Ed 303.01 Substantive Duties. Each school board shall:

(j) Establish a policy on sexual harassment, written in age appropriate language and published and available in written form to all those who must comply, which includes, at a minimum, the elements specified below:

(1) A statement that sexual harassment is against the law and against school district policy;

(2) A definition of sexual harassment with examples of actions that might constitute sexual harassment;

(3) The names and roles of all persons involved in implementing the procedures;

(4) A description of the process so all parties know what to expect, including time frames and deadlines for investigation and resolution of complaints;

(5) A prohibition against retaliation toward anyone involved in a complaint;

(6) A description of possible penalties including termination;

(7) A requirement that a written factual report be produced regardless of the outcome of the investigation;

(8) At least one level of appeal of the investigators recommendation; and

(9) A clear statement that someone can bypass the internal process and proceed directly to the New Hampshire commission on human rights, with address and phone number, or office of civil rights, with address and phone number; and

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90, EXPIRED 6-25-96
New. #6366, eff 10-30-96, EXPIRED: 10-30-04
New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05
New. #8583, eff 3-15-06; ss by #10649, eff 7-26-14
CHAPTER Ed 300  ADMINISTRATION OF MINIMUM STANDARDS IN PUBLIC SCHOOLS

Ed 306.04 Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

(9) Sexual harassment, as detailed in Ed 303.01(j) and (k);

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04
New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05
New. #8354, eff 7-1-05; amd by #10047, eff 12-17-11; ss by #10556, eff 3-27-14

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
354-A:7 Unlawful Discriminatory Practices. –
It shall be an unlawful discriminatory practice:

I. For an employer, because of the age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. For a labor organization, because of the age, sex, gender identity, race, color, marital status, physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, race, color, marital status, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

IV. For any employee to be required, as a condition of employment, to retire upon or before reaching a specified predetermined chronological age, or after completion of a specified number of years of service unless such employee was elected or appointed for a specified term or required to retire pursuant to Pt. II, Art. 78 of the constitution of New Hampshire. It shall not be unlawful for an employer to:
(a) Establish a normal retirement age, based on chronological age or length of service or both, which may be used to govern eligibility for and accrual of pension or other retirement benefits;
provided that such normal retirement age shall not be used to justify retirement of or failure to hire any individual; or
(b) Require any individual employee to retire on the basis of a finding that the employee can no longer meet such bona fide, reasonable standards of job performance as the employer may have established.

V. Harassment on the basis of sex constitutes unlawful sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:
(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
(c) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

VI. (a) For the purposes of this chapter, the word “sex” includes pregnancy and medical conditions which result from pregnancy.
(b) An employer shall permit a female employee to take leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. When the employee is physically able to return to work, her original job or a comparable position shall be made available to her by the employer unless business necessity makes this impossible or unreasonable.
(c) For all other employment related purposes, including receipt of benefits under fringe benefit programs, pregnancy, childbirth, and related medical conditions shall be considered temporary disabilities, and a female employee affected by pregnancy, childbirth, or related medical conditions shall be treated in the same manner as any employee affected by any other temporary disability.

VII. (a) For any employer not to make reasonable accommodations for the known physical or mental limitations of a qualified individual with a disability who is an applicant or employee, unless such employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer.
(b) For any employer to deny employment opportunities, compensation, terms, conditions, or privileges of employment to a job applicant or employee who is a qualified individual with a disability, if such denial is based on the need of such employer to make reasonable accommodation to the physical or mental impairments of the applicant or employee.

189:13 Dismissal of Teacher. — The school board may dismiss any teacher found by them to be immoral, or who has not satisfactorily maintained the competency standards established by the school district, or one who does not conform to regulations prescribed; provided, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing.

189:13-a School Employee and Designated School Volunteer Criminal History Records Check.

I. (a) The employing school administrative unit, school district, or chartered public school shall complete a criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment. A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section.

