REGULAR CALENDAR

February 1, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Education to which was referred HB 131,

AN ACT requiring reports concerning school policies on classroom recordings and in-classroom observers.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Rick Ladd

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Education**
Bill Number:	**HB 131**
Title:	**requiring reports concerning school policies on classroom recordings and in-classroom observers.**
Date:	**February 1, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill requires school districts to report in-classroom observer policies and in-classroom audio/video streaming and recording policies to the Department of Education. The majority of the committee believe this bill is not needed as school district policies as adopted by each school board are available and open to the public. The NH School Boards Association provides boiler plate policies regarding in-classroom policies; however, it should be noted that local boards do modify this policy in accordance with local needs. For example, some districts request kindergarten parent visitation not occur during the initial days or week. Parents are welcome to attend and observe in classrooms, however, schools request that parents contact the teacher or building principal first. There are a number of associated issues that contribute to in-classroom policies and in-classroom streaming such as: special education confidentiality, privacy of all students, safety, class and building security, and student teaching. Further, all policies have been constructed in accordance with RSA 189:68, III, IV, and V (Student and Teacher Information Protection and Privacy). Lastly, all policies are available upon request through district offices or schools.

Vote 15-5.

Rep. Rick Ladd
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 131, requiring reports concerning school policies on classroom recordings and in-classroom observers. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill requires school districts to report in-classroom observer policies and in-classroom audio/video streaming and recording policies to the Department of Education. The majority of the committee believe this bill is not needed as school district policies as adopted by each school board are available and open to the public. The NH School Boards Association provides boiler plate policies regarding in-classroom policies; however, it should be noted that local boards do modify this policy in accordance with local needs. For example, some districts request kindergarten parent visitation not occur during the initial days or week. Parents are welcome to attend and observe in classrooms, however, schools request that parents contact the teacher or building principal first. There are a number of associated issues that contribute to in-classroom policies and in-classroom streaming such as: special education confidentiality, privacy of all students, safety, class and building security, and student teaching. Further, all policies have been constructed in accordance with RSA 189:68, III, IV, and V (Student and Teacher Information Protection and Privacy). Lastly, all policies are available upon request through district offices or schools. **Vote 15-5.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 131

BILL TITLE: requiring reports concerning school policies on classroom recordings and in-classroom observers.

DATE: February 1, 2023

LOB ROOM: 207

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Ladd Seconded by Rep. Myler Vote: 15-5

Respectfully submitted,

Rep Arlene Quaratiello, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # HB131

BILL TITLE: ... Classroom Requirements for Recording Observers

DATE: 2/1/23

LOB ROOM: 205-207

MOTION: (Please check one box)

☐ OTP ☑ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Ladd Seconded by Rep. Myler Vote: 15-5

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ____ **YES** ____ **NO**

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

Respectfully submitted: Arlene R Quandt

OFFICE OF THE HOUSE CLERK

1/6/2023 12:35:36 PM
Roll Call Committee Registers Report

2023 SESSION

Education

Bill #: HB131 **Motion:** ITL **AM #:** _____ **Exec Session Date:** 2/1/23

Members	YEAS	Nays	NV
Ladd, Rick M. Chairman	15		
Cordelli, Glenn Vice Chairman		1	
Lekas, Alicia D.		2	
Ford, Oliver J. Clerk	1		
Belcher, Mike S.	2		
Drye, Margaret M.	3		
McDonnell, Valerie E.	4		
Noble, Kristin		3	
Peternel, Katy		4	
Quaratiello, Arlene		5	
Myler, Mel	5		
Cornell, Patricia	6		
Tanner, Linda L.	7		
Luneau, David J.	8		
Ellison, Arthur S.	9		
Woodcock, Stephen L.	10		
Hall, Muriel C.	11		
Balboni, Peggy	12		
S ~~Cascadden, Corinne~~ E. Fox, Drew	13		
Damon, Hope	14		
TOTAL VOTE:	15	5	

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 131

BILL TITLE: **requiring reports concerning school policies on classroom recordings and in-classroom observers.**

DATE: **January 12, 2023**

LOB ROOM: **205-207** **Time Public Hearing Called to Order:** **1:30pm**

Time Adjourned: **2:15pm**

Committee Members: Reps. Ladd, Cordelli, O. Ford and A. LekasDrye, McDonnell, Noble, Peternel, Myler, Tanner, Luneau, Ellison, Woodcock, Hall, Balboni, Cascadden, Damon.

Bill Sponsors:
Rep. Moffett **Rep. A. Lekas**

TESTIMONY

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

***Rep. A. Lekas**
- Presented for Rep. Moffett
- General discussion of current Policies/best practices
- Submitted written testimony

***Becky Wilson** - NH School Board Association
- Many policies - 3 types - most posted
- Submitted written testimony
- Neutral on bill

Respectfully submitted,

Rep. Oliver Ford, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB131 Date: 1/12/23

Committee: EDUCATION

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con

House Remote Testify

Education Committee Testify List for Bill HB131 on 2023-01-12

Support: 3 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	1/10/2023 6:03 AM
Walbridge, Tracy	Rochester, NH tracywalbridge@gmail.com	A Member of the Public	Myself	Support	No	No	1/10/2023 4:21 PM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/11/2023 10:02 PM
Johnson, Hon. Dawn	Laconia, NH staterep@dawnjohnson4nh.com	A Member of the Public	Myself	Support	No	No	1/12/2023 8:53 AM

Denise Clark

HB 131 Introduction – Classroom Recording and Observation Policies (Rep. M.I. Moffett)

Thank you, Mr. Chairman.

