

Bill as Introduced

HB 375 - AS INTRODUCED

2011 SESSION

11-0427
04/05

HOUSE BILL **375**

AN ACT relative to immunity for school personnel using necessary force to protect pupils.

SPONSORS: Rep. D. McGuire, Merr 8; Rep. Oigny, Rock 8; Rep. Sorg, Graf 3; Rep. Gidge, Hills 24

COMMITTEE: Judiciary

ANALYSIS

This bill provides civil and criminal immunity for good faith acts or omissions performed by teachers or persons otherwise entrusted with the care or supervision of a pupil.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Eleven

AN ACT relative to immunity for school personnel using necessary force to protect pupils.

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

1 1 Physical Force by Persons with Special Responsibilities. Amend RSA 627:6, II to read as
2 follows:

3 II.(a) A teacher or person otherwise entrusted with the care or supervision of a ~~[minor for~~
4 ~~special purposes]~~ **pupil** is justified on ~~[the premises]~~ **school grounds** in using necessary force
5 against any such ~~[minor]~~ **pupil**, when the ~~[minor]~~ **pupil** creates a disturbance, or refuses to leave
6 the premises, or when it is necessary for the maintenance of discipline. ***A teacher or person***
7 ***otherwise entrusted with the care or supervision of a pupil shall be immune from any civil***
8 ***or criminal liability for any act or omission performed in good faith and in accordance***
9 ***with this paragraph.***

10 (b) In a child care program licensed or exempt from licensure under RSA 170-E,
11 necessary force shall be limited to the minimum physical contact necessary to protect the child, other
12 children present, the staff, or the general public from harm.

13 2 Effective Date. This act shall take effect August 1, 2011.

HB 375 - AS AMENDED BY THE HOUSE

23Feb2011... 0157h

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HOUSE BILL

375

AN ACT

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2 follows:

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4 ~~special purposes~~] *pupil* is justified [~~on the premises~~] **during the care and supervision of the**
5 **pupil** in using [~~necessary~~] **reasonable** force against any such [~~minor~~] **pupil**, when the [~~minor~~]
6 **pupil** creates a disturbance, or refuses to leave the premises, or when it is necessary for the
7 maintenance of discipline. ***A teacher or person otherwise entrusted with the care or***
8 ***supervision of a pupil shall be immune from any civil or criminal liability for any act or***
9 ***omission performed in good faith and in accordance with this paragraph.***

10 (b) In a child care program licensed or exempt from licensure under RSA 170-E,
11 necessary force shall be limited to the minimum physical contact necessary to protect the child, other
12 children present, the staff, or the general public from harm.

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Amendments

Rep. Giuda, Merr. 7
February 1, 2011
2011-0157h
04/05

Amendment to HB 375

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

2

3 AN ACT relative to immunity for school personnel using reasonable force to protect pupils.

4

5 Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

6

7 II.(a) A teacher or person otherwise entrusted with the care or supervision of a ~~[minor for~~
8 ~~special purposes]~~ *pupil* is justified ~~[on the premises]~~ *during the care and supervision of the*
9 *pupil* in using ~~[necessary]~~ *reasonable* force against any such ~~[minor]~~ *pupil*, when the ~~[minor]~~
10 *pupil* creates a disturbance, or refuses to leave the premises, or when it is necessary for the
11 maintenance of discipline. *A teacher or person otherwise entrusted with the care or*
12 *supervision of a pupil shall be immune from any civil or criminal liability for any act or*
13 *omission performed in good faith and in accordance with this paragraph.*

Amendment to HB 375

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

2

3 AN ACT relative to immunity for school personnel using reasonable force to protect a minor
4 for special purposes or pupil.
5

6 Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

7

8 II.(a) A teacher or person otherwise entrusted with the care or supervision of a minor for
9 special purposes *or pupil* is justified [~~on the premises~~] *during the care and supervision of the*
10 *minor or pupil* in using [necessary] *reasonable* force against any such minor *or pupil*, when the
11 minor *or pupil* creates a disturbance, or refuses to leave the premises, or when it is necessary for
12 the maintenance of discipline. *A teacher or person otherwise entrusted with the care or*
13 *supervision of such minor or pupil shall be immune from any civil or criminal liability for*
14 *any act or omission performed in good faith and in accordance with this paragraph.*



2011-1128h

AMENDED ANALYSIS

This bill provides civil and criminal immunity for good faith acts or omissions performed by teachers or persons otherwise entrusted with the care or supervision of a minor for special purposes or pupil.

Committee Minutes



STATE OF NEW HAMPSHIRE


HOUSE OF REPRESENTATIVES

HB 375

Office of the Speaker

MEMORANDUM

TO: Karen O. Wadsworth
House Clerk

FROM: William L. O'Brien
Speaker of the House 

DATE: March 22, 2011

RE: Temporary Committee Assignments

Please be advised of the following temporary appointments to the Education Committee for today, March 22, 2011:

Rep. Seth Cohn to replace Rep. Gregory Hill
Rep. Alfred P. Baldasaro to replace Rep. Jeffrey L. St. Cyr
Rep. Peter L. Silva to replace Rep. Laura Jones

WLO/sg

cc: House Majority Leader David J. Bettencourt
House Democratic Leader Terie Norelli
Rep. Michael A. Balboni, Education Committee Chair
Rep. Seth Cohn
Rep. Alfred P. Baldasaro
Rep. Peter L. Silva

...

...

Messenger

Rep. Michael Balboni, chair
Education
LOB, Room 207

...

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 375

BILL TITLE: relative to immunity for school personnel using necessary force to protect pupils.

DATE: February 1, 2011

LOB ROOM: 208 **Time Public Hearing Called to Order:** 1:30 pm

Time Adjourned: 2:50 pm

(please circle if present)

Committee Members: Rep. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous.

Bill Sponsors: Rep. D. McGuire, Merr 8, Rep. Oligny, Rock 8, Rep. Sorg, Graf 3; Rep. Gidge, Hills 24

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Dan McGuire, sponsor introduced the bill.

Former Rep. Maureen Mooney filed similar bill years back. Teachers are allowed to discipline pupils on school property. As it stands, "necessary force", what is "necessary?" This bill would add "as long as force is performed in good faith," gives them immunity. Gives teachers more freedom to control their classroom.

***Rep. Sorg**, - supports

Presents letter from former Rep. Maureen Mooney.

Rep. Ken Gidge and *Ms. LeGuerette - supports

Laws already exist, but they don't really exist. If a teacher breaks up a fight, they can be sued. If a teacher walks away from a problem, they are guilty. Empowers the students to make false claims.

Mark Joyce, New Hampshire School Administrators Association - supports

He believes this is rational, safe and orderly school atmosphere. He would add to Line 4 "or on school sponsored activities taking place on after school grounds."

Bonnie Dunham, Merrimack, NH - opposes

Sees children in a more positive way than hat Ms LeGuerette wrote about. Thinks that children are in school to learn and a more positive way of discipline would be better.

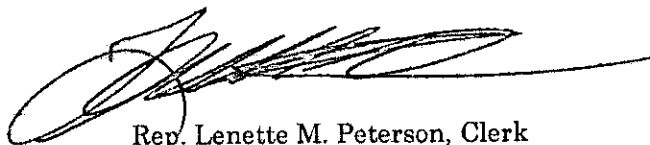
***Richard Cohen**, Disabilities Rights Center - opposes

The bill is unnecessary. Teachers have enough guidelines for discipline. Administrators are handcuffing teachers, not the law. "Good faith" opens the door for bully teachers.

Cynthia Herman, Child and Family Services – opposes
Supports statements of Bonnie Dunham and Dick Cohen.

Robert LaLancette, representing self and teacher of Nashua
Gave personal testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lenette M. Peterson", with a long horizontal flourish extending to the right.

Rep. Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 375

BILL TITLE: relative to immunity for school personnel using necessary force to protect pupils.

DATE: February 4, 2011

LOB ROOM: 208

Time Public Hearing Called to Order: 1:30 pm

Time Adjourned: 2:58 pm

(please circle if present)

Committee Members: Rep. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous

Bill Sponsors: Rep. D. McGuire, Merr 8; Rep. Oligny, Rock 8, Rep. Sorg, Graf 3; Rep. Gidge, Hills 24

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep McGuire - filed by Rep. Maureen Mooney yrs. back. Teachers are allowed to discipline pupils on school property. As it stands, "necessary force", what is necessary. This Bill would add "as long as force is performed in good faith", give them immunity. Gives teachers more freedom to control their classroom.

