

Clarification on Conducting Fingerprinting During the COVID-19 pandemic (Emergency Order #18 Pursuant to Executive Order 2020-04)

Last Friday, March 27, 2020, the Governor issued Emergency Order #18, pertaining to individuals who need to obtain a criminal history records check during the COVID-19 pandemic.

By way of brief, relevant background, in the field of education, the criminal history record check is part of the employment process, rather than the credentialing process. The process for conducting the criminal history record check is governed by RSA 189:13-a.

This statutory provision can be found in its entirety at:

<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-13-a.htm>

Emergency Order #18 allows for individuals to have the New Hampshire criminal records check conducted now and to defer the federal portion of the criminal history records check, through the Federal Bureau of Investigations, until the State of Emergency Order is lifted.

However, there is a public safety exception to this Emergency Order provision. Specifically, the Emergency Order states that “on a case-by-case basis” a state agency or political subdivision may request that the Department of Safety conduct a criminal history records check when it is necessary “to ensure [the] protection of the public.”

Ultimately, individual SAUs and school districts will have to determine if they want to utilize this public safety exception to have newly hired school employees undergo both the New Hampshire and the federal criminal history records check at this time.

The Department of Education recommends, that—even in this environment of remote instruction—all newly hired school employees or designated volunteers should have a complete (New Hampshire state and federal) criminal history records check completed before being allowed any access to children. Please note that if a prospective employee obtains fingerprints from an authorized source, such as the local police department, the Department of Safety will still process federal background checks and the agency will not need to make a request pursuant to Executive Order 18, ¶2.

April 7, 2020.