under this section within 3
8 years of the individual's first day of employment or volunteer service at the new agency. Before
9 entering employment or volunteering with the new agency, the individual shall undergo a New
10 Hampshire state criminal records check through the department of safety.

Amendment to HB 488-FN
- Page 2 -

2011-0378h

AMENDED ANALYSIS

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II-a. If an individual who is or has been employed or volunteered at a child day care agency is offered employment or volunteers at another child day care agency, the individual shall not be required to submit a new set of fingerprints and undergo a new criminal records check through the Federal Bureau of Investigation, as required in subparagraph II(b), provided that the individual has submitted fingerprints and undergone such a criminal records check under this section within 3 years of the individual's first day of employment or volunteer service at the new agency. Before entering employment or volunteering with the new agency, the individual shall undergo a New Hampshire state criminal records check through the department of safety.

2011-0378h

AMENDED ANALYSIS

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This bill is a request of the department of health and human services.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HOUSE BILL 488-FN

BILL TITLE: relative to criminal records checks for employment with child day care agencies.

DATE: February 17, 2011

LOB ROOM: 206 **Time Public Hearing Called to Order:** 10:00 am

Time Adjourned: 10:59 am

(please circle if present)

Committee Members: Reps. Moran, Hogan, J. Brown, Gargas, Dowling, J. Johnson, DeSimone, Katsakiores, Sapienza, Soucy, Perkins, Oligny, Robbins, Grassie, Gould, Lovejoy and Porter.

Bill Sponsors: Rep. Day, Hills 7

Rep. Day, sponsor, introduced the bill at the request of Department of Health and Human Services for interest of simplification of policy.

TESTIMONY

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

Rep. Dowling: Relates to similar instance of training of volunteers in churches, etc.

Jackie Cowell, Early Learning New Hampshire, - supports

John B. Martin and Denise Carvino, Department of Health and Human Services (DHHS) – support (Chief of Department of Health and Human Services licensing and childcare licensing. Explain need for simplification and alleviation of the burden of cost repeat.

Rep. Moran: What is the total cost? 430.25 (FBI) and \$15.00 (State of New Hampshire), DHHS pays have of the New Hampshire check.

Rep. A. Grassie: Volunteer vs. Employ? Ms. Carvino Ans.: Five (5) hours spent with children per day, this is required.

Rep. Gould: Relative to school? Ans. This just applies to licensed child daycare. A conviction present would require an investigation to determine the nature of the conviction (the crime committed, i.e. traffic violation vs. child abuse).

Rep. Moran: What is the relationship or reciprocity with public schools' employees?

John Martin: Ans. No, keeping it simple, exclusive to child care agency. Agree to look into possible sharing with Department of education.

Called Rep. Manuse: Absent

Jeff Kellett, New Hampshire State Police, - (takes no stance)

Refers to Federal law, any changes must be vetted through the Federal Bureau of Investigation (FBI). 1) Giving State access to FBI records. This bill could jeopardize DHHS's access to these records. 2) Three years is a long time. Things do happen in short time out of state. FBI currently would notify DHHS if fingerprints accompanied out-of-state arrest. "Watering down" by HB 488 would remove that. \$15.25 (), \$19.25 (employee). RSA 18-A school law doesn't allow release of offense information.

Rep. Dowling: Questions reciprocity of stats. Kellett: Ans. Not the state but through FBI – not currently functioning, target 2014 "Wrap Back Program."

Rep. Dowling: Triggered by arrest – not conviction? Kellett: Ans. Could be reported at time of arrest or of conviction.

Rep. Porter: Re statistics. Kellett: Ans. No, we don't keep those.

Rep. Grassie: Re fingerprints to question prior to hire. Kellett: Ans. Not available.

Rep. Moran: Do you pick up on fingerprints from a call from out-of-state? Kellett: Ans. 72 hour turnaround.

Rep. Hogan: Re notification of job change. Kellett: Ans. Moot question in WRAP BACK Program.

Rep. Porter: How long are prints retained? Kellett: Ans. No law in New Hampshire requiring retains. Recommends two-year period to store.

Rep. Porter: How long time period for FBI to store prints when no record is revealed? Kellett: Ans. They are destroyed.

Rep. Moran: Re Mutual schools/daycares. Kellett: Ans. School law specific to a list of felony convictions apply to applicants.

Rep. Dowling: Asks arrests or convictions? Kellett: Ans. Convictions.

Rep. Moran: Why three years?

D. Corvino: Coincides with renewals of licenses.

Rep. Porter: Have you had any incidents of out-of-state fingerprint notices? Corvino: No.

Rep. Grassie: Any idea of cost of this check over a year? Corvino: Gives two examples – not concrete but indicate concern re costs.

Rep. Moran: Re safety concern after hearing Mr. Kellett's testimony regarding 3-years. Corvino: Risk, but within reason.