* Rep. Sorg - (support) letter from ^{Rep.} Maureen Mooney

Respectfully Submitted,

Rep. Lenette M. Peterson, Clerk

* Rep. Ken Gidge + Ms. Le Guerette (supports) laws exist already, but they don't really exist. If a teacher breaks up a fight, they can be sued. If a teacher walks away from a problem, they are guilty. Empowers the students to make false claims.

Mark Joyce - (supports) believes this is rational safe + orderly school atmosphere. Add to line 4a on school activities, after school grounds sponsored

Bonnie Dunham - (oppose) sees children in a more positive way than what Ms. Le Guerette wrote about. Thinks that children are in school to learn + a more positive way of discipline would be better.

* Richard Cohen - (oppose) The Bill is unnecessary, teachers have enough guidelines for discipline. Admin. are handicapping teachers not the law. "Good Faith" opens the door for bully teachers.

Robert Lancelotte - (support) gave personal testimony Teachers of Nashua

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 375

BILL TITLE: (New Title) relative to immunity for school personnel using reasonable force to protect pupils.

DATE: 3/22/11

LOB ROOM: 207 **Time Public Hearing Called to Order:** 10:11 am

Time Adjourned:

(please circle if present)

Committee Members: Reps. Balboni, Boehm, Hutchinson, Ladd, Fleck, St. Cyr, Brosseau, Greemore, Hill, Hoell, Jones, Lauer-Rago, Pitre, Gile, Shaw, Gorman and Frazer.

Bill Sponsors: D. McGuire, Merr 8; Rep. Oigny, Rock 8; Rep. Sorg, Graf 3; Rep. Gidge, Hills 24

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. McGuire, Sponsor.

- Additional legal protection for school personnel
- Courts need to decide the word "necessary" in the current statute
- Performed in good faith
- Sports cases, bus trips

Rep. Greemore – necessary vs. reasonable

Rep. Shaw – Minor for special purposes – changed to pupil

Little league, what about supervision of children at that point?

Ken Gidge, Teacher with District 24 - Supports Bill. Use as much force up to breaking the law. Sad that we even need to have this hearing. You may not "assault" a child. Sometimes the word "assault" is used incorrectly. Two stories on how teachers were held accountable for reasonable actions. Administration, unions, teachers all want this bill to pass.

***Lee Gurette, Supports Bill.** See written testimony.

Rep. Greemore – Question on Report. Parents may not teach these values at home.

Rep. Hoell – Question on "assault."

Ken Gidge response – The teacher may use force up to assault.

Rep. Silva, Supports Bill. Sanity back to the school system. Teachers are afraid – two kids fighting – teachers need to call the police.

Rep. Rago – What happens with special needs kids?

Rep. Shaw – Special needs are covered under special law.

Rep. Peter Schmidt – No opinion on pink card. Concerns on breadth of language.

- Pulled off the consent calendar
- Minor for special purposes/reasonable
- Lines 7-9 – “Any liability” and “Any omission”
- Very well trained, not here to defend violent students
- Children are more defiant now
- Did not sign in, supporting or opposing this bill
- Sponsor says teachers have been given a little bit more

Rep. Balboni asked for suggestions. Response – look to the teachers. One disruptive student can affect the entire class.

Rep. Greemore asked What is the remedy for the classroom that is out of control? Reponse – Teachers should be capable of overseeing their classrooms.

Ann Rice, Esq., Attorney General’s Office – No Position.

- Unintended consequence
- Minor for special purpose vs. pupil
- Leave in initial language

Rep. Shaw – necessary/reasonable. Reasonably believes the force is necessary, RSA 627:4 and 627:5.

Rep. Rago asked – Did you testify before judiciary? – Answer – No. Scope would cover.

- Simple Assault – definition – RSA 631:2,I(a)
- Very difficult to define in statute what is reasonable.

Rep. Greemore – What is reasonable?

Rep. Boehm – Does minor with special purposes?

Rep. Balboni – Change to pupil may have issues for non-school places.

Robert Sherman, NHAFT-UP – Supports Bill.

- Leave in minor for special purposes may be better
- Take out word “any”, Line 8
- Clarify for teachers “continue to hear” “ you can’t touch me.” Or “you cannot restrain a student.”

Rep. Greemore – Would an 18 year old fall under a different statute

Robert Lalancette – Supports Bill.

- 26-year teacher
- Support of principal and students
- Fights in the classroom – policy is hands-off until administration gets there
- Don’t intervene kids may die or have serious side effects
- Moral obligation to intervene – paper punch incident – student set on fire
- Instructors are instructed not to get involved and the district will leave you hanging. Students know the word “unprivileged contact.”
- Student comes after me with a screw driver – what does the school say to my widow?
- School districts do the politically expedient thing and walk away
- Kid with knife showed up
- The sub hit with the hole punch needs surgery for the two broken bones

Laura Hailey – NHT-NH, Special Education Teacher - Supports Bill.

- One or two kids that are in classroom
- Respect goes way down
- Keep in “minor for special purposes.”

***Mark Joyce, NH School Administrator's Association – Supports Bill.**

- Suggestion – safety and well being – hands law
- Amendment “and or pupil”
- Supporting term “reasonable”
- Good faith behavior protects from malicious or bad motives
- Law change supports the school system
- Special Ed is spelled out in IEP
- Fights

Rep. Shaw asked – Change the word pupil to individual?

Mark Joyce response – Use common language.

Rep. Rago asked – On the word “any?”

Mark Joyce response – reasonable solves this issue.

Rep. Shaw asked – pass good faith would there still be a liability?

Mark Joyce response – Yes

Rep. Greemore asked – Code of conduct?

Mark Joyce response – School boards have a code of conduct. Don't let your first thought be fear of a lawsuit. Let your first thought be how to protect the individual.

Rep. Greemore asked – Why a law from us”

Mark Joyce response – Current law/current court decisions on “unprivileged contact.”

Rep. Greemore – Ever strong enough?

Mark Joyce – Enabling and powerful message.

Rep. Balboni asked – 18-21 year olds – minor or pupil?

Mark Joyce response – Add both minor and pupil to cover 19 year old students

Michael Skibble, Disability Rights Center – Opposes Bill.

- Law does not say teachers don't touch others
- Change of minor to pupil
- Necessary to reasonable
- Last sentence – Lines 7-9 – RSA 627:6 Chapter opens with this immunity
- No issues on minor – pupil issue
- Real issue is on reasonable
- Current law covers most of the issues brought forward today, as examples:
 - If someone is being assaulted, someone can intervene. Current law allows this intervention
 - Issue may be disruptive, disobedient
 - Law change may not stop threatening law suits
 - Bill will not change the issues at hand
 - Bill will not prevent litigation, teachers need to be trained on when to use force – confusion – could be averted – RSA 126-O:1

Rep. Greemore asked – Permitted?

Rep. Boehm asked – Currently covered, why are school districts telling teachers don't touch kids?

Michael Skibble response – RSA 126-O

Rep. Balboni asked – Section of bill is different?

Michael Skibble's response – RSA 627:1 – Immunity; RSA 627:2 – Use of physical force

Rep. Shaw asked – RSA 126-U does not apply or teachers misunderstand

Michael Skibble response – RSA 126 does apply

Rep. Shaw – Actual violence may have decreased but different behavior is the real issue

Michael Skibble response – Children who are obnoxious should be disciplined

Rep. Hoell asked – Why public health

Michael Skibble response – Not prevented

Rep. Hoell asked – RSA 126-U, does this apply?

Michael Skibble response – Dangerous techniques are regulated

Claire Ebel, NH Civil Liberties Union – Opposes Bill.

- RSA 627:6, II is limited in b for the small kids – physical force as defined in the statutes
- RSA 627:2 – use is permitted and contained in RSA 627
- Physical force is not defined in the statutes
- “Bill is a catastrophe” does not define reasonable
- Retain bill – take what is in statute already
-

Rep. Gorman asked – RSA 627:1 – where is immunity

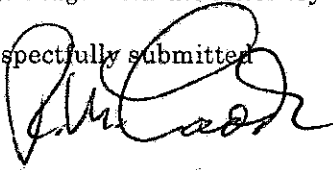
Claire Ebel’s response – Must be in the statute

Rep. Greemore asked – Would you want to put this in statutes – RSA 627:6, Section b – Section A should define less limited force. Define reasonable in section or unprivileged contact.

Rep. Hoell asked – Simple Assault. Unprivileged physical contact? State actors dealing with children in state facilities

Mr. Gidge – All the Attorney General’s Office wanted was a small tweak to language

Respectfully submitted



JR Hoell, Acting Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 375

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LOB ROOM: {RM #} Time Public Hearing Called to Order: {Time} 10:11 Am

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Committee Members: Reps. Balboni, Boehm, Hutchinson, Ladd, Fleck, St. Cyr, Broseau, Greenmore, Hill, Hoell, Jones, Lauer-Rago, Pitre, Gile, Shaw, Gorman and Frazer.

