

Senate Education Committee

Ryan Meleedy 271-4151

HB 324-FN, relative to prohibiting obscene or harmful sexual materials in schools.

Hearing Date: April 10, 2025

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

Members of the Committee Absent : None

Bill Analysis: This bill prohibits material that is obscene or harmful to minors in schools and creates a procedure for removal and cause of action.

Sponsors:

Rep. Cordelli

Rep. Bernardy

Rep. Ammon

Rep. Noble

Rep. Perez

Rep. Terry

Rep. Verville

Rep. Potenza

Sen. Avar

Sen. Gannon

Sen. Murphy

Sen. Sullivan

Who supports the bill: 39 People signed in support of House Bill 324-FN. To access the full list, please contact the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 1367 People signed in opposition to House Bill 324-FN. 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 Glenn Cordelli

- Representative Cordelli established that a similar bill was defeated in the House last session, but he brought it back this year because the problem persists.
- Representative Cordelli established that the state obscenity laws currently exempt education. This bill would remove the exemption for K-12 education. This section is housed in the state's criminal statutes, but after meeting with the Attorney General, he was doubtful that anything would rise to the level of criminal prosecution.
- Representative Cordelli said the bill establishes a process by which parents can challenge material that they consider inappropriate and bring it to the attention

- of the school principal, school board, and if necessary, that the state Board of Education. He established that the state Board of Education is included because it reflects current statutes, specifically RSA 21 and 11 Roman 3.
- Representative Cordelli established that if a school district does not comply with the procedure established in the bill, parents are permitted to pursue a civil right of action.
 - Representative Cordelli stated the bill addresses material found in books and on school-issued devices that describes sexually explicit and/or self-harm topics. He expressed that these topics do not reflect the culture of New Hampshire.
 - He emphasized that House Bill 324 is not about book banning; it is about ensuring that books containing sexually explicit content have no space in New Hampshire schools. The books offered in schools should be age-appropriate and further the educational experience of our youth.
 - Representative Cordelli quoted a sexually explicit section of the book *'Perks of Being a Wallflower'* involving two teens, which can be found in several New Hampshire school libraries.
 - Representative Cordelli expressed that he has received several communications from constituents who have expressed concern about their children's ability to access sexually explicit content on school-issued devices. He insinuated that this exposure to sexually explicit material contributed to teens distributing pornographic material of themselves.
 - Representative Cordelli explained that schools should concentrate on academics instead of the sexualization of children. He expressed concern about the standardized reading and English scores of New Hampshire students.
 - Senator Altschiller expressed that *'The Perks of Being a Wallflower'* is an important piece of literature for high school students and did not appreciate the small excerpt that was read aloud. She asked if the sponsor had read the book and if he was aware that it addressed situations universal to the high school experience.
 - Representative Cordelli responded that he had not and will not read the whole book.
 - Senator Abbas asked if the book in question had illustrations in it.
 - Representative Cordelli replied that the book does include illustrations.
 - Senator Sullivan asked if Representative Cordelli would agree that there are no instances where minors should be able to access this material without their parents' knowledge.
 - Representative Cordelli agreed with the statement and explained the material could be triggering.
 - Senator Altschiller asked if, by exposing high school sexual assault victims to this material, the students would find comfort in knowing they are not alone in the experience.

- Representative Cordelli responded that he hoped teen sexual assault victims would be able to confide in their parents.
- Senator Altschiller asked if victims of incest should be able to see themselves in books.
- Representative Cordelli responded that victims of incest should talk to a trusted adult.

