

LEGISLATIVE COMMITTEE MINUTES

SB263

Bill as
Introduced

SB 263 - AS INTRODUCED

2019 SESSION

19-0995
08/05

SENATE BILL

263

AN ACT relative to anti-discrimination protection for students in public schools.

SPONSORS: Sen. Sherman, Dist 24; Sen. Fuller Clark, Dist 21; Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Rep. Cannon, Straf. 18; Rep. M. Smith, Straf. 6; Rep. Altschiller, Rock. 19; Rep. Janvrin, Rock. 37; Rep. Ley, Ches. 9

COMMITTEE: Judiciary

ANALYSIS

This bill creates a cause of action for persons injured by discrimination in public schools.

This bill also creates a cause of action for the commissioner of the department of education and the attorney general in cases of discrimination in public schools.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to anti-discrimination protection for students in public schools.

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

1 1 New Section; Discrimination in Public Schools. Amend RSA 193-F by inserting after section 8
2 the following new section:

3 193-F:8-a Discrimination in Public Schools. No person shall be excluded from participation in,
4 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
5 gender identity, sexual orientation, race, color, marital status, familial status, physical or mental
6 disability, religion or national origin, all as defined in RSA 354-A. Any person claiming to be
7 aggrieved by a discriminatory practice prohibited under this section may initiate a civil action
8 against a school or school district in superior court for relief at law or at equity. The commissioner
9 of the department of education and the attorney general may also initiate a civil action against a
10 school or school district pursuant to this section for relief at law or at equity.

11 2 Effective Date. This act shall take effect 60 days after its passage.

SB 263 - AS AMENDED BY THE SENATE

03/28/2019 1141s
03/28/2019 1290s

2019 SESSION

19-0995
08/05

SENATE BILL **263**

AN ACT relative to anti-discrimination protection for students in public schools.

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COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill creates a cause of action for persons injured by discrimination in public schools.

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SB 263 - AS AMENDED BY THE SENATE

03/28/2019 1141s
03/28/2019 1290s

19-0995
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AN ACT relative to anti-discrimination protection for students in public schools.

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

1 1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after section
2 37 the following new subdivision:

3 Discrimination in Public Schools

4 193:38 Discrimination in Public Schools. No person shall be excluded from participation in,
5 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
6 gender identity, sexual orientation, race, color, marital status, familial status, physical or mental
7 disability, religion, or national origin, all as defined in RSA 354-A. Any person claiming to be
8 aggrieved by a discriminatory practice prohibited under this section may initiate a civil action
9 against a school or school district in superior court for relief at law or at equity. The attorney
10 general may also initiate a civil action against a school or school district pursuant to this section for
11 relief at law or at equity.

12 2 New Section; Discrimination Prevention Policy. Amend RSA 193-F by inserting after section
13 8-a the following new section:

14 193-F:8-b Discrimination Prevention Policy Required.

15 I. Each school district and chartered public school shall develop a policy that guides the
16 development and implementation of a coordinated plan to prevent, assess the presence of, intervene
17 in, and respond to incidents of discrimination on the basis of age, sex, gender identity, race, creed,
18 color, marital status, familial status, physical or mental disability, national origin, or any other
19 classes protected under RSA 354-A.

20 3 Effective Date. This act shall take effect 60 days after its passage.

SB 263 - AS AMENDED BY THE HOUSE

03/28/2019 1141s
03/28/2019 1290s
8May2019... 1690h

2019 SESSION

19-0995
08/05

SENATE BILL **263**

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1 1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after section
2 37 the following new subdivision:

3 Discrimination in Public Schools

4 193:38 Discrimination in Public Schools. No person shall be excluded from participation in,
5 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
6 gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or
7 national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a
8 discriminatory practice prohibited under this section, including the attorney general, may initiate a
9 civil action against a school or school district in superior court for legal or equitable relief, or with
10 the New Hampshire commission for human rights, as provided in RSA 354-A:27-28.

11 193:39 Discrimination Prevention Policy Required. Each school district and chartered public
12 school shall develop a policy that guides the development and implementation of a coordinated plan
13 to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the
14 basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status,
15 disability, religion, national origin, or any other classes protected under RSA 354-A.

16 2 New Subdivision; Opportunity for Public Education Without Discrimination a Civil Right.
17 Amend RSA 354-A by inserting after section 26 the following new subdivision:

18 Opportunity for Public Education Without Discrimination a Civil Right

19 354-A:27 Opportunity for Public Education Without Discrimination a Civil Right. No person
20 shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in
21 public schools because of their age, sex, gender identity, sexual orientation, race, color, marital
22 status, familial status, disability, religion or national origin, all as defined in this chapter.

23 354-A:28 Procedure on Public School Complaints.

24 I. Any person claiming to be aggrieved by a discriminatory practice prohibited under RSA
25 354-A:27 may initiate a civil action in superior court against a school or school district for legal or
26 equitable relief, or file a complaint with the commission as provided in RSA 354-A:21. The attorney
27 general may also initiate such a civil action in superior court or by complaint with the commission.

SB 263 - AS AMENDED BY THE HOUSE

- Page 2 -

1 II. Any complaint filed with the commission pursuant to paragraph I shall comply with and
2 be subject to the procedures outlined in this chapter, with the exception that such complaints may be
3 removed to superior court at any time in compliance with RSA 508:4

4 3 Effective Date. This act shall take effect 60 days after its passage.

SB 263- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2019-1690h)

AN ACT relative to anti-discrimination protection for students in public schools.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill creates a cause of action for persons injured by discrimination in public schools. Injured parties may seek relief by utilizing the Human Rights Commission and the Attorney General may initiate legal action.

The Human Rights Commission currently does not investigate instances of non-employment based discrimination in schools. Therefore, the number of additional cases added to the Commission's caseload as a result of this bill is indeterminable. The Commission reports that a small number of cases, such as under 5 new cases a year, would likely be absorbed within the Commission's existing resources. However, these new cases would be added to the existing backlog of approximately 360 cases that are addressed in chronological order. If this bill resulted in a more substantial increase in yearly cases for the Commission to include 30 to 50 additional cases, then the Commission reports additional investigative and support resources would be necessary to process these cases. Under the current structure and scope of work within the Commission, an investigator typically keeps a caseload of 50 cases and utilizes the assistance of additional support staff. Therefore, a substantial increase in education related cases would likely result in the need for the Commission to hire a full-time investigator at Labor Grade 23, thereby increasing Commission salary and benefit expenditures by \$76,000 in FY 2020, \$79,000 in FY 2021, \$83,000 in FY 2021, and \$87,000 in FY 2022. Other additional expenditures necessary for the Commission to implement this bill are unknown and would depend on the complexity of the cases brought to the Commission.

The Department of Education reports not having information to determine the impact of this bill.

The Department of Justice reports being able to implement this bill within their existing budget.

AGENCIES CONTACTED:

Human Rights Commission, Department of Education, and Department of Justice

SB 263 FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2019-1690h)

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The Department of Education reports not having information to determine the impact of this bill.

The Department of Justice reports being able to implement this bill within their existing budget.

AGENCIES CONTACTED:

Human Rights Commission, Department of Education, and Department of Justice

CHAPTER 282
SB 263 - FINAL VERSION

03/28/2019 1141s
03/28/2019 1290s
8May2019... 1690h

2019 SESSION

19-0995
08/05

SENATE BILL **263**

AN ACT relative to anti-discrimination protection for students in public schools.

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COMMITTEE: Judiciary

AMENDED ANALYSIS

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This bill also creates a cause of action for the attorney general in cases of discrimination in public schools.

Explanation: Matter added to current law appears in *bold italics*.
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CHAPTER 282
SB 263 - FINAL VERSION
- Page 2 -

1 II. Any complaint filed with the commission pursuant to paragraph I shall comply with and
2 be subject to the procedures outlined in this chapter, with the exception that such complaints may be
3 removed to superior court at any time in compliance with RSA 508:4
4 282:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 19, 2019
Effective Date: September 17, 2019

Amendments

Sen. Sherman, Dist 24
February 28, 2019
2019-0727s
08/04

Amendment to SB 263

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after
4 section 37 the following new subdivision:

5

Discrimination in Public Schools

6 193:38 Discrimination in Public Schools. No person shall be excluded from participation in,
7 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
8 gender identity, sexual orientation, race, color, marital status, familial status, physical or mental
9 disability, religion or national origin, all as defined in RSA 354-A. Any person claiming to be
10 aggrieved by a discriminatory practice prohibited under this section may initiate a civil action
11 against a school or school district in superior court for relief at law or at equity. The commissioner
12 of the department of education and the attorney general may also initiate a civil action against a
13 school or school district pursuant to this section for relief at law or at equity.

14 2 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

Sen. Hennessey, Dist 5
March 19, 2019
2019-1121s
08/10

Amendment to SB 263

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

2

3 1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after
4 section 37 the following new subdivision:

5

Discrimination in Public Schools

6 193:38 Discrimination in Public Schools. No person shall be excluded from participation in,
7 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
8 gender identity, sexual orientation, race, color, marital status, familial status, physical or mental
9 disability, religion, or national origin, all as defined in RSA 354-A. Any person claiming to be
10 aggrieved by a discriminatory practice prohibited under this section may initiate a civil action
11 against a school or school district in superior court for relief at law or at equity. The attorney
12 general may also initiate a civil action against a school or school district pursuant to this section for
13 relief at law or at equity.

UNAPPROVED

2019-1121s

AMENDED ANALYSIS

This bill creates a cause of action for persons injured by discrimination in public schools.

This bill also creates a cause of action for the attorney general in cases of discrimination in public schools.

