

HB 1051 - AS AMENDED BY THE HOUSE

5Mar2026... 0711h

2026 SESSION

26-2460
09/08

HOUSE BILL **1051**

AN ACT modifying the procedures and requirements for school bus driver criminal history records checks and expanding the personnel subject to such checks.

SPONSORS: Rep. Layon, Rock. 13

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill modifies the procedures for school bus driver criminal history records checks by extending its application to volunteers and contractors and specifying requirements for such record checks, including fingerprinting. The bill also directs the department of education to implement a secure system for such record checks and authorizes the department to make rules relative to the rights of personnel in criminal history record checks.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT modifying the procedures and requirements for school bus driver criminal history records checks and expanding the personnel subject to such checks.

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

1 1 School Bus Driver Criminal History Records Check; Procedures Modified RSA 189:13-b is
2 repealed and reenacted to read as follows:

3 189:13-b School Bus Driver Criminal History Records Check.

4 I. The department of education shall complete a criminal history records check on all school
5 bus drivers, school transportation vehicle drivers, school bus monitors, designated volunteers, and
6 contracted service providers as would school administrative units, school districts, and chartered
7 public schools pursuant to RSA 189:13-a. The criminal history record check clearance shall be valid
8 for a period of 5 years.

9 II.(a) The school bus driver, school transportation vehicle driver, school bus monitor,
10 designated volunteer, or contracted service provider with a school administrative unit, school
11 district, chartered public school, public academy, or non-public special education school shall submit
12 to the department a criminal history records release form, as provided by the division of state police,
13 which authorizes the division of state police to conduct a criminal history records check through its
14 state records and through the Federal Bureau of Investigation and to release a report of the
15 individual's criminal history record information, including confidential criminal history record
16 information, to the background check coordinator of the department, as described in RSA 21-N:8-a, I-
17 a.

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

22 III. School bus drivers, school transportation vehicle drivers, school bus monitors, and
23 contracted service providers shall submit with the release form a complete set of fingerprints taken
24 by a qualified law enforcement agency or an authorized employee of the department of education. In
25 the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
26 fingerprints shall be taken in order to complete the criminal history records check. If, after 2
27 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of
28 the criminal history records check, accept police clearance from every city, town, or county where an
29 applicant or candidate has resided in during the past 10 years.

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1 IV.(a) The department shall maintain the confidentiality of all criminal history records
2 information received pursuant to this section. The department shall destroy all criminal history
3 record information within 60 days of receiving said information.

4 (b) The department may require individuals to pay the actual costs of the criminal
5 history records check.

6 V.(a) Any person who has been charged pending disposition for or convicted of any violation
7 or attempted violation of RSA 318-B:2 for possession of a controlled drug with the intent to sell,
8 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,
9 632:1, 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 645:1,
10 III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted
11 violation of RSA 650:2 where the act involves a child in material deemed obscene in this state, or
12 under any statute prohibiting the same conduct in another state, territory, or possession of the
13 United States, shall not be granted a clearance, nor shall they be employable or contracted in a
14 public school, public charter school, public academy, or non-public approved special education school
15 within the state of New Hampshire.

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

20 VI. The department of education shall adopt rules, pursuant to RSA 541-A, governing the
21 rights of educational and contracted personnel and their ability to appeal a denial of a clearance
22 pursuant to a charge pending disposition for or a conviction of any of the offenses under RSA 189:13-
23 b, V.

24 2 Effective Date. This act shall take effect July 1, 2026.

HB 1051- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0711h)

AN ACT modifying the procedures and requirements for school bus driver criminal history records checks and expanding the personnel subject to such checks.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Up to \$25,000 Per Year		
<i>Revenue Fund(s)</i>	Restricted Education Credentialing Fund Revenue			
Expenditures*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill requires the Department of Education to conduct criminal history record checks for school bus drivers, transportation vehicle drivers, bus monitors, designated volunteers, and contracted service providers. Clearances are valid for five (5) years. The Department states that restricted state revenue could increase by up to \$25,000 per year, assuming a \$100 fee is charged per clearance (the Department anticipates that fewer than 250 additional individuals would be subject to the background check requirements). The Department states any administrative increase from this bill would likely be absorbed by its current budget and staff. The Department notes that should the number of checks requested significantly exceed the above estimate, it may need additional part-time staff to handle the increased workload.

AGENCIES CONTACTED:

Department of Education