

Amendment to HB 556

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

2  
3 AN ACT requiring schools to post the state telephone numbers to report child abuse and  
4 relative to criminal history records checks of school employees and volunteers.  
5

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

7  
8 1 New Subdivision; Child Abuse or Neglect Information. Amend RSA 189 by inserting after  
9 section 71 the following new subdivision:

10 Child Abuse or Neglect Information

11 189:72 Child Abuse or Neglect Information. The school board of each public school and  
12 chartered public school shall post in a clearly visible location in a public area of the school that is  
13 readily accessible to students a sign that is provided in an electronic or printed form by the division  
14 for children, youth, and families, and that contains the telephone number operated by the New  
15 Hampshire division for children, youth, and families of the department of health and human  
16 services, to receive reports of child abuse or neglect and instructions on how to access the division  
17 for children, youth, and families website.

18 2 School Employee and Designated School Volunteer Criminal History Records Check. Amend  
19 RSA 189:13-a to read as follows:

20 189:13-a School Employee and Designated School Volunteer Criminal History Records Check.

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

**Amendment to HB 556**  
**- Page 2 -**

1 volunteer services from a designated volunteer, with a criminal history was in any way negligent or  
2 deficient, if the school administrative unit, school district, chartered public school, or public  
3 academy fulfilled the requirements of this section.

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

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

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

Amendment to HB 556

- Page 3 -

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

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

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

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

Amendment to HB 556

- 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]~~. **Such criminal history records checks shall be**  
25 **conducted by the institution of higher education in which the applicant is attending the**  
26 **teacher preparation program. Upon acceptance of a student teacher or student intern,**  
27 **the employing school administrative unit, school district, or chartered public school shall**  
28 **complete another criminal history records check of the student teacher or student intern.**

29 X. Violations of this section shall be jointly investigated by the state police and the  
30 department of education. Information obtained through such investigations shall remain  
31 confidential and shall not be subject to RSA 91-A.

32 XI. In this section, "public academy" shall have the same meaning as in RSA 194:23, II.

33 3 Effective Date. This act shall take effect 60 days after its passage.

**Amendment to HB 556**  
**- Page 5 -**

2017-1178s

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.