UNAPPROVED

Senate Judiciary
March 19, 2019
2019-1141s
08/04

Amendment to SB 263

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

2

3 1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after
4 section 37 the following new subdivision:

5

Discrimination in Public Schools

6 193:38 Discrimination in Public Schools. No person shall be excluded from participation in,
7 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
8 gender identity, sexual orientation, race, color, marital status, familial status, physical or mental
9 disability, religion, or national origin, all as defined in RSA 354-A. Any person claiming to be
10 aggrieved by a discriminatory practice prohibited under this section may initiate a civil action
11 against a school or school district in superior court for relief at law or at equity. The attorney
12 general may also initiate a civil action against a school or school district pursuant to this section for
13 relief at law or at equity.

Amendment to SB 263

- Page 2 -

2019-1141s

AMENDED ANALYSIS

This bill creates a cause of action for persons injured by discrimination in public schools.

This bill also creates a cause of action for the attorney general in cases of discrimination in public schools.

Sen. Bradley, Dist 3
March 26, 2019
2019-1290s
05/10

Floor Amendment to SB 263

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
2 read as 3:

3

4 2 New Section; Discrimination Prevention Policy. Amend RSA 193-F by inserting after section
5 8-a the following new section:

6 193-F:8-b Discrimination Prevention Policy Required.

7 I. Each school district and chartered public school shall develop a policy that guides the
8 development and implementation of a coordinated plan to prevent, assess the presence of, intervene
9 in, and respond to incidents of discrimination on the basis of age, sex, gender identity, race, creed,
10 color, marital status, familial status, physical or mental disability, national origin, or any other
11 classes protected under RSA 354-A. The policy shall include, but shall not be limited to, the
12 following provisions:

13 (a) Training faculty, staff, and school volunteers in state and federal discrimination
14 laws, identifying signs and acts of discrimination, methods of addressing discrimination, and
15 resources available within the school and school district.

16 (b) Educating students in the importance of a discrimination free learning environment,
17 recognizing the signs of discrimination against oneself and others, and providing help-seeking
18 strategies for oneself or others, including how to engage school resources.

19 (c) Identifying within the school district the person or persons who serve as the point of
20 contact when a student, faculty member, or staff member is believed to be discriminated against, or
21 when a faculty member, or staff member is believed to be engaging in discrimination.

22 II. Each school district and chartered public school shall provide training, to begin within 9
23 months of the effective date of this chapter, for faculty, staff, and school volunteers in state and
24 federal discrimination laws, identifying signs and acts of discrimination, methods of addressing
25 discrimination, and resources available within the school and school district. Training shall occur
26 within the first year for newly hired faculty and staff, and every 3 years thereafter. The training
27 shall be accomplished within the framework of existing in-service training programs or offered as
28 part of ongoing professional development activities.

29 III. School discrimination prevention policies required under paragraph I and the training
30 required under paragraph II shall be evidence-based and adhere to best practices.

31 IV. Nothing in this chapter shall require the inclusion of any specific curriculum, textbook,
32 or other material designed to address the topic of discrimination prevention in any program or
33 activity conducted by a school district or chartered public school.

2019-1290s

AMENDED ANALYSIS

This bill:

- I. Creates a cause of action for persons injured by discrimination in public schools.
- II. Creates a cause of action for the commissioner of the department of education and the attorney general in cases of discrimination in public schools.
- III. Requires each school district and chartered public school to develop a policy and training program to prevent and address incidents of discrimination in schools.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Martha Hennessey, Chair
Sen Shannon Chandley, Vice Chair
Sen Melanie Levesque, Member
Sen Sharon Carson, Member
Sen Harold French, Member

Date: February 20, 2019

HEARINGS

Monday	03/04/2019	
(Day)	(Date)	
Judiciary	SH 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	SB 263	relative to anti-discrimination protection for students in public schools.
1:30 p.m.	SB 294-FN-A-LOCAL	relative to placement costs for juvenile diversion programs.
2:00 p.m.	SB 317-FN	prohibiting sanctuary jurisdictions in New Hampshire. (THE PREVIOUS HEARING FOR SB 317-FN WAS RECESSED ON FEBRUARY 7th).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 263

Sen. Sherman
Sen. Rosenwald
Rep. M. Smith

Sen. Fuller Clark
Sen. D'Allesandro
Rep. Altschiller

Sen. Hennessey
Sen. Watters
Rep. Janvrin

Sen. Levesque
Rep. Cannon
Rep. Ley

SB 294-FN-A-LOCAL

Sen. Giuda
Rep. Weyler

Rep. Suzanne Smith

Rep. Gordon

Rep. DiLorenzo

SB 317-FN

Sen. Giuda
Rep. Hinch

Sen. Birdsell
Rep. Notter

Sen. Bradley
Rep. Baldasaro

Sen. Ward
Rep. Edwards

Jennifer Horgan 271-2609

Martha S. Hennessey
Chairman

Senate Judiciary Committee
Jennifer Horgan 271-2609

SB 263, relative to anti-discrimination protection for students in public schools.

Hearing Date: March 4, 2019

Time Opened: 3:28 p.m.:

Time Closed: 1:53 p.m.

Members of the Committee Present: Senators Hennessey, Chandley, Levesque and French

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill creates a cause of action for persons injured by discrimination in public schools.

This bill also creates a cause of action for the commissioner of the department of education and the attorney general in cases of discrimination in public schools.

Sponsors:

Sen. Sherman
Sen. Levesque
Sen. Watters
Rep. Altschiller

Sen. Fuller Clark
Sen. Rosenwald
Rep. Cannon
Rep. Janvrin

Sen. Hennessey
Sen. D'Allesandro
Rep. M. Smith
Rep. Ley

Who supports the bill: Senator Sherman; Senator Rosenwald; Senator Levesque; Senator Reagan; Representative Cannon; Dawn McKinney, NH Legal Assistance; Becky Whitely, CBHC; Jeanne Hruska, ACLU; Jessica Eskeland, NHCADSV; Samuel D'Agostino, ACLU; Dottie Morris, Keene State; Roger Johnson, GAC Dil; Michael Skibbie, Disability Rights Center; Arnie Alpert, AFSC; Ann Podlipny, GSOP; Faith Sillars, AFSC; Allyson Ryder; Don Hempt; Richard Cluch; Mark Hampton; Gale Taylor; Diane St. Germain; Melissa Hinebauch; Sarah Deley

Who opposes the bill: Barrett Christina, NH School Boards Association

Who is neutral on the bill: Dan Will, NHDOJ

Summary of testimony presented in support:

Senator Hennessey (provided written testimony)

- Introduced the bill on behalf of Senator Sherman.
- This is a result of the Governor's Advisory Council on Diversity and Inclusion which was established in 2017 to review state laws, regulations, and policies and

recommend changes to further combat discrimination and promote diversity and inclusion.

- The Advisory Council spent much of last year conducting listening sessions across the State.
- Citizens spoke to discrimination against students of color and students with disabilities and the fact that schools have lower expectations for students of color.
- The Advisory Council and the Civil Rights Unit of the NHDOJ identified a critical gap in our state laws. Namely, that NH students do not have state level protections from discrimination.
- Students are protected from some forms of discrimination through various federal laws but there are no state level protections.
- Due to this gap the Civil Rights Unit does not have jurisdiction to engage on cases of student discrimination.
- The State provides robust protections for employees, but there is an even greater need to provide such protections for students.
- In its amended form this bill will close this critical gap.

Representative Cannon (provided written testimony)

- Discrimination comes in many forms.
- Targeted kids become victims, whether it is through bullying or being treated differently by teachers.
- These kids are told to just put up with it or they stand up for themselves end up getting into a fight. A third option is to go to the administration and ask for help.
- Some schools provide help to these students, but that help is inconsistent across the State.
- Is not sure what is worse, being bullied by someone or being bullied by the administration.
- A student who is meant to be there learning is instead stressing out about being caused pain.
- These students could end up being an opioid victim or commit suicide or run away.
- Visited a public charter school, CATA, where the learning environment was great and all of the students respect one another. It is a very diverse school and they all go there because they did not feel comfortable at their previous schools.
- There are environments where kids feel safe.
- Senator Levesque asked for examples of individuals who had been discriminated against.
 - It was expressed to her by the students at CATA in terms of why they left their schools. Has also heard from students in Somersworth who left their school system because they felt that they could not be honest with other students for fear of retribution.

Jeanne Hruska (ACLU) (provided written testimony)

- The ACLU is a member of the Governor's Advisory Council and heard a lot of concerns about student discrimination and racial justice during those listening sessions.

- This bill is responsive to both of those concerns.
- The ACLU is also a member of the Juvenile Reform Project, which is a coalition of organizations including NHOA, DOC, Children's Behavioral Health Collaborative, and Waypoint. They recently released a report about exclusionary discipline. Exclusionary discipline is one of the areas where there is explicit discrimination.
- The data shows there are two categories of students that are disproportionately affected by exclusionary discipline in NH, students with disabilities and students of color. That is across the state.
- In speaking with students, especially students of color, they feel like second class citizens in their schools.
- The School Boards Association said they think the current statutes are 'probably' good enough. NH students deserve better than 'probably'.
- Understands there are piecemeal protections in statute, but students need a clear statement of principle.
- In recent years, NH has seen some egregious examples of racial justice and a lot of them have involved young people.
- Young people are on the front lines of the struggle to promote inclusion.
- Would support adding the Human Rights Commission as an avenue but would not want to them to be the only avenue because they are so backed up.
- Would be happy to remove the DOE's right of action and defer to the DOJ's.
- Senator Chandley asked how this would specifically provide something different.
 - It includes more classes than are in current statute including gender identity and gives the DOJ a specific right of action. The DOJ has a Civil Rights Unit and they should have the jurisdiction to engage in cases like this.
- Senator Chandley asked if there is anything going on to address the issues of discipline in other legislation or at the State Board of Education.
 - There are two bills in the House that are meant to restrict the number of days students can be suspended for. It is hard to directly address the disproportionate use of exclusionary discipline against students of color without a specific discrimination provision like this. Both bills have been retained in the House.
- Senator Chandley asked if those bills are meant to be a vehicle to address these concerns.
 - One of the concerns about exclusionary discipline is that students can be suspended indefinitely. The goal to restrict the number of days a student can be suspended and to create more criteria as to what types of misbehavior warrant what types of discipline. Right now, schools have unlimited discretion to determine discipline. Would hope that those bills help to address it but they do not include an anti-discrimination provision.
- Senator Levesque asked if the introduction of the Human Rights Commission is a stepped approach.
 - Sees it as giving parents and students options. The Human Rights Commission is about 400 cases behind, so a parent may feel that that is

not a prompt response to what a child is facing in the classroom. It is important to have options and would defer to parents to make that choice.