Bill Sponsors: D. McGuire, Merr 8; Rep. Oigny, Rock 8; Rep. Sorg, Graf 3; Rep. Gidge, Hills 24

TESTIMONY

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① Rep McGuire, Merr 8
in favor
- Additional legal protection for school personnel
- courts need to decide the word "necessary" in the current statute.
- performed in good faith.
- sports cases, bus trip,

Greenmore: necessary vs reasonable
shaw. - minor for special purposes changed to pupil
- little league, what about supervision of children at that point

② Ken Gidge
in favor
Teacher district 24 use as much force up to breaking the law. SAD that we even need to have this hearing. you may not "assault" a child. Sometimes the word "assault" is used incorrectly - 2 stories on how teachers were held accountable for reasonable actions Administration, unions, teachers all want this bill to pass

③ Lee Gurette
in favor
- Teacher Lee Gurette - written testimony.
See attached written testimony
Greenmore: Qs on Respect. parents may not teach these values at home

①

Rep Hoell. Q on "ASSAULT"

Ken Gidge answer on the teacher may use force ~~of~~ up to ASSAULT

(4)

Rep Silva
in favor

- sanity back to the school systems.
Teachers are afraid two kids fighting, teachers need to call the cops

Rep. Raso. what happens w/ special needs kids.

Rep. Shaw. special needs are covered under special law

(5)

Rep Peter Schmidt

no opinion on
CRA, concerns

on ~~Breadth~~
Breadth of language

- pulled off the consent calendars.

- minor for special purposes / Reasonable

- lines 79. "Any Liability" & "Any Omission"

- very well trained, not how to defend violent students.

- children are more defiant now.

- did not sign in, supporting or opposing this bill.

- ~~teachers~~ sponsor says teachers have been given a little BIT more

- chairman Q: suggestions A: look to the teachers.

- one disruptive student can effect the entire class

- Greenmore: Q: what is the remedy for the classroom that is out of control.

A: Teachers should be capable of overseeing their classrooms.

(6)

Ann Rice
AG's office
no position

unintended
consequence

minor for special purposes. vs. pupil.
Narrows scope

leave in initial language.

Rep Shaw

necessary / Reasonable.

Reasonably believes the force is necessary, RSA 627:

Rep Raso. Q: did you testify before judiciary.

A: No

scope would cover.

HB 375 - AS AMENDED BY THE HOUSE

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~~ANN RICE can't
Simple Assault. definition
631.2A~~

Teacher.
Very difficult to define in statute what is reasonable.
Rep Greenman what is reasonable.
Rep Boehm does minor with special purposes
Rep Balboni - change to pupil may have issues for
non-school places

2

⑦ Robert Sherman NAAFT-UP

support's

Bill

leave in minor for special purposes may be better.

take out & word "any" line 8.

clarity for teachers "continue to hear "you can't touch me" or you cannot restrain a student"

Rep Greenmore would a 18 year old fall under different statutes

⑧ Robert Lalancette

support

26 year teacher, support of principle & students. fights in the class room policy is hands off till Admin gets there. don't intervene kids may die or have serious side effects.

moral obligation to intervene

- paper punch incident, student set on fire.

Instructors are instructed not to get involved & the district will take you hanging. students know the word "unpunishable conduct."

- student came after me w/ a screw driver what does the school say to my widow?

- schools ^{districts} may do the politically expedient thing & walk away,

Robert LaLancette

w/
Kid knife showed up.
the sub hit with the hole punch needs
surgery for two broken bones.

⑨ Laurie Harvey AFT-ULL

support. special ed teacher

- One or two kids that are in class room
- Respect goes way way down
- keep in "mirror for special purposes"

⑩

Mark Joyce - NH School Administrator,

support

- Special Ed. Admin.
- Suggestion

- Staffer & well being
hands down

⇒ * Amendment "And or pupil"

Supporting term "REASONABLE"

Good faith behavior protects from malicious or bad
Law change supports the school systems motives.

special ed is spelled out in A IEP.

rights

Rep show: Q. change the word pupil to individual?

A. use common language

(10)

MARK JOYCE CON'T

Rep Rago Q. on the word "Any"

A. Reasonable solves this issue

Rep Elm

Q. Pass Good Faith, would there still be a liability.

A. yes

Rep Greenmore

Q. code of conduct.

A. School Boards have a code of conduct. don't let your first thought be fear of a lawsuit, let your first thought be how to protect the individual.

Q. why a law from us?

A. current law / current court decisions on "unpledged contract"

Q. ever strong enough?

A. enabling & powerful message.

Rep Balboni

Q 18-21 year olds. minor → pupil

A. Add both minor & pupil

cover 19 year old student.

(11) Michael

Opposed

Skibbie

- disability Rights center.
- law does not say. teachers don't touch others
- change of minor to pupil
- necessary to Reasonable.
- last sentence lines 7-9

627.6 chapter opens with this ~~family~~

(4)

① Mi. Skibbie cont

. NO Issues on minor → pupil Person

. Real Issue is on Reasonable

current law covers most of the Issues brought forward today as examples.

If someone is being assaulted, someone can intervene. ~~the~~ current law allows this intervention

- Issue may be disruptive, disobedient
 - Law change may not stop thinking lawsuits
 - Bill will not change the Issues at hand.
 - Bill will not prevent litigation, teachers need to be trained on when to use force.
- confusion. could be created.

RSA: 126-U:1

Rep Greenon Q. permitted.

A.

Boehm Q. currently covered, why are school districts telling

A. teachers don't touch kids

A. Ref ~~126~~ 126-U.

Rep Bilboni Q: ~~sets~~ Section of bill ~~is~~ is different

A. 627:1 Immunity, 627:2 Use of Physical force

Rep Shaw Q: RSA 126U does not apply or Teachers mis understand

Rep P. A. RSA 126 does apply

Q. Actual violence may have decreased, but different behavior. is the Real Issue.

A. "children who are obnoxious should be disciplined"

Hoell Q. where, public health

A. NOT prevented.

Q. 126-U does it apply

A. Dangerous techniques are Regulated

12. CLAIPE Ebel

NHCLU

~~626-1~~ 627:6 II

opposessed

is limited in b. for the small kids physical force. As defined in the statute.

RSA 627:2 use is permitted in controlled in 627:

physical force is not defined in the statutes.

"Bill is a catastrophe" does not define Reasonable

⇒ Retain bill.

take what is in statute already

Rep German

Q. 627:1 where is imminity
A. must be in the statutes

Rep. Creamore

Q. would you want to put this in statutes 627:6 section b

Section A should define less limited force.

define Reasonable in section or Unprivileged contact

Rep Hall

Q. simple assault. Unprivileged physical contact.

State actors dealing with children in state facilities.

all. Gidge

All the AG's office wanted was a small tweak to language.

Ms. Sherman

Sub-Committee Minutes

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON HOUSE BILL 375

BILL TITLE: relative to immunity for school personnel using necessary force to protect pupils.

DATE: February 8, 2011

Subcommittee Members: Reps. Silva, Peterson, Giuda, LaCasse, McClarren, Wheaton, Souza, Weber, Watrous and Sorg.

Comments and Recommendations: Amendment 0157h approved 9-0. Amendment 0210h rejected 2-7. Recommendation: Ought to Pass with Amendment

Amendments:

Sponsor: Rep. Guida	OLS Document #:	2011	0157h
Sponsor: Rep. Sorg	OLS Document #:	2011	0210h
Sponsor: Rep.	OLS Document #:		

Motions: OTP, (0157h) OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. P. LaCasse

Seconded by Rep. D. Andolina

Vote: 9-0

Motions: OTP, (0210h) OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. G. Sorg

Seconded by Rep. G. Wheaton

Vote: 2-7

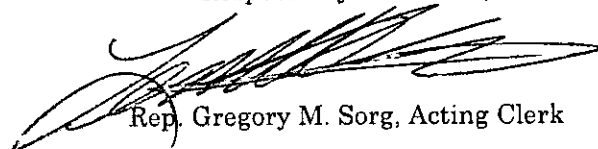
Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. G. Sorg

Seconded by Rep. B. Giuda

Vote: 9-07

Respectfully submitted,


Rep. Gregory M. Sorg, Acting Clerk

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON 375

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DATE: {February 8, 2011

Subcommittee Members:

Reps. (Silva), Peterson, (Giuda), LaCasse, (McClarren), (Wheaton), (Souza),
(Weber) and (Watrous) & SORG (for PETERSON)

Comments and Recommendations: # 0157h APPROVED 9-0 ; # 0210h rejected 2-7
REC: OTPA 9-0

Amendments:

Sponsor: Rep. Giuda

OLS Document #: 2011-0157h

Sponsor: Rep. SORG

OLS Document #: 2011-0210h

Sponsor: Rep.

