

Amendment to SB 568-FN

1 Amend RSA 189:13-a, I as inserted by section 1 of the bill by replacing it with the following:

2
3 I.(a) The ~~[employing]~~ school administrative unit, school district, ~~[or]~~ chartered public
4 school, **or public academy** shall complete a criminal history records check on every selected
5 applicant for employment **or designated volunteer** in any position ~~[in]~~ **within** the school
6 administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** prior to a final
7 offer of employment **or the acceptance of volunteer services from a designated volunteer. A**
8 **school administrative unit, school district, chartered public school, or public academy**
9 **approved by the New Hampshire state board of education shall submit a criminal history**
10 **records check on applicants for employment pursuant to this section to the division of**
11 **state police.** ~~[A public academy approved by the New Hampshire state board of education shall~~
12 ~~submit a criminal history records check on applicants for employment pursuant to this section to~~
13 ~~the division of state police.]~~ The superintendent of the school administrative unit or the chief
14 executive officer of the chartered public school or public academy may extend a conditional offer of
15 employment to a selected applicant, with a final offer of employment subject to a successfully
16 completed criminal history records check. No selected applicant may be extended a final offer of
17 employment unless the school administrative unit, school district, chartered public school, or public
18 academy has completed a criminal history records check. The school administrative unit, school
19 district, chartered public school, or public academy shall not be held liable in any lawsuit alleging
20 that the extension of a conditional or final offer of employment to an applicant, or the acceptance of
21 volunteer services from a designated volunteer, with a criminal history was in any way negligent or
22 deficient, if the school administrative unit, school district, chartered public school, or public
23 academy fulfilled the requirements of this section.

24 (b) A nonpublic school may elect to require a criminal history records check on selected
25 applicants for employment or selected volunteers. A nonpublic school that elects to conduct a
26 criminal history records check shall comply with the procedures and requirements set forth in this
27 section. **A school administrative unit, school district, chartered public school, or public**
28 **academy approved by the New Hampshire state board of education shall submit a**
29 **criminal history records check on applicants for employment pursuant to this section to**
30 **the division of state police.**

31 (c) **If a selected applicant for employment has been credentialed within the**
32 **previous 12 months and had a criminal background check completed pursuant to**

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1 *paragraph II-a, no such background check shall be required for employment by the school*
2 *administrative unit, school district, chartered public school, or public academy.*

3
4 Amend RSA 189:13-a, V as inserted by section 1 of the bill by replacing it with the following:

5
6 V. Any person who has been charged pending disposition for or convicted of any violation or
7 attempted violation of RSA *318-B:2, controlled drug act*; 630:1, *capital murder*; 630:1-a, *first*
8 *degree murder*; 630:1-b, *second degree murder*; 630:2, *manslaughter*; *631:1, first degree*
9 *assault*; *631:2, second degree assault*; *631:2-b, domestic violence*; 632-A:2, *aggravated*
10 *felonious sexual assault*; 632-A:3, *felonious sexual assault*; 632-A:4, *sexual assault*; 633:1,
11 *kidnapping*; *634:1, arson*; 639:2, *incest*; 639:3, *endangering welfare of child or incompetent*;
12 645:1, II or III, *indecent exposure and lewdness*; 645:2, *prostitution and related offenses*;
13 649-A:3, *possession of child sexual abuse images*; 649-A:3-a, *distribution of child sexual*
14 *abuse images*; 649-A:3-b, *manufacture of child sexual abuse images*; 649-B:3, *computer*
15 *pornography*; or 649-B:4, *certain uses of computer services*; or any violation or any attempted
16 violation of RSA 650:2, *obscenity*, where the act involves a child in material deemed obscene; in
17 this state, or under any statute prohibiting the same conduct in another state, territory, or
18 possession of the United States, shall not be hired by a school administrative unit, school district,
19 chartered public school, or public academy. The superintendent of the school administrative unit or
20 the chief executive officer of the chartered public school or public academy may deny a selected
21 applicant a final offer of employment if such person has been convicted of any crime, misdemeanor
22 or felony, in addition to those listed above. The governing body of a school district, chartered public
23 school, or public academy shall adopt a policy relative to hiring practices based on the results of the
24 criminal history records check and report of misdemeanors and felonies received under paragraph
25 II. Such policy may include language stating that any person who has been convicted of any
26 misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include
27 language stating that any person who has been convicted of any felony, or any of a list of felonies,
28 shall not be hired.

29
30 Amend RSA 189:13-a, IX(a) as inserted by section 1 of the bill by replacing it with the following:

31
32 IX.(a) Substitute teachers and other educational staff, not otherwise addressed in this
33 section, shall apply for a criminal history records check at the employing school administrative unit,
34 school district, chartered public school, or public academy. The division of state police shall
35 complete the criminal history records check, as established in paragraph II, and, upon completion,
36 shall ~~[issue a report to the applicant. The report shall be valid for 30 days from the date of issuance~~
37 ~~and shall constitute satisfactory proof of compliance with this section]~~ *issue the applicant's*

1 *record to the employing school district. The employing school district may, at the request*
2 *of the substitute teachers or other educational staff not otherwise addressed in this section*
3 *and for the same purpose as originally submitted, share the results with other school*
4 *districts within 45 days of receiving said results.*