Bill as Introduced

SB 360 - AS INTRODUCED

2000 SESSION

00-2656
04/09

SENATE BILL ***360***

AN ACT adopting a pupil safety and violence prevention act.

SPONSORS: Sen. Trombly, Dist 7; Sen. Larsen, Dist 15; Rep. Buckley, Hills 44

COMMITTEE: Education

ANALYSIS

This bill adopts the Pupil Safety and Violence Prevention Act of 2000.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2656
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT adopting a pupil safety and violence prevention act.

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

1 New Chapter; Pupil Safety and Violence Prevention. Amend RSA by inserting after chapter 193-E the following new chapter:

CHAPTER 193-F

PUPIL SAFETY AND VIOLENCE PREVENTION

193-F:1 Title. This chapter shall be known, and may be cited as the "Pupil Safety and Violence Prevention Act of 2000."

193-F:2 Purpose and Intent. The general court hereby finds that:

I. All pupils of public schools have the inalienable right to attend campuses that are safe, secure, and peaceful. Violence is the number one cause of death for young people and has become a public health problem of epidemic proportion. One of the legislature's highest priorities must be to protect our children from the plague of violence.

II. The fastest growing violent crime is hate crime, and it is incumbent upon us to ensure that all students attending public school are protected from potentially violent discrimination. Educators see how violence affects youth every day; they know first hand that youth cannot learn if they are concerned about their safety. This chapter is designed to protect the institution of learning as well as our students.

III. Not only do we need to address the issue of school violence but we also must strive to reverse the increase in teen suicide. The number of teens who attempt suicide, as well as the number who actually kill themselves, has risen substantially in recent years. Teen suicides in the United States have doubled in number since 1960 and every year over a quarter of a million adolescents in the United States attempt suicide. Approximately 4,000 of these attempts every year are completed. Suicide is the third leading cause of death for youths 15 through 24 years of age. To combat this problem we must seriously examine these grim statistics and take immediate action to ensure all students are offered equal protection from discrimination under New Hampshire law.

193-F:3 Equal Rights and Opportunities. It is the policy of the state of New Hampshire to afford all persons in public schools, regardless of their sex, ethnic group identification, race, national origin, religion, mental or physical disability, or sexual orientation, equal rights and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts which are contrary to this policy and to provide remedies therefor.

193-F:4 Discrimination Prohibited.

I. No person shall be subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color, mental or physical disability, or sexual orientation in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state pupil financial aid.

II. Educators including supervisory personnel, who either know or have reason to know that a pupil has been or is being subjected to any action or behavior, whether physical or verbal, prohibited under this chapter, shall intervene to end such action or behavior. This intervention may consist of any act, except for corporal punishment, intended to prevent an action or behavior prohibited under this chapter, provided that the intervention shall not further offend the victim.

193-F:5 Religious Organizations; Applicability. This chapter shall not apply to an educational institution which is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.

193-F:6 Specific Curriculum Not Required. Nothing in this chapter requires the inclusion of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution. The omission of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution is not a violation of this chapter.

2 Effective Date. This act shall take effect January 1, 2001.

Amendments

Senate Education
March 22, 2000
2000-3917s
04/10

Amendment to SB 360

Amend RSA 193-F:2 as inserted by section 1 of the bill by replacing it with the following:

193-F:2 Purpose and Intent. The general court hereby finds that:

I. All pupils have the inalienable right to attend public schools that are safe, secure, and peaceful. Violence is the number one cause of death for young people and has become a public health problem of epidemic proportion. One of the legislature's highest priorities must be to protect our children from the plague of violence.

II. The fastest growing violent crime is hate crime, and it is incumbent upon us to ensure that all pupils attending public school are protected from potentially violent discrimination. Educators see how violence affects youth every day; they know first hand that youth cannot learn if they are concerned about their safety. This chapter is designed to protect the institution of learning as well as our pupils.

III. Not only do we need to address the issue of school violence but we also must strive to reverse the increase in teen suicide. The number of teens who attempt suicide, as well as the number who actually kill themselves, has risen substantially in recent years. Teen suicides in the United States have doubled in number since 1960 and every year over a quarter of a million adolescents in the United States attempt suicide. Approximately 4,000 of these attempts every year are completed. Suicide is the third leading cause of death for youths 15 through 24 years of age. To combat this problem we must seriously examine these grim statistics and take immediate action to ensure all pupils are offered equal protection from discrimination under New Hampshire law.

Amend RSA 193-F:4 as inserted by section 1 of the bill by replacing it with the following:

193-F:4 Discrimination Prohibited.

I. No person shall be subjected to discrimination, including harassment, on the basis of sex, ethnic group identification, race, national origin, religion, color, mental or physical disability, or sexual orientation in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state pupil financial aid.

II. Each local school board shall adopt policies relative to non-discrimination and harassment which are consistent with the provisions of this chapter and with the rules adopted by the state board of education.

III. Any school employee who has witnessed or knows of an incident involving any of the

activities prohibited under this chapter shall report the incident to a person with authority to remedy the incident, who shall in turn report the incident to the superintendent.

IV. The remedy required in paragraph III shall be defined by the local school board. The local school board shall provide opportunities for educators to have sufficient knowledge and skills to be effective in preventing or responding to acts prohibited under this chapter.

V. A school employee who has reported violations under this chapter to the person with authority, or who has intervened under paragraph III, shall be immune from any cause of action which may arise from the failure to remedy the reported incident.

VI. For purposes of this section, "person with authority" means the principal.

VII. Any school employee acting under the provisions of this chapter shall be immune from any cause of action for any act taken pursuant to this chapter.

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

2 New Subparagraph; State Board of Education; Rulemaking; Pupil Safety and Violence Prevention Rules Added. Amend RSA 21-N:9, II by inserting after subparagraph (bb) the following new subparagraph:

(cc) Procedures for local school boards and persons with authority to respond to, and provide relief and remedy for, reported incidents of pupil discrimination and harassment prohibited by RSA 193-F, which shall include due process procedures at the local school board level.

3 Effective Date. This act shall take effect January 1, 2001.

Committee Minutes

Date: **January 19, 2000**
Time: **10:00 a.m.**
Room: **105-A - SH**

The Senate Committee on **Education** held a hearing on the following:

SB 360 **adopting a pupil safety and violence prevention act.**

Members of Committee present:

Senator J. King
Senator Eaton
Senator Disnard
Senator Johnson
Senator Larsen
Senator Squires

Acting Chair, **Senator John King**, opened the hearing by calling on the prime sponsor of the bill, Senator Trombly, as the first speaker.

Senator Rick A. Trombly, D. 7: I think that **Senate Bill 360** is an important piece of legislation. It is going to make our schools a safer – more friendly environment for the students in the **State of New Hampshire**.

The bill begins with certain recitations of rights of students in school and certain obligations that we would be putting on administrators to stop what is an increasing problem in schools – such as school violence.

