

Senate Education Committee

Ryan Meleedy 271-4151

HB 10-FN, establishing the parental bill of rights.

Hearing Date: April 1, 2025

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill establishes a parental bill of rights, a framework for notice of, and to report violations of, such rights, and consequences for affirmative findings of violations.

Sponsors:

Rep. Packard

Rep. Kofalt

Rep. Terry

Rep. Cordelli

Rep. DeSimone

Rep. Post

Rep. Seidel

Rep. Osborne

Who supports the bill: 39 People signed in support of House Bill 10. To access the full list, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 739 People signed in opposition to House Bill 10. To access the full list, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who is neutral on the bill: 2 People signed in neutrality to House Bill 10. To access the full list, please email the committee aide (ryan.meleedy@gc.nh.gov).

Summary of testimony presented in support:

Representatives Sherman Packard and Deborah DeSimone

- Representative Packard expressed that he introduced House Bill 10 because it is the parents' right, not the schools, the government, or anyone else's right to raise their children. Representative Packard established that the schools are there to teach, not to raise children.
- Representative Packard stated an amendment is forthcoming that he would recommend accepting.
- Representative DeSimone established that the foundation of a family is built on good parenting and that most New Hampshire parents are good, honest, and

law-abiding. She said that, over the years, parents have begun to lose their rights.

- Representative DeSimone expressed that it is essential for children to be able to go to their parents when they are exploring new aspects of life and are confronted with challenges, especially during their teenage years.
- Representative DeSimone expressed disbelief that any legislator who is a parent could oppose this legislation because parents should be responsible for the upbringing of their own children. She found it irresponsible to insinuate that school personnel understand the needs of students better than their parents.
- Representative DeSimone established that if parents do something wrong in the upbringing of their child, there are laws that prevent the parent from continuing that behavior, but most parents never break the law. She also stated that most parents are in tune with the needs of their children and what it will take to make the children productive members of society.
- Representative DeSimone reflected that after a similar bill failed last year so, the sponsors worked with many stakeholders to craft a bill that was safe for children and gave parents the opportunity to instill their values and morals in their children.
- Representative DeSimone expressed that recent polling indicated that a majority of New Hampshire voters supported the idea that parents have the final say over their children's activities over government employees by a margin of two to one. This included 83% of independents, 61% of Democrats, and a majority of Republicans.
- Representative DeSimone expressed that this bill ensures that if a parent calls their child's school, they are told the truth. She said that this bill will end the secrets and lies from school personnel to parents.
- Representative DeSimone said that opponents of House Bill 10 will label it dangerous and harmful. She disagreed and posited that it is dangerous to believe that a majority of parents do not have the right to protect their children. She found this especially true when it is known that children thrive in a house with two parents.
- Senator Sullivan asked if the amendment coming forward replaces the bill.
- Representative DeSimone responded that the amendment does not replace the bill; it corrects a typo to reflect the correct RSA.
- Senator Prentiss inquired if, on page 2, line 20, health care provider notes on the patient were still protected when House Bill 10 talks about access and review of all medical records as the personal representative of the children. She continued by asking how deep the intent of this section is and if this section calls for all of the medical provider's notes to be released.
- Representative DeSimone responded that this section intends to allow parent to parent their child without putting the child in danger. She established that

parents can already exercise their personal representation rights as they are enshrined in state and federal law. She cited an example of a minor having serious adverse effects to the birth control her healthcare provider prescribed, which would have been preventable if parental consent had been sought. She said that Representative Markell would discuss this section in more detail during his testimony.

