

HB 628-FN - AS INTRODUCED

2023 SESSION

23-0509

10/08

HOUSE BILL            **628-FN**

AN ACT                requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

SPONSORS:            Rep. Tanner, Sull. 5; Rep. Heath, Hills. 41; Rep. Luneau, Merr. 9; Rep. Cornell, Hills. 22; Rep. Fellows, Graf. 8; Rep. Damon, Sull. 8; Sen. Prentiss, Dist 5

COMMITTEE:          Education

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ANALYSIS

This bill requires nonpublic schools and education service providers that accept public funds to comply with requirements for criminal history background checks for employees and volunteers.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

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

1            1 New Section; Contractors; Department of Education; Criminal History Background Checks.

2 Amend RSA 21-N by inserting after section 9 the following new section:

3            21-N:9-a Department Contracts; Criminal History Background Checks. Any employee or  
4 volunteer of an entity contracted for educational services by the department or the state board of  
5 education who provides in-person instruction to students shall comply with the submission of a  
6 criminal history background check as described under RSA 189:13-a.

7            2 New Paragraph; Education Tax Credit; Department of Education; Criminal History. Amend  
8 RSA 77-G:7 by inserting after paragraph II the following new paragraph:

9            II-a. The department of education shall require that all employees and volunteers of  
10 nonpublic schools or providers that choose to accept scholarship students under this chapter undergo  
11 and provide access to the results of a criminal history background check which complies with RSA  
12 189:13-a.

13            3 Education Tax Credit; Reference Added; Criminal History Background Checks. Amend RSA  
14 77-G:9, I to read as follows:

15            I. A receiving nonpublic school or home education program that accepts students benefiting  
16 from scholarships, grants, or tax credits, **and that complies with criminal history background**  
17 **checks under RSA 77-G:8-a**, shall not be considered an agent of the state or federal government as  
18 a result of participating in the program established in this chapter.

19            4 Alternative Programs for Granting Credit Leading to Graduation. Amend RSA 193-E:2-a,  
20 V(b) to read as follows:

21            (b) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the  
22 approval of alternative programs for granting credit leading to graduation, **which shall include**  
23 **the requirement that any employee or volunteer of such alternative program who provides**  
24 **in person instruction to students complies with the submission of a criminal history**  
25 **background check under RSA 189:13-a.**

26            5 New Subparagraph; Education Freedom Accounts Program; Requirements for Education  
27 Service Providers; Criminal History Background Checks. Amend RSA 194-F:6, II by inserting after  
28 subparagraph (c) the following new subparagraph:

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1                   (d) Submit the results of a criminal history records check which complies with the  
2 requirements of RSA 189:13-a for any employee or volunteer providing instruction in person to an  
3 EFA student.

4                   6 Effective Date. This act shall take effect 60 days after its passage.

**HB 628-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

**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 | <input type="checkbox"/> Education | <input type="checkbox"/> Highway | <input type="checkbox"/> Other |

**METHODOLOGY:**

This bill requires nonpublic schools and education service providers that accept public funds to comply with requirements for criminal history background checks for employees and volunteers. The Department of Education has not identified any 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, this bill’s impact on criminal records fund revenue and expenditures is indeterminable.

**AGENCIES CONTACTED:**

Department of Education and Department of Safety