

HB 1827-FN-A - VERSION ADOPTED BY BOTH BODIES

19Feb2026... 0573h

2026 SESSION

26-2633

07/09

HOUSE BILL

***1827-FN-A***

AN ACT

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

SPONSORS:

Rep. Ladd, Graf. 5

COMMITTEE:

Education Funding

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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

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

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

3 189:13-d Department of Education School Employee Criminal History Records Check.

4 I. As used in this section:

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

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

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

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

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

25 (b) Educational personnel shall submit with the release form a complete set of  
26 fingerprints taken by a qualified law enforcement agency or an authorized employee of the  
27 department of education. In the event that the first set of fingerprints is invalid due to insufficient  
28 pattern, a second set of fingerprints shall be taken in order to complete the criminal history records  
29 check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department

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1 may, in lieu of the criminal history records check, accept police clearance from every city, town, or  
2 county where an applicant or candidate has lived during the past 10 years.

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

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

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

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

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

25 2 Effective Date. This act shall take effect July 1, 2027.

**HB 1827-FN-A- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0573h)

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

**FISCAL IMPACT:**

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
<b>Revenue</b>	\$0	\$0	Up to \$588,000 Per Year	
<i>Revenue Fund(s)</i>	Department of Education Credentialing Fund and Department of Safety Criminal Records Fund			
<b>Expenditures*</b>	\$0	\$0	\$446,000	\$340,000
<i>Funding Source(s)</i>	Department of Education Credentialing Fund			
<b>Appropriations*</b>	\$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, effective July 1, 2027 (FY 2028), requires the Department of Education to conduct criminal history record checks for all non-educator credentialed individuals employed (full time or part time) in public schools, public academies, school administrative units (SAUs), public charter schools, and private special education schools. The Department currently conducts criminal history record checks for several categories of school-related individuals, including school bus drivers, Professional Educator Preparation Program (PEPP) students, and new applicants for educator licensure. The Department’s current fee for these checks is \$100, and it issues clearances with a five-year validity for bus drivers and a four-year validity for PEPP students. The Bureau of Educator Credentialing within the Department is responsible for administering these checks. The Bureau is currently funded through fee revenue and receives no general fund appropriations.

Currently, the Department conducts approximately 3,000 checks annually, using approximately 1.5 staff positions to perform this work. Under this bill, the Department anticipates aligning the new requirement with existing procedures and processes. The Department estimates the bill would add approximately 20,000 individuals over a five-year period, or about 4,000 additional checks per year. The Department anticipates that the costs associated with additional staffing

and administrative support could be covered through the existing \$100 fee per check, without the need for additional funding:

<b>Department of Education Restricted Revenue and Expenditures Bureau of Credentialing</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Additional Revenue (4,000 Checks @ \$100 Each)</b>	<b>\$400,000</b>	<b>\$400,000</b>
<b>Costs</b>		
Two (2) Positions (SOC 13-04, Starting Step 7), and Related Costs	\$246,000	\$240,000
Other Costs (i.e., IT programming and support costs as well as investigative, legal, and hearing fees for appeals)	\$200,000	\$100,000
<b>Total Costs</b>	<b>\$446,000</b>	<b>\$340,000</b>

The Department of Safety states it has a well-established internal process to handle the increase in background checks resulting from this bill, therefore the Department expects this bill will have no significant impact on its expenditures. The Department charges \$47 for the checks required by this bill, therefore this bill would increase revenue to the Criminal Records Fund up to \$188,000 (\$47 x 4,000 checks) per year.

**AGENCIES CONTACTED:**

Department of Education and Department of Safety