Michael Brewster, Pittsfield – supports

Questions relation to transporters. Corvino: If employed by daycare division.

Respectfully submitted,



Jane B. Johnson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

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Bill Sponsors: Rep. Day, Hills 7

Bill requested by DHHS for interest of simplification of policy.

TESTIMONY

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

Rep. Dowling: relates to similar instance of training of volunteers in churches, etc. Am.

1 Jackie Cowell - Supports Early Learning NH

2 John Martin & Denise Corvino support explain need for simplification and alleviation of the burden of cost repeat (Chief of DHHS licensing & DHHS childcare licensing) Rep Moran: total cost? = \$30.25 FBI + \$15 State NH, DHHS pays 1/2 of NH check

Rep Grassie: volunteer vs. employ - 5 hrs spent w/ children per day this is required

(over) - (2)

Respectfully Submitted:

Jane B. Johnson, Clerk

② Rep. Gould: relative to school - Ans. this just applies to licensed child day care

A conviction present would require an investigation to determine the nature of the conviction (the crime committed, i.e. traffic violation vs child abuse)

Rep. Moran: What is the relationship or reciprocity with public schools employees.

John Martin: No, keeping it simple, exclusive to child care agency. Agree to look into possible sharing with Dept of Ed.

Called Rep. Manuse - abs.

Jeff Kelleth takes no stance + or - HB 488

refers to Federal law. any changes must be vetted then FBI giving state access to FBI records. This bill could jeopardize DHS's access to these records.

② 3 years is a long time - things do happen in short time out of state. FBI currently would notify DHS if fingerprints accompanied out of state arrests. "Watching down" by HB 488 would remove that.

\$15.25, \$19.25
→ employee

RSA 189-A school law doesn't allow release of offense info

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Rep. Porter: Re statistics - Ans. No we don't keep those

Rep. Grassie: Re fingerprints to question prior to hire? Ans. Not available

Rep. Moran: Do you pick up on fingerprints from a call from out of state? Ans. 72 hr, turn around

Rep. Hagan: Re notification of job change in WRAP BACK program Ans. moot question

Rep. Porter: How long are prints retained. Ans. No law in NH requiring detach. Recommends 2 YR period to store

Mr. Jeff Kellett, FBI info
State Police

3.

Rep. Porter re: time FBI stores prints when
no record is revealed.

Ans. They are destroyed.

Rep. Moran re: mutual schools/daycares.

Mr. Kellett: School law specific to
a list of ^{felonies} convictions apply to
applicants.

Dr. Corvino

Rep. Dowling asks arrests or convictions)

Mr. Kellett - Convictions)

Rep. Moran - ? why 3 years)

Corvino - coincides w/ renewals of licenses)

Rep. Porter - Have you had any incidents
of out-of-state fingerprint notices?

Corvino - No

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Corvino - Gives 2 examples - not concrete
but indicate concern re costs

Rep. Moran - re safety concern after hearing
Mr. Kellett's testimony regarding 3 yrs.

Ms. Corvino: Risk but within reason

(Mr. Brewster) Pittsfield

? relation to transporters -

Corvino - if employed by daycare division

Closed @ 10:59 a.m.

Testimony

February 16, 2011

To the Members of the House Children and Family Law Committee:

I am writing in support of HB 488-FN, with the amended language to include volunteers as well as employees of child day care agencies. As a professor of early childhood studies at Plymouth State University and as co-chair of the NH Child Care Advisory Council, I believe that this bill will remove a financial burden from child care workers and early childhood college students while at the same time ensuring that all child care staff have had criminal record checks before coming into contact with young children.

The current requirements for criminal records checks impose a strong financial burden on many child care employees. Given the typically low salaries of child care staff, the requirement to obtain a separate criminal records check for every early childhood setting in which they work is especially onerous. Making the results of criminal background checks portable, as HB 488 proposes, will still ensure that child care employees have to obtain background checks, but will be able to take the results of these checks from one early childhood setting to another. Paying for one criminal records check every three years will substantially reduce the financial burden on child care employees.

The amended language to include volunteers at child care centers is especially important for college students in early childhood studies programs at two- and four-year institutions. These students often complete volunteer field experiences at two or more early childhood settings in the course of one year, or even one semester. Under the current law, that means they are required to get a separate background check for each setting. Currently, there are students in my program at Plymouth State who have had to pay for three criminal background checks in the course of one semester. If a student is also doing field experiences in public schools, which require a separate background check, that imposes even greater financial obligations on her or him. Last semester many of my students had to pay between \$50 and \$150 in obtaining criminal background checks for one semester. Making the background checks portable for volunteers as well as employees of child care settings would alleviate this financial burden for college students, while still ensuring that they obtain the needed criminal background checks.

