

Senate Education Committee

Ryan Meleedy 271-4151

HB 361, prohibiting mandatory mask policies in schools.

Hearing Date: April 29, 2025

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

Members of the Committee Absent : None

Bill Analysis: This bill prohibits school boards and other public education agencies from adopting, enforcing, or implementing a policy that requires students or members of the public to wear a facial covering.

Sponsors:

Rep. Noble

Rep. Belcher

Rep. DeVito

Rep. Ladd

Rep. Morse

Rep. Potenza

Rep. Thibault

Rep. Ankarberg

Rep. Polozov

Sen. Murphy

Sen. Sullivan

Who supports the bill: 191 People signed in support of House Bill 361. To access the full list, please contact the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 214 People signed in opposition to House Bill 361. To access the full list, please contact the committee aide (ryan.meleedy@gc.nh.gov).

Who is neutral on the bill: No one signed in neutrality to this bill.

Summary of testimony presented in support:

Representative Kristin Noble

- Representative Noble established that this is the third time this legislation has been introduced and that the language in House Bill 361 mirrors the language passed in the Senate last year.
- She stated that this bill will protect students and school boards from masking policies.
- She expressed that the decision to implement a mask mandate should not have to be a local one, explaining that if a health issue were large enough to warrant a mask mandate, it would be highly unlikely to be localized to a single district.

- She reflected on the Covid Pandemic and explained that school boards had an impossible decision to make regarding masking policies while being confronted with two opposing groups of vocal constituents. She stated that the Governor and her Department of Health and Human Services (HHS) would have been better equipped to handle the situation.
- She referenced a scenario in which this bill has caused debate over whether immunocompromised students would need their peers in school to also wear masks. She expressed that students should not be forced to wear masks in this situation, even though many may voluntarily choose to do so. She expressed that schools would do what they can to limit the risk for the student, but the risk for that student will always be present.
- She established that the House Education Policy Committee received a letter from the HHS Division of Public Health. The letter established that face mask decisions should be made through individual choice rather than universal mandates. The letter also expressed that those who would feel more secure based on an individually calculated risk assessment, including those severely immunocompromised, can choose to wear a face mask for protection.
- She established that House Bill 361 does not prohibit individuals from wearing masks in schools. Instead, it allows families to make the best choice for themselves, except when the Governor and DHHS have declared a State of Emergency.
- Senator Prentiss asked if School Boards are not equipped to make these decisions, could school nurses and principals be better suited to make the determination. Representative Noble replied that this was never considered prior to the Pandemic, and said she was confident that these decisions are better to be left with HHS.
- Senator Prentiss asked if Representative Noble was advocating for HHS to make policy decisions for local school districts statewide. Representative Noble replied that if the issue were severe enough to warrant masking, it should be considered a State of Emergency declared by the Governor in consultation with HHS and the Department of Education.
- Senator Prentiss explained that viruses can be mitigated in schools when proper precautions are in place. She asked if there is a compromise that balances flexibility for local school districts, takes the decision-making authority out of the School Boards hands, and gives it to someone else when we are not facing a pandemic. Representative Noble explained that she is comfortable with schools providing recommendations, but not mandates.
- Senator Sullivan said that the most common concerns she received from families during Covid were regarding the masking policies and their effect on children's speech development. Senator Sullivan asked if masking policies were effective

and if children could wear masks properly. Representative Noble replied that there is no evidence to suggest that masking policies helped mitigate the spread of Covid. She established that children cannot wear masks properly, which can have the adverse effect when looking to mitigate the spread of the disease.

- Senator Prentiss asked if the Department of Education has taken a position on this bill. Representative Noble established that the Department of Education has not taken a position.

Julie Smith

- Ms. Smith testified in support of House Bill 361.
- Ms. Smith referenced previous testimony from Dr. Petty's expert testimony in the Health and Human Services Committee in 2022.
- Ms. Smith expressed frustration with how Nashua elected officials handled the Covid Pandemic.
- She stated that local control arguments are discarded when elected leaders discuss housing, but they are utilized when it fits their narratives.
- She expressed that an alternative to House Bill 361 could be to pass legislation that would make it difficult for school boards to implement mask mandates.

Paula Johnson

- Ms. Johnson testified in support of House Bill 361.
- Ms. Johnson reflected on her experience on the Nashua Board of Education during the Covid Pandemic and recalled many parents asking for the mask mandate to be removed. She recalled being confronted with attacks because of her position on the issue during her tenure on the Board.
- She explained that the mask mandate denied students the ability to socialize and traumatized New Hampshire students.
- She expressed that the decision to mask students should fall on individual parents and not a school board.
- Senator Prentiss asked Ms. Johnson if her testimony was that children did not contract Covid. Ms. Johnson said her research showed that children did not get Covid, and masks were meant to protect the elderly.
- Senator Prentiss referenced a Mayo Clinic study that reflected that 18% of the US cases of Covid were children. Senator Prentiss asked what Ms. Johnson's position on masks ability to protect individuals from other respiratory illnesses. Ms. Johnson recalled many illnesses that affected the Nashua School District, and mask mandates were never presented as a solution.
- Senator Altschiller asked if Ms. Johnson was aware that New Hampshire children lost their lives due to Covid, with the first death occurring in 2021. Ms.