OLS Document #:

Motions: OTP (OTP/A) ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

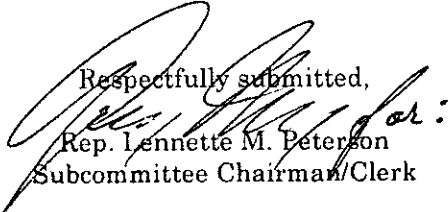
Vote: 9-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Lennette M. Peterson
Subcommittee Chairman/Clerk

Work Session on HB 375

02/01/11
11:45 a.m.

- Rep. Hueda Amend # 01574
- Moved by: LaCrosse
- Second by: Andolina
- Discussion followed
- Vote: Approved 9-0

- Rep. Berg moved # 0210h
- Seconded by: Wheaton
- Discussion followed
- Vote: 2-7

- Rec: OTPA w/0157 : 9-0

Rep. Giuda, Merr. 7
February 1, 2011
2011-0157h
04/05

Amendment to HB 375

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

2

3 AN ACT relative to immunity for school personnel using reasonable force to protect pupils.

4

5 Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

6

7 II.(a) A teacher or person otherwise entrusted with the care or supervision of a [~~minor~~ for
8 ~~special purposes~~] *pupil* is justified [~~on the premises~~] *during the care and supervision of the*
9 *pupil* in using [~~necessary~~] *reasonable* force against any such [~~minor~~] *pupil*, when the [~~minor~~]
10 *pupil* creates a disturbance, or refuses to leave the premises, or when it is necessary for the
11 maintenance of discipline. *A teacher or person otherwise entrusted with the care or*
12 *supervision of a pupil shall be immune from any civil or criminal liability for any act or*
13 *omission performed in good faith and in accordance with this paragraph.*

Amendment to HB 375

A Failed

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

2

3 1 Physical Force by Persons with Special Responsibilities. RSA 627:6, II is repealed and
4 reenacted to read as follows:

5 II(a) A teacher or any other person entrusted with the instruction, care, or supervision of
6 pupils is justified in and shall be immune from civil or criminal liability for the use of reasonable
7 force against any person on school grounds when such person creates a disturbance or refuses to
8 leave school grounds upon request, or when it is determined in good faith to be necessary for the
9 maintenance or restoration of order.

10 (b) In a child care program licensed or exempt from licensure under RSA 170-E,
11 reasonable force shall be deemed to be the minimum physical contact necessary to protect from harm
12 the child, other children present, the staff, or the general public.



2011-0210h

AMENDED ANALYSIS

This bill provides civil and criminal immunity for a teacher or other person entrusted with the care or supervision of a pupil who uses reasonable force against any person on school grounds.

Testimony

Robert Rowe

From: "Maureen Mooney" <hon.maureen.mooney@gmail.com>
To: "Maureen Mooney" <hon.maureen.mooney@gmail.com>
Sent: Sunday, January 30, 2011 8:58 PM
Subject: In support of HB 375 (2011)
January 30, 2011

**RE: HB 375 (AN ACT relative to immunity for school personnel using necessary force to protect pupils).
Hearing: House Judiciary on Tuesday, February 1, 2011**

To the Members of the House Judiciary Committee:

My name is Maureen Mooney of the Town of Merrimack and I write to you in support of HB 375.

In 2008, I was the prime sponsor of HB 1146 (AN ACT relative to immunity for school personnel using necessary force to protect pupils). The language of HB 1146 and HB 375 is identical. I am pleased to see HB 375 being acted upon and I urge your support of it.

The purpose of HB 375 is to fill an obvious loophole in the law with regard to the rights of teachers and school personnel.

According to RSA 627:6, II(a) teachers have the right to use "necessary force" with regard to enforcing discipline within our schools. The problem with this is that once force is used, the teacher may be subject to a lawsuit for using it. The current law provides protection for the teacher right up until the time of using "necessary force," then abandons the teacher who exercises that force.

HB 375 would protect teachers from the moment they are confronted with an incident warranting defense of others, until the time that incident is resolved. In situations where force isn't necessary, then clearly HB 375 would not apply to those circumstances.

The make up of our schools is changing with time. Recent events nationwide have raised concern about school safety and teacher responsibility and liability.

Please consider an "Ought to Pass" recommendation on HB 375. Thank you.

Sincerely,
Maureen C. Mooney

--

Hon. Maureen C. Mooney
P.O. Box 1676
Merrimack, NH 03054
Home Office: (603) 578-4890
Cellular: (603) 233-0319
Facsimile: (413) 828-5530
Email: Hon.Maureen.Mooney@gmail.com

1/31/2011

Ms Leggett

Why is Changing this law important? Because of the threat of a potential law suit, Administrator's will take the word of a student over a teacher? Why? Because the safe course for an administrator's is to appease the parents and avoid the potential of litigation whether the student is telling the truth or not.

Let me make it simple; when a child believes that his word will be believed over a teacher or other adults in charge and that they can successfully get authority figures in trouble they have ample reason to do so. Challenging a teacher raises your status in the eyes of your peers. Lying or exaggerating an incident gives you street cred because you have the courage to refuse to give in to the teacher. Collaborating the story with your peers means you belong to the "in" group, the "cool" people.

When did we become so confused that we allowed the least responsible, least invested, a resentful and vindictive child to rule over the classroom? Put the Power back into the hand of the person who really understands the long term consequence of disruptive behavior, the teacher. The teacher who wants more than anything to teach and to protect those students who are willing to learn.

There is a myth that the teacher "must earn" the respect of a child. Really! Do you decide when a police officer stops you for speeding whether you are going to accept the ticket based on your opinion of his job. When you get a prescription for medicine from the doctor, do you decide if you are going to follow his directions based on whether or not you like the doctor? The lack of respect of teacher is rampant in our school system .

Let me give you some Evidence

When the teacher asked the student to put away a toy because it was distracting – the teacher had to get a police officer to get it because the child refused to put it away or give it up.

After a student kicked a table and then ripped a book when the teacher asked him to move, he refused in spite of being given a detention. She was reprimanded for taking his hand and trying to lead him to another chair

A student threatened the substitute teacher that he would kick him in the face

A student told the substitute teacher he was "self-absorbed jerk"

A student brought in elastics to play with and passed them out to others while refusing to work

A student was switching the light on and off in the classroom and popping out of his seat for no reason

A student was lying on the floor and the principal was called to get them up.

When a student was attempting to vandalize another student's art project, the teacher stopping his hand and he yelled. Don't touch me!

When three boys were getting rambunctious and throwing a ball hard at their privates. The teacher attempted to take the ball away and was hit in the face twice. She instructed a student to stop, and he

held the ball up and away from her reach. After she brought his arm down and took the ball away she was accused of grabbing his arm.

When during the testing period of the NECAP a student finished early and refused to stay seated, after he toppled over some toys, he danced around the room. The teacher put her hands on the base of his neck and guided him back to his chair. She was accused of "grabbing" him by the neck.

When a student took the teacher's rolling chair and was spinning his friend around. The teacher repeatedly told them to stop. When the friend got out of the chair she put her hand on the back of the chair and with her other hand which was holding pencils on the base of the chair to pull it back to the desk area. The student who originally took the chair hopped into it and then accused the teacher of stabbing him with pencils.

When the janitor broke up a fight in the hall the student yelled you can't do anything to me, My parents will sue you.

These students frequently, refuse to work, swear, steal, lie, talk over directions, vandalize, mock, deride, bully, harass, taunt, heckle each other and their teachers.

Why you may ask? Because there is no limit to their behavior. When the only recourse a teacher has is to tell the student to obey the rule – the teacher cannot move, touch, maneuver a student unless under attack. Even then it is discouraged unless there is special training.

The only recourse is to get an administrator to remove them from the classroom. That takes time and money. Yes money. How many educational dollars are wasted while teachers try to negotiate with unruly and unreasonable kids. How much administrator's time is used up sorting out behavior.

If we stopped the potential of litigation from the hands on "good faith" management of a classroom, it would stop the trend of coddling ever more defiant student behaviors. If students learned from an early grade that insubordination meant removal and not "wait, wait let me get the principal!", it is far less likely that in junior high and high school their defiant behavior would continue.

I know you think that this may open the door to teachers man-handling children but there are two reasons why that would not happen

1. If the precedence is set that certain behaviors are never tolerated then the challenging of authority will diminish.

2. When it is understood that the teachers cannot be sued frivolously the power struggle between the students and teachers is over. A student will not be able to manipulate the situation.