For the record, I'm State Representative Mike Moffett, representing Merrimack District 9, which includes the lovely town of Canterbury which features Shaker Village and the lovely town of Loudon, which features Howard Pearl's Maple Syrup.

This measure is a reprise of last term's HB321, which is now law. That bill simply asked that school districts share what, if anything, they're doing to identify and support gifted students, for a Best Practices folder at the Department of Education. Early indications are that the Gifted measure is getting very good response, as school districts all over the state are now having internal discussions on how to better support that previously under-served student population. And with no policy mandate or spending requirement. A real success story.

This bill originally came to this committee last year where it was referred for Interim Study. A study committee held two lengthy sessions on the measure and ultimately voted to recommend OTP. This full committee subsequently also voted to support OTP when we met this past Fall.

HB131 similarly simply asks school districts to share their classroom observation policies as well as audio-video streaming and recording with the Department of Education for another Best Practices folder, or virtual folder. DOE representatives indicated that the department could support implementation by using the template currently in place for HB321, the Gifted Student Law.

Attention to this area became important during the COVID pandemic, when so many schools went to hybrid in-class and remote instruction. Some schools went totally remote. Nashua, for example, closed its school doors for over a year.

Remote learning raised new questions in numerous areas to include technology issues, cost issues, access issues, privacy issues, and legal issues.

What about homes that do not have internet access or families that don't have computers?

Then there is the issue of recording. If a student misses an on-line session, what are the ramifications of he or she viewing a recorded version later on? Are schools making provisions for recording and saving such sessions?

I would point out that our Committee Hearings are all being recorded and saved on You-Tube, presumably in perpetuity. But these hearings differ from classroom sessions.

Many high school and college students record or seek to record lectures for future study and review purposes. Teachers and professors typically include recording protocols in their syllabi. But educators who don't mind their lectures being recorded sometimes have issues with ubiquitous cell phones, so taping policies conflict with recording policies.

There are many pieces to our new world of distance learning and hybrid instruction. That is why a Best Practices folder in this area could be very useful, in the same way as the Best Practices Folder re: Gifted students is developing into a wonderful resource.

Then there's the Classroom Observer piece, which ties into the media piece, as hybrid, on-line, or zoom types of instruction were observable by parents and others.

When I was a classroom teacher, I'd get occasional requests from parents to sit in, which was fine. But classrooms can only accommodate so many visitors. How do various school districts deal with this issue.

But when I taught, no one had ever heard of the Internet. For remote classes, who can tune in? Just students? What if a parent wants to watch? What if the link is shared widely?

I don't have answers, only questions. This bill would help provide answers, alternatives, options and eventually shareable best practices.

Again, this measure includes no spending requirements or policy mandates. It simply asks district to share existing policies to create a Best Practices folder. If there are holes in existing policies, this measure provides and impetus for them to be addressed locally. Yes, this could possibly accomplished via DOE rules, but the imprimatur of state statute matters greatly.

Rep Hobson and I met with four DOE members, including the Commissioner, on this, and they were all very supportive

This requirement could simply be easily satisfied in a heartbeat with an email and an attachment or link regarding existing policies. If no policies exist regarding recording or transparency issues, then this measure will provide a useful impetus to districts to have overdue discussions to eventually get some definition in this new area of importance in 2023.

Again, there is no policy mandate or spending requirement.

Between the bill's original hearing and then the two interim study sessions, and then another discussion and OTP vote last Fall, the issues associated with this measure have already been addressed and readdress. Of course, this committee does feature some new faces.

I have already email a copy of these remarks to the Committee. I want respond to questions if there are any. I do have to point out that I need to introduce another worthy measure in another committee at 1:30 p.m. But fortunately, co-sponsor Rep. Alicia Lekas in "in the house" and I'm sure she could help address any questions as well.

Thank you, and I'd be happy to take any questions.

2023 SESSION

23-0124
10/07

HOUSE BILL ***131***

AN ACT requiring reports concerning school policies on classroom recordings and in-classroom observers.

SPONSORS: Rep. Moffett, Merr. 4; Rep. A. Lekas, Hills. 38

COMMITTEE: Education

ANALYSIS

This bill requires school districts to report in-classroom observer policies and in-classroom audio/video streaming and recording policies to the department of 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.

HB 131 - AS INTRODUCED

23-0124
10/07

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT requiring reports concerning school policies on classroom recordings and in-classroom observers.

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

1 New Section; Schools; Reports on Classroom Recordings and In-classroom Observer Policies. Amend RSA 189 by inserting after section 29-b the following new section:

189:29-c Reports Required; School Policies on Classroom Recordings and In-Classroom Observers. The superintendent of each school district shall submit a report to the commissioner of the department of education, with an initial report due by November 1, 2023, concerning in-classroom observer policies and in-classroom audio/video streaming and recording policies. Subsequent changes to the policies shall be reported each November 1 to the commissioner of the department of education.

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