- Senator Levesque asked if having the parents go to the Human Rights Commission would cause schools to reexamine their behavior.
 - Would hope it would and thinks that simply the passage of this bill will raise school awareness.
- Senator French asked about the instances of racial injustice in the schools.
 - Over the last couple of years there has been a number of incidents of racial bias. There was an attempted lynching of a young boy in Claremont and some students at UNH Law school participated in what the ACLU would describe as racist behavior. These incidents are what led up to the Governor forming the Advisory Council on Diversity and Inclusion and they directly involved and impacted young people.

Samuel D'Agostino (ACLU) (provided written testimony)

- Is a student at the Pemi-Baker School District.
- Through the loophole of not being directly addressed in current laws, schools have yet to acknowledge and accept transgender and gender non-conforming students.
- As a result, many struggles go overlooked, including bathrooms, gender segregated activities and locker rooms.
- Is faced with severe anxiety in facing these issues and is currently holding out on getting the graduation required gym credits because without these essential protections, the school will not allow for the use of the men's locker room or the alternate option of gender-neutral restrooms because it is not close enough to the locker rooms.
- Is required to use the gender-neutral restrooms, but they are far away and can cause students to miss up to ten minutes of class and feel separated from peers.
- This bill will positively impact the hard-working students of NH.

Allyson Ryder (provided written testimony)

- Is a public member of the Governor's Advisory Council for Diversity and Inclusion.
- The Council held 13 listening sessions across the State and identified three major themes: quality of life varies significantly by individuals based on their identities and the regions they reside, the education system is not adequately advancing diversity and inclusion, and the majority of incidents of racial bias discussed during the listening sessions directly involved young people, mainly students.
- Heard from the public that there is unequal enforcement of discipline, unequal access to educational opportunities, an inability to obtain learning ability testing, exclusion and segregation based on identity, harassment and bullying, and a lack of compliance with requirements regarding communications access.
- A student may be an English Other Language Learner and not scoring well in testing. Students who were unable to access tests in their native language were unable to determine if there was an underlying issue such as dyslexia.
- NH has an opportunity to be on the rights side of history.
- NH is one of the only states in the Northeast without state level protections.

Dottie Morris (Keene State) (provided written testimony)

- Is the Associate Vice President of Institutional Equity and Diversity at Keene State College.
- It is our responsibly, as the elders of the State, to convey that we have a desire to create nurturing, growth producing learning environments.
- The majority of children in NH spend a significant amount of time in schools and it is essential for children to feel connected to those spaces.
- There are various reports that support the determination that discrimination in school settings can have a negative impact on students who are the subjects of that discrimination.
- These negative outcomes also impact what we can be as a state, country, and global community.
- When children are not meeting their full potential because they do not feel safe in school environments we all lose.
- We must ensure all children feel safe, so they may be successful.
- When there are clearly stated values, expectations, and consequences for violating these values children will respond.
- There must be congruency between what is stated and what is being done.
- If adults model this behavior, children will likely follow.
- Laws need to be enacted to allow discriminated students to act.
- These laws will allow us to address the concerns directly and in a timely manner.

Summary of testimony presented in opposition:

Barrett Christina (NH School Board Association) (provided written testimony)

- Does not want students to be discriminated against for any reason but does not feel that this bill necessary.
- There are already avenues of redress in state and federal law for students who have allegations of discrimination.
- Federal courts and the Office of Civil Rights out of Boston handles most of the discrimination cases under federal law.
- NH's statutory requirements already prohibit discrimination for certain characteristics and classes, so there is probably already an avenue in superior court.
- School boards already have a variety of anti-discrimination policies on the books.
- Thinks there are already sufficient safeguards through either the Department of Education or the Office of Civil Rights.
- People can already complain to principals, superintendents, administrators, and school boards.
- Senator Levesque asked pointed out that the Governor's Advisory Council has deemed this to be is necessary. Asked what will change with the implementation of this bill.
 - Senator Sherman's testimony stated there are gaps in the law, but there are already protections in place. His understanding is that the purpose of the bill is not to expand the classes, but to create a venue for redress. The bill would allow the DOE or the Attorney General to initiate a civil action.

NH already has a statute for discrimination, so they already have an avenue in superior court

Neutral Information Presented:

Dan Will (Department of Justice)

- The Office supports the concept but has some thoughts about the bill as drafted.
- If passed in this form the bill may open a floodgate of complaints where people are requesting to initiate action. That is fine, but they have not completed a fiscal analysis of this.
- RSA 354-A covers the Human Rights Commission and anti-discrimination provisions; that may be a better place for this language to go.
- The bill as drafted gives the DOE an enforcement right and typically, the Attorney General does enforcement rights; this would be a significant shift in the law.
- Would be happy to work on this bill with the Committee and stakeholders.
- Senator French asked if line 6 would include sports and any program the school offers.
 - It does read broadly and it would cover all of the benefits the school offers. Thinks that it would include sports.

jch

Date Hearing Report completed: March 8, 2019

Speakers

Senate Judiciary Committee

SIGN-IN SHEET

Date: 03/04/2019 Time: 1:00 p.m.

SB 263 AN ACT relative to anti-discrimination protection for students in public schools.

Name/Representing (please print neatly)

Name/Representing	#	Support	Oppose	Speaking?	Yes	No
SEN. CINDY ROSENWALT, DISTRICT 13		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Barrett M. Christina, NH School Boards Assoc		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Tom Sherman / SD24		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gam will, NH SOS		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen John Reagan	#17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Becky Whitely CBHC		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jeanne Hruska ACLU		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jessica Eskeland NHCAASV		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Samuel D'Agostino ACLU		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REP. GERRI CANNON		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dawn McKinney NH Legal Assistance		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allyson Ryder Public		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dottie Morris Keene State		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rogers Johnson, Chair, GAC Dil		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Melanie Levesque		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Testimony

Dottie R. Morris, Ph.D.
Senate Judiciary Committee
Senate Bill 263
March 4, 2019

My name is Dottie Morris. I am the Associate Vice President of Institutional Equity and Diversity at Keene State College and the representative from the University System of New Hampshire on the Governor's Advisory Council for Diversity and Inclusion. I have served as a k-5th grade school counselor prior to receiving my Ph.D. in clinical psychology with an emphasis on child psychology. I have close to 30 years of experience working with young people. Most of all, I have 21 plus years' experience of being a child!

Thank you for the opportunity to testify in support of SB 263, which would create state-level protections for New Hampshire students against discrimination.

In 1855, Fredrick Douglass stated, "It is easier to build strong children than to repair broken men [adults]". This statement remains true 164 years later. It speaks to the core of primary prevention and the soul of our commitment to our children to do all we can to prevent harm. It is our responsibility as the elders within this state to convey in every way our desire to create nurturing, growth producing learning environments for our children. As you know, the majority of the children in New Hampshire spend a large portion of their childhood in schools and it is essential for children to feel connected to those spaces.

There are several studies and reports to support the assertion that discrimination within school settings can have a negative impact on students who are the subjects of the discrimination. Some examples are:

- Jennifer Adair's report in 2015 related to the impact of discrimination on children from immigrant families
- A 106-page report in 2016, "Liking Walking Through a Hailstorm: Discrimination against LGBT youth in U. S. schools"
- A 2017 paper presented in Houston, Texas at the annual meeting of the Association for the Study of Higher Education, entitled, "Religious intolerance on campus: A multi-institution study"
- Legal scholar Kimberle` Crewshaw's report in 2015 about the impact on African American girls in schools
- Jackson et al 2014 study examining the impact of dehumanization of Black children in schools

There are many other examples that call for interventions if we are going to fulfill our duty of providing education to all students. The negative outcome has a major impact on the child and the child's family, but it has a great impact on what we can be as a state, country and global community. Think about all we are losing due to our inability to adequately protect child within schools, children are not able to reach their full potential. Think about the number of potential health care providers, teachers, lawyers, engineers, artists, philosophers, mental health providers and the list goes on, we lose every year; because young people don't feel safe in the school environments. They don't persist, they feel inadequate, they feel useless and they feel deposable.

We must find a way to enrich the lives of every child in New Hampshire. We must assure that all children understand we need to them successfully discover and fulfill their vocation. We must convey Sononfu Some's concept of community where "... each person is invaluable and truly irreplaceable. Each person has a gift to give, a contribution to make to the whole. The kind of gift a person brings, the kind of being a person is, is very unique to him or her and is valued by the community. The community is constantly affirming each person, and that constant affirmation is why people are always in the community."

There are certain factors necessary to promote safety, affirmation and connection between members of that community. When there are clearly stated values, expectations and consequences for violating these values and expectations, children will respond. There must be congruency, however, between what is stated and what is done in order to develop trust that leads to feeling safe. If adults model this behavior in their interactions with each other and with children, the children are more likely to do the same.

