

SB 210 - AS AMENDED BY THE HOUSE

5Jun2025... 2318h
5Jun2025... 2651h

2025 SESSION

25-0397
02/09

SENATE BILL **210**

AN ACT relative to bullying and cyberbullying prevention and relative to allowing parents to send their children to any school district they choose.

SPONSORS: Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Prentiss, Dist 5; Sen. Gannon, Dist 23; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Long, Dist 20; Sen. Rosenwald, Dist 13; Sen. Ricciardi, Dist 9; Rep. N. Germana, Ches. 15; Rep. Newell, Ches. 4

COMMITTEE: Education

AMENDED ANALYSIS

This bill:

I. Amends the meaning of "negligence" as it applies to bullying and cyberbullying.

II. Requires the department of education to report the number of waivers granted for parental notification, number of waivers granted for investigation extensions, and the number of out-of-state cyberbullying cases reported and investigated.

III. Requires antibullying procedure to be included in the student handbook and that alleged victims get a written copy of their rights, protections, and support services available to them.

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

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 bullying and cyberbullying prevention and relative to allowing parents to send their children to any school district they choose.

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

1 1 Education; Pupil Safety and Violence Prevention. RSA 193-F:4, I-IV is repealed and reenacted
2 to read as follows:

3 I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA
4 193-F:3:

5 (a) Occurs on, or is delivered to, school property or a school-sponsored activity or event
6 on or off school property; or

7 (b) Occurs off of school property or outside of a school-sponsored activity or event, if the
8 conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly
9 operations of the school or school-sponsored activity or event.

10 II. The school board of each school district and the board of trustees of a chartered public
11 school shall, no later than 6 months after the effective date of this section, adopt a written policy
12 prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA
13 193-F:3. The policy shall contain, at a minimum, the following components:

14 (a) A statement prohibiting bullying or cyberbullying of a pupil.

15 (b) A statement prohibiting retaliation or false accusations against a victim, witness, or
16 anyone else who in good faith provides information about an act of bullying or cyberbullying and, at
17 the time a report is made, a process for developing, as needed, a plan to protect pupils from
18 retaliation.

19 (c) A requirement that all pupils are protected regardless of their status under the law.

20 (d) A statement that there shall be disciplinary consequences or interventions, or both,
21 for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as
22 a means of retaliation or reprisal.

23 (e) A statement indicating how the policy shall be made known to school employees,
24 regular school volunteers, pupils, parents, legal guardians, or employees of a company under
25 contract to a school, school district, or chartered public school. Methods of communication shall
26 include, but are not limited to, handbooks, websites, newsletters, and workshops.

27 (f) A procedure for reporting bullying or cyberbullying that identifies all persons to
28 whom a pupil or another person may report bullying or cyberbullying. The procedure shall be
29 included in the student handbook.

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1 (g) A procedure outlining the internal reporting requirements within the school or school
2 district or chartered public school.

3 (h) A procedure for notification, within 48 hours of the incident report, to the parent or
4 parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of
5 the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with
6 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g. School officials will provide an
7 alleged victim with a written copy of their rights, protections, and support services available.

8 (i) A provision that the superintendent or designee may, within the 48-hour period,
9 grant the school principal or designee a waiver from the notification requirement if the
10 superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator.
11 Notification of parents may be waived for no longer than 5 school days except for cases of bullying
12 and/or cyberbullying across multiple school districts. Any such waiver granted shall be in writing.
13 Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its
14 approved written policy.

15 (j) A written procedure for investigation of reports, to be initiated within 5 school days of
16 the reported incident, identifying either the principal or the principal's designee as the person
17 responsible for the investigation and the manner and time period in which the results of the
18 investigation shall be documented. The superintendent or designee may grant in writing an
19 extension of the time period for the investigation and documentation of reports for up to an
20 additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify
21 in writing all parties involved of the granting of an extension and the reason for the extension. The
22 alleged victim's parents or guardians shall be notified of the investigation, extension, and the reason
23 for the extension. In cases of bullying and/or cyberbullying across multiple school districts, the
24 principals or designees of all districts involved shall be responsible for conducting an investigation
25 and are encouraged to collaborate. In such cases, the investigation shall be initiated by the principal
26 or designee of the first district to learn of the incident. In cases of bullying and/or cyberbullying
27 across multiple states, the principal or designee of the first district located within New Hampshire to
28 learn of the incident shall contact the attorney general's office.

