

Senate Education Committee

Trevor Currier 271-4151

SB 434, relative to regulation of public school materials.

Hearing Date: February 3, 2026

Time Opened: 9:15 a.m.

Time Closed: 9:56 a.m.

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill requires local school districts to adopt and publicly post policies describing materials authorized for use by students in the district and outlining procedures to address complaints alleging that material is harmful or age-inappropriate for use in the district's schools.

Sponsors:

Sen. Lang

Sen. Ward

Sen. Carson

Sen. Pearl

Sen. Avarad

Sen. Sullivan

Sen. Murphy

Sen. Innis

Sen. Birdsell

Sen. Rochefort

Rep. Moffett

Rep. Drye

Rep. Noble

Rep. Freeman

Who supports the bill: 12 People signed in support of SB 434. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who opposes the bill: 476 People signed in opposition to SB 434. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov)

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Senator Timothy Lang, *Senate District 2*

- Senator Lang introduced and testified in support of SB 434.
- Sen. Lang stated that this bill is a reworked version from previous sessions that establishes a process allowing a parent of a child to challenge any material they find inappropriate for school-aged children.

- Sen. Lang clarified that this bill is solely a statewide procedural measure.
- He cited RSA 571-B:1, the definition of “harmful to minors,” which specifies any content that lacks scientific, literary, or artistic value.
- Senator Lang stated that he is not accusing school boards of intentionally placing inappropriate books in their libraries because that falls outside their scope as a board, but some issues may go unnoticed and should be subject to a review process.
- He explained that the process outlined in SB 434 is as follows: the parent will file a complaint, which will trigger an investigation by the school. The principal of the school would then provide a written decision to the parent, who, after 30 days, may appeal the decision to the district's school board. He stated that these steps are reasonable and protect the rights of parents in every district.
- He stated that this bill creates a clear and consistent timeline so review requests cannot be ignored.
- Senator Prentiss asked why individual parents can't request that their child be denied access to a specific material instead of banning the entire school from the disputed material. Senator Lang responded that parents do have that ability, but if a book meets the definition of harmful to minors, it should not be accessible to any child. He stated that this bill establishes a process to determine if the material should be available to any child.
- Sen. Lang stated that it is much better to err on the side of caution rather than have inappropriate and harmful materials reach our children.
- Senator Abbas asked why the responsibility for determining what is harmful to minors falls on the principal instead of the superintendent. Senator Lang responded that the principal of an elementary school and the principal of a high school may have different perspectives, and those closest to the involved parties are often the most knowledgeable and best positioned to make such decisions.

Summary of testimony presented in opposition:

Barrett Christina, *New Hampshire School Board Association*

- Mr. Christina testified in opposition to Senate Bill 434.
- Mr. Christina explained that the process described in the bill is too extensive. He added that the proposed time line is only appropriate when a single book is challenged; if more than one book receives a complaint at the same time, schools will struggle to meet deadlines.
- Mr. Christina recommended that the superintendent or designee, make decisions on challenges instead of the principal. He added that the material in a

school is the responsibility of the superintendent, not any principal, unless they are delegated such duties.

- He stated that many book challenges have been successfully addressed through existing district policies. He provided examples from Merrimack Valley, Dover, and Bow.
- Senator Abbas asked if Mr. Christina could propose a more suitable time line for a district to make a decision based on the process outlined in the bill. Mr. Christina responded that he recommends a period of 48-72 hours for acknowledging the complaint, followed by 30-45 days for the school to respond. This would allow the district to meet with any committee it finds appropriate or to seek professional input.
- Senator Sullivan asked if Mr. Christina agrees that the policy laid out in SB 434 would be cumbersome on the superintendents of larger districts. Mr. Christina conceded that sometimes there is not a one-size-fits-all approach.
- Senator Prentiss asked if the existing local policies that many districts have are sufficient in navigating the complaints they receive from parents. Mr. Christina agreed.
- Senator Prentiss asked if school librarians can currently respond to a parent's request that their child not be allowed access to certain books. Mr. Christina explained that currently, schools can do that.
- Senator Prentiss asked if this bill could allow one parent to override another parent's decision. Mr. Christina replied that the decision would be made by elected officials representing the community, allowing voters to decide whether to reelect them based on their choice to keep or remove the disputed material.

David Trumble

- Mr. Trumble testified in opposition to Senate Bill 434.
- Mr. Trumble stated that under current law, parents can review any school materials and excuse their child from subjects like health and sex education.
- He added that schools have a responsibility to consider students' First Amendment rights, which are upheld by current local policies.
- He referred to the case of Board of Education v. Pico to explain that the person spreading the information has the First Amendment right to do so, as well as the fact that the receiver of the information also has that right.
- Mr. Trumble stated that there is also an aspect of vagueness in the bill as proposed. He explained that the terms "age-inappropriate" and "otherwise offensive" are hard to define.
- He stated that book bans often are targeted at marginalized populations.
- He added that the legislation does not permit the voices of the public who believe the material is appropriate to be heard.

Debrah Howes, *American Federation of Teachers New Hampshire*

- Ms. Howes testified in opposition to Senate Bill 434.
- Ms. Howes explained that many districts currently have policies for responding to such complaints, and any statewide legislation should be based on these policies.
- She expressed concern that this bill overlooks the First Amendment rights granted to students by the United States Supreme Court.
- Ms. Howes stated that the bill does not address the need for consulting professionals about why a book or curriculum is essential for a complete education. She also mentioned that determining whether something has scientific or educational value is a subjective judgment that should be made by experts.
- Ms. Howes expressed concern that SB 434 does not provide a space for parents to counter-challenge a complaint that has been filed by another parent.
- Senator Abbas questioned why librarians blocking students' access to certain materials by not including them in their collections isn't considered a First Amendment violation, while parents doing the same is viewed as such. Ms. Howes reiterated that the subjective nature of what should be removed from public schools creates viewpoint-based decisions, which violate the First Amendment rights of students.
- Senator Sullivan clarified that students' First Amendment rights are restricted in public schools. Ms. Howes agreed.
- Senator Altschiller clarified that school professionals obtain the materials they provide to students based on the established curriculum. Ms. Howes explained that it is the school librarian's responsibility to ensure the school has a wide collection of materials that enhance students' learning of the curriculum and their literacy.
- Senator Altschiller clarified that the state offers parents several ways to block their child's access to the contested materials in public schools. Ms. Howes confirmed that Senator Altschiller outlined all of these options.
- Senator Altschiller inquired whether this policy would also apply to private schools that accept school choice students. Ms. Howes clarified that it will only be applicable to public schools.
- Senator Ward noted that most of the discussion has centered on what happens after the process is finished, rather than on the process itself, which is the main focus of the bill. Ms. Howes explained that the consequences of a process can't be overlooked when you're enacting them, which is why that was the focus of her testimony.

- Senator Ward asked about the differences between the local school policies and the policy proposed in this bill. Ms. Howes explained that the current process in the bill does not fully protect all students' First Amendment rights.

Neutral Information Presented: None.

T.C.
Date Hearing Report completed: February 4, 2026