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, chartered public school, or public academy shall submit to the employer a criminal history records release form, as provided by the division of state police, which authorizes the division of state police to conduct a criminal history records check through its state records and through the Federal Bureau of Investigation and to release a report of any misdemeanors and/or felony convictions and any charges pending disposition for any crimes listed in paragraph V to the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, chartered public school, or public academy. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school
district, chartered public school, or public academy may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy the information received immediately following review of the information. If the criminal history records information indicates that the applicant has been convicted of any crime or has been charged pending disposition for or convicted of a crime listed in paragraph V, the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy any criminal history record information that indicates a criminal record within 60 days of receiving such information.

IV. The school administrative unit, school district, chartered public school, or public academy may require the selected applicant for employment or designated volunteer to pay the actual costs of the criminal history records check.

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 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 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, chartered public school, or public academy. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may deny a selected applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in addition to those listed above. The governing body of a school district, chartered public school, or public academy shall adopt a policy relative to hiring practices based on the results of the criminal history records check and report of misdemeanors and felonies received under paragraph II. Such policy may include language stating that any person who has been convicted of any misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include language stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

VI. This section shall apply to any employee, selected applicant for employment, designated volunteer, or volunteer organization which contracts with a school administrative unit, school district, chartered public school, or public academy to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district, chartered public school, or public academy. The employing school administrative unit, school district, or chartered public school shall be
responsible for completing the criminal history records check on the people identified in this paragraph. The cost for criminal history records checks for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The school administrative unit, school district, chartered public school, or public academy shall not be required to complete a criminal history records check on volunteers, provided that the governing body of a school administrative unit, school district, chartered public school, or public academy shall adopt a policy designating certain categories of volunteers as "designated volunteers" who shall be required to undergo a criminal history records check.

VIII. A school administrative unit, school district, chartered public school, public academy, or school official acting pursuant to a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, chartered public school, public academy, or school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall be deemed to grant immunity to any person for that person's reckless or wanton conduct.

IX. (a) Substitute teachers and other educational staff, not otherwise addressed in this section, shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check, as established in paragraph II, and, upon completion, shall issue a report to the applicant. The report shall be valid for 30 days from the date of issuance and shall constitute satisfactory proof of compliance with this section.

(b) Upon enrollment in an educator preparation program at an institution of higher education, a candidate shall submit to a criminal history records check. The institution of higher education in which the candidate is enrolled shall conduct the criminal history records check. Upon placement of a candidate as a student teacher, the receiving school administrative unit, school district, or chartered public school shall conduct another criminal history records check of the candidate and shall follow the same procedures for assessing the candidate's criminal history background as for applicants for employment. The governing body of the institution of higher education may adopt a policy relative to how often a candidate shall submit to a criminal history records check. In this subparagraph, "candidate" shall mean a student who is enrolled in an educator preparation program at an institution of higher education in New Hampshire.

X. Violations of this section shall be jointly investigated by the state police and the department of education. Information obtained through such investigations shall remain confidential and shall not be subject to RSA 91-A.

XI. In this section, "public academy" shall have the same meaning as in RSA 194:23, II.


189:14-a Failure to be Renominated or Reelected. –

I. (a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) School boards shall have a teacher performance evaluation policy.

(c) Any such teacher who has taught for 5 consecutive years or more in the teacher’s current school district, or who taught for 3 consecutive years or more in the teacher’s current school district before July 1, 2011, and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher’s service, but neither shall such a leave be included in the computation of a teacher’s service. Computation of a teacher’s service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher’s rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional standards certificate from the state board of education shall be entitled to all of the rights for notification and hearing in paragraphs I(b), III, and IV of this section if:

(a) The teacher has taught for 5 consecutive years or more in any school district in the state and has taught for 3 consecutive years or more in the teacher’s current school district; or

(b) Before July 1, 2011, the teacher taught for 3 consecutive years or more in any school district in the state and taught for 2 consecutive years or more in the teacher’s current school district.

