

REGULAR CALENDAR

February 22, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Education to which
was referred HB 1638,**

**AN ACT relative to grievances under the right to
freedom from discrimination in public workplaces and
education. Having considered the same, report the
same with the following resolution: RESOLVED, that it
is INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Education
Bill Number:	HB 1638
Title:	relative to grievances under the right to freedom from discrimination in public workplaces and education.
Date:	February 22, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill modifies the procedure for grievances for certain violations of discrimination in the workplace or education and repeals and reenacts RSA 193:40, III. This bill has the person aggrieved by an act made unlawful by this subdivision first file a written complaint to the district superintendent, and has steps to take from there which could ultimately lead to a civil action against the school or school district. This process could add considerable time for the grievance to be addressed. As it stands now, the Human Rights Commission would immediately address the complaint. In addition, if the superintendent is the one initiating the discrimination, as we have seen is happening in a number of school districts, the parent will not want to go to the superintendent for fear of retribution against their child. Also, before most parents are willing to go to court, an expensive act, they already go to their local administrators first unless the administrators are the perpetrators of the discrimination. The majority feels that the process in RSA 193:40, III would work the best and should be left in place.

Vote 10-9.

Rep. Alicia Lekas
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 1638, relative to grievances under the right to freedom from discrimination in public workplaces and education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alicia Lekas for the **Majority** of Education. This bill modifies the procedure for grievances for certain violations of discrimination in the workplace or education and repeals and reenacts RSA 193:40, III. This bill has the person aggrieved by an act made unlawful by this subdivision first file a written complaint to the district superintendent, and has steps to take from there which could ultimately lead to a civil action against the school or school district. This process could add considerable time for the grievance to be addressed. As it stands now, the Human Rights Commission would immediately address the complaint. In addition, if the superintendent is the one initiating the discrimination, as we have seen is happening in a number of school districts, the parent will not want to go to the superintendent for fear of retribution against their child. Also, before most parents are willing to go to court, an expensive act, they already go to their local administrators first unless the administrators are the perpetrators of the discrimination. The majority feels that the process in RSA 193:40, III would work the best and should be left in place. **Vote 10-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 22, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Education to which
was referred HB 1638,**

**AN ACT relative to grievances under the right to
freedom from discrimination in public workplaces and
education. Having considered the same, and being
unable to agree with the Majority, report with the
recommendation that the bill OUGHT TO PASS.**

Rep. Linda Tanner

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Education
Bill Number:	HB 1638
Title:	relative to grievances under the right to freedom from discrimination in public workplaces and education.
Date:	February 22, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill gives a person a local procedure for filing a grievance for discrimination complaint in a school district with the superintendent. It allows the superintendent to conduct an impartial investigation and issue a decision. The procedure extends appeals of this ruling to the Department of Education. The person still retains the ability to appeal through the NH Attorney General, the Human Rights Commission, or the US Department of Education Office for Civil Rights.

Rep. Linda Tanner
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 1638, relative to grievances under the right to freedom from discrimination in public workplaces and education. **OUGHT TO PASS.**

Rep. Linda Tanner for the **Minority** of Education. This bill gives a person a local procedure for filing a grievance for discrimination complaint in a school district with the superintendent. It allows the superintendent to conduct an impartial investigation and issue a decision. The procedure extends appeals of this ruling to the Department of Education. The person still retains the ability to appeal through the NH Attorney General, the Human Rights Commission, or the US Department of Education Office for Civil Rights.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1638

BILL TITLE: relative to grievances under the right to freedom from discrimination in public workplaces and education.

DATE: February 22, 2022

LOB ROOM: 207

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. A. Lekas

Seconded by Rep. Hobson

Vote: 10-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Melissa Litchfield, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # 1638

BILL TITLE: ... 1638 relative to grievance under
DATE: 2/22/22 the right to freedom from
LOB ROOM: 207 discrimination in public
workplaces and education.

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. Lukas Seconded by Rep. Hobson Vote: 10-9

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Tanner Motion OTP

Respectfully submitted: [Signature]
Rep. Barbara Shaw, Clerk
Rep. Melissa Litchfield,
Clerk

OFFICE OF THE HOUSE CLERK



1/10/2022 8:57:50 AM
Roll Call Committee Registers
Report

2022 SESSION

Education

Bill #: 1638 Motion: ITL AM #: _____ Exec Session Date: 2/22/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman <i>Last</i>	10		
Cordelli, Glenn Vice Chairman <i>First</i>	1		
Litchfield, Melissa A. Clerk	2		
Boehm, Ralph G. <i>Rep Simon</i>	3		
Lekas, Alicia D.	4		
Moffett, Michael	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	7		
Soti, Julius F.	8		
Nelson, Bill G.	9		
Myler, Mel-Walz, Mary Beth <i>Second</i>		2	
Luneau, David J. <i>First</i>		1	
Cornell, Patricia		3	
Tanner, Linda L.		4	
Ellison, Arthur S.		5	
Mullen, Sue M.		6	
Woodcock, Stephen L.		7	
Porter, Marjorie <i>Rep Meuse</i>		8	
A. Hall, Muriel C.		9	
TOTAL VOTE:	10	9	

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1638

BILL TITLE: relative to grievances under the right to freedom from discrimination in public workplaces and education.

