

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 School Boards, Superintendents, Teachers, and Truant Officers; School Census; Credentialing
9 Applicant and Candidate Criminal History Records Check. RSA 189:13-c is repealed and reenacted
10 to read as follows:

11 189:13-c Credentialing Applicant and Candidate Criminal History Records Check.

12 I.(a) "Credentialing applicant" means a first-time applicant for a New Hampshire educator
13 credential.

14 (b) "Candidate" means a student at an institution of higher education in New
15 Hampshire who has been admitted to or selected to participate in a K-12 educator preparation
16 program.

17 (c) "Educational personnel" means an individual who is employed, either part-time or
18 full-time, by a public school, public charter school, public academy, or non-public approved special
19 education school in the state of New Hampshire who is not in a position requiring an educator
20 credential.

21 (d) "Clearance" means a document issued to school bus drivers, credentialing applicants,
22 and educational personnel that reflects that a criminal history record check was completed and that
23 none of the violations listed in RSA 189:13-a V were found.

24 II.(a) The department shall complete a confidential criminal history records check on all
25 first-time applicants for an educator credential, under RSA 21-N:9, II(s), as shall school
26 administrative units, school districts, and chartered public schools pursuant to RSA 189:13-a.

27 (b) The department shall complete a confidential criminal history records check on all
28 candidates, as shall school administrative units, school districts, and chartered public schools
29 pursuant to RSA 189:13-a. The department shall adopt rules pursuant to RSA 541-A relative to
30 coordination with institutions of higher education in New Hampshire on procedures for conducting
31 clearances for candidates for K-12 educator preparation programs.

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1 (c) The criminal history records check on a candidate shall be valid for a period of 4
2 years.

3 (d) The department shall complete a confidential criminal history record check on all
4 educational personnel. The criminal history record check shall be valid for a period of 5 years.

5 III.(a) The credentialing applicant, educational personnel, or candidate shall submit to the
6 department a criminal history records release form, as provided by the division of state police, which
7 authorizes the division of state police to conduct a criminal history records check through its state
8 records and through the Federal Bureau of Investigation and to release a report of the credentialing
9 applicant's or candidate's criminal history record information, including confidential criminal history
10 record information, to the background check coordinator of the department, as described in RSA 21-
11 N:8-a, I-a.

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

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

22 (b) The department may require the credentialing applicant, educational personnel or
23 candidate to pay the actual costs of the criminal history records check.

24 V. Any person who has been charged pending disposition for or convicted of any violation or
25 attempted violation of RSA 318-B:2 for possession of a controlled drug with the intent to sell, felony
26 level, within the last 10 years, RSA 630:1; 630:1-a; 630:1-b; 630:2; 630; 631:1; 632:1; 631:2-b; 632-A:2;
27 632-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; 649-A:3;
28 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2
29 where the act involves a child in material deemed obscene in this state, or under any statute
30 prohibiting the same conduct in another state, territory, or possession of the United States, shall not
31 be granted a teaching credential by the department, nor shall candidates be granted clearance, nor
32 shall they be employable in a public school, public charter school, public academy, or non-public
33 approved special education school within the state of New Hampshire.

34 VI. The department shall adopt rules, pursuant to RSA 541-A, governing the rights of a
35 credentialing applicant, educational personnel, or candidate and their ability to appeal a denial of a
36 teaching credential or clearance pursuant to a charge pending disposition for or a conviction of any of
37 the offenses under paragraph V.

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1 VII. If a credentialing applicant had submitted to a criminal history records check within
2 the prior 6 months as a candidate, that check shall be deemed valid for purposes of this section.

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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.