

Amendment to SB 553

1 Amend the bill by replacing section 1 with the following:

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3 1 Licensing, School Employee and Designated School Volunteer Criminal History Records
4 Check. Amend RSA 189:13-a, II-V to read as follows:

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

25 III. The superintendent of the school administrative unit or the chief executive officer of the
26 chartered public school or public academy shall maintain the confidentiality of all criminal history
27 records information received pursuant to this paragraph. If the criminal history records information
28 indicates no criminal record, the superintendent of the school administrative unit or the chief
29 executive officer of the chartered public school or public academy shall destroy the information
30 received immediately following review of the information. If the criminal history records
31 information indicates that the applicant has been convicted of any crime or has been charged
32 pending disposition for or convicted of a crime listed in paragraph V, the superintendent of the

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1 school administrative unit or the chief executive officer of the chartered public school or public
2 academy shall review the information for a hiring decision~~], and the division of state police shall~~
3 ~~notify the department of education of any such charges pending disposition or convictions. The~~
4 ~~superintendent of the school administrative unit or the chief executive officer of the chartered public~~
5 ~~school or public academy shall destroy any criminal history record information that indicates a~~
6 ~~criminal record within 60 days of receiving such information].~~

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

10 V. Any person who has been charged pending disposition for or convicted of any violation or
11 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;~~
12 ~~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~~
13 ~~any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in~~
14 ~~this state, or under any statute prohibiting the same conduct in another state, territory, or~~
15 ~~possession of the United States]~~, ***the following offenses, or a reasonably equivalent offense in***
16 ***an out-of-state jurisdiction***, shall not be ***issued a license by the department or*** hired i school
17 administrative unit, school district, chartered public school, or public academy: ***RSA 318-B:2,***
18 ***possession with intent to sell within 5 years of application for employment; 265-A:3; 630:1;***
19 ***630:1-a; 630:1-b; 630:2; 631:1; 631:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 633:7; felony-level 634:1;***
20 ***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***
21 ***violation or any attempted violation of RSA 650:2 where the act involves a child in material***
22 ***deemed obscene.*** The superintendent of the school administrative unit or the chief executive officer
23 of the chartered public school or public academy may deny a selected applicant a final offer of
24 employment if such person has been convicted of any crime, misdemeanor or felony, in addition to
25 those listed above.

26 V-a. The governing body of a school district, chartered public school, or public academy shall
27 adopt a policy relative to hiring practices based on the results of the criminal history records check
28 and report of misdemeanors and felonies received under paragraph II. Such policy may include
29 language stating that any person who has been convicted of any misdemeanor, or any of a list of
30 misdemeanors, may not be hired. Such policy may also include language stating that any person
31 who has been convicted of any felony, or any of a list of felonies, shall not be hired.

32 V-b. ***The governing body of a school district, chartered public school, or public***
33 ***academy may adopt a policy relative to the frequency with which it conducts a background***
34 ***check on employees who are currently employed within the district, chartered public***
35 ***school, or public academy.***

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AMENDED ANALYSIS

This bill requires a criminal history records check for applicants for a license to teach and makes changes to the list of offenses that bar an individual from being hired by a school administrative unit, school district, chartered public school, or public academy or from being licensed by the department of education.

This bill is a request of the department of education.