

CONSENT CALENDAR

January 25, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred HB
1311,**

**AN ACT prohibiting persons charged with or convicted
of certain assault or controlled drug possession
violations from employment in a public school. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Sue Mullen

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 1311
Title:	prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school.
Date:	January 25, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0201h

STATEMENT OF INTENT

This bill seeks to add first degree (felony) assault and possession of a controlled drug with the intent to sell to the list of RSA 189:13-a, V offenses that prohibit employment in NH public schools. The amendment also adds the offenses to the list preventing credentialing as a teacher in NH public schools. We heard compelling testimony from the Department of Education. House Education agrees that each of the offenses should be included on both lists.

Vote 19-0.

Rep. Sue Mullen
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 1311, prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sue Mullen for Education. This bill seeks to add first degree (felony) assault and possession of a controlled drug with the intent to sell to the list of RSA 189:13-a, V offenses that prohibit employment in NH public schools. The amendment also adds the offenses to the list preventing credentialing as a teacher in NH public schools. We heard compelling testimony from the Department of Education. House Education agrees that each of the offenses should be included on both lists. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

Amendment to HB 1311

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

2

3 AN ACT prohibiting persons charged with or convicted of certain assault or controlled drug
4 possession violations from employment in a public school or being granted teaching
5 credentials.
6

7 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
8 read as 3:

9

10 2 Credentialing Applicant and Candidate Criminal History Records Check; Violations Added..
11 Amend RSA 189:13-c, V to read as follows:

12 V. Any person who has been charged pending disposition for or convicted of any violation or
13 attempted violation of ***RSA 318-B:2 possession of a controlled drug with the intent to sell***, RSA
14 630:1; 630:1-a; 630:1-b; 630:2; ***631:1***; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III;
15 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation
16 of RSA 650:2 where the act involves a child in material deemed obscene in this state, or under any
17 statute prohibiting the same conduct in another state, territory, or possession of the United States,
18 shall not be granted a teaching credential by the department nor shall candidates be granted
19 clearance.

Amendment to HB 1311
- Page 2 -

2022-0201h

AMENDED ANALYSIS

This bill adds the prohibition of persons convicted of first degree assault or possession of a controlled drug with the intent to sell from employment in a public school and from being granted a teaching credential.

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # 1311

BILL TITLE: prohibiting people with specific charges from employment in a public school or being granted teaching credentials.
DATE: 1/25/22
LOB ROOM: 207

MOTION: (Please check one box)

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

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

MOTION: (Please check one box) 0102 H
Vote on the Amendment
 OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 0102 H (if offered)
 Interim Study (2nd year)

Moved by Rep. Mullen Secoded by Rep. Lundquist Vote: 19-0

MOTION: (Please check one box)

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

Moved by Rep. Mullen Secoded by Rep. Buehler Vote: 19-0

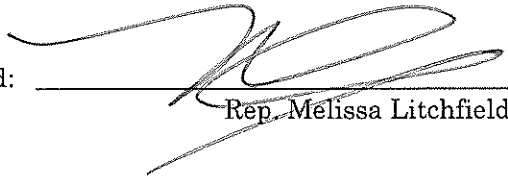
MOTION: (Please check one box)

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

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

CONSENT CALENDAR: YES NO

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

Respectfully submitted:  _____
Rep. Melissa Litchfield, Clerk



Vote on the Amendment only

2022 SESSION

Education

Bill #: HB 1311 Motion: OTP AM #: ~~0201 H~~ Exec Session Date: 1/25/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>last</i> Ladd, Rick M. Chairman	19		
Cordelli, Glenn Vice Chairman <i>Greg Hill</i>	2		
Litchfield, Melissa A. Clerk	3		
Boehm <i>up</i> Ralph G. <i>1st</i>	1		
Lekas, Alicia D.	4		
Moffett, Michael	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	7		
Soti, Julius F.	8		
Nelson, Bill G.	9		
Myler, Mel-Walz, Mary Beth <i>2nd</i>	11		
Luneau, David J. <i>1st</i>	10		
Cornell, Patricia	12		
Tanner, Linda L.	13		
Ellison, Arthur S. <i>Wallace, Mary Jane</i>	14		
Mullen, Sue M.	15		
Woodcock, Stephen L.	16		
Porter, Marjorie	17		
A. Hall, Muriel C.	18		
TOTAL VOTE:	19		

OFFICE OF THE HOUSE CLERK



1/10/2022 8:57:50 AM
Roll Call Committee Registers
Report

Vote on the Bill w/ Amendment Included.

