

HB 520 - AS INTRODUCED

2025 SESSION

25-0062

02/09

HOUSE BILL **520**

AN ACT relative to authorizing hearing officers of the department of education to issue subpoenas.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Cordelli, Carr. 7; Rep. Kuttab, Rock. 17; Rep. Thibault, Merr. 25

COMMITTEE: Judiciary

ANALYSIS

This bill authorizes hearing officers of the department of education to issue subpoenas.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to authorizing hearing officers of the department of education to issue subpoenas.

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

1 1 New Paragraph; Duties of Commissioner; Power to Subpoena. Amend RSA 21-N:4 by
2 inserting after paragraph XII the following new paragraph:

3 XIII. The commissioner or the commissioner's designee is authorized to seek subpoenas for
4 persons, and for books, papers, documents and other items for the purpose of carrying out
5 investigations pursuant to the code of conduct for New Hampshire educators, as established by RSA
6 21-N:9, II(cc)(1).

7 (a) In seeking a subpoena, the department shall present the reasons for seeking such
8 subpoena to a hearings officer, who shall issue the subpoena if the hearings officer finds that:

9 (1) The subpoena is sought in good faith for the purpose of investigating a violation
10 or possible violation of the educator code of conduct by a certified educator; and

11 (2) The information sought by the subpoena appears reasonably likely to be material
12 and relevant to the investigation.

13 (b) Subpoenas for persons shall not require compliance in less than 48 hours after
14 receipt of service. Subpoenas for books, papers, documents and other items shall not require
15 compliance in fewer than 15 days after receipt of service.

16 (c) When a subpoena is authorized by a hearing officer:

17 (1) Service shall be made on licensees and certified individuals by certified mail to
18 the address on file with the department or by hand and shall not entitle such persons to witness or
19 mileage fees; and

20 (2) Service shall be made on persons who are not licensees or certified individuals in
21 accordance with the procedures and fee schedules of the superior court, and the subpoenas served on
22 such persons shall be annotated "Fees Guaranteed by the New Hampshire Department of Education
23 Bureau of Credentialing."

24 (d) The person to whom the subpoena is directed may file a motion to quash or modify
25 the subpoena with the hearings officer within 10 days after service of the subpoena. Upon
26 consideration of such motion and any response submitted by the department within such time as the
27 hearings officer directs, the hearing officer shall promptly rule upon the same with or without a
28 hearing as the hearings officer determines appropriate. If, as a result of said ruling, any part or all
29 of the subpoena is enforced, the hearings officer shall determine the time within which compliance
30 with the subpoena must occur.

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1 (e) Any evidence collected pursuant to a subpoena shall be made available to both
2 parties in any adjudicatory proceeding in which it is material and relevant.

3 (f) In any adjudicatory proceeding resulting from an alleged code of conduct violation, a
4 hearings officer may issue subpoenas for the attendance of witnesses and for the production of books,
5 papers, documents and other items on behalf of the department or on behalf of the certified educator
6 alleged to have committed the violation. Any costs incurred in issuing a subpoena shall be the
7 responsibility of the party requesting the subpoena, unless otherwise determined by the hearings
8 officer.

9 2 Effective Date. This act shall take effect January 1, 2026.