III. In cases of nonrenomination or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority.

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence. Except as provided in paragraph III, the grounds for nonrenomination and nonreelection shall be determined at the sole discretion of the school board.
V. "Teacher" means any professional employee of any school district whose position requires certification as a professional engaged in teaching. The term "teacher" shall also include principals, assistant principals, librarians, and guidance counselors.


http://www.genCourt.state.nh.us/rsa/html/xv/189/189-mrg.htm
TITLE XV
EDUCATION

CHAPTER 189
SCHOOL BOARDS, SUPERINTENDENTS, TEACHERS, AND TRUANT OFFICERS; SCHOOL CENSUS

School Boards, Transportation and Instruction of Pupils

Section 189:14-d

189:14-d Termination of Employment. – Employees of a school administrative unit or school district in this state who have been convicted of homicide, an offense involving child sexual abuse images, aggravated felonious sexual assault, felonious sexual assault, or kidnapping, in this state or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall have their employment terminated by the school administrative unit or school district after it receives notice of the conviction.


189:31 Removal of Teacher. – Superintendents shall direct and supervise the work of teachers, and for cause may remove a teacher or other employee of the district. The person so removed shall continue as an employee of the district unless discharged by the local school board but may not return to the classroom or undertake to perform the duties of such person's position unless reinstated by the superintendent.


CHAPTER Ed 500  CERTIFICATION STANDARDS FOR EDUCATIONAL PERSONNEL

Statutory Authority: RSA 21-N:9,II(s); 186:8,II; 186:11,X; 189:39

PART Ed 511  INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS

REVISION NOTE:
Document #12661, effective 11-9-18, adopted some new rules, repealed some existing rules, and readopted with amendment, and often renumbered, other existing rules in Chapter Ed 500, especially in Part Ed 510 through Ed 512. The source notes in the existing rules that were readopted with amendment and renumbered, or simply renumbered, by Document #12661 indicate the former rule number.

Document #12661 adopted Ed 510.01 through Ed 510.04 in a new Part Ed 510 titled “Code of Conduct.” Document #12661 also readopted with amendment and renumbered the existing Ed 510.01 as Ed 510.05. The existing Ed 510.05, titled “Voluntary Surrender of a Document,” was repealed.

The prior filings for the former Ed 510.05 included the following documents:
#6349, effective 10-5-96, EXPIRED, 10-5-04
#8194, effective 10-26-04
#10089, effective 2-23-12

Document #12661 also adopted Ed 511.01 titled “Complaints, Cases, and Investigations” in Part Ed 511 titled “Investigations and Disciplinary Proceedings”, which was formerly numbered Part Ed 510 and titled “Proceedings.” Document #12661 readopted with amendment the existing Ed 510.02, Ed 510.03, and Ed 510.04 and renumbered them as, respectively, Ed 511.03, Ed 511.02, and Ed 511.04.

Document #12661 also readopted with amendment and renumbered the existing Ed 508.07, formerly titled “Denial of Initial Application”, as Ed 512.01 titled “Denial of Credential” in Part Ed 512 titled “Denial of Certification”. Part Ed 512 had formerly been numbered as Part Ed 511 and titled “Denial, Suspension, or Revocation for Certified Personnel.” Document #12661 renumbered, but did not readopt, the existing Part Ed 512 and Part Ed 513 as, respectively, Part Ed 513 and Part Ed 514.

Document #12661 repealed the following existing rules in Part Ed 511:
Ed 511.01  Grounds for Denial of License for Educator Certification.
Ed 511.02  Grounds for Suspension or Revocation of Educator’s Certification.
Ed 511.04  Effects of Certificate Surrender.
Ed 511.05  Investigations.
Ed 511.06  Due Process for Denial of Licensure for an Educator or Endorsement or Renewal or Reinstatement.
The prior filings for Ed 511.01 and Ed 511.02 through Ed 511.06 included the following documents:

#2055, effective 6-16-82
#2714, effective 5-16-84
#4851, effective 6-25-90, EXPIRED 6-25-96
#6822, effective 9-1-98
#7091, effective 9-4-99
#6349, effective 10-5-96
#8194, effective 10-26-04
#10089, effective 2-23-12

Ed 511.01 Complaints, Cases and Investigations.

(a) A case shall be opened when a complaint of possible misconduct against a credential holder has come to the attention of the department either through direct reporting or other means.

(b) After an initial review, if the department determines that a possible violation of the code of conduct, as specified in Ed 510.01 through 510.04, has occurred, an investigation shall be opened.