Barrett Christina - New Hampshire School Board Association

- Mr. Christina testified in opposition to the bill.
- He explained that the NHSBA is not opposed to legislation requiring local schools and school boards to adopt a clear policy for how to manage complaints regarding school materials, but opposed the legislature's desire to decide which books should be removed.
- He expressed concern with the bill's provisions, which would restrict any content relating to nudity and other sexually oriented categories. He explained that this would inherently be destructive to the education of students. He supported this by adding that William Shakespeare's literature contains significant amounts of sexual references and innuendos, implying that it would be nonsensical to disallow schools from using Shakespeare readings. If the bill's provisions were interpreted from an overly broad perspective, this bill could have this effect.
- He took issue with Representative Cordelli's understanding of the processes for when parental complaints are not adequately addressed. He established that the bill's provisions allow for civil recourse. Mr. Barrett explained that, currently, if a parent's complaint about school materials isn't addressed, the recourse would be to provide them with an adequate hearing that they were not initially granted.
- Due to time restraints, Mr. Barrett could not provide the NHSBA's other primary concerns regarding the bill. He committed to following up with the committee with written testimony.

Representative Kristin Noble

- Representative Noble referenced a recent FBI publication that advised parents to take a more active role in monitoring the online activity of their children due to concerns of sexual predation.
- She referenced the book 'Let's Talk About It', which she established was available for students to read in many New Hampshire schools. She asserted that this book, and others like it, encourages children to view pornography. She added that the book directs students to the internet to discover sexual fantasies

and things of a similar nature, purporting to readers that the internet is a safe place to engage in this activity. She continued, explaining that the book encourages a variety of other sexual activities that she inferred would be unfit for the primarily adolescent audience.

- She referenced another book called *'This Book is Gay'*, stating that this book also emphasizes a variety of explicit sexual acts that might be inappropriate for children to read about. She explained that, from her research, this book was primarily found in high school libraries, although she claimed to have discovered a copy in a middle school library as well.
- Representative Noble posited that children should be able to relate themselves to the books they read. She stated that it was grossly inappropriate for children to reflect on themselves with the sexual acts listed in these books and other similar ones.
- She questioned why public schools have recently defended these kinds of books and why they have shown little interest in protecting children from accessing lewd reading materials at schools.

Kevin Gagnon

- Mr. Gagnon testified in support of the bill, citing personal experience with the issue the bill intends to address.
- He referenced a story of a parent who read parts of a vulgar book aloud at her local school board meeting, and explained that members of the school board asked her to stop speaking because the language was too obscene for the children in the room. He explained that this book was available to students within this school district.
- Mr. Gagnon explained that he had done a fair amount of research of his own on the issue. After finding multiple books in Salem, NH public schools that were unsuitable for his children and others to read, he took the step of contacting the school librarians, explaining that he was hung up on for voicing his concerns. Following this failed attempt at getting a particular book removed, he contacted his local school board, school principal, and superintendent, but explained that he got nowhere, which prompted his appearance at the committee meeting.
- He said that this led to him removing his child from public school.
- He concluded his testimony by stating that the bill has nothing to do with banning books; it's a matter of keeping immoral and obscene materials out of the hands of children.
- Senator Sullivan asked if books, such as the ones that he referenced, were to be made into films, if it would be considered universally unfit for children to view them. Mr. Gagnon expressed strong agreement and explained that when his

children ask to go to a movie theatre, his first question is “What is the movie rated?”

- He added that explicit content should be available for those for whom it is appropriate, referencing Ms. DeAngelis’ experience with books and their assistance in dealing with sexual assault. He explained that this type of content should be isolated for those for whom it is appropriate and should not be in general circulation for any student to read.
- Senator Altschiller asked why one parent’s opinion of a book should override every student’s ability to access the book when their parents haven't objected to it. Mr. Gagnon explained that things like pedophilia should never be presented to kids, and that some of the books mentioned contain significant amounts of content related to it.

Nancy Biederman

- Ms. Biederman, testifying in support of the bill, explained that she has filed formal objections to books in her local school.
- She went over the defined steps that a parent is required to take in order to successfully file a complaint about school materials, explaining that most schools in New Hampshire have a similar or identical system to the one she described.
- She explained that the committee she met with, including the principal, responded to her request for removal by saying that the books did not warrant removal and were permissible to remain in the school library. She added that part of the justification for keeping the books was that they had won numerous awards, which she didn't view as an adequate reason, stating that many R-rated movies win awards, which doesn't justify them being shown to children.
- She explained that the next course of action was to contact the superintendent. However, there is no policy deadline for a response in the school board’s policy. She explained that he responded months later, stating that two of the books were being removed from school libraries due to low circulation, rather than concerns about obscenity.
- She explained that though the issue was technically resolved for unrelated reasons, RSA 571-B failed to serve its purpose, citing the need for the passage of House Bill 324.

