

CHAPTER 245
HB 556 - FINAL VERSION

8Mar2017... 0383h
04/06/2017 1178s
22Jun2017... 2317CofC
22Jun2017... 2390EBA

2017 SESSION

17-0177
04/05

HOUSE BILL **556**

AN ACT requiring schools to post the state telephone numbers to report child abuse and relative to criminal history records checks of school employees and volunteers.

SPONSORS: Rep. Cordelli, Carr. 4; Sen. Reagan, Dist 17; Sen. Carson, Dist 14

COMMITTEE: Education

AMENDED ANALYSIS

This bill requires each school and chartered public school to post a sign containing information on how to report child abuse or neglect to the division for children, youth, and families. The bill also amends the requirements for criminal history records checks of school employees, volunteers, and other educational staff.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 245
HB 556 - FINAL VERSION

8Mar2017... 0383h
04/06/2017 1178s
22Jun2017... 2317-CofC
22Jun2017... 2390EBA

17-0177
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT requiring schools to post the state telephone numbers to report child abuse and relative to criminal history records checks of school employees and volunteers.

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

1 245:1 New Subdivision; Child Abuse or Neglect Information. Amend RSA 189 by inserting
2 after section 71 the following new subdivision:

Child Abuse or Neglect Information

4 189:72 Child Abuse or Neglect Information. The school board of each public school and
5 chartered public school shall post in a clearly visible location in a public area of the school that is
6 readily accessible to students a sign that is provided in an electronic or printed form by the division
7 for children, youth, and families, and that contains the telephone number operated by the New
8 Hampshire division for children, youth, and families of the department of health and human
9 services, to receive reports of child abuse or neglect and instructions on how to access the division
10 for children, youth, and families website.

11 245:2 School Employee and Designated School Volunteer Criminal History Records Check.
12 Amend RSA 189:13-a to read as follows:

13 189:13-a School Employee and Designated School Volunteer Criminal History Records Check.

14 I.(a) The employing school administrative unit, school district, or chartered public school
15 shall complete a criminal history records check on every selected applicant for employment in any
16 position in the school administrative unit, school district, or chartered public school prior to a final
17 offer of employment. A public academy approved by the New Hampshire state board of education
18 shall submit a criminal history records check on applicants for employment pursuant to this section
19 ***to the division of state police.*** The superintendent of the school administrative unit or the chief
20 executive officer of the chartered public school or public academy may extend a conditional offer of
21 employment to a selected applicant, with a final offer of employment subject to a successfully
22 completed criminal history records check. No selected applicant may be extended a final offer of
23 employment unless the school administrative unit, school district, chartered public school, or public
24 academy has completed a criminal history records check. The school administrative unit, school
25 district, chartered public school, or public academy shall not be held liable in any lawsuit alleging
26 that the extension of a conditional or final offer of employment to an applicant, or the acceptance of
27 volunteer services from a designated volunteer, with a criminal history was in any way negligent or

CHAPTER 245
HB 556 - FINAL VERSION
- Page 2 -

deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section.

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, chartered public school, or public academy shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the ~~[release of information regarding the presence or absence of any record of convictions of the applicant of felonies or misdemeanors, or of]~~ **division of state police to conduct a criminal history records check through its state records and through the Federal Bureau of Investigation and to release a report of any misdemeanors and/or felony convictions and any** charges pending disposition for ~~[or convictions of the applicant of the]~~ **any crimes listed in paragraph V to the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy.** The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, chartered public school, or public academy. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, chartered public school, or public academy may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. ~~[The school administrative unit, school district, chartered public school, or public academy shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. The state police shall examine the list of crimes constituting grounds for nonapproval of employment, or nonacceptance of volunteer services in that school administrative unit, school district, chartered public school, or public academy, and shall report the presence or absence of any such crime to the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy.]~~ The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the superintendent of the school administrative unit or the chief executive officer of the

CHAPTER 245
HB 556 - FINAL VERSION
- Page 3 -

1 chartered public school or public academy shall destroy the information received immediately
2 following review of the information. If the criminal history records information indicates that the
3 applicant has been convicted of any crime or has been charged pending disposition for or convicted
4 of a crime listed in paragraph V, the superintendent of the school administrative unit or the chief
5 executive officer of the chartered public school or public academy shall review the information for a
6 hiring decision, and the division of state police shall notify the department of education of any such
7 charges pending disposition or convictions. The superintendent of the school administrative unit or
8 the chief executive officer of the chartered public school or public academy shall destroy any
9 criminal history record information that indicates a criminal record within [30] **60** days of receiving
10 such information.