(c) Investigations into allegations of unprofessional conduct, as specified in Ed 510.01 to Ed 510.04, shall not constitute a disciplinary hearing and shall not constitute a finding of misconduct against a credential holder.

(d) Credential holders shall be notified in writing, via certified mail, that an investigation has been opened and the nature of the investigation and the status of the credential holder's credential pending the investigation.

(c) The credential holder's current superintendent shall be notified in writing by the department that an investigation has been opened, unless the notification compromises, or has the appearance of compromising, the investigation.

(f) Investigations shall be handled by the department.

(g) The department shall make every attempt to interview all people, including the credential holder, who might have information which might be relevant to the investigation.

(h) Investigations, including those based upon allegations in a complaint, shall be conducted on an ex parte basis.

(i) The department shall make every attempt to obtain any and all documentation which might be relevant to the investigation.

(j) Once the investigation is complete, the following procedures shall apply:

(1) The department shall create a report which documents the results of the investigation;

(2) If the investigation finds a credential holder in violation of a rule of the code of conduct as specified in Ed 510.01 through Ed 510.04, the department shall propose a form of discipline as follows:

   a. Suspension;
   
   b. Revocation; or
c. Reprimand; and

(3) The department shall determine the sanctions to be imposed after considering the presence of aggravating or mitigating circumstances as specified in Ed 511.01(j)(4)-(5);

(4) The following shall be considered aggravating circumstances:
   a. The seriousness of the offense;
   b. The credential holder's prior disciplinary record;
   c. The credential holder's lack of willingness to cooperate with the department during an investigation;
   d. Potential harm to public health and safety; and
   e. The purpose of the rule violated;

(5) The following shall be considered mitigating circumstances:
   a. Absence of a prior disciplinary record;
   b. The credential holder's willingness to cooperate with the department during an investigation;
   c. The credential holder's acknowledgment of his or her wrongdoing; and
   d. The purpose of the rule or statute violated;

(6) The credential holder shall be notified in writing of any proposed discipline;

(7) If no disciplinary sanction is proposed, the department shall notify the credential holder in writing that the investigation is closed.

(k) Investigatory reports and all information gathered during the course of an investigation shall be confidential, with the following exceptions:

(1) The report shall be made available to the parties in any adjudicatory proceedings resulting therefrom; and

(2) If further disciplinary proceedings are to be conducted as a result of the investigation, the department shall provide information gathered in the disciplinary investigation to the following:
   a. A law enforcement agency when the agency is conducting a criminal investigation of the credential holder;
   b. A certifying agency of another jurisdiction for:
      1. Purposes of certification of the credential holder in the other jurisdiction; or
      2. An investigation of the credential holder by the other jurisdiction when:
         (i) The credential holder was the subject of a formal investigation under Ed 511; or
         (ii) Disciplinary action was taken against the credential holder by the board pursuant to Ed 511;
c. Other states' licensing board investigators or prosecutors; and

d. Expert witnesses or assistants retained by a prosecutor or investigator in the
same related disciplinary matters.

Source. #12666, eff 11-9-18 (See Revision Note at part heading for Ed 511)

Ed 511.02 Reprimand, Suspension, or Revocation.

(a) If the department determines that a credential holder has violated the code of conduct
as specified in Ed 510.01 through Ed 510.04, and the credential holder agrees to the
proposed disciplinary finding, the credential holder shall agree to a reprimand, suspension,
or revocation.

(b) All reprimands, suspensions, or revocations shall be documented in writing, and shall
set out the terms of the discipline. The credential holder shall receive a copy of the
discipline in writing and a copy shall be placed in the credential holder's electronic
credentialing file at the department once it is signed by all required parties, to include the
credential holder.

(c) Any credential holder whose credential is revoked or who voluntarily agrees to a
revocation shall be prohibited from applying or reapplying for any other credential issued
by the New Hampshire state board of education.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96
New. #6349, eff 10-5-96; ss by #6822, eff 9-1-98; ss by #8194, eff 10-26-04; ss by #10089, eff 2-
23-12

Ed 511.03 Disciplinary Hearings.

