

Amendment to SB 434

1 Amend RSA 189:74-b as inserted by section 2 of the bill by replacing it with the following:

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3 189:74-b Prohibition of Materials Harmful to Minors in Schools.

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

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

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

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

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

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

27 (1) Whether the material has been determined to be harmful to minors, age-  
28 inappropriate, or otherwise offensive or inappropriate for use in the child's school;

29 (2) A description of why the superintendent or designee reached his or her  
30 conclusions; and

31 (3) An explanation of the value the superintendent or designee finds the material  
32 provides.

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

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

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

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

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

12                         (A) Whether the material has been determined to be harmful to minors, age-  
13 inappropriate, or otherwise offensive or inappropriate for use in the child's school;

14                         (B) A description of why the school board reached its conclusions; and

15                         (C) An explanation of the value the school board finds the material provides.

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