

Senate Education Committee

Trevor Currier 271-4151

SB 431, relative to violations of the prohibition on teaching discrimination.

Hearing Date: February 17, 2026

Time Opened: 10:37 a.m.

Time Closed: 11:00 a.m.

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill adds mental state, or mens rea, as an element to the prohibition on teaching discrimination.

Sponsors:

Sen. Lang

Sen. Avarad

Sen. McGough

Sen. Innis

Sen. Gannon

Sen. Abbas

Sen. Sullivan

Sen. Murphy

Sen. McConkey

Sen. Pearl

Sen. Rochefort

Rep. Moffett

Rep. Lynn

Rep. Alexander Jr.

Who supports the bill: 6 People signed in support of SB 431. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who opposes the bill: 363 People signed in opposition to SB 431. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Senator Timothy Lang, *Senate District 2*

- Senator Lang introduced and testified in support of Senate Bill 431.
- Senator Lang explained that this is a refiled bill that passed last year. He added that the New Hampshire House of Representatives edited, and the Senate did not concur with the House version.

- Senator Lang explained that a federal lawsuit highlighted the need to include a mental state in the legislation. Therefore, he said the bill adds the words “intentionally or knowingly” to describe the teachers' actions to make them a violation of the law.
- He explained that including this mental state would make the law enforceable.

Summary of testimony presented in opposition:

David Trumble

- Mr. Trumble testified in opposition to Senate Bill 431
- Mr. Trumble explained that Senate Bill 431 would limit students' right to an education that includes discussion of the United States' history of discrimination.
- He stated that the law is too vague and will lead teachers to avoid important topics in their classrooms out of fear of violating it. He added that any topic requiring an understanding of more than one side of discrimination would be impossible to teach.
- Mr. Trumble explained that the court previously ruled against this legislation because it implicated the First Amendment, would require arbitrary enforcement, and overlooked the mental state of the educator. He added that this proposed bill would only address one of those three issues.
- He explained that any topic related to identifying discrimination or bias would be banned. He added that students won't be able to overcome bias if they don't understand their background.
- He expressed concern that the consequence for an educator found in violation of this legislation would yield an environment of self-censorship. He was also concerned with the uneven enforcement of the law. He stated that the court's latest decision cited real examples of self-censorship in New Hampshire.
- Mr. Trumble provided examples of current issues that would not be allowed to be discussed in classrooms under Senate Bill 431.
- He reflected on how difficult it would be to engage with the topic of Immigration and Customs Enforcement in a classroom discussion.
- Mr. Trumble stated that Senate Bill 431 would burden teachers by forcing them to repeatedly give disclaimers for everything a student raises during classroom debates and discussions.

- He stated this bill substitutes ignorance for education.
- He stated that the only real solution for discrimination is to create educational conversation, to ensure that everyone is treated equally.
- He argued that this legislation would violate the New Hampshire Constitution.
- Senator Prentiss asked if current events are often brought up in classrooms to stimulate discussion. Mr. Trumble responded that the inclusion of the current news is the most effective way to have students realize the relativity of a given issue. He added that when discussing something that happened over a century ago, it is hard for students to grasp the importance of the discussion.
- Senator Prentiss asked whether a case involving the gender pay gap could be discussed. Mr. Trumble explained that examining both sides of the issue would be difficult to navigate while remaining within the bounds of the law. He added that educators might feel uncomfortable, as they would have to remove important material from the curriculum for fear of repercussions.
- Senator Abbas asked where in the relevant RSA it states that wage inequality would not be allowed to be taught. Mr. Trumble responded that the discussion of gender equality could be considered under RSA 193:40.
- Senator Sullivan asked for clarification regarding Mr. Trumble’s interpretation of the language in the bill, specifically “belief in or support of.” She explained that she interprets that as prohibiting discussion “in support of” the enumerated issues in RSA 193:40. Mr. Trumble agreed with Senator Sullivan’s interpretation of the law.
- Senator Altschiller asked whether the vague language he mentioned earlier in his testimony would cause educators to remove all relevant information on certain topics about different types of inherited discrimination from the curriculum. Mr. Trumble stated that Senator Altschiller accurately described his concerns.
- Senator Ward stated that history will continue to be discussed in schools. She expressed concern that students are receiving poor grades for reasons other than their work, specifically because their papers do not align with the teacher's political ideology. Mr. Trumble explained that many educators aim to keep bias out of the classroom and encourage students to draw their own conclusions.

Neutral Information Presented: None.

