

CHAPTER 41
HB 222 - FINAL VERSION

01/07/2026 3113s

2026 SESSION

25-0206
02/09

HOUSE BILL

222

AN ACT repealing the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services and updating the organizational structure of the department of corrections.

SPONSORS: Rep. Balboni, Rock. 38; Rep. Mooney, Hills. 12; Rep. Luneau, Merr. 9

COMMITTEE: Education Policy and Administration

AMENDED ANALYSIS

This bill repeals the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services.

This bill also updates the organizational structure of the department of corrections.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT repealing the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services and updating the organizational structure of the department of corrections.

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

1 41:1 Repeal. RSA 194-B:5, VIII, relative to memorandums of understanding between chartered
2 public schools and resident districts of students with disabilities, is repealed.

3 41:2 Internal Organizational Units; Department of Corrections. Amend RSA 21-H:4 to read as
4 follows:

5 21-H:4 Internal Organizational Units.

6 The department shall include the following internal organizational units performing the following major
7 functions:

8 I. The ~~[division of administration, under the supervision of an]~~ unclassified ~~[director of~~
9 ~~administration,]~~ **chief financial and operating officer** ~~[who]~~ shall, in accordance with applicable laws, be
10 responsible for:

11 (a) Accounting, purchasing, and budget control.

12 (b) Property, contracts, and grant management.

13 (c) Assistance to the commissioner with short and long range department-wide planning
14 activities.

15 (d) Logistics, facilities management, and food service.

16 **(e) Business information and technology.**

17 **(f) Other duties assigned by the commissioner.**

18 ***I-a. The unclassified director of personnel and information shall be renamed the director of***
19 ***operations and project management and shall report directly to the chief financial and operating officer.***

20 II. The division of field services, under the supervision of an unclassified director of field services,
21 who shall, in accordance with applicable laws, be responsible for:

22 (a) Supervising adults placed on probation and ~~[residents]~~ **inmates** placed on parole.

23 (b) Collection of restitution from individuals under the department's supervision.

24 ~~[(c) The victim-offender dialogue program, which shall be a victim-initiated, voluntary~~
25 ~~program to assist crime victims who seek access to restorative justice programs as provided under RSA~~
26 ~~21-M:8-k, II(u), under the direction of the victim services coordinator, who shall:~~

27 ~~(1) Implement and oversee the program.~~

28 ~~(2) Advocate for the rights of crime victims.~~

29 ~~(3) Provide corrections-based victim services including but not limited to:~~

30 ~~(A) Notification of offender status changes.~~

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1 ~~(B) Victim-initiated victim-offender dialogue.~~

2 ~~(C) Advocacy, safety, and support for victims during reduced custody, offender re-~~
3 ~~entry, and hearings of the adult parole board. Participation in the program shall not affect the court's~~
4 ~~decision relative to sentencing, parole, or other types of supervised or unsupervised release programs.]~~

5 III. The division of medical and [psychiatric] **forensic** services, under the joint supervision of a
6 medical director and an unclassified non-medical director, who shall respectively have the duties and
7 responsibilities provided in RSA 622:43, and who shall act in an advisory and coordinative capacity in
8 assisting other agencies and activities in the provision of mental health and psychiatric services to
9 persons involved in the criminal justice system.

10 IV. The [division] **bureau of investigations and** professional standards, under the supervision of
11 ~~[an unclassified director]~~ **an unclassified bureau chief of investigations** of professional standards, who
12 shall, in accordance with applicable laws:

13 (a) Conduct and supervise investigations and audits relating to all aspects of the operations
14 and programs of the department, including but not limited to, complaints and grievances.

15 ~~(b) [Coordinate and recommend policies designed to promote economy, efficiency, and~~
16 ~~effectiveness in the administration of the department, and to detect and prevent fraud and abuse in~~
17 ~~departmental programs and operations.]~~

18 (e)] Advise the commissioner concerning problems or deficiencies relating to the
19 administration of departmental programs and operations, and provide advice on the necessity for, and
20 progress of, correctional action.

21 ~~[(d)]~~ (c) Perform other duties as assigned by the commissioner.

22 V. The ~~[division of personnel and information,]~~ **human resources bureau** under the direction of
23 ~~[an unclassified director of personnel and information]~~ **a classified human resources director**, who shall, in
24 accordance with applicable laws, be responsible for the following functions:

25 (a) Personnel management, recruitment, and retention. The department shall develop a
26 program for the recruitment, selection, placement, and retention of qualified applicants for the New
27 Hampshire department of corrections.

