

**CHAPTER 71**  
**HB 401 - FINAL VERSION**

7Apr2021... 0148h

2021 SESSION

21-0534  
06/04

HOUSE BILL                    ***401***

AN ACT                    relative to the duty of school superintendents regarding criminal history records checks.

SPONSORS:            Rep. Mullen, Hills. 7; Rep. Allard, Merr. 21; Rep. Cornell, Hills. 18; Rep. M. Murray, Hills. 22; Rep. Myler, Merr. 10; Rep. Tanner, Sull. 9; Rep. Woodcock, Carr. 2

COMMITTEE:          Education

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ANALYSIS

This bill:

I. Permits the designee of the superintendent of a school administrative unit to receive and review a report of an applicant's criminal history and record information.

II. Requires the department of education to provide training in reading and interpreting criminal history records.

III. Requires the superintendent or designee of a school administrative unit or the chief executive officer of the chartered public school or public academy to complete training in reading and interpreting criminal history records.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                      relative to the duty of school superintendents regarding criminal history records checks.

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

1            71:1 School Employee and Designated School Volunteer Criminal History Records Check.  
2 Amend RSA 189:13-a, II and III to read as follows:

3            II. The selected applicant for employment or designated volunteer with a school  
4 administrative unit, school district, chartered public school, or public academy shall submit to the  
5 employer a criminal history records release form, as provided by the division of state police, which  
6 authorizes the division of state police to conduct a criminal history records check through its state  
7 records and through the Federal Bureau of Investigation and to release, for the purposes of  
8 paragraph V, a report of the applicant's criminal history and record information, including  
9 confidential criminal history record information, to the superintendent ***or designee*** of the school  
10 administrative unit or the chief executive officer of the chartered public school or public academy.  
11 ***For the purposes of this section, a designee may be the assistant superintendent, the head***  
12 ***of human resources, the personnel director, the business administrator, or the finance***  
13 ***director.*** The applicant shall submit with the release form a complete set of fingerprints taken by a  
14 qualified law enforcement agency or an authorized employee of the school administrative unit, school  
15 district, chartered public school, or public academy. In the event that the first set of fingerprints is  
16 invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete  
17 the criminal history records check, the conditional offer of employment shall remain in effect. If,  
18 after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative  
19 unit, school district, chartered public school, or public academy may, in lieu of the criminal history  
20 records check, accept police clearances from every city, town, or county where an applicant has lived  
21 during the past 5 years.

22            III. The ***department of education shall conduct training concerning the reading***  
23 ***and interpretation of criminal history records.*** The superintendent ***or designee*** of the school  
24 administrative unit or the chief executive officer of the chartered public school or public academy  
25 shall complete ***such training*** and shall maintain the confidentiality of all criminal history records  
26 information received pursuant to this paragraph. If the criminal history records information  
27 indicates no criminal record, the superintendent ***or designee*** of the school administrative unit or the  
28 chief executive officer of the chartered public school or public academy shall destroy the information  
29 received immediately following review of the information. If the criminal history records

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

71:2 Effective Date. This act shall take effect July 1, 2021.

Approved: June 10, 2021

Effective Date: July 01, 2021