

GOVERNOR'S ADVISORY COUNCIL ON DIVERSITY AND INCLUSION

Annual Report

January 2, 2020





CHRISTOPHER T. SUNUNU
Governor

Governor's Advisory Council on Diversity and Inclusion

January 2, 2020

Rogers Johnson, Chair
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Sean Locke, Secretary
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Sheriff Eliezer Rivera
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Allyson Ryder
Chief Douglas Wyman

His Excellency Christopher T. Sununu
Governor of the State of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Dear Governor Sununu,

Pursuant to Executive Order 2017-09, please accept the enclosed annual report of the Governor's Council on Diversity and Inclusion. The purpose of this report is to (1) to recount the status of Council's recommendations to date; (2) to summarize the Council's findings as distilled from the listening sessions; and (3) to convey additional recommendations stemming from those findings.

Sincerely,

A handwritten signature in black ink, appearing to read "Rogers Johnson".

Rogers Johnson, Chair

I. Overview

Governor Christopher T. Sununu established the Governor's Advisory Council on Diversity and Inclusion (the "Council") by Executive Order 2017-09 on December 14, 2017.

Pursuant to Executive Order 2017-09, the Council works cooperatively with the New Hampshire Commission for Human Rights, the Civil Rights Unit of the New Hampshire Department of Justice, and other relevant State entities to:

- A. Review and analyze New Hampshire laws, regulations, and agency policies and procedures, and recommend changes or amendments, where necessary, to further combat discrimination and advance the ends of diversity and inclusion;
- B. Identify and recommend ways in which the State can support local and community efforts, through educational programs or otherwise, to combat discrimination and advance diversity and inclusion;
- C. Identify and recommend ways in which the State can partner with non-governmental organizations to combat discrimination and advance diversity and inclusion; and
- D. Identify and recommend revisions to RSA 354-A and the scope of the duties of the Commission for Human Rights to combat discrimination and advance diversity and inclusion.

The Council is comprised of representatives from governmental agencies and non-profit organizations, and members of the public.

The Council issues this report pursuant to Executive Order 2017-09. The purpose of the report is threefold: (1) to recount the status of Council's recommendations to date; (2) to summarize the Council's findings as distilled from the listening session qualitative data; and (3) to convey the Council's concluding recommendations.

II. Mission, Scope, Vision, and Definitions

Executive Order 2017-09 defines the Council's authority and charge. In order to more succinctly define its purpose when meeting with the public across the state, the Council collectively determined that it was important to define for itself a mission, vision, and scope that are consistent with the enabling Executive Order. The Council agreed on the following:

Mission: The New Hampshire Governor's Advisory Council on Diversity and Inclusion engages in meaningful dialogue with and gathers input from all State residents, visitors, and community organizations in order to inform, strengthen, and advise the Governor of New Hampshire regarding the State's laws, regulations, and policies. We aim to analyze existing systems and determine how to make them more accessible and responsive so that all residents can live free of discrimination and have full opportunity to participate and prosper in our communities.

Vision: To create and support a state that fosters a culture of inclusion where all people experience mutual respect, safety, equality, and equity, and where they enjoy full access to systems, services, and opportunities to participate without fear of discrimination or bias.

Scope of immediate work: The New Hampshire Advisory Council on Diversity and Inclusion will engage residents and visitors from all New Hampshire communities through the facilitation of listening sessions and small-group meetings to gather critical data and information in order to serve as a resource to the Governor on key issues for the improvement and responsiveness of government systems and policies as they relate to diversity and inclusion.

Executive Order 2017-09 relies heavily on the terms “diversity” and “inclusion,” but does not define them. Accordingly, the Council determined that it was necessary to define certain terms to ensure that all members are working toward a common goal. The Council’s working definitions of “diversity” and “inclusion” are as follows:

Diversity: Representation of different types of people, voices, and ideas. Each individual is unique. The concept of diversity encompasses acceptance, respect, and recognition of our individual differences—be it along the dimensions of race, ethnicity, gender, gender identity, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or another identity and ideology.

Diversity means more than just acknowledging and/or tolerating difference. Diversity is a set of conscious practices that involve:

- Understanding and appreciating interdependence of humanity, cultures, and the natural environment.
- Practicing mutual respect for qualities and experiences that are different from our own.
- Recognizing that personal, cultural, and institutional bias; discrimination; and oppression create and sustain privileges for some while creating and sustaining disadvantages for others.
- Understanding of differences so that we can work together to eradicate all forms of discrimination.

Inclusion: The active, intentional, and ongoing engagement of diversity—with people, society, ideas, voices, services, and in communities (intellectual, social, cultural, geographical) with which individuals might connect. Inclusion fosters sense of belonging and promotes everyone’s ability to exist in systems and access services equitably and equally. An inclusive culture allows people to feel respected and valued for who they are as an individual or group, while at the same time feeling “part of” the larger culture.

