

b. Where the state board determines that the nature or circumstances of the conduct so detract from the educator's professional standing as to render him/her unfit or unqualified for licensure based on the educator's inability to perform assigned duties; and

c. Where there is a nexus between the off duty misconduct or unprofessional conduct of the educator and the educator's ability to carry out assigned duties;

Educator misconduct under NH. ED 510.02- NH Code of Conduct for Educators includes:

Discrimination against a student as specified in RSA 354-A:1;

Failure to provide appropriate supervision of students, pursuant to local school district policy adopted as specified in Ed 306.04, at school or school-sponsored activities or the failure to ensure the safety and well-being of students;

Furnishing alcohol or illegal or unauthorized drugs to any students, or allowing or encouraging a student to consume alcohol or illegal or unauthorized drugs;

Committing any of the following acts to any minor, or any student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), including, but not limited to: a.) Abuse, including, but not limited to physical and emotional abuse; b.) Cruelty or any act of endangerment; c.) Any sexual act with or from any student; and d.) Harassment as defined by state or federal law or regulations;

Soliciting or encouraging participation in a romantic or sexual relationship, whether written, verbal, or physical, with a student the credential holder knows or should know is a student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1);

Soliciting a student, or a former student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), to engage in any illegal activity.

Legal References:

RSA 169-C:29-31 Persons Required to Report, RSA 169-C:3 Definitions

Ed 510.02 NH Code of Conduct for Educators

Ed 510.01 Duty to Report

RSA 169-C:30 Nature and Content of Report

RSA 169-C:31 Immunity From Liability

RSA 189:72 Child Abuse or Neglect Information

www.dhhs.state.nh.us/dcyf

www.education.nh.gov/certification

R/Bd. Approved: 03/25/2002

Board Approved: 05/28/2019 [Replaces POPPS 4400]