

Committee Report

CONSENT CALENDAR

March 23, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred HB
401,**

**AN ACT relative to the duty of school superintendents
regarding criminal history records checks. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 401
Title:	relative to the duty of school superintendents regarding criminal history records checks.
Date:	March 23, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0148h

STATEMENT OF INTENT

This bill, as amended, modified the current requirements for school district criminal history reports on new employees. It allows the superintendent to designate someone, such as the Assistant Superintendent, Business Manager, or Human Resources Director, to review the criminal history report. It also requires the Department of Education to provide training on the reading and interpretation of the reports.

Vote 19-0.

Rep. Glenn Cordelli
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 401, relative to the duty of school superintendents regarding criminal history records checks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill, as amended, modified the current requirements for school district criminal history reports on new employees. It allows the superintendent to designate someone, such as the Assistant Superintendent, Business Manager, or Human Resources Director, to review the criminal history report. It also requires the Department of Education to provide training on the reading and interpretation of the reports. **Vote 19-0.**

Amendment to HB 401

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

2

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

Voting Sheets

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



①

1/22/2021 9:56:47 AM
Roll Call Committee Registers
Report

Amendment
2021 SESSION

Education

Bill #: HB401 Motion: OTP AM #: 01486 Exec Session Date: 2-23-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel	✓		
Luneau, David J.	✓		
Shaw, Barbara E. Clerk	✓		
Cornell, Patricia	✓		
Tanner, Linda L.	.		✓
Ellison, Arthur S.	✓		
Mullen, Sue M.	✓		
Ley, Douglas A.	✓		
Woodcock, Stephen L.	✓		
TOTAL VOTE:	19	0	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



(2)

1/22/2021 9:56:47 AM
Roll Call Committee Registers
Report

2021 SESSION

Education

Bill #: HB 401 Motion: OTP/A AM #: _____ Exec Session Date: 2-23-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel	✓		
Luneau, David J.	✓		
Shaw, Barbara E. Clerk	✓		
Cornell, Patricia	✓		
Tanner, Linda L.			✓
Ellison, Arthur S.	✓		
Mullen, Sue M.	✓		
Ley, Douglas A.	✓		
Woodcock, Stephen L.	✓		
TOTAL VOTE:	19	0	

Amendment to HB 401

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

2

3 III. The *department of education shall conduct training concerning the reading*
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7 information received pursuant to this paragraph. If the criminal history records information
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9 chief executive officer of the chartered public school or public academy shall destroy the information
10 received immediately following review of the information. If the criminal history records
11 information indicates that the applicant has been convicted of any crime or has been charged
12 pending disposition for or convicted of a crime listed in paragraph V, the superintendent *or*
13 *designee* of the school administrative unit or the chief executive officer of the chartered public
14 school or public academy shall review the information for a hiring decision, and the division of state
15 police shall notify the department of education of any such charges pending disposition or
16 convictions. The superintendent *or designee* of the school administrative unit or the chief executive
17 officer of the chartered public school or public academy shall destroy any criminal history record
18 information that indicates a criminal record within 60 days of receiving such information.

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 401

BILL TITLE: relative to the duty of school superintendents regarding criminal history records checks.

DATE: February 23, 2021

LOB ROOM: 201/203 **Time Public Hearing Called to Order:** 12:45 PM

Time Adjourned: 1:14 PM

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas, Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Ley and Woodcock

Bill Sponsors:

Rep. Mullen

Rep. Allard

Rep. Cornell

Rep. M. Murray

Rep. Myler

Rep. Tanner

Rep. Woodcock

TESTIMONY

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

Rep. Sue Mullen – Bill Sponsor

- New and improved bill HB 1136
- Specific persons can be designee for superintendent regarding criminal history record checks
- May need more than one designee depending on school size
- Amendment removes Department of Safety from process
- Designees are spelled out in the bill
- Department of Safety okay with new wording

***Mary Eisner – Supports**

- Presented written testimony

Lt. Michael McGuade – NH State Police – Supports

- Supports the bill as written

Respectfully submitted,

Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

BILL TITLE: PUBLIC HEARING on Bill # HB 401
relative to the duty of school super. regarding criminal
DATE: 2-23-2021 history record checks

ROOM: 201-203 Time Public Hearing Called to Order: 12:45 PM
Time Adjourned: 1:14 PM