DATE: February 8, 2022

LOB ROOM: 207

Time Public Hearing Called to Order: 9:05am

Time Adjourned: 9:15am

Committee Members: Reps. Ladd, Cordelli, Litchfield, Boehm, A. Lekas, Moffett, Hobson, Ford, Soti, B. Nelson, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Woodcock, Hall and Porter

Bill Sponsors:

Rep. DiLorenzo

Rep. Simpson

Rep. Langley

Rep. M. Smith

Rep. Petrigno

Sen. Perkins Kwoka

Rep. Cote

Rep. Mangipudi

TESTIMONY

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

Rep. DiLorenzo

- Introduced the bill, and described it's intended intent and processes

Rep. Lekas

- Asked about superintendents behavior

Rep. Woodcock

- Asked about school days/business days vs. calendar days

Respectfully submitted,

Rep. Melissa Litchfield, Clerk

House Remote Testify

Education Committee Testify List for Bill HB1638 on 2022-02-08

Support: 53 Oppose: 14 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/19/2022 11:58 AM
Sumner, Deborah	Jaffrey, NH dsumner@myfairpoint.net	A Member of the Public	Myself	Support	No	No	1/28/2022 11:02 AM
Ulmer Dorsch, Karen	Sanbornton, NH karenbobd@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 1:52 PM
Galarza, April	Keene, NH AprilWriter@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 2:38 PM
Hull, Ethel	Concord, NH essie@essenceofthings.com	A Member of the Public	Myself	Support	No	No	1/31/2022 7:49 PM
Cutting, Sarah Ellen	ALEXANDRIA, NH mrscutting211@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:45 AM
smith, jennifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Support	No	No	2/5/2022 5:25 PM
Grossi, Anne	Bedford, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 12:13 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/6/2022 8:16 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 9:16 PM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Oppose	No	No	2/6/2022 10:15 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 7:06 AM
hatch, sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/7/2022 8:00 AM

Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 8:21 AM
Collyer, Anne	Newton, NH annicollyer34@gmail.com	An Elected Official	Myself	Oppose	No	No	2/7/2022 10:55 AM
Campbell, Karolyn	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2022 11:21 AM
Hamer, Gary	Manchester, NH ghamer@mansd.org	An Elected Official	Myself	Support	No	No	2/7/2022 11:23 AM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/7/2022 11:24 AM
Vail, Suzanne	Nashua, NH Suzanne.vail@leg.state.nh.us	An Elected Official	Hillsborough County 30	Support	No	No	2/7/2022 11:52 AM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	2/7/2022 12:52 PM
Wilson, Becky	Concord, NH bwilson@nhsba.org	A Lobbyist	New Hampshire School Boards Association	Support	No	No	2/7/2022 1:20 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No	2/7/2022 1:28 PM
Thorn, Andrea	Newmarket, NH dreathorn@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 1:57 PM
Chase, wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/7/2022 2:02 PM
Mattlage, Linda	Concord, NH l.mattlage@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 2:56 PM
Richards, Martha	Holderness, NH Maplerichards@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 3:12 PM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 3:13 PM
olson, alix	canaan, NH alixmartha22@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 3:48 PM
Vincent, Laura	Loudon, NH lvlauravincent5@gmail.com	An Elected Official	Myself	Support	No	No	2/7/2022 4:05 PM
Yen, Aloyo	Pembroke, NH lyen@afsc.org	A Member of the Public	Myself	Neutral	No	No	2/7/2022 4:38 PM
Graham, James	Lyme, NH jamesg@blue-bottle.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 5:14 PM

Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Merrimack District 12	Support	No	No	2/7/2022 5:42 PM
French, Elaine	Littleton, NH frenche961@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 5:57 PM
Peterson, Susan	Newton, NH susanrp@aol.com	A Member of the Public	Myself	Support	No	No	2/7/2022 6:04 PM
Rich, Martha	Enfield, NH martha.rich@thet.net	A Member of the Public	Myself	Support	No	No	2/7/2022 6:15 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	2/7/2022 6:26 PM
MacKinnon, Paula	Salem, NH nhschoolnurses@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 6:52 PM
Chase-Rowell, Lauren	Nottingham, NH laurenchaserowell@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 7:36 PM
Mchatten, Martin	New Durham, NH Overdrv21@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 8:09 PM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/7/2022 8:16 PM
Robinson, Steven	Northwood, NH Nikkiandme@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 8:20 PM
Richards, John	Holderness, NH salmon246@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 8:21 PM
Robinson, Karen	Northwood, NH Bdabng12@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 8:29 PM
Baker, Marian Baker	Hillsboro, NH quakerbonnet@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 8:36 PM
Cahill, Michael	Newmarket, NH michael.cahill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/7/2022 8:42 PM
Sauvageau, Shirley	Rochester, NH nh7sam@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 8:45 PM
Lewandowski, Jean	Nashua, NH jlewando@hotmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 8:48 PM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Support	No	No	2/7/2022 9:18 PM
Gulla, Carol	NEWMARKET, NH crgulla@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 9:34 PM

