

Amendment to HB 432

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 School Employee and Designated School Volunteer Criminal History Records Check. Amend
4 RSA 189:13-a, V to read as follows:

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

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

24 (ee) A proposed policy to adopt and implement the code of conduct for New Hampshire
25 educators as adopted by the department in administrative rule. Failure to adopt and implement the
26 code of conduct could result in the probation or revocation of the school's charter as governed by RSA
27 194-B:16.

28 3 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, II to
29 read as follows:

30 II. The proposed chartered public school application shall be presented for approval directly
31 to the state board of education by the applicant for the prospective chartered public school. The
32 content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and

Amendment to HB 432

- Page 2 -

1 (dd)-**(ee)**. The department of education shall notify an applicant of any missing information within
2 10 days of the initial filing. The applicant shall file any missing information before the department
3 reviews the application.

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

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

14 5 Effective Date. This act shall take effect 60 days after its passage.