

Senate Finance Committee

Deb Martone 271-4980

Non-Germane Amendment #2026-0071s authorizing parents to enroll their children in any public school in the state and creating a limited exemption from parental consent required for certain recordings under the parental bill of rights, to SB 101-FN, authorizing parents to enroll their children in any public school in the state.

Hearing Date: January 20, 2026

Time Opened: 2:12 p.m.

Time Closed: 2:26 p.m.

Members of the Committee Present: Senators Gray, Innis, Carson, Birdsell, Pearl, Lang, Rosenwald and Watters

Bill Analysis: This bill:

I. Allows parents to send their children to public schools outside of their resident district.

II. Creates a limited exemption from the consent requirement under the parental bill of rights for required assessments and school-sponsored events open to the general public.

Sponsors:

Sen. Lang

Sen. Innis

Sen. Gray

Sen. Sullivan

Sen. Murphy

Sen. Pearl

Rep. Osborne

Rep. Hill

Rep. Layon

Who supports the bill: Representative Mooney; Nicholas Lavalley; Daniel Young; Loren Foxx; Michael Johnson; Josh Hardy; Curtis Howland; Timothy Finney; Tom Luther; Emily Van Sickle; Daniel Richardson; Timothy Herbert; Travis Dunbar;

Who opposes the bill: Please see Senate Finance Committee Legislative Aide, Deb Martone, for complete listing of individuals in opposition.

Who is neutral on the bill: Elizabeth Brawn; Tim Herbert; Molley Gilley; C.J. Watson;

Summary of testimony presented in support:

Senator Tim Lang, Amendment Sponsor:

- This amendment is the result of an issue that came up after we passed HB 10

- last year. For the first six months the law was in effect there was no issue in our schools. In December, due to a technical advisory issued by the Department of Education Senator Lang's school district started running into an issue with broadcasting things like basketball games and Christmas concerts. In some cases school boards were taking it to the extreme. If a student showed up to attend a school board meeting there was not explicit permission to record them. It would be a violation.
- Amendment #2026-0071s fixes the problem. If an event being hosted by the school is open to the general public, anybody can attend either by ticket or otherwise. The event is not subject to the explicit written requirement of recording included in HB 10.
- There was also an issue concerning English as a second language learners. There is a requirement for federal dollars to have a recording of the student who is going through an assessment to be deemed English as a second language learner. The definition in the parental bill of rights was expanded as to what "open to the public" is. Clarification on assessments was also made. Lastly, the amendment changes the effective date, giving schools additional time to adapt. The recording provision is effective immediately upon passage of the bill.
- This amendment allows grandparents to record their grandkids at sporting events and Christmas concerts, and allows for continued streaming of public meetings hosted at schools.
- Senator Rosenwald inquired if an individual wanted to record a PTO meeting, would it be a school-sponsored meeting. If a school board meeting is held at a school, is the school actually the sponsor or merely the host? Senator Lang explained it's an open meeting at the school being hosted by the school. All public meetings would be allowed to be recorded. If it's not school-sponsored, then the law wouldn't apply.

Representative Maureen Mooney:

- Last month the DOE issued a technical advisory that raised some uncertainty and inconsistencies among school districts. Amendment #2026-0071s to SB 101 will clearly define "open to the general public" and includes a section for certain test assessments, both of which are very critical. Local sports, graduations, concerts, and other events are critical to the culture of local communities. Frankly, we cannot do without them.

Nicholas Lavalley, President, New Hampshire Coalition for Community Media:

- Mr. Lavalley is the town of Merrimack's Media Services. He manages Merrimack TV's four cable channels and their streaming application, which allows anyone to watch their programming anywhere in the country on mobile devices and smart TVs.
- The New Hampshire Coalition for Community Media represents 48 community media organizations from across the state of New Hampshire. Many of these organizations operate within municipalities and school districts. Their members serve as a primary source of local information for covering public meetings and local governance.
- Some of their widely viewed programs include school-sponsored events that are open to the public, such as varsity sports, student concerts, and graduations.

- The parental bill of rights has created uncertainty around recording of school-sponsored events that are open to the public. As a result, community media organizations have interpreted and responded to the law differently, which highlights the need for this legislative clarification.
- At its core, their coverage preserves memories for students, families, coaches, and their community. Its value, however, goes beyond that. Their programming allows parents to watch games they may otherwise miss due to work obligations. It enables grandparents and extended family members to watch live from anywhere in the country. Through volunteer play-by-play announcers and social media engagement, students often hear words of encouragement and recognition from their family members well beyond the stands or watching locally.
- In addition, this coverage is frequently used by students in college scholarship applications. Adding clarifying language to the parental bill of rights provides clear guidance on which school-sponsored public events may be recorded and allows community media organizations to continue serving families and communities in the way that they have come to expect.

Neutral Information Presented:

Tim Herbert, Concord School District:

- As interim superintendent of the Concord School District, when they received the technical advisory it was very difficult to decide to withdraw all video and audio recording or if there was some latitude to do things based on the three exceptions outlined in the technical advisory.
- On the elementary level students may not be able to write a persuasive essay, but they can learn about argumentative points, how to support it with facts, and they can do audio recordings where they share within their classroom. They're able to practice the competencies of putting together an argumentative essay through audio recording.
- Students who are working on reading fluency and developing their reading skills record themselves reading and listen to it. They put on headphones, listen to themselves, read it back to themselves, and they get to critique. They learn to understand how they are performing as a student, and how they're achieving the competencies in the classroom.
- At the elementary and middle school level, the schools have news broadcasts whereby students broadcast local weather and news based on what they learn in science. but within the school buildings.
- High school digital learning portfolios are being considered by the district as a graduation requirement, They're unsure, however, where that falls in the scope of the parental bill of rights.
- Mr. Herbert doesn't believe it was anyone's intent to limit learning opportunities, creation, creativity, and innovation in the classroom.
- As a parent, Mr. Herbert appreciates knowing what kind of audio or video recording are occurring with his three children in their schools. He appreciates that level of transparency.

- Mr. Herbert asked committee members to consider the scope of this legislation, and its impact on the educational learning, creativity, and innovation of students in the classroom. His concern as a school leader and a parent is when it goes through to social media.
- The Concord School District needs to adjust and develop understanding around AI and how to protect and educate their students on appropriate use.

Travis Dunbar:

- Mr. Dunbar is a student at Concord High School.
- Protecting students and respecting parental rights are imperative. That goal is important.
- As student athletes, they use many videos and photos in CRTC to help share their progress throughout learning the trades. As athletes, they use photos and videos to analyze technique that helps prevent injury and promote athletic success.

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Date Hearing Report completed: January 23, 2026