Gluck, Tammy	Newton, NH Tammykgluck@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 9:42 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 10:11 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 10:16 PM
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Support	No	No	2/7/2022 11:55 PM
mus, Joanne`	Hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Support	No	No	2/8/2022 12:02 AM
Richardson, Bryan	Alexandria, NH marks-dad@ipatriots.us	A Member of the Public	Myself	Oppose	No	No	2/8/2022 1:32 AM
Corrow, Carisa	Concord, NH carisacorrow@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/8/2022 5:14 AM
Poor, Herrika	Cornish, NH hwpoor@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2022 7:23 AM
Smith, Suzanne	Hebron, NH zanne719@gmail.com	An Elected Official	Myself	Support	No	No	2/8/2022 7:49 AM
HALLOCK, LINDA	Cornish, NH lindash@mail.com	A Member of the Public	Myself	Support	No	No	2/8/2022 8:17 AM
Colt, Susannah	Whitefield, NH coltsusannah@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2022 8:53 AM
Horrigan, Timothy	Durham, NH timothy.horrigan@leg.state.nh.us	An Elected Official	Strafford 6	Support	No	No	2/8/2022 9:14 AM
Ropp, Elizabeth	Manchester, NH arunareiki@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2022 9:27 AM
Snyder, Linda Lea	Nottingham, NH lindaleasnyder@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2022 9:33 AM
Weston, Joyce	Plymouth, NH jweston14@roadrunner.com	An Elected Official	Myself	Support	No	No	2/8/2022 9:40 AM
Umiker, Richard	Randolph, NH rick.umiker@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2022 9:57 AM
Diehl, Stan	Concord, NH loki1958@yahoo.com	A Member of the Public	Myself	Support	No	No	2/8/2022 10:27 AM
Guptill, Heather	Rye, NH Heatherbguptill@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/8/2022 1:51 PM

Diehl, Stanford

Concord, NH
loki1958@yahoo.com

A Member of the
Public

Myself

Support No

No

2/8/2022 8:00 PM

Rep. Charlotte DiLorenzo testimony

House Education Committee Hearing 2/8/2022

HB 1638 RELATIVE TO GRIEVANCES UNDER THE RIGHT TO FREEDOM FROM DISCRIMINATION IN PUBLIC EDUCATION AND WORKPLACES

Mr. Chairman and Honorable members of this committee

I introduce HB 1638, which seeks to change the grievance procedure for violations of the right to freedom from discrimination in education.

This proposed bill is simple, it aims to keep the grievance procedure within the local School administrative unit. A person aggrieved by an act made unlawful by this subdivision shall file a written complaint to the **district superintendent of the SAU**. The petitioner would complete the public education intake form found on the Department of Education web site. The SAU Superintendent will use this information to determine whether the petitioner has the basis to file a formal charge, After reviewing the questionnaire, the SAU superintendent will contact the aggrieved party to gather further information, and as necessary and either explain the next steps in filing a formal charge and or explain why the person does not have a basis to file a charge of discrimination.

I believe the local school district should be in charge of the investigation. They are the head administrator of the school

district and has knowledge of the teachers, the parents, and students.

We need to trust that local administrators will complete a thorough investigation and will without prejudice decide on whether the basis of the complaint. This process is simple, quick, and cheap and the end result could be a learning process for all involved.

If the aggrieved party disagrees with the SAU's finding they may appeal to the NH Department of Education. The Department of Education will refer the case to the NH Human Rights Commission or the NH Attorney General. Alternatively, the aggrieved party may file a complaint in Superior Court or with the US Department of Education, Office of Civil rights.

Rep. Charlotte DiLorenzo, Rockingham 17 Newmarket & Newfields.



Barrett M. Christina, Executive Director
Brenda Willis, President, Derry Cooperative
Holly Kennedy, First Vice-President, Hinsdale
Travis Thompson, Past-President, Exeter Regional Cooperative

25 Triangle Park Drive, Suite 101
Concord, NH 03301
Phone: (603) 228-2061
www.nhsba.org

To: New Hampshire House of Representatives – Education Committee
From: New Hampshire School Boards Association
Date: February 7, 2022
Re: HB 1090, HB 1576, HB 1638

Dear Honorable Members of the Committee:

Please accept this correspondence as testimony submitted by the New Hampshire School Boards Association (NHSBA) relative to HB 1090, HB 1576, and HB 1638. NHSBA supports each of these bills for the following reasons.

