

Committee Report

REGULAR CALENDAR

October 15, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred HB
723-FN,**

**AN ACT relative to requiring a criminal history records
check for applicants for teaching certification. Having
considered the same, report the same: NOT
RECOMMENDED FOR FUTURE LEGISLATION.**

Rep. Barbara Shaw

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 723-FN
Title:	relative to requiring a criminal history records check for applicants for teaching certification.
Date:	October 15, 2020
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

Although the content of this legislation has merit regarding criminal record checks, the financial impact reflects an indeterminable funding increase for various state agencies as well as man power and time constraints. The stated concepts and directives within this bill need to be revisited and presented in new legislation.

Vote 13-0.

Rep. Barbara Shaw
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 723-FN, relative to requiring a criminal history records check for applicants for teaching certification.**NOT RECOMMENDED FOR FUTURE LEGISLATION** .

Rep. Barbara Shaw for Education. Although the content of this legislation has merit regarding criminal record checks, the financial impact reflects an indeterminable funding increase for various state agencies as well as man power and time constraints. The stated concepts and directives within this bill need to be revisited and presented in new legislation.

Vote 13-0.

HB723-FN relative to requiring a criminal history records check for applicants for teaching certification

Recommendation: No future Legislation (13/0)

Although the content of this legislation has merit regarding criminal record checks, the financial impact reflects an indeterminable funding increase for various state agencies as well as man power and time constraints. The stated concepts and directives within this bill need to be revisited and presented in new legislation.

Rep. Barbara Shaw

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: September 22, 2020

LOB ROOM: Remote Meeting

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Shaw

Seconded by Rep. Ladd

Vote: 13-0

Respectfully submitted,

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON

EXECUTIVE SESSION on

BILL TITLE: *HB 723 - FN Relative to requiring CRIMINAL history RECORDS*
Check for applicants for Teaching certification

DATE: *9/22/20*

LOB ROOM: Remote

MOTION:

Recommended for Future Legislation

Withdrawn by SHAW/LADD

Not Recommended for Future Legislation

Moved by Rep. *SHAW*

Seconded by Rep. *LADD*

Vote: *13-0*

Respectfully submitted,

Rep. *Spencer L. Jansen*
Committee Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

9/17/2020 11:41:54 AM
Roll Call Committee Registers
Report

2020 SESSION

Education

Bill #: HB 723-FN Motion: NOT Recommended AM #: _____ Exec Session Date: 9/22/20

Members	YEAS	Nays	NV
Myler, Mel Chairman	13		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.	2		
Cornell, Patricia	3		
Doherty, David B.	4		
Le, Tamara N.	5		
Tanner, Linda L. Clerk	6		
Ellison, Arthur S.	7		
Mullen, Sue M.	8		
Riel, Cole J.	9		
Vallone, Mark A			
Woodcock, Stephen L.	10		
Ladd, Rick M.	11		
Cordelli, Glenn A			
Elliott, Robert J. A			
Boehm, Ralph G. A			
Wolf, Dan H. A			
Allard, James C.	12		
Lekas, Alicia D. A			
TOTAL VOTE:	13		

Sub-Committee Actions

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: September 22, 2020

Subcommittee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Woodcock, Ladd and Allard

Comments and Recommendations: It was confusing with different areas involved in criminal check ie arson significant issues with the Department of Safety's ability to take this on and was looking at a new system.

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Shaw

Seconded by Rep. Ladd

Vote: 13-0

Respectfully submitted,

Rep. Linda Tanner
Subcommittee Clerk

HOUSE COMMITTEE ON

SUBCOMMITTEE WORK SESSION on

BILL TITLE: *HB 723-FN Relative to Requiring CRIMINAL history
RECORDS CHECK FOR APPLICANTS FOR TEACHING
CREDENTIALS*
DATE: *9/22/20*

Subcommittee Members:

Comments and Recommendations:

*It was
~~NO COMMENTS~~ - (confusing with different
area involved in criminal checks. "are on
significant issues with Dept of Safety's
ability to take this on and was looking
at a new system.*

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Committee Report

CONSENT CALENDAR

October 30, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred HB
723-FN,**

**AN ACT relative to requiring a criminal history records
check for applicants for teaching certification. Having
considered the same, report the same with the
recommendation that the bill be REFERRED FOR
INTERIM STUDY.**

Rep. Linda Tanner

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 723-FN
Title:	relative to requiring a criminal history records check for applicants for teaching certification.
Date:	October 30, 2019
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill still needs more work and discussion which will be included in a legislative committee formed under HB 251.