A key factor to help with students' feelings of connection to the school experience and affirmation of who they are based on their identity is to make sure students know that if their identity makes them the subject of harm, they have a means to address this concern. Laws need to be enacted that allow a student, if they are feeling discriminated against, to be able to take action. Moreover, these laws will allow us to address the concerns directly and in a timely manner. It is clear that feeling safe at and connected to school are strong predictors of persistence and success.

Would you please trust me for a minute? Close your eyes, think about an experience when you were in school and you felt either disconnected from others, left out, picked on, out of place or afraid. Take a few seconds to re-experience how you felt. Now, think about that experience happening close to everyday at school. Take a few seconds to connect with those feelings. Consider, for a few seconds, how you would feel about school and the adults in the school. Now allow yourself, for a few seconds, to entertain what you would like the adults to do to help you feel better.

Please open your eyes and see what you can do in order to protect children from having those experiences and feelings. Think about the powerful message we will send to all students if they knew the adults are taking notice and will do whatever is necessary to keep them emotionally, physically, psychologically and spiritually safe. This is an opportunity to not only protect the current young people, but also a way to help soothe wounds some of us experienced in a school setting and didn't feel there was a recourse.

SB 263 will serve to send a powerful message to young people in the state about the values of care and compassion for all. It will let them know that the adults value every one of them.

I respectfully urge the members of this committee to vote *ought to pass* on SB 263.

Thank you,

Dottie R. Morris, Ph.D.

Allyson M. Ryder
Senate Judiciary Committee
Senate Bill 263
March 4, 2019

My name is Allyson Ryder. I'm a resident of North Hampton and also serve as a public member on the Governor's Advisory Council for Diversity and Inclusion.

Thank you for the opportunity to testify in support of SB 263, which would create state-level protections for Granite State students against discrimination.

I have been a public member of the Council since its inception. As a member of the LGBTQ community, I remember not too long ago when it was not safe to come out. Progress has been made but there is still work to be done – especially for our youth who are embracing their identities in ways that I could have never imagined doing myself.

When Governor Sununu established the Advisory Council for Diversity and Inclusion in December 2017, he outlined four goals he would like the members to address:

- Review and analyze New Hampshire laws, regulations, and agency policies and procedures, and recommend changes or amendments, where necessary, to further combat discrimination and advance the ends of diversity and inclusion;
- Identify and recommend ways in which the State can support local and community efforts, through educational programs or otherwise, to combat discrimination and advance diversity and inclusion;
- Identify and recommend ways in which the State can partner with non-governmental organizations to combat discrimination and advance diversity and inclusion; and
- Identify and recommend revisions to RSA 354-A and the scope of the duties of the Commission for Human Rights to combat discrimination and advance diversity and inclusion.

The Governor also outlined a requirement to hold listening sessions across the state in its first year. Following these directives, the Council held 13 listening sessions across the state and heard from nearly 500 people who were in attendance. The notes recorded from these sessions included three major themes:

- Quality of life varies significantly by individuals, their identities, and the regions of New Hampshire in which they live.
- Our education system is not adequately advancing diversity and inclusion, in part due to cost, curriculum, a lack of diversity in staff and faculty, and incidents of discrimination.
- The majority of incidents of racial bias that were raised and discussed at the listening sessions directly involved young people, namely students.

In December 2018, the Governor's Advisory Council on Diversity and Inclusion released a report which highlighted legislative and budgetary recommendations for the upcoming session. This bill today reflects one of those recommendations:

Legislative recommendation: The Council received significant feedback at every listening session about persistent discrimination and inequities in schools, and the inadequacy of available resolution and redress processes. This discrimination included, but was not limited to:

- Unequal enforcement of discipline (e.g., race and disability)
- Unequal access to educational opportunities (e.g., race, national origin/language)
- Inability to obtain learning-ability testing (e.g., English language learners)
- Exclusion and segregation (e.g., disability, gender identity, national origin/language)
- Harassment and bullying (e.g., sex, national origin, gender identity, race)
- Lack of compliance with requirements regarding communication access

New Hampshire is one of the only states in the northeast without any state statutory anti-discrimination protection for students. Accordingly, the Council recommends that New Hampshire enact a state statute that prohibits discrimination against students in public schools based on race, color, sex, religion, national origin, mental or physical disability, gender identity, or sexual orientation.

This recommendation was based on input we received from the listening sessions across the state and aligns with the first goal that Governor Sununu outlined in his original Executive Order to review laws, regulations, and agency policies and procedures.

Without statewide protections against discrimination for students, we are giving the authority only to the federal government to investigate claims of discrimination against students. The New Hampshire Department of Justice is unable to intervene in cases of student discrimination because there are no state laws granting them such jurisdiction.

Simply put, we cannot say that New Hampshire's laws are working to combat discrimination and foster a more inclusive state when we are failing to protect our young people from discrimination in the classroom. Couple this with the many changes to Title IV funding and investigations over the past few years, and we are leaving our most vulnerable of populations – our children – at risk.

For decades, employees have had protections against workplace discrimination at both the federal level and through RSA 354-a in New Hampshire. If we believe that working adults deserve such protections, then we must recognize the importance of those same protections for young people, who are more vulnerable. I hope the time has come to offer these same protections to students in New Hampshire.

I respectfully urge the members of this committee to vote *ought to pass* on SB 263 and help put New Hampshire on the right side of history.

Thank you.

Allyson M. Ryder

From: Cheri Sullivan <cheri.sullivan@yahoo.com>
Sent: Sunday, March 03, 2019 9:31 PM
To: Sherman, Tom <Tom.Sherman@leg.state.nh.us>; Marino, Douglas <Doug.Marino@leg.state.nh.us>
Subject: Discrimination in Schools

Senator Sherman,

I just learned of your bill tonight. I am not sure I can make it to Concord to testify. But I would like to share that this bill is critical to the health and safety of students in NH.

I have had to file two Office of Civil Rights complaints against Kennett High School in an effort to protect my daughter from discrimination the past two years. My daughter has diabetes.

I was told by the Director of Special Services to file the first complaint with OCR after I went to her for help, because the 504 Coordinator at KHS took most of the accommodations out of my daughter's 504 plan and replaced it with very wrong and dangerous information about diabetes.

I learned that even though KHS was telling me they were providing individuals who were trained to support diabetes and respond to an emergency for extracurricular activities, field trips, etc., they never followed through. I sent my daughter on multiple day trips believing there was someone who knew what to do in an emergency -- but there was not. We were lucky, but they put her in unnecessary danger.

It got worse, instead of better, and there is too much to describe here. Staff mocked us, restricted what I was allowed to say in meetings, and didn't allow me to attend a meeting where decisions were being made. I should never have had to file a federal complaint. The district was violating their own policies, state and federal laws, and the conditions of their credentialing.

This legislation, just by its existence, may prevent experiences like mine. I'm certain the Director of Special Services never thought that I would be able to write an appropriate complaint for OCR to follow up on, or that OCR would follow-up, and find against them. But they did...twice.

If it helps to share my story, please do. I am also happy to speak with anyone. Thank you again!!

Cheri Sullivan
PO Box 1622
North Conway, NH
03860
603-662-4130



New Hampshire

**Statement by Jeanne Hruska, Political Director ACLU-NH
Senate Judiciary Committee
Senate Bill 263
March 4, 2019**

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I appreciate the opportunity to testify today in support of SB263, which would fill a gap in our state law by providing our students with state-level protections against discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, physical or mental disability, religion or national origin.

Granite Staters are concerned about student discrimination in New Hampshire. The ACLU is a member of the Governor's Advisory Council on Diversity and Inclusion, which was launched in December 2017 through Executive Order 2017-19. The Advisory Council spent much of last year conducting listening sessions across the state to hear directly from Granite Staters. Two issues that came up at many of the listening session were concerns over student discrimination and the need for racial justice, including in our public schools.

These concerns are particularly valid when we recognize that New Hampshire does not provide students with any state-level protections against discrimination. Instead, students here must rely on piecemeal federal protections, which are subject to change. In the Granite State, we provide workers with protection from discrimination, making it all the more alarming that we do not provide young people with similar protections.

The incidents of racial bias that lead up to the Governor's decision to launch the Advisory Council on Diversity and Inclusion were aimed largely at and involved young people. These events came up at listening sessions, with the takeaway being that young people are on the front lines of our state's struggle to better support and promote diversity and inclusion. One of the most immediate and tangible ways we can support our young people is by providing them legal protections against discrimination. If we do not prohibit discrimination in law, how can we expect to promote tolerance in practice?

This is why the Advisory Council on Diversity and Inclusion recommended this legislation in its December report.

A pronounced example of discrimination in our schools is the disproportionate use of exclusionary discipline. The most recent data released by the U.S. Department of Education's Office of Civil Rights demonstrates that students of color and students with disabilities are

disproportionately subjected to exclusionary discipline across our state.¹ This is not unique to one or two school districts, but rather is reflected across the whole state.

The ACLU-NH is a member of the Juvenile Reform Project, which recently released a report detailing the Office of Civil Rights' data on the racial disparities in the use of exclusionary discipline in New Hampshire. I am including a copy of that report with my testimony in order to highlight one area where data clearly demonstrates a racial disparity in our schools and to underscore the short and long-term harm imposed on students who are discriminated against in this fashion.