(please circle if present) all present

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas,
Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison,
Mullen, Ley and Woodcock late

TESTIMONY

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

- ① Rep. Sue Mullen - sponsor
 - new and improved bill HB 1136
 - specific persons can be designee for superintendent regarding criminal history record checks
 - may need more than one designee depending on school size
 - amendment removes Dept of Safety from process
 - designees are spelled out in the bill
 - Dept of Safety OK with new wording

② Mayor Eisner - supports
* written testimony

③ Lt. McGuade - NH State Police - supports
Michael

• supports the bill as written

Respectfully submitted,
Rep Barbara Shaw, Clerk

House Remote Testify

Education Committee Testify List for Bill HB401 on 2021-02-23

Support: 76 Oppose: 1 Neutral: 2 Total to Testify: 2

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Ladd, Carl	Northumberland, NH carl@nhsaa.org	A Lobbyist	New Hampshire School Administrators Association	Support	Yes (2m)	2/19/2021 2:43 PM
Eisner, Mary	Derry, NH nhdem@msn.com	A Member of the Public	myself	Support	Yes (0m)	2/22/2021 7:28 AM
Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 7:47 AM
Smith, Sara	Pembroke, NH sara.rose.ssmith@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 7:52 AM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 7:56 AM
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 9:02 AM
Petrucelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 9:04 AM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	2/22/2021 9:06 AM
Gilman, Rep. Julie	Exeter, NH julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Support	No	2/22/2021 9:20 AM
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	2/22/2021 9:27 AM
Spielman, James	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	2/22/2021 9:28 AM
Mangipudi, Latha	Nashua, NH Latha.mangipudi@leg.state.N.H.us	An Elected Official	Hills 35	Oppose	No	2/22/2021 9:48 AM
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 9:48 AM

Christina, Barrett	Concord, NH bchristina@nhsba.org	A Lobbyist	NH School Boards Association	Neutral	No	2/22/2021 10:07 AM
Mower, Robin	Durham, NH melodyofharpists@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 10:07 AM
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	2/22/2021 11:00 AM
Frew, Jerry	Concord, NH jerry@nhsaa.org	A Lobbyist	NHSAA	Support	No	2/22/2021 11:09 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 11:19 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	2/22/2021 11:28 AM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 6:32 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 6:35 PM
Hamblet, Joan	Portsmouth, NH joan.hamblet@leg.state.nh.us	A Member of the Public	Myself	Support	No	2/22/2021 8:32 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 8:35 PM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	2/22/2021 12:44 PM
Neville, Betsey	Concord, NH betsey2003@tds.net	A Member of the Public	Myself	Support	No	2/22/2021 1:02 PM
blakeney, gordon	Concord, NH rbplease@aol.com	A Member of the Public	Myself	Support	No	2/22/2021 1:02 PM
Gaudet, Fawn	Rumney, NH fawngaudet@yahoo.com	A Member of the Public	Myself	Support	No	2/22/2021 1:05 PM
Newman, Sue	Nashua, NH sue.newman@leg.state.nh.us	An Elected Official	Myself and constituents	Support	No	2/22/2021 1:35 PM
Adams, Thomas	Concord, NH adamstom@aol.com	A Member of the Public	NH Concerned Citizens for Judicial Reform	Support	No	2/22/2021 1:37 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	2/22/2021 1:49 PM
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Merrimack	Support	No	2/22/2021 2:21 PM

Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 2:48 PM
Frey, Gina	Amherst, NH ginagfrey@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 3:06 PM
Frey, Kevin	Amherst, NH kevfrey@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 3:18 PM
Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	2/22/2021 5:00 PM
Levesque, Cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Support	No	2/22/2021 5:42 PM
Cann, Emily	Sanbornton, NH emily_cann@hotmail.com	A Member of the Public	Myself	Support	No	2/22/2021 10:42 PM
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.	A Member of the Public	Myself	Support	No	2/22/2021 7:35 PM
Ingraham, Sheryl	Concord, NH sheryl.ingraham@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 11:00 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 8:16 PM
Spencer, Rob	Concord, NH kentstusa@aol.com	A Member of the Public	Myself	Support	No	2/22/2021 8:16 PM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	2/22/2021 8:47 PM
Briggs, Ron	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 8:56 PM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	2/22/2021 9:08 PM
Varney, Michele	Alton, NH malooof@metrocast.net	A Member of the Public	Myself	Support	No	2/22/2021 9:11 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	2/22/2021 9:13 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 9:21 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 9:24 PM
Mooney, Bridget	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Support	No	2/22/2021 11:19 PM

Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	2/23/2021 6:42 AM
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	2/23/2021 7:57 AM
McConnell, Liz	BRENTWOOD, NH lizmc99@yahoo.com	A Member of the Public	Myself	Support	No	2/23/2021 8:56 AM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	2/23/2021 8:19 AM
Cappiello, Mary Ann	Stratham, NH cappiellomaryann@aol.com	A Member of the Public	Myself	Support	No	2/23/2021 7:45 AM
Reardon, Donna	Concord, NH Bugs42953@aol.com	A Member of the Public	Myself	Support	No	2/23/2021 8:15 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	2/23/2021 8:30 AM
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Support	No	2/23/2021 8:40 AM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	2/23/2021 9:11 AM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	2/23/2021 9:25 AM
Murray, Megan	AMHERST, NH megan.murray@leg.state.nh.us	An Elected Official	Hillsborough District 22	Support	No	2/23/2021 9:52 AM
McQuade, Michael	Concord, NH michael.j.mcquade@dos.nh.gov	State Agency Staff	Division of State Police	Neutral	No	2/23/2021 10:30 AM
Robbins, Annie	Wakefield, NH anniemrobbins@gmail.com	A Member of the Public	Myself	Support	No	2/23/2021 1:20 PM
Till, Mary	Derry, NH maryforderry@yahoo.com	A Member of the Public	Myself	Support	No	2/23/2021 11:35 AM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	2/19/2021 12:52 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	2/21/2021 2:45 PM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	2/21/2021 11:53 PM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	2/21/2021 8:13 PM

Babladelis, Ashley	Concord, NH ash.hatch@gmail.com	A Member of the Public	Myself	Support	No	2/21/2021 8:24 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	2/21/2021 8:42 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	2/21/2021 9:00 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	2/21/2021 9:02 PM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	2/21/2021 9:42 PM
Stevens, Representative Deb	Nashua, NH debstevens4ward7@gmail.com	An Elected Official	My 10K constituents	Support	No	2/21/2021 10:17 PM
Bartlett, Rep Christy	Concord, NH christydbartlett@gmail.com	An Elected Official	Merrimack 19	Support	No	2/21/2021 10:29 PM
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	2/21/2021 10:35 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	2/21/2021 10:37 PM
Zaenglein, Barbara	Amherst, NH bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	2/22/2021 7:17 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	2/22/2021 7:18 AM
Dell, Susan	Bedford, NH sdell337@gmail.com	A Member of the Public	Myself	Support	No	2/18/2021 12:32 PM

Testimony

Archived: Tuesday, April 6, 2021 9:04:21 AM
From: [Mary Eisner](#)
Sent: Monday, February 22, 2021 2:37:36 PM
To: [~House Education Committee](#)
Subject: In Support of HB-401
Importance: Normal

Dear Education Committee Members:

I am writing in support of HB- 401. My name is Mary Eisner from Derry, N.H.

HB-401 is being re-introduced from HB 1136 which was passed by this Committee and by the House in the last session, but due to the impact of Covid -19 was Laid on the Table by the Senate.

Currently, only Superintendents are allowed to process criminal records in the application process. This Bill specifies who the Superintendents may choose as a designee: the Assistant Superintendent, head of Human Resources, Personnel Director, Business Administrator or Finance Director.

By allowing a designee to process criminal history records it relieves Superintendents from this employment application function. By statute, Superintendents have twenty educational responsibilities to perform.

Providing adequate staffing for School Districts is an ongoing process throughout the year. Derry is the third the largest School District in the State. Derry's School District had approximately 886 employees from July 1, thru October 17, 2019, 192 records were requested. As of Nov.2020, the Human Resources Office fingerprinted approximately 178 people with 605 employees not counting substitutes.

Once records are received and reviewed and there may be a question or concern, additional time is needed by Superintendents to follow up on interviews. In most cases, requiring numerous contact attempts to schedule interviews.

By allowing Superintendents to appoint a designee to perform the criminal background checks in the employment application process is in the best interest of our School Districts and would allow Superintendents to perform their main responsibility of educating our children.