R. Cohen

Oppositional Defiant Disorder

SYMPTOMS

The essential feature of Oppositional Defiant Disorder is a recurrent pattern of negativistic, defiant, disobedient, and hostile behavior toward authority figures in a child that persists for at least 6 months and is characterized by the frequent occurrence of at least four of the following behaviors: losing temper, arguing with adults, actively defying or refusing to comply with the requests or rules of adults, deliberately doing things that will annoy other people, blaming others for his or her own mistakes or misbehavior, being touchy or easily annoyed by others, being angry and resentful, or being spiteful or vindictive.

Negativistic and defiant behaviors are expressed by persistent stubbornness, resistance to directions, and unwillingness to compromise, give in, or negotiate with adults or peers. Defiance may also include deliberate or persistent testing of limits, usually by ignoring orders, arguing, and failing to accept blame for misdeeds.

Hostility can be directed at adults or peers and is shown by deliberately annoying others or by verbal aggression (usually without the more serious physical aggression seen in Conduct Disorder).

Manifestations of the disorder are almost invariably present in the home setting, but may not be evident at school or in the community. Symptoms of the disorder are typically more evident in interactions with adults or peers whom the individual knows well, and thus may not be apparent during clinical examination. Usually individuals with this disorder do not regard themselves as oppositional or defiant, but justify their behavior as a response to unreasonable demands or circumstances.

Specific Symptoms of Oppositional Defiant Disorder

- A pattern of negativistic, hostile, and defiant behavior lasting at least 6 months, during which four (or more) of the following are present:
 - often loses temper
 - often argues with adults
 - often actively defies or refuses to comply with adults' requests or rules
 - often deliberately annoys people
 - often blames others for his or her mistakes or misbehavior
 - is often touchy or easily annoyed by others
 - is often angry and resentful
 - is often spiteful or vindictive

Note: Consider a criterion met only if the behavior occurs more frequently than is typically observed in individuals of comparable age and developmental level.

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R. Cohen

CHAPTER 627 JUSTIFICATION

Section	
627:1	General Rule.
627:2	Public Duty.
627:3	Competing Harms.
627:4	Physical Force in Defense of a Person.
627:5	Physical Force in Law Enforcement.
627:6	Physical Force by Persons With Special Responsibilities.
627:7	Use of Force in Defense of Premises.
627:8	Use of Force in Property Offenses.
627:8-a	Use of Force by Merchants.
627:8-b	Detention Powers of County Fair Security Guards.
627:9	Definitions.

LIBRARY REFERENCES

AmJur

61A Am. Jur. 2d Pleading § 314.

627:1 General Rule.

Conduct which is justifiable under this chapter constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.

HISTORY

Source. 1971, 518:1. 1979, 429:2, eff. Aug. 22, 1979. action based on such conduct" for "however, does not abolish or impair any remedy for such conduct which is available in any civil action" in the second sentence.

Amendments—1979. Substituted "shall constitute a complete defense to any civil

CROSS REFERENCES

Civil liability for action which would constitute justification, see RSA 507:8-d.

LIBRARY REFERENCES

West Key Number

Criminal Law ⇨38.

Westlaw Topic

Westlaw Topic No. 110.

CJS

C.J.S. Criminal Law § 49.

ALR

Duress, necessity, or conditions of confinement as justification for escape from prison. 54 ALR5th 141.

Pleading self-defense or other justification in civil assault and battery action. 67 ALR2d 405.

AmJur Proof of Facts

Privileged use of force in self-defense. 33 Am. Jur. Proof of Facts 2d 211.

Use of excessive force in self-defense. 13 Am. Jur. Proof of Facts 3d 219.

New Hampshire Trial Bar News

For article, "Presumptions in New Hampshire Law—A Guide Through the Impenetrable Jungle (Part II)," see 11 N.H. Trial Bar News 31, 34, 35 nn.82, 112 (Fall 1991).

Black's Law Dictionary (9th ed. 2009), good faith

GOOD FAITH

good faith, *n.* (18c) A state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one's duty or obligation, (3) observance of reasonable commercial standards of fair dealing in a given trade or business, or (4) absence of intent to defraud or to seek unconscionable advantage. — Also termed *bona fides*. Cf. BAD FAITH. — **good-faith**, *adj.*

"The phrase 'good faith' is used in a variety of contexts, and its meaning varies somewhat with the context. Good faith performance or enforcement of a contract emphasizes faithfulness to an agreed common purpose and consistency with the justified expectations of the other party; it excludes a variety of types of conduct characterized as involving 'bad faith' because they violate community standards of decency, fairness or reasonableness. The appropriate remedy for a breach of the duty of good faith also varies with the circumstances." Restatement (Second) of Contracts § 205 cmt. a (1979).

"[G]ood faith is an elusive idea, taking on different meanings and emphases as we move from one context to another — whether the particular context is supplied by the type of legal system (e.g., common law, civilian, or hybrid), the type of contract (e.g., commercial or consumer), or the nature of the subject matter of the contract (e.g., insurance, employment, sale of goods, financial services, and so on)." Roger Brownsword et al., "Good Faith in Contract," in *Good Faith in Contract: Concept and Context* 1, 3 (Roger Brownsword ed., 1999).

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Bryan A. Garner, Editor in Chief

END OF DOCUMENT

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So consider this .. is it reasonable
to trust the adults in charge,
a professional who entered into the
profession because they like
children with the power to make
a decision about removing
a child, or breaking up a fight
taking away a toy, ~~taking away~~
~~things~~ or preventing disruption which
saves time - educational dollars
~~and dollars~~ and the teacher energy
lets' trust the teacher not the
child again.

2011-3-22
HB 375
Speaker 3

Why is Changing this law important? Because of the threat of a potential law suit, Administrator's will take the word of a student over a teacher? Why? Because the safe course for an administrator's is to appease the parents and avoid the potential of litigation whether the student is telling the truth or not.

Let me make it simple; when a child believes that his word will be believed over a teacher or other adults in charge and that they can successfully get authority figures in trouble they have ample reason to do so. Challenging a teacher raises your status in the eyes of your peers. Lying or exaggerating an incident gives you street cred because you have the courage to refuse to give in to the teacher. Collaborating the story with your peers means you belong to the "in" group, the "cool" people.

When did we become so confused that we allowed the least responsible, least invested, a resentful and vindictive child to rule over the classroom. Put the Power back into the hand of the person who really understands the long term consequence of disruptive behavior, the teacher. The teacher who want more than anything to teach and who wants to protect those students who are willing to learn should be in charge in the same way a parent is in charge.

There is a myth that the teacher "must earn" the respect of a child. Really! Do you decide when a police officer stops you for speeding whether you are going to accept the ticket based on your opinion of his job? When you get a prescription for medicine from the doctor, do you decide if you are going to follow his directions based on whether or not you like the doctor? The lack of respect of teacher is rampant in our school system.

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YOU MAY NOT REMOVE THE ELASTICS FROM THE STUDENT.
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2. When it understood that the teachers cannot be sued frivolously the power struggle between the students and teachers is over. A student will not be able to manipulate the situation.

So consider this, is it reasonable to trust the adult in charge, a professional who entered into the profession because they like working with children? Is it reasonable to give the teacher the power to make a decision about: removing a child, breaking up a fight, taking away a toy, or prevent vandalism? In order to prevent disruption in the classroom which saves time, educational dollars and the teacher energy, let's trust the teacher again, not the child.

C. Lee Everett
603-888-2355

(11)

Disabilities Rights Center
Michael Skibbie, Policy Director

Excerpts from CHAPTER 126-U
LIMITING THE USE OF CHILD RESTRAINT PRACTICES IN SCHOOLS AND
TREATMENT FACILITIES

Section 126-U:1

126-U:1 Definitions. – In this chapter:

I. "Child" means a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26.

II. "Director" refers to the program director, school principal, or other official highest in rank and with authority over the activities of a school or facility.

III. "Facility" includes any of the following when used for the placement, custody, or treatment of children:

(a) The youth services center maintained by the department of health and human services, or any other setting established for the commitment or detention of children pursuant to RSA 169-B, RSA 169-C, or RSA 169-D.

(b) Child care agencies regulated by RSA 170-E.

(c) Any foster home, group home, crisis home, or shelter care setting used for the placement of children at any stage of proceedings under RSA 169-B, RSA 169-C, or RSA 169-D or following disposition under those chapters.

(d) Any hospital, building, or other place, whether public or private, which is part of the state services systems established under RSA 135-C:3 and RSA 171-A:4, including but not limited to:

(1) The Anna Philbrook center.

(2) The acute psychiatric services building.

(3) Any designated receiving facility.