Vote 18-0.

Rep. Linda Tanner
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 723-FN, relative to requiring a criminal history records check for applicants for teaching certification. **REFER FOR INTERIM STUDY.**

Rep. Linda Tanner for Education. This bill still needs more work and discussion which will be included in a legislative committee formed under HB 251. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Tanner

COMMITTEE: Education

BILL NUMBER: HB 723

TITLE: Relative to requiring a criminal history record check for applicants for teaching certification.

DATE: 10/23/19 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.

STATEMENT OF INTENT:

This bill still needs more work and discussion which will be included in a legislative committee formed under HB 251. ASR new as the

COMMITTEE VOTE: 18-0

RESPECTFULLY SUBMITTED,

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

Rep. LINDA TANNER
For the Committee

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: October 23, 2019

LOB ROOM: 207

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Tanner

Seconded by Rep. Allard

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: October 23, 2019

LOB ROOM: 207

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. Tanner Seconded by Rep. Allard Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Linda Tanner
Rep Linda Tanner, Clerk



2019 SESSION

Education

Bill #: 723 Motion: INTERIM Study AM #: _____ Exec Session Date: 10/23/19

Members	YEAS	Nays	NV
Myler, Mel Chairman	18		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.			
Cornell, Patricia	2		
Doherty, David B.			
Le, Tamara N.	3		
Tanner, Linda L. Clerk	4		
Ellison, Arthur S.	5		
Mullen, Sue M.	6		
Riel, Cole J.	7		
Vallone, Mark	8		
Woodcock, Stephen L.	9		
Ladd, Rick M.	10		
Cordelli, Glenn <i>WERNER</i>	11		
Elliott, Robert J.	12		
Boehm, Ralph G.	13		
Wolf, Dan H.	14		
Allard, James C.	15		
Forsythe, Robert L.	16		
Lekas, Alicia D.	17		
TOTAL VOTE:	18	0	

**SUBCOMMITTEE
WORK
SESSION**

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: October 21, 2019

Subcommittee Members: Reps. Tanner, Ellison and Allard

Comments and Recommendations: Meeting not necessary.

Respectfully submitted,

Rep. Linda Tanner
Subcommittee Chairman

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: October 21, 2019

Subcommittee Members: Reps. Tanner, Ellison and Allard

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: October 17, 2019

Subcommittee Members: Reps. Tanner, Ellison and Allard

Comments and Recommendations:

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Rep. Allard

Seconded by Rep. Rep. Ellison

Vote: 3-0

Respectfully submitted,

Rep. Linda Tanner
Subcommittee Chairman

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: October 17, 2019

Subcommittee Members: Reps. Tanner, Ellison and Allard

Comments and Recommendations:

Three horizontal lines for writing comments and recommendations.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Allard Secoded by Rep. Ellison AM Vote: 3-0

Adoption of Amendment # _____

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Secoded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. Linda L. Lawrence Subcommittee Chairman/Clerk

**SUBCOMMITTEE
WORK
SESSION**

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: August 29, 2019

Subcommittee Members: Reps. Tanner, Ellison and Allard

Comments and Recommendations:

Respectfully submitted,

Rep. Linda Tanner
Subcommittee Chairman

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: August 29, 2019

Subcommittee Members: Reps. Tanner, Ellison and Allard

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

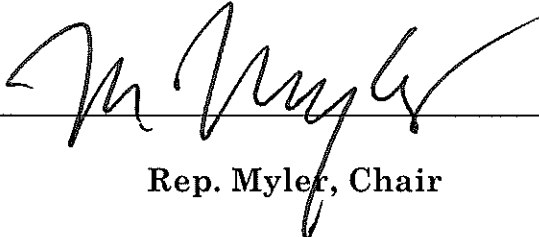
HOUSE COMMITTEE ON Education

BILL NUMBER: HB 723-FN

BILL TITLE: relative to requiring a criminal history records check
for applicants for teaching certification.

DATE: February 12, 2019

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.



Rep. Mylec, Chair

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: February 12, 2019

LOB ROOM: 207

MOTIONS: **RETAINED**

Moved by Rep. Tanner

Seconded by Rep. Boehm

Vote: 18-0

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Tanner".