First, one of NHSBA's bedrock principles is that local school boards should retain local control over local educational matters. These principles are established by the following NHSBA Resolutions, adopted and in some cases repeatedly reaffirmed by NHSBA member school boards at our annual Delegate Assembly. The pertinent Resolutions are as follows:

NHSBA supports diversity, equity, and inclusion in all aspects in our schools, is committed to the concept that **free and open dialogue around such concepts as racism and sexism is a vital component to education, and opposes any actions which limit this free exchange of ideas.** (October 2021)

***NHSBA opposes any branch of New Hampshire government adopting or supporting curriculum standards that usurp state's rights and de-emphasize and limit local control of curriculum and local school board oversight.** (2011)*

***NHSBA supports local boards and their responsibility for establishing the structure, accountability, advocacy and delivery of instruction within their local district. This includes statutory changes that affirm this managerial policy confided exclusively to public employers. Specifically, governing bodies have the right to determine standards for evaluation, compensation, selection, layoff and retention, discipline, assignment and transfer, and other traditionally accepted managerial rights so as to continue public control of governmental functions.** (2013)*

NHSBA supports state and federal legislation that affirms the responsibility for Education resides with the states, which have delegated to local school boards the power and authority to adopt policies, establish priorities, and provide accountability to direct the operation of the schools, including the school system's mission and goals, organization, budget, program, curriculum and services, all essential to the daily operation of schools, consistent with state laws and regulations. (2014)

Second, these principles are already supported in current New Hampshire law. Primarily, NHSBA directs the Committee to the following statutes:

RSA 189:1-a, II: Elected school boards shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To accomplish this end, and to support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future.

193-E:1, II: Respecting New Hampshire's long tradition of community involvement, it is the purpose of this chapter to ensure that appropriate means are established to provide an adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes minimum standards for public school approval and academic standards for inclusion and delivery of educational services at the local level. School districts then have responsibility and flexibility in implementing diverse educational approaches to instruction and curriculum tailored to meet student needs.

193-E:2-a, V(a): It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the curriculum, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

Third, the principles of local control over local educational and curricular matters have been embedded in Department of Education Rules for decades. Largely Ed 306, Minimum Standards for Public School Approval, place various requirements on local school boards the responsibility of overseeing curriculum standards, graduation requirements, and instructional resources through school board policy-making obligations.

February 7, 2022
NH House – Judiciary Committee
Re: HB 1090, HB 1576, HB 1638/NHSBA Testimony
Page Three

In sum, New Hampshire law has traditionally and should continue to respect the right of local school boards to determine local educational standards for their local communities. SB 304 properly returns this right to the local school boards.

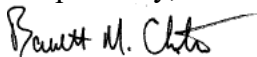
Aside from respecting local control over local educational matters, NHSBA has significant concerns regarding the disruptive impact that last year’s “anti-discrimination” bill has had on the delivery of educational services to New Hampshire students. Since the passage of HB 2 last year, multiple educational associations and organizations have repeatedly asked the New Hampshire Department of Education for clarification as to what would actually constitute a violation of this law. While the NHDOE and the Attorney General’s office did issue a technical assistance advisory last summer, that advisory is just as vague and uninformative as the bill itself. Follow up requests for guidance have received little response, and in many cases, no response. At the very least, those charged with overseeing and enforcing this law should provide thorough guidance to New Hampshire teachers, administrators and school boards.

Due to the lack of clear answers and guidance, school boards have spent numerous hours at board meetings fielding questions that are unanswerable. This creates the false belief that school boards are not being transparent, when in reality, no one in charge of enforcing this law has been able to get a straight answer on what is allowable and what is not allowable under HB 2.

For these reasons, NHSBA supports HB 1090, HB 1576, and HB 1638 and respectfully asks the Committee to recommend this bill ought to pass.

Thank you for your consideration. Please reach out to the New Hampshire School Boards Association if you have any questions or if NHSBA can be of any assistance.

Respectfully,



Barrett M. Christina Executive Director

Archived: Wednesday, February 16, 2022 10:21:12 AM

From: [Mama K](#)

Sent: Tuesday, February 15, 2022 2:31:35 PM

To: [~House Education Committee](#)

Subject: HB1683 dissent

Importance: Normal

Dear honored members of the NH House Education Committee,

I am writing to oppose HB1683, which would repeal the Education Freedom Accounts in NH. As a mother to 3 children who needed more than the public schools could offer, the EFA program's impact on our family has been immeasurable. My children learn in different ways and as a low income family with 2 disabled parents, these funds, which were allocated for my children and distributed to local public schools when they did not attend, are allowing them to take classes and learn in ways that would have been inaccessible before.

We tried public school, and it did not fit the needs of my children and so we moved to homeschooling. The EFA has given us the freedom to educate our children in the best way for each of them, and given them access to things that are expanding their horizons that would never have been possible. I have seen firsthand the benefits of the EFA funds for so many families in NH, and it is a travesty that anyone would want to take away an opportunity to learn from a child when the price tag for the entire year is less than \$6,000 per student. I cannot imagine that the public schools would be able to adequately provide the same kind of opportunity for children with a budget that low, and it is also does not even touch the local tax money that we pay that still goes directly to the local schools that our children do not attend.

I have heard the voices that dissent the EFAs in regards to special education, and the worry that private education does not guarantee special education rights to the student but what those voices are forgetting is that these parents have made the choice to educate their children in the manner that best suits them. We are all aware of the special education rights and make the choices that are best for us. It is not taking away the choice to stay in public school from the families that want to continue, so long as the public schools are honoring their budgets for each child.

The money allocated in the EFA should absolutely continue to follow my children for their education, for our freedom to continue to educate in the manner that is best for each child. We respectfully request that you all vote no on HB1683 so that education freedom can continue in this great state of freedom.