(4) A community mental health center as defined in RSA 135-C:7, or any of its subdivisions or contractors.

(5) An area agency as defined in RSA 171-A:2, or any of its subdivisions or contractors.

(e) Any residence, treatment center, or other place used for the voluntary or involuntary custody, treatment or care of children with developmental, intellectual, or other disabilities under RSA 171-A or 171-B.

(f) Community living facilities for persons with developmental disabilities or mental illness as authorized by RSA 126-A:19, when used for the placement of children.

IV. "Restraint" means bodily physical restriction, mechanical devices, or any device that unreasonably limits freedom of movement. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication.


(a) "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

(b) "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

(c) "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.


 (d) **Restraint shall not include:**

(1) **Holding a child to calm or comfort the child, holding a child's hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight.**

 (2) Brief periods of physical restriction by person-to-person contact, without the aid of medication or mechanical restraints, accomplished with minimal force and designed either to prevent a child from completing an act that potentially would result in physical harm to himself or herself or to another person, **or to remove a disruptive child who is unwilling to leave an area voluntarily.**

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

 (5) **The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose.**

V. "School" means:

(a) A school operated by a school district.

(b) A chartered public school governed by RSA 194-B.

(c) A public academy as defined in RSA 194:23, II.

(d) A nonpublic school subject to the approval authority of the state board of education under RSA 186:11, XXIX.

(e) A private or public provider of any component of a child's individualized

education program under RSA 186-C.

VI. "Serious injury" means any harm to the body which requires hospitalization or results in the fracture of any bone, non-superficial lacerations, injury to any internal organ, second- or third-degree burns, or any severe, permanent, or protracted loss of or impairment to the health or function of any part of the body.

Section 126-U:4

126-U:4 Prohibition of Dangerous Restraint Techniques. – No school or facility shall use or threaten to use any of the following restraint and behavior control techniques:

- I. Any physical restraint or containment technique that:
 - (a) Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;
 - (b) Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
 - (c) Obstructs the circulation of blood;
 - (d) Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
 - (e) Endangers a child's life or significantly exacerbates a child's medical condition.
- II. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
- III. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.
- IV. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

Section 126-U:5

126-U:5 Limitation of the Use of Restraint to Emergencies Only. –

- I. **Restraint shall only be used in a school or facility to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others. It shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.**
- II. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child.



Update on the University System of New Hampshire Budgets

Edward MacKay, Chancellor

March 22, 2011
House Education Committee



UNIVERSITY of NEW HAMPSHIRE

Plymouth State
UNIVERSITY



University of New Hampshire | Plymouth State University | Keene State College | Granite State College

Charter and Values

University System Charter (RSA 187-A:1): "Provide a well coordinated system of public higher education offering liberal undergraduate education . . . providing professional and technical 2-year, 4-year and graduate programs which serve the needs of the state and nation; for research which contributes to the welfare of mankind, to the development of faculty and to the educational experience of students; and for its faculty and staff to bring educational resources and professional experience to the benefit of the state and its people."

We are guided in the delivery of these programs and services by our core values: Being truly student-centered and with a commitment to affordable access, quality in teaching and research, engagement by faculty, students and staff in our internal and external communities, and efficient, effective, sustainable, accountable and transparent actions in all that we do.

This charter and set of values establishes the shared vision for our work, and helps define the missions of our component institutions, each with a distinctive identity but a common commitment to excellence within the context of our collective responsibilities.

Institutional Mission Differentiation

- **Granite State College:** A nonresidential college offering access to public higher education through the bachelor's level for adults of all ages, both online and at learning centers throughout the state of New Hampshire.
- **Keene State College:** A public liberal arts college offering an enriching campus community and achieving academic excellence through the integration of teaching, learning, scholarship, and service.
- **Plymouth State University:** A public regional university offering a comprehensive range of bachelor's degrees, master's degrees, and certificates of advanced graduate study in selected areas, and a doctor of education degree, with a special commitment to serving the North Country and Lakes Region.
- **University of New Hampshire:** A public research university having land grant, sea grant, and space grant charters; comprehensive, high quality undergraduate programs and graduate programs of distinction in selected fields; research yielding new knowledge across the spectrum of academic disciplines; and outreach to the state, region, and nation.

USNH Strategic Indicators

- Proportion of NH High School seniors enrolling
- First-generation and CCSNH transfer students
- Retention and graduation rates
- Enrolled-student academic challenge, engagement, and satisfaction
- Alumni satisfaction, employability, graduate school enrollment
- Regional and national awards and recognition, individual and campus
- Average undergrad student debt load and institutional aid trends
- Financial ratios (operating margin, UNA to debt, resources)
- Fundraising (% of alumni giving, gifts by size and donor category)
- Sponsored program awards and expenditures

Comparison of Current USNH Funding to Proposals under consideration

- USNH currently receives \$100M annually in operating appropriations, and has been flat funded for three years (FY09, FY10 and FY11)
- House Finance Committee proposal reduces appropriation to \$55M per year, a 45% reduction and the level last provided in 1992
- One variation under discussion is to provide \$37M in General Funds during FY12, and re-direct \$18 from the UNIQUE Trust Fund and ongoing fees to maintain total of \$55M, and use a \$47M/\$8M GF/UNIQUE approach for FY13 (Governor proposed \$95M per year, using GF and UNIQUE sources)
- Impact of appropriation loss is compounded by proposed termination of State Incentive Grants and UNIQUE Programs, and triggering loss of reciprocal state incentive grants; total of \$3.5M in student aid
- Federal student aid proposals under consideration would reduce the maximum Pell grant and eliminate SEOG, ACE and SMART; total of \$8.8M in student aid
- Student aid losses effectively reduce appropriation by another \$12M

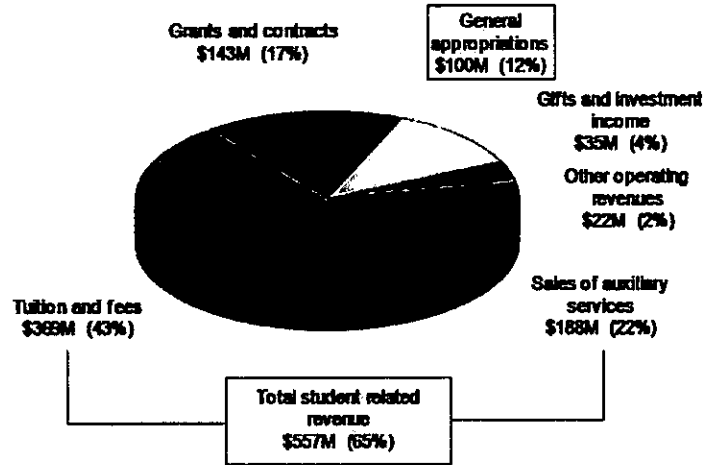
USNH Context

- Fall 2010 enrollment at USNH institutions totals 30,998, with NH residents comprising 64% (58% of undergraduates)
- First-generation students are 35% of new admits, and approximately 30% of all students are eligible for Pell grants
- USNH awards 6,000 degrees annually, including 60% of degrees awarded in the state of New Hampshire in shortage areas (engineering, math, and information, biological, and physical sciences)
- USNH is very cost efficient, with UNH spending per student 15% below NE land grants, and 20+% below national peers
- Aggressive cost reductions continue, including recent approval of employee Total Rewards revisions that will save 8% of benefit costs
- USNH is highly reliant on student revenue (chart), earned in a increasingly competitive market
- Prices have primarily increased due to reduction in state subsidy, increased aid needs, medical plan cost escalation, and deferred maintenance
- Grants for NH residents have increased by five times in the last decade (\$4.8M in FY00 to \$25.8M in FY10), and four fold on a per student basis in effort to mitigate price increases for most needy students
- Additional efforts include raising aspirations and preparedness of K-12 students and increasing lower cost pathways (CCSNH, online/hybrid, year round programs) to earning degrees

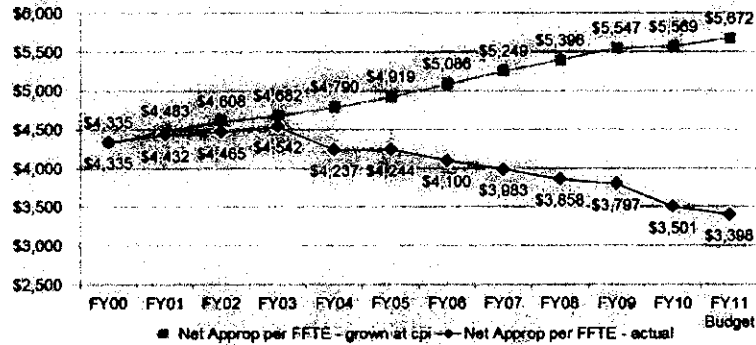
Diversification of Revenues in 2010

Total = \$857 Million

(not including capital additions/deductions)
(shown here at gross amounts, not netted for student financial aid)