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: 2/12/19

LOB ROOM: 207

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year)
- (if offered)

Moved by Rep. Doherty Seconded by Rep. Mullen Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year)
- (if offered)

Moved by Rep. Tanner Seconded by Rep. Boehm Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year)
- (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year)
- (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES _____ NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Linda L. Tanner
Rep Linda Tanner, Clerk



2019 SESSION

Education

Bill #: HB 723- FN Motion: Retain AM #: _____ Exec Session Date: 2/12/19
Relative to requiring a criminal history records check for applicants for teaching certification.

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Myler, Mel Chairman	18		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.	2		
Cornell, Patricia	3		
Doherty, David B.	4		
Le, Tamara N.	5		
Tanner, Linda L. Clerk	6		
Ellison, Arthur S.	7		
Mullen, Sue M.	8		
Riel, Cole J.	9		
Vallone, Mark	10		
Woodcock, Stephen L.	11		
Ladd, Rick M.	12		
Cordelli, Glenn	13		
Elliott, Robert J.			
Boehm, Ralph G.	14		
Wolf, Dan H.			
Allard, James C.	15		
Forsythe, Robert L.	16		
Lekas, Alicia D.	17		
TOTAL VOTE:	18	0	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: February 6, 2019

LOB ROOM: 207 **Time Public Hearing Called to Order:** 2:10 p.m.

Time Adjourned: 3:11 p.m.

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Boehm, Wolf, Allard, Forsythe and A. Lekas

Bill Sponsors:

Rep. Cordelli
Sen. Reagan

Rep. Pitre
Sen. Ward

Rep. Boehm
Sen. Watters

TESTIMONY

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

(1.) **Rep. Cordelli** - Sponsor - Introduced bill.

Study commission report for background checks for teacher certification

Out growth of the report

Expands the list of crimes to refuse employment. Local school board hiring

Establishes criminal records background check process for certification

Dept safety /DOE runs checks for anyone getting certifications

All applicants fill out application with a list of crimes and signs a release form to Dept of Safety.

Applicant pays the Safety Dept for check \$130 cert \$47 for check

D of Safety just indicates if they found any sect. 5 crimes yes/no

For denial certification

DOE credentials out of state people who apply for NH credential and have reciprocal credential in another state currently w/o check.

Question: P2 II include a question if ever convicted on the application or if charges are pending

Question: Any chance for extenuating circumstances or appeals..no

Question: After applicant passes do they reapply when they go to a school system..yes employment background check.

Question: Is criteria the same ..yes.

Question: How many apps. 13,000 a year 1,000 out of state.

Question: Person who drinks too much aggravated assault..can it be annulled referee to experts.

Question: Schools have specific offenses to deny employment ..yes

Question: Would this also apply to instructors in charter school ..no just certifications

(2.) **Attorney Fenton** - DOE

Under current procedures Potentially creates a safe haven for out of state to get credentialed in NH

without background checks

This bill proposes:

DOE will do the sect. 5 mostly felony level offenses

and district runs background checks for employment

DUI stealing is not Sect. 5 employment by LEA checks would have DUI and stealing

Dovetail DOE with local schools

Individuals can always seek an annulment

Local districts can be more protective not less protective

Rules are to be made by DOE

Not to be made to all credential holders have an easy roll out.

Question: Check renewals.. what if they have taught for x years and laws change, this effects their livelihood that's why renewals are the last to roll out.

Question: 640/1000 where did 640 come from are we expecting that many come back rejected..don't know.

Question: 5-6000 new applicants about 1000 are out of state..our rules are easier in some instances.

Question: 21-n-9 long list of staff and employees that work with children..yes this is a hand and glove approach.. districts maintain their responsibility for background checks.
189-13a not credential hold is outside DOE.

Question: Intern licenses not through teacher ed. Program can go through to become credentialed.. is this under this law.. no.

Question: Upper valley training does it's own check Teacher prep programs check them and then again by school district by employment check.

Question: Teacher training do background checks. 189 A section 9 b
3 Steve Appleby Credentialing Dept. DOE.

