

New Hampshire State Board of Education  
Due to the COVID-19 State of Emergency, this meeting will be held via Zoom Webinar.

Advance registration is required via this link:

[Register here for the NH State Board of Education Special January Meeting](#)

*After registering, you will receive a confirmation email containing information about joining the webinar.*

**Thursday, January 26. 2021**



## **AGENDA**

- I. **CALL TO ORDER – 9:00 AM**
- II. **PLEDGE OF ALLEGIANCE**
- III. **LEGISLATIVE UPDATES** ~ AMANDA PHELPS, NHDOE, Administrative Rules Coordinator
  - A. Conditional Approval Response ~ Criminal History Record Check Clearance (Ed 504.12, Ed 505.07(b) & (d), and Ed 505.08)
- IV. **ADJOURNMENT – 9:30 AM**



**Kate Cassady**  
Littleton

**Ann Lane**  
Dover

**Phil Nazzaro**  
Newmarket

**Drew Cline, *Chairman***  
Bedford

**Helen G. Honorow**  
Nashua

**Cindy C. Chagnon**  
Bedford

**Celina Griffin**  
Gilford

STATE OF NEW HAMPSHIRE  
STATE BOARD OF EDUCATION  
101 Pleasant Street  
Concord, NH 03301  
TEL. (603) 271-3144  
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## EXECUTIVE SUMMARY

### Interim Rule Conditional Approval Response: Ed 504.12, Ed 505.07(b) and (d), and Ed 505.08 regarding Criminal History Record Check Clearance credentials

Submitted to the State Board of Education, January 26, 2021:

**A. ACTION NEEDED**

A vote is needed by the State Board of Education to approve the conditional approval response for interim rule Ed 504.12, Ed 505.07(b) and (d), and Ed 505.08 regarding Criminal History Record Check Clearance credentials.

**B. RATIONALE FOR ACTION**

These rules were conditionally approved by the Joint Legislative Committee on Administrative Rules (JLCAR) on January 15, 2021 with a request to change the readoption with amendment of Ed 505.08 to an "amend" in order to avoid the possibility of the entire table expiring before regular rulemaking is completed.

**C. EFFECTS OF THIS ACTION**

If the board votes to approve this conditional approval response it will be submitted the Office of Legislative Services (OLS) for review and confirmation and will be ready for adoption at the next board meeting scheduled for February 11, 2021.

**D. POSSIBLE MOTION**

I move that the State Board of Education approve conditional approval response for Interim Rule Ed 504.12, Ed 505.07(b) and (d), and Ed 505.08 regarding Criminal History Record Check Clearance credentials.

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE  
107 NORTH MAIN STREET, ROOM 109  
CONCORD, NEW HAMPSHIRE 03301-4951

January 15, 2021

Board of Education  
c/o Department of Education  
101 Pleasant Street  
Concord, NH 03301

Re: Conditional Approval of INT 2020-7

Dear Board Members:

At its meeting on January 15, 2021, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:19, VI, to conditionally approve Proposed Interim Rule INT 2020-7 of the Board of Education (Board) containing rule Ed 504.12, Ed 505.07(b) and (d), and Ed 505.08 relative to criminal history record check credentials. The Committee's approval was conditioned on amending INT 2020-7 so that the Table 505-1 shows only the insertion of the criminal history record check clearance and its associated fee.

Pursuant to RSA 541-A:19, VIII(b), you are required to submit a written explanation detailing how the rules have been amended in accordance with the conditional approval within 14 days of the date of conditional approval, which is January 15, 2021. In this instance, the 14<sup>th</sup> day is Friday, January 29, 2021. The explanation shall include a letter and a text of the entire Proposed Interim Rule, annotated to show the amendments.

The explanation shall be reviewed by the Office of Legislative Services to determine whether the rules have been amended in accordance with the conditional approval and RSA 541-A:19, VIII(b). If it is determined that the rules have not been amended in accordance with the conditional approval and RSA 541-A:19, VIII(b), the conditional approval will be deemed a Committee vote to make a preliminary objection as of the date of the conditional approval, and you must respond to the preliminary objection as specified in RSA 541-A:19, VIII(d).