28 (1) The program may include expenditures for recruitment and retention activities and
29 incentives, including but not limited to:

30 (A) National Corrections Professionals Week recognition activities at all
31 departmental sites to support employee retention, which may include a paid meal for the site during the
32 week, physical awards and gift cards with a value of less than \$25 as performance incentives based on
33 departmental policies for employee recognition, and items issued to employees that are within the
34 financial scope of the department's current expense appropriations in expenditure class 020.

35 (B) Referral fees or bonuses for active employees or newly hired applicants who
36 have not been employed by the state through a policy approved by the commissioner.

37 (2) Any recruitment or retention incentives received by an employee pursuant to this
38 subparagraph shall not be considered gifts under RSA 15-B.

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(3) Referral of applicants by current department employees for the purpose of receiving a referral fee pursuant to this subparagraph shall not be considered a misuse of position under RSA 21-G:23, provided that any rules adopted by the commissioner and any directives issued by the director regarding the referral program shall require that the benefits of the program shall be equally available to all department employees, except as specified in subparagraph (1)(B), and subject to uniform criteria established by the director.

(4) Any expenditures made for recruitment or retention incentives pursuant to this subparagraph shall be considered a matter of legislatively-enacted public policy designed to benefit employees and the state, and that is confined exclusively to the public employer by statute as provided in RSA 273-A:1, XI, and which shall not be subject to collective bargaining. Nothing in this paragraph shall be construed to invalidate any portion of a collective bargaining agreement entered into by the state.

~~(b) [Employee training and development.~~

~~(c) Internal and external communications, including management of the department's public communications portals.~~

~~(d) Business information and technology.~~

~~(e)] Other duties as assigned by the commissioner.~~

VI. The division of rehabilitative services, under the supervision of an unclassified director of rehabilitative services, who shall, in accordance with applicable laws:

(a) Direct and oversee departmental rehabilitative services for ~~[residents]~~ *inmates* to prepare them for release from institutional settings into the community.

(b) Coordinate with community organizations to provide a continuity of rehabilitative services for individuals under probation or parole supervision in order to achieve stability within the community and reduce recidivism.

(c) Operate and administer all transitional work and housing units where ~~[residents]~~ *inmates* are assigned for minimum security and work release.

(d) Serve as the primary liaison between the department and community-based service providers, and municipal, county, and state entities with common issues and responsibilities, including educational and vocational or career-path opportunities.

(e) Work with the department of justice and other state and federal agencies to identify, secure, and manage grant funds to supplement services available to individuals under departmental supervision, including but not limited to housing and employment assistance, substance abuse treatment, mental health treatment, and medical and prescription services.

VII. The division of communications and external affairs, under the supervision of an unclassified director of communications and external affairs, who shall, in accordance with applicable laws be responsible for:

(a) Internal and external communications, including management of the department's public communications portals.

(b) *The victim-offender dialogue program, which shall be a victim-initiated, voluntary program to assist crime victims who seek access to restorative justice programs as provided under RSA 21-M:8-k, II(u), under the direction of the victim services coordinator, who shall:*

(1) *Implement and oversee the program.*

(2) *Advocate for the rights of crime victims.*

(3) *Provide corrections-based victim services including but not limited to:*

(A) *Notification of offender status changes.*

(B) *Victim-initiated victim offender dialogue.*

(C) *Advocacy, safety, and support for victims during reduced custody, offender re-entry, and hearings of the adult parole board. Participation in the program shall not affect the court's decision relative to sentencing, parole, or other types of supervised or unsupervised release programs.*

(c) *Coordinate and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of the department, and to detect and prevent fraud and abuse in departmental programs and operations.*

(d) *Provide legislative oversight for the department.*

(e) *Other duties as assigned by the commissioner.*

VIII. The bureau of training under the direction of a classified training bureau chief, who shall, in accordance with applicable laws, be responsible for employee training and development.

41:3 Commissioner and Other Department Officials; Department of Corrections. Amend RSA 21-H:6 to read as follows:

21-H:6 Commissioner and Other Department Officials; Appointment; Term.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years from the date of appointment and until a successor is appointed.