Inclusion rejects the “one size fits all” concept and requires a willingness to analyze and deconstruct systems and institutions that perpetuate bias, discrimination, inequality, and inequity. Inclusion demands a shift in mindset and culture to allow all people to become engaged as full participants in society.

The value of an inclusive society is that it increases one's awareness, content knowledge, cognitive sophistication, and empathic understanding of the complex ways individuals exist and interact.

The Council will continue to develop and deepen its understanding of these and related concepts.

III. Status of Council Recommendations to Date

In June 2018, the Council issued an interim report, which included summary findings from the Council's first three listening sessions and put forth two preliminary recommendations. In December 2018, the Council issued five additional legislative and budgetary recommendations.

Below is the Council's assessment of the status of its recommendations to date:

| COUNCIL RECOMMENDATION | STATUS |
|---|--|
| <p>Expand Gender Identity Nondiscrimination Protections: That New Hampshire amend all statutes, ordinances, regulations, and policies that reference identity-based classes to include gender-identity as an express protected class to align with the Law Against Discrimination.</p> | <p>Mostly Adopted In 2019, the New Hampshire legislature passed and the Governor signed HB 608 which expanded the law against discrimination based on gender identity to other areas of the law prohibiting discrimination.</p> <p>The Council is listing this as "mostly adopted," as laws, policies, and regulations will need to be continuously assessed and updated to ensure inclusion of gender identity.</p> |
| <p>Celebrating Juneteenth and other observances: That the Governor review how New Hampshire observe and celebrate the identities, cultures, holidays, and events of communities that have been historically underrepresented in New Hampshire, and identify ways to bring visibility, and public acknowledgement and recognition to those communities and individuals.</p> | <p>Adopted in Part On June 19, 2018, Governor Sununu issued a proclamation to recognize June 19 as "Juneteenth Day" to commemorate the end of slavery in the United States. On June 19th, 2019, the Governor signed SB 174 into law, requiring the Governor to annually issue a proclamation calling for the proper observance of June 19 as Juneteenth with appropriate ceremonies and activities commemorating the abolition of slavery.</p> |
| <p>Protect Students from Discrimination: That New Hampshire enact a state statute that prohibits discrimination against students in public schools based on race, color, sex, religion, national origin, mental or physical disability, gender identity, or sexual orientation.</p> | <p>Mostly Adopted In 2019 the New Hampshire legislature passed and the Governor signed SB 263 which expanded the reach of New Hampshire's nondiscrimination laws to students in public schools.</p> <p>The Council is listing this as "mostly adopted," as it continues to monitor implementation of the new law and school district's responses to it, including updates to school policies.</p> |
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| Explore Transportation: That the legislature establish a committee to study: (1) sustainable state funding for in-state public transportation; and (2) how the State can better assist people with accessing the social, medical, and economic services that they need. | Not Adopted There were concerns as to whether adopting this recommendation would duplicate other ongoing efforts. |
| Support the Commission for Human Rights: That the State increase funding to the New Hampshire Commission for Human Rights so that it has the resources to fulfill its statutory charge. | Adopted The most recent biennium budget, both as proposed by the Governor and approved by the legislature, included \$230,000 in Fiscal Year 2020 and \$250,000 in Fiscal Year 2021 for the Commission for Human Rights to help clear the case backlog. |
| Support Diversity, Equity, and Inclusion Education in Schools: That the State allocate resources (particularly to the Department of Education) to fund and sustain the development of additional and ongoing diversity, inclusion, and equity training and resources for New Hampshire schools. | Adopted in Part The most recent biennium budget, both as proposed by the Governor and approved by the legislature, included \$50,000 per year in Fiscal Year 2020 and 2021 to fund diversity and cultural competency training in public schools. |
| Expand Council Membership: That the Governor add a member to the Council with experience and background in working around challenges facing individuals with different abilities and/or disabilities. | Not Adopted |

IV. Listening Sessions

Pursuant to Executive Order 2017-09, the Council began planning and holding community listening session in March 2018. The Council used the experiences shared by the listening session participants to identify areas in need of improvement.

a. Overview and Process

The purpose of the listening sessions was to create statewide forums through which community members can share their experiences living in New Hampshire, particularly as they related to diversity and an overall feeling of inclusion within the State. The Council intended for these listening sessions to capture qualitative information about people's experiences. The information gathered is not necessarily representative of the experiences shared by all Granite Staters. The goal was to learn the positive and negative and to investigate how New Hampshire could improve in areas related to diversity and inclusion.

As of the date of this report, the Council conducted 12 general listening sessions in the following locations: Claremont, Concord, Conway, Durham, Hampton, Keene, Laconia,

Lancaster, Lebanon, Manchester, Nashua, and Portsmouth. The Council also conducted six targeted listening sessions focusing on specific groups of community members. Community participation in the listening sessions varied by location, ranging from approximately 20-80 people, exclusive of Council members. Approximately 6-10 council members attended each session.

