

<p>Subject: <i>Criminal History Checks for Bus Drivers & Transportation Monitors</i></p>	<p>Legal Reference—<i>HB 1558 (2019-2020 legislative session) & SB 134 (2020-2021 legislative session)</i></p> <ul style="list-style-type: none"> • RSA 189:13-a; • RSA 189:13-b
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This Technical Advisory continues the New Hampshire Department of Education’s communication regarding new legislation, which was passed during the 2020-2021 legislative session. This new law, RSA 189:13-b, which pertains to the criminal history checks of bus drivers and transportation monitors is now in effect.

During the 2019-2020 and 2020-201 legislative sessions, laws were passed to address the issue of conducting a criminal history records check on school bus drivers and transportation monitors. The intent of the legislation was to create a system by which the Credentialing Bureau within the Department of Education would be responsible for receiving and reviewing the criminal history records checks for school bus drivers and transportation monitors for the limited list of violations found in RSA 189:13-a, V **only**.

For ease of reference, those offenses, commonly referred to as the “Section V violations,” are as follows:

- RSA 630:1—Capitol Murder
- RSA 630:1-a—First Degree Murder
- RSA 630:1-b—Second Degree Murder
- RSA 630:2—Manslaughter
- RSA 632-A:2—Aggravated Felonious Sexual Assault
- RSA 632-A:3—Felonious Sexual Assault
- RSA 632-A:4—Sexual Assault (misdemeanor level)
- RSA 633:1—Kidnapping
- RSA 633:7—Human Trafficking
- RSA 639:2—Incest
- RSA 639:3—Endangering the Welfare of Child or Incompetent
- RSA 645:1, II or III—Indecent Exposure and Lewdness
- RSA 645:2—Prostitution and Related Offenses
- RSA 649-A:3—Child Pornography
- RSA 649-A:3-a—Possession of Child Sexual Abuse Images
- RSA 649-A:3-b—Possession of Child Sexual Abuse Images
- RSA 649-B:3—Computer Pornography and Child Exploitation Prevention
- RSA 649-B:4—Certain Uses of Computer Services Prohibited
- RSA 650:2—Obscene Matter Offenses

If the school bus driver or transportation monitor applicant’s criminal history is clear of any of the enumerated offenses above, then the Credentialing Bureau will issue that individual a criminal history records check clearance. It is important to note that what will be issued is a **clearance**, rather than a **credential**, which is issued to educators. This criminal history clearance will be valid for a period of five (5) years. The individual bus driver or transportation monitor will then have to seek renewal of his or her criminal history records check clearance through the same process which granted the initial clearance through the Credentialing Bureau.

This criminal history clearance will allow the individual school bus driver or transportation monitor to work for any district throughout the state. As a practical matter, the new law shifts the responsibility of conducting the criminal history records check from the district—as a matter of employment—to the Credentialing Bureau. Hence, this shift alleviates the burden of having individual school districts conduct

the criminal history records checks on each school bus driver and transportation monitor. The intent behind the law was to allow school bus drivers and transportation monitors more mobility to work throughout the state and thereby, help address the school bus driver shortage.

Therefore, in accordance with the new law, for new hires of bus drivers and transportation monitors, SAUs and school districts can begin to rely upon the criminal history records clearance issued by the Credentialing Bureau of the Department of Education and not conduct a separate criminal history on this specific category of individuals.

RSA 189:13-a can be accessed in its entirety here:

<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-13-a.htm>

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