

Senate Education Committee

Ryan Meleedy 271-4151

SB 96, relative to mandatory disclosure by school district employees to parents.

Hearing Date: March 4, 2025

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

Members of the Committee Absent : None

Bill Analysis: This bill requires all school employees to respond honestly and completely to written requests by parents regarding information relating to their children.

Sponsors:

Sen. Lang	Sen. Innis	Sen. Avard
Sen. Gray	Sen. Carson	Sen. Ward
Sen. Murphy	Sen. Sullivan	Sen. Birdsell
Sen. Gannon	Sen. McGough	Sen. Pearl
Rep. Notter	Rep. Osborne	Rep. Moffett

Who supports the bill: 138 People signed in support of SB 96. To see the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 1201 People signed in opposition of SB 96. To see the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who is neutral on the bill: 1 Person signed in neutrality to SB 96. To see the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Summary of testimony presented in support:

Senator Lang

- Senator Lang introduced Senate Bill 96 and explained that this bill was passed in the previous legislative session. It also reflects feedback from last year's Senate Education Committee and the House of Representatives.
- Senator Lang explained Senate Bill 96 would establish a state-wide standard for how school districts respond to parents' questions. He further explained that the bill contains carve-outs to allow information to be withheld from parents. However, to satisfy the requirements to utilize the carve-out, the teacher must file a report with the appropriate authorities, documenting the risk associated with fulfilling

the specific parents' request so that appropriate measures can be taken to ensure the child's safety.

- Senator Lang explained that sections three and four of the bill establish rules and processes to be followed if the law is violated.
- Senator Lang explained that although the trust relationship between teachers and students is important, the primary trust relationship is between the teachers and the parents.
- Senator Sullivan asked if the bill reinforces the requirements of a mandated reporter. Senator Lang confirmed that section two reinforces that educators are mandated reporters and that if a teacher believes a child is at risk, the situation should be reported.

Ann Marie Banfield

- Ms. Banfield testified in support of Senate Bill 96.
- She expressed that the intent of the legislation is to counteract a policy recommendation by the New Hampshire School Board Association to adopt a policy encouraging teachers to withhold information from parents.
- Ms. Banfield attributed Manchester's policy to a lawsuit where a parent sought legal action against the district for withholding information regarding a name that the child adopted when the child was at school.
- She further attributed this lawsuit to be the genesis of why students are deciding to leave public schools and why people are using the school choice program.
- She expressed that parents expect teachers to be honest and not withhold information from them. She emphasized that parents are becoming the last people to know about their child's identity because it is no longer a secret once the student changes their name.
- She appreciated that Senate Bill 96 includes a carve-out to allow teachers to report instances where disclosing information to a parent is deemed unsafe.
- She established that federal law requires parental consent for students to receive mental health services or mental health assessment, which includes discussions between teachers and students about the student's mental health.
- Senator Altschiller asked Ms. Banfield if she was aware of the result of the lawsuit she mentioned in her testimony. Ms. Banfield responded that the district amended their policy after legal action was sought, and the court sided with the district's amended policy.
- Senator Altschiller asked if Ms. Banfield would believe a Supreme Court Justice said the policy does not restrict a parent's ability to learn information from other sources, including the child, and that the policy does not encourage students from providing information to their parents, nor does it prevent it. Ms. Banfield replied that those comments were in response to the amended policy, not the original policy that motivated the lawsuit.

Summary of testimony presented in opposition:

Heidi Heath -- New Hampshire Outright

- Ms. Heath testified in opposition to Senate Bill 96 over concerns that the bill jeopardizes the health and well-being of LGBTQ students.
- Ms. Heath explained that she feels students deserve to be safe at school and deserve to be able to have confidential conversations with their teachers. She also explained that students deserve to develop healthy autonomy and self-advocacy skills.
- She expressed concern that the bill is too vague and could be interpreted as a mandate to reveal students' identities to their families before they are ready.
- She cited research that has shown that students who can identify a trusted adult outside of their home are less likely to bully, be bullied, abuse substances, be suspended, expelled, or drop out of school. She believed this legislation could deter students from creating trusting relationships with teachers.

Michael Haley -- GLAD Law

- Mr. Haley testified in opposition to SB 96, characterizing the bill as fundamentally flawed and that it would be difficult to implement.
- Mr. Haley established that the "completely and honestly" standard is preexisting legal terminology, most commonly used in bankruptcy. He explained that the standard would be challenging to deploy in a school setting.
- Mr. Haley expressed concern that the bill inappropriately interjects teachers into the parent-child relationship.

