

Senate Education Committee

Ryan Meleedy 271-4151

SB 33-FN, relative to the regulation of public school materials.

Hearing Date: February 18, 2025

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

Members of the Committee Absent : None

Bill Analysis: This bill requires local school districts to adopt and publicly post policies describing materials authorized for use by students in the district and outlining procedures to address complaints alleging that material is harmful or age-inappropriate for use in the district's schools.

Sponsors:

Sen. Avard

Sen. Lang

Sen. Gannon

Sen. McGough

Sen. Murphy

Sen. Pearl

Rep. Kofalt

Rep. Pauer

Rep. Sirois

Rep. Cordelli

Who supports the bill: 27 People signed in support of SB 33-FN. To see the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 1419 People signed in opposition of SB 33-FN. 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 33-FN. 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 Abbas

- Senator Abbas Introduced Senate Bill 33-FN, explaining that the bill's prime sponsor, Senator Avard, would be along shortly to explain the bill in detail.

Senator Avard

- Senator Avard testified in support of Senate Bill 33-FN as the bill's prime sponsor.

- He expressed that he was open to amending the bill in light of suggestions brought forward by Barrett Christina (NHSBA).
- Senator Avard described the bill as reasonable legislation, and that it would support the interests of parents as well as their children.
- Senator Altschiller referenced page 1, line 9, which detailed that the bill's provisions would apply to things such as plays, guest speakers, and presentations. She asked whether Senator Avard intended for the bill to apply to school assemblies. Senator Avard explained that he intended for this bill to cover assemblies if they present lewd content, which he defined as sexually suggestive content/behavior or things of a discriminatory nature. He explained that he was unsure of how these assemblies could be pre-screened to allow parents to make their judgment on the assembly content.
- Senator Altschiller shared concerns that teen dating violence presentations, which are important information sessions for students, could be censored if this bill is implemented. Senator Avard said that things would be judged on a case-by-case basis and that it was not accurate to assume that anything related to sexual content would be automatically censored/removed. He explained that this bill simply gives parents a voice in the decision-making on what content their child consumes. He further explained that a parent's request for removal of content could be denied.
- Senator Sullivan explained that it is very easy with modern technology to pre-screen assembly speakers and the content of their speeches. She asked Senator Avard, in the scenario that Senator Altschiller brought up about teen dating violence assemblies, if he believed that there could potentially be students who have been victims of such violence, and if an assembly addressing it could be emotionally triggering to them. She further asked if Senator Avard saw it as reasonable for parents to have their kids not be subject to such assemblies/presentations. Senator Avard agreed with Senator Sullivan, reiterating that this bill served to provide parents with a voice in what content their child consumes at school.
- Senator Altschiller explained that the opportunity for parents to their kids from partaking in such assemblies already exists within current law. She questioned why it would make sense for one parent's decision to have their child not partake in such assemblies should prevent all other students from doing so. Senator Avard explained that this bill gives parents the right to speak up and make their objections known. He explained that their opinion could still be objected to, but that this bill simply provides a pathway for them to voice their concerns without being publicly shamed or criticized.
- Senator Sullivan asked if the bill's intent was to give parents the information ahead of time. Senator Avard stressed that parents have a responsibility to

research what is being presented to their children independently. He reemphasized that this bill simply allows parents to voice their opinions without public criticism or shaming.

- Senator Altschiller referenced lines 6-10 on the bill's first page, explaining that the language was broad from her interpretation, and asked Senator Avard to provide examples of things that would fall under the language, which led to him filing the bill. Senator Avard explained that during a previous session, a representative read a section of a particular book that other representatives found to be appalling, causing many of them to exit the room. He explained that if state representatives were this offended by the contents of the book, parents and students likely share similar attitudes towards such school materials. Senator Avard explained that this bill would give parents the opportunity to speak up and let their voices be heard about books such as the one read aloud by the representative.
- Senator Abbas asked for clarification that the bill itself does not remove any materials from schools, and that even if a parent files a complaint or request for removal, the school can still deny the wishes of that parent. Senator Avard said that this is an accurate description of the bill. He further explained that any description of this bill as something that bans school materials is a false narrative and should be disregarded.

