

Bill as Introduced

HB 432 - AS AMENDED BY THE HOUSE

24Feb2021... 0015h

2021 SESSION

21-0555
06/04

HOUSE BILL **432**

AN ACT relative to the offenses that prevent employment in a school.

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

COMMITTEE: Education

ANALYSIS

This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 offenses that prevent employment in a school.

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,V to read as follows:

3 V. Any person who has been charged pending disposition for or convicted of any violation or
4 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; ~~633:7;~~
5 639:2; 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
6 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
7 obscene; in this state, or under any statute prohibiting the same conduct in another state, territory,
8 or possession of the United States, shall not be hired by a school administrative unit, school district,
9 chartered public school, or public academy. The superintendent of the school administrative unit or
10 the chief executive officer of the chartered public school or public academy may deny a selected
11 applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or
12 felony, in addition to those listed above. The governing body of a school district, chartered public
13 school, or public academy shall adopt a policy relative to hiring practices based on the results of the
14 criminal history records check and report of misdemeanors and felonies received under paragraph II.
15 Such policy may include language stating that any person who has been convicted of any
16 misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include
17 language stating that any person who has been convicted of any felony, or any of a list of felonies,
18 shall not be hired.

19 2 Effective Date. This act shall take effect 60 days after its passage.

HB 432 - AS AMENDED BY THE SENATE

24Feb2021... 0015h
04/08/2021 1113s

2021 SESSION

21-0555
06/04

HOUSE BILL **432**

AN ACT relative to the offenses that prevent employment in a school.

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

COMMITTEE: Education

ANALYSIS

This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy.

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.

HB 432 - AS AMENDED BY THE SENATE

24Feb2021... 0015h
04/08/2021 1113s

21-0555
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the offenses that prevent employment in a school.

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, V to read as follows:

3 V. Any person who has been charged pending disposition for or convicted of any violation or
4 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; ~~633:7~~,
5 639:2; 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
6 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
7 obscene; in this state, or under any statute prohibiting the same conduct in another state, territory,
8 or possession of the United States, shall not be hired by a school administrative unit, school district,
9 chartered public school, or public academy. The superintendent of the school administrative unit or
10 the chief executive officer of the chartered public school or public academy may deny a selected
11 applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or
12 felony, in addition to those listed above. The governing body of a school district, chartered public
13 school, or public academy shall adopt a policy relative to hiring practices based on the results of the
14 criminal history records check and report of misdemeanors and felonies received under paragraph II.
15 Such policy may include language stating that any person who has been convicted of any
16 misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include
17 language stating that any person who has been convicted of any felony, or any of a list of felonies,
18 shall not be hired.

19 2 New Subparagraph; Chartered Public Schools; Application; Code of Conduct for New
20 Hampshire Educators. Amend RSA 194-B:3, II by inserting after subparagraph (dd) the following
21 new subparagraph:

22 (ee) A proposed policy to adopt and implement the code of conduct for New Hampshire
23 educators as adopted by the department in administrative rule. Failure to adopt and implement the
24 code of conduct could result in the probation or revocation of the school's charter as governed by RSA
25 194-B:16.

26 3 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, II to
27 read as follows:

28 II. The proposed chartered public school application shall be presented for approval directly
29 to the state board of education by the applicant for the prospective chartered public school. The
30 content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and

HB 432 - AS AMENDED BY THE SENATE

- Page 2 -

1 (dd)-(ee). The department of education shall notify an applicant of any missing information within
2 10 days of the initial filing. The applicant shall file any missing information before the department
3 reviews the application.

4 4 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, IV to
5 read as follows:

6 IV. The state board of education shall either approve or deny an application using
7 reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and
8 (dd)-(ee). Lack of state funding alone shall not constitute grounds for the denial of an application.
9 Approval of an application constitutes the granting of charter status and the right to operate as a
10 chartered public school. The state board of education shall notify all applicants of its decision in
11 writing, and shall include in any notice of denial a written statement specifying any areas deemed
12 deficient, the reasons for the denial, and explaining that the applicant may reapply under RSA 194-
13 B:3 or under this section in a subsequent year.