Betsy Harrington

- She recounted an experience when her son brought forward school materials that she classified as obscene and completely inappropriate for K-12 students.
- She explained that as a parent, she doesn't want her children to be subjected to overly sexual and/or harmful materials, and other parents should feel the same

about this issue. She questioned why schools would be so protective of books containing obscene materials rather than prioritizing the protection of the students who currently have access to them.

- She stated that she wants her kids to be learning relevant information to make them better educated and suited for their future, rather than viewing sexual content.
- Citing her independent research of books and sites that are available and promoted to children, she found lessons for oral sex, hyperlinks and instructions for using dating sites and sex apps, social media accounts of authors embedded in extremely sexual books to prompt further engagement, etc.
- She explained that she wished the bill were unnecessary, but the amount of sexual content being promoted to children makes it necessary.
- She explained that when she made a formal complaint about books in her kids' school libraries, the school, instead of considering the book, opted to disallow her kids from entering the school library. She added that they haven't been able to use the school library for years now.
- She established that the books that include links for online dating and sex apps are essentially a form of human trafficking for children. She explained that this does not help any victims.
- Senator Sullivan sympathized with victims of sexual assault and established her understanding that those who have experienced it want to read some of the books mentioned. However, she explained that most children have not had these traumatizing experiences, and that introducing these sorts of things to kids exposes them to entirely inappropriate things, having no relation to their lived experience. She asked Ms. Harrington if she shared this understanding. Ms. Harrington said that in her lengthy experience as a licensed therapist, there was never a need to re-expose patients who have experienced sexual trauma to books like the ones mentioned earlier in the hearing. She said that there might be books that could help these people, but the ones being referred to in the hearing were not books of this nature.
- Senator Abbas stated that his understanding of the term "adult content", which was referenced by Ms. Harrington in her testimony, can be a separate distinction from pornography. He asked if she believed it would be beneficial to establish a uniform definition of the term. Ms. Harrington explained that in her view, both adult content and pornography are inappropriate for children. She posited that the term with the most relevance should be "age-appropriate". She explained that if the book is distinctively identified as for *adults*, even by its own author, it should therefore *only* be for adults.

Summary of testimony presented in opposition:

Sharon Silva - Former President, School Library Association

- Ms. Silva interpreted the bill as a discombobulated attempt to strip local control of education.
- She explained that school boards throughout the state already have established policies for reviewing district materials in the case of a parental complaint. She added that this is a very rare occurrence.
- She referenced her experience working with parents as a school librarian, explaining that in the handful of times that parents raised concerns over a book, they were able to have constructive conversations detailing what the parents had issues with in a given book, and what underlying literary value it provided. She explained that in all but one of these instances, parents were understanding that the book in question isn't appropriate for their child, but may be appropriate for others. She added that the isolated incident where this did not play out was non-confrontational and respectful to a strong degree.
- Senator Altschiller asked if Ms. Silva had ever been involved in the development of book curation policies and policies regarding parental objections to certain books. She explained that in her past role, it was her responsibility to review such policies, which were forwarded by administrators and school board members.
- Senator Altschiller asserted her understanding that curation policies and procedures for objections to school material are a locally controlled matter, and questioned whether Ms. Silva shared this understanding. Ms. Silva replied that she did share this understanding and regarded it as her primary point of opposition to the bill.

