

Senate Education Committee

Trevor Currier 271-4151

HB 1792-FN, prohibiting school districts and personnel from the instruction of critical race theory and LGBTQ+ ideologies in schools as well as establishing a private right of action for violations.

Hearing Date: March 10, 2026

Time Opened: 10:31 a.m.

Time Recessed: 12:15 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill prohibits the teaching of certain pedagogies in public schools, including but not limited to critical race theory, LGBTQ+ ideologies, identity based ideologies, and Marxist analyses. The bill also creates a private right of action for parents and students who are aggrieved by a school violating these provisions.

Sponsors:

Rep. Belcher

Rep. Noble

Rep. Osborne

Rep. Corcoran

Rep. Sabourin dit
Choiniere

Who supports the bill: 26 People signed in support of HB 1792-FN. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who opposes the bill: 1152 People signed in opposition to HB 1792. 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:

Representative Mike Belcher, *Carroll 4*

- Representative Belcher introduced and testified in support of House Bill 1792-FN.
- Rep. Belcher said he filed the legislation because parents have seen their children's classrooms become more politicized over recent years.
- He established that the legislation is named after Charlie Kirk.

- He stated that this legislation is enforceable and would withstand court challenges, unlike previous legislation on this subject.
- He stated that the bill bans teaching that America and the Constitution are inherently illegitimate or oppressive. It also prohibits critical race theory and other Marxist-influenced frameworks from being used as analysis tools in education.
- He stated that the legislation is narrowly tailored and avoids vagueness, unlike previous versions of the bill.
- He stated that it is difficult to create a bill narrowly tailored to the issue at hand because of the complexity of the pedagogies from which it is derived. He continued that if a bill were to prohibit each practice individually, it would be far too long.
- He stated that instead of explicitly prohibiting each individual practice, the bill identified the ideological lineages in the pedagogue. He stated that the bill also avoided vagueness by identifying how the pedagogues work and what they do.
- He expressed concern that aspects of American history are being portrayed in a way that creates modern-day divisions.
- He stated that education should never be a means to inculcate anti-Americanism based on identity.
- He stated that the bill instructs educators to adopt a neutral or pro-America stance.
- He established that the bill promotes accountability through the code of conduct that favors a lenient approach to discipline, such as education, rather than the loss of credentials. He pointed out that employment credentials could serve as a form of punishment if violations are repeated.
- He established that parents could pursue limited compensatory damages and injunctive relief to stop these actions from continuing through lawsuits against the teacher's employer.
- He stated that this legislation is pro-public school because it promotes reform to instill positive American values and provides an education focused on the core subjects for New Hampshire students.
- He pointed the committee to the written testimony he shared via email for the members who wish to review the history of the bill.
- He stated the bill had the support of many organizations like the Heritage Foundation.
- Senator Abbas referenced page 2, line 26, and the phrase "LGBTQ ideologies," asking if there is a legal definition or consensus on its true meaning. Representative Belcher stated that in the field of education, it is properly understood as an extension of critical gender and queer theories. He added that the bill does not prohibit discussions on these topics. Rather, it prohibits

compelling speech, such as requiring students to affirm or say things contrary to their conscience.

- Senator Abbas asked if this would be a school rule. Rep. Belcher said the bill prohibits students from being required to use pronouns and clarifies the proper role of the state versus parents, allowing parents to guide the upbringing of their children.
- Senator Abbas said if a student in high school is openly gay, why is it inappropriate for other students to acknowledge reality? Rep. Belcher stated that the bill does not limit people from acknowledging reality; it prohibits schools from requiring students to affirm the situation Senator Abbas described as ethical or normative.
- Senator Prentiss asked whether Representative Belcher is aware of the concern raised by the Attorney General's Office regarding this legislation. Rep. Belcher was not aware.
- Senator Prentiss said that the DOJ has raised concerns about potential increased legal costs, staffing needs, vagueness, free speech issues, and operational strain on the DOJ to handle this. Rep. Belcher stated that this legislation is not meant to avoid challenges, but to withstand them. He mentioned that the cost of this legislation is already included in the budget because of similar versions that have already been signed into law. He added that teachers, as appointed government agents, are responsible for implementing the policies enacted by elected officials. He stated that teachers cannot have a profanity-laced rant in front of their classroom, even though the First Amendment allows them to.
- Senator Prentiss inquired about students' free speech rights. Mr. Belcher responded that this bill does not infringe on students' free speech rights.
- Senator Prentiss asked if the sponsor could provide direct evidence that the issues he mentioned have occurred in New Hampshire. Rep. Belcher stated that this began nationwide with teachers' colleges training students in critical theories. He cited "wheels of privilege" and "privilege walks" as examples happening in New Hampshire. He stated that the teachers' union's statement characterizing recent political walkouts as required is also evidence.
- Senator Prentiss asked what evidence Rep. Belcher has that students are being indoctrinated in New Hampshire schools. Representative Belcher said he has received hundreds of comments from constituents who support the legislation and see the need for it. He stated the curriculum from the Choose Love Foundation that was used during the recent social-emotional learning week, which used critical theories to divide the student population and incorporate them into education.