14 5 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 142
HB 432 - FINAL VERSION

24Feb2021... 0015h
04/08/2021 1113s

2021 SESSION

21-0555
06/04

HOUSE BILL **432**

AN ACT relative to the offenses that prevent employment in a school.

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

COMMITTEE: Education

ANALYSIS

This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy.

.....

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.

CHAPTER 142
HB 432 - FINAL VERSION

24Feb2021... 0015h
04/08/2021 1113s

21-0555
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the offenses that prevent employment in a school.

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

1 142:1 School Employee and Designated School Volunteer Criminal History Records Check.
2 Amend RSA 189:13-a, V to read as follows:

3 V. Any person who has been charged pending disposition for or convicted of any violation or
4 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; ~~633:7,~~
5 639:2; 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
6 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
7 obscene; in this state, or under any statute prohibiting the same conduct in another state, territory,
8 or possession of the United States, shall not be hired by a school administrative unit, school district,
9 chartered public school, or public academy. The superintendent of the school administrative unit or
10 the chief executive officer of the chartered public school or public academy may deny a selected
11 applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or
12 felony, in addition to those listed above. The governing body of a school district, chartered public
13 school, or public academy shall adopt a policy relative to hiring practices based on the results of the
14 criminal history records check and report of misdemeanors and felonies received under paragraph II.
15 Such policy may include language stating that any person who has been convicted of any
16 misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include
17 language stating that any person who has been convicted of any felony, or any of a list of felonies,
18 shall not be hired.

19 142:2 New Subparagraph; Chartered Public Schools; Application; Code of Conduct for New
20 Hampshire Educators. Amend RSA 194-B:3, II by inserting after subparagraph (dd) the following
21 new subparagraph:

22 (ee) A proposed policy to adopt and implement the code of conduct for New Hampshire
23 educators as adopted by the department in administrative rule. Failure to adopt and implement the
24 code of conduct could result in the probation or revocation of the school's charter as governed by RSA
25 194-B:16.

26 142:3 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, II
27 to read as follows:

28 II. The proposed chartered public school application shall be presented for approval directly
29 to the state board of education by the applicant for the prospective chartered public school. The

CHAPTER 142
HB 432 - FINAL VERSION
- Page 2 -

1 content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and
2 (dd)-(ee). The department of education shall notify an applicant of any missing information within
3 10 days of the initial filing. The applicant shall file any missing information before the department
4 reviews the application.

5 142:4 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, IV
6 to read as follows:

7 IV. The state board of education shall either approve or deny an application using
8 reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and
9 (dd)-(ee). Lack of state funding alone shall not constitute grounds for the denial of an application.
10 Approval of an application constitutes the granting of charter status and the right to operate as a
11 chartered public school. The state board of education shall notify all applicants of its decision in
12 writing, and shall include in any notice of denial a written statement specifying any areas deemed
13 deficient, the reasons for the denial, and explaining that the applicant may reapply under RSA 194-
14 B:3 or under this section in a subsequent year.

142:5 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 23, 2021

Effective Date: September 21, 2021

Amendments

Amendment to HB 432

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 School Employee and Designated School Volunteer Criminal History Records Check. Amend
4 RSA 189:13-a, V to read as follows:

5 V. Any person who has been charged pending disposition for or convicted of any violation or
6 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; 633:7,
7 639:2; 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
8 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
9 obscene; in this state, or under any statute prohibiting the same conduct in another state, territory,
10 or possession of the United States, shall not be hired by a school administrative unit, school district,
11 chartered public school, or public academy. The superintendent of the school administrative unit or
12 the chief executive officer of the chartered public school or public academy may deny a selected
13 applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or
14 felony, in addition to those listed above. The governing body of a school district, chartered public
15 school, or public academy shall adopt a policy relative to hiring practices based on the results of the
16 criminal history records check and report of misdemeanors and felonies received under paragraph II.
17 Such policy may include language stating that any person who has been convicted of any
18 misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include
19 language stating that any person who has been convicted of any felony, or any of a list of felonies,
20 shall not be hired.

