

LEGISLATIVE COMMITTEE MINUTES

SB352

Bill as Introduced

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 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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.

CHAPTER 170
SB 352 - FINAL VERSION

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 170
SB 352 - FINAL VERSION

22-3117
12/10

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:

1 170:1 School Employee and Designated School Volunteer Criminal History Records Check.
2 Amend 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.

170:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 07, 2022
Effective Date: August 06, 2022

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: January 3, 2022

HEARINGS

Education	Thursday (Day)	01/13/2022 (Date)	Legislative Office Building 101 (Place)	1:00 p.m. (Time)
(Name of Committee)				
1:00 p.m.	SB 352		relative to substitute teacher criminal history records check.	
1:15 p.m.	SB 353		relative to the education professional standards board.	
1:30 p.m.	SB 386		relative to the determination of state adequate education grants and chartered public school tuition amounts.	
1:45 p.m.	SB 420-FN-A-LOCAL		establishing an extraordinary need grant for schools.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 352

Sen. Kahn
Sen. Ricciardi

Sen. Hennessey

Sen. Ward

Sen. Prentiss

SB 353

Sen. Kahn
Sen. Ricciardi

Sen. Ward

Sen. Hennessey

Sen. Prentiss

SB 386

Sen. Hennessey
Rep. Umberger

Sen. Kahn

Sen. Ward

Rep. Ladd

SB 420-FN-A-LOCAL

Sen. Hennessey
Sen. Giuda
Sen. Morse

Sen. Birdsell
Sen. Ricciardi

Sen. Bradley
Sen. Avard

Sen. Watters
Sen. Carson

Ava Hawkes 271-3266

Ruth Ward
Chairman

Senate Education Committee

Ava Hawkes 271-3266

SB 352, relative to substitute teacher criminal history records check.

Hearing Date: January 13, 2022

Time Opened: 1:00 p.m.

Time Closed: 1:21 p.m.

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

Members of the Committee Absent : None

Bill 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.

Sponsors:

Sen. Kahn
Sen. Prentiss

Sen. Hennessey
Sen. Ricciardi

Sen. Ward

Who supports the bill: Senator Jay Kahn (Senate District 10), Senator Ruth Ward (Senate District 8), Senator Erin Hennessey (Senate District 1), Senator Denise Ricciardi (Senate District 9), Carl Ladd (NHSAA), Becky Wilson (NHSBA)

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:

Senator Jay Kahn - Senate District 10

- Senator Kahn introduces SB 352.
- Over the last several sessions, in discussing background checks for substitute teachers and all education personnel, we have run into implementation issues.
- He is pleased with the cooperation between the Department of Safety, which administers the background checks and the Department of Education, which facilitates the background checks for schools, even as we change guidelines.
- This past year has proven there are improvements to be made. This bill is the result of a discussion between the School Board Association and the Department of Education regarding the ability to share background check information across school districts that are in the same supervisory unit.

- A background check in one district should be sharable to others inside the same SAU; the department can answer questions on this.
- There are responsibilities for the destruction of background checks once they are no longer needed.
- They are valid for a three-year period, though a school district could have a more restrictive timeframe. The department can speak to this, as they worked with the School Board Association to prepare this language.
- Senator Ward asked Senator Kahn for clarification on the cost being taken care of by the contractor and it is not a cost to the individual. Senator Kahn said it is not a cost to the individual. For substitutes, he believes it is the responsibility of the school district to cover the cost.
- Senator Ricciardi shared that she used to be a substitute a number of years ago and she paid for her background check and fingerprints. She added that she was eligible to teach in all of the schools in that district. Senator Kahn said the intent of this bill is for multi-district SAUs to share this information. He said that the Keene school district includes eight other towns.

