

HB 1268 - AS INTRODUCED

2026 SESSION

26-2511

12/06

HOUSE BILL **1268**

AN ACT modifying definitions and requirements relative to home education programs.

SPONSORS: Rep. Noble, Hills. 2; Rep. Drago, Rock. 4; Rep. Drye, Sull. 7; Rep. Freeman, Belk. 8; Rep. Granger, Straf. 2; Rep. Layon, Rock. 13; Rep. Tom Mannion, Hills. 1; Rep. Mazur, Hills. 44; Rep. Osborne, Rock. 2; Rep. Peternel, Carr. 6; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18

COMMITTEE: Education Policy and Administration

ANALYSIS

This bill adds definitions to the chapter pertaining to home education programs and removes certain notification and assessment requirements for parents teaching their children through a home education program.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 modifying definitions and requirements relative to home education programs.

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

1 1 Short Title. This act shall be known as the "Home Education Freedom Act".

2 2 Home Education; Definitions Added. Amend RSA 193-A:1 to read as follows:

3 193-A:1 Definitions. In this chapter:

4 I. "Child" means a child or children at least 6 years of age and under 18 years of age who is a
5 resident of New Hampshire.

6 II. "Nonpublic school" means a nonpublic school approved pursuant to rules adopted by the
7 state board of education and administered by the department of education and which has agreed to
8 administer the relevant provisions of this chapter.

9 III. "Parent" means a parent, guardian, or person having legal custody of a child.

10 IV. "Resident district" means the school district in which the child resides.

11 V. ***"Commissioner" means the commissioner of the New Hampshire department of***
12 ***education.***

13 VI. ***"Department" means the New Hampshire department of education.***

14 VII. ***"Participating agency" means the resident district superintendent, the***
15 ***commissioner, or a participating nonpublic school principal.***

16 VIII. ***"Teacher" means a person who holds a teaching credential issued by the New***
17 ***Hampshire state board of education, is licensed in a state which is a party to the Interstate***
18 ***Teacher Mobility Compact or is currently teaching in a nonpublic school.***

19 3 Definition of Home Education; Amended. Amend RSA 193-A:4 to read as follows:

20 193-A:4 Home Education; Defined.

21 I. Instruction shall be deemed home education if it consists of instruction in science,
22 mathematics, language, government, history, health, reading, writing, spelling, the history of the
23 constitutions of New Hampshire and the United States, and an exposure to and appreciation of art
24 and music. Home education shall be provided, coordinated, or directed by a parent for his or her own
25 child. ***A parent shall be eligible to establish a home education program for his or her own***
26 ***child, including those children defined under RSA 186-C:2, I and RSA 186-C:2, I-a.***

27 II. The department of education, resident district superintendent, or a nonpublic school shall
28 work with parents upon request in meeting the requirements of this section.

29 III. ***Pursuant to RSA 193:1, I(b), home education shall be an alternative to***
30 ***compulsory attendance at a public school. Dates and hours of instruction shall not be***
31 ***required to coincide with the resident district calendar. The academic term of a home***

1 *education program shall not be required to coincide with the resident district academic*
2 *year.*

3 4 Home Education Programs; Notification and Procedural Requirements. Amend RSA 193-A:5
4 to read as follows:

5 193-A:5 Notification and Other Procedural Requirements. A parent may provide home
6 education to a child or children at home, subject to the following requirements:

7 I. ~~[Any parent commencing a home education program for a child, for a child who withdraws~~
8 ~~from a public school, or for a child who moves into a school district shall notify the commissioner of~~
9 ~~the department of education, resident district superintendent, or principal of a nonpublic school of~~
10 ~~such within 5 business days of commencing the program.]~~ *Any parent commencing a home*
11 *education program for a child shall notify the resident district superintendent:*

12 (a) *In order to participate in public school programs, and co-curricular*
13 *activities which are defined as school district-sponsored and directed athletics, fine arts,*
14 *and academic activities;*

15 (b) *If intending to use the state or local assessment provided by the resident*
16 *district; or*

17 (c) *If withdrawing from the public school.*

18 II. Notification made by the parent pursuant to paragraph I shall include a list of the
19 names, addresses, and birth dates of all children who are participating in the home education
20 program.

21 ~~[III. Written notice of termination of a home education program shall be filed by the parent~~
22 ~~with the commissioner of education, the resident district superintendent, or the nonpublic school~~
23 ~~principal within 15 days of said termination.]~~

24 IV. The ~~[commissioner of education,]~~ resident district superintendent~~[- or nonpublic school~~
25 ~~principal]~~ shall acknowledge receipt of notification within 14 days of such receipt.

26 V. Any parent who previously notified the resident district superintendent of a home
27 education program who moves from said district shall notify the original resident district
28 superintendent that the child has moved from the district and shall provide notification pursuant to
29 paragraph I.

30 VI. *On October 1 of each year, the participating agency shall notify the*
31 *commissioner of the number of children for whom programs were established since the*
32 *previous report.*

33 5 Home Education Programs; Records; Evaluation. Amend RSA 193-A:6 to read as follows:

34 193-A:6 Records; Evaluation.

35 I. The parent shall maintain a portfolio of records and materials relative to the home
36 education program. The portfolio shall consist of a log which designates by title the reading
37 materials used, and also samples of writings, worksheets, workbooks, or creative materials used or

1 developed by the child *for each year the child is being home educated*. Such portfolio, which at
2 all times remains the property of the parent, shall be preserved for 2 years from the date of the
3 ending of the instruction.

4 II. The parent [~~shall~~] *may* provide for an annual educational evaluation in which is
5 documented the child's demonstration of educational progress at a level commensurate with the
6 child's age, ability, and/or disability. The child [~~shall~~] *may* be deemed to have successfully
7 completed an annual evaluation upon meeting the requirements of any one of the following:

8 (a) A certified teacher or a teacher currently teaching in a nonpublic school who is
9 selected by the parent [~~shall~~] *may* evaluate the child's educational progress upon review of the
10 portfolio and discussion with the parent or child;

11 (b) The child [~~shall~~] *may* take any national student achievement test, administered by a
12 person who meets the qualifications established by the provider or publisher of the test;

13 (c) The child [~~shall~~] *may* take a state student assessment test used by the resident
14 district; or

15 (d) The child [~~shall~~] *may* be evaluated using any other valid measurement tool mutually
16 agreed upon by the parent and the commissioner of education, resident district superintendent, or
17 nonpublic school principal.

18 III. The parent [~~shall~~] *may* maintain a copy of the evaluation. The results of the evaluation:

19 (a) May be used to demonstrate the child's academic proficiency in order to participate in
20 public school programs, and co-curricular activities which are defined as school district-sponsored
21 and directed athletics, fine arts, and academic activities. Home educated students shall be subject to
22 the same participation policy and eligibility conditions as apply to public school students.

23 (b) Shall not be used as a basis for termination of a home education program.

24 (c) Provides a basis for a constructive relationship between the parent and the evaluator,
25 both working together in the best interest of the child.

26 6 Effective Date. This act shall take effect 60 days after its passage.