(a) If a credential holder does not agree with the proposed disciplinary finding as a result
of an investigation as specified in Ed 511.01, a credential holder may request an
adjudicatory hearing which shall commence pursuant to Ed 200 after the following:

(1) Completion of an informal or formal investigation; and

(2) Filing of a written report and recommendation pursuant to Ed 511.01(j).

(b) The provisions of Ed 200 shall apply to all disciplinary hearings and such hearings shall
commence not more than 15 days after the disciplinary finding.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96
New. #6349, eff 10-5-96
New. #8194, eff 10-26-04; ss by #10089, eff 2-23-12; ss and renumbered by #12661, eff 11-9-18
(formerly Ed 510.02) (See Revision Note at part heading for Ed 511)
Ed 511.04 **Status of a Credential Pending Completion of Disciplinary Proceeding.**

(a) When the department receives information indicating that a credential holder has been arrested for one of the offenses enumerated in RSA 189:13-a, V, the credential holder's credential and any and all endorsements shall be immediately suspended pursuant to RSA 541-A:30, III.

(b) The department shall notify the credential holder and the employing school district that the credential holder's credential has been suspended pending an investigation by the department.

(c) In accordance with RSA 541-A:30, III, unless waived, an adjudicatory hearing shall commence within 10 working days after the suspension of the credential. Such hearings shall be governed by the process set forth in Ed 200.

**Source.** #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96
New. #6349, eff 10-5-96, EXPIRED: 10-5-04
New. #8194, eff 10-26-04; ss by #10089, eff 2-23-12; ss and renumbered by #12661, eff 11-9-18
(See Revision Note at part heading for Ed 511)

Ed 511.05 **Grounds for Reinstatement After Suspension.**

(a) A credential which has been suspended shall be reinstated for one of the following reasons:

(1) The period of the suspension has passed and any and all terms and conditions regarding possible reinstatement have been satisfied; and

(2) A credential holder whose credential has been suspended demonstrates by clear and convincing evidence that he or she has corrected the deficiencies or conduct which led to the original suspension.

(b) Upon reinstatement, the department may issue a credential which is limited in time, level, or scope, or subject to other terms as the department deems necessary, to include a reinstatement fee. If the credential is so limited, then the credential holder may appeal that decision using the process specified in Ed 200.

**Source.** #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96
New. #6349, eff 10-5-96, EXPIRED: 10-5-04
New. #8194, eff 10-26-04; ss by #10089, eff 2-23-12; ss and renumbered by #12661, eff 11-9-18 (See Revision Note at part heading for Ed 511)

**PART Ed 512 DENIAL OF CERTIFICATION**

**REVISION NOTE:**

Document #12661, effective 11-9-18, adopted some new rules, repealed some existing rules, and readopted with amendment, and often renumbered, other existing rules in Chapter Ed 500, especially in Part Ed 510 through Part Ed 512. The source notes in the existing rules that were readopted with amendment and renumbered, or simply renumbered, by Document
Ed 512.01 Denial of Credential.

(a) A credential application shall be denied by the board based on the following grounds:

1. Failure to meet the conditions for issuance of the license, endorsement, renewal, or reinstatement;

2. The applicant has been charged pending disposition for, or convicted of any violation or attempted violation of any of the crimes enumerated in RSA 189:13-a, or has been convicted of any felony in any other state, territory, or country;

[NOTE – THERE IS NO #3 IN THE DOE FILE]

4. The applicant is under investigation for, under suspension for, or has been revoked for a violation of the principles of professional conduct enumerated in Ed 510.01 through Ed 510.04; or

5. The applicant is under investigation, under suspension, or has been revoked in any other state, jurisdiction, territory, or country.

(b) An applicant aggrieved by the decision of the bureau to deny an application may file a petition for reconsideration along with supporting documentation to the director within 20 days after receipt of the denial decision. If the petition for reconsideration is denied, the applicant may appeal the director's decision pursuant to RSA 21-N:11, III, and Ed 200.