You'll remember at **Columbine** that shortly after that incident, it was reported in the press that the two students that shot their fellow classmates, were the subject of taunting and ridicule and that was a continuing on going problem in that school for them.

It is well known and documented that school violence is often the result of this type of behavior in schools.

The bill is written in such a way that it's not onerous, but that it will help educators help students in the classrooms.

The bill simply says that if an educator – which is a teacher or supervisory personnel – knows or has reason to know that a student is being subjected to harassment – whether it is verbal or physical – based on certain conditions, that they intercede and see that the behavior is terminated.

If a student goes to school and that environment is not safe for them because they are perceived as being different because of one of the characteristics outlined in the bill, the student (in all likelihood) is not going to want to go to school – is not going to perform in school.....That's not good for the student. It also creates an environment where if the student lashes out, it's not safe for the non-harassed student.

The bill does require – in a very broad and general way.....And, I wrote that very specifically.....to give the authority to the supervisory personnel to stop that type of behavior. I didn't think that it was appropriate for us to tell the supervisory personnel exactly how they would stop that behavior. So, when some people said to me that they were competent to do that, one example can be that a fight is ensuing and a teacher breaks it up. The student is being taunted and harassed and reports to their favorite teacher. Then, the teacher simply needs to go to the student who was terrorizing the other student and speak to them about that.

There could be a note home to the parent. There could be a conference with the guidance counselor. It could be anything that the school district wants to do to stop that type of behavior. We didn't want to say, ***"It has to be (A), (B), (C) or (D)."***

Also, in the legislation, we are not requiring any sort of education of curriculum changes that have to be introduced into the school about the behavior. I think that would probably be good. And, it doesn't require, quite frankly, that people change their attitudes about people that they don't like. The bill recognizes that this is a diverse society and people have diverse opinions about a whole host of ideas and they don't have to like everybody in the world. They can do that, but they can't take out their prejudices/frustrations or their ill will on another student. It just doesn't fit.

Why the schools? I'll tell you why the schools. It is one of the few things in this state that we order people to do. If you're a certain age, you have to go to school. You have to be there. You can't opt out of that. A parent can't opt out from sending a child to school. They have to go somewhere or another.

I spoke with one parent who said that their son was so harassed in school that they had to change schools and pay tuition! Now, that is wrong. That burden should not be assumed by the parents of the children.

So, what we've tried to do is give broad discretion to the people who are on the front lines – teachers who would have to enforce this bill. Give them the broad discretion and let them handle it the best way they can. But, for heaven's sakes, a school should be a safe place for children. It should be in an environment where they learn and they flourish – not one where they fear for their lives when they go to school. And, not one where they feel that they have to do some violent act in order to protect themselves.

Thank you, Mr. Chairman.

Senator George F. Disnard, D. 8: I would like to start off by saying that I agree, but the questions that I have might not sound that way.

On **line 7 – page 2**, *"shall intervene to end such action or behavior."* I would like you to explain that and why you haven't included in here any protection for the educator or the professional or the custodian – whoever is involved. I noticed you only included "educators."

Protection from liability. I am happy to note that you didn't include, "ought to have known." So, I would like to have that **line 7** explained.

On the previous **line 5**, what do you mean by the phrase, *"have reason to know?"*

Senator Rick A. Trombly, D. 7: The "reason to know" is this. If you require the educator and supervisory personnel....And, I want to make that clear for the record because you didn't mention janitors.....I don't think that we want to have the custodians in the school breaking up fights. We need to provide it to the people who are professionally trained.

So, obviously, the teachers and the support staff within a classroom – principals, vice principals, guidance counselors.....It does not require that the janitor stop the behavior.

The "reason to know," **Senator Disnard**, is in there because many times, harassment takes place out of the sight of authority. The harasser waits until the principal is around the corner or waits until the teacher is out of the room and then begins the behavior. If most students are like I was when I was in school, I had a teacher with whom I felt I could go and confide in and talk to about problems that I might have been experiencing and you would just go and chat with him and have a good time with that teacher.

If a student.....I think, number one, to make the complaint – to rise up to the level and say, "look, this behavior is going on" to that teacher, it would not occur directly in sight or with the teacher's direct knowledge. So, what I intended to do with that, **Senator Disnard**, was that on those instances with a teacher, is the confidante of the students. That would give the teacher the opportunity to speak to the person who is doing the offending.

As for **line 7**, "the intervention....." Is that what you're talking about, **Senator Disnard**?

Senator George F. Disnard, D. 8: Yes. I'm just concerned that.....Say I'm a teacher and I have reason to know that one of my students or a student in the school is making statements and harassing an individual. I just want to make sure that the teacher is protected from liability so that the youngster going home and telling the story.....The story has changed a little and I'm saying things about that youngster.....I want to make sure that that individual professional is protected.

Also, if there is a fight and a professional educator in any position has to stop the fight, if someone's shirt gets torn.....I just want to make sure that they are protected, too. I'm not saying that they should be excused if they use physical abuse in the situation. I want to make sure that the professionals are protected.

Senator Rick A. Trombly, D. 7: I think that the bill does protect the professional by saying that they can intervene to end such act. The intervention may consist of any act except corporal punishment. But, I think that the bill authorizes the authority figure to take any act. The statute says

very clearly that they can do what they feel they need to do short of corporal punishment.

So, I think the act extends protection, quite frankly, as opposed to limiting liability.

I will say that I do know of a case out in.....I can't remember if it was in **Michigan** or in **Wisconsin**, or somewhere, of a student who was continually harassed at school – with the knowledge of the principal. The parents went to the school board and nothing was done. The student sued and the school was found liable for that.

I think, **Senator Disnard**, rather than put the teacher.....I think right now, **Senator Disnard**, you and I know that teachers are caring and compassionate and if there is a fight on the school ground, they just go in and stop it.

I think that this legislation clearly says and authorized them to do what they need to do. So, I think it affords more protection to a teacher.

Senator Carl R. Johnson, D. 3: **Senator Trombly**, you indicated that there were districts out there where administrators do not have this authority. Are there districts out there where they don't have this authority?

Senator Rick A. Trombly, D. 7: I think that the directive from the state has never been clear as to what they can do. I will tell you that I have spoken to parents whose children have been harassed to the point that they don't want to go to school. I have heard of cases – not in **New Hampshire**, **Senator Johnson** – where teachers actually joined in the taunting of the student. That the student was taunted and the teachers continued that when the student sought help.

Senator James W. Squires, D. 12: My future daughter-in-law is five foot two and teaches English in the **Bow School System**. If she comes upon a two "6 footers...." Does this bill, in any way, tell her to enter into some fracas – even though she is at a serious disadvantage? Does this bill somehow suggest that if she didn't.....

Senator Rick A. Trombly, D. 7: No. If you look at the line pointed out by **Senator Disnard** on **page 2**, *"the intervention may consist of any act –*

except for corporal punishment……." So, what we're trying to do here, Senator Squires, is not even allow the incident to escalate to the point of physical violence. The problem, **Senator Squires**, is…..Let's assume that we have an African/American student who is harassed by a six footer. If your future daughter-in-law is aware of that, she can go to the principal, the guidance counselor or go to the student. The bill say, "any act." It is written that way so that we don't put your future daughter-in-law at risk.

