

SB 39-FN - AS AMENDED BY THE SENATE

01/19/2023 0054s

2023 SESSION

23-0913

06/08

SENATE BILL

39-FN

AN ACT

relative to criminal history checks for school transportation monitors.

SPONSORS:

Sen. Gannon, Dist 23; Sen. Avar, Dist 12; Sen. Birdsell, Dist 19; Sen. Prentiss, Dist 5; Sen. Ward, Dist 8; Sen. Innis, Dist 7; Sen. Watters, Dist 4; Sen. Altschiller, Dist 24; Sen. Gray, Dist 6; Sen. Ricciardi, Dist 9; Sen. Carson, Dist 14; Sen. Pearl, Dist 17; Rep. Vose, Rock. 5; Rep. Piemonte, Rock. 9

COMMITTEE:

Education

ANALYSIS

This bill requires transportation monitors to undergo criminal background checks before being employed by public schools.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to criminal history checks for school transportation monitors.

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

1 1 School Boards, Transportation and Instruction of Pupils; School Employee and Designated
2 School Volunteer Criminal History Records Check. Amend RSA 189:13-a, VI to read as follows:

3 VI. In accordance with paragraphs I-V, this section shall apply to any employee, including
4 substitute teachers, selected applicant for employment, designated volunteer, volunteer
5 organization, or individual or entity which contracts with a school administrative unit, school
6 district, chartered public school, or public academy to provide services, including but not limited to
7 cafeteria workers, school bus drivers, **transportation monitors**, custodial personnel, or any other
8 service where the contractor or employees of the contractor provide services directly to students of
9 the district, chartered public school, or public academy. Substitute teachers who have undergone a
10 criminal history records check under this section for a school administrative unit shall not be
11 required to undergo an additional criminal history records check, if working for a school district
12 within the same school administrative unit, unless required by the superintendent or by policies of
13 the other school districts within that same school administrative unit. Criminal history records
14 checks for substitute teachers within the same school administrative unit, shall be valid for a period
15 of 3 years. The employing school administrative unit, school district, or chartered public school shall
16 be responsible for completing the criminal history records check on the people identified in this
17 paragraph, except for school bus drivers [~~and transportation monitors~~], as provided in RSA 189:13-b.
18 The cost for criminal history records checks for employees or selected applicants for employment
19 with such contractors shall be borne by the contractor.

20 2 School Boards, Transportation and Instruction of Pupils; School Bus Driver and
21 Transportation Monitor Criminal History Records Check. Amend RSA 189:13-b to read as follows:

22 189:13-b School Bus Driver [~~and Transportation Monitor~~] Criminal History Records Check.

23 I. The department shall complete a criminal history records check on all school bus drivers
24 [~~and transportation monitors~~] as would school administrative units, school districts, and chartered
25 public schools pursuant to RSA 189:13-a.

26 II. The selected applicant for employment or designated volunteer with a school
27 administrative unit, school district, chartered public school, or public academy in a school bus driver
28 [~~or transportation monitor~~] position shall submit to the department a criminal history records
29 release form, as provided by the division of state police, which authorizes the division of state police
30 to conduct a criminal history records check through its state records and through the Federal
31 Bureau of Investigation and to release a report of the applicant's criminal history record information,

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1 including confidential criminal history record information, to the background check coordinator of
2 the department, as described in RSA 21-N:8-a, I-a.

3 3 Effective Date. This act shall take effect 60 days after its passage.

SB 39-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0054s)

AN ACT relative to criminal history checks for school transportation monitors.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Criminal Records Fund			

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

The Department of Education states this bill would fix a “loophole” in the current law as it pertains to the criminal history background check for transportation monitors. Currently, RSA 189:13-a specifically excludes bus drivers and transportation monitors from the extensive criminal background check for purposes of employment at a school district. The Department states this bill may increase local expenditures since the district would now be responsible for conducting the criminal background check on an individual who is applying to be a transportation monitor. To the extent there are more criminal records requests, there may be increased revenue and expenditures to the Division of State Police criminal records fund.

AGENCIES CONTACTED:

Department of Education