

Rep. DeSimone, Rock. 18  
Rep. M. Pearson, Rock. 34  
Rep. Markell, Rock. 18  
March 3, 2025  
2025-0695h  
11/08

Amendment to HB 10-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Declaration of Purpose. The general court finds and affirms that parents have a fundamental  
4 liberty interest to raise and care for their minor children, as well as make decisions concerning their  
5 care, custody, and fundamental liberty interest is protected under both the federal and New  
6 Hampshire constitutions, and have the right, to have access to, and be notified of and be provided  
7 with all information relating to these rights.

8 2 New Chapter; Parent Bill of Rights. Amend RSA by inserting after 169-H the following new  
9 chapter.

10

CHAPTER 169-I

11

PARENT BILL OF RIGHTS

12

169-I:1 Short Title. This chapter may be cited as the Parent's Bill of Rights.

13

169-I:2 Definitions. In this chapter:

14

I. "Parent" means a person who is the legal natural or adoptive parent of a minor  
15 child. A legal guardian appointed pursuant to RSA 463:2, IV shall be deemed to be a parent for as  
16 long guardianship is in force. The term "Parent" shall not apply to a person whose rights to a child  
17 have been either voluntarily surrendered or involuntarily terminated pursuant to law.

18

II. "Parental rights and responsibilities" shall have the same meaning as care custody and  
19 control, and shall include parenting time, decision making, and residential responsibility. Parents  
20 for whom such rights to care, custody, or control of a child have been abridged, halted, modified, or  
21 suspended, shall have their rights restored upon showing a preponderance of the evidence that is in  
22 the child's best interest and the child is returned to parental care.

23

III. "Minor" means an unemancipated person under the age of 18 years.

24

IV. "Compelling state interest" means the governmental interest in the welfare of a  
25 child which includes, but is not limited to, parental rights and responsibilities pursuant to RSA  
26 461- A:1, V.

27

169-I:3 Infringement of Parental Rights Prohibited. The state; any of its political  
28 subdivisions, including, without limitation, any school board, school district, or school  
29 administrative unit; any other governmental entity; or any other institution may not infringe on  
30 the fundamental rights of a parent to direct the upbringing, education, health care, and mental

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1 health of his or her minor child without demonstrating that such action is reasonable and  
2 necessary to achieve a compelling state interest, that such action is narrowly tailored, and that  
3 such interest is not otherwise served by less restrictive means.

4 169-I:4 Parental Rights.

5 I. All parent's rights are reserved to the parent of a minor child in this state without  
6 obstruction or interference from the state, any of its political subdivisions, including, without  
7 limitation, any school board, school district, or school administrative unit, any other governmental  
8 entity, or any other institution, including, but not limited to, all of the following rights of a parent of  
9 a minor child in this state:

10 (a) To inquire of the school or school personnel and immediately receive accurate,  
11 truthful, and complete disclosure regarding any and all matters related to their minor child, unless  
12 an immediate answer cannot be provided when the initial request is made, in which case the answer  
13 shall be provided no later than 5 days after the request;

14 (b) Direct the education and care;

15 (c) Direct the upbringing and moral or religious training;

16 (d) Apply to enroll in a public school, or private school, religious school, home school  
17 program, or other available options, as authorized by law;

18 (e) To access and review all school records pursuant to RSA 189:66 IV;

19 (f) Make health care decisions unless otherwise prohibited by law to include end of life  
20 treatments and care with terminal conditions;

21 (g) To be physically present at any health care facility providing care licensed pursuant  
22 to RSA 151:2;

23 (h) Access and review all medical records as the personal representatives of their  
24 children, unless such representation is modified or terminated by court order, or the parent is the  
25 subject of an investigation of a crime committed against the minor child and a law enforcement  
26 agency or other officials request the information not be released.

27 (i) To consent in writing before a biometric scan is made, shared, or stored pursuant to  
28 RSA 189:65 and RSA 189:68;

29 (j) Consent in writing before any blood or deoxyribonucleic acid (DNA) is created, stored,  
30 or shared, except as required by general law or pursuant to a court order;

31 (k) To consent in writing before the state or any of its political subdivisions, including,  
32 without limitation, any school board, school district, or school administrative unit; pursuant also to  
33 the provisions of RSA 189:68, III-V makes a video or voice recording unless such recording is made  
34 during or as part of a court proceeding or part of a forensic interview in a criminal or other  
35 investigation by the bureau of child protective services or it is to be used solely for the purpose of a  
36 safety demonstration, including the maintenance of order and discipline in the common areas of a  
37 school or on student transportation vehicles; and

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1           (l) To be notified promptly if an employee of the state, any of its political subdivisions,  
2 any other governmental entity, or any other institution suspects that a criminal offense has been  
3 committed against his or her minor child, unless the incident has first been reported to law  
4 enforcement or the bureau of child protective services and notifying the parent would impede the  
5 investigation.

6           II. This section does not:

7           (a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful  
8 or to abuse or neglect his or her minor child in violation of general law.

9           (b) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a  
10 government agency that is responsible for child welfare from acting in his or her official capacity  
11 within the reasonable and prudent scope of his or her authority, pursuant to RSA 186:11, IX-c.

12           III. An employee of the state, any of its political subdivisions, including, without limitation,  
13 any school board, school district, or school administrative unit, or any other governmental entity who  
14 encourages or coerces a minor child to withhold information from his or her parent may be subject to  
15 disciplinary action.