- Senator Altschiller referenced page 3, pertaining to school board notification on parental rights, and asked why House Bill 10 is necessary because it is already established in law and asked if local school districts would encumber the financial burden associated with reclassifying the various pieces of legislation incorporated into House Bill 10. Representative DeSimone replied that school boards approve a student handbook each year and expressed that the portions of this legislation related to schools would be incorporated into the handbook. She also confirmed that much of the information in this bill is already in existing RSAs. She said that consolidating the existing law into a single parental bill of rights would make it easier for parents, schools, and legal staff to identify and understand all of the rights enumerated to parents under existing RSAs.
- Senator Altschiller expressed concern about the immediacy element required for teachers to respond to parents and asked if teachers' responses to parents should take precedence over all other teacher day-to-day tasks.
- Representative DeSimone responded that when a parent calls the school and has a question, most of the time, the teachers have an answer for the parent immediately. She expressed, however, that this is not always the case, and there have been reports of teachers refusing to answer parents' requests. She explained that the bill calls for a five-day window for teachers to respond because the sponsors are mindful that teachers have other day-to-day priorities.
- Senator Altschiller asked if the expectation for teachers is to keep tabs socially on the students and answer these requests from parents, including what teachers overhear and observe throughout their workday. Representative DeSimone established that information is only released if the parent explicitly requests it and that what teachers don't know, they are not expected to report. She said that this bill does not require teachers to perform investigations or do anything they do not already do. If a teacher does not know the answer to a parent's request, the answer to the parent would be "I don't know."
- Senator Prentiss referenced page 5, lines 13-27, and asked if the healthcare services mentioned were restricted to healthcare services provided at school. Representative DeSimone expressed that it is not limited to the healthcare services provided in school; parents should consent to any healthcare services their minor child receives except in the case of emergencies.

- Senator Prentiss asked if this bill would require parental consent for STD treatment and access to birth control because she is afraid minors will not access the healthcare they need because they do not want their parents to know. Representative DeSimone reiterated that most parents raising teenagers will be able to support their children because the parents themselves have lived through those teenage years themselves.
- Senator Sullivan highlighted page 5, line 14, and expressed that it carves out the release of medical records in cases involving a court order or provided by law. She asked if Representative DeSimone believed that Senator Sullivan's parents would receive phone calls from teachers, without request, about her behavior if she broke school rules. Representative DeSimone responded that her family had gone through numerous traumatic events in a short period while she was raising her kids, and she received a phone call that the school was concerned for the mental health of her daughter based on their observations in school that day. She summarized that teachers see things and want students to be healthy and work with parents to ensure the health and safety of the students.
- Senator Prentiss asked what prescriptions and services are lawful under House Bill 10. Representative DeSimone again deferred to Representative Markell's testimony.
- Senator Altschiller referred to pages 1, line 6, and page 4, lines 6-8, and expressed that the bill provides a lot of rights but minimal responsibilities for parents. She asked why Acquired Immune Deficiency Syndrome was removed from health education. Representative DeSimone expressed that that statute is already in law because parents currently can opt-out their child from receiving the school's health education curriculum and instead teach their children sex education at home.
- Senator Altschiller asked why House Bill 10 conflates the contraction methods of Acquired Immune Deficiency Syndrome. Representative DeSimone reiterated that there is nothing that says this disease should not be taught in school; it says if a parent chooses to teach their child at home, the parent has the right to do that.
- Senator Sullivan asked if a parent were to opt out their child from a class, it is the parent's responsibility to teach that lesson to the child. Representative DeSimone confirmed that that is current practice and law.

Representative Jay Markell

- Representative Markell established that parents are considered personal representatives and guardians from the time of birth, according to existing

statutes. He expressed that personal representation in the context of HIPAA means you are entitled to access records.