The problem, **Senator Squires**, is that if you don't pass this bill……**Columbine** is a classic example of where we're going in this society where students who go to school and are harassed and most of this is verbal…it escalates! What we want to do is stop that before that begins.

So, what this bill would do is if your future daughter-in-law were aware of that type of harassment, she could pick her options as to how she would try to stop it. If we don't do this – if we don't send a clear signal to the schools that says, "look, this type of violence in school needs to stop……" If we don't do this and we aren't clear about policy, then our schools have the potential of continuing to be unsafe and an unfriendly environment for the students.

No. The direct answer to your question is no. There is no obligation for her to step into a fracas like that. If she went down and reported it to the principal or the guidance counselor or wrote a note home to the parents, she would be fulfilling this.

Senator John A. King, D. 18: I says, *"shall intervene to end such action."* Is the responsibility placed there that there is a liability concern if she or he doesn't intervene? Under the circumstances, if you put something in there…..If something is happening and they don't know about it but someone says that he or she does know about it, then it becomes another case. So, I don't think the teacher should have any responsibility or worry about hiring lawyers to defend her…….

Senator Rick A. Trombly, D. 7: Quite the opposite, **Senator King**. It's a non-lawyer's bill. I think that you cannot read that line exclusive of the line that follows. It implies of the intervention. On **line 7,** it says, *"shall intervene to end such action or behavior."*

Then, the next line.....The next line is an intricate part of the bill. *"This intervention may consist of any act, except for corporal punishment..."* So, the intervention is defined. It's "any act." It does not say that it has to be a physical act or whatever. So, the teacher goes and says, "so and so is being harassed" to the principal. If the principal writes a note to the student's parents or the student's parents call in, then that is sufficient.

I don't have any problems. If it concerns the committee, to avoid liability problems for teachers, I most certainly will work out some language that would take care of the committee's concerns. The intent (clearly) is not to make teachers liable. Certainly, they are given broad discretion, **Senator King.**

Senator John A. King, D. 18: Having been an educator for a number of years myself, I probably look at it a little differently than you do.

It says, "educators – including supervisory personnel, who either know or have reason to know that a pupil has been or is being subjected to any action or behavior, whether physical or verbal, **shall** intervene." If the teacher just walks by and keeps on going and someone says that he/she is aware of it, does that mean he/she has to get involved.....It says **"shall."**

Senator Rick A. Trombly, D. 7: Absolutely. And, what you want, **Senator King**, is if you have a Jewish student being verbally harassed and a teacher walks by and hears that, the teacher is given the option to take any action which is intended to prevent an act of behavior.

Senator John A. King, D. 18: Let me put it this way then. If this ends up that it become a court action – the teacher did or didn't do something...Who is going to back the teacher in the courtroom and how are they going to back them? I agree with the bill. Don't get me wrong. But,.....

Senator Rick A. Trombly, D. 7: I know. I sense that the committee agrees with the bill, but is struggling with the issue of liability. I can work on that in terms of an amendment. Clearly, it is not an attempt here to see the teachers and the supervisory personnel get dragged into court.

It is, though, an obligation of that teacher to take some action and that action – in order to be covered under law, simply needs to be an act intended to prevent the harassment. So, if the teacher walks by – sees harassment and

goes into the principal's office.....I'm hearing complaints now that Christian students are going to school and because of their obvious professed.....I mean, you had a shooting of a prayer meeting!

Senator John A. King, D. 18: I think I understand all that you're saying, but what I am saying is, protect the kids that are being offended, but protect the teachers if they come down on them! Put something in the bill that says that if this does happen and they have to go to court and they have to hire a lawyer like everybody else.....There should be something in here that says that that teacher or principal or superintendent will not have to become involved in an expense that they shouldn't be involved in – just because they were doing their duty!

Senator Rick A. Trombly, D. 7: I don't have a problem with that, **Senator King.** I think I can work on a clause that protects the teacher.

Senator John A. King, D. 18: Thank you very much, Senator.

Jami Landry?

Jami Landry, Student – Mascenic Regional High School: I am here in support of this bill.

I think that everyone can agree that this is not an imaginary problem. The only reason that some people might be under the false illusion that it's not a problem is because it has been integrated into their behavior. I mean, people are just so used to using words like "gay" as a derogatory term that they don't think about it anymore. It's just like saying that someone is "stupid." It just doesn't seem like discrimination.

Acts of discrimination – both violent and verbal – is present in every school. Sometimes the evidence is subtle and sometimes it isn't. But, it's always there.

The following survey results were compiled by "Mascenic Pride" – and Penny Culliton will talk more about it when she gets up here to speak. ***(SEE ATTACHED COPY OF SURVEY - #1)***. These are acts that have been witnessed at the school by students and no one is addressing.

Senator Carl R. Johnson, D. 3: Thank you for coming today.

I guess my question is, many of these incidents that you cite today, were these brought to the administrators' attention with someone who would testify that in fact, it did happen?

Jami Landry: This was all publicly posted, yes. This was just a survey done around the school. It was passed out in every classroom. The people didn't come forward and tell exactly what it was. This was just a general survey.

Senator Carl R. Johnson, D. 3: I guess that's one of the difficulties that I have as a school board member, to have these incidents.....If they are reported to the administrators and there is no action at the administrative level, I hope you know that you can come before your school board and be on your school board agenda and bring this to the school board attention.

Has that been done?

Jami Landry: I believe that is going to happen with this survey.

Senator Carl R. Johnson, D. 3: Has there been any attempt to have any sensitivity classes at the school to address these issues?

Jami Landry: No classes in general, but it is obviously our goal. It's to make the school a safer place for everyone. But, it's kind of hard with stuff like that because there are a lot of controversial issues you're dealing with and it offends a lot of different people.

Senator John A. King, D. 18: Thank you.

Dennis Murphy?

Dennis Murphy, Representing NEA New Hampshire: I am here in support of the bill.

The number one thing that is really important is that schools provide a truly safe environment for every student that comes through the door. One of the other things that is a growing concern is an increase in student to student harassment – whether it be race, gender, sexual orientation or religion. I think this bill is aimed at identifying the need to intervene early.

New Hampshire's population is really growing in its diversity. All you have to do is go to downtown **Manchester** and **Nashua** to see the real diversity in **New Hampshire's** population. As that population becomes more diverse, I believe that these issues are going to become even more important to deal with.

What we're trying to do from our own organization is that we've devised a couple of programs that we bring to teachers in the schools to try to make them aware of the subtle ways that discrimination occurs in schools and in everyday life. We have one that is called "Bully Proofing" and it is aimed at identifying subtle forms of bullying behavior. Another one is called, "Flirting or Hurting" and is designed to try to make teachers aware of the subtle ways of gender discrimination and gender biases.

I think that the student that just spoke gives us hope to see a young person come here and speak so articulately about a problem.

