

CHAPTER 142
HB 432 - FINAL VERSION

24Feb2021... 0015h
04/08/2021 1113s

2021 SESSION

21-0555
06/04

HOUSE BILL **432**

AN ACT relative to the offenses that prevent employment in a school.

SPONSORS: Rep. Mullen, Hills. 7; Rep. Allard, Merr. 21; Rep. Cornell, Hills. 18; Rep. Tanner, Sull. 9; Rep. Woodcock, Carr. 2

COMMITTEE: Education

ANALYSIS

This bill adds human trafficking to the offenses that prevent a person from being hired by a school administrative unit, school district, chartered public school, or public academy.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the offenses that prevent employment in a school.

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

1 142:1 School Employee and Designated School Volunteer Criminal History Records Check.
2 Amend RSA 189:13-a, V to read as follows:

3 V. Any person who has been charged pending disposition for or convicted of any violation or
4 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; **633:7**,
5 639:2; 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
6 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
7 obscene; in this state, or under any statute prohibiting the same conduct in another state, territory,
8 or possession of the United States, shall not be hired by a school administrative unit, school district,
9 chartered public school, or public academy. The superintendent of the school administrative unit or
10 the chief executive officer of the chartered public school or public academy may deny a selected
11 applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or
12 felony, in addition to those listed above. The governing body of a school district, chartered public
13 school, or public academy shall adopt a policy relative to hiring practices based on the results of the
14 criminal history records check and report of misdemeanors and felonies received under paragraph II.
15 Such policy may include language stating that any person who has been convicted of any
16 misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include
17 language stating that any person who has been convicted of any felony, or any of a list of felonies,
18 shall not be hired.

19 142:2 New Subparagraph; Chartered Public Schools; Application; Code of Conduct for New
20 Hampshire Educators. Amend RSA 194-B:3, II by inserting after subparagraph (dd) the following
21 new subparagraph:

22 (ee) A proposed policy to adopt and implement the code of conduct for New Hampshire
23 educators as adopted by the department in administrative rule. Failure to adopt and implement the
24 code of conduct could result in the probation or revocation of the school's charter as governed by RSA
25 194-B:16.

26 142:3 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, II
27 to read as follows:

28 II. The proposed chartered public school application shall be presented for approval directly
29 to the state board of education by the applicant for the prospective chartered public school. The

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1 content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and
2 (dd)-(ee). The department of education shall notify an applicant of any missing information within
3 10 days of the initial filing. The applicant shall file any missing information before the department
4 reviews the application.

5 142:4 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, IV
6 to read as follows:

7 IV. The state board of education shall either approve or deny an application using
8 reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and
9 (dd)-(ee). Lack of state funding alone shall not constitute grounds for the denial of an application.
10 Approval of an application constitutes the granting of charter status and the right to operate as a
11 chartered public school. The state board of education shall notify all applicants of its decision in
12 writing, and shall include in any notice of denial a written statement specifying any areas deemed
13 deficient, the reasons for the denial, and explaining that the applicant may reapply under RSA 194-
14 B:3 or under this section in a subsequent year.

142:5 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 23, 2021

Effective Date: September 21, 2021