- He referenced the parenting plan he had distributed to the committee and stated that, in 461A, the New Hampshire Supreme Court had established that parents have the right to access their children's records.
- Senator Prentiss expressed that there are different layers to physicians' notes, and psychotherapy notes generally have a higher layer of protection. She asked if section 'E' of the parenting plan the representative provided the committee would supersede HIPAA if it's an agency that must be HIPAA compliant by federal rule. He responded that Senator Prentiss's scenario is still subject to a court order. He said that many parents are separated, and RSA 164A is essential for establishing parental rights and responsibilities. He provided an example of a parent who initiates a parenting plan, who is going to be able to obtain parental rights because a judge can decide on a court order.
- He established that the provisions in House Bill 10 are permissive and non-binding. He explained that parents may withdraw their student from a particular class, but House Bill 10 does not say the parent shall withdraw their child from a particular class.
- He asked why a parent who is subject to a parenting plan would be able to obtain more rights and or be more aware of their rights than the average person.
- He established the limiting factors in the bill to provide the necessary escape valves because not all situations are the same, and he felt that this bill strikes a balance.
- He established that children have certain rights but don't have a full monopoly. He provided examples of children not being allowed to intervene in their parents' divorces and situations where society has deemed them incapable of consent because of their age and lack of maturity.

Ann Marie Banfield

- Ms. Banfield spoke in support of the bill, adding that she saw a need for an amendment that would additionally require parental consent for mental health care, assessment, and services. She explained that this was already in law and that if the bill intends to organize parental rights into one location, this provision should also be included.
- She also added that there should be a parental consent requirement for mental health data sharing.
- She emphasized Representative Desimone's point that it is essential for parental rights to be organized in one place.

- Ms. Banfield disputed previous testimony from representatives of the OCA, explaining that parental consent is already mandated for the administration of mental health services. She expressed concern that New Hampshire social workers are unaware of the federal laws governing parental consent, which she deemed to be an additional point of support for this bill's passage.
- She explained that despite previous court rulings disagreeing over the provisions that House Bill 10 would institute, the bill itself would become guiding law for judges.
- She established that not only are school staff members trusted adults, but parents are too. Limiting the information shared with parents would contribute to the concern that opponents of the bill have forwarded.
- Ms. Banfield claimed that by preventing information sharing with parents or not codifying their right to information about their child, more parents would choose to enroll their child in the education freedom accounts program (EFA).
- Senator Sullivan established that parents are responsible for raising their children, among a list of other responsibilities, and that they trust schools to be responsible for educating their children during school hours, not to raise them. She asked if Ms. Banfield felt that this bill was a response to parents feeling as if that trust had been broken. Ms. Banfield agreed and expressed that the federal laws governing this relationship were established under the Obama administration in a bi-partisan manner to address growing parental concerns.

Summary of testimony presented in opposition:

Oliver Bonnema

- Oliver Bonnema testified in opposition to House Bill 10. They established that they are currently enrolled in a private school because of the severe bullying and lack of responsiveness from school personnel during their time in public school.
- Oliver expressed that the bill is redundant because much of its substance is covered in other New Hampshire RSAs.
- Oliver's primary concern was in reference to page 2, section 1, and page 4, section 1 because they believe it could lead to the nonconsensual disclosure of LGBTQ students' identities to their parents.
- Oliver established that 60% of LGBTQ students report hearing homophobic comments from school staff, and 70% hear negative remarks concerning gender expression. They also established that LGBTQ students experience heightened levels of physical and verbal harassment. They cited the NIH statistic that one-third of LGBTQ youth experience parental rejection, and the same rate do not disclose their identity publicly until adulthood. They stated that LGBTQ

students with unsupportive parents are twelve times more likely to attempt to commit suicide.

- Oliver recalled personal experience helping their friends navigate the hardships associated with self-harm as evidence to support the statistics in their testimony.
- Oliver stated that the language in House Bill 10, allowing parents to object to instructional material, is too broad and could result in parents objecting based on their own biases.
- Oliver expressed opposition to students being prevented from receiving health education because it could lead to a lack of knowledge regarding reproductive and sexual health.