(4.) Rick Twombly and Megan Tuttle NEA-NH oppose

Only superintendent could have access to records

The new bill has designee could be anyone

SAU office has a often staff changes etc could be designee

List of crimes take a good hard look records go far back into a persons life

Under this law they don't get credentials

Bar fight can keep you from getting you a teaching credential

Add ability to applicant to explain and an authority somewhere will allow for the issuance of a certificate.

While people can get criminal record annulled but don't because they don't want to think about it and no take that action and not an easy process to get it annulled

Good to be up front to check at the credential level

Statute is prohibitive.

Question: Concern is mitigating circumstances ..When the bill was changed to new crimes specific crimes the superintendent should be the only ones will see the report.

Question: Or designee ..would an assistant superintendent fit.. we will work with committee.

(5.) Nicole Heimarck - NHSBA - Supports

Worked on this bill..designee was from Superintendents need HR dept.

code of conduct /ethics charged the dept on rule making commissioners task force

Broad group of stakeholders.

Criminal records background checks were brought to that commission.

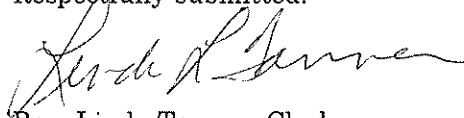
Question: Is there room for mitigating circumstance waivers..list of section 5 violations is significant ..great care has been used to look at that list
Superintendents now receive information on Misdemeanors
DOE gets a yes no
Districts will get a printout of violations
Annulment process is there for a reason.. never easy
ED200 to state board appeals.

Question: Asking about violations how do you go about changing/appeals.

Question: Intent to distribute Marijuana to friends how do you fix it.. annulment. Possession to distribute we as a committee could go through and change crimes.

Question: Can we differentiate between felony and misdemeanor.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Linda Tanner".

Rep. Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 723-FN

BILL TITLE: relative to requiring a criminal history records check for applicants for teaching certification.

DATE: 2/6/19

ROOM: 207

Time Public Hearing Called to Order: 2:10

Time Adjourned: 3:11

(please circle if present)

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mulien, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Wolf, Allard, Forsythe and A. Lekas

Bill Sponsors:

Rep. Cordelli
Sen. Reagan

Rep. Pitre
Sen. Ward

Rep. Boehm
Sen. Watters

TESTIMONY

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

- 1 * Rep Cordelli Intro
- 2 * DIANA Fenton Atty DOE
- 3 * Steve Appleby, DOE Credentialed
- 4 Megan Tuttle/Rick Trombley - NEH-NH oppose
- 5 Nicole Heimanck NHEBA Support

*

Put copy of Bill into folder

From: LT <tannerwindom@gmail.com>
Sent: Wednesday, February 06, 2019 4:04 PM
To: Johnston, Judith <Judith.Johnston@leg.state.nh.us>
Subject: Ed committee 2/6/19

HB723

1. Rep Cordelli. Introduced

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in another state currently w/o check
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background check
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5 Nicole Heimarck NHSBA

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..great care has been used to look at that list

Superintendents now receive information on Misdemeanors

DOE gets a yes no

Districts will get a printout of violations

Annulment process is there for a reason.. never easy

ED200 to state board appeals

?asking about violations how do you go about changing/appeals

?intent to distribute Marijuana to friends how do you fix it.. annulment. Possession to distribute we as a committee could go through and change crimes

?can we differentiate between felony and misdemeanor

Testimony

HB723

SB360 - 2018 Commission to study

Passed Senate and House on Voice Votes

Chaired by Sen Ward incl Rep Shaw & Honorable Mike Moffett
incl reps of Sch Bds and Administrator Assoc, Prof Standards Bd,
Ms Fenton of DOE, NonPublic Sch Advisory Council & Jeffery
Kellet of DOS

Commission Report

HB723 result of Commission work

1. Section 2 - Page 1 lines 17 onto page 2

Expands list of crimes for which someone may not be hired to include:

*RSA 318-B:2, illegal sale or possession of a controlled drug with
intent to distribute*

RSA 631:1, first-degree assault;

RSA 631:2, second-degree assault;

RSA 634:1, arson,

RSA 631:2-b, felony-level domestic violence

Someone who has been convicted – or has charges pending.

2. Section 3 on page 2

Establishes criminal records check process for certification

- DOE shall conduct a criminal history records check on every selected applicant for certification for educational personnel
- provide all applicants with the list of crimes – from sect 2
- applicant signs a release form and DOE sends all paperwork to DOS to conduct the background check thru FBI
- applicant pays DOS for the background check
- DOS returns application to DOE with indication if any of the listed crimes found – without specifying the crime.