Net Annual Appropriation to Cover Regular, Ongoing E&G Operations, Per Resident Degree Candidate FFTE



Demographic Data and Workforce Trends

- NH's population growth from 2000 to 2010, while leading NE, trails the US (6.5% vs 9.7%), with more than 40% of the growth from migration
- NH has had a modest net loss in domestic migration for the last 3 years
- NH has fourth oldest median age (40.2), but ranks 32nd in proportion of population over 65
- NH has nearly 65% of its population in the "working age" (18-64), fourth highest in the country
- NH has 156,000 people age 55-64, and 217,000 45-54. That is the equivalent of 12% and 16% of our population respectively, and will require massive qualified worker replacement
- NE job growth projections through 2018 indicate there will be a need to fill 2.3 million vacancies, with two-thirds requiring a college degree, creating stiff competition for educated workers
- NH Dept of Employment Services projections through 2016 indicate positions requiring a bachelor's degree will grow 70% faster than non-degree positions

Education Pipeline

- The projected number of NH high school graduates will decline by 18% from 2008 to 2016; regional HS graduate declines will be similar in magnitude
- The proportion of the 19 and under age population that is minority is twice that of over 19 population
- The proportion of NH K-12 school children eligible for subsidized school lunch program has doubled in the last twenty years
- Approximately 48% of NH students going to college attend out of state institutions
- The average USNH tuition rate ranks third highest in the country as of 2009, the NH community colleges ranked highest

USNH Capital Funding Sources \$1.1 Billion of Construction 2001 to 2013

(\$ in millions)

Examples

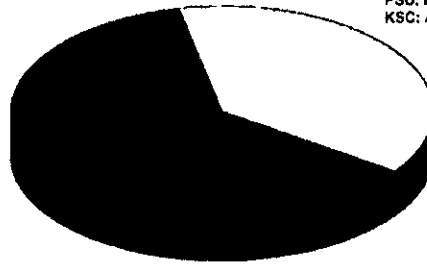
New Debt

UNH: SE Residence Complex, Gables,
Holloway, Mills, Cogen, ECOLine
PSU: Langdon, Mary Lyon, ALLWell
KSC: Zorn, Pondsido, Butler, Huntress Hall

Internal borrowing, operating budget, gifts, grants, and other

UNH: Thompson Hall, NH Hall, Marine
Research Facility, Jackson Lab,
Chase Hall, Wind Tunnel
PSU: Highland Hall
KSC: Alumni-Advancement Center, Cogen

New Debt
\$447 (41%)



**Internal borrowing,
operating budget,
gifts, grants, and
other sources**
\$418 (38%)

**State capital
appropriations**
\$235 (21%)

Keep-NH

UNH: Murkland, Kingsbury, DeMeritt,
James, Parsons
PSU: Boyd Science Center
KSC: Putnam Science Center
GSC: Conway Regional Center

KEEP-UP Funding Proposal

- USNH has more than 8.5 million square feet in facilities with a replacement value of \$2.5 billion
- Independent study found USNH had deferred maintenance totaling \$600M in academic buildings coming due over the next fifteen years
- The Knowledge Economy Education Plan (KEEP) has been a spectacular success, leveraging \$210M in state funds with more than \$800M in USNH-generated capital investments (chart)
- KEEP-UP is the successor plan to KEEP that specifically addresses deferred maintenance
- Seeking multi-biennia commitment, and funding partnership that would have the state continue to pay only 20-25% of capital investment costs
- Result will be a long term plan that ensures USNH facilities will continue to be able to attract and retain highly qualified faculty, students and staff

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on HOUSE BILL 375

BILL TITLE: relative to immunity for school personnel using necessary force to protect pupils.

DATE: February 14, 2011

LOB ROOM: 208

Amendments:

Sponsor: Rep. B. Giuda OLS Document #: 2011 0157h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP (0157h), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. B. Giuda

Seconded by Rep. P. Silva

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. G. Sorg

Seconded by Rep. B. Palmer

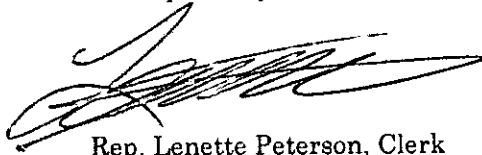
Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Lenette Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 375

BILL TITLE: relative to immunity for school personnel using necessary force to protect pupils.

DATE: 2-14-11}

LOB ROOM: 208

Amendments:

Sponsor: Rep.

OLS Document #: 01574

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP ~~ITL~~ ITL, Interim Study (Please circle one.)

Moved by Rep. *Arda*

Seconded by Rep. *Silva*

Vote: (Please attach record of roll call vote.) 170

Motions: OTP, OTP/A ITL, Interim Study (Please circle one.)

Moved by Rep. *Song*

Seconded by Rep. *Palmer*

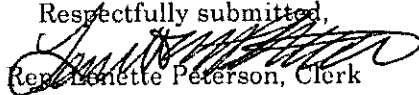
Vote: (Please attach record of roll call vote.) 170

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Benette Peterson, Clerk

JUDICIARY

Bill #: HB 375 Title: _____

PH Date: 1 / 1 Exec Session Date: 2 / 14 / 11

Motion: OTR/A Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	
Hagan, Joseph M	✓	
Silva, Peter L	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D <i>Head</i>	✓	
McClarren, Donald B <i>Palefy</i>	✓	
Murphy, Brian JX <i>Quant</i>	✓	
Palmer, Barry J	✓	
Peterson, Lenette M	✓	
Trogenza, Norman A	✓	
Wheaton, Gary W	✓	
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	—	—
	17	0
TOTAL VOTE:		

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 375

BILL TITLE: (New Title) relative to immunity for school personnel using reasonable force to protect pupils.

DATE: 3/22/11

LOB ROOM: 207

Amendments:

Sponsor: Rep. Hoell OLS Document #: 2011 1128h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hoell Adopt 2011-1128h

Seconded by Rep. Boehm

Vote: 12-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hoell

Seconded by Rep.

Vote: 12-0 (Please attach record of roll call vote.)

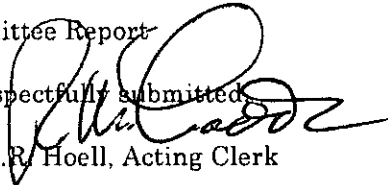
CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. J.R. Hoell, Acting Clerk



HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 375

BILL TITLE: (New Title) relative to immunity for school personnel using reasonable force to protect pupils.

DATE: 3/22/11

LOB ROOM: 207

Amendments:

Sponsor: Rep. Hoell

OLS Document #: 2011-1128h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hoell adopt 2011-1128h

Seconded by Rep. Sachin

Vote: 12-0 (Please attach record of roll call vote.) Motion passes unanimous

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hoell

Seconded by Rep.

Vote: 12-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Rick Ladd, Clerk

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION ON {Type BILL NO.}

BILL TITLE: (New Title) relative to immunity for school personnel using reasonable force to protect pupils. HB375

DATE: 2011.3.22

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep. Hoell	OLS Document #: 2011-11284
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: ~~OTP~~ ITL, Retained (Please circle one.)
 Moved by Rep. Rep JR Hoell Adopt 2011-11284
 Seconded by Rep. Boehm
 Vote: UU - 2011-11284 motion PASSES UNANIMOUS

Motions: OTP OTP/A ITL, Retained (Please circle one.)
 Moved by Rep. JR Hoell w/ 2011-11284
 Seconded by Rep.
 Vote: ~~Roll~~ Roll call WAS 12-0

Respectfully submitted,
 Rep. Hoell / Hoell
 Subcommittee Chairman/Clerk

EDUCATION

Bill #: HB 375 Title: Relating to ~~immunity~~ Immunity for school personnel using force to protect a minor for special purpose or pupil
 PH Date: 2011, 3, 122 Exec Session Date: 1/1

Motion: OTP/A w/ 2011-12814 Amendment #: _____

MEMBER	YEAS	NAYS
Balboni, Michael A, Chairman	✓	
Boehm, Ralph G, V Chairman	✓	
Hutchinson, Karen K		
Ladd, Rick M		
Fleck, Joseph W		
St. Cyr, Jeffrey E Hoell	✓	
Brosseau, Charles J		
Greemore, Robert H	✓	
Hill, Gregory silv	✓	
Hoell, J.R. Cohn	✓	
Jones, Laura M Baladrasan	✓	
Lauer-Rago, Kathleen A	✓	
Pitre, Joseph A	✓	
Gile, Mary Stuart	✓	
Shaw, Barbara E	✓	
Gorman, Mary J	✓	
Frazer, June M		
	12-0	

Committee Report

CONSENT CALENDAR

February 15, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred HB375,
AN ACT relative to immunity for school personnel using
necessary force to protect pupils. Having considered the same,
report the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.