David Trumble

- Mr. Trumble spoke in opposition to the bill for two significant reasons.
- He explained that the bill was in violation of the New Hampshire Constitution, explaining that the New Hampshire Supreme Court ruled that for the issue this bill addresses, the rational basis test should be the standard legal, whereas this bill takes the approach of the strict scrutiny test.
- He explained that a Supreme court ruling held that parents' rights are not an unqualified [absolute] right, school policies don't prevent parents from raising their children as they see fit, and parents have ample self-help remedies to obtain information regarding their children.
- He grounded his opposition to the bill in that it infringes upon the rights of children. He elaborated, saying that students deserve a share of rights when it comes to their own personal autonomy, and it should not all be left up to their parents.
- He added that the forced outing of LGBTQ students by school faculty members will contribute to child homelessness from households that are opposed to their children being a member of said community.
- He referenced page 3, lines 3-8, explaining that the provisions that were characterized as remedies for students who are negatively affected by information shared from their teacher to their parents are only effective once they have been kicked out of their household.
- Senator Altschiller, citing Mr. Trumble's extensive experience as a coach of children's sports, asked about the relationships between students and school faculty members and how this bill might interfere with these relationships. Mr. Trumble explained that every child needs a trusted adult in their life, and for some students, that adult isn't a parent. He cited statistics showing that children who do not have a trusted adult in their life are 40% more likely to commit suicide. He explained that the requirements of this bill would effectively

breach the trusting relationship between students and school faculty members because of required information sharing with a student's parents.

- Senator Abbas asked, in a scenario where a parent kicks a minor out of their house, if that is already illegal because of laws surrounding child abuse and neglect. Mr. Trumble agreed that it would be illegal, but contested that the provisions of this bill that would seek to mitigate this potential harm are reactive rather than preventative.
- Senator Abbas inquired about parents who would be accepting of their child's sexuality if they were outed by teachers following the request for information. Mr. Trumble explained that current law and school policies don't inhibit a teacher from sharing information with parents; it simply allows them to withhold certain information if there is concern about a student's family situation.
- Senator Altschiller, again referencing Mr. Trumble's experience as a coach, asked if students who generally sought a trusted adult outside of their home were those who typically didn't have one at home. Mr. Trumble explained that having extra support is never a bad thing for a child, and even when a child has a positive, trusting relationship with their parents, it is usually in their best interest to develop an additional trusting relationship outside the home. Supportive relationships for children are not limited to a binary scale.

Evan Wiechert

- Evan Wiechert testified in opposition to the bill.
- Evan cited experience working as a counselor for campus recreation youth programs at the University of New Hampshire.
- Evan explained how serving as a counselor had contributed to becoming a role model and trusted adult for many children who felt uncomfortable coming out to other adults in their lives.
- Evan acknowledged that schools are a place for learning and parents deserve rights pertaining to their children, however neither of these is absolute, and school can be a place where kids can feel comfortable expressing who they are without fear of repercussions.
- Evan explained that House Bill 10 would strip students of the ability to freely express themselves in school without fearing consequences, and added that a child's identity isn't going to be altered by stripping their free expression.
- Evan summarized House Bill 10 as a measure to prevent school faculty from supporting children in the LGBTQ community, and would only isolate these children at a vulnerable point in their lives.