Diana Fenton - Attorney, NH Department of Education

- Substitute teachers are not seen as contractors; that language in the bill identifies folks like custodians or bus drivers who are a part of company that would pay for that background check to be completed.
- School districts may pay for the background check or they may have the individual pay for it based on their specific policy; the department lets districts make that call.
- Over the past six years, the department has taken big steps in child safety initiatives and there have been significant changes to RSA 189:13a and we now have RSA 189:13b, which covers bus drivers, and 13c, which covers about credentialing.
- There is a significant need for substitute teachers and there needs to be more mobility in districts.
- If an SAU has multiple schools, substitutes were being required to have separate criminal histories; in order to help districts, this is what they came up with
- Any time we move people around, she hesitates because it is a child safety issue. She would be hesitant to make this bill broader.
- Senator Kahn asked Ms. Fenton why the Department of Education does not retain these records.
 - Ms. Fenton said the issue of background checks is of employment within districts, which is covered by RSA 189:13a. Last session, the legislature created RSA 189:13c which allowed the department to run a background check on first-time teaching applicants.

- The background check that the department does upon credentialing for first-time teaching applicants is looking at the list of disqualifiers found in statute. These disqualifiers are called section five violations. She will send along the list of violation to the committee as a reminder.
- The department does not want to license someone who is unemployable; school districts are required, upon employment, to run checks and disqualify based on those section five violations.
- Senator Prentiss asked Ms. Fenton if the department completes the check or do local school districts or do both complete the background check.
 - Ms. Fenton said, currently, upon employment, the local school district completes the background check. Previously, the department did not have anything to do with criminal background checks. Pursuant to the law passed last session, the department now establishes procedures by which they will conduct background checks on first-time applicants, with the help of Department of Safety.
 - For example, the Department of Education will license someone who has two or three previous DUIs, as it is not a disqualifier. However, when that person applies for a job at their local school district, the district can take those DUIs into consideration with their discretion. The district has more discretion than the department.
- Senator Kahn asked Ms. Fenton if she could clarify the destruction of checks. Ms. Fenton said by statute, there is a 60-day rule for destroying of records. The Department of Safety's new portal helps with the destruction as records are no longer available after 60 days on the portal. This also helps superintendents.
- Ms. Fenton to speak a second time at the request of Senator Ward in efforts to answer questions about the dissemination of the criminal record checks within SAUs.
- The criminal record would be only disseminated *once* to an SAU and the SAU would decide if the individual is eligible to serve as a substitute or not.
- The SAU would comply with record destruction guidelines within the 60-days; then, the individual would have the mobility, within the SAU, which eliminates individual schools from completing this process each time.
- This language is a nice compromise as the field is truly struggling to find folks to fill these jobs. It recognizes child safety and the need for mobility.
- The Department of Education is happy to work closely with the Department of Safety to hammer out any remaining concerns. Any record dissemination concerns should not be an obstacle for this bill moving forward.

Lieutenant Victor Muzzey – State Police, Record Information Services at the Department of Safety

- They support this bill.
- He is responsible for Record Information Services at the department.
- The dissemination of a criminal record from one district to the next, while staying in compliance with the FBI, is one concern.
- In the interest of some flexibility for substitute teachers, this bill is a step in the right direction.
- Following additional testimony from Ms. Fenton, Mr. Muzzey said as long as the dissemination of criminal records is in compliance with the FBI, the air is cleared.

Becky Wilson - Director of Government Relations, NH School Board Association

- They support this bill as they worked closely with the Department of Education on the language.
- There is a dire shortage of substitute teachers and school boards are trying to ensure that they are in compliance with safety guidelines.
- Expediting this process in a safe way is what they are trying to do.
- In most SAUs with multiple districts, there is one superintendent or designee who is receiving the criminal record check. That is the same superintendent covering all districts in the SAU.
- For the majority of the SAUs across the state, this is still just one person getting the same criminal background check to allow vetting and then can bring a name to multiple boards for approval.

Speakers



Senate Remote Testify

Education Committee Testify List for Bill SB352 on 2022-01-13

Support: 4 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Ward, Senator Ruth	An Elected Official	Senate District 8	Support
Ricciardi, Senator Denise	An Elected Official	Senate District 9	Support
Hennessey, Sen. Erin	An Elected Official	Myself	Support
Ladd, Carl	A Lobbyist	New Hampshire School Administrators Association	Support

Testimony



New Hampshire School Boards Association

Barrett M. Christina, Executive Director
Brenda Willis, President, Derry Cooperative
Holly Kennedy, First Vice-President, Hinsdale
Travis Thompson, Past-President, Exeter Regional Cooperative

25 Triangle Park Drive, Suite 101
Concord, NH 03301
Phone: (603) 228-2061
www.nhsba.org

January 11, 2022

Dear Madame Chair and members of the Senate Education Committee,

On behalf of the New Hampshire School Boards Association, please accept this correspondence as NHSBA's written testimony relative to SB 352. NHSBA is in support of SB 352.