This Bill considers the time factor involved in normal times for Superintendents to process criminal background checks. If there are any doubts about the importance of this Bill, we need only be reminded of how much time that all School Administrators have invested this past year and will continue to due so because of covid-19 in order to keep our schools safe and our educational system functioning. Recent reporting projects that we will not be back to our normal lives until the Summer or Fall.

Given the ongoing impact of this pandemic and any similar issues that may occur in the future, this bill would certainly be a welcome benefit to our School Superintendents and to our educational system. Therefore, I encourage this Committee to approve this Bill.

Respectfully Submitted,

Mary Eisner
Derry

Bill as
Introduced

HB 401 - AS INTRODUCED

2021 SESSION

21-0534

06/04

HOUSE BILL **401**

AN ACT relative to the duty of school superintendents regarding criminal history records checks.

SPONSORS: Rep. Mullen, Hills. 7; Rep. Allard, Merr. 21; Rep. Cornell, Hills. 18; Rep. M. Murray, Hills. 22; Rep. Myler, Merr. 10; Rep. Tanner, Sull. 9; Rep. Woodcock, Carr. 2

COMMITTEE: Education

ANALYSIS

This bill:

I. Permits the designee of the superintendent of a school administrative unit to receive and review a report of an applicant's criminal history and record information.

II. Requires the department of education to provide training in reading and interpreting criminal history records.

III. Requires the superintendent or designee of a school administrative unit or the chief executive officer of the chartered public school or public academy to complete training in reading and interpreting criminal history records.

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 Twenty One

AN ACT relative to the duty of school superintendents regarding criminal history records checks.

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

1 1 School Employee and Designated School Volunteer Criminal History Records Check. Amend
2 RSA 189:13-a, II and III to read as follows:

3 II. The selected applicant for employment or designated volunteer with a school
4 administrative unit, school district, chartered public school, or public academy shall submit to the
5 employer a criminal history records release form, as provided by the division of state police, which
6 authorizes the division of state police to conduct a criminal history records check through its state
7 records and through the Federal Bureau of Investigation and to release, for the purposes of
8 paragraph V, a report of the applicant's criminal history and record information, including
9 confidential criminal history record information, to the superintendent ***or designee*** of the school
10 administrative unit or the chief executive officer of the chartered public school or public academy.
11 ***For the purposes of this section, a designee may be the assistant superintendent, the head***
12 ***of human resources, the personnel director, the business administrator, or the finance***
13 ***director.*** The applicant shall submit with the release form a complete set of fingerprints taken by a
14 qualified law enforcement agency or an authorized employee of the school administrative unit, school
15 district, chartered public school, or public academy. In the event that the first set of fingerprints is
16 invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete
17 the criminal history records check, the conditional offer of employment shall remain in effect. If,
18 after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative
19 unit, school district, chartered public school, or public academy may, in lieu of the criminal history
20 records check, accept police clearances from every city, town, or county where an applicant has lived
21 during the past 5 years.

22 III. The ***department of education, in conjunction with the department of safety,***
23 ***shall conduct training concerning the reading and interpretation of criminal history***
24 ***records.*** The superintendent ***or designee*** of the school administrative unit or the chief executive
25 officer of the chartered public school or public academy shall complete ***such training*** and shall
26 maintain the confidentiality of all criminal history records information received pursuant to this
27 paragraph. If the criminal history records information indicates no criminal record, the
28 superintendent ***or designee*** of the school administrative unit or the chief executive officer of the
29 chartered public school or public academy shall destroy the information received immediately
30 following review of the information. If the criminal history records information indicates that the

HB 401 - AS INTRODUCED

- Page 2 -

1 applicant has been convicted of any crime or has been charged pending disposition for or convicted of
2 a crime listed in paragraph V, the superintendent *or designee* of the school administrative unit or
3 the chief executive officer of the chartered public school or public academy shall review the
4 information for a hiring decision, and the division of state police shall notify the department of
5 education of any such charges pending disposition or convictions. The superintendent *or designee*
6 of the school administrative unit or the chief executive officer of the chartered public school or public
7 academy shall destroy any criminal history record information that indicates a criminal record
8 within 60 days of receiving such information.

9 2 Effective Date. This act shall take effect July 1, 2021.