

Rep. Potenza, Straf. 19  
Rep. DeRoy, Straf. 3  
Rep. Burnham, Straf. 2  
Rep. Mazur, Hills. 44  
Rep. Drew, Hills. 19  
Rep. Drago, Rock. 4  
Rep. Love, Rock. 13  
Rep. Terry, Belk. 7  
Rep. Korzen, Coos 7  
Rep. Notter, Hills. 12  
June 4, 2025  
2025-2713h  
05/08

### Floor Amendment to SB 96

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to mandatory disclosure by school district employees to parents and relative  
4 to enforcement of parental rights against school districts and school employees.

5

6 Amend the bill by replacing all after section 2 with the following:

7

8 3 Compelling State Interest. Amend RSA 189 by inserting section 13-d the following new  
9 sections:

10 189:13-e Compelling State Interest. In this chapter "compelling state interest" means a  
11 circumstance wherein the physical safety of the child has been harmed or is threatened with harm of  
12 such a grave nature by the actions or inactions of the child's parent or parents that the state or its  
13 agencies or instrumentalities are justified in acting to protect the child without the knowledge or  
14 consent of a parent or in withholding information about the child from the parent or parents.  
15 Potential or actual psychological or emotional injury to a child from a parent's actual, threatened, or  
16 anticipated reaction to learning information about his or her child, including emotions such as anger,  
17 disappointment, sadness, disapproval or other behaviors does not constitute a compelling state  
18 interest for withholding information about the child from a parent, but such injury, if sufficiently  
19 serious, may constitute grounds for taking action against the parent for abuse or neglect under RSA  
20 169-C. Although there are many circumstances in which a state actor, such as a teacher or a school,  
21 may act in loco parentis, the mere fact that such a state actor is acting in this capacity is not  
22 sufficient to establish a compelling state interest. To establish a compelling state interest, a state  
23 actor must be able to demonstrate the existence of actual or threatened physical harm to the child by  
24 clear and convincing evidence based on specific, detailed, and reliable information. Even when a  
25 compelling state interest exists, a state actor must use the means for satisfying the interest that is

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1 the least infringing on the parental rights described in this chapter and must do so only for the  
2 minimum time necessary to accomplish its objective.

3 189:13-f Violations.

4 I. No school or school personnel shall infringe upon any of the parental rights set forth in  
5 this title, unless the infringement is supported by clear and convincing evidence and is narrowly  
6 tailored to address the compelling state interest.

7 II. Any parent claiming violation of any provision of this chapter may bring an action for  
8 declaratory or injunctive relief, or both, and monetary damages against the school. If a parent  
9 prevails in any such court action, the court shall award to the parent his or her reasonable attorneys'  
10 fees and court costs, including any such attorneys' fees and court costs incurred in an appeal to the  
11 supreme court.

12 III. Any teacher or administrator with certification to teach found through investigation by  
13 the department of education to have violated any section of this chapter shall be deemed to have  
14 violated the educator code of conduct and shall be subject to disciplinary action by the department.  
15 Any certified educator found by the department to have willfully violated any section of this law  
16 shall have his or her teaching credentials suspended for a minimum of one year for a first offense or  
17 certification terminated for multiple offenses. Department investigation and enforcement for any  
18 educator code of conduct violation under this section shall be subject to a statute of limitations of 5  
19 years from when the alleged offense occurred. An employee of the school district who is not a  
20 teacher who willfully violates any provision of this section shall be placed on unpaid leave for the  
21 remainder of the school year for a first offense and shall have employment terminated for multiple  
22 offenses. Department investigation and enforcement of this section under the educator code shall  
23 not require a prior adjudication by any other investigative or law enforcement body.

24 IV. Any third party contracted by the district who willfully violates any provision of this  
25 section shall be guilty of a violation under RSA 651:2, III-a and, notwithstanding RSA 651:2, IV(a),  
26 shall be fined not less than \$2,500, shall be restricted from any access to all schools in the district for  
27 one year for a first offense, and shall be fined \$5,000 with permanent restriction from employment or  
28 contracted business with any schools in the district for any subsequent offenses.

29 V. Any medical or mental health professional employed or contracted by a school district  
30 found to have violated any portion of this law by the agency by which such person is licensed,  
31 following such agency's usual disciplinary procedures, shall be subject to disciplinary action. Any  
32 medical or mental health professional employed or contracted by a school district who is found to  
33 have willfully violated any portion of this law shall have their license suspended for a minimum of  
34 one year for a first offense and permanently revoked for subsequent offenses. Agency investigation  
35 and enforcement pursuant to any violation under this section shall be subject to a statute of  
36 limitations of 5 years from when the alleged offense occurred. Investigation and enforcement of this

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1 section by the agency shall not require a prior adjudication by any other investigative or law  
2 enforcement body.

3 4 Effective Date. This act shall take effect July 1, 2025.

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AMENDED ANALYSIS

This bill:

I. Requires all school employees to respond honestly and completely to written requests by parents regarding information relating to their children.

II. Defines compelling state interest and establishes penalties for violation of parental rights by school districts and school employees.