Thank you,

Kara Maynard
Pembroke, NH tax payer

Archived: Monday, February 7, 2022 9:08:19 AM

From: Daniel Richardson

Sent: Sunday, February 6, 2022 8:17:59 PM

To: ~House Education Committee

Cc: Charlotte DiLorenzo; Marjorie Smith; David Cote; Alexis Simpson; Peter Petrigno; Latha Mangipudi; Diane Langley; Rebecca Perkins Kwoka

Subject: In Opposition to HB 1638 relative to grievances under the right to freedom from discrimination in public workplaces and education

Importance: Normal

Ref: February 8, 2022 Public Hearing

House Education Committee -

I write in opposition to HB 1638. This bill would have a emphatic declarative action for person aggrieved: "... shall file a written complaint..." It is not a mission of statutes to demand a person take action with is an election, in fact. This is a wrongful statement.

This bill would option that the department of education may refer the case to the state commission for human rightsor the New Hampshire attorney general, if the aggrieved party is not satisfied with the SAU district superintendent ruling and the department of education rejects the resolution. It is not mete for a government agency to shepherd an individual's grievance to higher authority; it is the griever's responsibility.

Please find HB 1638 as ITL.

Daniel Richardson, Nashua

Archived: Tuesday, February 8, 2022 9:42:17 AM
From: James Graham
Sent: Monday, February 7, 2022 5:23:46 PM
To: ~House Education Committee
Subject: opposed to HB 1638
Importance: Normal

Although I support the intent of HB 1638, I do not support it's passage because it is trying to fix a poorly conceived law. We should repeal any language that meddles with the carefully conceived curriculum that our educators are using to prepare our children for a just and peaceful future. The idea of "divisive concepts" is an idea that's been pulled out of thin air. No lawmaker has brought forward real examples of where these so-called concepts are causing a problem in our schools and in our communities. Laws that solve problems that don't exist are an insult to the taxpayers of NH. They are costing money by the very distraction they cause from real issues that affect the people of NH.

Respectfully,
James Graham
Lyme, NH

James Graham
IT Professional
www.IT.blue-bottle.com
c: 603.359.9686
h: 603.795.2605

Subject: In Opposition to HB 1638 relative to grievances under the right to freedom from discrimination in public workplaces and education

From: Daniel Richardson <daniel6_22@comcast.net>

Date: 2/6/2022, 8:17 PM

To: HouseEducationCommittee@leg.state.nh.us

CC: Charlotte DiLorenzo <Charlotte.DiLorenzo@leg.state.nh.us>, Marjorie Smith <msmithpen@aol.com>, David Cote <David.Cote@leg.state.nh.us>, Alexis Simpson <Alexis.Simpson@leg.state.nh.us>, Peter Petrigno <Peter.Petrigno@leg.state.nh.us>, Latha Mangipudi <Latha.Mangipudi@leg.state.nh.us>, Diane Langley <Diane.Langley@leg.state.nh.us>, Rebecca Perkins Kwoka <Rebecca.PerkinsKwoka@leg.state.nh.us>

Ref: February 8, 2022 Public Hearing

House Education Committee -

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Daniel Richardson, Nashua

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Respectfully,
James Graham
Lyme, NH

HB 1638 RELATIVE TO GRIEVANCES UNDER THE RIGHT TO FREEDOM FROM DISCRIMINATION IN PUBLIC EDUCATION AND WORKPLACES. Rep. Charlotte Dorenzo, Newmarket

Mr. Chairman and Honorable members of this committee

I introduce HB 1638, which seeks to change the grievance procedure for violations of the right to freedom from discrimination in education.

This proposed bill is simple, it aims to keep the grievance procedure within the local School administrative unit. A person aggrieved by an act made unlawful by this subdivision shall file a written complaint to the **district superintendent of the SAU**. The petitioner would complete the public education intake form found on the Department of Education web site. The SAU Superintendent will use this information to determine whether the petitioner has the basis to file a formal charge, After reviewing the questionnaire, the SAU superintendent will contact the aggrieved party to gather further information, and as necessary and either explain the next steps in filing a formal charge and or explain why the person does not have a basis to file a charge of discrimination.

I believe the local school district should be in charge of the investigation. They are the head administrator of the school district and has knowledge of the teachers, the parents, and students.

We need to trust that local administrators will complete a thorough investigation and will without prejudice decide on whether the basis of the complaint. This process is simple, quick, and cheap and the end result could be a learning process for all involved.

If the aggrieved party disagrees with the SAU's finding they may appeal to the NH Department of Education. The Department of Education will refer the case to the NH Human Rights Commission or the NH Attorney General. Alternatively, the aggrieved party may file a complaint in Superior Court or with the US Department of Education, Office of Civil rights.

Rep. Charlotte DiLorenzo, Rockingham 17 Newmarket & Newfields.

Testimony for AB 1090, 1576, 1607 1638, 1313

The Flaws in Critical Race Theory

By Oliver Ford, PhD (retired President Southwest Minnesota State U, current NH State Representative(R) BA &MA Tulane U, PhD UConn).

Like many of our neighbors, we recently received a black and white postcard boldly proclaiming that "Critical Race Theory is the understanding that:" *Racism affects every aspect of US society and culture.*Racism is not merely the product of individual bias, prejudice or action, it is systemic. Racism is embedded in our legal, social, economic, medical and educational systems."