Cassandra Sanchez & Lissa Mascio - Office of the Child Advocate

- Ms. Sanchez and Ms. Mascio testified in opposition to House Bill 10.
- Ms. Sanchez expressed her Office's concerns about the language in the bill that reflects the work of the child welfare system and her office's work in overseeing it.
- Ms. Sanchez expressed that it is critical that the information children disclose to trusted adults is shared and presented in a timely fashion to the appropriate authorities.
- Ms. Sanchez stated that there is no reference to 169C in the bill, the Child Protection Act, which raised concerns because it may be unclear to teachers who and when to report information.
- Ms. Sanchez also expressed concern that House Bill 10 could interrupt the integrity of criminal investigations because teachers may not be aware of what is going on behind the scenes.
- She expressed concerns over the penalties for healthcare practitioners inserted in the parental consent for healthcare services section of the bill.
- Senator Altschiller asked Ms. Sanchez to expound on the topic that she could not fit into her testimony due to the time limit. Ms. Sanchez explained that bills like House Bill 10 put LGBTQ youth at risk, and it is the OCA's mission to ensure these children have the support necessary to have positive outcomes in the future.
- Senator Altschiller inquired about Ms. Sanchez's experience dealing with LGBTQ youth who have been removed from their homes due to abuse and neglect and whether the child's status of being LGBTQ has led to fractures in in-home relationships. Ms. Sanchez expressed that this is a trend occurring nationally and in New Hampshire. In her experience working with children, they say the trusted adult in their life is at school, and these relationships should be protected. Lissa Mascio expressed that when a child is removed from their home, their parent's rights are not immediately terminated: They can still access medical records and contact their child's school. Ms. Mascio stated there should be exceptions in the bill for parents in this interim status.
- Senator Altschiller asked if parents are exercising their liberty interests in raising and caring for their minor children when they reject their own children because of the child's LGBTQ status and if this bill creates a dangerous situation for LGBTQ children. Ms. Sanchez responded that yes, it could create a dangerous situation because there are no safeguards in the bill for LGBTQ children.
- Senator Altschiller asked if there are supports in place for parents to learn to understand their LGBTQ children better. Ms. Mascio expressed that the child welfare system is built to reunify families and provide services to parents and

children. She established that there are guardrails in the reunification process to ensure all parties receive the services they need. Ms. Sanchez established that DCYF assesses the family to identify and connect them with services, like family therapy, that support the child and educate the parent.

- Senator Sullivan referenced page 2, lines 7-10, and asked Ms. Sanchez clarify her testimony about teachers not being able to provide parents with information because they are unaware of investigations or information that may be forthcoming. Ms. Sanchez clarified that her testimony was regarding the limited time granted to teachers to respond to parents and the carveout for investigations involving the parents' actions against the minor child. She expressed that these two aspects together could lead to a teacher unintentionally impeding the investigation by releasing information unknowingly and prematurely to parents.
- Senator Sullivan asked if the language calling for teachers to respond immediately or within 5 days would impact their retention of information they may not presently know. She asked what the OCA's position is on remedying this potential situation of not knowing information. Ms. Sanchez said she did not have a resolution; she came to express her concern.
- Senator Abbas referenced page 2, lines 20-23, and appreciated the concern regarding impeding an ongoing investigation. He established that the medical records sought very likely will reflect the situation related to the investigation, whether it be in instances of child molestation or abuse. When the request is made, and the individual requesting them is known to be the alleged perpetrator of the crimes, wouldn't that set off an alarm in someone's head that there may be an active investigation? Especially because the school is a mandated reporter for instances of suspected abuse, it is difficult to say the school is unaware of it if it is in their records and they are mandated reporters.
- Ms. Mascio expressed that she is unsure if section H is targeted at teachers or more directed at the places that hold those records. She stated the bill is confusing because it compiles disparate statutes and does not carry all of the carveouts associated with each statute.
- Senator Abbas asked what the objection was to requiring consent for medical procedures and prescription medications. Ms. Sanchez expressed that she was not objecting to a specific medical procedure requiring consent but was more concerned with the penalty associated with violating this section.
- Ms. Sanchez cited existing protections for birth control and said that she was opposed to any of these protections being stripped. She agreed that nonemergent procedures should and do require parental consent.
- Senator Abbas established that his interpretation is that any preexisting carveout will remain intact and asked if he is right in assuming this bill would

create a clear policy in the absence of a carveout. Ms. Mascio said that claiming to compile all parental rights into one place while excluding the carveouts diminishes the goal of creating better access and transparency.