Briefly, the U.S. Government Accountability Office summed up the consequences of exclusionary discipline well in its report to Congress last year entitled "Discipline Disparities for Black Students, Boys, and Students with Disabilities":

Research has shown that students who experience discipline that removes them from the classroom are more likely to repeat a grade, drop out of school, and become involved in the juvenile justice system. Studies have shown this can result in decreased earning potential and added costs to society, such as incarceration and lost tax revenue.²

Now factor in the racial disparities in the use of exclusionary discipline. Students of color are disproportionately subjected to exclusionary discipline, meaning they also are disproportionately affected by the collateral consequences of such practices. In effect, the racial disparities in the use of exclusionary discipline can contribute to similar disparities in those who enter the school-to-prison pipeline and to racial inequality in education, which impacts future earning potential.³ In a state where students have a constitutional right to an adequate education, it is worth considering how the disproportionate use of exclusionary discipline against select students impairs that right.

Students of color talk about feeling like second-class citizens in our schools. Apart from the Advisory Council, the ACLU-NH has been meeting with students across the state to learn more about their experiences in the classroom. We wanted to share a couple of their experiences with you today.

A student of color who recently graduated from Concord High School said that she was suspended routinely throughout her freshman and sophomore years, usually for ten days at a time. She was suspended over and over again, mostly for talking back in class or skipping study hall. There was never any kind of physical altercation or serious offense — just behaviors that were seen as disrespectful and disruptive. According to her, white kids might behave the same way, but she was always perceived as more aggressive, more problematic, and so she would be disciplined more harshly. This student missed weeks of school for behaviors that essentially

¹ http://www.nhla.org/assets/customContent/FINAL_Keeping_Kids_in_School_-_The_Urgent_Need_to_Reform_School_Discipline_in_NH.pdf

² Discipline Disparities for Black Students, Boys, and Students with Disabilities, March 2018, <https://www.gao.gov/assets/700/690828.pdf>

³ http://crsp.pitt.edu/sites/default/files/Just%20Discipline%20and%20the%20School%20to%20Prison%20Pipeline%20in%20Pittsburgh_1.pdf

amounted to teenage defiance. When she was given suspension after suspension, she came to believe that her teachers would rather not have her in class. She felt like she was not welcome at her school, and she developed a profound sense of alienation. By her junior year, she dropped out of school.

When we asked a group of ten black elementary school boys in Manchester if they had ever been suspended, more than half raised their hands. They were embarrassed to talk about their suspensions in detail. They felt ashamed — like being suspended branded them as a “bad kid.” These kids talked about being suspended for talking too much in class, talking back to teachers, and not following directions (which, some of them emphasized, they had not understood, as they were still learning English). Some kids were suspended for fighting too, but when pressed for details they were usually fighting because they were being bullied because of their race. They fought back when they felt like their teachers were not able to protect them or did not care to. Being suspended for perceived minor slip-ups or behaviors they felt like they could not avoid made these students feel alienated from their school community. They did not describe school as a place where they feel safe and valued, but as somewhere they feel constantly surveilled and policed, where they feel like they always have to be on the defensive.

Students of color also described the subtle, consistent everyday ways in which they are made to feel like second-class citizens. They described being scolded for using their phones or talking in class, and then watching white kids do the same thing without any consequences. They described teachers ignoring their questions in class. They described teachers in AP classes having lower expectations of them, not treating them as serious students. They described guidance counselors dismissing their concerns, not helping them change schedules, and not explaining the credit system or graduation requirements. Students shared a sense that when they or their parents brought concerns to school administrators they were ignored and dismissed because they were seen as unimportant. Students said they felt targeted by teachers because of their families, their siblings, or the way they dressed. They also described a sense that their people, their histories, were completely overlooked by school curricula.

For students of color in New Hampshire, the cumulative effect of the daily experience of feeling ignored academically, ostracized socially, and consistently, unfairly targeted for discipline is a sense of powerlessness, alienation, and despair. In effect, students of color feel like they are being pushed out of the school community and that exclusion hinders their success, undermines the goals of our education system, and contravenes our fundamental values.

In New England, New Hampshire is behind the curve in ensuring that students are protected from discrimination when they go to school. SB263 would rectify this. It would give parents and the Department of Justice legal recourse to respond to incidents of racial bias.

The same day on which the Governor launched the Advisory Council on Diversity and Inclusion, the Department of Justice announced the creation of a Civil Rights Unit. Right now, that Unit has no jurisdiction to intervene in cases of student discrimination. SB263 would rectify this.

For these reasons, the ACLU-NH respectfully urges the members of this committee to vote *ought to pass* on SB263

**KEEPING KIDS IN SCHOOL:
THE URGENT NEED FOR REFORM OF SCHOOL
DISCIPLINE IN NH**

Juvenile Reform Project, a coalition of:

**New Hampshire Legal Assistance
NH Children's Behavioral Health Collaborative
ACLU of New Hampshire
Disability Rights Center - NH
Waypoint**

EXECUTIVE SUMMARY

Exclusionary discipline—defined as out of school suspension and expulsion—is an extreme consequence for student misbehavior. Not only does it cause already at-risk children to fall behind in their academics, but it often causes them to disconnect from their education and prosocial activities altogether. As discussed below, recent data collected through the United States Department of Education Office of Civil Rights (OCR) shows that:

- New Hampshire Schools rely heavily upon exclusionary discipline to address school misbehavior;
- Exclusionary school discipline has a disproportionate impact on New Hampshire’s students with disabilities and students of color; and
- New Hampshire’s use of exclusionary discipline is largely ineffective in managing student misbehavior.

This report begins with an overview of the harms of exclusionary discipline, current New Hampshire law and practices, and the need for reform. Second, the report discusses alarming New Hampshire data detailing the disproportionate use of out-of-school discipline against disadvantaged students and other problematic practices. Third, the report discusses the advantages of implementation of New Hampshire’s Multi-Tiered System of Supports for Behavioral Health and Wellness (MTSS-B) framework. Finally, the report provides recommendations for how the state can and should reform school discipline for the betterment of all.

THE PROBLEM WITH EXCLUSIONARY DISCIPLINE IN NEW HAMPSHIRE

Exclusionary discipline is harmful to students.

High rates of disproportionate out-of-school suspensions and expulsions are harmful to children, weaken our educational system as a whole, and perpetuate a cycle of poor academic achievement and school disengagement.¹ Students subjected to out-of-school suspensions “are at a significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system.”² While students in districts with high rates of exclusionary discipline fare worse academically across the board, research shows that even a single disciplinary exclusion in ninth grade is associated with a threefold increase in the likelihood that the suspended student will leave school prior to graduation.³

All of this is particularly concerning considering that out-of-school discipline is not reserved for the most egregious misconduct, but rather can be and is administered for minor offenses. Anecdotal evidence suggests that in schools with high rates of suspension for minor offenses, students and teachers often feel

¹ Jones et al., *Disciplined and Disconnected: The Experience of Exclusionary Discipline in Minnesota and the Promise of Non-Exclusionary Alternatives*, July 11, 2018, available online at <http://gradnation.americaspromise.org/report/disciplined-and-disconnected>.

² The School Discipline Consensus Report, https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf

³ Jones, Elizabeth et al., “Disciplined and Disconnected: How Students Experience Exclusionary Discipline in Minnesota and the Promise of Non-Exclusionary Alternatives.” *The Center for Promise*, June 2018, available at <http://gradnation.americaspromise.org/report/disciplined-and-disconnected>.

they are not safe or supported in their learning environments.⁴ Further, most students in New Hampshire do not receive any educational services during the time they are suspended, resulting in a self-defeating cycle of school failure and further disengagement.

New Hampshire lacks standards for use of exclusionary discipline.

In New Hampshire, the problem starts with RSA 193:13—New Hampshire’s school discipline statute. RSA 193:13 gives schools virtually limitless authority to impose out-of-school discipline.⁵ It enables schools to issue out-of-school sanctions for any code of conduct violation and for any length of time. Conduct violations resulting in out-of-school suspension can include minor offenses such as truancy and use of foul language or more egregious behavior such as violence and weapons possession. Further, current law enables school districts to avoid reporting lengthy exclusions as expulsions as long as the suspension has a definite end date, even if that end date is many months or even years away.

New Hampshire needs to reform state laws pertaining to out-of-school discipline. In our state, students have a constitutional right to an adequate education. Amongst other things, this must include a more transparent, effective, and accountable student discipline system. Effective, in this case, means a system that addresses a student’s behavior in the least disruptive way possible, both for the student and the classroom. Reform on this front starts by setting more clear parameters regarding what conduct warrants out-of-school discipline and specifying the number of school days for which a student may be suspended without educational services.

New Hampshire lacks support for alternatives to exclusionary discipline.

New Hampshire’s school discipline problem is compounded by, and may be in part a reaction to, the lack of support for school districts to adequately support students with complex needs. Schools are challenged with supporting the behavioral health needs of certain students while simultaneously promoting academic achievement for all students. However, research shows that addressing students’ social, emotional, and mental health needs through a prevention framework leads to improved student outcomes, improved school climate, and a reduced need for exclusionary discipline. The good news is that there is an evidence-based framework already used in some New Hampshire schools to address students’ social, emotional, and behavioral health needs. The bad news is that there is little incentive and financial support for school districts to adopt and implement the framework with fidelity.

It is imperative that the State, communities, and school districts come together to incentivize and support the expansion and state-wide implementation of the Multi-Tiered System of Supports for Behavioral Health and Wellness (MTSS-B), an evidence-based, prevention framework that blends research-based school mental health practices and social-emotional learning with positive behavioral interventions and supports. Supporting the behavioral health and wellness of New Hampshire students has never been more important, particularly for those children impacted by the ongoing mental health, substance misuse and child protection crises in the state.

⁴ Consensus Report, *supra* at ix.