All this was declared without providing any proof that these statements are substantiated by facts. On what basis are we to "understand" this unproved theory?

When examined, one learns that the argument is based on flawed reasoning, described in Latin as a Post Hoc ergo Propter hoc argument, which describes an argument that event B occurred after event A, therefore B was caused by A., which is not necessarily so. Critical Race Theory asserts that racism is unavoidably inherited and concludes that all cultural values and beliefs of US Society are embedded with racism, therefore the dominant culture cannot be forgiven or corrected, only demolished and reconstructed. This runs counter to what we learn from many religions and from shared human experience, in which forgiveness and redemption follow confession of sin or error and form the basis for hope of salvation.

Critical Race Theory is an expression of nihilism, a viewpoint that traditional values and beliefs are unfounded, and existence is senseless and useless. The basis of much of American society has always been hope, so why should we "understand" an unsubstantiated, unproved assertion as fact, any more than we believed Hermann Goering's assertions about Jewish people being sub-human in the 1930s and 1940s? He thought that if one asserted an untruth often enough, one could convince enough people it was true.

America fought a long, hard war (in which two of my uncles fought) that cost many American lives to overcome that racist Nazi notion. Americans have been opposing the terrible legacies of racism for many years in the U.S., of which I, being born and reared in Louisiana am only too aware.

Yes, we need to teach the whole story of American history, but that is no justification for concluding Americans cannot learn from our mistakes and we are a nation without hope. Rather, we should teach that "Hope underlies the American Experience" and often has enabled us to overcome some of our worst human failings.

There was a time too many Americans routinely referred to their fellow citizens by pejorative names, like Mick, Spic, Guinea, Dago, Wop(without papers), Honky, Red Neck, the, ugly, and hurtful "N" word, Burr head, Jew boy, Christ-killer and more, like PO-Lock, Frog etc. etc., and too many of our citizens with names from various cultures still pronounce their names the way they were mispronounced by immigration officials or by school yard ruffians who spoke only English and beat them up when they pronounced their names correctly.

Thus, some adults still pronounce "Le Blanc" as Le Blank "Jean "as Gene", etc. A neighbor of mine recently told me how he quit pronouncing his name correctly after three boys in school with Irish surnames beat him up repeatedly. I do not say this disparagingly; My mother's name was Lynch.

These are just examples of the many challenges of realizing the motto of our nation "E Pluribus unum, From Many(people), One (nation) . Often, these distinctions were used to assert a social, ethnic or economic bias, as in the signs in store windows that declared "No Irish Need apply" or to separate entrances to restaurants by race and extended to separate water fountains and bus seating for racial separation.

All too often it was an expression of "our "interests against "theirs" or "not one of us" and since people tended to settle into neighborhoods by cultural affinity, their churches reflected the local citizens. Inevitably, so-called "Irish, French and Italian" churches of the same denomination came into being, and Black churches, even in cultures where slave owners once had permitted slaves to attend their church but seated them in the back rows.

in regions where competition for jobs was an issue, terms like Cajuns, Okies, hillbillies Red necks and Canucks were coined, as well as other variations on European names as immigration expanded the population after various world wars.

ALL this history needs to be taught and in context, including the fact that European Kings and Queens funded explorers to sail around the world to discover new lands, to claim as additions to their own empires, and, through military technology and force overcome whatever system of government or system of land ownership existed and claim the land in the name of the king or queen, regardless of the people who lived there or whatever color of skin they might happen to have. That these explorers might have arrived after the Chinese, exploring on orders of their emperor had already "discovered" these peoples was irrelevant and would not be documented by scholars until the 20th century.

What mattered to the King/Queen/Emperor was claiming the land and the conquest of any and all people living there. What mattered to religious leaders were converts, and what mattered to the immigrants who came to these "discovered" lands was the hope of owning land and the prosperity that owning land made possible, as well as the promise of freedom of religion and politics. There is much evidence of how and what methods were employed to achieve their various objectives, but racism has not been proved to be their primary concern, even when an economic or political factor.

That racism was a significant factor is evident, however, and should not be discounted or ignored, any more than it should be asserted, without substantial evidence, as the only cause for all decisions not favorable to people of color and with people of color as the only victims. A photo study of child labor in America by Lewis Hines early in the 19th century documents child labor throughout America, North and South, of all colors of skin, all disadvantaged and

struggling. Some were further disadvantaged by race, but economic, geographic and other social factors shaped the lives of all the children in these photographs as well.

To reduce all their motives to racial bias as a dominant factor in their lives is inaccurate. I know this for a fact, because I can look at some of those photos and identify my mother, my aunts, an uncle, and their second cousin when they were only a few years older than my mother. I have dined at their tables slept in their homes, helped pick their cotton and pecans, hunted squirrels and rabbits and branded cattle with them and their children, as well as attended their churches and prayed for their safe return from war. Some of them also were talented singers and musicians, as well as scholars who went to college, three of whom later earned a Ph.D.

I reject the baseless assertion that everyone in that generation was "inherently racist" because we were white, nor do I think an unproved theory should be taught as fact, any more than the economic factors in the Civil War should be ignored either.

