

HB 1671-FN - AS INTRODUCED

2024 SESSION

24-2660

10/02

HOUSE BILL

1671-FN

AN ACT relative to the complaint process for teaching discrimination and allowing educators and school officials a right of action for damages and costs for false accusations.

SPONSORS: Rep. Tanner, Sull. 5; Rep. Ellison, Merr. 28; Rep. Balboni, Rock. 38; Rep. Cascadden, Coos 5; Rep. Cornell, Hills. 22; Rep. Myler, Merr. 9; Rep. D. Paige, Carr. 1; Rep. Petrigno, Hills. 43; Rep. Selig, Straf. 10

COMMITTEE: Education

ANALYSIS

This bill provides that complaints for teaching discrimination first be made to the local school board and are appealed to the state board of education. The bill also allows educators or other school employees falsely accused of teaching discrimination to initiate a civil action for legal or equitable relief.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the complaint process for teaching discrimination and allowing educators and school officials a right of action for damages and costs for false accusations.

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

1 1 Prohibition on Teaching Discrimination; Complaint Process; False Accusations. Amend RSA
2 193:40, III-V to read as follows:

3 III. Any person claiming to be aggrieved by a violation of this section~~[, including the~~
4 ~~attorney general,]~~ may initiate a ~~[civil action against a school or school district in superior court for~~
5 ~~legal or equitable relief, or with the New Hampshire commission for human rights as provided in~~
6 ~~RSA 354-A:34]~~ ***complaint with the local school board. The school board shall investigate***
7 ***such complaint and make a determination in accordance with rules of the department in***
8 ***Ed 204, minimum requirements for due process by the local school board. School board***
9 ***decisions with respect to complaints may be appealed to the state board.***

10 ~~[IV. Violation of this section by an educator shall be considered a violation of the educator~~
11 ~~code of conduct that justifies disciplinary sanction by the state board of education.~~

12 ~~V.]~~ IV. For the purposes of this section, "educator" means a professional employee of any
13 school district whose position requires certification by the state board pursuant to RSA 189:39.
14 Administrators, specialists, and teachers are included within the definition of this term.

15 V. ***Any educator or other school staff member who is falsely claimed to be in***
16 ***violation of this section may initiate a civil action against any persons, or against the***
17 ***department of education, in superior court for legal or equitable relief.***

18 2 Effective Date. This act shall take effect January 1, 2025.

HB 1671-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the complaint process for teaching discrimination and allowing educators and school officials a right of action for damages and costs for false accusations.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures	\$0	Indeterminable		
Funding Source(s)	General Fund			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ See Below
- Does this bill authorize new positions to implement this bill? ☒ N/A

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill would amend the pre-existing law, RSA 193:40, which is a prohibition on teaching discrimination. Specifically, it would amend the complaint process to require that any complaints are brought to the local school board for investigation and any school board decision could then be appealed to the State Board. The bill also creates a new section that would allow for any educator or other staff member who is falsely claimed to be in violation of this section to initiate a civil action against the person or against the Department of Education in superior court for legal or equitable relief. The Department states there are too many unknowns, specifically, how many complaints may be brought forward, to estimate this bill's impact on its expenditures. It is also unknown whether this bill would have an impact on local school

districts. Any impact would vary district to district, depending on frequency and severity of complaints filed.

The Human Rights Commission states it is charged with jurisdiction over acts of discrimination in schools, and confusion for the public as to where to file a charge of discrimination could result due to this bill. The Commission states it is unclear whether the proposed changes will have a fiscal impact since it is not known what resources would be needed to field calls, answer emails, or other communications related to the removal of this section.

The Judicial Branch states it is not possible to estimate how this change in law would impact the number of filings in the courts, and therefore is unable to estimate this bill's potential impact on its budget, if any.

AGENCIES CONTACTED:

Department of Education, Human Rights Commission, and Judicial Branch