2022 SESSION

Education

Bill #: HB 11 Motion: OTPA AM #: 020117 Exec Session Date: _____

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>Last</i> Ladd, Rick M. Chairman	19		
Cordelli, Glenn Vice Chairman <i>Greg Hill</i>	2		
Litchfield, Melissa A. Clerk	3		
Boehm, Ralph G. <i>1st</i>	1		
Lekas, Alicia D.	4		
Moffett, Michael	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	7		
Soti, Julius F.	8		
Nelson, Bill G.	9		
Myler, Mel-Walz, Mary Beth <i>and</i>	11		
Luneau, David J. <i>1st</i>	10		
Cornell, Patricia	12		
Tanner, Linda L.	13		
Ellison, Arthur S. <i>Wallner, Mary Jane</i>	14		
Mullen, Sue M.	15		
Woodcock, Stephen L.	16		
Porter, Marjorie	17		
A. Hall, Muriel C.	18		
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13 attempted violation of *RSA 318-B:2 possession of a controlled drug with the intent to sell*, RSA
14 630:1; 630:1-a; 630:1-b; 630:2; **631:1**; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III;
15 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation
16 of RSA 650:2 where the act involves a child in material deemed obscene in this state, or under any
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2022-0201h

AMENDED ANALYSIS

This bill adds the prohibition of persons convicted of first degree assault or possession of a controlled drug with the intent to sell from employment in a public school and from being granted a teaching credential.

UNAPPROVED

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1311

BILL TITLE: prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school.

DATE: January 19, 2022

LOB ROOM: 207

Time Public Hearing Called to Order: 10:38am

Time Adjourned: 11:06am

Committee Members: Reps. Ladd, Cordelli, Litchfield, Boehm, A. Lekas, Moffett, Hobson, Ford, Soti, B. Nelson, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Woodcock, Hall and Porter

Bill Sponsors:

Rep. Mullen

Rep. Tanner

Rep. Rombeau

TESTIMONY

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

***Rep. Sue Mullen**

- Prime sponsor of bill

Rep. Luneau

- Please expand on getting a teacher's license in NH and using it elsewhere.

Rep. Hobson

- Do we have anyone that would fill in to this category?

Rep. Ford

- Distinction between employment and credentialing?
- Credentialing = license to teach;
- Employment - All staff members

Diana Fenton - Attorney, DOE

- Until recently - NH license credentialing did not require a background check.
- People were getting licensed in NH and taking their license elsewhere.

Rep. Ladd

- If someone comes to us from another state via reciprocity, do we do a check?
- After the recent State bill, we will do a background check.

Rep. Hall

- Would this bill be enacted retroactively?
- Response: NO

Respectfully submitted,

Rep. Melissa Litchfield, Clerk

House Remote Testify

Education Committee Testify List for Bill HB1311 on 2022-01-19

Support: 16 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Hamer, Gary	Manchester, NH ghamer@mansd.org	An Elected Official	Myself	Support	No	No	1/16/2022 1:44 PM
Keilig, Pamela	Concord, NH pkeilig@nhcadsv.org	A Lobbyist	New Hampshire Coalition Against Domestic and Sexual Violence	Support	No	No	1/17/2022 5:51 PM
Jensen, Wendy	Bow, NH jensenhvp@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 1:32 PM
Lesmerises, Paula	Concord, NH pcl1943@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 3:33 PM
Smith, Tina	Concord, NH Tismith12@comcast.net	A Member of the Public	Myself	Support	No	No	1/18/2022 8:35 PM
Cook, Barbara	Canterbury, NH Bdc7@aol.com	A Member of the Public	Myself	Support	No	No	1/19/2022 7:39 AM
HALLOCK, LINDA	Cornish, NH lindash@mail.com	An Elected Official	Myself	Support	No	No	1/19/2022 8:05 AM
Plante, Erin	Hooksett, NH Erinly520@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 8:53 AM
Paradis, Jessica	Somerswirth, NH Jesparadis@yahoo.com	A Member of the Public	Myself	Support	No	No	1/19/2022 9:56 AM
Mazaka, Kristan	Londonderry, NH kristanmazaka@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 10:16 AM
Frew, Jerome	Concord, NH Jerry@nhsaa.org	A Lobbyist	NHSAA	Support	No	No	1/19/2022 10:35 AM
Vachon, Amanda	Strafford, NH avachon06@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 11:57 AM
Delyani, Angela	Nashua, NH ang@delyani.org	A Member of the Public	Myself	Support	No	No	1/19/2022 12:04 PM