⁵ RSA 193:13

THE 2016 CARSEY INSTITUTE REPORT

In 2016, the University of New Hampshire Carsey School of Public Policy released an issue brief analyzing exclusionary discipline practices in New Hampshire utilizing data spanning from 2010-2014. It found that while 10.1 percent of New Hampshire middle and high school students received out-of-school suspensions, New Hampshire's largest school districts carried out a disproportionate rate of those suspensions. Further, out-of-school suspensions disproportionately affected low-income students, students of color and students with disabilities.⁶

The Carsey School's analysis concluded by recommending that efforts be made to ascertain why exclusionary discipline was disproportionately used against certain students, noting that without such analysis and subsequent reform, such trends were likely to continue. It specifically highlighted two alternatives to exclusionary discipline that already had shown positive results in reducing the use of exclusionary discipline: restorative justice and positive behavior interventions. Both strive to reduce the time students are barred from the classroom.⁷

ANALYSIS OF THE MOST RECENT DATA: U.S. DEPARTMENT OF EDUCATION'S OFFICE OF CIVIL RIGHTS

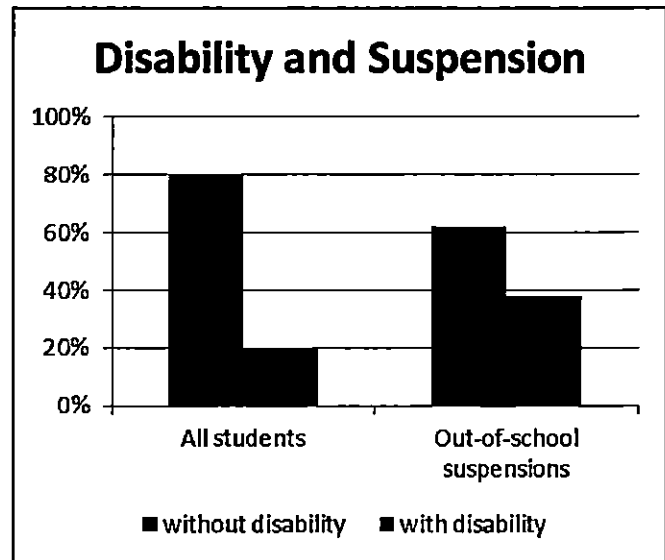
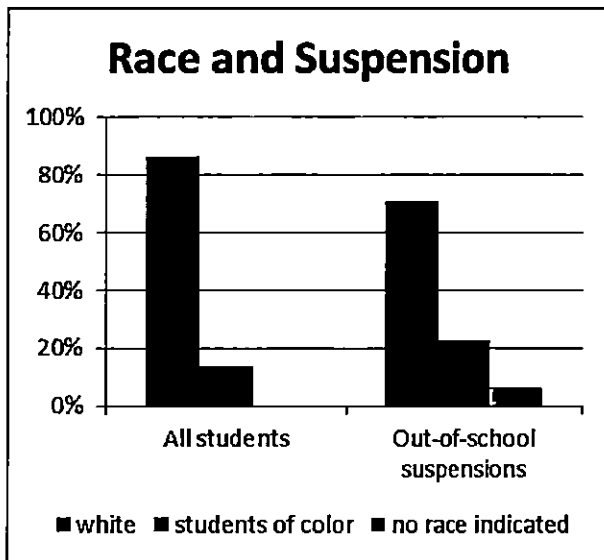
The Carsey School's analysis is supported by more recent data: exclusionary discipline continues to be used disproportionately against New Hampshire's students with disabilities and students of color. The OCR recently released school discipline data collected over the 2014-2015 school year. New Hampshire Legal Assistance analyzed the data collected on all of New Hampshire's public schools. Because it analyzed K-12 data, rather than restricting the data sets to New Hampshire's middle and high schools as the Carsey School did in its 2016 report, the overall rates of suspension in this analysis are proportionately lower but the disparities remain consistent and stark.

⁶ Exclusionary Discipline Highest in New Hampshire's Urban Schools,
<https://scholars.unh.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1266&context=carsey>

⁷ Id.

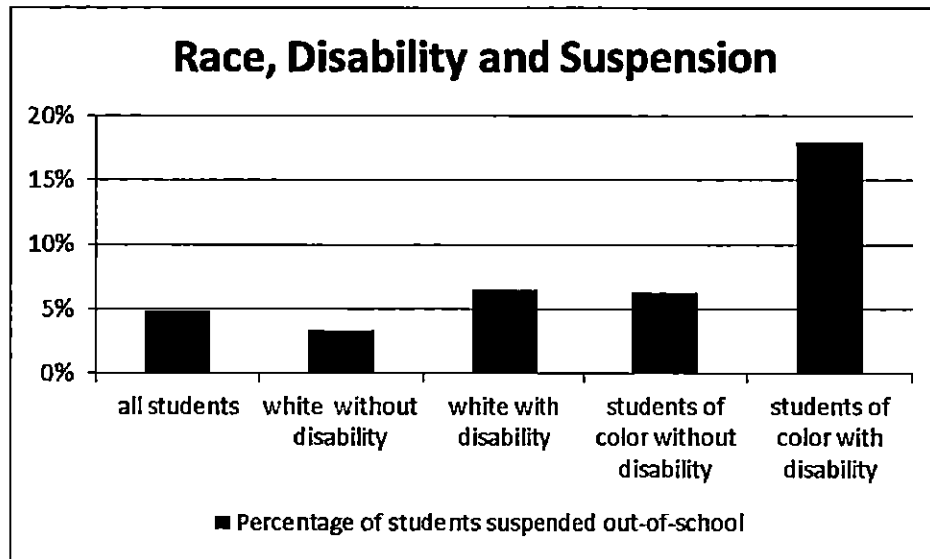
Schools suspend students of color and students with disabilities at disproportionately high rates.

In the 2014-2015 academic year 4.9% of New Hampshire students received some form of out-of-school suspension. However, these suspensions were not apportioned evenly. While students of color made up 13.9 percent of the student population, they comprised approximately 22.7 percent of students receiving out-of-school suspensions.⁸ Similarly, while students with disabilities made up 20.3 percent of the student population, they comprised approximately 38 percent of students receiving out-of-school suspensions.



⁸ The OCR data used for this analysis does not include a racial breakdown of the students with disabilities served under Section 504 of the Rehabilitation Act who received out-of-school suspensions.

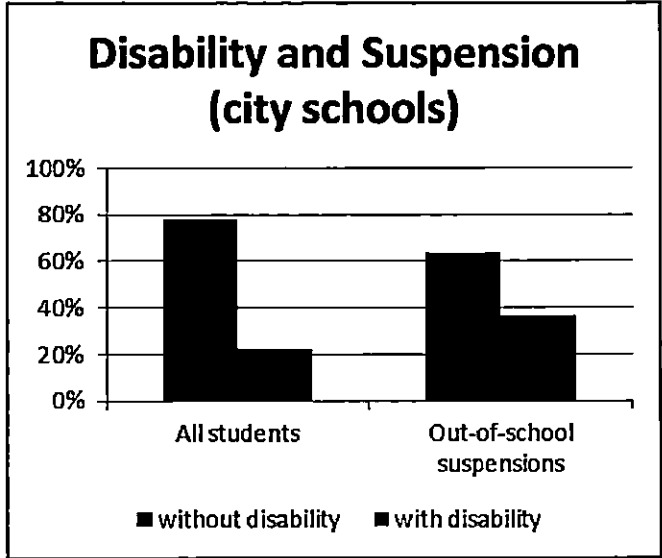
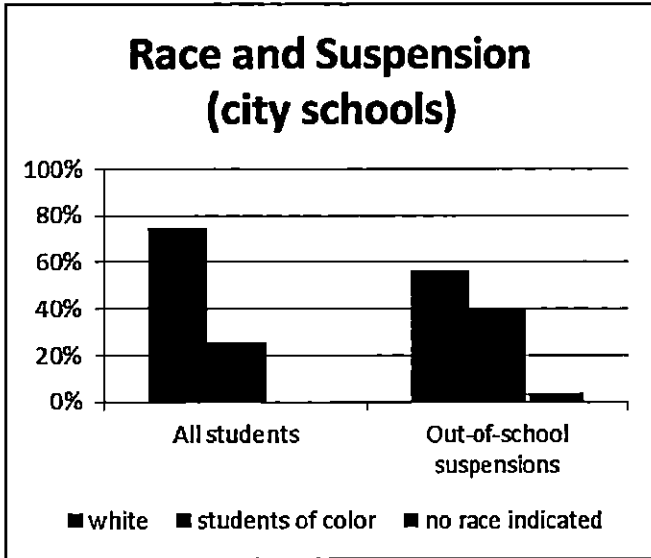
The data is even more alarming when broken down to analyze a student’s likelihood of out-of-school suspension based on the combination of race and disability. When looking at the data this way, both white students with disabilities and students of color without disabilities were nearly twice as likely to receive out of school suspensions as their non-disabled white peers. Most alarmingly, however, students of color with disabilities were 5.5 times more likely to be suspended out-of-school than their white, non-disabled peers. Multiple studies have found that disparities in the rates of suspensions for minority students are not due to disparities in student behavior.⁹ Instead, “[b]lack students are punished more harshly and more often for subjective minor offenses.”¹⁰



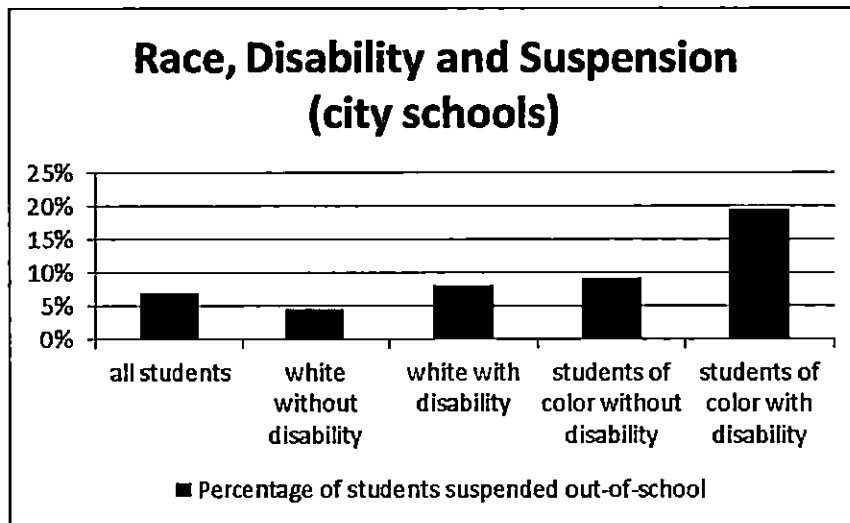
⁹ Losen, Daniel et.al., *Are We Closing the School Discipline Gap?*, The Center for Civil Rights Remedies (Feb. 2015), available at https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf.

