

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.

4 I. The general court finds and affirms that parents have a fundamental liberty interest to
5 raise and care for their minor children, as well as make decisions concerning their care and custody,
6 and this fundamental liberty interest is protected under both the federal and New Hampshire
7 constitutions.

8 II. The general court further finds that it is a child's parents who have the responsibility,
9 means, and resources to ensure that a child receives appropriate health care, social support,
10 religious guidance, and moral inculcation to develop into happy and productive members of society.

11 III. Accordingly, the general court further finds that parents have the right to access, be
12 notified of, and be provided with all information relating to these rights, and that it is necessary to
13 establish a consistent mechanism for parents to be notified of information relating to the health,
14 well-being, and educational progress of their minor children while those children are in the custody
15 and control of a school.

16 2 New Chapter; Parental Bill of Rights. Amend RSA by inserting after chapter 189-A the
17 following new chapter:

18

CHAPTER 189-B

19

PARENTAL BILL OF RIGHTS

20 189-B:1 Short Title. This chapter may be cited as the Parental Bill of Rights.

21 189-B:2 Definitions. In this chapter:

22 I. "Parent" means a person who has legal custody of a minor child as a natural or adoptive
23 parent or a legal guardian, but such term shall not include a parent as to whom the parent-child
24 relationship has been terminated by judicial decree or voluntary relinquishment.

25 II. "Minor" or "minor child" means an unemancipated person under the age of 18 years.

26 III. "Compelling state interest" sufficient to justify any action or inaction that infringes upon
27 any of the rights identified in RSA 189-B:4 shall exist only when the school or school personnel have
28 an actual and objectively reasonable belief, supported by clear and convincing evidence, that the
29 infringement upon parental rights is necessary to prevent the child from being abused as defined in
30 RSA 169-C:3.

31 IV. "School" shall include, without limitation, any public school board, public school district,
32 public school administrative unit, or public charter school.

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1 V. "School personnel" shall include any teacher, administrator, employee, or other individual
2 acting in furtherance of or on behalf of any public school.

3 VI. "Infringement" for the purposes of this chapter includes, but is not limited to, knowingly
4 concealing or withholding information required to be disclosed to a minor child's parent pursuant to
5 this chapter or providing intentionally misleading or intentionally inaccurate responses.

6 189-B:3 Infringement of Parental Rights Prohibited. No school may infringe on the
7 fundamental rights of a parent to direct the upbringing, education, health care, and mental health of
8 his or her minor child without demonstrating that such action is necessary to achieve a compelling
9 state interest, that such action is narrowly tailored, and that such interest is not otherwise served by
10 less restrictive means.

11 189-B:4 Parental Rights.

12 I. All parental rights are reserved to the parents of a minor child in this state without
13 obstruction or interference from any school. These rights include, but are not limited to, the right:

14 (a) To direct the upbringing and the moral or religious training.

15 (b) To direct the education, including the right to choose to enroll the minor child in an
16 assigned resident public school, a public charter school, a non-public school, including a religious
17 school, a home education program, or any other state-based education program, as authorized by
18 law, as an alternative to public education, as set forth in RSA 193:1 and RSA 194-F:1, et seq.

19 (c) To request that a minor child be enrolled in a public school other than the public
20 school assigned to them by their residence to avoid a manifest educational hardship, as set forth in
21 RSA 193:3.

22 (d) To enroll his or her minor child in gifted or special education programs if the child
23 qualifies for such programs.

24 (e) To inquire of the school or school personnel and promptly receive accurate, truthful,
25 and complete disclosure regarding any and all matters related to their minor child, unless an
26 immediate answer cannot be provided when the initial request is made, in which case, the answer
27 shall be provided no later than 10 business days after the request.

28 (f) To be informed of the school's policy regarding discipline policies and procedures, as
29 set forth in RSA 193:13.

30 (g) To obtain access for a minor child to public curricular courses and co-curricular
31 programs offered by the local school district where the student resides while choosing to enroll their
32 child in a non-public, public chartered, home education, or any other state-based education program,
33 as set forth in RSA 193:1-c and RSA 194-F:2, II(d).

34 (h) To inspect any instructional material used as part of the educational curriculum
35 within a reasonable period following a request, as set forth in 20 U.S.C. section 1232h(c)(1)(C).

36 (i) To opt out of health or sex education and any other objectionable material, as set
37 forth in RSA 186:11, IX-b and IX-c.

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1 (j) To be advised of and have the right to opt the minor child out of any nonacademic
2 survey or questionnaire.

3 (k) To opt out of any district-level data collection relating to his or her minor child not
4 required by federal or state law.

5 (l) To exempt their public-school minor child from participating in required statewide
6 assessments in English, language arts, mathematics, and/or science, as set forth in RSA 193-C:6.

