

Amendment to HB 1827-FN-A

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT requiring the department of education to conduct a confidential criminal history  
4 record check on all prospective educational personnel.

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6 Amend the bill by replacing section 1 with the following:

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8 1 New Section; Department of Education School Employee Criminal History Records Check.

9 Amend RSA 189 by inserting after section 13-c the following new section:

10 189:13-d Department of Education School Employee Criminal History Records Check.

11 I. As used in this section:

12 (a) "Educational personnel" means an individual who is employed, either part time or  
13 full time, by a school administrative unit, school district, public school, public charter school, public  
14 academy, or non-public approved special education school in the state of New Hampshire who is not  
15 in a position requiring an educator credential.

16 (b) "Clearance" means a document issued to educational personnel that reflects that a  
17 criminal history record check was completed and that none of the violations listed in RSA 189:13-c, V  
18 were found.

19 II.(a) The department shall complete a confidential criminal history record check on all  
20 educational personnel. The criminal history record check clearance shall be valid for a period of 5  
21 years.

22 (b) The department shall establish and implement a secure system for conducting a  
23 check of all educational personnel listed in this section in the National Association of State Directors  
24 of Teacher Education and Certification (NASDTEC) database by utilizing the applicant's social  
25 security number.

26 III.(a) Educational personnel shall submit to the department a criminal history records  
27 release form, as provided by the division of state police, which authorizes the division of state police  
28 to conduct a criminal history records check through its state records and through the Federal  
29 Bureau of Investigation and to release a report of the individual's criminal history record  
30 information, including confidential criminal history record information, to the background check  
31 coordinator of the department, as described in RSA 21-N:8-a, I-a.

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1 (b) Educational personnel shall submit with the release form a complete set of  
2 fingerprints taken by a qualified law enforcement agency or an authorized employee of the  
3 department of education. In the event that the first set of fingerprints is invalid due to insufficient  
4 pattern, a second set of fingerprints shall be taken in order to complete the criminal history records  
5 check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department  
6 may, in lieu of the criminal history records check, accept police clearance from every city, town, or  
7 county where an applicant or candidate has lived during the past 10 years.

8 IV.(a) The department shall maintain the confidentiality of all criminal history records  
9 information received pursuant to this paragraph. The department shall destroy all criminal history  
10 record information within 60 days of receiving said information.

11 (b) The department may require educational personnel to pay the actual costs of the  
12 criminal history records check.

13 V.(a) Any person who has been charged pending disposition for or convicted of any violation  
14 or attempted violation of RSA 318-B:2 for possession of a controlled drug with the intent to sell,  
15 felony level, within the last 10 years, RSA 630:1; 630:1-a; 630:1-b; 630:2; 630:3; 631:1; 631:2; 631:2-b;  
16 632-A:2; 632-A:3; 632-A:4; 633:1; 633:7; 636:1; 638:1; 638:15-a; 639:2; 639:3; 645:1, II or III; 645:2;  
17 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of  
18 RSA 650:2 where the act involves a child in material deemed obscene in this state, or under any  
19 statute prohibiting the same conduct in another state, territory, or possession of the United States,  
20 shall not be granted a clearance, nor shall they be employable or contracted in a public school, public  
21 charter school, public academy, or non-public approved special education school within the state of  
22 New Hampshire.

23 (b) A school administrative unit, school district, public school, public charter school,  
24 public academy, or non-public approved special education school in the state of New Hampshire shall  
25 not employ any individual who has had their educator license credential revoked in New Hampshire  
26 or any other state.

27 VI. The department shall adopt rules, pursuant to RSA 541-A, governing the rights of  
28 educational personnel and their ability to appeal a denial of a clearance pursuant to a charge  
29 pending disposition for or a conviction of any of the offenses under paragraph V.

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AMENDED ANALYSIS

This bill requires the department of education to conduct a confidential criminal history record check on all prospective educational personnel.