29 (k) A requirement that the principal or designee develop a response to remediate any
30 substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to
31 reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim
32 or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting
33 all pupils from retaliation of any kind.

34 (l) A requirement that the principal or designee report all substantiated incidents of
35 bullying or cyberbullying to the superintendent or designee.

36 (m) A written procedure for communication with the parent or parents or guardian of
37 victims and perpetrators regarding the school's remedies and assistance, within the boundaries of

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1 applicable state and federal law. This communication shall occur within 10 school days of
2 completion of the investigation.

3 (n) Identification, by job title, of school officials responsible for ensuring that the policy
4 is implemented.

5 III. The department of education may develop a model policy in accordance with the
6 requirements set forth in this chapter which may be used by schools, school districts, and chartered
7 public schools as a basis for adopting a local policy.

8 IV. A school board or board of trustees of a chartered public school shall, to the greatest
9 extent practicable, involve pupils, parents, administrators, school staff, school volunteers,
10 community representatives, and local law enforcement agencies in the process of developing the
11 policy. The policy shall be adopted by all public schools within the school district and, to the extent
12 possible, the policy should be integrated with the school's curriculum. The policy shall be integrated
13 into discipline policies, behavior programs, and other violence prevention efforts.

14 V. By January 1, 2026, each public school district and chartered public school shall make
15 available a report or link to a report on how their policy has been integrated into the school's
16 curriculum, discipline policies, behavior programs, and other violence prevention efforts. The report
17 or link shall be provided to office of commissioner in the department, chair of the state board of
18 education, the senate president, speaker of the house and members of the house and senate
19 education committees.

20 VI. It shall be a violation of the educator code of conduct to intentionally violate the district
21 internal reporting requirements, submit inaccurate or false information, fail to adhere to the
22 timelines in this section, or commit an act of retaliation against a reporter of bullying or
23 cyberbullying or against a parent.

24 2 Education; Pupil Safety and Violence Prevention; Reporting. Amend RSA 193-F:6, II to read
25 as follows:

26 II. The department of education shall prepare an annual report of substantiated incidents of
27 bullying or cyberbullying in the schools. The report shall include the number and types of such
28 incidents in the schools and ***number of waivers granted for parental notification, number of***
29 ***waivers granted for investigation extensions, number of out-of-state cyberbullying cases***
30 ***reported, investigated, and reported to the attorney general's office. The report*** shall be
31 submitted to the president of the senate, the speaker of the house of representatives, and the
32 chairpersons of the house and senate education committees. The department of education shall
33 assist school districts with recommendations for appropriate actions to address identified problems
34 with pupil safety and violence prevention.

35 3 Education; Pupil Safety and Violence Prevention; Private Right of Action Permitted. Amend
36 RSA 193-F:9 to read as follows:

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1 193-F:9 Private Right of Action Permitted. Any person aggrieved as a result of gross negligence
2 or willful misconduct in violation of any provision of RSA 193-F:4 may initiate an action against a
3 school district or chartered public school and may recover court costs and reasonable attorney's fees
4 as the prevailing party. For the purposes of this chapter, "[gross] negligence" means [~~deliberate~~
5 ~~indifference~~] ***the failure to behave with the level of care that a reasonable person would have***
6 ***exercised under the same circumstances.*** Nothing in this section shall supercede or replace
7 existing rights or remedies under any other law.

8 4 Prospective Repeal. RSA 193-F:4, V, relative to public school districts and chartered public
9 schools making reports available on how their antibullying policies have been integrated into the
10 school's curriculum, is repealed.

11 5 Repeal. RSA 193-F:3, I(b), relative to the definition of bullying, is repealed.

