



SB 272 - comments from the NH School Boards Association

1 message

Barrett Christina <bchristina@nhsba.org>

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To: Rick Ladd <rick.ladd@leg.state.nh.us>, "Rep. Glenn Cordelli" <glenn.cordelli@leg.state.nh.us>, Oliver Ford <lynchford@comcast.net>, rep.alicia.lekas@gmail.com, Mike.Belcher@leg.state.nh.us, Margaret.Drye@leg.state.nh.us, Valerie.McDonnell@leg.state.nh.us, Kristin.Noble@leg.state.nh.us, Katy.Peternel@leg.state.nh.us, Arlene.Quaratiello@leg.state.nh.us, "Myler, Mel" <Mel.Myler@leg.state.nh.us>, patricia.cornell@leg.state.nh.us, Linda Tanner <RepTanner@gmail.com>, Dave Luneau <dluneauNH@gmail.com>, Art.Ellison@leg.state.nh.us, stephen woodcock <stevewoodcock.rep@gmail.com>, Muriel Hall <Muriel.Hall@leg.state.nh.us>, Peggy Balboni <Peggy.Balboni@leg.state.nh.us>, Corinne.Cascadden@leg.state.nh.us, Hope.Damon@leg.state.nh.us
Cc: Jennifer Foor <JENNIFER.FOOR@leg.state.nh.us>, Lindsay.Oestreich@leg.state.nh.us, Becky Wilson <bwilson@nhsba.org>

Dear Members of the House Education Committee:

Please allow this email to serve as NHSBA's official comments relative to SB 272. NHSBA opposes this bill for the following reasons.

First, to be clear, NHSBA does not specifically object to the listing of parental rights that begins on Page 2, Line 22. NHSBA believes it is unnecessary, as it merely restates matters that are already codified in state statute. It is further unnecessary because the New Hampshire Department of Education published a technical assistance advisory on August 31, 2022 restating these laws. That document is attached to this email.

However, there are numerous provisions within that section that suggest school districts are doing things which they are not. These insinuations are as follows.

Page 3, Lines 8-10 – the right of a parent to exempt the child from immunizations. NHSBA does not dispute that parents have the right to do this, but exempting a child from immunizations has nothing to do with schools. Schools don't establish immunization requirements – the legislature and the Department of Health and Human Services decide what immunizations are required for registration for public schools. Schools simply follow the law with regard to documenting those exemptions.

Page 4, Lines 4-5 – the right of a parent to consent before a biometric scan of a child is made, shared or stored. When SB 272 was initially heard in the Senate Education Committee, there was no testimony that this is occurring in public schools. Schools are not fingerprinting children and are not taking eye/retina scans of kids. This is clearly an issue that has nothing to do with New Hampshire. NHSBA suggests that perhaps this provision of SB 272 was not removed from the template for this bill that is being used nationally.

Page 4, Lines 6-8 – the right of a parent to consent in writing before any record of a child's DNA is created, stored or shared. Again, public schools in New Hampshire are not collecting and storing a student's DNA. SB 272 seems to imply that they are.

Page 4, Lines 9-10 – the right of a parent to consent to any medical procedure or treatment to be performed on a child. Public schools don't conduct "medical procedures" on students. Further, "treatment" could mean applying first-aid if a child scrapes their knee on the playground. Are public schools supposed to call the parent before they apply a Band-Aid? Additionally, many schools have parents sign consent forms at the beginning of the school year authorizing the school to provide first aid. Public schools are also mandated in New Hampshire to have concussion/injury protocols, processes and plans identified to manage potential injuries during sports and other extracurricular activities (a bill which was passed by House Education in the last session.) Parents already consent to students participating in these activities through athletic program registration and other extracurricular participation forms required. Would SB 272 require additional specific and express consent for aspects of these school wide plans which are required to be in place? But again, this bill is identifying consent requirements and responses to "treatments" or "procedures" that are not occurring in our NH public schools.

Page 4, Lines 12-19 – the right of a parent to ask the school if their child is transgender, and the obligation of the school to be truthful. NHSBA believes this provision of SB 272 is problematic. First, SB 272 singles out transgender children, as Senator Carson stated in her verbal introduction of this bill in the Senate Judiciary Committee. The bill does not require teachers to report out on students who are identifying as heterosexual, cisgendered, or even simply gay, just those that are potentially transgender. Second, during verbal testimony on all bills in the House and Senate the past two to three

years regarding transgender minors, the vast majority of parents who testified, stated that they have worked collaboratively with school staff and that school staff were supportive and collaborative with both the parents and the student.

Further, in 2021, HB 136 came before the House Education committee. This bill would have required schools to update documents and software to include the option of parents identifying their child as non-binary. The passage of this bill would have provided the option for parents (who are fully aware of their child's transgender status) to disclose this to staff and would have allowed this knowledge to be communicated to the school at the time of annual registration/updated annual information. HB 136 was initially retained in House Education on March 23, 2021; voted Inexpedient to Legislate on November 17, 2021; and then laid on the table by the full House in January 2022. If the legislature wanted to provide parents an opportunity to acknowledge their child was transgender, HB 136 would have provided that vehicle.

Additionally, and perhaps most to the point, teachers do everything they can to keep children safe from any number of potential harms or risks. Sometimes that harm or risk is within the school; and sometimes that risk of harm is outside of the school. If the risk of harm is coming from outside the school, teachers are still going to try and protect the child.

Page 4, Lines 24-25 – the right of a parent to know what extracurricular clubs the child is participating in. NHSBA surmises that this is about LGBTQ+ clubs. NHSBA asks if previous legislation has ever been introduced to ensure parents are informed if their student is in the Chess Club or the French Club? In addition, clubs and enrichment opportunities often take place during the school day, not just after school, and students often choose to participate in many different clubs in the course of a week, month or a year. The bookkeeping and attendance for tracking which students attend a 30-minute club meeting, multiple times per week, throughout the month and the school year, then requiring that each parent be notified of which clubs the child attended, will be an extraordinary task requiring substantial personnel hours.

For these reasons, NHSBA opposes SB 272 and asks the Committee to find it Inexpedient to Legislate.

Thank you for your consideration.



Barrett M. Christina

Executive Director

NH School Boards Association

P: (603) 228-2061 x307 F: (603) 228-2351

A: 25 Triangle Park Drive, Suite 101, Concord, NH 03301

W: nhsba.org E: bchristina@nhsba.org



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