



Rep. Rick Ladd
Chair, House Education Committee

Re: Opposition to HB 1131

February 25, 2022

Chairman Ladd and Honorable members of the House Education Committee,

My name is Megan Tuttle, President of NEA-NH, and I have the honor of representing more than 17,000 educators across our state who have gone to extraordinary lengths over the last 2 years to meet the countless challenges this pandemic has presented them so they can deliver the best education possible to the people who matter most to them, our students.

When many of our New Hampshire public schools transitioned back to in-person learning in the fall of 2020, the CDC and New Hampshire Public Health Department recommended mask wearing as a central tool to mitigate the spread of COVID-19 in our schools so that we could return to the place that educators and students wanted to be most, back in our classrooms. As has been discussed numerous times in this committee, by the Commissioner and by the State Board, in-person learning is the most effective setting for learning for the vast majority of our students and masking policies helped to ensure this could happen with less risk of spread and disruption for students, parents and educators. Governor Sununu and State Epidemiologist Dr. Ben Chan have on several occasions during their COVID-19 press conferences over the past 2 years noted that the spread of COVID in our schools was relatively low and we believe that is in part due to mask policies adopted by school districts.

We are opposed to HB 1131 because this would indefinitely prohibit the use of a masking policy even if recommended by our state public health agencies again should a new variant from COVID arise next fall like it did with Omicron or some other highly infectious airborne pathogen. Why would we tie our own hands at keeping students, staff and our communities safe by enacting a blanket prohibition on the use of masks? None of us want to return to a remote instruction setting again, and if a masking policy is recommended by our public health officials to ensure we can stay in the classroom, we should do it. We should not be hamstrung by a piece of legislation that arrives at a conclusion, irrespective of science and facts.

We are also opposed to this bill because of the addition of the legal liabilities it places on schools and school staff, in particular, III of the HB 1131 states that a “Violation of this section by an educator shall be considered a violation of the educator code of conduct that justifies disciplinary

sanction by the state board of education.” The cavalier addition of this provision to a bill banning masks is insulting to educators and disregards the point of the educator code of conduct which was to establish a set of rules and standards around professional conduct. Under Ed 501.02 (t), Professional Conduct means “a set of established professional norms and behaviors” having to do with conducting oneself as a certified New Hampshire educator. Mask requirements, as have been implemented in our schools to keep students safe have been at the recommendation of public health officials and adopted as policies by our local school boards. Making it violation of the code for a teacher or a paraprofessional to help ensure students are following a school district policy is the exact opposite of what that code was intended to do. Therefore, regardless of your position on the first part of the bill, bringing the threat of civil liability or code of conduct violation is in our opinion, nonsensical and far too extreme.

In summary, we feel HB 1131 ties the hands of public health and school leaders toward keeping our students safe and in the classroom, is too unyielding in its proposed punishment, and therefore we respectfully ask that you find HB 1131 Inexpedient-to-Legislate.

Sincerely,



Megan Tuttle
President