12 6 Duty of Parent; Compulsory Attendance by Pupil. Amend the introductory paragraph of RSA
13 193:1, I to read as follows:

14 I. A parent of any child at least 6 years of age and under 18 years of age shall cause such
15 child to attend [the] **a** public school [to which the child is assigned in the child's resident district].
16 Such child shall attend full time when such school is in session unless:

17 7 School Attendance; Legal Residence Required. Amend RSA 193:12, III to read as follows:

18 III. For the purposes of this title, "legal resident" of a school district means a natural person
19 who is domiciled in the [~~school district~~] **state** and who, if temporarily absent, demonstrates an intent
20 to maintain a principal dwelling place in the school district indefinitely and to return there, coupled
21 with an act or acts consistent with that intent. A married person may have a domicile independent
22 of the domicile of his or her spouse. [~~If a person removes to another town with the intention of~~
23 ~~remaining there indefinitely, that person shall be considered to have lost residence in the town in~~
24 ~~which the person originally resided even though the person intends to return at some future time.]
25 A person may have only one legal residence at a given time.~~

26 8 School Attendance; Legal Residence Required. Amend RSA 193:12, VI(a) to read as follows:

27 (a) The commissioner of the department of education, or designee, shall decide residency
28 issues for all pupils, excluding homeless children and youths, in accordance with this section. [~~If~~
29 ~~more than one school district is involved in a residency dispute, or the parents who live apart cannot~~
30 ~~agree on the residence of a minor child, the respective superintendents shall jointly make such~~
31 ~~decision. In those instances when an agreement cannot be reached, the commissioner of the~~
32 ~~department of education, or designee, shall make a determination within 30 days of notice of the~~
33 ~~residency dispute and such determination shall be final. If the unresolved residency dispute has~~
34 ~~resulted in an interruption of educational or related services, or such an interruption is likely to~~
35 ~~occur if the determination cannot be made before the expiration of 30 days, the determination shall~~
36 ~~be made within 14 days. With the agreement of the school districts involved and of the minor child's~~
37 ~~parent or legal representative, the time for determination of the residency dispute may be extended.~~

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1 ~~Residency disputes may be submitted to the commissioner for determination by a school district~~
2 ~~involved in a dispute. In cases where the failure to resolve a residency dispute has resulted in or is~~
3 ~~likely to result in the interruption of educational or related services, a minor child's parent or legal~~
4 ~~representative may submit a residency dispute for determination to the commissioner. In all cases,~~
5 ~~all parties with an interest in the dispute shall be notified of the pendency of the proceedings, shall~~
6 ~~have an opportunity to review all information provided to the commissioner, and shall have an~~
7 ~~opportunity to present facts and legal arguments to the commissioner.] *When addressing*~~
8 *residency issues, the only question the commissioner shall consider is whether the child is a*
9 *resident of the state.* The commissioner's decision, including a written explanation for that
10 decision, shall be provided to the parties of record and a copy of such explanation shall be kept on file
11 by the department of education. No school district shall deny a pupil attendance or implementation
12 of an existing individualized education program.

13 9 Open Enrollment Schools; Definitions; Open Enrollment Public School. Amend RSA 194-D:1,
14 I to read as follows:

15 I. "Open enrollment public school" or "open enrollment school" means any public school
16 ~~[which, in addition to providing educational services to pupils]~~ *that is currently enrolling pupils*
17 *both* residing within its attendance area or district, ~~[chooses to accept]~~ *and* pupils from other
18 attendance areas within its district and from outside its district.

19 10 Open Enrollment Schools; Definitions; Teacher. Amend RSA 194-D:1, IX to read as follows:

20 IX. "Teacher" means any individual providing or capable of providing direct instructional
21 services to pupils, and who meets requirements prescribed in the ~~[Elementary and Secondary~~
22 ~~Education Act]~~ *Every Student Succeeds Act (ESSA) of 2015* and the Individuals With Disabilities
23 Education Act.

24 11 Open Enrollment Schools; Establishment; Parental Choice; Admission. Amend RSA 194-D:2
25 to read as follows:

26 194-D:2 Establishment; Parental Choice; Admission.