The issue of liability is one that I would be very glad to work with Senator Trombly on. I think that there is.....That liability is there already. There is a liability on the part of schools and school personnel.....If they do nothing – if there are issues of case law that **Senator Trombly** mentioned, I think that there are a number of cases that clearly indicate that there is an underlying liability.

I think we also want to look at protecting school personnel from liability if they take action. We certainly don't want to create a situation where people in the schools are "damned if they do and damned if they don't." But, I think it is very appropriate for the state to have a stated policy that discrimination in schools is not going to be tolerated and that schools need to find a way to take a more proactive role in identifying those subtle and early forms of harassment that occur everyday in our schools.

So, having said that, I just want to say that we support the idea of the state making it part of state policy that discrimination on this basis not be tolerated in our schools.

Senator Carl R. Johnson, D. 3: **Mr. Murphy**, are you aware of any district that does not have a policy manual with a policy in that manual that addresses these issues?

Dennis Murphy: I am sure they do. And, I think the real question, however, is not whether there is a policy in a policy manual. But, the real question is is to what extent the staff is encouraged and required to really try to stop incidents before they escalate. And, to what extent the staff is trained in a real sensitivity to be aware of how subtle some of these issues can be so that we can increase the safe environment for all students.

Quite frankly, I'm not convinced that we have gone far enough and I think that we all need to work on that. We're trying to do our part and we think that the legislature can do its part and the individual school boards in the state – boards of education and all – can play a role in making our schools a safer environment for a growing variety of **New Hampshire** students.

Senator Carl R. Johnson, D. 3: My personal belief is that your organization and the **New Hampshire School Boards Association** and the superintendents group and whoever.....I think that they should be more proactive in taking care of this issue at the local levels that they represent without a piece of legislation coming through the state.

Dennis Murphy: I would agree with the first part of your statement – that we do need to do that. And, as I said, we have developed these two programs attempting to do that. We have a staff person who has been on the road as part of her responsibilities and presenting these programs to the teachers in the schools. So, I would agree with you and hopefully, that all of us will take a more active role in trying to deal with this issue.

Senator Sylvia B. Larsen, D. 15: It sounds like we almost identified a void in the state law – which is that there is not enough protection for teachers who do take action to make sure.....

Dennis Murphy: I would ask you to speak to Senator Trombly – who has a law degree.

Senator John A. King, D. 18: Thank you.

Penny Culliton?

Penny Culliton, Teacher – Mascenic Regional High School: I am currently co-advisor of our local chapter of the **National Honor Society**.

(SEE ATTACHED WRITTEN TESTIMONY #2).

Senator Carl R. Johnson, D. 3: Is there an administrator here today from **Mascenic**?

Penny Culliton: No. We only have two administrators, so.....They were certainly enthusiastic about coming, but I only had space enough in my car for the three of us and I wanted to take some of the students. So, no. They didn't offer to come when I told them that we would be doing this. They don't, usually, unless we need another chaperone. We're very short on help around **Mascenic**. It doesn't mean that they're not interested.

Senator John A. King, D. 18: Thank you.

Pat Busselle?

Pat Busselle, Representing the Department of Education: The **Department of Education** supports **Senate Bill 360,** but as you know, the Department often gets in a position identifying for the school districts what specific pieces of legislation mean and what the responsibilities of the school district are.

We have questions about this bill where we think it needs clarity. I would like to point out that in the purpose statement – just for background information....We do have the "safe school zones" law and that looks at acts of theft, destruction and violence and when those acts are committed on the school ground, there are certain requirements that administrators and educators have - ultimately, the responsibilities of the principal to report such acts to local law enforcement authority.

Now, that law does not include discrimination. Since the purpose statement uses specifically the word "violence." I wanted to point out that that is covered in another law. But, there is nothing in that law that talks about any sort of intervention in the school. The only responsibility is if the teacher or educator witnesses such action, that they have a responsibility to report it to the superintendent and the superintendent has the responsibility to report that to law enforcement.

If you look at **paragraph 3**, though, of the purpose statement, there is something that worries us a little. The last sentence is, *"to combat this problem, we must seriously examine these grim statistics and take immediate action."* I think that's that the legislature needs to take immediate action or the state needs to take immediate action. It could, however, mean that someone in the school is required to take immediate action. We need that defined in some way.

If the sponsor has ever been on the **Joint Legislative Committee** on **Administrative Rules**, he might remember that they won't accept a rule immediately without some definition as to what it exactly means.

In terms of **193:F-IV-I**.....There is mention that there be no discrimination in any program or activity conducted by an educational institution and we're not absolutely certain of what any program or activity would specifically mean in a school.

I know that we've had the question answered by the sponsor that it would include recess and as many of know if you've ever been on a playground, that probably you're going to see more harassment than at any other time.

The first sentence says, *"no person shall be subjected to discrimination*....I think it would be worth while to include the phrase, *"including harassment."* Everything that seems to have been said today relates to harassment. Yet, we don't see the word in here anywhere. And, if we're really going to let the schools know that what we're suggesting with this legislation, is that we stop discrimination and harassment in the schools. I think that should be included.

As I said, I think we need to more clearly define what we mean by "program" or "activity."

I think that **Roman II** has already been discussed. It's clear that it needs attention in terms of what the words "shall intervene" and "such action or behavior" means and what the intervention might include.

And, if this intervention is similar to what I indicated with the safe school zones law....Is that limited to contacting law enforcement authorities? Does that mean that you've taken some action to end the behavior? As was mentioned with the sponsor, it might mean directing a pupil to guidance

services or as someone in the Department has said, does that mean that you chastise that student or lecture that student in front of another group? If those are the "remedies," I think it probably needs something that's a little more concise.

Other than that, we certainly support the concept and we would be happy to work with this committee and the sponsor to clarify the things that need to be corrected.

Senator John A. King, D. 18: Thank you.

Kate Frye?

Kate Frye, Executive Director – Commission on the Status of Women: I'm here on behalf of the Commission to support **Senate Bill 360.**

One of the commission's mandates – **RSA 19-B** – is to recommend methods to overcome discrimination against women in civil and political rights. This bill would be a method to do that.

We've heard the statistics about how many students experienced harassment – bullying and teasing. Many students experience bullying and assault. Gay and lesbian students are also frequent targets of discriminatory acts. This kind of behavior leads to discrimination and sometimes it prevents students from learning. Grades will drop. Students may drop out. They live in fear, anger, depression, hostility and guilt – which, in most cases, will lead to psychological problems – and for some, even suicide.

We would like to stress, however, that to give strength to the educators, training is very important to provide educators with the tools they need and understanding the diversity issues and providing them with tools to clearly identify the behavior and appropriate ways to intervene.

The Commission on the Status of Women has formed a sexual harassment (in the schools) task force and we have representatives from different organizations in the communities. What we are trying to do and what we have done is provide information to staff and faculty and tools on training, to provide their schools with training on sexual harassment in schools so they can clearly identify it. We have found that the training that we have done

that people are very hungry for this information and need this to identify and help end this type of harassment{sic}

Thank you.

