

HB 1638 - AS INTRODUCED

2022 SESSION

22-2850

10/08

HOUSE BILL

1638

AN ACT relative to grievances under the right to freedom from discrimination in public workplaces and education.

SPONSORS: Rep. DiLorenzo, Rock. 17; Rep. M. Smith, Straf. 6; Rep. Cote, Hills. 31; Rep. Simpson, Rock. 36; Rep. Petrigno, Hills. 23; Rep. Mangipudi, Hills. 35; Rep. Langley, Hills. 8; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Education

ANALYSIS

 This bill modifies the procedure for grievances for certain violations of discrimination in the workplace or education.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to grievances under the right to freedom from discrimination in public workplaces and education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Discrimination in Public Schools; Grievances. RSA 193:40, III is repealed and reenacted to
2 read as follows:

3 III.(a) A person aggrieved by an act made unlawful by this subdivision shall file a written
4 complaint to the district superintendent of the school administrative unit (SAU) within 15 days of
5 the date that the incident took place. The SAU district superintendent shall within 3 days of receipt
6 of the complaint send a written acknowledgment of the complaint to the complainant. The SAU
7 district superintendent shall conduct an impartial investigation of the complaint and issue a decision
8 within 15 days of receipt of the complaint.

9 (b) Upon receipt of the final decision of the SAU district superintendent, if the aggrieved
10 party is not satisfied with the ruling, the aggrieved party may appeal to the department of
11 education. If the department of education rejects the resolution by the SAU district superintendent,
12 the department may refer the case to the state commission for human rights under RSA 354-A or the
13 New Hampshire attorney general.

14 (c) A person claiming to be aggrieved by a violation of this section, including the attorney
15 general or the state commission on human rights may initiate a civil action against a school or school
16 district in superior court for legal or equitable relief. Alternatively, the aggrieved party may file a
17 complaint with the United States Department of Education, Office for Civil Rights.

18 2 Repeal. RSA 354-A:34, relative to remedies for discrimination in public workplaces, is
19 repealed.

20 3 Effective Date. This act shall take effect January 1, 2023.