Johnson was unaware, but she added that many people die yearly due to Influenza, and we have never mandated masks. She expressed that New Hampshire students suffered severe mental health crises due to Covid restrictions.

Aubrey Freedman

- Mr. Freedman testified in support of House Bill 361.
- Mr. Freedman expressed that he had advocated for a similar policy to be adopted by his SAU.
- He stated that his school district was presented with competing studies regarding the effectiveness of masks. He cited the increasing number of cases when the mask policies were implemented as evidence that masks were ineffective.
- He explained that he supported House Bill 361 so that people are never subject to masking mandates again.

Leah Walczko

- Ms. Walczko testified in support of House Bill 361 and established she was a middle school teacher during Covid.
- Ms. Walczko recalled three different student's experiences navigating the Covid pandemic.
- She explained a situation with a student that made her realize that masks project fear and that there is something students should be scared of. This student was a special education student who was inconsolable because she was terrified about the disease, making her unable to function in class.
- She explained that another student of hers kept her mask on after the restriction was lifted and expressed that the student continued to wear it so no one would interact with her. She explained that masks deter eye contact and other simple human interactions.
- She recalled another student who became so distraught from having to wear a mask that it would result in his screams being heard through the walls of the classroom. She characterized the effects of the mask mandates as a fear factor that likely had a negative impact on his attitude toward school.
- She stated that it should not be a school district's decision to implement a mask mandate because it that will inevitably be a lose-lose situation. She established that Senator Prentiss's suggestion of designating authority for mask mandate decisions to school nurses and principals is not reasonable. She added that school nurses lack the capacity to review peer-reviewed journals during their workday.

- She established that masks should be considered a medical intervention that should be uniform throughout the state.
- Senator Prentiss expressed that schools can temporarily close to create a cooldown period to curb transmission of communicable diseases. Senator Prentiss asked if Ms. Walczko disagreed with this practice, and if she believed it would be interrupted by this bill. Ms. Walczko agreed that schools should have the authority to close for a plethora of safety reasons, and this bill does not impede a district's ability to do so. However, imposing a medical intervention that harms students' academic and physical well-being is a separate issue.
- Senator Sullivan asked if the local professionals are the individuals responsible for the decisions that have harmed students and resulted in years of learning loss. Ms. Walczko agreed that the local officials made these decisions and it was out of fear and a lack of capacity to make sound, educated decisions.

Laura Chesney

- Ms. Chesney testified in support of House Bill 361 on behalf of her children.
- Ms. Chesney established that funds were allocated to further professional development opportunities related to teaching the foundations of reading and writing instruction. She related this investment to difficulties associated with teaching phonological techniques while students were wearing masks, which was especially difficult for students with disabilities.
- She expressed that school boards should never again mandate the wearing of face coverings if the state is serious about addressing literacy recovery.

Summary of testimony presented in opposition:

Representative Timothy Horrigan

- Representative Horrigan testified in opposition to House Bill 361.
- Representative Horrigan expressed concern that this bill does not subject schools accepting EFA money to the same standard.
- He stated that school boards are surrounded by public health officials who can support them in their deliberations regarding mask mandates.
- He established that the Covid Pandemic was serious and cited numerous statistics reflecting infection and death rates.
- He explained that masks were not perfect, but they helped mitigate the crisis. He noted that masks also helped reduce other respiratory illnesses, and it should be within the local school boards' authority to mandate them.

Representative Hope Damon

- Representative Damon testified in opposition to House Bill 361.
- Representative Damon established that House Bill 361 is a bill about local control and providing options for students to attend school in person while maintaining their safety. She stated that school boards should preserve the authority to implement mask mandates because they understand their local challenges.
- Representative Damon established that scientific studies require expertise to draw valid conclusions. She expressed that there is strong evidence supporting masking as an effective measure to prevent disease.
- She expressed concern that the bill does not allow for consideration of the municipality's unique circumstances. She explained that the bill would subject all school districts to a mask mandate even if only one school district needed it.
- She explained that science is constantly evolving, and the guidance regarding Covid was no exception. She stated that when scientists continue to learn, approaches to wellness evolve.
- She expressed that local school districts conduct thorough deliberations when considering mask mandates; it has not and will not become an insignificant decision.
- She expressed concern that this bill does not consider future situations that could require masking. She cited the current measles outbreaks in the US that were not predicted.
- Senator Prentiss highlighted a study from the NIH that reported that transmission rates dropped by 87% because of masking policies, and asked if Representative Damon would agree. Representative Damon stated she trusts the NIH and the studies they produce. She also explained that there are now different masks that can meet an individual's specific needs.
- Senator Sullivan highlighted a different study from the NIH that stated masking children to prevent Covid transmission was ineffective. Senator Sullivan asked if Representative Damon would agree that students' hands are more likely to transmit disease. Representative Damon expressed that it is not an either-or situation, but she would always support policies that increase educational opportunities and convey the importance of handwashing.
- Senator Altschiller asked if it is typical for school boards to consult with local health experts before making public health decisions. Representative Damon agreed that school boards consult with local health officials and would be open to an amendment describing the scenario of school boards consulting with designated experts when forming a masking policy.

- Senator Prentiss asked if Representative Damon would find it appropriate to provide the decision-making authority to the school nurse and the principal. Representative Damon agreed that designating the nurse and principal could be a fair approach.