¹⁰ Id.

The data for school districts serving New Hampshire’s ten largest cities shows similar results, although the overall rate of out-of-school suspensions is higher. In these districts 7% of students received some form of out-of-school suspension during the 2014-2015 academic year. While students of color made up 25.3 percent of the student population, they comprised approximately 39.6 percent of students receiving out-of-school suspensions. And while students with disabilities made up 22.1 percent of the student population, they comprised approximately 36.4 percent of students receiving out-of-school suspensions.

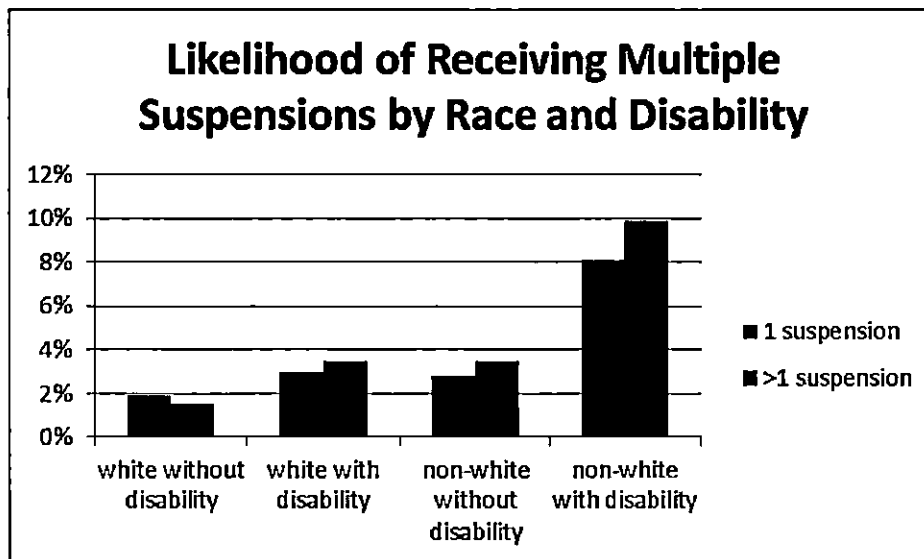


Again, students of color and those with disabilities were both approximately twice as likely to receive out-of-school suspensions as their non-disabled white counterparts. And students of color with disabilities were 4.4 times more likely to be suspended out-of-school than their non-disabled white peers.



Most students are suspended repeatedly and often for long periods of time.

In addition to disparate rates of school exclusion among students with disabilities and students of color, the OCR data provides clues into other problematic practices. By and large the behaviors invoking suspension are not isolated incidents. In nearly all cohorts, students have a greater likelihood of receiving more than one out of school suspension than a single suspension in the academic year. A more than 50% recidivism rate for out of school exclusion is alarming. Not only are New Hampshire children missing repeated and potentially large amounts of instructional time, the data shows that excluding children from school is not an effective tool to stop future misbehavior.



As previously discussed, New Hampshire law allows schools to report astonishingly lengthy suspensions as single suspensions without categorizing them as expulsions. Thus, the rates of suspension reported by the OCR alone do not reflect the severe impact on many of the students. While the data reported by the Office of Civil Rights does not reveal the median length of time students are suspended, it does include data on the total number of days students miss in a given year. By way of example, while one urban New Hampshire high school suspended 256 of its students in the 2014-2015 school year, those students missed 2,077 instructional days. That is an average of over 8 days per student, or nearly two full weeks per student. An urban middle school in a different city issued out-of-school suspensions to 152 of its students. Those middle school students missed 1,057 instructional days, averaging 7 days of missed instruction per student.

CURRENT NEW HAMPSHIRE LAW

New Hampshire’s exclusionary school discipline law is contained within RSA 193:13. The law allows for three levels of out-of-school exclusions: (1) short term suspensions not to exceed 10 days; (2) long term suspensions in excess of 10 days; and (3) expulsion—an indefinite exclusion that lasts until the student is restored by the school board. While the process is different for each form of disciplinary exclusion, the basic legal standard for each type of discipline is identical—“gross misconduct or neglect or refusal to conform to the reasonable rules of the school.”

A BETTER MODEL

New Hampshire should enact a tiered disciplinary statute emphasizing educational approaches to address student misbehavior.

Addressing New Hampshire's school discipline problem must start with statutory reform. Prior to 2011, the New Hampshire Department of Education (NHDOE) recognized the need for some form of disciplinary standards. Accordingly, NHDOE rules included a laddered disciplinary approach that created basic presumptions regarding which types of offenses would lead to the various disciplinary approaches available to school districts. In 2011, however, the New Hampshire Supreme Court held in *In re Keelin B.*, 162 N.H. 38 (2011), that while school districts must abide by their internal disciplinary policies, the laddered approach administered by the Department of Education exceeded statutory authority. Since the *Keelin B.* decision was issued, many school districts have removed laddered approaches from their disciplinary policies, instead citing to the exact language of the statute.

Like many states across the nation, New Hampshire should amend its statute to adopt a common sense approach to school discipline that creates clear standards for student behavior while emphasizing the use of educational approaches to address most school misbehavior. Such a framework would set basic guidelines for individual school district policies designed to reduce arbitrary disparities in administration of school discipline, improve school climate, and foster connections with at risk youth, rather than sending these youth into a cycle of social isolation and disengagement. Exclusionary discipline should be reserved for the most severe infractions and should be coupled with strategies to address the root of the problem upon the student's return to school.

New Hampshire should incentivize and support the expansion and state-wide implementation of the Multi-Tiered System of Supports for Behavioral Health and Wellness.

The good news for New Hampshire schools is that there is already an evidence-based prevention framework to address students' social, emotional, and behavioral health needs. It utilizes effective alternative behavior management practices to reduce classroom disruptions, to keep more students in the classroom (by avoiding out-of-school discipline), and to support schools. Through the state's system of care work, New Hampshire tailored the MTSS-B model for New Hampshire public school students.¹¹

MTSS-B blends research-based school mental health practices and social-emotional learning (SEL) with positive behavioral interventions and supports (PBIS). PBIS is an evidence-based framework for improving school safety, reducing behavioral problems, addressing the needs of students with emotional and behavioral challenges, and improving student outcomes. The MTSS-B framework offers schools a coordinated, strategic approach that consists of a school wide system of evidence-based behavioral practices for all students (Tier 1), a targeted system of practices for youth who need additional support and who are at-risk (Tier 2), and a tertiary system of intensive and individualized interventions for students with the greatest behavioral needs (Tier 3). The MTSS-B model does not prescribe a particular strategy or curriculum for school districts, but rather offers school districts the ability to choose what works for their own communities.

¹¹ NH Department of Education Office of Student Wellness, *NH MTSS-B Framework Description*, available online at https://www.nhstudentwellness.org/uploads/5/3/9/0/53900547/nh_mtss-b_description_osw_april_2017.pdf.

This prevention framework has been implemented in many school districts in New Hampshire and has demonstrated clear evidence that high-fidelity implementation of the model is directly correlated with reduced student discipline referrals, enhanced behavioral health, enhanced attendance, improved academic achievement, and enhanced school climate. This is consistent with firmly established national data showing the same results when similar frameworks are implemented and exclusionary discipline is reduced.¹² While the basic infrastructure to support a statewide expansion of the MTSS-B model is already present, widespread use is dependent upon buy-in and an investment by the state and by local school districts in building the human capacity to support widespread transition to this more effective and evidence-based model. This is despite clear evidence showing that high fidelity implementation of the model can save schools time and money.¹³

RECOMMENDATIONS

- I. **Reform New Hampshire’s school discipline statute to set clear standards regarding the use of exclusionary discipline:**
 1. The state should require school districts to set forth a graduated set of responses to misbehavior that emphasizes reliance on educational approaches to remediate the root cause of behavior and improve school climate;
 2. The state should create a clear framework clarifying the permissible grounds for short-term suspension, long-term suspension, and expulsion;
 3. The state should set parameters around the total number of days a child may be excluded at a time and within a school year without providing educational services.
- II. **Help schools implement MTSS-B:** The state should incentivize and support the expansion and state-wide implementation of the evidence-based prevention framework, Multi-Tiered System of Supports for Behavioral Health and Wellness (MTSS-B) proven successful in many New Hampshire schools.

¹² See, e.g., Catherine Bradshaw et al., *Effects of School-Wide Positive Behavioral Interventions and Supports on Child Behavior Problems*, *Pediatrics*, 130(5): 1136-1145 (Nov. 2012).

