

SB 100-FN - AS AMENDED BY THE HOUSE

03/06/2025 0491s
5Jun2025... 2332h

2025 SESSION

25-1125
02/09

SENATE BILL ***100-FN***

AN ACT relative to the prohibition on teaching discrimination.

SPONSORS: Sen. Lang, Dist 2; Sen. Avar, Dist 12; Sen. Birdsell, Dist 19; Sen. Innis, Dist 7;
Sen. Pearl, Dist 17; Sen. Gannon, Dist 23

COMMITTEE: Education

AMENDED ANALYSIS

This bill revises the construction of and the mental state applicable to the prohibition on teaching discrimination in public schools.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the prohibition on teaching discrimination.

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

1 1 Prohibition on Teaching Discrimination. Amend the introductory paragraph of RSA 193:40, I
2 to read as follows:

3 I. No pupil in any public school in this state shall be ***intentionally or knowingly*** taught,
4 instructed, inculcated or compelled to express belief in, or support for, any one or more of the
5 following:

6 2 Discrimination in Public Schools; Prohibition on Teaching Discrimination. RSA 193:40, II-V is
7 repealed and reenacted to read as follows:

8 II. Nothing in this section shall be construed to prohibit discussion by educators or others,
9 as part of a larger course of academic instruction, of the historical existence of ideas and subjects
10 identified in this section, or construed to mean that educators have any positive interest in teaching,
11 instructing, or inculcating discrimination against any group of people.

12 III. Prohibitions in this section shall apply only to teaching, instruction, and inculcation
13 targeting members of any racial group, including but not limited to, white people or people of
14 European descent, black people or people of Sub-Saharan African descent, or Hispanic or Latino
15 people.

16 IV. A report of intentional or knowing violation of this section by an educator shall be
17 considered a possible violation of the educator code of conduct which shall justify investigation and
18 potentially disciplinary sanction by the state board of education.

19 V. Any person claiming to be aggrieved by an intentional or knowing violation of this
20 section, including the attorney general, may initiate a civil action against a school or school district
21 in superior court for legal or equitable relief, or with the commission for human rights as provided
22 RSA 354-A:34.

23 VI. Discrimination shall not be justified by special considerations for any racial group. The
24 intent of this section is to equally protect all New Hampshire citizens from discrimination regardless
25 of race.

26 VII. For the purposes of this section, "educator" means a professional employee of any school
27 district whose position requires certification by the state board pursuant to RSA 189:39.
28 Administrators, specialists, and teachers are included within the definition of this term.

29 3 Effective Date. This act shall take effect upon its passage.

SB 100-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0491s)

AN ACT relative to violations of the prohibition on teaching discrimination.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	Indeterminable		
Funding Source(s)	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill adds mental state as an element to the prohibition on teaching discrimination. While the fiscal impact of this bill is indeterminable, the Department of Education states presumably it would lessen any current fiscal impacts under RSA 193:40, since requiring a mental state would lessen the number of cases that are pursued.

The Department of Justice states this bill will have no impact on its budget.

AGENCIES CONTACTED:

Department of Education and Department of Justice