27 I. ~~[Any school district legislative body may vote to designate one or more of its schools as an~~
28 ~~open enrollment school.] *Each district legislative body shall establish an open enrollment*~~
29 *policy to allow pupils to transfer among schools within the district, from another district*
30 *in the state, or in any state that has an interstate compact with New Hampshire that does*
31 *not require nonresident pupils to pay an application fee or tuition.*

32 II. ~~[Open enrollment schools shall operate under the same laws, rules, and policies as any~~
33 ~~other public school, except as provided in this chapter.] *Each school district shall determine for*~~
34 *each school in the district the capacity of each school and each grade level. A school*
35 *district shall post the total capacity of each individual school in the district, the capacity*
36 *of each grade level, and the number of vacancies in each individual school in the district*
37 *on the district website by the first of each month. Each school district in the state shall*

1 *report annually to the state commissioner of education the number of transfer*
2 *applications, acceptances, denials and the reason for each denial. The department of*
3 *education shall publish the data annually on it's web site and provide reports to the senate*
4 *and house education committees, and the state board of education.*

5 ~~III. [No public school, except a chartered public school, shall be required to be an open~~
6 ~~enrollment school.]~~ *A parent may apply to any school or district within the state on behalf of*
7 *a pupil.*

8 ~~[IV. A school district may predetermine the number of pupils residing outside an open~~
9 ~~enrollment school's district or attendance area it deems appropriate to accept.]~~

10 ~~[V.]~~ *IV. Applications may be made on behalf of eligible pupils to more than one [open*
11 *enrollment] school within the state.*

12 ~~[VI.]~~ *V. Every [open enrollment] school shall make available information about its*
13 *curriculum and policies to all persons, and parents and pupils considering enrollment in that school.*

14 ~~[VII.]~~ *VI. There shall be no application fee for pupil admission to any [open enrollment]*
15 *school.*

16 ~~[VIII. A pupil who meets the admission requirements of an open enrollment school, and who~~
17 ~~is a resident of the district where the school is located or is a dependent child of active duty military~~
18 ~~personnel whose move resulted from military orders, shall be given absolute admission preference~~
19 ~~over a nonresident pupil. Once admitted and unless expelled, open enrollment school pupils need not~~
20 ~~reapply for admission for subsequent years.]~~

21 *VII. A pupil who is a dependent child of active duty military personnel whose move*
22 *resulted from military orders, shall be given admission preference over a nonresident*
23 *pupil. Once admitted and unless expelled, military connected students as defined in RSA*
24 *110-E:1 need not reapply for admission for subsequent years.*

25 *VIII. A school district may deny a transfer application only for the following*
26 *reasons:*

27 *(a) The student was expelled by the student's previous district;*

28 *(b) The student has a documented history of significant disciplinary issues;*

29 *(c) The student has a documented history of chronic absenteeism; or*

30 *(d) The receiving district does not have available capacity pursuant to this*
31 *section, provided that military connected students as defined in RSA 110-E:1 shall be*
32 *exempt from capacity limits.*

33 *IX. No receiving school or district shall accept or reject an applicant based upon*
34 *grade or age levels, pupil needs, areas of academic focus, aptitude, academic or athletic*
35 *achievement.*

36 *X. Attendance at [an open enrollment] a public school for the purposes of transportation*
37 *shall not constitute assignment under the provisions of RSA 189:6 and RSA 189:8. Pupils who reside*

1 in the school district in which the ~~[open enrollment]~~ school is located shall be provided
 2 transportation to that school by the district on the same terms and conditions as provided for in RSA
 3 189:6 and RSA 189:8 and that transportation is provided to pupils attending other public schools
 4 within that district. However, any added costs for such transportation services shall be borne by the
 5 ~~[open enrollment]~~ school. For the purposes of open enrollment, neither the sending nor the receiving
 6 school district shall be obligated to provide transportation services for pupils attending ~~[an open~~
 7 ~~enrollment]~~ **a** school outside the pupil's resident district. ***The parent may provide***
 8 ***transportation to a specific bus stop on an existing route of the receiving school or district.***
 9 ***The district shall provide the parents with information regarding transportation options.***

10 ~~[X.] XI.~~ Upon approval by each of the district's legislative bodies and after a public hearing,
 11 2 or more school districts may consolidate otherwise eligible resident pupils into one applicant pool
 12 for the purposes of an admissions lottery for designated open enrollment schools

