

CONSENT CALENDAR

April 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred SB
352,**

**AN ACT relative to substitute teacher criminal history
records check. Having considered the same, report the
same with the recommendation that the bill OUGHT TO
PASS.**

Rep. Glenn Cordelli

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	SB 352
Title:	relative to substitute teacher criminal history records check.
Date:	April 26, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill clarifies the process for criminal history record checks for substitute teachers. It specifies that substitute teachers who have had a record check to work in one school, do not need to have another record check to teach in another school within the same school administrative unit (SAU). The record check for the first school will be sufficient for a three-year period.

Vote 18-0.

Rep. Glenn Cordelli
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

SB 352, relative to substitute teacher criminal history records check. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This bill clarifies the process for criminal history record checks for substitute teachers. It specifies that substitute teachers who have had a record check to work in one school, do not need to have another record check to teach in another school within the same school administrative unit (SAU). The record check for the first school will be sufficient for a three-year period. **Vote 18-0.**

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # 59352

BILL TITLE: relative to substitute teacher records check.
DATE: 4/26/22
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. Cordelli Seconded by Rep. Buehm Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # 1697h (if offered)
- Interim Study (2nd year)

Moved by Rep. Cordelli Seconded by Rep. Buehm Vote: 9-9 Forks

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: YES NO

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

Respectfully submitted: [Signature]
Rep. Melissa Litchfield, Clerk



2022 SESSION

Education

Bill #: SB 352 Motion: OTP AM #: 10076 Exec Session Date: 4/20/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman <i>1as</i>	18		
Cordelli, Glenn Vice Chairman <i>1st</i>	1		
Litchfield, Melissa A. Clerk	2		
Boehm, Ralph G.	3		
Lekas, Alicia D.	4		
Moffett, Michael	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	7		
Soti, Julius F.	8		
Nelson, Bill G.			
Myler, Mel Walz, Mary Beth <i>Rep Myler, mel</i>	9		
Luneau, David J.	10		
Gornell, Patricia <i>Rep Sullivan, Brian</i>	11		
Tanner, Linda L.	12		
Ellison, Arthur S.	13		
Mullen, Sue M.	14		
Woodcock, Stephen L.	15		
Porter, Marjorie <i>Lane, Connie</i>	16		
A. Hall, Muriel C.	17		
TOTAL VOTE:	18	0	



2022 SESSION

Education

Bill #: SB 352 Motion: OTP AM #: 1697h Exec Session Date: 4/26/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman			
Cordelli, Glenn Vice Chairman			
Litchfield, Melissa A. Clerk			
Boehm, Ralph G.			
Lekas, Alicia D.			
Moffett, Michael			
Hobson, Deborah L.			
Ford, Oliver J.			
Soti, Julius F.			
Nelson, Bill G.			
Myler, Mel-Walz, Mary Beth Rep Myler, Mel			
Luneau, David J.			
Gornell, Patricia Rep Sullivan, Brian			
Tanner, Linda L.			
Ellison, Arthur S.			
Mullen, Sue M.			
Woodcock, Stephen L.			
Porter, Marjorie Lane, Connie			
H. Hall, Muriel C.			
TOTAL VOTE:	9	9	

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 352

BILL TITLE: relative to substitute teacher criminal history records check.

DATE: April 19, 2022

LOB ROOM: 207 **Time Public Hearing Called to Order:** 10:38am

Time Adjourned: 11:10am

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:

Sen. Kahn

Sen. Hennessey

Sen. Ward

Sen. Prentiss

Sen. Ricciardi

TESTIMONY

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

***Rep. Glenn Cordelli**

- Prime sponsor of bill

Rep. Tanner

- Questioning who the third party vendors would be?

Rep. Walz

- Federal law trumps State law when it comes to FERPA.

Rep. Woodcock

- Line 25 - What do you mean by "detailed records"?