21 2 New Subparagraph; Chartered Public Schools; Application; Code of Conduct for New
22 Hampshire Educators. Amend RSA 194-B:3, II by inserting after subparagraph (dd) the following
23 new subparagraph:

24 (ee) A proposed policy to adopt and implement the code of conduct for New Hampshire
25 educators as adopted by the department in administrative rule. Failure to adopt and implement the
26 code of conduct could result in the probation or revocation of the school's charter as governed by RSA
27 194-B:16.

28 3 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, II to
29 read as follows:

30 II. The proposed chartered public school application shall be presented for approval directly
31 to the state board of education by the applicant for the prospective chartered public school. The
32 content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and

Amendment to HB 432

- Page 2 -

1 (dd)-(ee). The department of education shall notify an applicant of any missing information within
2 10 days of the initial filing. The applicant shall file any missing information before the department
3 reviews the application.

4 4 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, IV to
5 read as follows:

6 IV. The state board of education shall either approve or deny an application using
7 reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and
8 (dd)-(ee). Lack of state funding alone shall not constitute grounds for the denial of an application.
9 Approval of an application constitutes the granting of charter status and the right to operate as a
10 chartered public school. The state board of education shall notify all applicants of its decision in
11 writing, and shall include in any notice of denial a written statement specifying any areas deemed
12 deficient, the reasons for the denial, and explaining that the applicant may reapply under RSA 194-
13 B:3 or under this section in a subsequent year.

14 5 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

Amendment to HB 432

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 School Employee and Designated School Volunteer Criminal History Records Check. Amend
4 RSA 189:13-a, V to read as follows:

5 V. Any person who has been charged pending disposition for or convicted of any violation or
6 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; ~~633:7~~,
7 639:2; 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
8 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
9 obscene; in this state, or under any statute prohibiting the same conduct in another state, territory,
10 or possession of the United States, shall not be hired by a school administrative unit, school district,
11 chartered public school, or public academy. The superintendent of the school administrative unit or
12 the chief executive officer of the chartered public school or public academy may deny a selected
13 applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or
14 felony, in addition to those listed above. The governing body of a school district, chartered public
15 school, or public academy shall adopt a policy relative to hiring practices based on the results of the
16 criminal history records check and report of misdemeanors and felonies received under paragraph II.
17 Such policy may include language stating that any person who has been convicted of any
18 misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include
19 language stating that any person who has been convicted of any felony, or any of a list of felonies,
20 shall not be hired.

21 2 New Subparagraph; Chartered Public Schools; Application; Code of Conduct for New
22 Hampshire Educators. Amend RSA 194-B:3, II by inserting after subparagraph (dd) the following
23 new subparagraph:

24 (ee) A proposed policy to adopt and implement the code of conduct for New Hampshire
25 educators as adopted by the department in administrative rule. Failure to adopt and implement the
26 code of conduct could result in the probation or revocation of the school's charter as governed by RSA
27 194-B:16.

28 3 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, II to
29 read as follows:

30 II. The proposed chartered public school application shall be presented for approval directly
31 to the state board of education by the applicant for the prospective chartered public school. The
32 content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and

Amendment to HB 432

- Page 2 -

1 (dd)-(ee). The department of education shall notify an applicant of any missing information within
2 10 days of the initial filing. The applicant shall file any missing information before the department
3 reviews the application.

4 4 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, IV to
5 read as follows:

6 IV. The state board of education shall either approve or deny an application using
7 reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and
8 (dd)-(ee). Lack of state funding alone shall not constitute grounds for the denial of an application.
9 Approval of an application constitutes the granting of charter status and the right to operate as a
10 chartered public school. The state board of education shall notify all applicants of its decision in
11 writing, and shall include in any notice of denial a written statement specifying any areas deemed
12 deficient, the reasons for the denial, and explaining that the applicant may reapply under RSA 194-
13 B:3 or under this section in a subsequent year.

14 5 Effective Date. This act shall take effect 60 days after its passage.