Each listening session was conducted using a standard format. The session began with an introduction by the Council Chair. Next the attendees broke out into facilitated, small group discussions that used predetermined questions to gather responses. The session concluded with one large group discussion. Facilitators and note-takers were assigned to each small group discussion, and after each listening session the Council's secretary collected the notes.

The Council took measures to ensure that the listening sessions were accessible by Granite Staters who need communication assistance. The Council advertised that CART, American Sign Language interpretation, and spoken language interpretation would be made available for every listening session upon request, and provided such services at multiple sessions whenever a request was made.

Once the Council completed all the listening sessions, a group of Council members compiled the notes from each listening session into a standardized template to identify high-level themes and notable contributions from each session. The data from all the templates was then combined and analyzed, yielding the findings below.

b. Listening Sessions Findings

i. General Climate in New Hampshire

Listening session participants from various backgrounds recognized the importance of increasing diversity in New Hampshire. They recognized the many benefits of making our state more equitable and inclusive where all communities feel they belong. They identified benefits to increased diversity and inclusion including: attracting and retaining businesses, adding cultural richness to all New Hampshire communities, and attracting and retaining young people.

Participants spoke of New Hampshire as being a safe place to raise a family with a relatively high quality of life and a sense of community. At the same time there was widespread recognition that this sense of safety and community did not always apply to everyone.

Participants were encouraged by the increasing number of events being held across the state that celebrate different cultures and explore issues around race, gender identity, and sexual orientation. They also recognized the number of local organizations working on diversity and inclusion efforts, especially those related to addressing racism and homophobia, to build community among all.

Participants noted the many advantages of living in New Hampshire and many reported a positive experience. Yet, some participants also described experiences of dealing with persistent discrimination, harassment, and isolation in the state. To that end, some participants noted that they either wanted to move out of the state or they had watched others leave the state because of the lack of diversity, lack of inclusion, and the daily challenges created by that

General perspectives shared by listening session participants include the below quotes:

- ❖ *We are going to die economically as a state. This state is insanely shortsighted. We're pushing out our young people and [those who make our state more diverse].*
- ❖ *Lack of diversity is making it difficult for [local communities] to grow. Nothing improves without growth.*
- ❖ *Services differ so greatly across the state.*

lack of diversity and inclusion.

The experiences some Granite Staters shared at the listening sessions about living in New Hampshire as a member of a racial minority group are very concerning, and highlight the challenges New Hampshire communities face in supporting all the state's current and future residents.

It is worth considering how the above comments align with recently published demographic information:

In the fall of 2019, the Carsey School of Public Policy at the University of New Hampshire issued a report on the state's changing population, focusing, in part, on racial diversity. The report concluded that, although New Hampshire remains one of the least diverse states in the nation, diversity in the state has increased by 5.1 percent over the past eight years, and it will likely continue to grow. Diversity is particularly high among youth, especially in certain geographic areas. In Manchester and Nashua, for example, more than 30 percent of the children are members of racial minority groups.

ii. Challenges in Schools

One of the most frequently discussed topics at the listening sessions focused on education and New Hampshire's public school system.

Some participants described students experiencing bias and discrimination by faculty and staff, including teachers hitting, using racial slurs against, and being unfair to students of color. Some parents expressed the frustration of having to fight for their children of color within the school system.

Examples of the experiences shared by listening session participants include the below quotes:

- ❖ *A child named Mohammad was bullied, with other kids telling him he was terrorist and asking extremely offensive questions.*
- ❖ *Students were studying a map of the world, one of them was Chinese and one of the boys starts pulling his eyes back and pretending to be Chinese. Before I knew it, all the students started chiming in with a chant.*
- ❖ *A child was bullied in school because of her Jewish-heritage, which culminated in an incident where another student set her hair on fire with a cigarette lighter. School officials had not responded when the child and her parents reported earlier instances of bullying.*

In addition to identification of bias incidents, there was discussion of students suffering from mental health issues, at times stemming from discrimination and bullying in schools. Some participants cited the prevalence of self-harm among students, the lack of counselors and support, rising suicide rates, and anxiety and depression that can negatively affect a student's education. There was also frustration over the lack of resources for such students, as well as for any student facing mental health, physical, or other learning challenges.

Many participants noted the lack of representation among staff and faculty in New Hampshire schools. For instance, one participant, who was also a teacher, shared:

- ❖ *For the past 11 years in my high school of 100 professional teaching faculty, there has been one other teacher of color in my building. Right now, I'm the only teacher of color in the school district. As a resident, I went to schools here--I never had a teacher of color.*

Participants noted that kids feel more comfortable with adults who look like them and, therefore, are more likely to share similar experiences. They further noted that we need more diverse educators in school systems if we are to develop more trust between schools and those who are under-represented in New Hampshire.