Teach ALL that is known and substantiated and discuss it without bias so we can continue to learn from the good and the bad. Examine as well, all the facts of the pernicious impact of the Ku Klux Klan on both black and white communities; this should not be left unexamined, as it had to be unmentioned in some communities to avoid Klansmen turning on you or your business. Also, you should not leave unexamined the racial bias in the armed forces and in the defense industry, schools and colleges and churches for many years.

Just don't ask anyone to accept as fact, an hypothesis you have not proved. It does not pass the smell test, nor would it pass English 101, English composition.

From the beginning, this is the story of people struggling to thrive in a world none of them created and whose world view often originated in Europe. This subject needs to be treated as the subject of serious scholarship: objective, honest, thorough, fact-based and candid, not as a virtue signaling, unproved accusation based on assumptions from a university's Social Science "laboratory." I was taught that a laboratory is a place where one tests hypotheses for their validity, then based the conclusions on the rational analysis of results of the tests.

Critical Race theory presupposes, then proclaims the outcome, using flawed reasoning. To whatever degree their objective of examining the influence of racialism on contemporary American culture might be desirable, its adherents do not get to assume/"understand" the facts needed to prove their theory, nor use flawed reasoning to argue its validity.

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Jonathan Greenblatt

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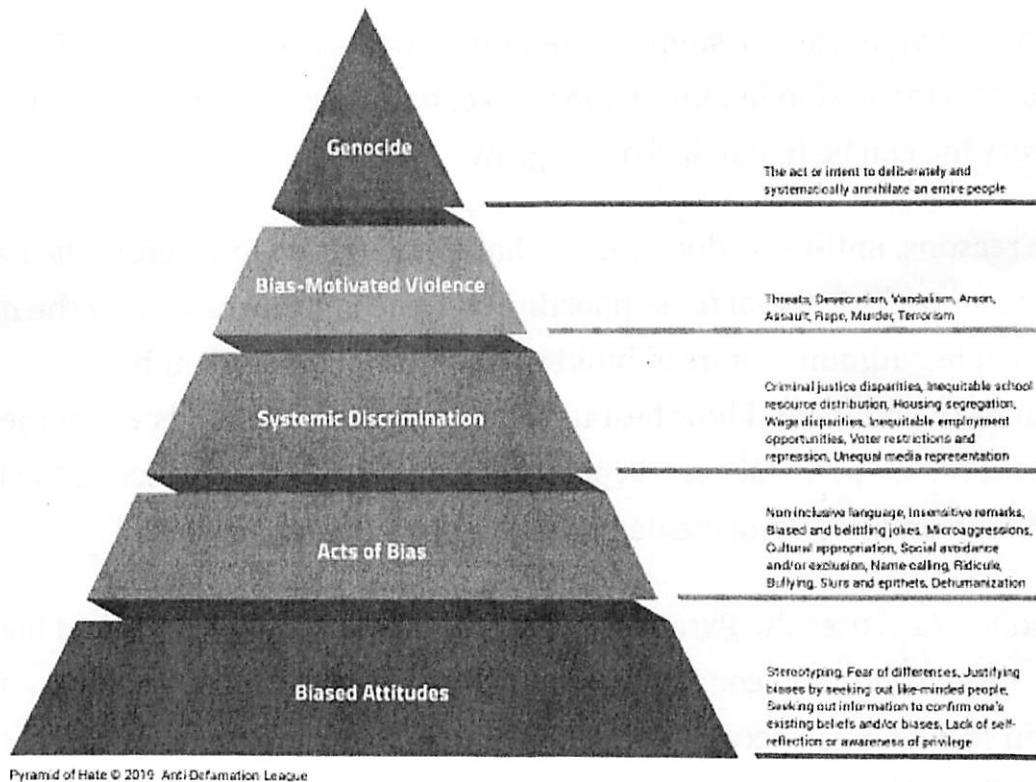
Rep @ Di Lorenzo

Re HB 1638

Why “Divisive Concepts” Proposals are Having a Detrimental Impact on Education



Jonathan Greenblatt Jun 28, 2021 · 4 min read



There is a saying that a good teacher “takes a hand, opens a mind, and touches a heart.” Those of us who, at some point in our lives, have been fortunate enough to have one or more teachers like that appreciate what that means. We also know that laws prescribing

for teachers how they must approach challenging subjects do a profound disservice to those good teachers, to the teaching profession, and to our children.

But we see legislative proposals circulating today, already adopted in some states and pending in others, that would place serious limitations on how teachers can talk about racism, antisemitism, and other forms of discrimination in our children's schools. These laws, broadly labeling programs like anti-bias education as "divisive concepts," threaten to overly restrict both open dialogue in schools around issues of diversity, and the freedom of educators to guide their students' learning disconnected from partisan debate.

ADL long has believed that education is the best antidote to intolerance. We know that students in K-12 schools are trying to make sense of the enormous issues of the world and need support. We want students to learn how to speak up and stand up to hate when they see it happen. We want students to appreciate that they have the power to make change. We want students to feel free to be themselves, free of fear of bullying, intimidation or violence. We support students as well as educators, administrators and families across the nation in building inclusive, hate-free educational environments where everyone can be free to learn and grow.