- Senator Ward asked if similar issues were raised during their testimony in the House and if they would be able to provide written testimony to the committee. Ms. Mascio was unsure if they testified at this specific hearing in the House but had testified on similar bills with similar unintended consequences. She expressed a willingness to provide written testimony.
- Senator Altschiller asked if this bill contradicts 461 A. She established that 461A is not mentioned in this bill and asked which statute would be the overriding one. She stated that there is a clash between House Bill 10 and 461A because this bill adds family court to the parental bill of rights and does not provide for strict scrutiny. Ms. Mascio added that 196C is also not referenced, which could also have implications. She said that 461A establishes that the primary determinant is the best interest of the child, which could be in conflict with House Bill 10. She established that statutory interpretations largely rest on the plain language of the statute, so it is difficult to know how things will be interpreted when there are gaps.
- Senator Altschiller asked to what extent House Bill 10 intervened with child custody law, expressing concerns about the bill's reach into this area. Ms. Mascio responded that the OCA does not oversee 461A or the family court.
- Senator Prentiss highlighted the addition in this bill relating to health care applies everywhere, even outside of school. She asked if, without any reference to provisions that provide protections, children and schools could be confused about what actions are and are not permissible. Ms. Sanchez agreed there could be confusion and expressed concern that healthcare providers may not be aware of this change because it is coming from the education community. Ms. Mascio established that 169 is not within the education chapters of the law.

Jacob Bennett

- Mr. Bennett questioned the intent of the bill, explaining that the language is meant to strip the rights of children and redirect them to the parents.
- He referenced similar legislation in recent years, which all attempted to enact similar policies.
- He reiterated David Trumble's testimony, explaining that parental rights are not absolute according to the New Hampshire Supreme Court and that children are entitled to certain rights, and he viewed the bill as a mechanism for taking these away.

- He referenced social media posts from other legislators, which asserted that teachers are groomers for the purpose of sexual assault. He expressed strong distaste for these beliefs.

Representative Peter Petrigno

- Representative Petrigno established that he was in favor of parental rights yet opposed House Bill 10.
- He explained that he has inquired with other New Hampshire legislators about why this bill is necessary, to which the consistent reply has been that having parental rights be concentrated in one place is beneficial for parental rights, collectively.
- He asserted that House Bill 10 does not serve this intended function, as there are many parental rights excluded from the bill, citing the right for parents to be notified when their child has been subjected to seclusion or restraint during the school day.
- He explained that all existing parental rights pertaining to education are already listed on the Department of Education's website.
- He explained that the true intention of the bill is the provision that requires teachers to share complete information about a student with their parents when requested. He interpreted this provision as unconstitutional as it would force teachers to violate their good conscience.
- He added that the provision conflicts with the Department of Education's 'one trusted adult' program, explaining that students would no longer be able to trust any adult at their school because of a requirement to share information with parents.
- He cited a hypothetical scenario where domestic violence could be instigated based on information sharing.
- He explained that he viewed Senate Bill 72 to be a more tempered version of this legislation and urged the committee to ITL House Bill 10 to allow the House Child and Family Law Committee to consider Senate Bill 72.
- Senator Altschiller referenced the 'one trusted adult' program and asked Representative Petrigno to elaborate further on its function. Representative Petrigno explained that there are many vulnerable New Hampshire children who can't voice their concerns to their parents reliably. The program provides children with a trusted adult to rely on when they need to vent personal concerns or feelings.