There was discussion about the lack of training and curriculum that would allow New Hampshire schools to become more inclusive institutions. Participants noted the lack of and need for ongoing and sustained training and other diversity, inclusion, and equity resources for staff and faculty at the K-12 level, as well as the need for additional curriculum and training for students. At the same time, participants recognized that some school districts have clearly made commitments in this area and could serve as models for other districts.

Participants also discussed the need for more clear directives, resources and access to skills development opportunities from state and local leadership about how to address issues of race, inclusion, and equity within the schools. Such leaders included the Department of Education, school boards, and administrators as well as other elected officials.

iii. Employment

Participants understood that New Hampshire needs a more diverse labor pool. Participants noted experiencing difficulties with employment and discrimination, including gender identity and race. Participants noted that the Commission for Human Rights is critical to resolving these issues. Some participants cited the challenges to finding employment faced by people with criminal records and people with a history of substance use disorder. One participant noted:

- ❖ *As a hospital, we attract people from all over the world to work with us, but it is hard if they come from a different culture, because there are no support systems for them.*

iv. People with Disabilities

The Council made particular efforts to solicit input on issues faced by people with disabilities. In addition to representation from the disabilities' rights community at the general listening sessions, the Council held a targeted session in Concord to hear from that community.

Participants identified the many challenges facing people with disabilities who are entering the workforce, and noted that New Hampshire has a bad reputation when it comes to hiring and training individuals with disabilities. They also addressed the lack of adequate public transportation or Para Transit services for individuals with disabilities who cannot drive, as well as challenges in understanding driver's license requirements and limitations in driver operation of vehicles for people with disabilities. Participants further reported on general accessibility challenges for individuals with mobility issues, including lack of ramps, old buildings that are not up to Americans with Disabilities Act code, bathroom stall accessibility issues, lack of sidewalks and paths in rural areas or underdeveloped locations, as well as issues regarding snow removal and securing pathways during inclement weather.

v. Deaf and Hard of Hearing Community

In addition to assuring the availability of communication access for the listening sessions, the Council co-hosted a listening session with the Disabilities Rights Center focused on the deaf and hard of hearing community.

At multiple listening sessions, people who are deaf or hard of hearing expressed extreme frustration over the lack of communication access in our state. The complaints ran across agencies, organizations, and businesses, including healthcare, hospitals, the courts, state agencies, law enforcement, the legislature, and in schools. For example, participants expressed sadness that they would need to go out of state to find a nursing home that appropriately accommodates their communication access needs and allows them live and age with dignity.

People also voiced frustration over the lack of space for individuals to be immersed in deaf culture, including the lack of a school and a nursing home for the deaf community, for a

Examples of the experiences shared by listening session participants from the deaf and hard of hearing community include the below quotes:

- ❖ *I can't tell you how many times people will say, 'services in New England [for deaf individuals] are great, except for New Hampshire.'*
- ❖ *I feel not included. How can I fight for him [my son] when I'm oppressed by a lack of access. I work, I'm a taxpayer, seems like that money should go towards getting what I need. I work really hard for what I do—I feel like we've shown we can participate . . . it doesn't make sense that what we've been asking for is not being heard.*

variety of many important positive outcomes that result.

vi. Mental Health

Listening Session participants expressed frustrations over the lack of community support and care for individuals with mental health issues and their families. In particular, participants expressed concern about the number of people living with mental health issues who are in our criminal justice system, in part because of the lack of mental services available in the community. Others opined that because of the lack of community services, people living with mental health issues end up incarcerated, making the state and county correctional facilities some of the biggest providers of mental health services in the state.

vii. Law Enforcement

New Hampshire state and local law enforcement participated in most listening sessions. Leadership from the State Police was present at nearly every session, as were members of the local police department. Law enforcement participants discussed efforts their departments were making to build trust with their local communities. Specifically, in the past year, State Police has adopted and implemented a new policy on fair and impartial policing intended to eliminate racial profiling and unwarranted stops.

Some participants shared their personal experiences of racial profiling by law enforcement and disproportionate contact with law enforcement in the state, including being pulled over repeatedly by police. Because of her experience, one mother expressed her fear every time her black teenage son drives a car out at night. Some participants also observed that law enforcement departments in New Hampshire have not recruited and/or retained a sufficiently diverse workforce. Participants urged the Council to address instances of disproportionate police contacts and other issues of biased policing, including calling for greater training and accountability for law enforcement.

viii. Hate Crimes / Hate Speech

Throughout the listening sessions there was discussion of participant experiences of being targeted by hate crimes, harassment, and hate speech, which have led them to feel

Participants shared the following quotes regarding their encounters:

- ❖ *I have been called a black bitch. I've witnessed other people being called a n*****.*
- ❖ *Because of my experiences of discrimination, I feel like I have to change the way I dress for safety [not wear hijab].*
- ❖ *When I was crossing the street – a guy rolled down window in an SUV 'you B***** you should go back to your country' – I was terrified.*

unsafe in their communities.