Senator John A. King, D. 18: Thank you.

Representative Buckley?

Representative Raymond Buckley, District 44: I am proud to be a co-sponsor of **Senate Bill 360**. When **Senator Trombly** told me that he was going to introduce the bill, I asked him if I could be a co-sponsor because.....I promise not to get into too graphic of details.....

When **Senator Johnson** mentioned about students bringing it to the school board, when I was in the 7th and 8th grade, **Senator Johnson**, I was 12 years – 13 years old. My parents had just been divorced. We were going through a horrific family catastrophe because of that. My mother was working two jobs and selling *Tupperware* at night. My job at night was to take care of my younger sisters.

I did not feel it appropriate to put more stress on my mother than she already had. We were all "crammed" into a 3 room apartment – here in the **City of Concord**.

I had to carry every book I had in school in 7th and 8th grade with me, because my locker was broken into every single day and my personal items were destroyed. I had to carry my coat with me every single day. Not only was I verbally abused in school.....One teacher said, "Why do you take that? Why don't you lash back at them?" I felt that it was that teacher's responsibility to protect me.

In gym class, I was sexually harassed. When I complained to the coach – which we were supposed to call the "gym teacher," he said that I asked for it. I never once was able to use the laboratory at **Rundlett Junior High School** during my 2 years at that school – because of threats of physical violence.

What a group of students would do – usually about 3 or 4 of them – was gather at the end of school and as I was trying to walk home from school to

start dinner for my younger sisters, they would routinely gang up on me. Do you know what the principal of that school said to me at that time? He yelled, "take it off of the school yards, boys!" He didn't call the police. He didn't say, "what's going on!" And, when I went to see him the next day, he said, "Hey, that's your responsibility."

So, what I did – the next time I was at my father's house – I stole a "jackknife" from him. So, I carried a jackknife in my pocket. And, when they talk about the violence, I could have easily killed those other young boys that were also 12, 13 or 14 years old – right here – in the **City of Concord.**

I didn't mean to put a negative spin on going to the school board, but just imagine what it would have been like for my mother to have that further burden. She does not know to this day that that stuff was happening. I did not feel it appropriate for my folks who were going through horrific times. My father's mother died.....It was just a truly horrific time in our lives and I felt – as the oldest child – that my responsibility was to help and not to add burdens on any member of my family.

So, my parents do not know. Even my step parents don't know. We moved after 8th grade and I grew a foot and gained about 150 pounds and there was a difference. But, to have survived those 2 years.....Believe me, when I read about the suicide rate among young people, I can certainly understand why.

I hope you will take a look at this piece of legislation. Fix it, but there has to be responsibility of those who are employed by public tax dollars to educate and protect our children.

Thank you.

Senator Carl R. Johnson, D. 3: I have been on the **Interlakes School Board** for 22 years. I would have to say that what we have to work with today – relative to these issues, are far more demanding than it was 20 years ago. So, I'm saying that I can't think of any board in this state – and, I deal with a lot of boards – that would put up with this without taking some action.

Representative Buckley: Senator, I appreciate that. But, the fact is that they never knew that was happening because that would involve my parents. My feeling is – even if it was today.....If there was a little Ray Buckley at **Rundlett Junior High School** right now, I would still make that same decision to protect.....My mother was having a very difficult time just holding herself together through the divorce – through losing the house – through taking care of the children and all the bills that she was left with.

There is a sense of responsibility to one's family. I mean, when you read the stories about **Columbine**.....The parent's of those kids never knew! That sort of stuff – I don't think happens. I never – as a 12 or 13 year old – would have either brought it up to my parents or gone to the **Concord School Board**.

So, I appreciate that things are changing, but there's got to be that extra "oomph," I guess, to make sure that every educator is aware that this is happening. They have to take responsibility. Just "fluffing it off," as nothing, is not right.

Senator Carl R. Johnson, D. 3: And, I agree with you. You had a personal incident that you wanted to handle the way you thought was best for your family and that's fine. That was your decision to make. But, I think that what we heard here today is what's happening on a school setting and I think it's far beyond that.

I think it has to be the whole community – the parents have to understand what their students are doing in the schools. They may be model students at home, but just to keep this isolated within the setting of the school, that's not going to solve the problem. It has to be much broader than that. The parents have to understand what is going on and you have to get that message out to the parents.

Representative Buckley: I respect that that's your opinion.

Senator Sylvia B. Larsen, D. 15: ***(Senator Larsen's reply was inaudible).***

Senator John A. King, D. 18: I might add that I agree with him that I think that somebody else besides the teachers and the kids and the principals get involved in it. You have PTA's and other social organizations. Again, the parent's are going to get involved eventually – individually – after the

thing has happened. To get them involved before the thing happens, I think you will be much better off.

Representative Buckley: I agree that it "takes a village to raise a child."

Senator Rick A. Trombly, D. 7: I think that **Senator Johnson** raised a couple of good points, but we're dealing in ignorance – and, not in the derogatory term.

What **Representative Buckley** was telling you, is what goes on in school. And, that is the reality. You could have a school board that is entirely willing to take up the sword and fight this. But, if they don't know about it, they can't do that. You can have every group or program and you could spend million of dollars on trying to help students. But, if people who are in a position to do something are ignorant, then they can't act.

Do not underestimate that when I said the reason some of that language is very broad to give discretion to educators, was if a note goes home to..... You know, you've got two sets of families that are involved here. **Representative Buckley** told you that as a victim, his family didn't know. So, they couldn't act on his behalf. That's not sort of benign neglect on his part, because there are students every single day in our school system – and, I dare say – thousands – who bear this cross, because they don't know how to approach their parents.

The one on the school grounds that gets beat up. They're embarrassed and they don't want their parents to think less of them. So, they don't bring it to their attention.

I want to tell you something. It's going to be tough on those students who are picked on. No one wants to be the school victim. No one likes to be the one. No one wants their parent to think they're the ones being laughed at because they're a "sissy" or they're a little too "butch" or, maybe the color of their skin isn't the right thing. Or, maybe they pray in a synagogue as opposed to a church. No kid wants to put their parent through that. I think that's poignant of **Representative Buckley's** story.

Without this legislation – I'm telling you – this problem has existed and we're aware of it. But, this legislation is the vehicle that will get us into that dialogue at the school board level. And, I respect what **Senator Johnson** is

saying and the reason why we didn't put in specific curriculum.....We didn't want to get into that argument. We can argue later on as legislators, you know, what other roles may be. But, for heaven's sake, let's stop that. Let's get this thing going and let's get it moving. And, I think that this is the vehicle that will do it.

Thank you.

Senator John A. King, D. 18: Is there anyone else who wishes to speak to this bill? Seeing none, I will close this hearing.

Hearing adjourned at 11:10 a.m.

