

**CHAPTER 282**  
**SB 263 - FINAL VERSION**

03/28/2019 1141s  
03/28/2019 1290s  
8May2019... 1690h

2019 SESSION

19-0995  
08/05

SENATE BILL            **263**

AN ACT                relative to anti-discrimination protection for students in public schools.

SPONSORS:            Sen. Sherman, Dist 24; Sen. Fuller Clark, Dist 21; Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Rep. Cannon, Straf. 18; Rep. M. Smith, Straf. 6; Rep. Altschiller, Rock. 19; Rep. Janvrin, Rock. 37; Rep. Ley, Ches. 9

COMMITTEE:          Judiciary

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AMENDED ANALYSIS

      This bill creates a cause of action for persons injured by discrimination in public schools.

      This bill also creates a cause of action for the attorney general in cases of discrimination in public schools.

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                             Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to anti-discrimination protection for students in public schools.

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

1            282:1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after  
2 section 37 the following new subdivision:

Discrimination in Public Schools

3  
4            193:38 Discrimination in Public Schools. No person shall be excluded from participation in,  
5 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,  
6 gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or  
7 national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a  
8 discriminatory practice prohibited under this section, including the attorney general, may initiate a  
9 civil action against a school or school district in superior court for legal or equitable relief, or with  
10 the New Hampshire commission for human rights, as provided in RSA 354-A:27-28.

11            193:39 Discrimination Prevention Policy Required. Each school district and chartered public  
12 school shall develop a policy that guides the development and implementation of a coordinated plan  
13 to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the  
14 basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status,  
15 disability, religion, national origin, or any other classes protected under RSA 354-A.

16            282:2 New Subdivision; Opportunity for Public Education Without Discrimination a Civil Right.  
17 Amend RSA 354-A by inserting after section 26 the following new subdivision:

Opportunity for Public Education Without Discrimination a Civil Right

18  
19            354-A:27 Opportunity for Public Education Without Discrimination a Civil Right. No person  
20 shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in  
21 public schools because of their age, sex, gender identity, sexual orientation, race, color, marital  
22 status, familial status, disability, religion or national origin, all as defined in this chapter.

23            354-A:28 Procedure on Public School Complaints.

24            I. Any person claiming to be aggrieved by a discriminatory practice prohibited under RSA  
25 354-A:27 may initiate a civil action in superior court against a school or school district for legal or  
26 equitable relief, or file a complaint with the commission as provided in RSA 354-A:21. The attorney  
27 general may also initiate such a civil action in superior court or by complaint with the commission.

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1           II. Any complaint filed with the commission pursuant to paragraph I shall comply with and  
2 be subject to the procedures outlined in this chapter, with the exception that such complaints may be  
3 removed to superior court at any time in compliance with RSA 508:4  
4           282:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 19, 2019  
Effective Date: September 17, 2019