

SB 434 - AS INTRODUCED

2026 SESSION

26-2030

12/09

SENATE BILL **434**

AN ACT relative to regulation of public school materials.

SPONSORS: Sen. Lang, Dist 2; Sen. Ward, Dist 8; Sen. Carson, Dist 14; Sen. Pearl, Dist 17; Sen. Avard, Dist 12; Sen. Sullivan, Dist 18; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Sen. Rochefort, Dist 1; Rep. Moffett, Merr. 4; Rep. Drye, Sull. 7; Rep. Noble, Hills. 2; Rep. Freeman, Belk. 8

COMMITTEE: Education

ANALYSIS

This bill requires local school districts to adopt and publicly post policies describing materials authorized for use by students in the district and outlining procedures to address complaints alleging that material is harmful or age-inappropriate for use in the district's schools.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to regulation of public school materials.

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

1 Short Title. This act shall be known as the "Right To Challenge Act".

2 New Subdivision; Prohibition of Materials Harmful to Minors in Schools. Amend RSA 189 by inserting after section 74 the following new subdivision:

Prohibition of Materials Harmful to Minors in Schools

189:74-a Definitions. In this subdivision:

I. "Material" means any printed matter, visual presentation, web-based content, live performance, or sound recording, including, but not limited to, books, magazines, motion picture films or videos, pamphlets, phonographic records, pictures, drawings, photographs, figures, statues, plays, dances, or other representations that are provided by the school district or by school employees, volunteers, guests, or speakers.

II. "Harmful to minors" shall have the same meaning as defined in RSA 571-B:1, I.

189:74-b Prohibition of Materials Harmful to Minors in Schools.

I. No later than November 1, 2027, each local school board shall adopt a procedure to be used to address complaints submitted by parents or guardians alleging that material that is harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school. The policy shall be posted on the district website. At a minimum, the complaint resolution process shall provide that:

(a) Complaints be submitted in writing to the principal of the school where the student is enrolled, contain a reasonably detailed description of the material that is alleged to be harmful to minors, and propose an action to be taken by the school district relative to the material.

(b) The school principal or designee takes reasonable steps to investigate the allegations in the complaint, including, but not limited to, reviewing the material complained of, meeting with the parent or guardian who submitted the complaint in person, or communicating with the parent or guardian by email or telephone, within 10 school days of receipt of the complaint.

(c) The school principal or designee determines whether the material that is the subject of the complaint is harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school or for use in the context in which the material is being used.

(d) The school principal or designee, within 25 school days of notice of receipt of the complaint or as otherwise agreed upon by both parties, determines whether student access to, or use of, the material that is the subject of the complaint will remain in place without change, be removed, be restricted, be modified, or have other action taken with respect to the material.

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(e) The school principal or designee, within 5 calendar days of making the determination required in subparagraph (d), provides a written response to the complainant explaining his or her decision, which includes:

- (1) Whether the material has been determined to be harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school;
- (2) A description of why the principal or designee reached his or her conclusions; and
- (3) An explanation of the value the principal or designee finds the material provides.

(f) The complainant may appeal the determination of the principal or designee to the school board within 30 calendar days of receipt of the determination of the principal or designee, or at the next regularly scheduled meeting of the school board, whichever comes first.

(g) The local school board shall permit the parent or guardian to be heard as part of the agenda at a regularly scheduled board meeting.

(h) Within 30 calendar days of the meeting at which the appeal is heard, the local school board issues a written decision that:

- (1) Is signed by the chairperson of the school board and indicates how each school board member voted, including those members who voted in the majority to affirm, reverse, or modify the decision of the principal; and

- (2) Describes the reason or reasons for the school board's decision with reference to:

- (A) Whether the material has been determined to be harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school;
- (B) A description of why the school board reached its conclusions; and
- (C) An explanation of the value the school board finds the material provides.

II. All decisions of the principal or designee and the school board, and any communications relating thereto, shall be considered public records pursuant to RSA 91-A.

3 Effective Date. This act shall take effect upon its passage.