Debrah Howes – American Federation of Teachers, New Hampshire

- Ms. Howes described the language on page 2, lines 7-10, to be overly broad and unworkable. She hypothesized that this language would eventually be challenged in court.
- She reiterated part of David Trumble’s testimony, explaining that the Supreme Court had already determined that the requirement of reporting information to parents cannot be an absolute standard.
- She explained that teachers are incapable of knowing ‘any and all matters’ related to each individual student, so the reporting standard that this bill enumerates would be unworkable. She questioned how a teacher would prove that they are unaware of certain information pertaining to a student whose parents requested information.
- She viewed parents' rights to be best implemented by engaging with local school boards to help develop school policy in a way that appeases students, teachers, and parents collectively. Micromanaging every facet of the classroom is unreasonable.
- Giving parents the ability to object to every lesson taught in the classroom will ruin the quality of education for many students.
- Senator Altschiller asked how a potential scenario could play out if there are multiple parents objecting to a list of related materials, especially if those objections conflict with one another. Ms. Howes said it would make a teacher's job extremely tedious and unclear, explaining that a teacher could potentially have to create multiple varying lessons on the same topic to appease the objections of each respective set of parents.
- Ms. Howes suggested that a better provision to address parental concerns could be a policy that determines what sources of classroom material are acceptable for class curriculum.
- She explained that parental approval for class materials and curriculum limits the flexibility of the classroom and hinders student learning. She cited the need to change certain parts of the curriculum to address varying student needs as the academic year progresses and the occasional need of an exceptional student who needs higher level lessons based on their proficiency.
- Senator Altschiller referenced page 3, section D. She questioned why it would make any sense for a parent to withdraw their child from learning about Acquired Immunity Deficiency Syndrome, and questioned what the potential impact could be on public health. Ms. Howes explained that getting rid of or limiting public school awareness efforts for various serious diseases could have a negative long-term impact on public health.

Courtney Reid - American Civil Liberties Union, New Hampshire

- Ms. Reid testified in opposition to the bill, citing the broad language on the second page as her primary point of contention.
- She reiterated previous testimony with concerns that this bill could have adverse effects on students who are part of the LGBTQ community.
- She acknowledged the need for parental rights but furthered concerns that the bill would force the disclosure of private information to parents that the students themselves have not consented to. She pointed out the range of potential harm that this disclosure could cause for students, specifically relating to mental health. She explained that the immediacy provision of the bill could be disruptive to a student's education and ability to succeed in the classroom.
- Ms. Reid explained that the bill fails to account for situations where the withholding of information could protect certain children from abuse. She explained that the measures laid out in the bill to address potential abuse are only reactive, and they do not seek to prevent the abuse or neglect from happening in the first place. There is no exemption provision to prevent this from happening.
- She highlighted part of Mr. Trumble's testimony regarding the strict scrutiny standard. She explained that this bill does not effectively strike a balance between the rights of students and their parents.
- She closed by stating that schools are legally and ethically bound to uphold non-discrimination laws and to preserve student confidentiality rights.

Brian Hawkins - National Educators Association, New Hampshire

- Mr. Hawkins testified in opposition to the bill, citing similar concerns over the language on Page 2.
- He noted that the language mentions school personnel but does not include any mention of school administrations. He proceeded to question what role school administrations will have during instances that the bill pertains to. He expressed belief that the intention of the language is to circumvent any administrative consultation with educators following information requests from parents.
- He reiterated Ms. Howes' testimony, questioning what happens when a teacher forgets certain information.
- He explained that teachers and parents mostly have good relationships and openly share information with each other. If there were to be a rare situation where the information is being withheld by a teacher, it is best to let the parent requesting the information sort the issue out with their local school's administration.

Nancy Biederman

- Ms. Biederman explained that her daughter has multiple rare diseases and claimed that she had been accused of child abuse multiple times simply because her daughter was sick. She stated that there are many parents who have dealt with similar situations and resulting allegations of child abuse, adding that these claims of abuse are normally filed by health care professionals.
- She expressed her reluctance to take her child to a doctor because she was afraid of being accused of abuse, and this is often the case with many other parents whose children suffer from rare diseases.
- Addressing medical information sharing, she explained that her daughter's information has been shared countless times, and her medical privacy has been breached as a result. She further explained that information hacking in the medical field has been a persistent problem.
- Ms. Biederman referenced conversations with IT employees at both hospitals and schools, explaining that her concerns are often dismissed. She theorized that employers often view this information, and that when it is discovered that someone has an underlying condition or disease, they are unable to get hired.
- She highlighted that there are over 29 pages listing teachers whose licenses have been revoked over recent years, implying that teachers are not trustworthy by default.
- She explained that schools are not a safe place for many students and that teachers are not always trustworthy despite their depiction throughout the hearing.
- She described her own independent research of school policies, explaining that some will have a large number of policies, whereas others only have a couple. She furthered that schools are inconsistent in the extent of their policies, which can be confusing for parents.
- Senator Sullivan asked if this bill would have been helpful in the case of Ms. Biederman's daughter's disease treatment. Ms. Biederman felt that it would be helpful because the teacher would be required to share a full scope of information about a student when a parent asks for it, including symptoms of rare diseases. Withholding this information could be disruptive to further medical treatments.
- She explained that teachers in the past have been reluctant to be of assistance when it comes to sharing medically related information about her daughter.

