

HB 1268 - AS AMENDED BY THE HOUSE

11Mar2026... 0887h
11Mar2026... 1098h

2026 SESSION

26-2511
12/06

HOUSE BILL **1268**

AN ACT modifying the structure and administration of 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

AMENDED ANALYSIS

This bill:

I. Replaces the current framework for home education programs in New Hampshire by modifying the definitions, administration, and requirements of such programs.

II. Establishes a parental right to home education for his or her own child, and a right to maintain privacy in information related to the administration of their home education program.

III. Establishes personal liability for any person who knowingly makes a report that alleges abuse or neglect predominantly on the basis that a child is home educated, and authorizes a right of private of action for such aggrieved families.

IV. Removes cross-references to both the previous framework for home education programs and considerations of education in the assessment of child neglect.

V. Directs the state board of education to repeal certain administrative rules relative to the prior framework.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT modifying the structure and administration of 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 Access to Public School Programs by Nonpublic, Public Chartered School, Education Freedom
3 Account or Home Educated Pupils; Home Schools Cross-Reference Added. Amend RSA 193:1-c, to
4 read as follows:

5 193:1-c Access to Public School Programs by Nonpublic, Public Chartered [~~Schools~~] **School,**
6 **Education Freedom Account,** or Home Educated Pupils.

7 I. Nonpublic, public chartered school, **education freedom account,** or home educated
8 pupils shall have access to curricular courses and cocurricular programs offered by the school district
9 in which the pupil resides, **including the statewide assessment and preliminary scholastic**
10 **aptitude test (PSAT).** The local school board shall adopt a policy regulating participation in
11 curricular courses and cocurricular programs, provided that such policy shall not be more restrictive
12 for non-public, public chartered school, **education freedom account,** or home educated pupils than
13 the policy governing the school district's resident pupils. In this section, "cocurricular" shall include
14 those activities which are designed to supplement and enrich regular academic programs of study,
15 provide opportunities for social development, and encourage participation in clubs, athletics,
16 performing groups, and service to school and community. For purposes of allowing access as
17 described in this section, a "home educated pupil" includes any pupil who is a "child with a
18 disability" under RSA 186-C:2, I, until such time as such pupil has acquired a high school diploma or
19 reached age 21 inclusive; but shall not include any other pupil who has graduated from a high school
20 level program of home education, or its equivalent, or has attained the age of 21.

21 II. Nothing in this section shall be construed to require a parent to establish a home
22 education program which exceeds the requirements of RSA 193:1 **or RSA 193-A.**

23 3 Home Education; Definitions and Administration of Program Modified. RSA 193-A:1-5 is
24 repealed and reenacted to read as follows:

25 193-A:1 Definitions.

26 I. "Certificate of completion" means an optional document signed by the parent of a home
27 educated child certifying that the child has completed a home education program.

28 II. "Child" means a child or children at least 6 years of age and under 18 years of age who is
29 a resident of New Hampshire.

1 III. "Optional declaration of home education" means an optional written statement that the
2 student is home educated and meets the New Hampshire compulsory attendance requirements,
3 signed by a parent which identifies a home educated student by name, date of birth, and current
4 address.

5 IV. "Home educated student" means a student receiving an education provided, coordinated,
6 or directed by a parent for his or her own child. This definition shall not include a student
7 participating in the education freedom account program established in RSA 194-F.

8 V. "Parent" means a parent, guardian, or person having legal custody of a child.

9 VI. "Resident district" means the school district in which the child resides.

10 193-A:2 Program Established; Purpose. The general court recognizes that the right of a parent
11 to direct the education of their child is a natural right. A parent may elect to educate his or her own
12 child at home in accordance with this chapter.

13 193-A:3 Optional Declaration of Home Education. A declaration of home education shall not be
14 required, except to obtain access to public school programs pursuant to RSA 193:1-c or upon
15 withdrawal from a public school.