Ann Marie Banfield

- Ms. Banfield testified in support of Senate Bill 33-FN.
- She explained her experience in a Bedford public school where she played a role in getting a book removed from a class's curriculum because it was a social justice oriented book, which she explained was contradictory to the class subject.
- She explained that the effort to remove this book from the class was simply because the book did not supplement the curriculum and that when it was removed from the class, the literature remained in the school library for students to read if they wished to do so.
- She elaborated, saying that parents' involvement in school material doesn't necessarily mean banning books, but that it can be helpful in keeping certain literature available for students while also maintaining the integrity of the curriculum.
- She explained that a lot of the issues with school books and other content is that they're being presented or offered to kids too early and that parental oversight would play a positive role in ensuring children learn about certain things at the appropriate age.
- She saw the process that the bill creates as a potential lawsuit deterrent, citing an example of a lawsuit in Tennessee over school content.

Summary of testimony presented in opposition:

Gilles Bissonnette -- American Civil Liberties Union, New Hampshire

- Mr. Bissonnette testified in opposition to Senate Bill 33-FN.
- Mr. Bissonnette agreed that parents should have some say in what materials their kids have access to at school.
- He also said that parental complaints should be allowed to be made in a public context.
- He explained that the standards outlined in the bill are extremely vague, and if the bill is to provide such standards for parental complaints, the language should be specific. He referenced statute which has clear standards for what information can and cannot be disseminated to the public, and explained that the standards outlined in statute are much clearer than the language in the bill.
- He explained that the lack of definitions would provide no meaningful standard for school principals and librarians to determine whether a piece of school material is appropriate or not, explaining that the basis of decisions regarding the removal of certain books and other school materials would be left up to personal interpretation. He explained that this could allow for certain ideologies to be removed from schools based on personal bias.

Mary Wilke

- Ms. Wilke testified in opposition to Senate Bill 33-FN.
- Ms. Wilke agreed that parents should have some say in what materials their kids have access to at school.
- She suggested that the bill might be better if it were to begin by saying something to the effect of “we encourage parents to participate in back-to-school nights” to incentivize parents to be more hands-on with the educational materials that their children will be taught throughout the academic year.
- She explained that the phrasing of the bill was unclear, specifically its requirement of ‘describing the materials.’
- She explained that requiring schools to detail all the material that would be taught throughout the rest of the year would not make sense, as a lot of the content being taught in class is not determined at the onset of each school year. She explained that teachers will often adjust their curriculum as the academic year continues to bolster student engagement, specifically with reading. She explained that this bill would strip teachers of this academic flexibility.
- She added that if the bill is designed to reduce student harm, it should also apply to private schools in the state, as many of them receive public funding, and students should be protected equally.

- She suggested that the bill should require parents to establish how their child was harmed by certain school materials when a complaint is filed to give school staff a better understanding of why the material should or should not be removed.

Heather Robitaille

- Ms. Robitaille testified in opposition to Senate Bill 33-FN.
- She expressed her interpretation of the bill as a tool to ban books in public schools.
- She explained that most schools already have systems in place for the consideration of school materials and deemed this bill unnecessary.
- Ms. Robitaille expressed concern that the books most likely to be targeted for censorship are those that pertain to members of the LGBTQIA+ community and people of color.
- She described the importance of students relating to different book themes and how getting rid of some of those books could have an adverse effect on children of varying identities.