Participants spoke about the harm and isolation caused by such incidents and a sense that their municipalities lack the resources needed to appropriately respond. Participants expressed fear of religiously motivated violence at places of worship and concern that many communities lacked funds for expensive police protection. Participants expressed fear of White Nationalist groups within New Hampshire and were not aware of what actions the State was taking to combat such groups. Participants also raised concerns about whether police are adequately trained and resourced to handle hate crimes as well as harassment and hate speech that does not amount to a hate crime.

ix. Immigrant and Refugee Experiences

Participants expressed their overall fears and concerns for those within immigrant and refugee communities, including as it relates to undocumented community members. Participants discussed the impact of seeing friends get deported and of seeing families separated on the side of the road by immigration enforcement with no direction or hope of relief. The concerns were not limited to undocumented immigrants as residents and citizens with appropriate documentation felt the impact of the assumption that they were

undocumented. The Council made particular efforts to solicit input from immigrant and refugee communities because of the fear they expressed over attending public sessions.

Participants related their experiences of witnessing local police collaborating with federal immigration enforcement, and they described the distrust this has created within their local communities. State Police shared its new policy on fair and impartial policing, which clarifies the limits on the department and its officers' authority to enforce civil immigration law and regulations.

Participants highlighted the lack of resources for immigrant and refugee communities in general, including as it relates to healthcare (specifically for elders), citizenship courses, language access, ESOL/ELL, and for activities for children of New Americans. Some participants called for the all of the state's elected officials to speak up more substantially in defense of immigrants and refugees within New Hampshire.

x. Lesbian, Gay, Bi-Sexual, Transgender and Queer Community

Participants voiced concerns around transgender Granite Staters being able to access public spaces, while also recognizing recent improvements in New Hampshire's anti-discrimination laws. Participants raised issues about the extreme difficulties that stem from not being able to secure accurate state identification documents, including driver's licenses and birth certificates that match a person's gender identity. They identified the lack of a third "sex/gender" marker as an issue, as well as people's inability to change their gender on state documentation.

Participants expressed concerns over the lack of services for the LGBTQ community, especially healthcare for the transgender community. Participants also raised the lack of transportation as an issue that contributes to isolation of members of the LGBTQ community in New Hampshire.

xi. Indigenous Peoples

Participants voiced their concerns that Indigenous people "get lost in the shuffle" here in New Hampshire. Participants emphasized that there needs to be more awareness and recognition of the presence of indigenous people, including more inclusion of this community in established cultural and school events and establishing more culturally relevant events, policies and practices that clearly represent a narrative that includes the lived experiences of indigenous peoples both past and present. Specifically, participants called for establishing an Indigenous Peoples Day.

xii. Housing

Participants expressed concern regarding their difficulty accessing low / moderate income housing in New Hampshire. Participants recognized that the lack of affordable housing

contributes to a range of other social issues including but not limited to: substance abuse, isolation, mental health issues, and employment challenges.

xiii. State Leadership

Participants identified a need for more state-level leadership related to issues of diversity and inclusion. Participants expressed concerns about the lack of diverse representation among elected officials and the need for all prominent state leaders to be

Participants shared the following quotes about the need for strong leadership from the Governor:

- ❖ *Message has to be top down – that discrimination, etc., will not be tolerated. That he demands we are better and this is the X, Y, Z he is going to do to make sure we are moving in the right direction.*
- ❖ *I saw the poster for organ donation with [the Governor] at the center. . . . It appeared that all the people pictured were white, even though the poster had text proclaiming that everyone could become a donor. That is insidious bias; no one is maliciously excluding people of color from pictures of New Hampshire people, but no one is actively seeking to include them.*

proactive in making New Hampshire a more inclusive place to live.

V. RECOMMENDATIONS

As a result of our collective efforts, including in response to the common themes and concerns expressed by participants in the listening sessions, the Council recommends the following actions:

a. Education

The Council heard many concerns related to diversity and inclusion in the state's education system. The Council recognizes that in the 2019 legislative session, New Hampshire took a significant step when it enacted state-level anti-discrimination protections for students in our public schools. These policies will address discrimination in New Hampshire schools.

The Council recognizes that at times discrimination and bullying can overlap. We therefore encourage residents to visit the Bullying and Cyber Bullying Resources website hosted by the New Hampshire Department of Education¹ to learn more about ways to continue addressing the issue of bullying within New Hampshire schools.

¹ https://www.education.nh.gov/instruction/integrated/title_iv/cyber_bully.htm

The Council also heard calls during several sessions for more representation in teaching, which is shown to improve outcomes for all students, along with concerns related to the lack of resources to address diversity and inclusion issues.

