



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Interim Rulemaking Notice Form and Cover Sheet

Proposed Interim Rule Number: 2026-22 INT

Rule Number: Ed 501.02, Ed 501.03, Ed 504.12, Ed 505.09

- Agency:** Board of Education
Agency Address: Department of Education
25 Hall St.
Concord, NH 03301
- RSA Authority:** RSA 21-N:9, II(s)
- Federal Authority:**
- Action(s):** Readopt, Readopt w/Amendment
- Filing Date:** 2026-09-24
- Short Title:** Criminal History Record Check Clearance
- Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Julie Shea	Title: Administrative Rules Coordinator
Address: Department of Education 25 Hall St. Concord, NH 03301	Phone Number: (603) 931-9133
	FAX Number:
	Email: julie.r.shea@doe.nh.gov

- Summary explaining the effect of the rule and, if the rules are being proposed to implement a state statute for the first time, identification of the statute and/or relevant session law being implemented pursuant to RSA 541-A:19, I(a):**

These proposed interim rules are implementing laws from the 2026 legislative session (Chapter 116). The following revisions are included:

- Ed 501.02 adds a definition for "contracted service provider";

- Ed 501.03 adds definitions for “nonpublic special education school” and “school facility”;
- Ed 504.12 clarifies when contracted services providers are required to provide a criminal history record check;
- Ed 505.09 maintains the addition of a reduced \$20 criminal history record check fee for designated volunteers and PEPP candidates adopted in Emergency Rule #14615 (eff 6/11/26).

9. Listing of people, enterprises, and government agencies affected by the rule:

Those affected include SAUs, school districts, chartered public schools, contracted service providers, designated volunteers, and students.

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	SPECIFIC STATE STATUTE THE RULE IMPLEMENTS
Ed 501.02	RSA 21-N:9; RSA 186:8
Ed 501.03	RSA 21-N:9; RSA 186:8
Ed 504.12	RSA 189:13-a, V-VI; RSA 189:13-b; RSA 189:13-c
Ed 505.09	RSA 21-N:9, II(s)(4); RSA 186:11, X(b)

11. Agency form(s) as required by RSA 541-A:19, IV-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.

☒ **Yes**

1. Summary of the effect upon the state if the rule were not adopted:

Chapter 116 from the 2026 legislative session took effect July 1, 2026, requiring contracted service providers working in New Hampshire public schools and designated volunteers to obtain a newly created criminal history record check clearance pursuant to RSA 189:13-b. Emergency rules were adopted on June 11 establishing an application process prior to the law taking effect. These interim rules ensure that the process remains in place while the Department develops regular rules establishing a procedure for criminal history record checks that will also include additional applicants when RSA 189:13-d becomes effective July 1, 2027.

2. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

2026-10-15

FIS #: 26:211, dated: 2026-09-23

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost between the proposed interim rules and existing emergency rules. See additional information relative to the costs of the proposed rules, as a fiscal impact statement was not prepared for the emergency rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed interim rules update definitions, clarify criminal history record clearance (CHRC) requirements, and maintain the applicable fee schedule for designated volunteers and educator preparation program candidates from previous emergency rule #14615. Recent statutory changes expand the categories of educational personnel requiring a CHRC, which currently costs \$100, while the proposed rules (and also the emergency rule) establish a \$20 fee for designated volunteers and educator preparation students. The Bureau of Credentialing currently processes approximately 3,000 CHRCs annually and anticipates approximately 6,000 additional clearances annually. All revenue collected relative to educator credentialing is restricted for use by the Bureau.

A. To State general or State special funds:

See #3 above. No impact on state general funds.

B. To State citizens and political subdivisions:

See #3 above. No impact on political subdivisions.

C. To independently owned businesses:

None.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Date: 2026-09-10 **Name:** Andrew Cline **Title:** Chair, State Board of Education

**('Adopting authority' is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)*

COVER SHEET FOR PROPOSED INTERIM RULE

Proposed Interim Rule Number _____

Rule Number **Ed 501.02, Ed 501.03, Ed 504.12, Ed 505.09**

1. Agency Name & Address:

Board of Education
c/o Department of Education
25 Hall St.
Concord, NH 03301

2. RSA Authority: **RSA 21-N:9, II(s)**

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption **X**

Readoption w/amendment **X**

5. Short Title: **Criminal History Record Check Clearance**

6. Contact person for copies and questions:

Name: **Julie Shea**

Address: **Department of Education**

25 Hall St.

Concord, NH 03301

Title: **Administrative Rules Coordinator**

Phone #: **603-931-9133**

****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

7. An explanation of why the interim rule is necessary, including documentary evidence to prove that the agency is acting in accordance with RSA 541-A:19, I, and is not adopting an interim rule solely to avoid the time periods imposed in RSA 541-A. If the rules are being proposed to implement a state statute for the first time, identify the statute and/or relevant session law being implemented pursuant to RSA 541-A:19, I(a).

8. A description of the people, enterprises, and government agencies affected by the rule.

9. Agency form(s) as required by RSA 541-A:19, IV-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.

10. The fiscal impact statement prepared by the Legislative Budget Assistant, if required by RSA 541-A:19,

II. See Section 3.2 of Chapter 3 of the Drafting and Procedure Manual for Administrative Rules.

****PLEASE SUBMIT ONE COPY OF THIS COVER SHEET** and all attachments along with one copy of the interim rule to the Office of Legislative Services, Administrative Rules. The rule must include an appendix containing the same information about statutes or federal regulations as in Item 10 of Appendix II-J.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Date: **09/10/2026**

Signature: _____

Name: **Drew Cline**

Title: **Chair, Board of Education**

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)