- If the check found any listed crime, just cause for denial of certification

Why needed?

Anyone convicted of any of the above crimes should not be in our schools - best to determine before they get credentialed

DOE credentials out of state applicants with not intention of teaching in NH. Many states will then issue them credentials based upon reciprocity. Currently these people are gaining credentials without checks

Answer questions

Crimes Which Bar Employment in Education
RSA 189:13-a, V

- RSA 630:1—Capitol Murder
- RSA 630:1-a—First Degree Murder
- RSA 630:1-b—Second Degree Murder
- RSA 630:2—Manslaughter
- RSA 632-A:2—Aggravated Felonious Sexual Assault
- RSA 632-A:3—Felonious Sexual Assault
- RSA 632-A:4—Sexual Assault
- RSA 633:1—Kidnapping
- RSA 639:2—Incest
- RSA 639:3—Endangering the Welfare of Child or Incompetent
- RSA 645:1, II or III—Indecent Exposure and Lewdness
- RSA 645:2—Prostitution and Related Offenses
- RSA 649-A:3—Child Pornography
- RSA 649-A:3-a—Possession of Child Sexual Abuse Images
- RSA 649-A:3-b—Possession of Child Sexual Abuse Images
- RSA 649-B:3—Computer Pornography and Child Exploitation Prevention
- RSA 649-B:4—Certain Uses of Computer Services Prohibited
- RSA 650:2—Obscene Matter Offenses

Fiscal Note

HB 723-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to requiring a criminal history records check for applicants for teaching certification.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Criminal Records Fund and Restricted Education Credentialing Agency Income			

METHODOLOGY:

This bill requires a criminal history records check for applicants for teaching certification. This will result in an increase in requests for criminal history records at the Department of Safety, which will result in both an increase in expenditures and fee revenue. The Department is unable to estimate how many new requests it will receive under this bill, and therefore cannot estimate the impact on revenue or expenditures.

The Department of Education states it currently processes approximately 1,000 out of state educator license applications (new and renewal) per year. Based on the requirements set forth in this bill, it assumes approximately 640 of these applicants, mostly from states outside of New England/New York, would no longer license in New Hampshire. Therefore, based on the current \$130 fee, this bill would result in an estimated \$83,200 (640 applicants X \$130 fee) in lost restricted revenue to the Department's Bureau of Credentialing each fiscal year. The Department assumes it would incur no additional expenditures under this bill.

AGENCIES CONTACTED:

Department of Safety and Department of Education

Bill as Introduced

HB 723-FN - AS INTRODUCED

2019 SESSION

19-0551
06/03

HOUSE BILL **723-FN**

AN ACT relative to requiring a criminal history records check for applicants for teaching certification.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Pitre, Straf. 2; Rep. Boehm, Hills. 20; Sen. Reagan, Dist 17; Sen. Ward, Dist 8; Sen. Watters, Dist 4

COMMITTEE: Education

ANALYSIS

This bill requires the department of education to perform criminal history records checks on certain applicants for certification. This bill also adds to the list of criminal convictions that prohibit an applicant from being hired.

.....

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struckthrough~~].
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 Nineteen

AN ACT relative to requiring a criminal history records check for applicants for teaching certification.

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

1 1 Education; Criminal History Records Check; School Employees and Designated Volunteers.
2 Amend RSA 189:13-a, III to read as follows:

3 III. The superintendent, *or designee*, of the school administrative unit or the chief
4 executive officer, *or designee*, of the chartered public school or public academy shall maintain the
5 confidentiality of all criminal history records information received pursuant to this paragraph. If
6 the criminal history records information indicates no criminal record, the superintendent of the
7 school administrative unit or the chief executive officer of the chartered public school or public
8 academy shall destroy the information received immediately following review of the information. If
9 the criminal history records information indicates that the applicant has been convicted of any
10 crime or has been charged pending disposition for or convicted of a crime listed in paragraph V, the
11 superintendent of the school administrative unit or the chief executive officer of the chartered
12 public school or public academy shall review the information for a hiring decision, and the division
13 of state police shall notify the department of education of any such charges pending disposition or
14 convictions. The superintendent of the school administrative unit or the chief executive officer of
15 the chartered public school or public academy shall destroy any criminal history record information
16 that indicates a criminal record within 60 days of receiving such information.