- i. Listening session participants shared numerous student experiences of discrimination and harassment in New Hampshire schools. The adoption of the Council's recommendation to expand New Hampshire's nondiscrimination laws to apply to public schools in 2019 (SB 263) was a significant step towards addressing this issue. ***The Council, therefore, recommends that the Department of Education, the Department of Justice's Civil Rights Division, and the Commission for Human Rights with input and feedback from the New Hampshire School Boards Association, the New Hampshire Superintendents Association, and the New Hampshire Principals Association provide guidance to schools on the implementation of the recent expansion of New Hampshire's nondiscrimination law contained in SB 263.***
- ii. The listening sessions underscored the lack of school resources available to address the mental health and behavioral issues stemming, in part, from discrimination. School districts all around the state are prioritizing the need to address children's mental health but are doing so with limited state investment. School districts often struggle to meet the mounting federal and state mandates with increasingly limited resources. In response, many state advisory bodies have recommended that such issues be addressed by supporting a Multi-Tiered System of Supports for Behavioral Health and Wellness, or MTSS-B. (See: The New Hampshire Ten Year Mental Health Plan, the 2018 report of the Governor's School Safety Preparedness Task Force, and a report issued by the New Hampshire Juvenile Reform Project "Keeping Kids in School: The Urgent Need for Reform of School Discipline in NH.")

The MTSS-B model is an evidence-based prevention framework to support students' social, emotional, and behavioral health needs. The framework offers school districts a coordinated strategic approach that consists of: (1) a school-wide system of evidence-based behavior practices for all students; (2) a targeted system of practices for youth who need additional support; and (3) a tertiary system of intensive and individualized interventions for students with the greatest behavioral needs. The framework does not prescribe a particular strategy or curriculum for school districts but rather, offers school districts the ability to choose what works for their own communities. It has been implemented in many New Hampshire school districts through federal grant funding, and the results in those districts have demonstrated that high-

fidelity implementation correlates with reduced student discipline referrals, enhanced overall behavioral health, enhanced attendance, improved academic achievement, and enhanced school climate. ***The Council, therefore, recommends that the state enact legislation to incentivize and support the expansion and statewide implementation of the MTSS-B prevention framework statewide.***

iii. The need for more school resources to focus on diversity and inclusion efforts was one of the recommendations most often discussed at the listening sessions. The Council appreciates that the most recent biennium budget, both as proposed by the Governor and approved by the legislature, included \$50,000 per year in Fiscal Year 2020 and 2021 to fund diversity and cultural competency training in public schools. These funds represent a good start, but fall far short of meeting the need. ***The Council therefore recommends that:***

1. ***The state fund a fulltime senior Department of Education position to be filled with someone with a background in diversity, inclusion, and equity in education and experience in diversity and inclusion training, services, and curriculum support and development. This person would be a resource for school districts and aid in responding to bias related incidents. This person would collaborate with the Commission for Human Rights and the Department of Justice's Civil Rights Unit as necessary.***
2. ***Each school district consider hiring an individual to work closely with the statewide senior administrator while providing support, advocacy and consultation to students, parents and teachers with their district. They would have direct contact with these individuals and would serve the person who would receive initial bias-related incidents within their district. This person would also work with the senior level individual to develop and implement primary prevention programs to decrease the number of bias-related incidents.***
3. ***The NHIAA consider standards for school athletic events, similar to those observed at a college level by the NCAA, that would make clear to athletes, staff, and fans that bias acts, slurs, or jokes are not tolerated in New Hampshire inter-high school athletics or associated events. The NHIAA would develop and communicate a clear process, including to whom such incidents must be reported, for addressing these types of incidents.***

b. Employment & Housing Discrimination

People's difficulty accessing employment and housing was a common theme throughout the listening sessions. Access to reliable employment and affordable housing were also discussed in the context of a variety of inherently related social issues, including mental health, homelessness, substance use disorders, and successful re-entry after a period of incarceration. Some participants recognized the Commission for Human Rights as an important institution in addressing incidents of and preventing discrimination in both housing and employment. It is, therefore, a significant step forward that the most recent biennium budget, both as proposed by the Governor and approved by the legislature, supported the commission with an additional \$230,000 in Fiscal Year 2020 and \$250,000 in Fiscal Year 2021. ***The Council, therefore, recommends that:***