16 193-A:4 Parental Right to Home Education; Independence of Home Education, Program
17 Schedule, Privacy, and Termination of Program.

18 I. A parent shall have the right to establish a home education program for his or her own
19 child, regardless of ability, disability, developmental status, or educational needs.

20 II. The resident district superintendent shall work with parents upon request in meeting the
21 goals of their home education program. No superintendent, school board, school principal, other
22 school district official, local official, or state official shall propose, adopt, or enforce any policy or
23 procedure governing home educated students except for policies related to the courses and programs
24 described in RSA 193:1-c, including participation in the statewide assessment or PSAT.

25 III. Dates and hours of instruction shall not be required to coincide with the resident district
26 calendar. The academic term of a home education program shall not be required to coincide with the
27 resident district academic year.

28 IV. Except in the circumstance where a student is included in the resident district's average
29 daily membership in attendance or ADMA pursuant to RSA 198:38 or by participating in the
30 statewide assessment, the home educated child shall not:

31 (a) Have their data tracked through the statewide longitudinal data system (SLDS) as
32 defined by RSA 189:65; or

33 (b) Have their student information collected pursuant to RSA 193-E:5.

34 V. Participation in a home education program pursuant to this chapter shall be presumed as
35 education required by law. Therefore in proceedings under RSA 169-C the state shall not:

36 (a) Use such participation as evidence of, or as a basis for finding, failure to provide
37 education as required by law;

1 (b) Consider such participation in a home education program as a negative factor in
2 assessing the adequacy of meeting a child's education needs; and

3 (c) Use the lack of notice, records, evaluations, or assessments in a home education
4 program operated consistent with this chapter as a failure to provide education as required by law.

5 VI. No agent of the department of health and human services, division of children, youth
6 and families, or any law enforcement officer shall enter or inspect the home of a family engaged in
7 home education without a warrant issued by a court upon probable cause, or genuine exigent
8 circumstances as defined by law. Threats of a child removal or placement in foster care shall not be
9 used to coerce consent to entry or to share records. An anonymous report, standing alone, shall not
10 constitute probable cause.

11 VII. Any school district official, employee, or agent, or any other person who knowingly
12 makes a report to the division of children, youth and families or to law enforcement regarding a
13 home educating family that is motivated primarily by the family's participation in home education,
14 and not by a good-faith belief based on specific, articulable facts that a child is being abused or
15 neglected as defined in RSA 169-C:3, shall be personally liable for damages of not less than \$1,000
16 per violation, including reasonable attorney's fees, to the aggrieved family.

17 VIII. Any information submitted to any state agency, school district, or government entity
18 regarding a home education program shall be confidential and shall not be disclosed to any other
19 state agency, federal agency, or third party without the written consent of the parent. Such
20 disclosure by a government employee acting in an official capacity, shall constitute a violation of
21 RSA 91-A:8, IV.

22 IX. A home education program is terminated when a home educated student is enrolled full
23 time in a public school, a public charter school, a nonpublic school, or the education freedom account
24 program established in RSA 194-F.

25 193-A:5 Optional Certificate of Completion. A parent may certify the completion of a home
26 education program pursuant to this chapter.

27 I. A certificate of completion may include the following information:

28 (a) Name and date of birth of the child;

29 (b) Names of the parents;

30 (c) Date of completion of the home education program; and

31 (d) Signature of the parent.

32 II. If a parent submits the certificate of completion to the commissioner of the department of
33 education, within 30 days of receipt the commissioner shall issue a certificate of completion which
34 shall include the home education student has completed a home education program in the state of
35 New Hampshire pursuant to RSA 193-A.