For these reasons, anti-bias education is a hallmark of our work across the nation. We have found it is a critical tool for supporting students in understanding the nature of hate, for helping administrators to build trust within their student body, and assisting communities to understand how best to respond to these incidents when they happen. This content has no political agenda per se. It simply puts in perspective the history of discrimination and how hate escalates when we fail to recognize it.

As one model, ADL uses the Pyramid of Hate to illustrate how unchecked bias can become "normalized" and contribute to a pattern of accepting discrimination, hate and injustice in society. Such acceptance can lead to real-world acts of hate and even violence. While every biased attitude or act clearly does not lead to something as drastic as genocide, large-scale violence always has been preceded by a degree of dehumanization of the "other" and built on the acceptance of attitudes and actions described at the lower levels of the pyramid. One of the world's most horrific lessons in the systemic escalation of hate is the Holocaust. Put simply, you can't teach the

Holocaust without understanding its origins in unchecked bias and how such hatred then can be implanted in a society.

And yet the rash of divisive concept proposals popping up in different states threaten to derail this process. Whatever their intentions, legislators should not be substituting their judgment for educators. Laws that would constrain or limit instruction in key elements of American history because such lessons might cause students “discomfort” substitute blind allegiance to one set of views — or, equally problematic, knee-jerk opposition to another set of views — for the critical thinking skills our children will need to contribute in a meaningful way to the future of our nation’s democratic system. Most teachers understand that some subjects may cause discomfort and yet, at the same time, appreciate that a comprehensive, well-rounded education requires an understanding of those subjects, taught with reasonable sensitivity and age-appropriateness.

Sadly, these “divisive concepts” proposals are already having a detrimental and concerning impact on how teachers across the country talk about race and racism in their classrooms, if at all. This is reportedly happening, not only in states that have passed or proposed laws, but also having a chilling effect on teachers in other states.

Whether or not it’s the intent, such legislative overreach often divides rather than unites communities. When it comes to bias specifically, we should be teaching young people to challenge not only their own biases, but biases they see in others and in our society. These are themes that should carry through their education from their formative years through more advanced schooling. Education that includes a full appreciation of our history — the good and the bad — is part of a fully formed curriculum.

Much of the public rhetoric has used “critical race theory” as a strawman to stigmatize critically important education programs about racism, bias, and American history. I say it is a strawman, because while critical race theory frequently may be found in a law school’s curriculum, it largely is not present in K-12 schools. To be clear, it certainly is reasonable for parents to ask hard questions about what their children are learning and many appropriately have sounded the alarm on the expanding illiberalism in various spheres of our society, including our classrooms. But many of these legislative interventions will not address this concern. They are solutions in search of a problem.

In these incredibly divisive times, we can and should teach students how to handle hate without politicizing the process. Anti-bias education is an essential element of this work. It can help to foster inclusive school communities which ultimately will benefit everyone, but most of all, our children.

[Divisive Concepts](#)

[Critical Race Theory](#)

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HB 1638 - AS INTRODUCED

2022 SESSION

22-2850

10/08

HOUSE BILL **1638**

AN ACT relative to grievances under the right to freedom from discrimination in public workplaces and education.

SPONSORS: Rep. DiLorenzo, Rock. 17; Rep. M. Smith, Straf. 6; Rep. Cote, Hills. 31; Rep. Simpson, Rock. 36; Rep. Petrigno, Hills. 23; Rep. Mangipudi, Hills. 35; Rep. Langley, Hills. 8; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Education

ANALYSIS

This bill modifies the procedure for grievances for certain violations of discrimination in the workplace or education.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to grievances under the right to freedom from discrimination in public workplaces and education.

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

1 1 Discrimination in Public Schools; Grievances. RSA 193:40, III is repealed and reenacted to
2 read as follows:

3 III.(a) A person aggrieved by an act made unlawful by this subdivision shall file a written
4 complaint to the district superintendent of the school administrative unit (SAU) within 15 days of
5 the date that the incident took place. The SAU district superintendent shall within 3 days of receipt
6 of the complaint send a written acknowledgment of the complaint to the complainant. The SAU
7 district superintendent shall conduct an impartial investigation of the complaint and issue a decision
8 within 15 days of receipt of the complaint.

9 (b) Upon receipt of the final decision of the SAU district superintendent, if the aggrieved
10 party is not satisfied with the ruling, the aggrieved party may appeal to the department of
11 education. If the department of education rejects the resolution by the SAU district superintendent,
12 the department may refer the case to the state commission for human rights under RSA 354-A or the
13 New Hampshire attorney general.

14 (c) A person claiming to be aggrieved by a violation of this section, including the attorney
15 general or the state commission on human rights may initiate a civil action against a school or school
16 district in superior court for legal or equitable relief. Alternatively, the aggrieved party may file a
17 complaint with the United States Department of Education, Office for Civil Rights.

18 2 Repeal. RSA 354-A:34, relative to remedies for discrimination in public workplaces, is
19 repealed.

20 3 Effective Date. This act shall take effect January 1, 2023.