

HB 603-FN - AS INTRODUCED

2023 SESSION

23-0755

09/10

HOUSE BILL

***603-FN***

AN ACT                   relative to education service providers under the education freedom accounts program.

SPONSORS:           Rep. Tanner, Sull. 5; Rep. Heath, Hills. 41; Rep. Woodcock, Carr. 1; Rep. Rombeau, Hills. 2; Rep. B. Sullivan, Sull. 1; Rep. Luneau, Merr. 9; Sen. Prentiss, Dist 5

COMMITTEE:       Education

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ANALYSIS

This bill adds compliance requirements for education service providers requesting payment from education freedom account funds, including criminal history records checks of employees with direct contact with students.

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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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 education service providers under the education freedom accounts program.

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

1            1 Education Freedom Accounts Program; Education Service Providers. Amend RSA 194-F:6, II  
2 to read as follows:

3            II. ~~[A prospective education service provider that wishes]~~ ***In order for an education***  
4 ***service provider*** to receive payments from EFAs, ***the education service provider*** shall:

5                    (a) ***Be in operation for a minimum of one year prior to participation in the***  
6 ***program to ensure financial sustainability and a history of measurable academic success.***

7                    (b) ***If providing instruction to students, be an approved nonpublic school***  
8 ***education program pursuant to department of education administrative rules Ed 400.***

9                    (c) Submit notice to the scholarship organization that it wishes to receive payments from  
10 EFAs.

11                    ~~[(b)]~~ (d) Agree not to refund, rebate, or share EFA funds with parents or EFA students  
12 in any manner, except that funds may be remitted or refunded to an EFA in accordance with  
13 procedures established by the scholarship organization.

14                    ~~[(e)]~~ (e) Comply with all state and federal anti-discrimination laws.

15                    (f) ***Comply with state and local health and safety standards and codes.***

16                    (g) ***Satisfactorily complete and submit to the department a criminal history***  
17 ***records check which complies with RSA 189:13-a for all education service provider***  
18 ***employees with direct contact with students.***

19            2 Effective Date. This act shall take effect 60 days after its passage.

**HB 603-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                      relative to criminal background checks for education service providers.

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☐ Local                      ☐ None

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

**METHODOLOGY:**

This bill adds compliance requirements for education service providers requesting payment from education freedom account funds, including criminal history records checks of employees with direct contact with students. The Department of Education has not identified any impact on state revenues or expenditures relative to this bill.

The Department of Safety states this bill will likely result an increase in criminal background requests and therefore increase restricted revenue to the criminal records fund, beginning in FY 2024. Since it cannot predict the number of new requests, the Department states this bill's impact on criminal records fund revenue and potentially administrative expenditures, is indeterminable.

**AGENCIES CONTACTED:**

Department of Education and Department of Safety