36 4 Education Freedom Accounts; Home Education Notification Requirement Removed. Amend
37 RSA 194-F:2, IX to read as follows:

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1 IX. A home education program pursuant to ~~[RSA 193-A:5]~~ **RSA 193-A** is terminated upon
2 the commencement of a student's participation in ~~[an]~~ **the** EFA program. ~~[A parent shall provide~~
3 ~~notification pursuant to RSA 193-A:5 when a student starts participating in an EFA program.]~~ **If**
4 **the student is accessing programs pursuant to 193:1-c, a parent shall notify the resident**
5 **district that the student is now participating in the EFA program.**

6 5 Costs of Capital Outlay and Operation; Cross-Reference to Exception Removed. Amend RSA
7 195:7, II to read as follows:

8 II. Home education pupils who do not receive services from the cooperative school district [~~]~~
9 ~~except an evaluation pursuant to RSA 193-A:6, II,~~] shall not be included in the average daily
10 membership relative to apportionment formulas.

11 6 Procedure for Formation of Cooperative School District; Cross-Reference to Exception
12 Removed. Amend RSA 195:18, III(e)-(g) to read as follows:

13 (e) The method of apportioning the operating expenses of the cooperative school district
14 among the several preexisting districts and the time and manner of payment of such shares. Home
15 education pupils who do not receive services from the cooperative school district [~~]~~
16 ~~except an evaluation pursuant to RSA 193-A:6, II,~~] shall not be included in the average daily membership
17 relative to apportionment formulas.

18 (f) The indebtedness of any preexisting district which the cooperative school district is to
19 assume.

20 (g) The method of apportioning the capital expenses of the cooperative school district
21 among the several preexisting districts, which need not be the same as the method for apportioning
22 operating expenses, and the time and manner of payment of such shares. Capital expenses shall
23 include the costs of acquiring land and buildings for school purposes, including property owned by a
24 preexisting district; the construction, furnishing and equipping of school buildings and facilities; and
25 the payment of the principal and interest of any indebtedness which is incurred to pay for the same
26 or which is assumed by the cooperative school district. Home education pupils who do not receive
27 services from the cooperative school district [~~]~~
28 ~~except an evaluation pursuant to RSA 193-A:6, II,~~] shall not be included in the average daily membership relative to apportionment formulas.

29 7 Child Protection Act; Definitions; Neglected Child; Home Education Program Participation
30 Exempted. Amend RSA 169-C:3, XIX to read as follows:

31 XIX. "Neglected child" means a child:

32 (a) Who has been abandoned by his or her parents, guardian, or custodian; or

33 (b) Who is without proper parental care or control, subsistence, education as required by
34 law, or other care or control necessary for the child's physical, mental, or emotional health, when it
35 is established that the child's health has suffered or is likely to suffer serious impairment; and the
36 deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian;

37 or

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1 (c) Whose parents, guardian or custodian are unable to discharge their responsibilities
2 to and for the child because of incarceration, hospitalization or other physical or mental incapacity;

3 Provided, that no child who is, in good faith, under treatment solely by spiritual means through
4 prayer in accordance with the tenets and practices of a recognized church or religious denomination
5 by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected
6 child under this chapter. ***A child participating in a home education program under RSA 193-***
7 ***A or an education program funded through an education freedom account under RSA 194-***
8 ***F shall not be considered a neglected child under this chapter solely on the basis of such***
9 ***participation.***

10 8 Department of Education; Rulemaking; Cross-Reference Added. Amend RSA 21-N:9, II(g) to
11 read as follows:

12 (g) Home study, ***as authorized by RSA 193:1, I (c).***

13 9 Agency Directive; Repeal of Administrative Rules. Immediately upon passage of this act, the
14 state board of education shall undertake and complete expedited repeal of rules Ed 315, as described
15 in RSA 541-A:19-a.

16 10 Repeal. The following are repealed:

17 I. RSA 193-A:6, relative to the record keeping and evaluation of home education programs.

18 II. RSA 193-A:10, relative to the home education advisory council.

19 III. RSA 193-A:11, relative to the authority of school district officials in governance of home
20 education programs.

21 11 Effective Date. This act shall take effect July 1, 2026.