II. ~~The commissioner of the department shall nominate for appointment by the governor, with the consent of the council, an assistant commissioner who shall serve at the pleasure of the commissioner.~~

III. ~~The commissioner shall nominate for appointment by the governor, with the consent of the council, a professional standards director who shall serve at the pleasure of the commissioner.~~

IV. ~~The commissioner shall nominate for appointment by the governor, with the consent of the council, a director of personnel and information who shall serve at the pleasure of the commissioner.~~

IV-a. ~~The commissioner shall nominate for appointment by the governor, with the consent of the council, a director of rehabilitative services who shall serve at the pleasure of the commissioner.~~

V. ~~The commissioner shall nominate for appointment by the governor, with consent of the council, each division director and warden of all the New Hampshire state prisons. All division directors and the wardens shall serve at the pleasure of the commissioner.~~

VI. ~~The commissioner of the department shall nominate for appointment by the governor, with the consent of the council, physicians, and dentists who shall serve at the pleasure of the commissioner.~~

VII. *There shall be established within the department the following unclassified positions:*

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1 (a) *The commissioner of the department shall nominate for appointment by the governor, with*
2 *the consent of the council, 2 assistant commissioners who shall serve for a term of 4 years from the date*
3 *of appointment and until a successor is appointed.*

4 (b) *The commissioner shall appoint a person to each unclassified position authorized by the*
5 *legislature. The annual salary of such unclassified employees shall be as prescribed in RSA 94:1-a and*
6 *RSA 94:3-b, II. The provisions of RSA 21:33-a shall not apply to appointments made under this*
7 *subparagraph.*

8 (c) *Each person appointed under subparagraph (b) shall serve at the pleasure of the*
9 *commissioner.*

10 III. Wardens, physicians, and dentists may be assigned to any correctional facility at the
11 discretion of the commissioner.

12 41:4 State Officers; Positions Added. Amend RSA 94:1-a, I(b) by adding the following:

13 GG Department of corrections chief financial and operating officer

14 GG Department of corrections director of operations and project management

15 41:5 State Officers; Positions Eliminated. Amend RSA 94:1-a, I(b) by deleting the following:

16 GG Department of corrections director, division of administration

17 GG Department of corrections director, professional standards

18 GG Department of corrections director of personnel and information

19 41:6 Department of Corrections; Assistant Commissioner. There is established within the
20 department of corrections a second unclassified position of assistant commissioner. The assistant
21 commissioner shall be qualified for the position by reason of education and experience, shall be
22 appointed by the commissioner of the department of corrections, and shall serve at the pleasure of the
23 commissioner. The salary of the assistant commissioners shall be as specified in RSA 94:1-a. The
24 department shall fund the new assistant commissioner position with funding originally allocated to the
25 professional standards director, position number 9U548, and the training development manager, position
26 number 42283.

27 41:7 Department of Corrections; Chief Financial and Operating Officer. There is established within
28 the department of corrections the unclassified position of chief financial and operating officer. The chief
29 financial and operating officer shall replace the director of administration position, 9U113, located in
30 accounting unit 02-46-46-461510-8300. Upon completion of this action, position 9U113 shall be
31 abolished to allow transition. The incumbent in the abolished position shall be offered the opportunity to
32 transfer into the newly established chief financial and operating officer position.

33 41:8 Department of Corrections; Director of Operations and Project Management. There is
34 established within the department of corrections the unclassified position of director of operations and
35 project management. The director of operations and project management shall replace the director of
36 personnel and information position, 9U547, located in the accounting unit 02-46-46-461510-6528. Upon
37 the completion of this action, position 9U547 shall be abolished to allow transition. The incumbent in the
38 abolished position shall be offered the opportunity to transfer into the newly established director of
39 operations and project management position.

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1 41:9 Department of Corrections; Communications and External Affairs. There is established within
2 the department of corrections the unclassified position of director of communications and external affairs.
3 The director of communications and external affairs shall replace the administrator III position, 18467,
4 located in accounting unit 02-46-46-461510-7101. Upon completion of this action, position 18467 shall be
5 abolished to allow for the transition of this classified position into the unclassified system. The incumbent
6 in the abolished classified position shall be offered the opportunity to transfer into the newly established
7 director of communications and external affairs position. The salary of this position shall be determined
8 after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for
9 the position, which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

10 41:10 Effective Date.

11 I. Section 1 of this act shall take effect 60 days after its passage.

12 II. The remainder of this act shall take effect upon its passage.

Approved: April 28, 2026

Effective Date:

I. Section 1 effective June 27, 2026

II. Remainder effective April 28, 2026