Rep. J. Brandon Giuda

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB375
Title:	relative to immunity for school personnel using necessary force to protect pupils.
Date:	February 15, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students that promote disruption and violence while under a teachers care and supervision. In years past, teachers were not afraid to use reasonable force to control inappropriate or violent student behavior, and generally they would receive parental support. However, in today's litigious society, teachers are afraid to use reasonable force due to lack of parental support and fear of civil and criminal liability. Testimony supported the fact that teachers have been sued and have been criminally charged for acts that were reasonable and were done to control disruptive students. Due to the paralysis caused by legal concerns, disruptive students are controlling classrooms and students are being injured, as teachers are told to call for help when violence erupts. The Committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others.

Vote 17-0.

Rep. J. Brandon Giuda
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

HB375, relative to immunity for school personnel using necessary force to protect pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for JUDICIARY. This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students that promote disruption and violence while under a teachers care and supervision. In years past, teachers were not afraid to use reasonable force to control inappropriate or violent student behavior, and generally they would receive parental support. However, in today's litigious society, teachers are afraid to use reasonable force due to lack of parental support and fear of civil and criminal liability. Testimony supported the fact that teachers have been sued and have been criminally charged for acts that were reasonable and were done to control disruptive students. Due to the paralysis caused by legal concerns, disruptive students are controlling classrooms and students are being injured, as teachers are told to call for help when violence erupts. The Committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

JUDICIARY – HB 375

Rep. J. Brandon Giuda for Judiciary: This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students that promote disruption and violence while under a teachers care and supervision. In years past, teachers were not afraid to use reasonable force to control inappropriate or violent student behavior, and generally they would receive parental support. However, in today's litigious society, teachers are afraid to use reasonable force due to lack of parental support and fear of civil and criminal liability. Testimony supported the fact that teachers have been sued and have been criminally charged for acts that were reasonable and were done to control disruptive students. Due to the paralysis caused by legal concerns, disruptive students are controlling classrooms and students are being injured, as teachers are told to call for help when violence erupts. The Committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others. **Vote 17-0.**



REGULAR CALENDAR

March 24, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on EDUCATION to which was referred
HB375,**

**AN ACT (New Title) relative to immunity for school
personnel using reasonable force to protect pupils.**

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A Balboni

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EDUCATION
Bill Number:	HB375
Title:	(New Title) relative to immunity for school personnel using reasonable force to protect pupils.
Date:	March 24, 2011
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill was referred to the Education Committee (as the second committee) after the unanimous affirming vote by the Judiciary Committee and majority voice vote of the House. The Education Committee unanimously agrees with the Judiciary Committee which stated that "This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teachers care and supervision....The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others." (Judiciary Committee Report, House Record Vol. 33, No. 15, February 18, 2011). Testimony from teachers and administrators received by the Education Committee confirmed that, due to the lack of parental support and the threat of lawsuits, teachers are afraid to intervene when students exhibit disruptive or violent behavior; possibly resulting in harm to themselves or others. We also heard testimony from the Attorney General's office who did not previously testify before the Judiciary Committee. The AG's office is concerned that the bill's wording would narrow the scope of current legal protections; possibly opening litigation and criminal charges against non-teacher care givers unconnected to the traditional school setting. The bill does this by changing the word "minor" in current law to "pupil", removing protection from those who care for "minors" who are not legally considered "pupils"; for example those in day care centers, those involved in after school programs, and those housed at state facilities such as the Sununu Youth Services Center (formerly YDC: Youth Development Center State Correctional Facility). Therefore, the Education Committee has proposed an amendment to the bill (2011-1128h) that would return the wording to "minor" in order to maintain the protections in current law. We also discussed the bill's change from "necessary force" to "reasonable force". The AG's office believes "reasonable" is the more legally appropriate term. The Education Committee unanimously recommends passage of

Original: House Clerk

Cc: Committee Bill File

this bill as amended.

Vote 12-0.

Rep. Michael A Balboni
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

EDUCATION

HB375, (New Title) relative to immunity for school personnel using reasonable force to protect pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A Balboni for EDUCATION. This bill was referred to the Education Committee (as the second committee) after the unanimous affirming vote by the Judiciary Committee and majority voice vote of the House. The Education Committee unanimously agrees with the Judiciary Committee which stated that "This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teachers care and supervision....The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others." (Judiciary Committee Report, House Record Vol. 33, No. 15, February 18, 2011). Testimony from teachers and administrators received by the Education Committee confirmed that, due to the lack of parental support and the threat of lawsuits, teachers are afraid to intervene when students exhibit disruptive or violent behavior; possibly resulting in harm to themselves or others. We also heard testimony from the Attorney General's office who did not previously testify before the Judiciary Committee. The AG's office is concerned that the bill's wording would narrow the scope of current legal protections; possibly opening litigation and criminal charges against non-teacher care givers unconnected to the traditional school setting. The bill does this by changing the word "minor" in current law to "pupil", removing protection from those who care for "minors" who are not legally considered "pupils"; for example those in day care centers, those involved in after school programs, and those housed at state facilities such as the Sununu Youth Services Center (formerly YDC: Youth Development Center State Correctional Facility). Therefore, the Education Committee has proposed an amendment to the bill (2011-1128h) that would return the wording to "minor" in order to maintain the protections in current law. We also discussed the bill's change from "necessary force" to "reasonable force". The AG's office believes "reasonable" is the more legally appropriate term. The Education Committee unanimously recommends passage of this bill as amended. **Vote 12-0.**

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Education

BILL NUMBER: HB 375

TITLE: Relative to immunity for

School personnel used/reasonable
force to protect pupils

DATE: 3/24/11 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2011-1128h

STATEMENT OF INTENT:

COMMITTEE VOTE: 12-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Michael Balboni
For the Committee

Mellitt, Nancy

From: Balboni, Michael
Sent: Wednesday, March 23, 2011 11:59 PM
To: Balboni, Michael; Mellitt, Nancy; FitzGerald, Ann
Subject: RE: HB 375

Oh, and the vote in committee on OTP/A was 12-0. It is on the regular calendar, not on the consent calendar.

Michael

-----Original Message-----

From: Balboni, Michael
Sent: Wed 3/23/2011 10:39 PM
To: Mellitt, Nancy; FitzGerald, Ann
Subject: RE: HB 375

Hi Nancy,

No word from Rep. Hoell (phone or email). So here's MY blurb for HB375. Just copy/paste the text into the system and, if necessary, attach a copy of this email for verification in place of my signature. Please call me (603-598-3851) and reply to this email so I know you received it in time prior to the Thursday 12 noon deadline. Thank you. Michael (Michael Balboni, Chairman House Education Committee)

Rep. Michael A. Balboni for Education. This bill was referred to the Education Committee (as the second committee) after the unanimous affirming vote by the Judiciary Committee and majority voice vote of the House. The Education Committee unanimously agrees with the Judiciary Committee which stated that "This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teachers care and supervision...The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others." (Judiciary Committee Report, House Record Vol. 33, No. 15, February 18, 2011). Testimony from teachers and administrators received by the Education Committee confirmed that, due to the lack of parental support and the threat of lawsuits, teachers are afraid to intervene when students exhibit disruptive or violent behavior; possibly resulting in harm to themselves or others. We also heard testimony from the Attorney General's office who did not previously testify before the Judiciary Committee. The AG's office is concerned that the bill's wording would narrow the scope of current legal protections; possibly opening litigation and criminal charges against non-teacher care givers unconnected to the traditional school setting. The bill does this by changing the word "minor" in current law to "pupil", removing protection from those who care for "minors" who are not legally considered "pupils"; for example those in day care centers, those involved in after school programs, and those housed at state facilities such as the Sununu Youth Services Center (formerly YDC: Youth Development Center State Correctional Facility). Therefore, the Education Committee has proposed an amendment to the bill (2011-1128h) that would return the wording to "minor" in order to maintain the protections in current law. We also discussed the bill's change from "necessary force" to "reasonable force". The AG's office believes "reasonable" is the more legally appropriate term. The Education Committee unanimously recommends passage of this bill as amended.

-----Original Message-----

From: Mellitt, Nancy
Sent: Wed 3/23/2011 12:10 PM
To: Balboni, Michael
Subject: HB 375

Hi. Any word from Rep. Hoell on his blurb for above?