

Floor 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 right to raise and care for their minor children, as well as to make decisions concerning their care.
5 Furthermore, parents have the right to have access to, be notified of, and be provided with all
6 information relating to these rights.

7 2 New Chapter; Parent Bill of Rights. Amend RSA by inserting after 169-H the following new
8 chapter.

9

CHAPTER 169-I

10

PARENT BILL OF RIGHTS

11

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

12

169-I:2 Definitions. In this chapter:

13

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

17

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

22

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

23

IV. "Compelling state interest" shall include a circumstance in which the medical
24 providers, schools, or school personnel have an actual and objectively reasonable belief,
25 supported by evidence, that any action or inaction that infringes upon any of the rights
26 identified in RSA 189-B:3 is likely to cause a child to be abused or neglected as defined in RSA
27 169-C:3, or likely to infringe on the fundamental rights of a child, including the rights to
28 privacy, freedom of religion, freedom of association, freedom of speech, and due process.

29

169-I:3 Infringement of Parental Rights Prohibited. The state; any of its political
30 subdivisions, including, without limitation, any school board, school district, or school
31 administrative unit; any other governmental entity; or any other institution may not infringe on

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1 the fundamental rights of a parent to direct the upbringing, education, health care, and mental
2 health of his or her minor child without demonstrating that such action is reasonable and
3 necessary to achieve a compelling state interest, that such action is narrowly tailored, and that
4 such interest is not otherwise served by less restrictive means.

5 169-I:4 Parental Rights.

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

11 (a) To inquire of the school or school personnel and receive accurate and truthful
12 disclosure regarding their child's academics, behavior, and mental, emotional, or physical health
13 unless a reasonably prudent person would believe such disclosure would result in abuse,
14 abandonment, or neglect as per RSA 186:11, IX-e and RSA 169-C:3;

15 (b) To direct the education and care of their child;

16 (c) To direct the upbringing and moral or religious training of their child;

17 (d) To apply to enroll in a public school, or as an alternative to public education, a
18 private school, religious school, home school program, or other available options, as authorized by
19 RSA 193:1;

20 (e) To access and review all school records relating to their minor child pursuant to RSA
21 189:66 IV;

22 (f) To make health care decisions for their unless otherwise prohibited by law to include
23 end of life treatments and care with terminal conditions;

24 (g) To be physically present at any health care facility providing care licensed pursuant
25 to RSA 151:2 at which their child is receiving hospital care unless otherwise prohibited by law;

26 (h) To access and review all medical records as the personal representatives of their
27 children, unless such representation is modified or terminated by court order, or the parent is the
28 subject of an investigation of a crime committed against the minor child and a law enforcement
29 agency or other officials request the information not be released, or the release is otherwise
30 prohibited by law;

31 (i) To consent in writing before a biometric scan of their child is made, shared, or stored
32 pursuant to RSA 189:65 and RSA 189:68;

33 (j) To consent in writing before any record of their child's blood or deoxyribonucleic acid
34 (DNA) is created, stored, or shared, except as required by general law or pursuant to a court order;

35 (k) To consent in writing before the state or any of its political subdivisions, including,
36 without limitation, any school board, school district, or school administrative unit; pursuant also to
37 the provisions of RSA 189:68, III-V makes a video or voice recording of their child unless such

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1 recording is made during or as part of a court proceeding or part of a forensic interview in a criminal
2 or other investigation by the bureau of child protective services or it is to be used solely for the
3 purpose of a safety demonstration, including the maintenance of order and discipline in the common
4 areas of a school or on student transportation vehicles; and

5 (l) To be notified promptly if an employee of the state, any of its political subdivisions,
6 any other governmental entity, or any other institution suspects that a criminal offense has been
7 committed against their child, unless the criminal activity was a simple assault involving students
8 in kindergarten through grade 12 if the school board has adopted a discipline policy as per RSA 193-
9 D:4, or unless the incident has first been reported to law enforcement or the bureau of child
10 protective services and notifying the parent would impede the investigation;

11 (m) To be notified if their child has been subjected to restraint or seclusion in schools or
12 residential programs as per RSA 126-U:7;

13 (n) To raise their child in a community with clean drinking water;

14 (o) To access medical treatment for their child including childhood vaccinations, routine
15 well-child checkups, vision, hearing, and other developmental screenings;

16 (p) To receive information on how to apply for early intervention and special educational
17 interventions for their child and to participate in the process if their child qualifies for such
18 programs;

19 (q) To access affordable child care programs;

20 (r) To send their child to school or daycare that is free of gun violence;

21 (s) To access mental health care for their child including outpatient and inpatient
22 services; and

23 (t) To petition for a protective order on behalf of their child under the provisions of RSA
24 173-B, if the child has been the victim of abuse by an individual other than the child's other parent.

