

# Senate Executive Departments and Administration Committee

*Ben Mickens 271-1403*

**HB 1132**, prohibiting the display of certain flags and banners in public schools and public charter schools and establishing penalties for the display of prohibited flags and banners.

**Hearing Date:** April 8, 2026

**Time Opened:** 9:13 a.m.

**Time Closed:** 10:08 a.m.

**Members of the Committee Present:** Senators Pearl, Gannon, Lang and Altschiller

**Members of the Committee Absent :** Senator Reardon

**Bill Analysis:** This bill prohibits the display of certain flags and banners in public schools and public charter schools and establishes penalties for the display of prohibited flags and banners. This bill also authorizes the state board of education to issue monetary penalties for a third or subsequent violation of the act.

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**Sponsors:**

Rep. Freeman

Rep. Colcombe

Rep. Ford

Rep. Harvey-Bolia

Rep. Litchfield

Rep. L. Miner

Rep. Thibault

Sen. Avard

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**Who supports the bill:** Cory Stone, Amanda Cote, Susan Wood, Abigail Cote, Stephanie McCarthy, Blake Minckler and Daniel Richardson.

**Who opposes the bill:** Four hundred and thirteen signed in opposition.

**Who is neutral on the bill:** None.

**Senator Lang** introduced HB 1132 on behalf of **Representative Freeman**.

**Summary of testimony presented in support:**

**Beth Scaer**

- Ms. Scaer voiced her support for HB 1132
- Ms. Scaer described a situation from Nashua High School North in which a 6-foot pride flag was hung in the school lobby.

- Ms. Scaer describes a situation in which that same school had a display of many small flags representing many sexual genders and identities.
- Ms. Scaer described a situation in which an elementary school in Hudson hung an 8-foot-long pride flag in a school where first graders should know nothing about sexual orientation.
- She explained that many schools would have an issue with the flying of a Christian flag, which lends to a view that this is one sided.

### **Julie Smith**

- Ms. Smith voiced her support for HB 1132
- Ms. Smith stated that the city Nashua is facing free speech issues due to issues with discrimination on what flags can be flown.
- She explained that the bill is not targeting only flags related to the LGBTQ community but targets all flags from all ideologies.
- Ms. Smith explained that the kids are in school to learn and not to be indoctrinated.

### **Summary of testimony presented in opposition:**

#### **Representative Loren Selig**

- Representative Selig voiced her opposition to HB 1132
- Representative Selig explained that upon passage schools would only be able to display a very narrow range of flags and banners.
- She stated that the punishment for non-compliance would be up to 1,000 dollars per offense.
- Representative Selig stated that flags are forms of expression and limiting them would be an infringement on First Amendment Rights.
- Representative Selig explained that for many families, flags are a symbol of heritage and pride.
- Representative Selig stated that First Amendment does not only apply when the governing body agrees with the material at hand.
- Representative Selig provided examples in which banners and flags that do not have ideological backgrounds could be banned, including sporting events and birthdays.
- Representative Selig stated that the bill creates an environment in which students and teachers would be afraid to voice their opinion and speak to what they believe in.
- She explained that in schools students should be learning how to handle and discuss different perspectives and not how to avoid them.

**Senator Lang** asked if there should be no restriction related to displaying flags and banners.

**Representative Selig** responded that it would not be appropriate to fly anything relating to hate speech. A nuance would be if, in a lesson on the civil war, a confederate flag was shown. In that instance it would be appropriate.

**Senator Lang** asked if, absent curriculum related issues, there should be limits on what can be flown.

**Representative Selig** responded that schools and school districts should be the bodies that have authority over what is and is not displayed in a classroom.

**Senator Lang** asked what the difference between a school board deciding this and the legislature.

**Representative Selig** stated it was the partisan nature of the legislature.

**Senator Altschiller** asked for clarification that it should be up to the local communities to decide what is or is not appropriate for the classroom setting.

**Representative Selig** responded that this is the case for curriculum and should be the case for classroom décor. She asked if students and vehicle details would also be included in this bill.

**Senator Pearl** commented that a student or a vehicle with a flag or banner would not fall under the school displaying the flag, and asked if Representative Selig would agree.

**Representative Selig** responded that if a member of school staff was displaying the flag then it could be considered the school displaying a prohibited flag or banner. She added that things that happen on school grounds is the responsibility of the school.

**Senator Lang** reiterated that the bill has a distinction between the individual and the broader entity. **Senator Lang** asked if teachers have unlimited free speech in the classroom.

**Representative Selig** responded that there are limits on free speech for teachers when in acting in their official capacity, however the legislature needs to be careful about what they regulate.

**Senator Lang** asked if Representative Selig disagrees with the findings of the United States Supreme Court that the First Amendment rights of employees is not absolute.

**Representative Selig** responded that teachers have the responsibility to teach students how to be curious and ask good questions.

