

Amendment to HB 1792-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the prohibition on teaching discrimination.

4

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

6

7 1 Prohibition on Teaching Discrimination; Purposeful Mental State Added; Civil Remedy  
8 Removed. RSA 193:40 is repealed and reenacted to read as follows:

9 193:40 Prohibition on Teaching Discrimination.

10 I. No pupil in any public school in this state shall be purposefully taught, instructed,  
11 inculcated or compelled to express belief in, or support for, any one or more of the following:

12 (a) That one's age, sex, gender identity, sexual orientation, race, creed, color, marital  
13 status, familial status, mental or physical disability, religion or national origin is inherently superior  
14 to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status,  
15 familial status, mental or physical disability, religion, or national origin;

16 (b) That an individual, by virtue of his or her age, sex, gender identity, sexual  
17 orientation, race, creed, color, marital status, familial status, mental or physical disability, religion,  
18 or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

19 (c) That an individual should be discriminated against or receive adverse treatment  
20 solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color,  
21 marital status, familial status, mental or physical disability, religion, or national origin; or

22 (d) That people of one age, sex, gender identity, sexual orientation, race, creed, color,  
23 marital status, familial status, mental or physical disability, religion, or national origin cannot and  
24 should not attempt to treat others without regard to age, sex, gender identity, sexual orientation,  
25 race, creed, color, marital status, familial status, mental or physical disability, religion, or national  
26 origin.

27 II. Nothing in this section shall be construed to prohibit discussing, as part of a larger  
28 course of academic instruction, the historical existence of ideas and subjects identified in this  
29 section.

30 III. Purposeful violation of this section by an educator shall be considered a violation of the  
31 educator code of conduct that justifies disciplinary sanction by the state board of education.

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1           IV. For the purposes of this section, "educator" means a professional employee of any school  
2 district whose position requires certification by the state board pursuant to RSA 189:39.  
3 Administrators, specialists, and teachers are included within the definition of this term.

4           2 New Section; Educator Requirements and Prohibitions. Amend RSA 193 by inserting after  
5 section 40 the following new section:

6           193:40-a Educator Requirements and Prohibitions.

7           I. Educators, as defined in RSA 193:40, V, shall:

8                 (a) Act as the moderators of classroom discussion;

9                 (b) Allow ideas to be discussed openly when there is disagreement by means of the  
10 Socratic method of debate;

11                 (c) Only provide instruction on the academic theories, pedagogies and frameworks:

12                         (1) Without endorsement; and

13                         (2) Through a factual, objective, and age-appropriate lens that includes  
14 counterpoints and multiple viewpoints about the topic;

15                 (d) Consider ideological discrimination and the attribution of opinions and beliefs to an  
16 individual's identity group membership as a form of bullying or harassment; and

17                 (e) Teach civic education in a manner that cultivates a neutral or patriotic disposition,  
18 emphasizing shared national values and constitutional principles.

19           II. Educators, as defined in RSA 193:40, V, shall not:

20                 (a) Mandate or encourage use of educator or student chosen names that are inconsistent  
21 with those on their birth records by students or other educators without consent of a parent or  
22 guardian;

23                 (b) Factor their agreement with a student's position on a topic into the student's grade;  
24 and

25                 (c) Deduct points from a student's grade based on the position they take for an  
26 assignment.

27           III. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to  
28 educator requirements and prohibitions stated in this section, within 180 days of the effective date of  
29 this act.

30           IV. If any provision of this section or the application thereof to any person or circumstance is  
31 held invalid, such invalidity shall not affect other provisions or applications of the section which can  
32 be given effect without the invalid provision or application, and to this end the provisions of this act  
33 are declared to be severable.

34           3 Effective Date. This act shall take effect September 1, 2026.

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AMENDED ANALYSIS

This bill:

I. Requires that educators must act purposefully in academic instruction in order for their actions to constitute teaching discrimination.

II. Removes the ability for aggrieved parties to both initiate a civil action against a school or school district and to pursue a remedy through the New Hampshire commission for human rights.

III. Requires educators to only provide instruction without endorsement and to consider ideological discrimination a form of bullying or harassment.

IV. Prohibits educators from using names for students which are inconsistent with the name as listed on a student's birth record without the consent of a parent or guardian.

V. Prohibits educators from factoring their agreement with a student's position on a topic in grading or in assessment of a student's academic performance.

VI. Requires the state board of education to adopt rules relative to such requirements and prohibited activities for educators.