13 ~~[XI. Military-connected students as defined in RSA 110-E:1 who are the dependent children~~
 14 ~~of a member of the active uniformed military services of the United States on full-time active-duty~~
 15 ~~status and students who are the dependent children of a member of the military reserve on active~~
 16 ~~duty orders shall be eligible for admission to the school district of their choice. Students shall be~~
 17 ~~eligible if:~~

18 (a) ~~At least one parent of the student has a Department of Defense issued identification~~
 19 ~~card; and~~

20 (b) ~~At least one parent can provide evidence that he or she will be on active-duty status~~
 21 ~~or active-duty orders, meaning the parent will be temporarily transferred in compliance with official~~
 22 ~~orders to another location in support of combat, contingency operation or a natural disaster~~
 23 ~~requiring the use of orders for more than 30 consecutive days.~~

24 XII. ~~A school district of residence shall not prohibit the transfer of a pupil who is a child of an~~
 25 ~~active military-duty parent to a school in any school district, if the school district to which the parent~~
 26 ~~of the pupil applies approves the application for transfer.]~~

27 12 Open Enrollment Schools; Funding. Amend RSA 194-D:5 to read as follows:

28 194-D:5 Funding.

29 I. There shall be no tuition charge for any pupil attending ~~[an open enrollment]~~ **a public**
 30 ~~school [located in that pupil's resident district].~~ For ~~[an open enrollment school authorized by the~~
 31 ~~school district]~~ **transferring students**, the pupil's resident district shall pay to ~~[such school]~~ **the**
 32 **receiving district** an amount equal to not less than 80 percent of that district's average cost per
 33 pupil as determined by the department of education using the most recent available data as reported
 34 by the district to the department.

35 II. In accordance with current department of education standards, the funding and
 36 ~~[educational decision-making process]~~ **provision of services** for children with disabilities
 37 ~~[attending]~~ **transferring to** a ~~[chartered public or open enrollment]~~ school shall be the

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1 responsibility of the *resident* school district and shall retain all current options available to the
2 parent and to the school district.

3 III. ~~[Any federal or other funding available in any year to a sending district shall, to the~~
4 ~~extent and in a manner acceptable to the funding source, be directed to an open enrollment school in~~
5 ~~a receiving district on an eligible per pupil basis.]~~

6 IV. The commissioner of the department of education shall apply for all federal funding
7 available to open enrollment schools under ~~[the No Child Left Behind Act, Title I of the Elementary~~
8 ~~and Secondary Education Act, or other] **any** federal source of funds. The commissioner shall expend~~
9 any such funds received in a manner acceptable to the funding source.

10 V. A sending district may provide funds, services, equipment, materials, or personnel to ~~[an~~
11 ~~open enrollment] **a** school, in addition to the amounts specified in this section in accordance with the~~
12 policies of the sending school district.

13 VI. ~~[An open enrollment] **A** school may accept pupils at tuition rates at less than the~~
14 amounts established by this chapter.

15 VII. ~~[An open enrollment] **A** school may receive financial aid, private gifts, grants, or~~
16 revenue as if it were a school district.

17 13 Open Enrollment Schools; State Board; Duties. Amend RSA 194-D:7 to read as follows:

18 194-D:7 State Board; Duties.

19 I. The state board shall adopt rules, pursuant to RSA 541-A, consistent with the provisions
20 of this chapter relative to the administration of open enrollment *in public* schools *across the state*.

21 II. The state board ~~[shall] **may**~~ convene one or more working committees to study and make
22 recommendations regarding the implementation and effectiveness of open enrollment ~~[schools]~~
23 *policies*. The recommendations shall be provided to the legislative oversight committee in RSA
24 ~~[194-B:21] **193-C:8-a**~~.

25 14 Repeal. The following are repealed:

26 I. RSA 194-D:3, relative to limitations on procedure for adoption and rescission.

27 II. RSA 194-D:4, relative to pupil selection and enrollment.

28 15 Effective Date.

29 I. Sections 4 and 6-14 of this act shall take effect January 1, 2026.

30 II. The remainder of this act shall take effect 30 days after its passage.