**Deb Howes, *President*, AFT NH**

- Ms. Howes voiced her opposition of HB 1132
- Ms. Howes stated that this bill makes the task of creating a welcoming school environment much more difficult.
- She explained that flags show students that they are represented and respected in the classroom.
- Ms. Howes described a situation from her previous school in Nashua in which students and families were encourage to show the flags of their heritage and share their work from the previous semester.
- She stated that creating a sense of belonging through heritage is important to students.
- Ms. Howes stated that HB 1132 is a state intrusion on a local control issue.
- Ms. Howes explained that the enforcement of the law being based on complaints would create uneven enforcement, a reason that a law has been struck down by the courts in the past.

**Senator Altschiller** read line 13 which stipulates this was complaint driven enforcement. This means anyone could register a complaint, for example when they see something online or passing by. **Senator Altschiller** asked if this was opening the door for people outside communities registering complaints.

**Ms. Howes** stated this was an issue and could lead to arbitrary enforcement.

**Senator Altschiller** asked if, when a content issue is raised, the existing systems are adequate to address concerns about school decorations or flags or other such topics.

**Ms. Howes** responded that this was correct and that the normal procedure is that the complaint is brought up to the teacher and moves up the chain of command as necessary, and that this bill does not allow for that process.

**Senator Lang** asked if Ms. Howes agrees that the First Amendment rights of a teacher can be restricted within a school.

**Ms. Howes** responded that this is not a simple yes or no, as there are cases in which speech is limited for educators and some cases where it is not.

**Daniel Smith**

- Mr. Smith read the poem “Why I Hang a Pride Flag in my Classroom” by an educator from Manchester
- Mr. Smith explained that these words are not his own but he does stand beside them.

**Amanda Azad, *Policy Director, ACLU NH***

- Ms. Azad stated that HB 1132 is both broad and extreme in nature.
- Ms. Azad explained that the only flags allowed to be displayed would be the United States flag, state flags, the school flag, and the POW/MIA flag.
- She explained that not every class subject is exempt from this law and that penalty ranges from professional discipline to monetary consequences.
- Ms. Azad stated that there is no definition for flags or banners in statute.
- Ms. Azad raised additional questions about the exemptions for US history classes but not other history classes, and math but not science classes.
- Ms. Azad explained that university and college flags are not exempt which are often used as a way to encourage, promote, and celebrate secondary education.
- Ms. Azad pointed out that mental health awareness and other medical awareness banners would not be permitted under this law.
- She stated that first amendment rights do not end when someone steps in the classroom for work or for learning.
- Ms. Azad further explained that student art and club advertisements would become censored under HB 1132.
- Ms. Azad stated that the language in the bill was written in a vague manner, which could lead to a wide range of interpretations.

**Senator Altschiller** asked if flags used as awareness for violence and medical conditions would be prohibited under this bill.

**Ms. Azad** responded that this would be the case, and that the bill was so broad that it could capture far more than is assumed.

**Amy Terravechia, 603 Equality**

- Ms. Terravechia stated that the intent of the bill is to make a neutral playing field but believes it does the opposite.
- Ms. Terravechia expressed her belief that limiting the flags which can be flown by educators also limits speech.
- Ms. Terravechia explained that there are many situations in which a flag would be beneficial to a student and the learning environment, even if it does not pertain to a lesson in the curriculum.
- She explained that education is a place to cultivate discussion and not to compliance.

## **Scott Files**

- Mr. Files explained that the only teacher who hung the pride flag when he was in school was also seen as an important nonverbal signal for students who needed assistance.
- Mr. Files stated that this educator was widely known as a resource for students who needed assistance with both school and non-school related issues.
- He explained that this was not a gesture made with political motivation, just to show support for anyone who needs help.

## **Brian Hawkins, NEA-NH**

- Mr. Hawkins expressed that the list of classes with exceptions is likely missing the art classroom which could interfere with expression there.
- Mr. Hawkins further detailed that the punishments listed in the bill might be contrary to existing systems at the local level.

**Senator Altschiller** asked if the definition of flag would include displays of breast cancer awareness flags or displays, as were flown in a school local to the senator.

**Mr. Hawkins** stated that it certainly could and it's not clear what counts as "displaying" a flag.

**Senator Altschiller** recounted that in another local school there was a student who was greatly injured. Afterward, banners and displays were put up to raise awareness about the student and families struggle afterward. **Senator Altschiller** asked if these flags would be banned.

**Mr. Hawkins** stated he believed they would and that is why he opposes the bill.

**Senator Altschiller** if it would also bar someone from having a personal display.

**Mr. Hawkins** stated that it likely would.

**Senator Pearl** asked how we determine what is and is not hate speech.

**Mr. Hawkins** stated he could follow up with more detail however there are a variety of ways to determine what is and is not hate speech. One issue with having broad language left up to interpretation is that there is not even enforcement.

## **Louise Spencer, Kent Street Coalition**

- Ms. Spencer expressed concern that the legislation will not be fairly enforced, which would constitute discrimination on behalf of the school. This would lead to potential lawsuits.

- Ms. Spencer stated that, as a taxpayer, she is concerned about potential taxpayer dollars going to fighting these lawsuits.

**Neutral Information Presented:** None.

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Date Hearing Report completed: April 14, 2026