- i. The Governor and the legislature continue to support the Commission for Human Rights in their enforcement and educational activities through additional needed resources, including necessary staffing, space, technology, and other critical needs within the upcoming biennium budget.***
- ii. The state take steps to reduce barriers to employment for all individuals with a criminal record, including people with a history of substance use disorders. Such steps would be in line with the Governor's existing Recovery Friendly Workplace Initiative.***

c. People with Disabilities

The Council received several comments about the lack of vocational rehabilitation services in New Hampshire, comments that are likely linked to recent decreases in such services as a result of decreased funding. In 2018, the New Hampshire Vocational Rehabilitation program entered into an Order of Selection, which included putting some applicants on a waitlist, due to the "dire financial situation" of the agency.² While some of these issues are being addressed with support by the State Rehabilitation Council, concerns persist. The Council also received several comments related to the lack of support for public transportation and Para transit services for people with disabilities. ***The Council, therefore, recommends that:***

- i. There be an overarching analysis of the quality of vocational rehabilitation services currently being provided in New Hampshire.***
- ii. New Hampshire fund a fulltime position within the Vocational Rehabilitation Program to better connect with businesses to promote the hiring of people with disabilities for competitive integrated employment.***

² <https://www.education.nh.gov/career/vocational/documents/SRCAnnualReport2018.pdf>

- iii. The legislature establish a committee to study sustainable state funding for in-state public transportation and how the State can better assist people with disabilities to access the social, medical, and economic services that they need.***

d. Deaf and Hard of Hearing Community

Throughout the listening sessions, members of the deaf and hard of hearing community expressed their extreme frustration at the lack of communication access for services across the state. Enactment of HB 488, which provides for communication access services for members of the deaf and hard of hearing community who meet with their elected state representative or senator at the New Hampshire State House, is one step towards addressing these issues. ***The Council, therefore, recommends that:***

- i. The state take further concrete steps to ensure that all state and municipal government agencies are able to provide and do provide the communication access assistance required by law. We recommend that this include:***
 - 1. Requiring all agencies to include a budget line-item covering communication access needs.***
 - 2. Creating a pooled contract function for communication access for all state agencies that want to participate.***
- ii. The state investigate the need for a nursing home for the deaf community, to live and receive care in a fully culturally and linguistically competent setting, with communication access provided comprehensively and appropriately as required by law. Deaf individuals should not have to leave the state to age with dignity.***

e. Mental Health

Participants in the listening sessions repeatedly stressed the need for additional community services to address mental health needs in our state. The Council recognizes the progress that the State has made in recent years in improving the New Hampshire's mental health system. In January of 2019, the State released a new Ten Year Mental Health Plan developed in collaboration with State officials and a wide range of stakeholders. During the 2019 Legislative Session, the Legislature and the Governor took significant steps toward implementing the plan's recommendations. These included funding for a new secure forensic hospital, new facilities for the children at New Hampshire Hospital, funding for new designated receiving facility beds, increased Medicaid rates for mental health services, and

more. Yet, all parties involved acknowledge that there is much more work to be done.

The Council, therefore, recommends that the state continue to work toward full implementation of the recommendations in the Ten Year Mental Health Plan and take any other steps needed to help New Hampshire achieve a properly-funded and fully staffed community mental health service system with appropriate resources and full staffing to allow people with mental health needs to maintain stable homes and families, contribute to the economy, and live fulfilling and meaningful lives.

f. Law Enforcement

The listening sessions made clear that many law enforcement departments are taking steps to build trust with various marginalized people within their communities. The State Police's implementation of their new policy on fair and impartial policing is a notable example. At the same time, it was also clear that individuals in New Hampshire are still experiencing biased policing. ***The Council, therefore, recommends that:***

- i. The state encourage all police agencies in New Hampshire to adopt, make public, and amply implement policies on fair and impartial policing, including annual training for officers and accountability measures in the event that such policies are violated.***
- ii. When fair and impartial policing policies are adopted at the state or local level, officials ensure adequate communication of such policies to community members.***
- iii. When fair and impartial policing policies are adopted at the state or local level, police agencies enact policies to enable examination of those policies effectiveness. Such policies could include collecting data, including demographic identifiers, on police stops and searches.***
- iv. The state encourage all sworn law enforcement officers to receive ongoing non-bias training relative to matters including but not limited to, fair and impartial policing, mental health issues, substance abuse issues, de-escalation, and diversity.***

g. Hate crimes / Hate speech

Listening session participants shared numerous examples of highly disturbing experiences of harassment, hate speech, and bias incidents in their communities. The Council recognizes the Department of Justice's establishment of a Civil Rights Unit to investigate allegations of discrimination and civil rights violations and the Department's recent promulgation of protocols to assist law enforcement in

identifying, investigating, and reporting hate crimes and civil rights violations. To better equip communities to address these incidents, ***the Council, therefore, recommends that:***

- i. The New Hampshire Department of Justice train sworn law enforcement officers on its new hate crimes protocol that ensures competent handling and reporting of hate crimes.***
- ii. The Department of Justice provide all police agencies with resources on how to handle hate speech and bias incidents that are not defined as hate crimes.***
- iii. The state increase support for the Department of Justice's Civil Rights Unit to be able to sufficiently resource investigations into hate crimes and systemic acts of discrimination, including providing funding for additional legal staff, such as attorneys and paralegals, and investigatory staff and providing the Unit with tools to assist its investigatory functions.***

h. Immigration

Listening session participants shared negative experiences with immigration enforcement, witnessing local law enforcement collaboration with federal authorities, and concerns over the lack of resources for immigrants and refugees.