Source. #6349, eff 10-5-96, EXPIRED: 10-5-04
New. #8229, eff 12-17-04; ss by #10362, eff 6-15-13; ss and renumbered by #12661, eff 11-9-18 (formerly Ed 508.07) (See Revision Note at part heading for Ed 512)
Concord School District Policy #431
Professional Expectations

A high standard of professional attitude and work is required by the School Board. All employees of the District are expected to maintain high standards in their conduct both on and off duty. District employees are responsible for providing leadership in the school and community. This responsibility requires the employee to maintain standards of exemplary conduct. To these ends, the Board adopts the following statements of standards. District employees will:

- Ensure the well-being of students is the primary consideration when making decisions and taking actions.
- Maintain just, courteous, and proper relationships with students, parents, staff members and others.
- Fulfill their job responsibilities with honesty and integrity.
- Direct any criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.
- Obey all local, state and national laws.
- Implement the Board’s policies, administrative rules and regulations.
- Avoid using position for personal gain through political, social, religious, economic or other influence.
- Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
- Honor all contracts until fulfillment or release.
- Maintain all privacy and confidentiality standards as required by law.
- Exhibit professional conduct both on and off duty.

Employees are put on notice that this list is not intended to be exhaustive or complete. Employees who fail to abide by the terms of this policy may be non-renewed and/or face discipline up to and including termination. Any action taken regarding an employee’s employment with the District will be consistent with all rules, laws and collective bargaining agreements, if applicable.

Legal References:
RSA 189:13, Dismissal of Teacher
RSA 189:14-a, Failure to Be Renominated or Re-elected
RSA 189:14-d, Termination of Employment
RSA 189:31, Removal of Teacher
NH Code of Administrative Rules, Section Ed 511, Denial, Suspension or Revocation of Certified Personnel

Corresponds to NHSBA Policy GBEA
Category: Recommended

All employees of the District are expected to maintain high standards in their conduct both on and off duty. District employees are responsible for providing leadership in the school and community. This responsibility requires the employee to maintain standards of exemplary conduct. To these ends, the Board adopts the following statements of standards. District employees will:

- Make the wellbeing of students the fundamental value of all decision-making and actions.
- Maintain just, courteous, and proper relationships with students, parents, staff members, and others.
- Fulfill their job responsibilities with honesty and integrity.
- Direct any criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.
- Obey all local, state, and national laws.
- Implement the School Board’s policies, administrative rules and regulations.
- Avoid using position for personal gain through political, social, religious, economic, or other influence.
- Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
- Honor all contracts until fulfillment or release.
- Maintain all privacy and confidentiality standards as required by law.
- Exhibit professional conduct both on and off duty.

Employees are put on notice that this list is not intended to be exhaustive or complete. Employees who fail to abide by the terms of this policy may be non-renewed and/or face discipline up to and including termination. Any action taken regarding an employee’s employment with the District will be consistent with all rules, laws, and collective bargaining agreements, if applicable.

Legal References:

RSA 189:13, Dismissal of Teacher
RSA 189:14-a, Failure to Be Renominated or Re-elected
RSA 189:14-d, Termination of Employment
RSA 189:31, Removal of Teacher
NH Code of Administrative Rules, Section Ed 511, Denial, Suspension or Revocation of Certified Personnel

Copyright © 2008, New Hampshire School Boards Association. All rights reserved.
NHBSA sample policies are distributed for resource purposes only, intended for use only by members of NHBSA Policy Services. Contents do not necessarily represent NHBSA legal advice or service, and are not intended for exact publication.
GBEB - STAFF CONDUCT

Category R

All employees have the responsibility to make themselves familiar with, and abide by, the laws of the State of New Hampshire as they affect their work, the policies and decisions of the Board, and the administrative regulations designed to implement them.

All employees shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversight of students and contribute to the education and development of the District's students.

All Employees shall obey the rules and decisions of their supervisors.

New Policy:  August 2006

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.
Concord School District Policy #462

Background Investigation and Criminal Records Checks

Background Investigation

The Superintendent will conduct a thorough investigation into the past employment history, criminal background check, and other applicable background, of any person considered for employment with the School District. This investigation shall be completed while the employee begins their work on a conditional basis, prior to making a final offer of employment.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime, and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Criminal Records Check

Each person considered for employment by the School Board whose duties require regular contact with pupils must submit to a State and FBI criminal records check.

“Persons regularly in contact with students” means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a criminal records check.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI criminal records check.