Please be advised that you may not adopt the rules until the Office of Legislative Services sends written confirmation that your amendments are in accordance with the conditional approval and RSA 541-A:19, VIII(b).

**Adopt Ed 504.12 to read as follows:**

Ed 504.12 Criminal History Record Check Clearance.

(a) A criminal history records check clearance credential shall be required for any individual who seeks employment as a school bus driver or transportation monitor.

(b) Individuals currently employed as a school bus driver shall apply for a criminal history record check clearance no less than 60 days prior to the expiration of their current state issued driver's license.

(c) An applicant for a criminal history record check clearance credential shall submit the following:

(1) A completed "Criminal History Record Check Clearance" form, February 2021 edition;

(2) A completed department of safety "Criminal History Record Release Form" and associated fee as referenced in Appendix II;

(3) A copy of a valid government issued identification (ID) including, but not limited to:

a. A driver's license;

b. A state issued photo ID;

c. A passport; or

d. A military ID; and

(4) The applicable credentialing fee as required in Ed 505.08;

(d) An application for a criminal history records check clearance shall be considered complete upon receipt of the applicant's criminal history record.

(e) A criminal history records check clearance credential shall not be issued to any individual who, upon review by the department, is confirmed to be in violation of any of the acts enumerated in RSA 189:13-a, V.

(f) A completed application for criminal history records check clearance shall be reviewed by the department in accordance Ed 505.09(a)-(d).

(g) Board issued criminal history records check clearance credentials shall be valid for 5 years or, for new bus driver applicants, for the duration of the individual's current state issued driver's license.

(h) Renewal applications shall be submitted no less than 60 days prior to the expiration of the criminal history records check clearance credential or current driver's license, as applicable, by submission of the requirements enumerated in Ed 504.12(c).

**Amend Ed 505.07(b), effective 10-5-20 (Document #13101), by amending (b)16) and inserting a new subparagraph (b)(17), so that (b) intro., (b)(16), and (b)(17) are cited and read as follows:**

Ed 505.07 General Application Instructions.

(b) Applicants for any credential shall complete and file the appropriate form as follows:

(16) “Site-Based Licensing Plan Completer” form, January 2020, for all applicants who have completed their SBLP and are ready for full licensure as outlined in Ed 505.09(f)(17); **and**

(17) “Criminal History Record Check Clearance” form, February 2021 edition, as referenced in Ed 504.12.

**Amend Ed 505.08(c), Table 505-1 Fee Schedule, effective 10-5-20 (Document #13101), by inserting “Criminal History Record Check Clearance (5 year cycle) \$100.00”, so that Ed 505.08(c) intro. and “Criminal History Record Check Clearance (5 year cycle) \$100.00” in Table 505-1 are cited and read as follows:**

Ed 505.08 Fees.

~~(a) An application shall not be complete until all application materials, including the proper fee, have been filed with the bureau.~~

~~—(b) Payments shall be made either electronically at the time of application on the department website or by cash, money order or cashier’s check, or school employer check on behalf of applicants, made payable to “Treasurer, State of New Hampshire,” to the bureau as outlined in Ed 505.07(a).~~

(c) The required educator fees shall be in accordance with RSA 186:11,X(b), and the fee schedule set forth in Table 505-1 below, with the following fees reflecting the actual cost of the service listed:

Table 505-1 Fee Schedule

*All fees are non-refundable and include processing fee.	
<del>Approved Educator Preparation Program BEL/EEL (per endorsement)</del>	<del>\$120.00</del>
<del>Site Based Licensing Plan</del>	
<del>—Statement of Eligibility (per endorsement)</del>	<del>\$50.00</del>
<del>—Intern Authorization (per endorsement)</del>	<del>\$120.00</del>
<del>—Upgrade to BEL/EEL (per endorsement)</del>	<del>\$120.00</del>
<del>Demonstrated Competencies Portfolio/Oral Board</del>	
<del>—Materials (per endorsement)</del>	<del>\$50.00</del>
<del>—Portfolio Review/Oral Board (per endorsement)</del>	<del>\$500.00</del>
<del>—BEL/EEL (per endorsement)</del>	<del>\$120.00</del>
<del>Demonstrated Competencies National/Regional exam/licensure BEL/EEL (per endorsement)</del>	<del>\$120.00</del>
<del>Demonstrated Competencies Transcript Analysis BEL/EEL (per Administrative endorsement)</del>	<del>\$500.00</del>
<del>Demonstrated Competencies Experience under Out of State License BEL/EEL (per endorsement)</del>	<del>\$120.00</del>
<del>BEL/EEL/Master Teacher License Renewal (3 year cycle)</del>	<del>\$120.00</del>
<del>Master Teacher — National Level (per endorsement)</del>	<del>\$120.00</del>
<del>Master Teacher — NH Level (per endorsement)</del>	<del>\$800.00</del>
<del>Late Renewal Filing Fee (BEL/EEL/Master Teacher only)</del>	<del>\$50.00</del>
<del>Paraeducator I</del>	<del>\$10.00</del>
<del>Paraeducator II</del>	<del>\$10.00</del>
<del>Paraeducator I and II Renewal (3 year cycle)</del>	<del>\$10.00</del>

School Nurse I – 3 years with one time renewal	\$75.00
School Nurse II	\$0.00
School Nurse III	\$75.00
School Nurse I, II, III Renewal (3 year cycle)	\$75.00
Educational Interpreter/Transliterator	\$25.00
Educational Interpreter/Transliterator Renewal (3 year cycle)	\$25.00
<b>Criminal History Record Check Clearance (5 year cycle)</b>	<b>\$100.00</b>
Name Change	\$50.00
Credential Verification Letter	\$25.00
Emergency Authorization (per endorsement)	\$120.00
Returned check fee (RSA 6:11-a)	\$15.00 (State Treasurer's fee) \$25.00 (Bureau of Credentialing fee)

**Amend Ed 505.09(d), effective 10-5-20 (Document #13101), cited and to read as follows:**

Ed 505.09 Applicant, Employer, and Mentor Responsibilities for Timely Review and Processing by the Department.

(d) For applications outlined in Ed 505.07(b)(1)-(13) and Ed 505.07(b)(17), within 60 days of the department’s notification of receipt of a complete application in accordance with (a) and (b) above, the department shall send notification of:

- (1) Approval in the form of the digital credential for which the applicant applied;
- (2) Denial in writing that outlines the specific reasons for denial, including, but not limited to:
  - a. A department-confirmed violation of the code of conduct outlined in Ed 510.01 through Ed 510.04;
  - b. A determination that the applicant does not meet the requirements for the specified credential; or
- (3) Conditional approval which includes:
  - a. An outlines of the specific areas that the applicant needs to address in order for the bureau to continue a full review of the application;
  - b. An applicant timeline for completing the conditional approval requirements, not to exceed 120 days; and
  - c. The following statement pursuant to Ed 505.07(h):“If the conditional approval does not result in an approval and license, or the requirements outlined are not completed within the timeframe allotted, the application will be closed and the applicant shall be required to begin a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08”.

**Appendix I**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Ed 504.12	RSA 21-N:9,II(s); RSA 186:11, X(a)
Ed 505.07(b) intro. (b)(16), and (b)(17)	RSA 186:11, X(a)&(b)
Ed 505.08	RSA 186:11, X(b)
Ed 505.09(d)	RSA 186:11, X

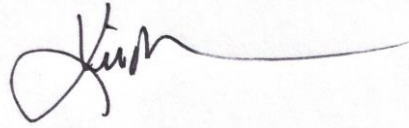
**Appendix II**

<b>Rule</b>	<b>Title</b>	<b>Obtain at</b>
Ed 504.12 (c)(2)	Criminal History Record Release Form, DSSP382, Effective 10/1/16	<a href="https://www.nh.gov/safety/divisions/nhsp/jib/crimrecords/documents/dssp382.pdf">https://www.nh.gov/safety/divisions/nhsp/jib/crimrecords/documents/dssp382.pdf</a>

Board of Education  
INT 2020-7  
January 15, 2021  
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If you have any questions concerning the provisions in RSA 541-A relative to conditional approvals, objections, responses, or adoptions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim", with a long horizontal flourish extending to the right.

Kim Reeve  
Committee Attorney

cc: Amanda Phelps, Administrative Rules Coordinator, DOE