Respectfully submitted,
Rosalie Brooks Patch - secretary

#1

Witnessed:

Offensive grafitti related to:

Religious groups - 54/153 = **35%**

Sexual orientation - 70/153 = **46%**

People of differing abilities - 58/153 = **38%**

Race or ethnic groups - 62/153 = **41%**

Lack of knowledge or information regarding:

Religious groups - 70/153 = **46%**

Sexual orientation - 59/153 = **39%**

People of differing abilities - 65/153 = **42%**

Race or ethnic groups - 54/153 = **35%**

Negative comments or verbal abuse directed towards:

Religious groups - 92/153 = **60%**

Sexual orientation - 98/153 = **64%**

People of differing abilities - 110/153 = **72%**

Race or ethnic groups - 96/153 = **62%**

Physical hostility towards:

Religious groups - 24/153 = **16%**

Sexual orientation - 41/153 = **27%**

People of differing abilities - 50/153 = **33%**

Race or ethnic groups - 42/153 = **27%**

Participated in:

Offensive grafitti related to:

- Religious groups - 9/153 = **6%**
- Sexual orientation - 16/153 = **10%**
- People of differing abilities - 12/153 = **8%**
- Race or ethnic groups - 13/153 = **8%**

Lack of knowledge or information regarding:

- Religious groups - 21/153 = **14%**
- Sexual orientation - 13/153 = **8%**
- People of differing abilities - 22/153 = **14%**
- Race or ethnic groups - 19/153 = **12%**

Negative comments or verbal abuse directed towards:

- Religious groups - 29/153 = **19%**
- Sexual orientation - 46/153 = **30%**
- People of differing abilities - 41/153 = **27%**
- Race or ethnic groups - 35/153 = **23%**

Physical hostility towards:

- Religious groups - 9/153 = **6%**
- Sexual orientation - 22/153 = **14%**
- People of differing abilities - 14/153 = **9%**
- Race or ethnic groups - 12/153 = **8%**

SB 360

#2

Statement on SB 360

Penny Culliton
Temple, NH
Teacher at Mascenic Regional HS in New Ipswich, NH

This year, our local chapter of the National Honor Society spearheaded a needs assessment initiative for a Program called Promoting Respect in a Diverse Environment, or PRIDE for short. Its ultimate goal is to "make the school a safe and welcoming place for all persons regardless of gender, race, ethnicity, sexual orientation, ability, religion, or national origin." We have surveyed faculty and administration as well as the student body. I will read a you a few of the survey results for the faculty and administration.

[see survey results]

Given these results, we can easily see that this legislation is both necessary and timely. Next year, I plan to make Mascenic PRIDE a separate extra-curricular group or council or committee, and I would very much appreciate being supported in this by state law. I'm sure the same goes for all the other members of the school community who I hope will join me in this endeavor. The only suggestion I would make regarding this bill is to omit the following phrase from section 6: (lines 15 +16)

> The omission of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution is not a violation of this chapter.

I say this because the bill's intent is to prohibit discrimination "in any program or activity conducted by an educational institution." Since what schools do most, and rightly so, is teach subject matter, the exclusion of curriculum as a covered category leaves a very large hole. This is not to say that specific curricula should be in any way mandated by the state. Rather, my point is that schools should be explicitly prohibited from using only curriculum materials which are deliberately one-sided and favor males over females or vice versa, religious over non-religious people or vice versa, straight over gay people or vice versa, and so forth. If the intent is to stop hate crimes, discrimination, and harassment in order to create a better learning environment for all, and this bill covers educational institutions, then it stands to reason that discrimination via curriculum should not be excluded. The "teachable moment" is every bit as valuable, if not more so in the long run, as are prohibitions; and all students deserve to be able to see parts of themselves reflected in some of the literature they read throughout the course of their schooling.

National Honor Society PRIDE Initiative Faculty and Administration Needs Assessment Results

How frequently do you witness the following at Mascenic (in classroom, hallways, bathrooms, caf, etc.)?

A. Offensive graffiti directed towards:

Females	Often	5.3%	Sometimes	42.1%	Never	52.6%
Males	Often	2.6%	Sometimes	34.2%	Never	63.2%
Gay/lesbian people	Often	5.3%	Sometimes	36.8%	Never	57.9%
Racial / ethnic groups	Often	0%	Sometimes	36.8%	Never	63.2%
Religious groups	Often	0%	Sometimes	26.3%	Never	73.7%
People of differing abilities	Often	0%	Sometimes	21%	Never	79%

B. Lack of accurate knowledge regarding:

Different cultures, ethnicities, races	Often	45%	Sometimes	45%	Never	10%
Different religious groups	Often	32.5%	Sometimes	37.5%	Never	30%
Gay/lesbian people	Often	45%	Sometimes	45%	Never	10%
People of differing abilities	Often	30%	Sometimes	55%	Never	15%
Gender roles	Often	12.5%	Sometimes	14.5%	Never	15%

C. Name calling/verbal slurs related to (though not necessarily directed towards):

Gender	Often	37%	Sometimes	37%	Never	26%
Sexual orientation	Often	42%	Sometimes	58%	Never	0%
Race	Often	15.3%	Sometimes	68.4%	Never	42%
Religion	Often	5.3%	Sometimes	52.6%	Never	42.1%
National origin/ ethnicity	Often	5.3%	Sometimes	63.2%	Never	31.6%

Students 60%

(cont. next page)

Students = 72%

Ability/disability	Often	31.6%	Sometimes	52.6%	Never 15.8%

D. Stereotyping of people based on:

Gender	Often	21%	Sometimes	73.6%	Never 5.3%
Ability/disability	Often	23.7%	Sometimes	76.3%	Never 0%
Religion	Often	5.26%	Sometime	52.6%	Never 42%
Sexual orientation	Often	26.3%	Sometimes	47.5%	Never 21%
Race	Often	10.5%	Sometimes	44.7%	Never 44.7%
National origin/ ethnicity	Often	15.8%	Sometimes	52.6%	Never 31.6%

E. Overt hostility, from blatant discrimination against to violence or advocacy of violence, towards people based on:

Disability (actual or perceived)	Often	0%	Sometimes	31.6%	Never 68.4%
Race	Often	0%	Sometimes	31.6%	Never 68.4%
Sexual orientation (actual or perceived)	Often	7.9%	Sometimes	60.1%	Never 31.6%
Ethnicity	Often	0%	Sometimes	36.8%	Never 63.2%
Gender conformity/ gender expectations	Often	7.9%	Sometimes	39.5%	Never 52.6%
Religion	Often	0%	Sometimes	36.8%	Never 63.2%

THE LEGISLATIVE CAUCUS FOR YOUNG CHILDREN
STATEMENT REGARDING SENATE BILL 360

The Legislative Caucus for Young Children was formed in the fall of 1997 to focus attention on issues affecting New Hampshire's children and their families. The non-partisan caucus supports policies and programs that maximize the developmental potential of children and prevent future social, health and education problems. The caucus monitors and proposes legislation in the realm of health care, early childhood care and education, and family support and education. We hold forums to help inform other legislators about these issues and lend support to legislative proposals that meet our criteria. Currently about sixty legislators have asked to be included in our membership and others have worked with us on specific issues.

