

HB 1353 - AS INTRODUCED

2024 SESSION

24-2231

12/05

HOUSE BILL

**1353**

AN ACT                   relative to authorizing the commissioner of the department of education to issue subpoenas.

SPONSORS:           Rep. Lynn, Rock. 17; Rep. Kuttub, Rock. 17; Rep. B. Boyd, Hills. 12

COMMITTEE:       Judiciary

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ANALYSIS

This bill authorizes the commissioner of the department of education to issue subpoenas.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT                      relative to authorizing the commissioner of the department of education to issue subpoenas.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Paragraphs; Commissioner; Issuance of Subpoenas. Amend RSA 21-N:4 by inserting  
2 after paragraph XII the following new paragraph:

3            XIII.(a) Issuing subpoenas for persons and for the production of documents, tangible objects,  
4 and other items and things whenever the commissioner has reason to believe that a violation of the  
5 code of conduct for New Hampshire educators, as established by RSA 21-N:9, II(cc)(1), has occurred  
6 relative to:

7                            (1) Any alleged sexual assault involving licensed educators and students.

8                            (2) Any alleged physical assault involving licensed educators and students.

9                            (3) Any alleged act of endangerment or cruelty involving licensed educators and  
10 students.

11                           (4) Any alleged violation of RSA 189:13-a, V, which would prohibit employment;

12                           (5) Any alleged possession of a controlled drug or alcohol by a licensed educator  
13 within the school setting as defined by RSA 193-D.

14                           (6) Any alleged impairment due to controlled drug or alcohol intoxication by a  
15 licensed educator within the school setting as defined by RSA 193-D.

16                           (7) Any alleged violation of RSA 126-U relative to restraint or seclusion by a licensed  
17 educator.

18                           (8) Any alleged failure of any person to notify the department of education, bureau of  
19 credentialing, of prior criminal convictions, education license suspensions, or revocations at the time  
20 of license application, or the renewal of a valid New Hampshire educator license.

21                           (9) Any alleged failure to provide appropriate supervision pursuant to local school  
22 district policy by a licensed educator.

23                           (10) Any allegation related to furnishing alcohol or illegal controlled drugs to any  
24 student by a licensed educator in any circumstance.

25                           (11) Any alleged solicitation or participation of a licensed educator in any romantic  
26 or sexual relationship between a licensed educator and any student regardless of consent (RSA 632-  
27 A:2 and RSA 632-A:3) including within 10 months after graduation or departure of the student from  
28 school.

29                           (12) Any alleged failure of a licensed educator to report suspected abuse or neglect  
30 under RSA 169-C:29.

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(b) Subpoenas shall be in accordance with the following conditions:

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

(2) Subpoenas for persons shall be served in accordance with RSA 516:1 and not require compliance in less than 5 days after receipt of service;

(3) Subpoenas for documents, tangible objects, and other items and things shall not require compliance in less than 15 days after receipt of service;

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

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

2 New Paragraph; Governmental Records; Exempt from Access. Amend RSA 91-A:5 by inserting after paragraph XIII the following new paragraph:

XIV. Records from investigations related to the code of conduct for licensed or certified educational personnel, and board or hearing officer records from adjudicatory proceedings involving the credential holder when such adjudicatory proceeding is not open to the public, as established by RSA 21-N:9, II(cc)(1).

3 Effective Date. This act shall take effect 60 days after its passage.