Respectfully submitted,

Rep. Melissa A. Litchfield, Clerk

House Remote Testify

Education Committee Testify List for Bill SB352 on 2022-04-06

Support: 5 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>
Ricciardi, Senator Denise	Bedford, NH denise.ricciardi@leg.state.nh.us	An Elected Official	Senate District 9	Support	No	No	3/28/2022 2:28 PM
Ward, Senator Ruth	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	senate district 8	Support	No	No	3/28/2022 2:44 PM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Support	No	No	4/2/2022 11:36 AM
Hennessey, Erin	Senate District 1, NH peter.oneill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/5/2022 9:02 AM
Brackett, Glenn	Hooksett, NH communications@nhaficio.org	A Lobbyist	NH AFL-CIO	Support	No	No	4/6/2022 9:09 AM

House Remote Testify

Education Committee Testify List for Bill SB352 on 2022-04-19

Support: 7 Oppose: 1 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>
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	4/16/2022 11:44 AM
Ward-Scott, Colleen	Nashua, NH Colleenws@comcast.net	A Member of the Public	Myself	Support	No	No	4/16/2022 1:42 PM
Sims, Julie	Newport, NH jpmom39@gmail.com	A Member of the Public	Myself	Support	No	No	4/16/2022 1:52 PM
Hennessey, Erin	Senate District 1, NH peter.oneill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/18/2022 3:05 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	4/18/2022 8:41 PM
Sullivan, Alexandra	Merrimack, NH alexmarysullivan@gmail.com	A Member of the Public	Myself	Support	No	No	4/18/2022 10:13 PM
Brackett, Glenn	Hooksett, NH communications@nh afl.cio	A Lobbyist	NH AFL-CIO	Support	No	No	4/19/2022 12:16 PM
Diehl, Stanford	Concord, NH loki1958@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/19/2022 1:05 PM



June 1, 2021

Michael Sutphin, Division Chief, FFELP Division
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Mike,

I hope this letter finds you well. I want to follow up on a request to the Department related to a FFELP loan Teacher Loan Forgiveness request for \$17,500.

The borrower is an 8th grade math teacher in the Winnisquam Middle School, which is a cooperative school district in New Hampshire. According to the school Superintendent, the 8th grade Pre-Algebra and Algebra 1 classes are the same classes taught in 9th grade at the high school.

The issue is that under New Hampshire state law, although there is some ambiguity, a middle school does not appear to meet the state's definition of a "secondary school." The following is a summary of the analysis from our legal counsel:

New Hampshire statutes provide a definition of elementary school, which also contemplates the establishment of middle and junior high schools for certain of the higher grades in the elementary spectrum (4-8 and 7-9, respectively). See RSA 189:25. A subsequent section, RSA 194:23, then defines "high school" as beyond elementary, middle or junior high school. Unfortunately, although the term is used throughout the New Hampshire education-related statutes, there is no generic statutory definition of "secondary" schools under New Hampshire statutes as there is for elementary schools and high school. This results in ambiguity as to whether middle schools and junior high schools fall within the "elementary school" category or the "secondary school" category for purposes of the Teacher Loan Forgiveness Program.

We have identified at least two New Hampshire statutes in which "secondary school" is defined. The first deals with Regional Enrollment Area Schools under RSA 195-A, and the other pertains to Cooperative Schools under RSA 195. In both of these statutes, "secondary school" is defined to include a junior high program (i.e. grades 7-9), if one exists, in addition to high schools. These definitions do not include middle schools, which, under RSA 189:25, can begin at grade 4 and run through grade 8 (or any combination thereof). If we used these two specific statutes as indicia of the New

The NHHEAF Network

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3 Barrell Court, Concord, New Hampshire 03301
nhheafnetwork.org | 800.525.2577 | 603.225.6612

Hampshire legislature's intent regarding the meaning of "secondary schools," the term arguably would include junior high schools and high schools but not middle schools.