7 (m) To receive information regarding the level of achievement and academic growth of
8 their minor child in the state academic assessments in English, language arts, mathematics, and/or
9 science, as set forth in the Every Student Succeeds Act, 20 U.S.C. section 1112 (e)(1)(B)(i).

10 (n) To receive a school report card and be informed of his or her minor child's attendance
11 requirements and compliance with such requirements.

12 (o) To access and review all education records relating to their minor child within 10
13 business days after the day the school receives a request for access, as set forth in RSA 189:66, IV
14 and 34 C.F.R. 99.5.

15 (p) To consent in writing before the state or any of its political subdivisions, including,
16 without limitation, any school pursuant also to the provisions of RSA 189:68, III-V, makes a video or
17 voice recording, unless such recording is made during or as part of a court proceeding or part of a
18 forensic interview in a criminal or other investigation by the bureau of child protective services or it
19 is to be used solely for the purpose of a safety demonstration, including the maintenance of order and
20 discipline in the common areas of a school or on student transportation vehicles.

21 (q) To be notified whenever seclusion or restraint has been used on their minor child as
22 set forth in RSA 126-U:7.

23 (r) To access and review all medical records of their minor child maintained by a school
24 or school personnel, unless otherwise prohibited by law.

25 (s) To exempt their minor child from immunizations if, in the opinion of a physician, the
26 immunization is detrimental to the child's health or because of religious beliefs, as set forth in RSA
27 141-C:20-a and RSA 141-C:20-c.

28 II. Federal law provides for additional parent and family involvement for schools that are
29 receiving Title I, Part A; Title I, Part C (migrant); Title III, Part A (EL) funds, including:

30 (a) The right to receive information, including student reports, in an understandable and
31 uniform format and to the extent practicable, in a language that parents can understand, as set forth
32 in 20 U.S.C. sections 1112(e)(4); 1114(b)(4); 1116(e)(5); and 1116(f).

33 (b) Upon request of the parent, the right to receive information regarding state
34 qualifications of the student's classroom teachers and paraprofessionals providing services to their
35 minor child, as set forth in 20 U.S.C. section 1112(e)(1)(A)(i-ii).

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1 (c) The right to receive an annual local educational agency report card that includes
2 information on such agency as a whole and each school served by the agency, as set forth in 20
3 U.S.C. section 1111(h)(2)(A-B)(i-iii).

4 189-B:5 School Board Notifications on Parental Rights.

5 I. Each school shall, in consultation with parents and school personnel, develop, adopt, and
6 promulgate publicly a policy to promote parental involvement in the school. Such policy shall
7 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 classroom. Such objections may be based on beliefs regarding morality, sex, and religion or
14 the belief that such materials are harmful. For purposes of this section, the term "instructional
15 materials" shall include, without limitation, all materials used in the classroom, including
16 workbooks and worksheets, handouts, software, applications, and any digital media made available
17 to students.

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

27 (f) Procedures for a parent to learn about parental rights and responsibilities under law.

28 II. Each school board shall publish the parental bill of rights as set forth in RSA 189-B:4, in
29 their annual reports. Each school board shall also publish the parental bill of rights on their website
30 and in their school handbook or similarly intended publication.

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

33 189-B:6 Exceptions.

34 Nothing in this chapter shall:

35 I. Authorize a parent of a minor child in this state to engage in conduct that is unlawful
36 or to abuse or neglect his or her minor child in violation of law.

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1 II. Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a
2 government agency that is responsible for child welfare from acting in their official capacity.

3 III. Require disclosure of information provided to any counselor, school psychologist,
4 school nurse, or other certified health care provider where the information provided was reasonably
5 expected to be privileged.

6 189-B:7 Violations.

7 I. No school or school personnel shall infringe upon any of the parental rights set forth in
8 RSA 189-B:4, unless the infringement is supported by clear and convincing evidence and is narrowly
9 tailored to address the compelling state interest.

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

15 189-B:8 Severability. If any provision of this chapter or its application to any person or
16 circumstance is held invalid, the invalidity does not affect other provisions or applications of this
17 chapter which can be given effect without the invalid provision or application, and to this end the
18 provisions of this chapter are severable.

19 189-B:9 Applicability. No provision of this chapter is meant to restrain or interfere with any
20 state or local law enforcement agency investigations of criminal violations of New Hampshire law by
21 a minor.

22 3 Effective Date. This act shall take effect July 1, 2025.

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AMENDED ANALYSIS

This bill establishes a parents' bill of rights regarding their child's education, prohibits a school from infringing on such rights unless the action is narrowly tailored to address a compelling state interest, requires school boards to develop a policy to promote parental involvement and to provide notice of parental rights, and provides a private right of action for enforcement.