- Senator Sullivan asked if the sponsor believes she is frequently contacted, as a school choice supporter, by parents who oppose the indoctrination their students face in public schools. Representative Belcher said it is likely because the issue of school choice and this bill are connected.
- Senator Sullivan inquired whether the Amplified Curriculum includes social justice as a core principle starting in kindergarten. Representative Belcher confirmed this and linked it to the window-and-doors theory, which limits human empathy to only those who look like you or share a similar identity characteristic.
- Senator Altschiller asked whether the sponsor drafted this legislation considering the court's decision on May 24th. Rep. Belcher explained that the previous legislation was based on a novel interpretation of the Civil Rights Act. He added that the foundation of this legislation relies on the court's long-standing position that parents have the right to guide their children's moral and religious upbringing.
- Senator Altschiller asked if HB 1792 is compliant with the decision from May 24th. Representative Belcher stated that it is compliant.
- Senator Altschiller asked if the legislation considered the decision in October 2025 to construct HB 1792. He stated that he did review the decision but did not develop HB 1792 with this specific decision in mind. He noted that the decision was overturned on appeal.
- Senator Altschiller asked what the difference is between HB 1792 and the previous banned concepts law. Representative Belcher stated the whole bill is new because it is built on a fundamentally different basis.
- Senator Altschiller inquired why the potential attorney fees related to defending this legislation in the future are not included in the fiscal note. Representative Belcher stated he has not amended the fiscal note because the practical implications of HB 1792 have already been budgeted. He added that there is no price tag that would deter him from correcting education and not indoctrinating students.
- Senator Altschiller asked if she is correct in summarizing, based on the sponsor's previous testimony, that only a few pedagogues were listed in the bill to prevent it from becoming too large to implement effectively. He stated that there are not many pedagogues, and the pedagogues listed in the bill are comprehensive. He mentioned that the bill does not ban every practice but targets the root of the problem rather than the symptom.
- Senator Altschiller referenced on page three and asked why the pedagogues outlined are mostly people of color and where their analysis would fit into an elementary school program. Rep. Belcher said the three individuals named are

the most influential figures in the critical theory movement in schools. He stated that the three can be combined under the term Volkisch National Allyship.

- Senator Altschiller inquired about how the sponsor would define productive citizenship and challenged the previous testimony regarding teachers' status as agents of the government and the target of HB 1792. Rep. Belcher explained that teachers are employees of local government, which is a subdivision of the state government under the Dillon Rule. He referenced his earlier testimony about privilege wheels, walkouts, and the SEL curriculum as specific examples, and mentioned only their origins to explain why he referenced teacher colleges. He stated that productive citizenship involves participating in self-governance, such as voting, running for office, or raising a family.
- Senator Prentiss said the attorney general raised concerns that HB 1792 creates a climate of fear, leading educators to self-censor. She asked if this might prevent districts from recruiting and keeping educators. He responded that, under this legislation, employment action is taken only after all other options are exhausted, so he doesn't think it will cause fear.

Summary of testimony presented in opposition:

Representative Nick Germana, *Cheshire 15*

- Representative Germana testified in opposition to House Bill 1792-FN.
- Rep. Germana provided context to the lineage of the Hegelian Dialectic and stated that one could argue Hegel was influenced by Aristotle.
- He stated that this bill bans the ideas detailed within it and is not based on neutrality. He pointed out that the bill references left-wing ideologies but does not mention fascism, right-wing ideologies, or their founders.
- Rep. Germana stated that it is difficult to bifurcate teaching a philosopher and their ideas, and inculcating their ideas.
- He expressed concern that teachers would be prohibited from teaching that Hegel's theory is the basis of many modern philosophies, like universal equality and human rights.
- Senator Altschiller asked how a teacher would practically teach LGBTQ ideology. Representative Germana explained that there is no objective standard that the Department of Education could issue to distinguish between discussing a topic and teaching it.
- Senator Altschiller asked whether the bill's requirement that schools focus on skill building for productive citizenship and that education should cultivate a neutral or positive patriotic disposition could be characterized as inculcating. He stated that this is the definition of inculcation and added that the bill demands

that topics be presented as inherently contrary to American tradition and law, which is not a neutral stance.

Representative Timothy Horrigan, *Stafford County 10*

- Representative Horrigan testified in opposition to House Bill 1792-FN.
- Rep. Horrigan characterized the bill as unworkable.
- He stated that the fiscal note does not fully account for the total cost of this legislation.
- He discussed the three philosophers mentioned in the bill and the history of one philosopher's life in Brazil.
- He stated he wanted to rename the bill the "Renee Good Act."

Representative Loren Selig, *Stafford County 10*

- Representative Selig testified in opposition to House Bill 1792-FN.
- She stated she spoke with a teacher in her district who stated that nothing mentioned in the bill is taught in schools.
- She stated that the process of protest is part of American culture, and it is important for students to have a broad understanding of all government systems.
- She said this bill is an attack on local control.

Kennard Soleyn

- Mr. Soleyn testified in opposition to House Bill 1792-FN.
- He reflected on his experience being an immigrant growing up in Brooklyn, New York.
- He appreciated the broad worldview his children gained during their time at the Londonderry schools.
- He stated children need to be taught the truth in order to compete in a global market.