NHSBA holds a delegate assembly each year, where members bring forth and reaffirm resolutions based on important issues facing New Hampshire school boards.

NHSBA currently has a long-standing resolution supporting legislative action that allows criminal background checks to be shared with district Human Resources Departments and that the specific charge be shared with the superintendent so the superintendent can make an informed judgment related to a candidate's employment. SB 352 alleviates the need for a substitute teacher to undergo multiple criminal background checks, when seeking employment in multiple districts within a single School Administrative Unit. At this time, the ability to make these cross-district assignments requires substitute teachers to obtain separate criminal background checks (consisting of separate appointments for fingerprinting, fees associated with each, and waiting for the results) for each school district in which the individual wishes to be a substitute teacher. Superintendents or their designee, at this time, then are receiving the same background check, multiple times.

When the need for this additional language was brought forth, NHSBA was pleased to work collaboratively with the NH Department of Education to assist in crafting the language in SB 352.

Particularly during this unprecedented time when many New Hampshire districts are struggling to find substitute teachers, easing the burden on employees and districts to duplicate background checks provides much needed relief, allows staff to begin working in a more timely manner, and allows districts to meet the needs of our students more expeditiously, with less disruption to their learning.

For these reasons, NHSBA is pleased to support SB 352.

Please do not hesitate to reach out with any further questions or if NHSBA can be of any further assistance.

Respectfully submitted,


Rebecca R. Wilson, NHSBA, Director of Governmental Relations

Voting Sheets

Senate Education Committee
EXECUTIVE SESSION RECORD
2022-2023 Session

Bill # **SB 352**

Hearing date: 11/3/22

Executive Session date: 11/3/22

Motion of: OTP Vote: 4-0

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

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair					
Sen. Hennessey, VC					
Sen. Ricciardi					
Sen. Kahn					
Sen. Prentiss					

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair					
Sen. Hennessey, VC					
Sen. Ricciardi					
Sen. Kahn					
Sen. Prentiss					

Reported out by: Sen. Kahn

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, January 13, 2022

THE COMMITTEE ON Education

to which was referred **SB 352**

AN ACT

relative to substitute teacher criminal history
records check.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Jay Kahn
For the Committee

Ava Hawkes 271-3266

EDUCATION

SB 352, relative to substitute teacher criminal history records check.

Ought to Pass, Vote 4-0.

Senator Jay Kahn for the committee.

Docket of sb352

12/15/2021	S	To Be Introduced 01/05/2022 and Referred to Education; SJ 1
01/04/2022	S	Hearing: 01/13/2022, Room 101, LOB, 01:00 pm; SC 2
01/26/2022	S	Committee Report: Ought to Pass, 02/03/2022; SC 5
02/03/2022	S	Ought to Pass: MA, VV; OT3rdg; 02/03/2022; SJ 2
03/23/2022	H	Introduced 03/17/2022 and referred to Education
03/28/2022	H	Public Hearing: 04/06/2022 11:00 am LOB 205-207
04/13/2022	H	Public Hearing on non-germane Amendment # 2022-1431h(NT): 04/19/2022 10:30 am LOB 205-207
04/13/2022	H	Executive Session: 04/19/2022 11:00 am LOB 205-207
04/20/2022	H	Executive Session: 04/26/2022 09:00 am LOB 205-207
04/27/2022	H	Committee Report: Ought to Pass (Vote 18-0; CC)
05/04/2022	H	Ought to Pass: MA VV 05/04/2022 HJ 11
05/27/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
05/27/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
06/08/2022	S	Signed by the Governor on 06/07/2022; Chapter 0170; Effective 08/06/2022

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 352

Senate Committee: EDU

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

N/A 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 # _____ ___ - amendment # _____

___ - amendment # _____ ___ - 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 # _____ ___ - 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:

Chris Hawkes
Committee Aide

9/28/27
Date

Senate Clerk's Office AK