

HB 1345 - AS INTRODUCED

2026 SESSION

26-3118

12/08

HOUSE BILL **1345**

AN ACT requiring schools to establish rules related to the display of flags and designate students at each school to serve as the school's color guard.

SPONSORS: Rep. Thibault, Merr. 25; Rep. Moffett, Merr. 4; Rep. Morse, Merr. 3; Rep. Nadeau, Rock. 4; Rep. Perez, Rock. 16; Rep. Ulery, Hills. 13; Rep. Plante, Merr. 27; Rep. Litchfield, Rock. 32; Sen. Innis, Dist 7; Sen. Pearl, Dist 17

COMMITTEE: Education Policy and Administration

ANALYSIS

This bill adds requirements for the display of flags on school property and limits the flags which can be flown on school property. The bill also requires schools to designate students as the school's color guard to manage the display of flags on school property and establishes penalties for any violation of the section.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring schools to establish rules related to the display of flags and designate students at each school to serve as the school's color guard.

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

1 1 Short Title. This act may also be cited as the "Clint T. Ellison and Grady D. Eule School Flag
2 Etiquette and Color Guard Act."

3 2 Display of Flags; Color Guard Established. Amend RSA 189:17 to read as follows:
4 189:17 Flags; **Color Guard**; Penalty.

5 **I.** The school board shall supply a United States and a New Hampshire state flag; the flags
6 shall be made not less than 5 feet in length, with a **functional** flagstaff and appliances for
7 displaying the same, for every [schoolhouse] **school building** in the district in which a public school
8 is taught, at the expense of the district. **School districts may accept donations from private**
9 **individuals and organizations of flags, flagstuffs, and appliances, or monetary donations**
10 **to purchase, repair, or replace flagstuffs and appliances. All flags, flagpoles, and**
11 **appliances shall be manufactured in the United States.**

12 **II.** [They] **School districts** shall prescribe rules and regulations for the proper custody,
13 care and display of these flags, **in accordance with RSA 3-E:2** [~~the regulations shall require that~~
14 ~~wherever possible, the United States flag and the New Hampshire state flag shall be displayed on~~
15 ~~separate staffs of equal height~~]. When the flags are displayed on the same staff, the United States
16 flag shall be displayed above the New Hampshire flag. **The POW/MIA flag may also be flown if**
17 **desired, but only if there are 2 or more flagpoles available side-by-side, in which case the**
18 **POW/MIA flag shall be flown on the same flagpole as the United States flag while the New**
19 **Hampshire state flag flies independently, or on its own pole if there are 3 available. The**
20 **United States flag shall fly higher than all other flags.** The regulations shall further require
21 that such flags shall be displayed prominently outside of the [schoolhouse] **school building.**
22 **Outdoor flagpoles shall be easily accessible at all times, including a plowed path when**
23 **necessary.** When they are otherwise displayed, the flags shall be placed conspicuously in the
24 principal room of assembly of the [schoolhouse] **school building. The United States flag, at**
25 **minimum, shall also be flown or displayed at all school sporting events.**

26 **III.** The governing board of every [private] **non-public** school shall supply a United States
27 flag, such flag to be made not less than 5 feet in length, with a flagstaff and appliances for displaying
28 same. They shall make provisions similar to those required in the public schools for the display of
29 [said flag] **flags.**

1 IV. *Each public and nonpublic middle, junior high, and secondary school shall*
2 *designate at least 3 willing student volunteers to serve as the school's color guard. If the*
3 *school elects to fly the POW/MIA flag, the color guard should consist of at least 4 students.*
4 *These students shall be educated in the proper handling and care of the flags pursuant to*
5 *RSA 3-E:2. If a high school offers the Junior Reserve Officer Training Corps (JROTC)*
6 *program, JROTC students shall be responsible for color guard duties. Districts with*
7 *elementary schools shall develop policies to ensure the flags at the elementary schools are*
8 *adequately cared for pursuant to RSA 3-E:2.*

9 (a) *The school color guard shall raise the flags every morning at the beginning*
10 *of the school day and lower and fold them every afternoon after dismissal, with the United*
11 *States flag folded in the traditional triangular style. The lowering of the flags may occur*
12 *up to 30 minutes before dismissal to accommodate students' dismissal schedules. The color*
13 *guard shall also stay aware of when the flag must be flown at half-staff, whether by law or*
14 *by proclamation by the President of the United States or the governor of the state of New*
15 *Hampshire.*

16 (b) *There may be exemptions made for inclement weather not suitable to the*
17 *flying of flags, such as heavy rain, snow, or irregularly high winds.*

18 (c) *All-weather flags may be flown for the duration of the summer in absence of*
19 *the color guard, provided there is a light on the flags and they are still appropriately*
20 *lowered to half-staff when declared by law or proclamation.*

21 VI. *The state board of education shall develop policies and rules for serving on a*
22 *student color guard to count for secondary school credit in public, public charter, and*
23 *nonpublic schools.*

24 VII. *Tattered, faded, discolored, or otherwise damaged flags shall not be flown and*
25 *shall instead be remanded to a local organization that respectfully retires flags, such as*
26 *the American Legion, the Veterans of Foreign Wars, Scouting America, or local police or*
27 *fire departments. Such flags shall be replaced immediately.*

28 VIII. *The only flags that may be displayed on public school property on a regular*
29 *basis shall be the United States flag, the New Hampshire state flag, and the POW/MIA flag.*
30 *No other national flags, commercial, religious, political or activism flags, are allowed on*
31 *school grounds or in classrooms with the exception of:*

32 (a) *Use of historical national flags in miniature displays for educational*
33 *purposes.*

34 (b) *Flags used for instruction in foreign languages, world geography, and*
35 *United States history classes.*

36 (c) *Flags representing a branch of the United States military.*

1 (d) *An official city or town flag of a city or town located in the state of New*
2 *Hampshire.*

3 IX. Any *administrators, faculty, or* members of a school board or the governing board
4 who shall refuse or neglect to comply with the provisions of this section shall be guilty of a violation.
5 *Any violation of this section shall result in a formal complaint being issued to the school*
6 *superintendent, who within 5 days of receipt of the complaint shall determine the*
7 *complaint's validity. If the superintendent finds the complaint constitutes a violation of*
8 *this section, the superintendent shall order the immediate removal of the prohibited flag*
9 *from school premises, unless such flag was already removed, as well as issue the following*
10 *penalties:*

11 (a) *For a first violation of this section, a warning shall be issued to the*
12 *perpetrator of the offense.*

13 (b) *For a second violation of this section, the superintendent and local school*
14 *board or governing board of a public charter or non-public school shall determine and*
15 *issue a disciplinary action against the perpetrator of the offense.*

16 (c) *For a third violation and any additional violation of this section, the*
17 *superintendent shall report the violation to the state board of education, which shall have*
18 *the authority to issue penalties in accordance with 21-N:11, VI.*

19 3 New Paragraph; State Board of Education; Duties of the Board; Penalties. Amend RSA 21-
20 N:11 by inserting after paragraph V the following new paragraph:

21 VI. Issue monetary penalties relative to violations of 189:17 not to exceed \$1,000 per
22 violation.

23 4 Effective Date. This act shall take effect 60 days after its passage.