



April 17, 2023

Rep. Rick Ladd
Chair, House Education Committee

Dear Mr. Chairman 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, the dedicated professionals who each and every day are working to fulfill the promise of a strong and robust public education for the future of our state, our students. Today, I am unfortunately writing to express our opposition to SB 272, establishing a parents' bill of rights in education.

We have several concerns with this piece of legislation including its stated penalties, its overbroad language that are tied to those potential penalties, as well as numerous areas that are confusing and, in some cases, duplicative to laws or rules already in place.

First and foremost we have a strong objection to the violation section that indicates that “Any parent claiming violations of any provision of this chapter may bring an action for declaratory and/or injunctive relief and monetary damages against the school or school personnel.” Enabling litigation against individual employees does not strengthen one of the most important relationships in education, which is the relationships between parents and teachers. This sort of language is more likely to drive a wedge between that relationship rather than foster what we know to be true today; involved parents and teachers working together serves the best interest of the child. This also seems likely to lead to dramatically increased costs for schools and on educators and will just ensure that costs like insurance liabilities will need to increase when so much of the language in this bill is subjective and left up to the beholder. Teachers want to and do work with engaged parents to help deliver high quality education, but this litigation threat might allow a small minority of parents to intimidate educators. There is nothing mentioned in this bill that prohibits the frivolous use of this litigation threat if it is being used to harass a teacher because of a disagreement over a piece of curriculum or their approach.

The proposed penalties are particularly problematic given that some of the provisions are still too broad. While we appreciate the sponsors attempts to ground numerous provisions into statutory rights that already exist for parents, there is still broad language such as in proposed 189-B:3, I “All parental rights are reserved... including, but not limited to...”. This leaves open there are

other rights or violations that could happen, which would then cause the person who violated those rights to be sued, even though we don't know what those unstated rights are, therefore it makes the bill unconstitutionally vague.

There are also several parts to this bill that leave many questions, contradict, or duplicate already existing education laws or rules. In 169-I:4, I there are rights that seem very broad and unclear including "(a) The right to direct the education and care of his or her minor child". How does this interact with the rights of other parents to do the same and what happens if parents of children in the same classroom disagree about the direction classroom instruction should take? Does this provide for that granular level of direction? How does this interact with core curriculum standards set out in statute? There are already standards and systems set out in rules for parents to opt out of certain instruction, but a class cannot be changed for every child in that class.

In addition, the same section also establishes "(b) The right to direct the upbringing and the moral or religious training of his or her minor child." Like the previous language concerns, what is included in moral training? Schools teach morals all the time, but how they teach them cannot necessarily be directed for each individual student.

I think the Department of Education owes this committee an explanation of how they interpret this sort of language because of these concerns. We know that members of the State Board of Education and the Commissioner have had all sorts of interpretations of what this type of language could potentially mean. The Department ought to explain to you how they see this bill being implemented.

There are a few other portions of the bill that are undefined such as:

- What is the definition of a "medical procedure" in proposed 189-B:3, I (s)? I think school nurses deserve to know with clarity what the means so they could follow this law and not run a fowl inadvertently and then be sued.
- Proposed 189-B:3, I (f), on Page 3 line 6. Why are we using federal code here rather than what already exists in NH, which is RSA 91-A?

So much of this bill granularly incorporates information and procedures that professional educators operate under now and so we do not see a reason why this needs to be put into law. I do not know of a teacher who if a parent asked for course curriculum or to discuss something being taught in their classroom would not readily do it. While parents should not need it, what is this bill providing for beyond access to public records, not already included in our 91-A laws? That is very unclear and ought to be explained.

As we have discussed in this committee before, we have a shortage of educators in our classrooms. Passing such a law with the penalties and the concerns that I outlined earlier in my testimony I think only serves to dissuade people from entering this profession because it feels like they are under attack, not being supported. Rather than working to solve the educator shortages we have this legislation erodes educators' role as a trusted and adult, and as Dr. James Fieseher stated in his recent opinion piece in the Concord Monitor, compels them into inserting themselves in complex family dynamics, under the threat of litigation.

Parents and educators have been working well together for a long time in New Hampshire. We should be passing legislation that supports this relationship, not fractures it with broadly subjective language coupled with the threat of litigation.

We respectfully request that this committee finds SB 272 Inexpedient to Legislate.

Sincerely,



Megan Tuttle
President