Megan Tuttle and Brian Hawkins (National Educator Association New Hampshire)

- Ms. Tuttle and Mr. Hawkins testified in opposition to Senate Bill 33-FN.
- Ms. Tuttle explained that most New Hampshire schools already have their own book reconsideration policies.
- Ms. Tuttle suggested setting a minimum standard for such policies.
- Ms. Tuttle began citing specific parts of the bill that her organization found troubling:
 - o Page 1, lines 11-13, the language could be interpreted as each piece of school curriculum (i.e., worksheets, assignments, etc.) could be subject to being proactively authorized.
 - o She questioned the part of the bill that leaves determination up to the principal, explaining that there are no clearly defined criteria for how principals are to make such determinations.
 - o She raised concern over the requirement of school boards to make the challenged school materials available at the front desk of schools, explaining that this part of the bill doesn't provide any value to parents and could create a security problem if many members of the public decide to view the material at the front desk.

Jacquelyn Benson -- Authors Against Book Banning

- Ms. Benson testified in opposition to Senate Bill 33-FN.
- Ms. Benson explained that the bill's language is extremely broad, which could allow for legitimate education materials to be wrongfully stripped from school curriculums.
- She explained that the removal of books could lessen the overall variety that a school library offers and could diminish students' initial interest in reading books.
- She explained that her own daughter struggles with a reading disability; however, having a diverse set of books spanning many topics can help to get children like her daughter to be more excited about reading.
- She explained that allowing one child's parent(s) to get a book removed for all other children at the school isn't consistent with the interests of parents, which this bill purports to be, because it allows one family's opinion to supersede all others.

Debrah Howes -- American Federation of Teachers

- Ms. Howes testified in opposition to Senate Bill 33-FN.
- Ms. Howes explained that a significant reason for the federation's opposition to the bill was the vagueness of the language.
- She elaborated, stating that the broadness of the bill's language would allow for almost every school material to be subject to review/removal. She explained that if every piece of school material was subject to review, it would slow the education process and would be extremely burdensome for teachers.
- She expressed agreement with Ms. Benson's testimony, in that having a wide variety of books helps to spark student interest in reading and that limiting the selection could have an adverse effect on student literacy interest and proficiency.
- She expressed concern over the workload that would be placed on school principals because of a potentially high number of parental complaints. She explained that if a local school receives a swath of complaints, the short timelines that the bill provides for the principal to make a judgment on the materials would put extreme pressure on them and could take away from their other duties. She questioned whether this was an unfunded mandate in light of the additional principal workload this bill would create.
- She explained that the bill would inherently bring First Amendment conflicts by restricting what materials students have access to.

Representative Timothy Horrigan

- Representative Horrigan testified in opposition to Senate Bill 33-FN.
- Representative Horrigan explained that children could not grow up in a completely sheltered state of existence and, therefore, should not be restricted entirely from things that their parents are ideologically opposed to.
- He explained that almost all schools already deal with these issues on some level, some being more effective at managing them than others. He said that the implementation of such a bill would not make any of the schools better or worse at handling parental complaints.
- Representative Horgan disagreed with Ms. Banfield's characterization of the book which she helped to get removed from a class in Bedford, New Hampshire.
- He also addressed the book, whose public reading during a House committee hearing Senator Avard referenced in his testimony, saying the excerpt in the House was taken out of context.

Neutral Information Presented:

Barrett Christina – New Hampshire School Boards Association

- Mr. Christina testified in neutrality to Senate Bill 33-FN.
- Mr. Christina explained that the New Hampshire School Boards Association was in favor of legislation that would require individual school districts to come up with their own policy on school material reconsideration.
- Mr. Christina highlighted different areas of the bill where he believed amendments would be beneficial:
 - o He suggested moving the deadline of November 2026 on page one of the bill to an earlier date, suggesting January 2026.
 - o He established that the timelines enumerated on pages one and two of the bill would likely be unworkable if a complaint included multiple school materials for review. He suggested amending the bill to increase the timeline for a decision on a complaint if the complaint comprises multiple school materials.
 - o Page 2, Lines 18-21, he explained that school boards might not meet frequently enough to be able to meet the requirements outlined by this provision and suggested amending the bill to allow school board members to sign off on a decision electronically rather than a written signature.
- He explained that the NHSBA found the bill to be reasonable.