11 IV. The school administrative unit, school district, chartered public school, or public
12 academy may require the selected applicant for employment or designated volunteer to pay the
13 actual costs of the criminal history records check.

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

30 VI. This section shall apply to any employee, selected applicant for employment, designated
31 volunteer, or volunteer organization which contracts with a school administrative unit, school
32 district, chartered public school, or public academy to provide services, including but not limited to
33 cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor
34 or employees of the contractor provide services directly to students of the district, chartered public
35 school, or public academy. ***The employing school administrative unit, school district, or***
36 ***chartered public school shall be responsible for completing the criminal history records***
37 ***check on the people identified in this paragraph.*** The cost for criminal history records checks

CHAPTER 245
HB 556 - FINAL VERSION
- Page 4 -

1 for employees or selected applicants for employment with such contractors shall be borne by the
2 contractor.

3 VII. The school administrative unit, school district, chartered public school, or public
4 academy shall not be required to complete a criminal history records check on volunteers, provided
5 that the governing body of a school administrative unit, school district, chartered public school, or
6 public academy shall adopt a policy designating certain categories of volunteers as "designated
7 volunteers" who ~~may~~ **shall** be required to undergo a criminal history records check.

8 VIII. A school administrative unit, school district, chartered public school, public academy,
9 or school official acting pursuant to a policy establishing procedures for certain volunteers shall be
10 immune from civil or criminal liability, provided the school administrative unit, school district,
11 chartered public school, public academy, or school official has in good faith acted in accordance with
12 said policy. Nothing in this paragraph shall be deemed to grant immunity to any person for that
13 person's reckless or wanton conduct.

14 IX.(a) Substitute teachers~~[- student teachers, student interns,]~~ and other educational staff,
15 **not otherwise addressed in this section**, shall apply for a criminal history records check at the
16 employing school administrative unit, school district, chartered public school, or public academy.
17 The division of state police shall complete the criminal history records check, **as established in**
18 **paragraph II**, and, upon completion, shall issue a ~~[letter]~~ **report** to the applicant. The ~~[letter]~~
19 **report** shall be valid for 30 days from the date of ~~[issue]~~ **issuance** and shall constitute satisfactory
20 proof of compliance with this section.

21 (b) ~~[Student teachers and student interns shall submit a criminal history records check~~
22 ~~upon enrollment in a teacher preparation program, but shall not be required to submit additional~~
23 ~~criminal history records checks if the student teacher or student intern maintains continuous~~
24 ~~enrollment in the teacher preparation program.]~~ **Upon enrollment in an educator preparation**
25 **program at an institution of higher education, a candidate shall submit to a criminal**
26 **history records check. The institution of higher education in which the candidate is**
27 **enrolled shall conduct the criminal history records check. Upon placement of a candidate**
28 **as a student teacher, the receiving school administrative unit, school district, or**
29 **chartered public school shall conduct another criminal history records check of the**
30 **candidate and shall follow the same procedures for assessing the candidate's criminal**
31 **history background as for applicants for employment. The governing body of the**
32 **institution of higher education may adopt a policy relative to how often a candidate shall**
33 **submit to a criminal history records check. In this subparagraph, "candidate" shall mean**
34 **a student who is enrolled in an educator preparation program at an institution of higher**
35 **education in New Hampshire.**

36 X. Violations of this section shall be jointly investigated by the state police and the
37 department of education. Information obtained through such investigations shall remain

CHAPTER 245
HB 556 - FINAL VERSION
- Page 5 -

- 1 confidential and shall not be subject to RSA 91-A.
- 2 XI. In this section, "public academy" shall have the same meaning as in RSA 194:23, II.
- 245:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 18, 2017

Effective Date: September 16, 2017