Volunteers

Designated Volunteers are subject to a background investigation/criminal records check and the provisions of this policy. “Designated Volunteers” are defined and so designated pursuant to Policy #890. Volunteers not categorized as “Designated Volunteers” per Policy #890 will not be subject to a background investigation or criminal records check.

Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI criminal records check.
No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal State and FBI criminal records check process and has completed a background investigation.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a criminal records check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this policy.

**Final Offer of Employment**

A person who has been extended a conditional offer of employment or conditional approval to work within the District as a contractor or employee of a contractor may be extended a final offer of employment or final approval upon the completion of a criminal history records check and a background check which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has charges pending or has been convicted of any crime listed in RSA 189:13-a, V; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed as disqualifying in pertinent and applicable law, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any crime, either a misdemeanor or felony, provided the basis for disqualifying the candidate is job related for the position in question and is consistent with business necessity. Such determination will be made by the Superintendent in accordance with the established protocol and on a case-by-case basis. If the Superintendent chooses to nominate an applicant who has a history of conviction of a crime or with pending charges for a position that must be approved by the Board, the Board shall be informed of that history in non-public session.

The Superintendent, or designee, will transmit each applicant’s Criminal Record Release Authorization Form and, where inked cards are used, the applicant’s fingerprint cards to the State Police. The State Police will then conduct the criminal history records check and will provide the Superintendent with the applicant’s criminal history record or confirmation that the individual does not have a record of being charged with or convicted of a crime. In accordance with RSA 189:13-a, III, only the Superintendent will review the criminal history record received from the State Police and shall destroy that document as required by law.

When the District receives a notification of an employee, contractor, contractor’s employee, or volunteer being charged with or convicted of a disqualifying offense under RSA 189:13-a, the Superintendent’s protocol, or other crime which is evidence of the individual’s unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave,
if not subject to and immediately discharged. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment agreement or contract, to address the individual's ongoing relationship with the District.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

**Additional Criminal Records Checks**

The Board may require a criminal records check of any employee at any time.

**Legal Reference:**
RSA 189:13-a, School Employee and Volunteer Background Investigations

Corresponds to NHSBA policy GBCD. See also Appendix GBCD-R: Technical Advisory, School Employee Background Investigation, including a Criminal History Records Check, N.H. Department of Education
Concord School District Policy #463
Employment References and Verification
(Prohibiting Aiding and Abetting of Sexual Abuse)

The School District shall act in good faith when providing employment references and verification of employment for current and former employees.

The District and its employees, contractors and agents are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor or agent in obtaining a new position or other employment if he/she or the District has knowledge or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;
2. The information giving rise to probable cause has been reported to any other authority as required by local, state or federal law (for instance, New Hampshire Division of Children, Youth and Families “DCYF”), and
3. At least one of the following conditions applies:
   a. The matter has been officially closed;
   b. District officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
   c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
   d. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Legal References:
20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act I

Adopted on December 3, 2018
Corresponds to NHSBA Policy GADA
The District shall act in good faith when providing employment references and verification of employment for current and former employees.

The School District, and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new position or other employment if he/she or the District has knowledge of, or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;

2. The information giving rise to probably cause has been reported to any other authorities as required by local, state or federal law (for instance New Hampshire Division of Children, Youth and Families "DCYF"), and

3. At least one of the following conditions applies:
   a. The matter has been officially closed;
   b. The District officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
   c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
   d. the case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Current policy/version adoption:
First reading: 
Second reading/adopted: 
Previous District revision history:

Legal References:
20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject.
When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

**NHSBA history:** New policy, September 2018

**NHSBA policy note, September 2018:** This sample policy fulfills the requirements of §8546(a) Every Student Succeeds Act ("ESSA"), which re-authorized and amended the Elementary and Secondary Education Act ("ESEA"). That section is intended to decrease the risk that persons who have engaged in sexual misconduct while employed at one school are able to obtain employment at another school, without the second school ever learning of the prior misconduct. The law does not prohibit transmission of administrative or personnel files, but school employees, agents, etc. are prohibited from taking any other act which assists the employee in obtaining new employment. The prohibition in the statute and the policy is not limited to future employment with schools.

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.