¹³ Megan Edwards et al., *State of New Hampshire Project AWARE Annual Evaluation Report*, Antioch University New England Center for Behavioral Health Innovation (January 27, 2017), available online at: <https://www.antioch.edu/new-england/wp-content/uploads/sites/6/2017/11/2015-16PAEvaluationReport2-9-2017.pdf>; see also Megan Edwards & Jim Fauth, *New Hampshire’s Multi-Tiered System of Supports for Behavioral Health & Wellness: Summary of Evaluation Outcomes*, Antioch University New England Center for Behavioral Health Innovation (January 2018).

Good afternoon, I am Samuel D'Agostino. I live in Wentworth New Hampshire and I am a student in the Pemi-Baker School District. At my school, I am very involved with clubs such as our GSA and Deca, a business and marketing club that competes and runs the school store during sports games, as well as going to practice for my role in the school play. I'm also in the student senate to improve my school community. I came here today to promote support for SB 263 and the necessary progression it will bring to our school systems. After NH1319 there are few public places where discrimination of transgender people is still admissible outside of our schools. Through the loophole of not being directly addressed in any current laws, schools have yet to acknowledge and accept their Transgender and gender non-conforming students. By ignoring these vulnerable and developing citizens and the issues we face many struggles go overlooked such as bathrooms, gender-segregated activities and locker rooms. As an academically motivated person, it causes me severe anxiety when facing such challenges. I currently am holding off getting my graduation-required gym credits because, without these essential protections, my school will not allow me to use the men's locker room with my fellow male classmates. I also can not use the alternate option of utilizing one of the limited number of gender-neutral restrooms because there is not one close enough to the locker rooms where I can still be under the supervision of my physical education teacher. The few gender-neutral bathrooms my school has are what I am required to use, missing up to ten minutes of class time to get to one in the process and experience a feeling of separation from my peers. Overall this bill will positively impact many of the hardworking students of New Hampshire so I ask you to support it and vote OTP on SB 263.



New Hampshire School Boards Association
25 Triangle Park Drive, Suite 101
Concord, NH 03301
(603) 228-2061
(603) 228-2351 (fax)
www.nhsba.org
Barrett M. Christina, Executive Director

NHSBA Testimony in Opposition to SB 263 – March 4, 2019

Existing statutes and NHDOE Rules that make SB 263 unnecessary:

186:11 Duties of State Board of Education. The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

XXXIII. Discrimination. Ensure that there shall be **no unlawful discrimination in any public school against any person on the basis of sex, race, creed, color, marital status, or national origin in educational programs**, and that there shall be no denial to any person on the basis of sex, race, creed, color, marital status, national origin, or economic status of the benefits of educational programs or activities.

NHDOE Rules – Part Ed 303 Duties Of School Boards. Ed 303.01 Substantive Duties. Each school board shall:

(i) Adopt a rule to ensure that there shall be **no unlawful discrimination on the basis of sex, race, age, creed, color, marital status, national origin, or disability in educational programs or activities** consistent with local standards which may be stricter in specific areas than the broader statewide standards;

(j) **Establish a policy on sexual harassment**, written in age appropriate language and published and available in written form to all those who must comply, which includes, at a minimum, the elements specified below:

(1) A statement that sexual harassment is against the law and against school district policy;

(2) A definition of sexual harassment with examples of actions that might constitute sexual harassment;

(3) The names and roles of all persons involved in implementing the procedures;

(4) A description of the process so all parties know what to expect, including time frames and deadlines for investigation and resolution of complaints;

(5) A prohibition against retaliation toward anyone involved in a complaint;

(6) A description of possible penalties including termination;

(7) A requirement that a written factual report be produced regardless of the outcome of the investigation;

(8) At least one level of appeal of the investigators recommendation; and

(9) A clear statement that someone can bypass the internal process and proceed directly to the New Hampshire commission on human rights, with address and phone number, or office of civil rights, with address and phone number.

...and some of these teens find their strength and dominance of others, some students become the dominated or targets of discrimination. Many of these targeted youth are GLBTQ students.

These targeted youth try to find ways to protect themselves. They avoid the bullies whenever possible. They may choose to fight back, which may make things worse. Or they will report the problem to the school administration. Sometimes the administration responds by finding ways to curb the problem. But in other cases, they are brushed off and told to suck it up and stand up for themselves.

...as you step out into the highway, you will be a target? And what if the administration isn't going to stand up with you. Where do they turn? Drugs? Suicide? Run away?

I had the chance to visit CATA (Cocheco Academy of The Arts) this past fall. Many of the students at CATA are GLBTQ students who couldn't find the support they needed and a safe environment to learn. Sadly, some of these students are from Somersworth, where I sit on the School board. They did not feel that they could receive a quality education while feeling stressed out.

This bill will help make our public schools aware that they need to support all students fairly. Some of the bill's language is derived from the NCSBA's policy from the NCSBA. policy (RAN 11

...may be saving the life of a child

Thank you,

Representative Gerri Cannon
Strafford District 18
Somersworth & Rollinsford

Somersworth School Board
Member at Large

...program and focus on visual and performing arts.

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # SB263

Hearing date: _____

Executive session date: _____

Motion of: 1121s

VOTE: 3-2

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input checked="" type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input checked="" type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

Motion of: OTPA

VOTE: 3-2

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input checked="" type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input checked="" type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, March 19, 2019

THE COMMITTEE ON Judiciary

to which was referred **SB 263**

AN ACT

relative to anti-discrimination protection for
students in public schools.

Having considered the same, the committee recommends that the Bill

ought to pass with amendment

by a vote of: 3-2

Amendment # 2019-1141s

Senator Martha Hennessey
For the Committee

Jennifer Horgan 271-2609

JUDICIARY

SB 263, relative to anti-discrimination protection for students in public schools.

Ought to Pass with Amendment, Vote 3-2.

Senator Martha Hennessey for the committee.

Docket of SB263**Bill Title:** relative to anti-discrimination protection for students in public schools.**Official Docket of SB263.:**

Date	Body	Description
1/25/2019	S	Introduced 01/03/2019 and Referred to Judiciary; SJ 4
2/20/2019	S	Hearing: 03/04/2019, Room 103, SH, 01:00 pm; SC 12
3/19/2019	S	Committee Report: Ought to Pass with Amendment #2019-1141s , 03/28/2019; SC 15
3/28/2019	S	Committee Amendment #2019-1141s , AA, VV; 03/28/2019; SJ 11
3/28/2019	S	Sen. Bradley Offered Floor Amendment #2019-1290s ; 03/28/2019; SJ 11
3/28/2019	S	Sen. Watters Moved to divide the Question on Floor Amendment #2019-1290s : Lines 1-11 to the period after RSA 354-A. and then the balance of the amendment; 03/28/2019; SJ 11
3/28/2019	S	The Chair ruled the Question Divisible; 03/28/2019; SJ 11
3/28/2019	S	Sen. Bradley Floor Amendment #2019-1290s : Lines 1-11 to the period after RSA 354-A.; RC 23Y-0N , AA; 03/28/2019; SJ 11
3/28/2019	S	Sen. Bradley Floor Amendment #2019-1290s , the balance of the amendment; RC 10Y-13N , AF; 03/28/2019; SJ 11
3/28/2019	S	Ought to Pass with Amendment: 2019-1290s: Lines 1-11 to the period after RSA 354-A.; RC 20Y-3N , MA; OT3rdg; 03/28/2019; SJ 11
4/1/2019	H	Introduced 03/20/2019 and referred to Education HJ 11 P. 74
4/3/2019	H	Public Hearing: 04/10/2019 11:00 am LOB 207
4/10/2019	H	==RECESSED== Executive Session: 04/18/2019 10:00 am LOB 207
4/18/2019	H	Subcommittee Work Session: 04/23/2019 01:00 pm LOB 212
4/18/2019	H	==CANCELLED== Subcommittee Work Session: 04/30/2019 01:00 pm LOB 207
4/18/2019	H	==CONTINUED== Executive Session: 04/30/2019 10:00 am LOB 207
5/1/2019	H	Majority Committee Report: Ought to Pass with Amendment #2019-1690h for 05/08/2019 (Vote 11-7; RC) HC 23 P. 9
5/1/2019	H	Minority Committee Report: Ought to Pass with Amendment #2019-1717h (NT)
5/8/2019	H	Amendment #2019-1690h : AA VV 05/08/2019 HJ 15 P. 18
5/8/2019	H	Amendment #2019-1717h : AF RC 146-207 05/08/2019 HJ 15 P. 18
5/8/2019	H	Ought to Pass with Amendment 2019-1690h: MA RC 214-143 05/08/2019 HJ 15 P. 18
5/8/2019	H	Referred to Judiciary 05/08/2019 HJ 15 P. 18
5/8/2019	H	Public Hearing: 05/15/2019 10:30 am LOB 208
5/15/2019	H	Executive Session: 05/28/2019 10:00 am LOB 208
5/29/2019	H	Majority Committee Report: Ought to Pass for 06/05/2019 (Vote 13-6; RC) HC 27 P. 17
5/29/2019	H	Minority Committee Report: Ought to Pass with Amendment #2019-2310h
6/5/2019	H	Amendment #2019-2310h : AF DV 134-215 06/05/2019 HJ 17 P. 71

6/5/2019	H	Ought to Pass: MA RC 211-141 06/05/2019 HJ 17 P. 71
6/13/2019	S	Sen. Hennessey Moved to Concur with the House Amendment, RC 15Y-9N, MA; 06/13/2019; SJ 20
6/28/2019	H	Enrolled 06/27/2019 HJ 20 P. 53
6/28/2019	S	Enrolled (In recess 06/27/2019); SJ 21
7/24/2019	S	Signed by the Governor on 07/19/2019; Chapter 282; Effective 09/17/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 263

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1121

- amendment # 0727

- amendment # 1141

- amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 1290

- amendment # _____

- amendment # _____

- amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate

as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office JM