The NH Child Care Advisory Council (NHCCAC) supports the proposal to make criminal background checks portable. The NHCCAC was formed by statute to create an independent advisory body to support the development of quality, affordable child care statewide, and to provide a forum for the gathering and dissemination of information regarding child care and related services. Additionally, the Council advises and makes recommendations to the Department of Health and Human Services, the Office of the Governor, and the Commissioner of Education on general policies and legislation regarding child care services. The Council also serves as the advisory body for the federal Child Care Development Fund (CCDF).

I encourage you to vote in support of HB 488-FN, for the reasons described above. This bill will balance the safety of children in child care settings with reasonable requirements for criminal records checks of those who work with the children. Thank you for your consideration.

Sincerely,
Patricia Cantor, Ed.D.
Professor, Early Childhood Studies, PSU

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HOUSE BILL 488-FN

BILL TITLE: relative to criminal records checks for employment with child day care agencies.

DATE: February 17, 2011

LOB ROOM: 206

Amendments:

Sponsor: Rep. Russell Day, Hills 7 OLS Document #: 2011 0378h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. David Robbins

Seconded by Rep. Julie Brown

Vote: 10-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Jane B. Johnson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 488

BILL TITLE: relative to criminal records checks for employment with child day care agencies.

DATE: February 17, 2011

LOB ROOM: 206

Amendments:

Sponsor: Rep. *Russell Day*
(Hills 7)

OLS Document #: *2011-0378h*

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. *David Robbins*

Seconded by Rep. *Julie Brocun*

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

10-0 (7 absent)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) *10 yea*

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Jane B. Johnson
Rep. Jane Johnson, Clerk

CHILDREN AND FAMILY LAW

Bill #: HB 488-FN Title: relative to criminal record checks for employment with child day care agencies.

PH Date: 02/17/11

Exec Session Date: / /

Motion: _____

Amendment #: 2011-0378h

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
Hogan, Edith A, V Chairman	✓	
Brown, Julie M	✓	
Gargasz, Carolyn M	✓	
Dowling, Patricia A	abs	
Johnson, Jane B	✓	
DeSimone, Debra L	✓	
Katsakiores, Phyllis M	abs	
Sapienza, Marie N	abs	
Soucy, Connie M	abs	
Perkins, Amy S	abs	
Oigny, Jeffrey D	abs	
Robbins, David S	✓	
Grassie, Anne C	✓	
Gould, Franklin F	✓	
Lovejoy, Patricia T	✓	
Porter, Marjorie A	abs	
	10	
	7 absences	
	moved Consent unanimous	

TOTAL VOTE:

Printed: 1/4/2011

Committee Report

CONSENT CALENDAR

February 18, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CHILDREN AND FAMILY LAW to which
was referred HB488-FN,

AN ACT relative to criminal records checks for employment
with child day care agencies. Having considered the same,
report the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.

Rep. David S Robbins

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB488-FN
Title:	relative to criminal records checks for employment with child day care agencies.
Date:	February 18, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill was requested by the Department of Health and Human Services (DHHS). It provides for a more limited criminal records check when an employee or volunteer of a child daycare agency which has completed the full criminal records check within the last three years, transfers to another child daycare agency. The DHHS states the bill may decrease state, county and local expenditures and state revenue by an undetermined amount in FY 2011, and each year thereafter. There will be no fiscal impact on county or local revenues. The Department of Safety states the bill will have no fiscal impact on them.

Vote 10-0.

Rep. David S Robbins
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB488-FN, relative to criminal records checks for employment with child day care agencies.
OUGHT TO PASS WITH AMENDMENT.

Rep. David S Robbins for CHILDREN AND FAMILY LAW. This bill was requested by the Department of Health and Human Services (DHHS). It provides for a more limited criminal records check when an employee or volunteer of a child daycare agency which has completed the full criminal records check within the last three years, transfers to another child daycare agency. The DHHS states the bill may decrease state, county and local expenditures and state revenue by an undetermined amount in FY 2011, and each year thereafter. There will be no fiscal impact on county or local revenues. The Department of Safety states the bill will have no fiscal impact on them. **Vote 10-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Children's Family Law

BILL NUMBER: HB 488-FN as amended

TITLE: relative to criminal records checks for employment with child daycare

DATE: 2/17/2011 CONSENT CALENDAR: YES NO

J.S. OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2011-03786

STATEMENT OF INTENT ^{at the request of}
^{Brought by} Health & Human Services

This bill provides for a more limited criminal records check when an employee or volunteer of a child day care agency, who has completed the full criminal records check within the last 3 years, transfers to another child day care agency.

FISCAL NOTE: DHHS states the bill may decrease state, county and local expenditures and state revenue by an indeterminable amount in FY 2011 and each year thereafter. There will be no fiscal impact on county or local revenue. The Department of Safety states the bill will have no fiscal impact on them.

COMMITTEE VOTE: 10 YEA - 0 NAY - 7 ABSENT *OK, Ed Moran*

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

RESPECTFULLY SUBMITTED
David S. Robbins
Rep. DAVID S. ROBBINS
For the Committee