Sen. Watters, Dist 4
April 7, 2021
2021-1116s
06/04

Floor Amendment to HB 432

1 Amend the bill by replacing all after section 4 with the following:

2

3 5 New Paragraph; Chartered Public Schools; Establishment; Criminal Records Background
4 Check. Amend RSA 194-B:3 by inserting after paragraph II the following new paragraph:

5 II-a. The founders and trustees of the chartered public school shall submit to the
6 department of education a criminal history records release form, as provided by the division of state
7 police, which authorizes the division of state police to conduct a criminal history records check
8 through its state records and through the Federal Bureau of Investigation and to release a report of
9 the applicant's criminal history record information, including confidential criminal history record
10 information, to the background check coordinator of the department under RSA 21-N:8-a, I-a.

11 6 Effective Date. This act shall take effect 60 days after its passage.

2021-1116s

AMENDED ANALYSIS

This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy. The bill also requires the department of education to conduct criminal history records checks on the founders and trustees of chartered public schools.

Committee Minutes

SENATE CALENDAR NOTICE

Education

Sen Ruth Ward, Chair
Sen Erin Hennessey, Vice Chair
Sen Denise Ricciardi, Member
Sen Jay Kahn, Member
Sen Suzanne Prentiss, Member

Date: March 17, 2021

HEARINGS

Tuesday		03/23/2021
(Day)		(Date)
Education	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 194	relative to the release of student assessment information and data.
9:15 a.m.	HB 442	relative to penalties for a school's failure to file department of education reports.
9:30 a.m.	HB 320	requiring a civics competency assessment as a high school graduation requirement.
9:45 a.m.	HB 349	relative to certification requirements for school nurses.
10:00 a.m.	HB 432	relative to the offenses that prevent employment in a school.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/99343484231>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location):

1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833

3. Or iPhone one-tap: +13126266799, 99343484231# or +19292056099, 99343484231#

4. Webinar ID: 993 4348 4231

5. To view/listen to this hearing on YouTube, use this link:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:

<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603) 271-6931.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 194

Rep. Cordelli

Rep. Layon

HB 442

Rep. Cordelli

HB 320

Rep. Moffett

Rep. Shaw

HB 349

Rep. Hill

Rep. Lang

HB 432

Rep. Mullen

Rep. Woodcock

Rep. Ladd

Rep. Osborne

Rep. Ladd

Rep. Pearl

Rep. Hobson

Rep. Steven Smith

Rep. Cordelli

Rep. Allard

Rep. Moffett

Sen. Avarad

Rep. Layon

Rep. Lang

Rep. McGuire

Rep. A. Lekas

Rep. Cornell

Rep. Hobson

Sen. Ward

Rep. Pitre

Rep. Rouillard

Rep. Ladd

Rep. Tanner

Ava Hawkes 271-4151

Ruth Ward
Chairman

Senate Education Committee
Ava Hawkes 271-4151

HB 432, relative to the offenses that prevent employment in a school.

Hearing Date: March 23, 2021

Time Opened: 10:46 a.m.

Time Closed: 10:59 a.m.

Members of the Committee Present: Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

Members of the Committee Absent : None

Bill Analysis: This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy.

Sponsors:

Rep. Mullen

Rep. Allard

Rep. Cornell

Rep. Tanner

Rep. Woodcock

Who supports the bill: Please refer to sign-in sheet.

Who opposes the bill: None

Who is neutral on the bill: Diana Fenton

Summary of testimony presented:

Representative Sue Mullen – Hillsborough, District 7

- Representative Mullen introduced HB 432.
- This bill was requested by NHDOE.
- This bill is a result of a series of conversations between NHDOE and House Education last session.
- RSA 189:13-a, section V, is the location of the list of crimes which bare employment in education.
- After looking at this list with NHDOE, we discovered a large number of folks who get certified to teach here but don't end up doing so.
- This led to the realization that human trafficking is not on this list.
- Employment aspects can escape people's purview.
- The bill was amended, to remove out-of-district restrictions and just begin with adding this crime to the list.

- The bill had unanimous support by the House Education Committee.
- Senator Kahn asked Representative Mullen if she would be amenable to an amendment that incorporates the adoption of a code of conduct by public chartered schools.
 - Representative Mullen said she is definitely amenable. She agreed with the amendment when she saw it previously attached to SB 81.
 - Senator Kahn noted he has already drafted an amendment.