Sara Tirrell

- Ms. Tirrell testified in opposition to Senate Bill 96.
- Ms. Tirrell expressed concern that Senate Bill 96 wrongfully assumes that parents and schools are at odds and that parents are undermined. Additionally, she felt that the bill disregards the rights and dignity of students.
- Ms. Tirrell expressed that Senate Bill 96 forces schools to disclose a student's identity to their parents prematurely. Ms. Tirrell reflected on her experience when her child decided to inform her of their identity. Ms. Tirrell appreciated that her child could share that information with her parents when she was ready.
- She explained that being outed prematurely could cause a student to encounter rejection, homelessness, and danger.
- She also provided that the current provision in 169c does not allow for reporting to be collected on potential future harm; the central intake process requires for the harm to have already occurred to be screened in.

Brian Hawkins – National Educators Association, New Hampshire

- Mr. Hawkins testified in opposition to Senate Bill 96.
- Mr. Hawkins expressed that the bill wrongfully infers there is a fractured relationship between educators and parents.
- Mr. Hawkins expressed that it would be more appropriate for the school principal or superintendent to answer the inquiries outlined in this bill instead of the classroom teacher. He explained that school employees, which this bill targets, do not have the latitude to disobey school district policies or directives.
- Mr. Hawkins expressed that the bill has unclear and vague language. He cited the arbiter of material information or completeness of an educator's response to an inquiry as unclear. He also referred to previous testimony from the Department of Education that determined the "honestly and completely" standard would be difficult to enforce. He was concerned that teachers would have a difficult time discerning what information is unable to be shared in accordance with state and federal laws.
- He described the process laid out in the bill as intimidating and does not contribute to the furtherance of student's education.

Pasha Roberts

- Pasha Roberts testified in opposition to Senate Bill 96.
- Pasha Roberts expressed appreciation to parents who actively participate in their child's education and well-being but noted that not all parents are supportive.
- Pasha Roberts expressed that some parents' inquiries to teachers may be made to punish and control their children. He continued that disclosures about students' pronouns and gender could be dangerous to students.
- Pasha Roberts reflected on his experience as a survivor of sexual abuse by his parents and believed any disclosure by the school to his parents regarding issues of mental health or gender would have made his situation worse.
- Senator Altschiller asked Pasha if this law had been in place when he was in school what ramifications would he have faced at home?
- Pasha Roberts responded that any disclosure regarding behavior or gender would have exacerbated his situation and that the reporting clause in the bill would not sufficiently protect children.

David Trumble

- Mr. Trumble testified in opposition to Senate Bill 96.
- Mr. Trumble expressed that children should be able to live honestly, have a say in matters involving their lives, and talk openly with trusted adults.
- Mr. Trumble expressed concern that the bill grants parents 100% control and power, essentially silencing their children. He explained that in other instances, government action involving children, such as divorce or special education,

recognizes that children can be mature enough to determine their own future and advocate for themselves.

- He explained that the bill is unclear in addressing what the threshold is for the child to be considered endangered when teachers are determining whether or not to disclose information or file an abuse and neglect report. He continued that the abuse and neglect report could cause irreparable harm to the parent and child relationship, doing more harm than good.
- He also expressed concern that this bill could increase rates of childhood homelessness. He cited the Trevor Project, which reported that 14% of LGBTQ youth have slept away from their parents because they have been kicked out or abandoned.

Debrah Howes – American Federation of Teachers, New Hampshire

- Ms. Howes testified in opposition to Senate Bill 96.
- Ms. Howes explained that she would have supported the bill if it required districts to adopt a policy concerning disclosures if it were limited to disclosing information relating to academics, classroom behavior, or their students' abilities to follow the rules.
- She explained that this bill does not foster a partnership between parents and teachers rooted in the child's best interest. Instead, the bill creates an environment of surveillance that is not conducive to learning.
- She expressed concerns that the phrases "completely and honestly" and "material information" are subjective measures.
- She expressed that teachers will become extremely busy tracking information that they may be asked to disclose so that they do not have to fear their credentials being taken by the state board of education because they were found in violation of this bill.
- Senator Sullivan asked if the "completely and honestly" standard satisfies her concern because if a teacher answers a request honestly and to the best of their memory, it would satisfy the "completely and honestly" standard.
- Ms. Howes replied that the parameters need to be measurable and that for teachers to observe them during their day-to-day tasks.
- Senator Sullivan asked what section of the bill restricts a parent's ability to receive information regarding the student's academic performance, ability to follow school rules, or observed student interactions with peers.
- Ms. Howes responded that nothing restricts that information from being disclosed upon request. However, there is also nothing restricting parents from asking for other information, which was the crux of her opposition to the bill.