25 II. This section does not:

26 (a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful
27 or to abuse or neglect his or her minor child in violation of general law, or to infringe on the
28 fundamental rights of a child including the rights to privacy, freedom of religion, freedom of
29 association, freedom of speech, and due process.

30 (b) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a
31 government agency that is responsible for child welfare from acting in his or her official capacity
32 within the reasonable and prudent scope of his or her authority, pursuant to RSA 186:11, IX-c and
33 RSA 169-C.

34 III. An employee of the state, any of its political subdivisions, including, without limitation,
35 any school board, school district, or school administrative unit, or any other governmental entity who
36 encourages or coerces a minor child to withhold information from his or her parent may be subject to
37 disciplinary action pursuant to RSA 186:11, IX-e.

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1 IV. A parent of a minor child in this state has inalienable rights that are more
2 comprehensive than those listed in this section, unless such rights have been legally waived or
3 terminated. This chapter does not prescribe all rights to a parent of a minor child in this state.

4 169-I:5 School Board Notifications on Parental Rights.

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

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

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

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

18 (d) Procedures for a parent to withdraw his or her minor child from any portion of the
19 school district's health education program that relates to sex education or instruction in acquired
20 immune deficiency syndrome education or any instruction regarding sexuality if the parent provides
21 a written objection to their minor child's participation. Such procedures must provide for a parent to
22 be notified in advance of such course content so that they may withdraw his or her minor child from
23 those portions of the course.

24 (e) Procedures for a parent to learn about the nature and purpose of clubs and activities
25 offered at their child's school, including those that are extracurricular or part of the school
26 curriculum.

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

29 (1) The right to opt their child out of any portion of the school district's health
30 education program that relates to sex education instruction in acquired immune deficiency syndrome
31 education or any instruction regarding sexuality pursuant to RSA 186:11, IX-b and IX-c.

32 (2) The right of a parent to exempt their child from immunizations, if in the opinion
33 of a physician, the immunization is detrimental to the child or because of religious belief as per the
34 provisions of RSA 141-C:20-a.

35 (3) The right of a parent to receive their child's standardized assessment results.

36 (4) The right of a parent to enroll their child in gifted or special education programs
37 if the child qualifies for such programs.

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1 (5) The right of a parent to inspect school district instructional materials used as
2 part of the educational curriculum for their child as per 20 U.S.C. sec. 1232h.

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

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

7 (8) The right of a parent to access information relating to the state public education
8 system, state standards, report card requirements, attendance requirements, and instructional
9 materials requirements pursuant to the Every Student Succeeds Act Section 1112(e)(1)(B)(i).

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

12 (10) The right of a parent to opt out of any district-level data collection relating to
13 his or her minor child not required by federal or state law as per RSA 193-C:6.

14 (11) The right to be informed of school district policy regarding school discipline as
15 per RSA 193:13.

16 (12) The right to be notified whenever restraint or seclusion has been used on their
17 child as per RSA 126-U:7.

18 (13) The right to be advised of any non-academic survey or questionnaire to be
19 administered to their child and the right to opt their child out of the Youth Risk Behavior Survey
20 developed by the Centers for Disease Control and Prevention as per RSA 186:11, IX-d.

21 (14) The right to receive information regarding their child in an understandable
22 format, and to the extent practicable, in a language that parents can understand as per Title I Part
23 A sections 1112 (e)(4), 1114(b)(4), 1116(e)(5), 1116(f).

24 (15) The right to enroll their child to a school that provides education that helps the
25 child attain English proficiency Title III Part A 1112 (c)(3)(C)(4).

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

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

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

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

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

5 (e) You have the right and expectation to access educational materials and curriculum
6 taught to your child in the classroom and school (20 U.S.C sec. 1223h(c)(1)(C)).

7 (f) You have the right to exempt your child from vaccinations and immunizations if in
8 the opinion of a physician the immunization is detrimental to your child, pursuant to RSA 141-C:20-
9 a.

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

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

12 (i) You have the right to access special education services on behalf of your child with a
13 disability.

14 (j) You have the right to be informed if restraint or seclusion are used on your child.

15 (k) You have the right to review education records relating to your child pursuant to
16 RSA 189:66, IV.

17 (l) You have the right to be informed of the school district policies on discipline pursuant
18 to RSA 193:13.

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

21 169-I:6 Parental Consent for Health Care Services.

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

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

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

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

33 3 Effective Date. This act shall take effect July 1, 2025.