Viscarello, Anna	Manchester, NH carhunt42@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 12:25 PM
LaCourse, Christine	Goffstown, NH cebradbury83@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 12:49 PM
Farrelly, Susan	Concord, NH Sbkfarrelly@aol.com	A Member of the Public	Myself	Support	No	No	1/19/2022 6:31 PM

HB 1311 Introduction

Thank You, Mr. Chair and Members of House Education, for hearing me this morning.

For the record: my name is Sue Mullen and I represent Hillsborough County District 7, the town of Bedford.

HB 1311 seeks to add felony convictions of first degree assault and possession of a controlled drug *with the intent to sell*, to the list of RSA 189:13-a, section V offenses that prohibit employment in a school administrative unit, school district, chartered public school, or public academy.

For the purpose of explanation for new members of our committee, I have distributed a list of the current offenses that we commonly and collectively refer to as "Section V Offenses," and I will remind returning members that last year, at this time, we added human trafficking to the list. That change was the result of conversation precipitated by information shared by DOE Attorney, Diana Fenton, regarding questions about why a substantial number of people get credentialed in NH, but never actually teach here. Evidently the reciprocity aspect with other states is attractive to lots of folks. We all agreed that we did not want folks found guilty of human trafficking in NH schools.

The conversation has continued, and this session I am bringing forward HB 1311 to prohibit people convicted of first degree assault and people found guilty of possession of a controlled drug *with the intent to distribute* it from being employed in schools, as well.

Please understand that the criminal offenses I reference are felonies. We are not talking about a schoolyard fist fight. If you take a look at Chapter 631:1, which I have distributed to you all, you will see we are talking about **purposely** causing serious bodily injury. We are talking about **purposely or knowingly** causing injury with a deadly weapon, **purposely or knowingly** causing injury that results in a miscarriage or stillbirth, or **knowingly or recklessly** causing seriously bodily injury to a person under the age of 13.

Neither are we talking about an 18 year old getting caught with a joint in the glove compartment. We are talking about someone who is found guilty of the felony conviction of manufacturing, selling, or purchasing/transporting or possessing with the intent to sell **controlled** substances that they are not authorized to have.

While I understand that there are times when an individual makes a mistake and times when somebody turns their life around, I also recognize that there are consequences for an individual's actions and that sometimes those consequences may prevent someone from doing what they want to do.

I know Attorney Fenton is with us this morning and that she has a wealth of knowledge and examples she can share with you, if you have specific questions regarding the importance of this proposed legislation or the legal aspects.

I, too, am happy to answer any questions that you may have at this time, if I am able!

sm

HB 1311 - AS INTRODUCED

2022 SESSION

22-2605

10/04

HOUSE BILL **1311**

AN ACT prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school.

SPONSORS: Rep. Mullen, Hills. 7; Rep. Tanner, Sull. 9; Rep. Rombeau, Hills. 7

COMMITTEE: Education

ANALYSIS

This bill adds the prohibition of persons convicted of first degree assault or possession of a controlled drug with the intent to sell from employment in a public school.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public 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;
2 Violations Added. 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 318-B:2 for possession of a controlled drug with the intent to sell;**
5 RSA 630:1; 630:1-a; 630:1-b; 630:2; **631:1;** 632-A:2; 632-A:3; 632-A:4; 633:1; 633:7; 639:2; 639:3;
6 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any
7 attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this
8 state, or under any statute prohibiting the same conduct in another state, territory, or possession of
9 the United States, shall not be hired by a school administrative unit, school district, chartered public
10 school, or public academy. The superintendent of the school administrative unit or the chief
11 executive officer of the chartered public school or public academy may deny a selected applicant a
12 final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in
13 addition to those listed above. The governing body of a school district, chartered public school, or
14 public academy shall adopt a policy relative to hiring practices based on the results of the criminal
15 history records check and report of misdemeanors and felonies received under paragraph II. Such
16 policy may include language stating that any person who has been convicted of any misdemeanor, or
17 any of a list of misdemeanors, may not be hired. Such policy may also include language stating that
18 any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

19 2 Effective Date. This act shall take effect January 1, 2023.