16           IV. A parent of a minor child in this state has inalienable rights that are more  
17 comprehensive than those listed in this section, unless such rights have been legally waived or  
18 terminated. This chapter does not prescribe all rights to a parent of a minor child in this state.  
19 Unless required by law, the rights of a parent of a minor child in this state may not be limited or  
20 denied.

21           169-I:5 School Board Notifications on Parental Rights.

22           I. Each school board, school district, or school administrative unit shall, in consultation with  
23 parents, teachers, and administrators, develop, adopt and promulgate publicly a policy to promote  
24 parental involvement in the public school system. Such policy must include:

25           (a) A plan for parental participation in schools to improve parent and teacher  
26 cooperation in such areas as homework, school attendance, and discipline.

27           (b) A procedure for a parent to learn about his or her minor child's course of study,  
28 including the source of any supplemental education materials.

29           (c) Procedures for a parent to object to instructional materials and other materials used  
30 in the classroom. Such objections may be based on beliefs regarding morality, sex, and religion or  
31 the belief that such materials are harmful. For purposes of this section, the term "instructional  
32 materials" shall include, without limitation, all materials used in the classroom, including  
33 workbooks and worksheets, handouts, software, applications, and any digital media made available  
34 to students.

35           (d) Procedures for a parent to withdraw his or her minor child from any portion of the  
36 school district's health education program that relates to sex education or instruction in acquired  
37 immune deficiency syndrome education or any instruction regarding sexuality if the parent provides

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1 a written objection to his or her minor child's participation. Such procedures must provide for a  
2 parent to be notified in advance of such course content so that he or she may withdraw his or her  
3 minor child from those portions of the course.

4 (e) Procedures for a parent to learn about the nature and purpose of clubs and activities  
5 offered at his or her minor child's school, including those that are extracurricular or part of the  
6 school curriculum.

7 (f) Procedures for a parent to learn about parental rights and responsibilities under  
8 general law, including all of the following:

9 (1) The right to opt his or her minor child out of any portion of the school district's  
10 health education program that relates to sex education instruction in acquired immune deficiency  
11 syndrome education or any instruction regarding sexuality.

12 (2) The right of a parent to exempt his or her minor child from immunizations, as  
13 per the provisions of RSA 141-C:20-a relative to immunizations.

14 (3) The right of a parent to receive statewide, standardized assessment results.

15 (4) The right of a parent to enroll his or her minor child in gifted or special education  
16 programs if the child qualifies for such programs.

17 (5) The right of a parent to inspect school district instructional materials.

18 (6) The right of a parent to access information relating to the school district's  
19 policies.

20 (7) The right of a parent to receive a school report card and be informed of his or her  
21 minor child's attendance requirements and compliance with such requirements.

22 (8) The right of a parent to access information relating to the state public education  
23 system, state standards, report card requirements, attendance requirements, and instructional  
24 materials requirements.

25 (9) The right of a parent to opt out of any district-level data collection relating to his  
26 or her minor child not required by federal or state law.

27 II. A school board may provide the information required in this section electronically or post  
28 such information on its website. Additionally, at the beginning of each new school year a school  
29 board shall provide to parents a written copy of the following rights which shall be titled, "Parents'  
30 Bill of Rights" all of which are consistent with or pursuant to the provisions of this statute, and in no  
31 way conflict with them:

32 (a) You have the right and expectation to question and address your child's school  
33 officials via letters, electronic communications, and in person meetings including elected school  
34 board meetings. You also have the right to attend publicly designated meetings with proper notice of  
35 the meetings provided.

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1           (b) You have the right and expectation to question and review curriculum taught in your  
2 child's school by questioning your school board and school administrators during public comment  
3 periods at publicly designated meetings.

4           (c) You have the right and expectation that academic curriculum taught in your child's  
5 school aligns with New Hampshire and federal law.

6           (d) You have the right and expectation to participate in the selection and approval of  
7 academic standards for the state of New Hampshire.

8           (e) You have the right and expectation to access educational materials and curriculum  
9 taught to your child in the classroom and school.

10          (f) You have the right to make decisions regarding vaccinations and immunizations for  
11 your child.

12          (g) You have the right and expectation to make medical decisions on behalf of your child.

13          (h) You have the right and expectation to receive your child's student health records.

14          (i) You have the right to receive special education services on behalf of your child with a  
15 disability.

16          III. A parent may request, in writing, from the district school superintendent the  
17 information required under this section pursuant to RSA 91-A.

18           169-I:6 Parental Consent for Health Care Services.

19           I. Except as otherwise provided by law or a court order, a health care practitioner or an  
20 individual employed by such health care practitioner may not provide or solicit or arrange to provide  
21 health care services or prescribe medicinal drugs to a minor child without first obtaining written  
22 parental consent.

23           II. Except as otherwise provided by law or a court order, a health care provider shall not  
24 allow a medical procedure to be performed on a minor child in its facility without first obtaining  
25 written parental consent.

26           III. This section does not apply to services provided by a clinical laboratory, unless the  
27 services are delivered through a direct encounter with the minor at the clinical laboratory facility  
28 with parental consent.

29           IV. This section does not apply to emergency services pursuant to RSA 153-A:18.

30           V. A health care practitioner or other person who violates this section is subject to  
31 disciplinary action, and such a violation constitutes a class A misdemeanor.

32           3 Effective Date. This act shall take effect July 1, 2025.