

SB 96 - AS AMENDED BY THE HOUSE

5Jun2025... 2199h
5Jun2025... 2699h
5Jun2025... 2713h

2025 SESSION

25-0448
02/05

SENATE BILL **96**

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

SPONSORS: Sen. Lang, Dist 2; Sen. Innis, Dist 7; Sen. Avard, Dist 12; Sen. Gray, Dist 6; Sen. Carson, Dist 14; Sen. Ward, Dist 8; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18; Sen. Birdsell, Dist 19; Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Sen. Pearl, Dist 17; Rep. Notter, Hills. 12; Rep. Osborne, Rock. 2; Rep. Moffett, Merr. 4

COMMITTEE: Education

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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

1 1 Short Title. This act shall be known as the Honesty and Transparency in Education Act.

2 2 New Section; Communications Between Teachers and Parents. Amend RSA 189 by inserting
3 after section 13-c the following new section:

4 189:13-d Communications Between Teachers and Parents.

5 I. Educators credentialed by the New Hampshire department of education shall have a duty
6 to respond to written inquiries by parents regarding material information relating to their child
7 enrolled in that educator's school. Such response to a written request shall be sent within 10
8 business days of its receipt and be answered completely and honestly to the extent permitted by
9 state or federal law.

10 II. A school district may adopt procedures that permit school personnel to withhold such
11 information from a parent if a reasonably prudent person would believe that disclosure would result
12 in abuse, abandonment, or neglect pursuant to RSA 169-C:3. Any such withholding of information
13 from a parent shall be documented in writing and placed in the student's record.

14 III. Violation of this section shall be considered a violation of the code of conduct for New
15 Hampshire educators and subject to investigation, in accordance with administrative rules, against
16 that credential holder.

17 3 Compelling State Interest. Amend RSA 189 by inserting section 13-d the following new
18 sections:

19 189:13-e Compelling State Interest. In this chapter "compelling state interest" means a
20 circumstance wherein the physical safety of the child has been harmed or is threatened with harm of
21 such a grave nature by the actions or inactions of the child's parent or parents that the state or its
22 agencies or instrumentalities are justified in acting to protect the child without the knowledge or
23 consent of a parent or in withholding information about the child from the parent or parents.
24 Potential or actual psychological or emotional injury to a child from a parent's actual, threatened, or
25 anticipated reaction to learning information about his or her child, including emotions such as anger,
26 disappointment, sadness, disapproval or other behaviors does not constitute a compelling state
27 interest for withholding information about the child from a parent, but such injury, if sufficiently
28 serious, may constitute grounds for taking action against the parent for abuse or neglect under RSA

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1 169-C. Although there are many circumstances in which a state actor, such as a teacher or a school,
2 may act in loco parentis, the mere fact that such a state actor is acting in this capacity is not
3 sufficient to establish a compelling state interest. To establish a compelling state interest, a state
4 actor must be able to demonstrate the existence of actual or threatened physical harm to the child by
5 clear and convincing evidence based on specific, detailed, and reliable information. Even when a
6 compelling state interest exists, a state actor must use the means for satisfying the interest that is
7 the least infringing on the parental rights described in this chapter and must do so only for the
8 minimum time necessary to accomplish its objective.

9 189:13-f Violations.

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

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

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

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

35 V. Any medical or mental health professional employed or contracted by a school district
36 found to have violated any portion of this law by the agency by which such person is licensed,
37 following such agency's usual disciplinary procedures, shall be subject to disciplinary action. Any

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1 medical or mental health professional employed or contracted by a school district who is found to
2 have willfully violated any portion of this law shall have their license suspended for a minimum of
3 one year for a first offense and permanently revoked for subsequent offenses. Agency investigation
4 and enforcement pursuant to any violation under this section shall be subject to a statute of
5 limitations of 5 years from when the alleged offense occurred. Investigation and enforcement of this
6 section by the agency shall not require a prior adjudication by any other investigative or law
7 enforcement body.

8 4 Effective Date. This act shall take effect July 1, 2025.