Here again, the new State Police policy on unbiased policing is an important step forward. ***The Council, therefore, recommends that:***

- i. All police agencies in New Hampshire adopt and implement fair and impartial policing policies.***
- ii. The state explore the need for additional resources for immigrant and refugee communities.***
- iii. State efforts to promote diversity and inclusion utilize knowledge and resources from the immigrant and refugee integration field including the national, state and local Welcoming initiatives.***

i. Lesbian, Gay, Bi-Sexual, Transgender and Queer Community

In 2019, the New Hampshire legislature took multiple steps forward to address many of the concerns raised by LGBTQ community members. This includes adding a third gender marker to New Hampshire drivers' licenses and ensuring that gender identity is included in all New Hampshire laws targeting discrimination. To continue advancing such progress, ***the Council, therefore, recommends that:***

- i. Legislators and the Governor explore ways to simplify the process for changing birth records for transgender and non-binary individuals in a***

manner which ensures accurate identification while taking into account concerns expressed regarding the maintenance of vital records.

- ii. *For any data systems that collect the demographic identifiers of gender identity and/or sexual orientation, such as healthcare providers and governmental agencies, assuring that those systems collect such identifiers in accordance with national best practice data collection standards.*

j. Indigenous Peoples

Listening session participants emphasized the lack of awareness in the Granite State about the presence, history, and lived experiences of indigenous people. As noted above, in 2018 the Council recommended that the state identify ways to use observances and celebrations to increase recognition of historically disenfranchised and underrepresented people. This recommendation was advanced in part in 2019 by the enactment of legislation that calls for the annual observance of Juneteenth, but more needs to be done

A suggested next step in implementing the Council's 2018 recommendation would be for New Hampshire to join the growing number of states that officially recognize Indigenous People's day. ***The Council, therefore, recommends that:***

- i. *New Hampshire officially recognize Indigenous People's Day, a day to commemorate the history, contributions, and lived experiences of indigenous people in the Granite State, as its own holiday.*
- ii. *The state recognize and annually proclaim November as Native American Heritage Month to commemorate the history, contributions, and lived experiences of indigenous people in the Granite State.*

k. Public Leadership

Throughout the listening sessions participants expressed a desire to see more leadership from state and local officials in the area of diversity and inclusion. The Governor's office was highlighted, but such leadership should also include State Agencies, State Senators and Representatives, business leaders, municipal leaders, including through the New Hampshire Municipal Association, and law enforcement. ***The Council, therefore, recommends that:***

- i. *The Governor publically communicate a clear vision for pursuing a more diverse and inclusive New Hampshire;*
- ii. *The Governor identify a staff person to operate as a state liaison dedicated to diversity and inclusion work, and this liaison convene an interagency council of diversity and inclusion leads from each state agency;*

- iii. All state government staff receive regular and ongoing training on diversity, inclusion, and equity, as well as state and federal civil rights laws and non-discrimination;*
- iv. The state encourage municipalities and other state leaders to identify concrete steps that they can take to make New Hampshire a more inclusive community.*

VI. CONCLUSION

Residents from different backgrounds, for the most part, expressed that living in New Hampshire provides them with a high quality of life and a sense of community. Many residents explained that they have had positive experiences while living here. Residents also expressed that the state can improve its capacity to retain and attract diverse community members to become a more welcoming state and an even better place for all to live.

The recommendations in this document are for the Governor, Legislature, and citizenry of New Hampshire to advance Diversity and Inclusion in the state. Going forward, the Council will continue to welcome input from residents of New Hampshire's many communities.

The Council will work cooperatively with the New Hampshire Commission for Human Rights, the Civil Rights Unit of the New Hampshire Department of Justice, and any other relevant State entities to:

- a) Review and analyze New Hampshire laws, regulations, and agency policies, practices and procedures, and recommend changes or amendments, where necessary, to further address discrimination and advance the efforts associated with diversity and inclusion throughout the State;
- b) Identify and recommend ways in which the State can support local and community efforts, through educational programs and/or other services, to address discrimination and advance diversity and inclusion;
- c) Identify and recommend ways in which the State can partner with non-governmental organizations to address discrimination and advance diversity and inclusion; and
- d) Identify and recommend revisions to RSA 354-A and the scope of the duties of the Commission for Human Rights to address discrimination and advance diversity and inclusion.

The Council will issue a report every year summarizing the Council's activities and making further recommendations so the state can succeed in its goal of ensuring that all residents and visitors live free from discrimination and have full and meaningful opportunities to participate and prosper.