

Rep. Lynn, Rock. 17
Rep. Kuttab, Rock. 17
March 27, 2024
2024-1361h
11/08

Floor Amendment to HB 1353

1 Amend the title of the bill by replacing it with the following:

2

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

5

6 Amend the bill by replacing section 1 with the following:

7

8 1 New Section; Hearings Officers; Subpoenas. Amend RSA 21-N by inserting after section 14
9 the following new section:

10 21-N:15 Hearings. Hearing officers appointed by the department of education shall have the
11 power to hold hearings and make inquiries as they deem necessary to carry out their functions and
12 exercise their powers under the provisions of this chapter.

13 I. For the purpose of such hearings and inquiries, hearing officers may issue subpoenas for
14 the attendance of witnesses or the production of evidence whenever the administrative authority
15 responsible for initiating disciplinary proceedings has reason to believe that a violation of the code of
16 conduct for New Hampshire educators has occurred, as set forth in the administrative rules.
17 Subpoenas shall be issued in accordance with the following conditions:

18 (a) The investigation must pertain to a certified educator and the individual must be
19 under investigation in accordance with the administrative rules;

20 (b) Subpoenas shall be relevant to a code of conduct violation, as set forth in the
21 administrative rules;

22 (c) Subpoenas for persons shall be served in accordance with RSA 516:1 and not require
23 compliance within the first 4 days after receipt of service;

24 (d) Subpoenas for documents, tangible objects, and other items shall not require
25 compliance within the first 14 days after receipt of service;

26 (e) Service shall be made on licensees and certified individuals by certified mail to the
27 address on file with the department or by hand, and shall not entitle the person to witness or
28 mileage fees;

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

Floor Amendment to HB 1353

- Page 2 -

1 (g) In any adjudicatory proceeding resulting from a code of conduct violation, a hearing
2 officer shall also issue subpoenas on behalf of a certified educator at their request, as relevant to a
3 code of conduct violation. Any costs incurred in issuing a subpoena shall be the responsibility of the
4 party requesting the subpoena, unless otherwise determined by the hearing officer.

5 (h) The person to whom the subpoena is directed may file a motion to quash or modify
6 the subpoena with the hearings officer within 10 days after service of the subpoena. Upon
7 consideration of such motion and any response submitted by the department not later than 10 days
8 thereafter, the hearing officer shall promptly rule upon the same with or without a hearing as the
9 hearings officer determines appropriate. If as a result of said ruling any part or all of the subpoena
10 remains enforceable, the hearings officer shall determine the time within which compliance with the
11 subpoena must occur.

12 (i) Any evidence collected pursuant to the subpoena shall be made available to both
13 parties in any adjudicatory proceedings resulting therefrom.

Floor Amendment to HB 1353
- Page 3 -

2024-1361h

AMENDED ANALYSIS

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