Tye Thompson

- Tye Thompson testified in opposition to Senate Bill 96.
- They detailed their experience with a teacher during their childhood who helped them feel comfortable as the person they were and to be open to new experiences and accepting their identity.
- They explained that this close relationship made them accepting of themselves, and expressed that every child should feel like they can have the important and vulnerable conversation that Tye Thompson had with their teacher as a child.
- They explained that this bill would strip students from being able to have these relationships with their teachers because they would no longer be able to trust their teachers to keep the conversations confidential. They explained that this would be destructive to the self-esteem and development of children who might be different from the average student and would be in the most need of a trustful relationship with their teachers.
- They explained that LGBTQIA students are not a threat to others or their school environment, and that the real threat was their inability to rely on their teachers and faculty at school when they are unable to do so at home with their parents or guardians.
- They viewed the bill as an unnecessary measure to implement fear and control over students.

Emilia Thompson

- Ms. Thompson testified in opposition to Senate Bill 96.
- Ms. Thompson Prefaced her testimony by reminding the committee that it “takes a village” to raise a child.
- She explained that because students spend half their day in school, much of that “village” is the teachers at a child’s school.
- She explained that by implementing this bill, the legislature would essentially be removing the “village” from raising the child, as the bill’s provisions would strip the relationship of trust that many vulnerable students have with their teachers, specifically those who are part of the LGBT community, yet have not come out to their parents yet for a number of varying reasons.
- She also explained that this bill would put teachers at risk of being held accountable for simple reporting mistakes. She elaborated, explaining that teachers do not have the time to keep tabs on everything a student says to them in light of their already busy workloads. Not reporting something because a teacher simply missed it or forgot that something was said to them could put teachers at risk of losing their jobs.
- She added that teachers would not be able to make a determination of what could be harmful to relay to a child’s parents based on the rigidity of the bill's language.

- She urged the committee to listen to the opinions of teachers and students throughout the state rather than just the perspective of parents.

Linds Jakhows – 603 Equality

- Linds Jakhows testified in opposition to Senate Bill 96.
- They explained that students should have the ability to learn to find a trustworthy adult outside of their home, especially those who experience a challenging home life.
- They established that the standard of “honestly and completely” provided by the bill would force teachers to take extreme measures to keep tabs on all of their students and would require them to reveal private information about their students’ sexualities to their parents.
- They urged the committee to consider the consequences that this bill would have on LGBT students and expressed that parental rights are already included in New Hampshire's written law.
- They cited multiple theoretical examples of how the bill would interweave with student-teacher relations and have a constructive impact on all of those involved with each hypothetical scenario.
- They explained that forcing a teacher to forcibly out a child to their parents as homosexual or transgender could lead to physical abuse at the child’s home.

Mackenzie West

- Ms. West testified in opposition to Senate Bill 96.
- Ms. West explained her upbringing in southern Vermont and how the institutions around her made her feel that she could not be herself and that she could not come out to her parents. She further explained that school was the only place where she felt like she could be herself.
- She explained that though she did not have the courage to come out to her parents, friends, or teachers at a young age based on the circumstances of her upbringing, many other students do, in fact, have the courage to do so. She explained that this bill would force teachers to reveal the sexual orientation or gender identity of their students if they were to come out to a teacher or their friends at school.
- Ms. West urged the committee to consider the implications that the bill would establish.

Sara Smith

- Ms. Smith testified in opposition to Senate Bill 96.
- Ms. Smith explained that having to reveal the sexual orientations of students to their parents was antithetical to the missions of teachers, citing her own experience as a former public school teacher.

- She touched on her experience developing a rapport with her former students, explaining that she gained the trust of many of her students by being honest with them and not reporting information to their parents that could be potentially harmful to the student.
- She explained that “drawing the line” of what should and shouldn’t be reported to parents is already a difficult thing for teachers to evaluate, and the vagueness of the bill’s language would be problematic, only increasing the uncertainty that many teachers experience.

Neutral Information Presented:

Holly Stevens – National Alliance on Mental Illness (NAMI), New Hampshire

- Ms. Stevens recognized the importance of parent-to-child relationships and their impact on a child’s lifelong mental health and opportunities.
- Ms. Stevens established that it is the parents’ right and responsibility to direct their children’s upbringing and provide the resources required to become thriving adults.
- She explained NAMI has not taken a position on Senate Bill 96, but that it has several concerns. She cited the statistics of New Hampshire’s youth depression and increasing mental illness rates.
- She expressed concerns that the “completely and honestly” standard in the bill could be interpreted broadly by the teachers and could create a deterrent effect on fostering student-to-teacher relationships.
- She added that she is concerned that teachers will be punished for forgetting information a student shared with them. She explained that teachers may have to take notes on interactions with students to meet the “completely and honestly” standard.
- She expressed that Senate Bill 96 assumes teachers are dishonest and creates a rift between teachers and students and between the parents and the teachers.
- Senator Prentiss asked that if an educator did not recall a conversation with a student when fulfilling a parent’s inquiry, that teacher could lose their license. Ms. Stevens agreed with Senator Prentiss’s interpretation of the bill and stated the bill does not allow for human mistakes such as forgetfulness.