

NHTI Fingerprint and Background Check Policy for Education Program Candidates

NHTI-Concord's Community College has a legal and ethical responsibility to ensure all that candidates from our Education programs which include fieldwork placements in K-12 schools are safe to be around children. Therefore, students enrolled in *NHTI-Concord's Community College* educator programs and courses must meet the state of New Hampshire and *NHTI* criminal background and fingerprint check policy pursuant to RSA 189:13-a¹.

All students enrolled in education courses or programs that have a fieldwork placement component must submit to a criminal history records check via a fingerprint check as a requirement of the course/program. Results of each individual criminal background check will be reviewed by the administration and subjected to the parameters of *NHTI-Concord's Community College* criminal background check policy as set forth below.

The students will be automatically disqualified from the course/program if he or she has been convicted of, or has been arrested for and is awaiting trial, for any of the crimes enumerated in Section V of RSA 189:13-a,² which are provided below:

- *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*
- *RSA 633:1—Kidnapping*
- *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*

¹ Additional information about RSA 189:13-a and the obligations that it places upon school administrative units, districts and charter schools can be found at the end of this policy.

² The list of offenses in Section V is also applicable for a “reasonably equivalent offense” from an out-of-state jurisdiction. The term “reasonably equivalent offense” means that the evidence required to sustain a conviction under the out-of-state jurisdiction’s statute would necessarily sustain a conviction under New Hampshire law.

- *RSA 650:2—Obscene Matter Offenses*

The students will also be automatically disqualified if he or she has been convicted of any felony level offense. Students will also be automatically disqualified for misdemeanor convictions of any of the following types of offenses: sex offenses, sex assault, weapons violations, child abuse, domestic violence, or possession with intent to distribute.

Other misdemeanor convictions will be assessed on a case-by-case basis and considerations that will be taken into account are as follows:

- The nature of the arrest compared to the nature of the conviction (i.e. was the conviction a result of a plea deal);
- Age of the conviction;
- Age of student at time of the offense;
- Number of offenses;
- Patterns of offenses;
- The relationship the conviction has to the duties and responsibilities of the placement;
- Whether the student disclosed the conviction during the application process;
- Any other consideration(s) deemed relevant to effectuate the purpose of this policy.

Students who have convictions other than those offenses which are automatic disqualifiers as listed above, will be notified of a meeting with the NHTI Criminal Background Check Committee to determine if they are eligible to continue in the course/program. The Committee will consist of the Director of Educator Preparation and at least two other faculty or staff of the college. The student will be expected to bring forward any and all relevant information concerning the conviction at the meeting with the Committee.

If, after the meeting with the candidate and a review of the candidate's criminal record, the Committee determines by majority vote that a candidate is ineligible for a field placement program, the candidate will be notified in a written decision providing the reasons for the Committee's determination. The candidate will then have seven (7) days upon receiving the determination to file a written appeal seeking reconsideration of the determination. In his or her appeal, the candidate shall state, with particularity, information that the Committee has overlooked or misapprehended and shall contain such argument in support of reconsideration that the candidate desires to present.

The appeal will be heard by the Committee within 20 days of receiving the candidate's written appeal. Appeal decisions will be made by a majority vote of the committee. The appeal decision will be provided to the candidate in writing within seven (7) days of the hearing.

Students shall promptly report any arrest to the Director of Educator Preparation. Students who have successfully passed the criminal background check and are enrolled in *NHTI-Concord's Community College* educator programs and courses shall annually, no later than

August 1st, submit an affidavit stating that they have not been arrested or otherwise charged with or convicted of any criminal offense since completing the background check. Failure to promptly report an arrest or to submit a truthful affidavit shall be grounds for dismissal from an educator program or course. The college reserves the right to request an updated criminal background request be completed by any student enrolled in *NHTI-Concord's Community College* educator programs and courses.

*RSA 189:13-a requires school administrative units (SAUs), school districts and charter schools to complete a criminal history record check upon student interns and student teachers regardless of when the candidate last completed a criminal history records check. RSA 189:13-a also requires SAUs, school districts and charter schools to conduct a criminal history record check for anyone seeking employment within that district or charter school. Pursuant to RSA 189:13-a, each SAU, school district and charter school can create their own respective policies. Therefore, candidates should be aware that acceptance into an educator preparation program does not guarantee placement or employment within an SAU, school district or charter school. Individual SAUs, school districts and charter school can also require candidates to undergo a separate criminal history background check.