The Winnisquam Middle School, where Ms. Lievens is a math teacher, includes grades 6 through 8, which is within the statutory definition of "middle school" under RSA 189:25. RSA 195:1(II) includes within the "Elementary school" definition grades K/1 through 6 or grades K/1 through 8, and RSA 195:1(III) defines "Secondary school" as all grades from 7 through 12 or 9 through 12. Given the grade cut-offs in the definitions, these statutes contemplate that a junior high school (grades 7-9) is a secondary school, while a middle school (grades 4-8, or any grouping of those grades) is an elementary school. Therefore, although applicable only to cooperative school districts, RSA 195:1 appears to support the conclusion that New Hampshire law more likely views middle schools as "elementary" rather than "secondary."

Based on this analysis, along with input from the NH Department of Education, we determined that the applicant is only eligible for \$5,000 in loan forgiveness.

However, both the Superintendent of the school district and the NH Banking Commission disagree, and feel that there is enough ambiguity that the borrower should be eligible for the full \$17,500. Further, this borrower has identified two other 8th grade math teachers in her school who she says have received the full \$17,500 in forgiveness from their Federal Direct loan servicers.

I'd like to request that the Department waive our requirement to determine the school is a secondary school, and approve the full \$17,500 in forgiveness given the ambiguity in the law and the fact that the 8th grade curriculum is the same as the High School curriculum.

I have attached a copy of Superintendent's letter for your review as well. Thank you in advance for your time and your guidance in this matter.

Best,



Christiana Thornton
President & CEO

Enclosure

From: **Greg Hill** greghillnh@gmail.com
Subject: Leivens testimony...
Date: April 2, 2022 at 1:27 PM
To: Greg Hill greghillnh@gmail.com



I ended my 5th year of teaching 8th grade math(pre-algebra) in June of 2019. I was denied full loan forgiveness through my lender, Granite State Management & Resources, with the determination that I worked in an elementary school and not a secondary school. Two of my co-workers in the same building, also teaching pre-algebra(7th and 8th grade), received full loan forgiveness. I was told by the NH DOE that middle schools are not classified as elementary or secondary, therefore the interpretation was up to the lender to grant or deny loan forgiveness.

At one point in 2021 after discussions of RSA 195:1 III and 189:25, there was a request made by NHHEAF that the U.S. Department of Education waive the requirement to determine the school is a secondary school and approve the full \$17,500 in forgiveness given the ambiguity in the law and the fact that the 8th grade curriculum is the same as the High School curriculum. (attached)
Jessica Lievens

SB 352 - AS INTRODUCED

2022 SESSION

22-3117

12/10

SENATE BILL **352**

AN ACT relative to substitute teacher criminal history records check.

SPONSORS: Sen. Kahn, Dist 10; Sen. Hennessey, Dist 1; Sen. Ward, Dist 8; Sen. Prentiss, Dist 5; Sen. Ricciardi, Dist 9

COMMITTEE: Education

ANALYSIS

This bill permits substitute teachers who have undergone a criminal records check to work within the same school administrative unit without undergoing an additional records check.

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 Two

AN ACT relative to substitute teacher criminal history records check.

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, VI to read as follows:

3 VI. In accordance with paragraphs I-V, this section shall apply to any employee, including
4 substitute teachers, selected applicant for employment, designated volunteer, volunteer
5 organization, or individual or entity which contracts with a school administrative unit, school
6 district, chartered public school, or public academy to provide services, including but not limited to
7 cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor
8 or employees of the contractor provide services directly to students of the district, chartered public
9 school, or public academy. ***Substitute teachers who have undergone a criminal history
10 records check under this section for a school administrative unit shall not be required to
11 undergo an additional criminal history records check, if working for a school district
12 within the same school administrative unit, unless required by the superintendent or by
13 policies of the other school districts within that same school administrative unit. Criminal
14 history records checks for substitute teachers within the same school administrative unit,
15 shall be valid for a period of 3 years.*** The employing school administrative unit, school district,
16 or chartered public school shall be responsible for completing the criminal history records check on
17 the people identified in this paragraph, except for school bus drivers and transportation monitors, as
18 provided in RSA 189:13-b. The cost for criminal history records checks for employees or selected
19 applicants for employment with such contractors shall be borne by the contractor.

20 2 Effective Date. This act shall take effect 60 days after its passage.