Attorney Diana Fenton – Chief of the Office of Governance, NH Department of Education

- The department felt it was appropriate that human trafficking be added to the list found in RSA 189:13-a. For common sense purposes and since it took quite some time to codify human trafficking as an offense.
- She recalls human trafficking being codified between 2007 and 2009.
- RSA 189:13-a was drafted a long time ago.
- As a former criminal prosecutor, she does not have a lot of experience in human trafficking.
- This is a good time to update the list of offenses.
- Senator Kahn asked Ms. Fenton if she could speak to the code of conduct amendment.
 - Ms. Fenton said, similar to her testimony on SB 81, the code of conduct was passed by the Board of Education in 2018, pursuant to the passage of legislation.
 - This amendment would make the code of conduct equally applicable to charter schools.
 - It has helped to ensure safety in our schools. For instance, the Howie Long case in Concord.
 - Charter schools are public schools, therefore, they fall under the same category.

amh
Date Hearing Report completed: March 24, 2021

Speakers

Senate Remote Testify

Education Committee Testify List for Bill HB432 on 2021-03-23

Support: 46 Oppose: 0 Neutral: 1 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Torpey, Jeanne	jtorp51@comcast.net	Concord	A Member of the Public	Myself	Support	No	§
McNamee, Brigid	brigidmcnamee@yahoo.com	603.223.0139	A Member of the Public	Myself	Support	No	§
Reed, Barbara D.	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
goldwater, Catherine	cathy.goldwater@gmail.com	603.860.3756	A Member of the Public	Myself	Support	No	§
BERK, BRUCE	bruce.berk.nh@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Necol, Barbara	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
Keeler, Margaret	peg5keeler@gmail.com	603-491-4689	A Member of the Public	Myself	Support	No	§
Spielman, Kathy	jspielman@comcast.net	603.397.7879	A Member of the Public	Myself	Support	No	§
Casino, Joanne	joannecasino@comcast.net	603.746.3491	A Member of the Public	Myself	Support	No	§
Dodge, Corinne	corinnedodge@hotmail.com	16034325759	A Member of the Public	Myself	Support	No	§
Fordey, Nikki	nikki7610@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Graham, Nancy	nancygraham806@gmail.com	425.765.6921	A Member of the Public	Myself	Support	No	§
Weber, Jill	jill@frazilfarms.com	603.978.1263	A Member of the Public	Myself	Support	No	§
Kelly, Fran	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
Johnson, Susan	susanj1511@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	§
Jachim, Nancy	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
DeMark, Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Support	No	§
Wilson, Becky	bwilson@Nhsba.org	(603) 340-29	A Lobbyist	NH School Boards Association	Support	No	§
Perencevich, Ruth	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
Jones, Andrew	arj11718@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	§
Zaenglein, Barbara	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
Zaenglein, Eric	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Support	No	§
Corell, Elizabeth	Elizabeth.j.corell@gmail.com	603.545.9091	A Member of the Public	Myself	Support	No	§
Lewis, Elizabeth	ecop.lewis@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Lindpaintner, Lyn	lynlin@bluewin.ch	Not Given	A Member of the Public	Myself	Support	No	§
Rettew, Annie	abrettew@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Damon, Claudia	cordsdamon@gmail.com	603.226.4561	A Member of the Public	Myself	Support	No	§
Hackmann, Kent	hackmann@uidaho.edu	16039343225	A Member of the Public	Myself	Support	No	§
Blanchard, Sandra	sandyblanchard3@gmail.com	603.724.3768	A Member of the Public	Myself	Support	No	§
Hope, Lucinda	lmhope46@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	603-715-8191	A Member of the Public	Myself	Support	No	§
Clark, Denise	denise.m.clark03055@gmail.com	603.213.1692	A Member of the Public	Myself	Support	No	§
Ladd, Carl	carl@nhsaa.org	603-225-3230	A Lobbyist	New Hampshire School Administrators Association	Support	No	§
Carter, Lilian	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
Burr, Emily	revemilyburr@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Tuttle, Megan	mtuttle@nhnea.org	603-209-4090	A Lobbyist	NEA-NH	Support	No	§
Brennan, Nancy	burningnan14@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Gordon, Laurie	Lmgord23@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Gordon, Margaret	Meggordon98@gmail.com	Not Given	A Member of the Public	Myself	Support	No	§
Ellermann, Maureen	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
garnett, ronald	soup31314@yahoo.com	603.236.1637	A Member of the Public	Myself	Support	No	§
Larson, Ruth	ruthlarson@msn.com	Not Given	A Member of the Public	Myself	Support	No	§
St Germain, Diane	Not Given	Not Given	A Member of the Public	Myself	Support	No	§
Iwakiri, Haley	haleyiwakiri@gmail.com	253.561.1682	A Member of the Public	Myself	Support	No	§
Fenton, Diana	diana.fenton@doe.nh.gov	603-325-2198	State Agency Staff	Department of Education	Neutral	Yes	§

