

HB 1664-FN - AS INTRODUCED

2022 SESSION

22-2499

10/05

HOUSE BILL ***1664-FN***

AN ACT requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

SPONSORS: Rep. Porter, Hills. 1; Rep. Mullen, Hills. 7; Rep. Ellison, Merr. 27; Rep. Heath, Hills. 14; Rep. Tanner, Sull. 9

COMMITTEE: Education

ANALYSIS

This bill requires nonpublic schools and education service providers that accept public funds to comply with requirements for criminal history background checks for employees and volunteers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

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

1 1 New Section; Contractors; Department of Education; Criminal History Background Checks.

2 Amend RSA 21-N by inserting after section 9 the following new section:

3 21-N:9-a Department Contracts; Criminal History Background Checks. Any employee or
4 volunteer of an entity contracted for educational services by the department or the state board of
5 education who provides in-person instruction to students shall comply with the submission of a
6 criminal history background check as described under RSA 189:13-a.

7 2 New Paragraph; Education Tax Credit; Department of Education; Criminal History. Amend
8 RSA 77-G:7 by inserting after paragraph II the following new paragraph:

9 II-a. The department of education shall require that all employees and volunteers of
10 nonpublic schools or providers that choose to accept scholarship students under this chapter undergo
11 and provide access to the results of a criminal history background check which complies with RSA
12 189:13-a.

13 3 Education Tax Credit; Reference Added; Criminal History Background Checks. Amend RSA
14 77-G:9, I to read as follows:

15 I. A receiving nonpublic school or home education program that accepts students benefiting
16 from scholarships, grants, or tax credits, **and that complies with criminal history background**
17 **checks under RSA 77-G:8-a**, shall not be considered an agent of the state or federal government as
18 a result of participating in the program established in this chapter.

19 4 Alternative Programs for Granting Credit Leading to Graduation. Amend RSA 193-E:2-a,
20 V(b) to read as follows:

21 (b) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the
22 approval of alternative programs for granting credit leading to graduation, **which shall include**
23 **the requirement that any employee or volunteer of such alternative program who provides**
24 **in person instruction to students complies with the submission of a criminal history**
25 **background check under RSA 189:13-a.**

26 5 New Subparagraph; Education Freedom Accounts Program; Requirements for Education
27 Service Providers; Criminal History Background Checks. Amend RSA 194-F:6, II by inserting after
28 subparagraph (c) the following new subparagraph:

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1 (d) Submit the results of a criminal history records check which complies with the
2 requirements of RSA 189:13-a for any employee or volunteer providing instruction in person to an
3 EFA student.

4 6 Effective Date. This act shall take effect 60 days after its passage.

**HB 1664-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill would require criminal history background checks for any employee or volunteers of an entity contracted for educational services by the Department of Education or the State Board of Education. It also requires criminal history background checks to be extended to home education programs which benefit from any scholarships, grants or tax credits, any alternative program for granting credit leading to graduation, all employees and volunteers of nonpublic schools which accept Education Freedom Account (EFA) students, as well as all employees and volunteers who provide in-person instruction to an EFA student.

The Department of Education states there is an indeterminable fiscal impact to State expenditures starting in FY 2023. The Department is unable to determine the amount of criminal history background checks that would need to be performed to comply with the provisions of this bill.

The Department of Safety is unable estimate the amount of additional criminal history background checks that will be processed by the Department and if additional positions would be needed. Therefore the fiscal impact is an indeterminable increase to State revenues and expenditures.

AGENCIES CONTACTED:

Department of Education and Department of Safety