

CHAPTER 198
HB 433 – FINAL VERSION

13Mar2013... 0566h
5June2013... 1968EBA

2013 SESSION

13-0608
05/01

HOUSE BILL **433**

AN ACT relative to procedures for juvenile delinquency petitions filed by a school district or school official.

SPONSORS: Rep. Pitre, Straf 2

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides that, unless an incident presents a serious threat to school safety, the school district shall attempt to resolve the issue through available educational interventions before filing a juvenile delinquency petition.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen

AN ACT relative to procedures for juvenile delinquency petitions filed by a school district or school official.

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

1 198:1 New Paragraph; Juvenile Delinquency; Definition of Serious Threats to School Safety.
2 Amend RSA 169-B:2 by inserting after paragraph XIII the following new paragraph:

3 XIV. “Serious threats to school safety” means acts involving weapons; acts involving the
4 possession, sale, or distribution of controlled substances; acts that cause serious bodily injury to
5 other students or school employees; threats to cause bodily injury to students or school employees,
6 where there is a reasonable probability that such threats will be carried out; acts that constitute
7 felonious sexual assault or aggravated felonious sexual assault under RSA 632-A; arson under
8 RSA 634:1; robbery under RSA 636:1; and criminal mischief under RSA 634:2, II and RSA 634:2, II-
9 a.

10 198:2 New Paragraphs; Juvenile Delinquency Petition. Amend RSA 169-B:6 by inserting after
11 paragraph II the following new paragraphs:

12 III. Absent serious threats to school safety, when a delinquency petition is filed by a school
13 official, including a school resource officer assigned to a school district pursuant to a contract
14 agreement with the local police department, or when a petition is filed by a local police department
15 as a result of a report made by a school official or school resource officer, based upon acts committed
16 on school grounds during the school day, information shall be included in the petition which shows
17 that the legally liable school district has sought to resolve the expressed problem through available
18 educational approaches, including the school discipline process, if appropriate, that the school has
19 sought to engage the parents or guardian in solving the problem but they have been unwilling or
20 unable to do so, that the minor has not responded to such approaches and continues to engage in
21 delinquent behavior, and that court intervention is needed.

22 IV. When a school official, including a school resource officer assigned to a school district
23 pursuant to a contract agreement with the local police department, or a local police department as a
24 result of a report made by a school official or school resource officer, files a petition involving a minor
25 with a disability pursuant to RSA 186-C, upon submission of a juvenile petition, but prior to the
26 child’s initial appearance, the legally liable school district shall provide assurance that prior to its
27 filing:

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1 (a) It was determined whether or not the child is a child with a disability according to
2 RSA 186-C:2, I.

3 (b) If the school district has determined that the child is a child with a disability, a
4 manifestation review pursuant to 20 U.S.C. section 1415(k)(1)(E) occurred.

5 (c) If the child's conduct was determined to be a manifestation of the child's disability,
6 the school district followed the process set forth in 20 U.S.C. section 1415(k)(1)(F).

7 (d) It has reviewed for appropriateness the minor's current individualized education
8 program (IEP), behavior intervention plan, and placement, and has made modifications where
9 appropriate.

10 198:3 Effective Date. This act shall take effect January 1, 2014.

11
12 Approved: July 9, 2013

13 Effective Date: January 1, 2014