Mullen, Sue

Sue.mullen@leg.state.by.us

Not Given

An Elected Official

Myself

Support Yes

3

Testimony

Ava Hawkes

From: Fenton, Diana <Diana.E.Fenton@doe.nh.gov>
Sent: Thursday, March 18, 2021 11:55 AM
To: Ruth Ward; Ruth Ward
Cc: Ava Hawkes; Sue Mullen
Subject: HB432
Attachments: Crimes Which Bar Employment in Education.docx

Good afternoon Senator Ward—

In anticipation of HB 432, relative to the offenses that prevent employment in a school, being heard in Senate Education on Tuesday, March 23, please find a list of the current offenses attached. Representative Mullen, the prime sponsor of this bill who is included on this email, and I would request that this list be provided to the Senate Education committee in advance of the testimony on Tuesday.

Thank you for your assistance.

Best,

diana

~~~~~  
Diana E. Fenton, Esq.  
Chief, Governance Unit  
New Hampshire Department of Education  
Office of the Commissioner  
101 Pleasant Street  
Concord, NH 03301  
Diana.fenton@doe.nh.gov  
(603) 271-3189

**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 (misdemeanor level)
- 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

Thank You, Madam Chair.

House Bill 432 was born from a couple of different conversations, and a request from the Department of Education.

The first conversation took place between the members of House Education and the Department of Education's Attorney, Diana Fenton, during the 2019-2020 session.

At that time, we were discussing RSA 189:13-a, V, commonly known as the Crimes Which Bar Employment in Education. I have provided you all with a list of the current offenses for your reference.

In that initial conversation, we heard Attorney Fenton talk about the potential for people to be credentialed in NH, but never actually working here. Members of our committee began to propose reasons why this might be the case, and we noted that human trafficking, an area of concern of the Internet Crimes Against Children Task Force, was not on the list. While most of us are familiar with the sex industry aspect of human trafficking, there are also underage employment implications in others, as well. Exceptionally pertinent to NH, seasonal workers come to mind.

The DOE request to include human trafficking on the list of 189:13-a violations has resulted in the bill before you.

I hope you will agree that it should be there.

Respectfully,

Rep. Sue Mullen

Hillsborough 7: Bedford

# Voting Sheets

**Senate Education Committee**  
**EXECUTIVE SESSION RECORD**  
*2020-2021 Session*

Bill # HB 432

Hearing date: 3/23/21

Executive Session date: 4/6/21

Motion of: OTP, Amendments 0958s Vote: 5-0

| Committee Member   | Present                             | Made by                             | Second                              | Yes                                 | No                       |
|--------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. Ward, Chair   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Hennessey, VC | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Ricciardi     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Kahn          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Prentiss      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Motion of: OTPIA Vote: 5-0

| Committee Member   | Present                             | Made by                             | Second                              | Yes                                 | No                       |
|--------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. Ward, Chair   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Hennessey, VC | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Ricciardi     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Kahn          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Prentiss      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Motion of: Consent Vote: 5-0

| Committee Member   | Present                             | Made by                             | Second                              | Yes                                 | No                       |
|--------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. Ward, Chair   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Hennessey, VC | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Ricciardi     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Kahn          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Prentiss      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Reported out by: Sen. Prentiss

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Tuesday, April 6, 2021

THE COMMITTEE ON Education

to which was referred **HB 432**

AN ACT

relative to the offenses that prevent employment in  
a school.

Having considered the same, the committee recommends that the Bill

ought to pass with amendment

BY A VOTE OF: 5-0

AMENDMENT # 1113s

Senator Suzanne Prentiss  
For the Committee

This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy. This bill seeks to update the list of offenses. This bill and the committee amendment were requested by the department of education. The committee amendment incorporates the adoption of the state board of education approved code of conduct by chartered public schools.

Ava Hawkes 271-4151

FOR THE CONSENT CALENDAR

**EDUCATION**

**HB 432**, relative to the offenses that prevent employment in a school.

Ought to Pass with Amendment, Vote 5-0.

Senator Suzanne Prentiss for the committee.

This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy. This bill seeks to update the list of offenses. This bill and the committee amendment were requested by the department of education. The committee amendment incorporates the adoption of the state board of education approved code of conduct by chartered public schools.

**Docket of HB432****Bill Title:** relative to the offenses that prevent employment in a school.**Official Docket of HB432.:**

| <b>Date</b> | <b>Body</b> | <b>Description</b>                                                                                                                                                                                                                                                                                                                                   |