Deb Nelson

- Ms. Nelson testified in opposition to House Bill 1792-FN.
- She stated that HB 1792 will weaken local school district's ability to control curriculum.
- She expressed concern about the enforcement mechanism detailed in the bill.
- She reflected on her experience as a teacher and said she has never had a student deem her lesson plans to be inappropriate.
- She stated high schoolers are not easily influenced.
- Senator Altschiller read lines 18, 19, and 20, and asked whether the US Constitution explicitly mentions an entire race of people, and if that would

prevent such topics from being discussed in the classroom. She responded yes, adding that women were also left out.

- Senator Prentiss asked Ms. Nelson to speak about the impact of policies like HB 1792 on educator recruitment. Ms. Nelson replied that teachers refuse to teach the subject due to fear of lawsuits and financial penalties.

Sean Locke, NH Attorney General's Office

- Attorney Locke testified in opposition to House Bill 1792-FN.
- He expressed constitutional concern as well as potential conflict with other laws.
- He referenced page two, lines twenty-six to twenty-eight. He expressed concern that "affirmation" lacks definition. He added that New Hampshire prohibits discrimination in K-12 public education on the basis of sex, sexual orientation, and gender identity. He stated that the tension between this bill and the current law could force educators to ignore instances of discriminatory bullying or harassment of a student or staff member.
- He cited the previous court rulings and stated this bill does not add the required mental state needed to be found in violation of the law. stated that there is no mental state requirement.
- He stated this legislation is not budgeted for and therefore would require an additional expense.
- Senator Altschiller asked that Attorney Locke share the testimony that he was not able to provide in the time allotted to him. He shared that there was only one instance of discrimination filed under the previous law.
- Senator Abbas asked if this legislation favors certain content and goes too far in regulating content. Attorney Locke stated he believed that would be part of a potential future challenge. He continued that the framing may impact the determination of the legislation's intent.
- Senator Altschiller asked whether there was a groundswell of alleged violations warranting his office's investigation. He stated that there was no groundswell under the previous legislation.
- Senator Altschiller asked if there was a timeline for when the first circuit would reach a decision. He stated that there is no indication of when the court will issue its ruling.

Rebecca Hoskins

- Rebecca Hoskins testified in opposition to House Bill 1792-FN.
- Rebecca Hoskins reflected on her experiences during elementary, middle, and high school, which involved instances of bullying and physical altercations stemming from her LGBTQ status. Rebecca said that educators supported her at school.

- She stated the specific theories she was taught while pursuing higher education to better understand students.

Emily Hunt

- Emily Hunt testified in opposition to House Bill 1792-FN.
- Emily remembered her first awareness of queer identities when an elementary school teacher told her that families can include two moms or two dads, boys can like boys and girls can like girls, and that some people aren't just a girl or boy.
- Emily stated that support for her identity from teachers helped her succeed.
- Emily expressed concern that this legislation will inhibit the protection of queer students.

Bob Moore

- Mr. Moore testified in opposition to House Bill 1792-FN.
- He reflected on his time as an educator and appreciated the freedom he was granted while teaching his students.
- He said that critical race theory examines racism in social systems and mentioned redlining because he feared this legislation would ban these teachings.
- He stated that same sex couples have contributed to the United States history.
- He discussed academic freedom and stated it is not indoctrination.
- Senator Altschiller asked whether this bill would prevent teachers from discussing specific laws that need to be passed to prohibit discrimination. He agreed that this legislation would prevent the teachings Senator Altschiller described and limit educators' and students' academic freedom.

James McKim

- Mr. McKim testified in opposition to House Bill 1792-FN.
- He stated he was the plaintiff in the lawsuit concerning the Prohibition on Teaching Certain Concepts Act.
- He stated that vague language has a chilling effect on freedom of speech.
- He stated that the premise that indoctrination is happening in our classrooms is false.
- He stated that the lived experiences of marginalized groups would be excluded from classroom discussion.
- He stated that this bill describes race, gender identity, and sexual orientation as too controversial to discuss.
- Senator Abbas asked whether Mr. McKim opposed indoctrination in schools. He stated that he opposes indoctrination but does not oppose exposing students to different perspectives.

Brian Hawkins, NEA NH

- Mr. Hawkins testified in opposition to House Bill 1792-FN.
- He expressed concern about the vagueness of the bill and the potential for subjective interpretation and arbitrary enforcement.
- He stated that teachers believe the Banned Concept Act hinders competency-based teaching.
- He challenged the idea that public education involves widespread indoctrination.
- He voiced concern that House Bill 1792 could harm the recruitment and retention of teachers.
- Senator Sullivan asked whether it is disrespectful to describe the claims of indoctrination as fictitious. He responded that he objects to the idea that there is a widespread effort to indoctrinate students.
- Senator Abbas asked whether Mr. Hawkins was opposed to indoctrination in the classroom. Mr. Hawkins responded that the bill needs to be clear before banning the teaching of certain topics.

Neutral Information Presented: None.