Bellamy Ridinger

- Bellamy Ridinger testified in opposition to the bill, explaining that it is not the state government's job to dictate what materials are appropriate for schools and their libraries.
- Mr. Ridinger stated that this bill is one of many attempts to ban books in the name of protecting children.
- He referenced the book example that Representative Cordelli first alluded to, explaining that he had read the whole book, and explained that it had won a Nobel Peace Prize. He explained that books and other forms of content often force people to face uncomfortable realities, but that this could very well be a new beginning for someone to seek help who might have been the victim of these certain acts, referencing rape and incest, which the book details.

- He explained that book bans have been historically used as a method to target and discriminate against members of the LGBTQ community, specifically younger community members.
- He explained that despite only making up a fraction of a percentage of the United States population, transgender people are disproportionately targeted and framed as bullies despite being bullied themselves.
- Mr. Ridinger raised the question of how children are supposed to develop into well-versed adults if they are sheltered from varying ideas and concepts that might challenge their current way of thinking, limiting the development of critical thinking.

Debrah Howes - American Federation of Teachers

- Ms. Howes expressed agreement with Representative Cordelli's assertion that school libraries should have clear and distinct policies for the curation of books and a definitive avenue for parents to challenge the inclusion of books that they see as unfit for school libraries.
- She explained that these policies need to be constitutional, and that the policies instituted by this bill are not.
- She explained that the First Amendment provides students the right to a wide variety of differing books in their school library. She explained that this bill would prevent students from accessing this variety of books, which makes it unconstitutional.
- She pointed out that the bill's restriction on materials that are deemed to be harmful does not take into account the entirety of books, and the context in which specific excerpts deemed harmful might reside.
- She mentioned a U.S. Supreme Court decision that established that if a book has literary value for any student within a given school, then it is permissible and worth its inclusion in that school's library.
- She summarized her testimony by explaining that, under the provisions of the bill, a school principal would be able to read an excerpt from a book and have it banned from their school's library based on their sole opinion of the excerpt taken out of context. She stated that this does not meet pre-established constitutional standards.
- Ms. Howes also added that the bill would allow for appointed state officials to make judgments on whether a book is harmful, which is additionally unconstitutional.
- She cited recent state polling which indicated that New Hampshire residents are opposed to criminal prosecution of school staff for including certain materials in school libraries and curriculums.

- Ms. Howes declined the opportunity to take questions from the committee members.

Katie DeAngelis

- Ms. DeAngelis testified in opposition to the bill as a graduate of New Hampshire public schools and parent of children currently enrolled in them.
- She established that she is a survivor of childhood sexual assault, and that books were one of the first avenues she found to uncover the severity of the crime committed against her.
- She recounted her traumatizing experience, which she suffered at the age of six, explaining that she didn't truly understand at the time of its occurrence.
- She explained that one of the first avenues she found that allowed her to begin to understand the gravity of what had happened to her, and to begin to heal from it, was through reading books as a child. She elaborated, explaining that books, such as the one referenced in Representative Cordelli's testimony, allowed her to relate to stories of similar traumatic events that have happened to others, and ways to cope with the emotional and mental pain that came along with them.
- Contrary to assertions made by Representative Cordelli and Representative Noble, she established that these kinds of books do not glorify obscenity, and that they are not included in school libraries for the purpose of harming readers, but rather to help those who have been the victim of similar crimes to heal and better process the traumatic events.
- Ms. DeAngelis explained that this bill could strip students of having access to books like the ones she described, preventing other vulnerable victims from this avenue of healing that she was able to experience.
- She took issue with the bill's vague language, which she explained could lead to teachers and librarians facing criminal charges over the content of books.
- Senator Altschiller commended Ms. DeAngelis for her testimony and expressed sympathy for her.

Gilles Bissonnette - American Civil Liberties Union, NH

- Mr. Bissonnette explained that the ACLU was not opposed to a process for challenging books that could potentially be harmful to students at the local level. He explained that obscenity is not protected by the U.S. Constitution and that a process for removing books containing obscenity is warranted.
- He explained that the constitutional concern over this bill is whether this process itself is constitutional, which he deemed this bill not to be.
- He established that New Hampshire has had a law in place since 1976 that prohibits providing minors with harmful materials based on a criterion.