The Legislative Caucus for Young Children has voted to support Senate Bill 360, adopting a school safety and violence protection act.

We are in complete agreement with the statements made within the text of Senate Bill 360, and feel that the bill makes an important statement against violence and discrimination of any kind within our schools. Any attempt to bring attention to the issues of hate crimes, school violence, teen suicide, and discrimination against others is worthwhile. We sincerely hope that this bill will bring about further discussion and action to remedy these problems within our schools.

Respectfully submitted for the Legislative Caucus for Young Children,

Christine Konys

Representative Christine Konys

Speakers

SENATE EDUCATION COMMITTEE

Date 1/19/00 Time 10:00 Public Hearing on SB 360

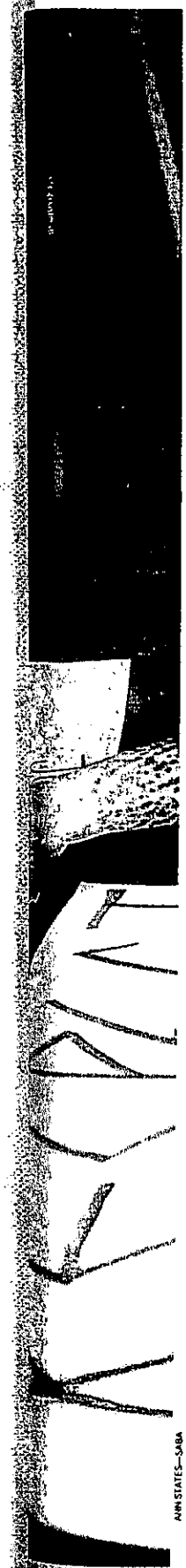
Appearing in FAVOR: (Please print) Please check box at left to speak.

Speaking?	Name	Address	Representing
☑	Penny Culliton	Temple, NH	Self + Masonic NHS
☑	Jami Landry	New Ipswich, NH	Self, Masonic National Honor Society
☐	Isabelle Knode	New Ipswich, NH	Self + Masonic NHS
☐	Rebecca Kakos	Mason, NH	Self + Masonic NHS
☑	Senator Nick Tromley	District 7	Senate
☑	Pat Busselle		NH Dept. of Ed.
☑	Dennis Murphy	SAU-NH	Concord
☐	~~Jan Jansen~~		
☐	Kate ~~Fraye~~ Frye		
☐	Chris Collins	20 Winter Plymouth NH 03264	Self

Appearing in OPPOSITION: (Please Print) Please check box at left to speak.

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Testimony



ANN STATES—SABA

Gay Today: The Schools

When two students in Baton Rouge, La., set out to form a Gay-Straight Alliance, they got a real education in the limits of tolerance. By Marc Peyser and Donatella Lorch

High School Controversial

IT WAS ONLY FIRST PERIOD AT MCKINLEY High School in Baton Rouge when 17-year-old Leslie-Claire Spillman sensed that something was wrong. The door to her classroom burst open, a girl jumped in and yelled, "It's time!" Spillman soon heard students murmuring and slamming lockers in the halls. As she edged her way outside, she realized that all the commotion was about—her. "No Gay Clubs!" the kids were chanting as the crowds began to grow thicker and meaner in the halls. Spillman is the openly bisexual cochairman of the Gay-Straight Alliance, a group she and her friend Martin Pfeiffer, also 17, had fought for six months to form. They had started with the school's principal and battled all the way to Louisiana's East Baton Rouge Parish School Board. But the morning's mini-melee was tougher than any of those fights. A girl walked up to Spillman and said, "Watch your back. I'm going to f---ing beat your a--." One of Pfeiffer's teachers barricaded him in a classroom. When it was all over, the school suspended 36 anti-gay protesters. Yet that didn't make it any easier for Spillman and Pfeiffer. "The kid lives in a pressure cooker," says Pfeiffer's mom, Molly. "I don't know how he gets up every morning."

It's not always this dangerous to be openly gay in high school. In fact, it may never have been easier.

BLACKBOARD JUNGLE: Spillman (left) and Pfeiffer fought for six months to bring a Gay-Straight Alliance to their school. And the battle isn't over yet.

Gay-Straight Alliances have been a major factor in helping teenagers create openly gay lives. First established in 1988, GSAs were designed as both support groups for gay students and—with the help of the sympathetic straight students—a bulwark against homophobia. The Gay, Lesbian, Straight Teacher Network estimates there are about 700 GSAs nationwide, most of which were formed—peacefully—in the wake of the 1998 murder of Matthew Shepard. But the move out of the classroom closet isn't always smooth—or predictable. In Orange County, Calif., pro- and anti-gay forces have been fighting for months over El Modena High School's GSA, even though a federal judge ruled last fall that the group must be allowed to meet on campus. On the other hand, Decatur High—smack in the middle of the Georgia Bible belt—has had a GSA for two years with practically no dissent. "Kids who are out are the class president, the star athlete. Same-sex couples at proms aren't even a weirdo thing anymore," says Ritch Savin-Williams, a Cornell psychology professor. "There's an interesting dichotomy today. It's really bad for some, but many gay kids are doing well."

For Pfeiffer and Spillman, the road has been rocky. It was Pfeiffer's idea to start the GSA. He'd been taunted by kids since middle school—long before, at 15, he came out to his mom at Wal-Mart—and decided a support group would help gay students and foster tolerance. When Pfeiffer went to the McKinley principal last October to talk about starting a GSA, she said no. Next Pfeif-

omosexuality is a sin; that marks a decrease from **54%** two years ago

The 'At-Risk' Students

Melissa Hernandez and Marcos Whitaker were classmates at New York City's Harvey Milk School, founded in 1984 for at-risk gay and bisexual students. "Our role is to dismantle myths," says Verna Eggleston, the director of the Hetrick-Martin Institute, which runs the school. "We all have the same body parts. We all have the same ambitions. We're all human."



JAKE CHESSUM

fer went to the school superintendent. After placing 25 unreturned phone calls over a month, he finally got a response: "inappropriate." So he went to the school board, which held a series of contentious meetings.

Pfeiffer—with his bleached-blond hair, pierced ears and a choker necklace adorned with his boyfriend's school ring—spoke about how the years of harassment had once made him suicidal. Spillman says she actually dropped out of school, became a heroin addict and spent five weeks in detox after the gay taunts became so unrelenting. Perhaps it's not surprising that, while it's easier for many kids to be open about their sexuality today, the suicide rate of gay teens is alarmingly high. A 1997 study of Massachusetts high-school students found that 46 percent of the gay, lesbian and bisexual kids surveyed had attempted suicide in the last year. "If you're in a society that tells you you are an abomination, right or wrong it's what you believe," Pfeiffer says.

