

HB 1792-FN - AS AMENDED BY THE SENATE

05/14/2026 1779s

2026 SESSION

26-2440

12/08

HOUSE BILL

1792-FN

AN ACT relative to the prohibition on teaching discrimination.

SPONSORS: Rep. Belcher, Carr. 4; Rep. Noble, Hills. 2; Rep. Osborne, Rock. 2; Rep. Corcoran, Hills. 28; Rep. Sabourin dit Choiniere, Rock. 30

COMMITTEE: Education Policy and Administration

AMENDED ANALYSIS

This bill requires that educators must act purposefully in academic instruction in order for their actions to constitute teaching discrimination. This bill also removes the ability for aggrieved parties to both initiate a civil action against a school or school district and to pursue a remedy through the New Hampshire commission for human rights.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the prohibition on teaching discrimination.

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

1 1 Prohibition on Teaching Discrimination; Purposeful Mental State Added; Civil Remedy
2 Removed. RSA 193:40 is repealed and reenacted to read as follows:

3 193:40 Prohibition on Teaching Discrimination.

4 I. No pupil in any public school in this state shall be purposefully taught, instructed,
5 inculcated or compelled to express belief in, or support for, any one or more of the following:

6 (a) That one's age, sex, gender identity, sexual orientation, race, creed, color, marital
7 status, familial status, mental or physical disability, religion or national origin is inherently superior
8 to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status,
9 familial status, mental or physical disability, religion, or national origin;

10 (b) That an individual, by virtue of his or her age, sex, gender identity, sexual
11 orientation, race, creed, color, marital status, familial status, mental or physical disability, religion,
12 or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

13 (c) That an individual should be discriminated against or receive adverse treatment
14 solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color,
15 marital status, familial status, mental or physical disability, religion, or national origin; or

16 (d) That people of one age, sex, gender identity, sexual orientation, race, creed, color,
17 marital status, familial status, mental or physical disability, religion, or national origin cannot and
18 should not attempt to treat others without regard to age, sex, gender identity, sexual orientation,
19 race, creed, color, marital status, familial status, mental or physical disability, religion, or national
20 origin.

21 II. Nothing in this section shall be construed to prohibit discussing, as part of a larger
22 course of academic instruction, the historical existence of ideas and subjects identified in this
23 section.

24 III. Purposeful violation of this section by an educator shall be considered a violation of the
25 educator code of conduct that justifies disciplinary sanction by the state board of education.

26 IV. For the purposes of this section, "educator" means a professional employee of any school
27 district whose position requires certification by the state board pursuant to RSA 189:39.
28 Administrators, specialists, and teachers are included within the definition of this term.

29 2 Effective Date. This act shall take effect September 1, 2026.

LBA
26-2440
05/18/2026

**HB 1792-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-1779s)**

AN ACT relative to the prohibition on teaching discrimination.

FISCAL IMPACT:

This bill requires that educators act purposefully in academic instruction for their conduct to constitute prohibited teaching discrimination. The bill also removes the ability of aggrieved parties to bring a civil action against a school or school district or seek relief through the New Hampshire Commission for Human Rights. This bill is not expected to result in any direct fiscal impacts.

AGENCIES CONTACTED:

Department of Education