- He explained that this bill would go beyond the law he mentioned, which is a concern because the existing law is constitutional, whereas this bill goes far beyond the parameters that the law intentionally does not.
- He explained that the bill's restriction on materials containing nudity and sexual arousal is expansive, and goes beyond the standard of 'sexual conduct' set by current law. He explained that the ACLU's interpretation is that this bill is unconstitutional based on this extension of school material restriction.
- He explained that the bill violates New Hampshire's legal standard of local control of education, not only by stripping local control in one capacity, but also by giving the state additional control over local schools.
- He viewed the bill's inclusion of a criminal law for those who provide materials deemed to be in violation of the bill's standards for books as a dangerous avenue for the legislature to engage in.
- Senator Altschiller mentioned the current RSA that Mr. Bissonnette referenced, explaining that the law would require the entire context of the bill to be considered. She asked whether this bill would allow for the book to be considered solely on the basis of an excerpt taken out of context. Mr. Bissonnette explained that case law has established that any book taken into consideration shall be viewed from a holistic standpoint. He did not comment on whether this bill would allow for books to be considered on the basis of an excerpt.
- Senator Altschiller asked Mr. Bissonnette to elaborate on his local control concerns. He replied by saying that his biggest concern is giving the state more power in cases of book challenges. He explained that there is no problem with communities having their own policies on books, but giving the state power to make decisions about books in local schools is government overreach.

Linds Jakows - 603 Equality

- Linds Jakows referenced a school board hearing in their hometown of Dover, NH, where a handful of parents became highly vocal in their adamancy to ban a book from the school district.
- They explained that lines from this book were taken out of context by those who chose not to read it. They explained that these people inaccurately represented the book due to their limited knowledge of the book's context.
- They explained that though not every student benefits from reading books describing stories of sexual assault or things of that nature, there are many students who do, and it is wrong to strip those students of the ability to access these books just because they aren't meant for everyone.
- They explained that just because certain parents don't see a book as fit for their child to read, it doesn't mean that all other parents feel the same way.

- They reiterated concerns from others that school staff could face criminal punishments for allowing students to read certain books, citing polling data which showed that New Hampshire residents disapproved of local control being stripped from schools.

Michaela Demeter - Dover School Board

- Ms. Demeter gave an overview of documents that were passed out to the committee, explaining that they were written forms of Dover's policy on book challenges as well as the corresponding forms that parents could fill out to challenge the books. She added that there were nine different book challenges in 2023.
- She explained that her opposition to the bill stemmed from her disagreement with taking away local control from local school districts and school boards. She explained that Dover and other towns alike have spent considerable time developing school board policies for addressing challenging books in a fair and thorough manner. This bill would effectively supersede these policies, favoring only the parties filing book challenges.
- Ms. Demeter objected to the idea that a school board could rigorously investigate a book challenge and make a fair and reasonable judgment on the book, just for the Department of Education to step in and override them based on the provisions of this bill.
- She expressed the importance of making sure locally elected officials and their constituents have a voice on matters such as these and found the bill to disregard this notion.
- Senator Altschiller asked if the Dover book-challenging policy was already in place prior to book challenges being made in Dover, or if it was a response to them. Ms. Demeter explained that both were the case. She explained that the school board received complaints that the original school board policy, which was provided as a model policy from the state, was too vague. She continued that her school board spent eight months rigorously developing a more detailed and comprehensive policy to address the local feedback they had received, and that the more recent book challenges have been under this expanded version of the policy.
- Ms. Demeter, while explaining the formation of the expanded book challenging process in Dover, established that teachers, parents, librarians, and other relevant members of the community were included in its development. Senator Altschiller further inquired about this. Ms. Demeter explained that the Dover policy is much more robust than the initial model policy and that it was specifically tailored to suit the needs of the community. She explained that this bill would strip this local decision from ever occurring.

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Date Hearing Report completed: May 8, 2025