|-------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1/10/2021   | H           | <b>Introduced</b> (in recess of) 01/06/2021 and referred to Education <b>HJ 2 P. 48</b>                                                                                                                                                                                                                                                              |
| 1/20/2021   | H           | Public Hearing: 01/26/2021 09:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/91325381640">https://www.zoom.us/j/91325381640</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened. |
| 2/10/2021   | H           | Committee Report: Ought to Pass with Amendment <b>#2021-0015h</b> (Vote 18-0; CC) <b>HC 12 P. 4</b>                                                                                                                                                                                                                                                  |
| 2/24/2021   | H           | Amendment <b>#2021-0015h</b> : AA VV 02/24/2021 <b>HJ 3 P. 5</b>                                                                                                                                                                                                                                                                                     |
| 2/24/2021   | H           | <b>Ought to Pass with Amendment</b> 2021-0015h: MA VV 02/24/2021 <b>HJ 3 P. 5</b>                                                                                                                                                                                                                                                                    |
| 3/4/2021    | S           | Introduced 03/04/2021 and Referred to Education; <b>SJ 7</b>                                                                                                                                                                                                                                                                                         |
| 3/17/2021   | S           | Remote <b>Hearing</b> : 03/23/2021, 10:00 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 16</b>                                                                                                                                                                                                                            |
| 4/6/2021    | S           | Committee Report: Ought to Pass with Amendment <b>#2021-1113s</b> , 04/08/2021; Vote 5-0; CC; <b>SC 18A</b>                                                                                                                                                                                                                                          |
| 4/8/2021    | S           | Sen. Watters Moved to Remove HB 432 from the Consent Calendar; 04/08/2021; <b>SJ 11</b>                                                                                                                                                                                                                                                              |
| 4/8/2021    | S           | Committee Amendment <b>#2021-1113s</b> , RC 24Y-0N, AA; 04/08/2021; <b>SJ 11</b>                                                                                                                                                                                                                                                                     |
| 4/8/2021    | S           | Sen. Watters Floor Amendment <b>#2021-1116s</b> , RC 10Y-14N, AF; 04/08/2021; <b>SJ 11</b>                                                                                                                                                                                                                                                           |
| 4/8/2021    | S           | <b>Ought to Pass with Amendment</b> 2021-1113s, RC 24Y-0N, MA; OT3rdg; 04/08/2021; <b>SJ 11</b>                                                                                                                                                                                                                                                      |
| 6/10/2021   | H           | House Concurs with Senate Amendment 2021-1113s (Rep. Ladd): MA VV 06/10/2021                                                                                                                                                                                                                                                                         |
| 7/12/2021   | S           | Enrolled Adopted, VV, (In recess 06/24/2021); <b>SJ 20</b>                                                                                                                                                                                                                                                                                           |
| 7/12/2021   | H           | Enrolled (in recess of) 06/24/2021                                                                                                                                                                                                                                                                                                                   |

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 432

Senate Committee: Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # 09505      \_\_\_ - amendment # \_\_\_

- amendment # 11135      \_\_\_ - amendment # \_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 1116      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate      \_\_\_ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office AK