Section 1 Header

2026 SESSION

26-2343.0
12/09

HOUSE BILL ***[bill number]***

AN ACT relative to the parental bill of rights.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill amends the parental bill of rights by including public academies in the bill's provisions and by prohibiting any form of retaliation for parents pursuing actions against schools. The bill also incorporates other parental rights already existing in both federal and state law.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Section 2 Header

26-2343.0
12/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the parental bill of rights.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Parental Bill of Rights; School Board Definition Added. Amend RSA 189-B:2 to read as follows:

189-B:2 Definitions. In this chapter:

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

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

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

IV. "School" shall include, without limitation, any [~~public~~] school board, public school district, public school administrative unit, ***public school, public academy,*** or public charter school.

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

VI. "School board" shall mean any local public school district board or the board of trustees of a public charter school.

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

2 Parental Bill of Rights; Rights Modified; School Retaliation Prohibited. Amend RSA 189-B:4 to read as follows:

189-B:4 Parental Rights.

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

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

(b) To direct the education, including the right to choose to enroll the minor child in an assigned resident public school, a public charter school, ***a public academy,*** a non-public school, including a religious school, a home education program, or any other state-based education program,

as authorized by law, as an alternative to public education, as set forth in RSA 193:1 and RSA 194-F:1, et seq.

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

(d) [~~To enroll his or her minor child in gifted or special education programs if the child qualifies for such programs.~~] ***Under the Individuals with Disabilities Education Act (IDEA), parents have significant rights related to their child's special education. These rights are including but not limited to receiving prior written notice, accessing educational records, providing consent for evaluations and placements, participating in decision-making, and resolving disputes with the school district.***

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

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

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

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

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

(j) To be advised [~~of~~] ***in advance*** and have the right to [~~opt the~~] ***consent for their*** minor child ***to participate*** [~~out of~~] ***in*** any nonacademic survey or questionnaire ***other than the youth risk behavior survey (YRBS) for which parents have the right to opt their child out of participating pursuant to RSA 186:11, IX-d.***

(k) To opt out of any district-level data collection ***by the district or a third party under contract to the district*** relating to his or her minor child not required by federal or state law.

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

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

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

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

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

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

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

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

(t) To be protected from retaliation by a school or school personnel for advocating on behalf of their children or filing a complaint against the school. Retaliation may take the form of intimidation, threats, coercion, or another adverse action that would discourage a reasonable person from exercising civil rights protected under the law. Retaliation may also involve adverse actions taken against the parent's children. Parents may also be protected from retaliation under Title VI of the Civil Rights Act of 1964, Title IX, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA).

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

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

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

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

3 School Board Policies on Parental Rights; Notification Removed. Amend RSA 189-B:5 to read as follows:

189-B:5 School Board [~~Notifications~~] ***Policies*** on Parental Rights. [~~I.~~] Each school shall, in consultation with parents and school personnel, develop, adopt, and promulgate publicly a policy to promote parental involvement in the school. Such policy shall include:

[~~(a)~~] ***I***. A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.

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

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

[~~(d)~~] ***IV.*** Procedures for a parent to withdraw his or her child from any portion of the school district's health education program that relates to sex education or instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality if the parent provides a written objection to his or her minor child's participation. Such procedures must provide for a parent to be notified in advance of such course content so that he or she may withdraw his or her child from those portions of the course.

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

[~~(f)~~] ***VI.*** Procedures for a parent to learn about parental rights and responsibilities under law.

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

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

4 New Section; School Board Notification of Parental Rights. Amend RSA 189-B by inserting after section 5 the following new section:

189-B:5-a School Board Notification of Parental Rights.

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

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

5 Public Academy Student Access to Cocurricular Programs. Amend RSA 193:1-c to read as follows:

193:1-c Access to Public School Programs by Nonpublic, Public Chartered Schools, ***Public Academies*** or Home Educated Pupils.

I. Nonpublic, public chartered school, ***public academy,*** or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides. The local school board shall adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy shall not be more restrictive for non-public, public chartered school, ***public academy,*** or home educated pupils than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" includes any pupil who is a "child with a disability" under RSA 186-C:2, I, until such time as such pupil has acquired a high school diploma or reached age 21 inclusive; but shall not include any other pupil who has graduated from a high school level program of home education, or its equivalent, or has attained the age of 21.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1.

6 Effective Date. This act shall take effect July 1, 2026.