The anti-GSA contingent used that fear factor, too. They brought in an "ex" lesbian and gay man to the decisive board meeting to talk about how miserable they were before they adjusted their sexual orientation. "Dresses! Some of them [the boys] wear dresses. What are you going to do?" the ex-lesbian warned. At one point, Spillman started to cry. After five hours of debate, the 12-member board came up only one vote short of the seven needed to pass the policy allowing the GSA on campus. But the school superintendent—perhaps mindful of the 1984 Equal Access Law that prohibits schools from selectively prohibiting extracurricular groups from meeting on campus—decided not to stand in the way of Pfeiffer and Spillman's group after all. (The principal did not return calls requesting an interview.)

And that was the easy part. Once Pfeiffer and Spillman got the go-ahead from their principal, the anti-gay pressure at school intensified. Pfeiffer says one boy was brazen enough to taunt him—"Hey, gay boy!"—right in front of the main office. "People like you are the reason I am starting this club," replied Pfeiffer. For all his brashness, he started having his friends escort him to his classes. On that raucous day last February, Spillman and Pfeiffer saw the student protesters on the front lawn carrying signs with that old line, GOD MADE ADAM AND EVE, NOT ADAM AND STEVE. But they had no idea that students planned to demonstrate inside as well. It got very noisy very quickly. Pfeiffer's English teacher immediately locked the door and told him to keep his easy-to-spot blond head away from the window. "We have the right to speak freely," says Chiquita Harris, one of the students who was suspended for three days because of the incident. "School is not a place for a gay club." It will be soon. McKinley's 20-member GSA is scheduled to have its first on-campus meeting on March 22. What will happen then is anyone's guess. Ironically, while Spillman and Pfeiffer were fighting the good fight, another high school in the parish, Scotlandville, already had its first SGA meeting, uneventfully. "I think 20 years from now, the environment will be so much different in Baton Rouge because of these clubs," Pfeiffer says.

It has already changed the two gay teens who fought to make it happen. Despite the battle scars, Spillman and Pfeiffer say their crusade to bring a gay-support group to their school has made them better, stronger people. "I feel this activated feeling," says Spillman, who, despite the year she lost when she dropped out, is expected to graduate this spring. "I used to count the days to escape Baton Rouge. But being in Baton Rouge—that's where the work needs to be done. I have a voice I can use." Pfeiffer, a straight-A student who is already taking courses at nearby Louisiana State University, also plans to continue to work as an activist. "People can't break me anymore. I've got something in me that no one can take away, no matter how violent and vicious they are," says Pfeiffer, who has applied to Harvard and Boston University. "I don't want to leave this high school without leaving something behind." He already has.

With PAT WINGERT

Trombly

SB 360

Amend ~~HB~~ 360 to read as follows:

1 New Chapter; Pupil Safety and Violence Prevention. Amend RSA by inserting after chapter 193-E the following new chapter:

CHAPTER 193-F

PUPIL SAFETY AND VIOLENCE PREVENTION

193-F:1 Title. This chapter shall be known, and may be cited as the "Pupil Safety and Violence Prevention Act of 2000."

193-F:2 Purpose and Intent. The general court hereby finds that:

I. All pupils [of public ~~schools~~] have the inalienable right to attend ***public schools*** [campuses] that are safe, secure, and peaceful. Violence is the number one cause of death for young people and has become a public health problem of epidemic proportion. One of the legislature's highest priorities must be to protect our children from the plague of violence.

II. The fastest growing violent crime is hate crime, and it is incumbent upon us to ensure that all students attending public school are protected from potentially violent discrimination. Educators see how violence affects youth every day; they know first hand that youth cannot learn if they are concerned about their safety. This chapter is designed to protect the institution of learning as well as our [~~students~~] ***pupils***.

III. Not only do we need to address the issue of school violence but we also must strive to reverse the increase in teen suicide. The number of teens who attempt suicide, as well as the number who actually kill themselves, has risen substantially in recent years. Teen suicides in the United States have doubled in number since 1960 and every year over a quarter of a million adolescents in the United States attempt suicide. Approximately 4,000 of these attempts every year are completed. Suicide is the third leading cause of death for youths 15 through 24 years of age. To combat this problem we must seriously examine these grim statistics and take immediate action to ensure all [~~students~~] ***pupils*** are offered equal protection from discrimination under New Hampshire law.

193-F:3 Equal Rights and Opportunities. It is the policy of the state of New Hampshire to afford all persons in public schools, regardless of their sex, ethnic group identification, race, national origin, religion, mental or physical disability, or sexual orientation, equal rights and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts which are contrary to this policy and to provide remedies therefor.

193-F:4 Discrimination Prohibited.

I. No person shall be subjected to discrimination, ***including harassment,*** on the basis of sex, ethnic group identification, race, national origin, religion, color, mental or physical disability, or sexual orientation in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state pupil financial aid.

II. Each school board shall adopt policies relative to non-discrimination and harassment consistent with the provisions of this chapter and the provisions of Ed 303.01 (h), (l) and (k).

III. Any educator who has witnessed any of the prohibited activities under this chapter shall report said incident(s) to a person with authority to remedy the incident. Person with authority shall mean the principal, who in turn shall report to the superintendent.

IV. [~~II~~] Educators including supervisory personnel, who either know or have reason to know that a pupil has been or is being subjected to any action or behavior, whether physical or verbal, prohibited under this chapter, shall intervene to end such action or behavior. This intervention may consist of any act, except for corporal punishment, intended to prevent an action or behavior prohibited under this chapter, provided that the intervention shall not further offend the victim.

V. The intervention required in paragraph IV shall be defined by the local school board. The local school board shall provide opportunities for educators to have sufficient knowledge and skills to be effective in preventing the rise of and in responding to acts prohibited under this chapter.

VI. An educator who has reported violations of this chapter to the person with authority shall be immune from any cause of action that may arise from the failure to remedy the reported incidents.

193-F:5 Religious Organizations; Applicability. This chapter shall not apply to an educational institution which is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.

193-F:6 Specific Curriculum Not Required. Nothing in this chapter requires the inclusion of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution. The omission of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution is not a violation of this chapter.

3 Rulemaking;State Board of Education;Pupil Safety and Violence Prevention. Amend RSA 21-N:9, II by inserting after subparagraph(bb) the following:

(cc) Procedures for local school boards and persons with authority for responding to and providing relief and remedy for reported incidents of discrimination, including harassment and due process procedures for local school boards.

4[~~2~~] Effective Date. This act shall take effect January 1, 2001.

Committee Report

Date: January 19, 2000 Time: 10:00 a.m.

The Senate Committee on Education held its hearing in Room 105-A - SH, Concord, New Hampshire.

BILL NO.: SB 360 TITLE: adopting a pupil safety and violence prevention act.

Members of the Committee present:

Senator J. King
Senator Eaton
Senator Disnard
Senator Johnson
Senator Larsen
Senator Squires

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☒ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON **Education**

to which was referred **Senate Bill 360**

AN ACT **adopting a pupil safety and violence prevention act.**

VOTE: **7-0**

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Sylvia B. Larsen
For the Committee