17 2 Education; Criminal History Records Check; School Employees and Designated Volunteers.
18 Amend RSA 189:13-a, V to read as follows:

19 V. Any person who has been charged pending disposition for or convicted of any violation or
20 attempted violation of RSA ~~318-B:2~~; 630:1; 630:1-a; 630:1-b; 630:2; ~~631:1~~; ~~631:2~~; ~~631:2-b~~; 632-A:2;
21 632-A:3; 632-A:4; 633:1; ~~634:1~~; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b;
22 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves
23 a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct
24 in another state, territory, or possession of the United States, shall not be hired by a school
25 administrative unit, school district, chartered public school, or public academy. The superintendent
26 of the school administrative unit or the chief executive officer of the chartered public school or
27 public academy may deny a selected applicant a final offer of employment if such person has been
28 convicted of any crime, misdemeanor or felony, in addition to those listed above. The governing
29 body of a school district, chartered public school, or public academy shall adopt a policy relative to
30 hiring practices based on the results of the criminal history records check and report of

1 misdemeanor and felonies received under paragraph II. Such policy may include language stating
2 that any person who has been convicted of any misdemeanor, or any of a list of misdemeanors, may
3 not be hired. Such policy may also include language stating that any person who has been
4 convicted of any felony, or any of a list of felonies, shall not be hired.

5 3 New Section; Criminal History Records Check. Amend RSA 21-N by inserting after section
6 12 the following new section:

7 21-N:13 Criminal History Records Check.

8 I. The department of education shall conduct a criminal history records check on every
9 selected applicant for certification for educational personnel, including those listed in RSA 21-N:9,
10 II(s).

11 II.(a) The department shall amend the written application and any electronic application
12 for certification to include a question as to whether the applicant has ever been charged with or
13 convicted of any violation or attempted violation of a crime specified in RSA 189:13-a, V.

14 (b) The department shall provide all applicants with the list of crimes specified in RSA
15 189:13-a, V.

16 (c) The applicant for certification shall submit to the employer a notarized criminal
17 history records release form, as provided by the division of state police, authorizing the release of
18 information regarding the presence or absence of any record of criminal convictions, or of charges
19 pending disposition for or convictions of the crimes listed in RSA 189:13-a, V.

20 III. The department shall provide a copy of all signed applications for certification to the
21 New Hampshire state police for the purpose of conducting a criminal history records check through
22 the Federal Bureau of Investigation along with a criminal history records release form.

23 IV.(a) The New Hampshire state police shall perform a criminal history records check for
24 every application for certification submitted by the department and report on the application if any
25 crime specified in RSA 189:13-a, V was found without specifying such crime.

26 (b) The completed application for certification shall be returned to the department.

27 (c) The applicant shall pay to the New Hampshire state police the cost of performing the
28 criminal history records check.

29 V. Any willful misrepresentation or omission of facts on the application shall constitute just
30 cause for denial of certification by the department.

31 VI. Any indication on the application returned to the department by New Hampshire state
32 police indicating that a crime specified in RSA 189:13-a, V was found in the records check shall
33 constitute just cause for denial of certification by the department.

34 VII. The board of education shall adopt rules pursuant to RSA 541-A relative to criminal
35 history records checks by the department.

36 4 Effective Date. This act shall take effect on September 1, 2019.

HB 723-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to requiring a criminal history records check for applicants for teaching certification.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
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Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Criminal Records Fund and Restricted Education Credentialing Agency Income			

The Department of Education was originally contacted on December 18, 2018, and a subsequent request December 31, 2018, and again with follow up on January 12, 2019 for a fiscal note worksheet, which they have not provided as of January 17, 2019.

METHODOLOGY:

This bill requires a criminal history records check for applicants for teaching certification. This will result in an increase in requests for criminal history records at the Department of Safety, which will result in both an increase in expenditures and fee revenue. The Department is unable to estimate how many new requests it will receive under this bill, and therefore cannot estimate the impact on revenue or expenditures.

This bill also contains related requirements for the Department of Education, which may result in additional administrative costs, however the Department has not yet provided information to the Office of Legislative Budget Assistant for this bill.

AGENCIES CONTACTED:

Department of Safety and Department of Education