Kate Cook

- Ms. Cook offered a personal story about her own child as the basis of her opposition testimony.

- She explained that, at school, her child was using they/them pronouns, a different first name, and was identifying as non-binary. This was occurring without Ms. Cook's knowledge.
- She explained that she was emotionally hurt after first learning about this, not because her child was hiding it from her, but because she felt like she wasn't providing an appropriately safe environment for her child to feel comfortable telling her about it. She felt that she had been providing this environment up until this point.
- She established that the underlying reason that her child didn't immediately tell Ms. Cook about their new identity changes was that her given name was that of her grandmother's. They didn't hide this because they were afraid of telling their parents that they were LGBTQ.
- She explained that children who conceal this sort of information, especially teenagers, do so because they have their own autonomy and evolving identities. Much like other things unrelated to gender identity, high schoolers tend not to want to share the entirety of their thoughts, feelings, and actions with their parents.
- She established that, in her own experience, she wanted to receive information about her child because she was worried that she wasn't providing a safe environment for her child to express their self, but in other families, there are plenty of parents who ask whether their child is LGBTQ because they want to intervene in a potentially destructive manner. She added that the safety of children from these households is at risk, and this bill would further contribute to this safety concern.
- Ms. Cook bluntly categorized House Bill 10 as a bill explicitly designed to 'out' students' LGBTQ identities.

Courtney Tanner – Dartmouth Health

- She emphasized that Dartmouth Health should have a seat at the table to ensure that parents are consenting to medical procedures on their children, which she explained is already written law, and to make sure that parents are involved in developing treatment plans for their children.
- She explained that House Bill 560, relative to parental access to medical records, is set to be introduced in the Senate soon, and some of the provisions in that bill are intertwined with the medical provisions in House Bill 10. She established Dartmouth Health's desired involvement in this bill as well.
- She referenced Page 2, Lines 18-27. She questioned how the bill's requirement of having a parent present during the administration of health care to their child would work if there were a restraining order in place against the parent or if the child was involved in a child welfare program based on circumstances

between themselves and their parent. She emphasized that she was in favor of parental involvement in child health care and that the situations she described are rare. However, they are cause for concern.

- She pointed out that on the back of the bill, there are provisions that require parental access to medical records. She explained that there are certain regulations that require specific health care records for adolescents to be redated and certain health care information, such as STD or substance abuse treatments, is protected by federal regulations.
- She expressed openness to questions for the committee and explained that Dartmouth Health believes that there are multiple areas of the bill that would require work if it were to be eventually passed.
- Senator Ward asked Ms. Tanner if she had any suggestions for how the bill should be reworked. Ms. Tanner explained that the bill would require an extensive amount of cuts. She explained that it would be necessary to reconcile House Bill 560 with this bill.
- Senator Altschiller referenced Ms. Tanner's concerns with the previously mentioned lines on page 2 of the bill. She specifically asked if the provision in line 20 would cause issues in a medical emergency situation. Ms. Tanner explained that her concerns didn't pertain to emergency situations, but rather that the language doesn't consider the potential for restraining orders or children in child welfare programs who are separated from their parent(s).
- Senator Altschiller referenced page 2, line 24, and asked if it was Dartmouth Health's understanding that they would have to obtain the consent signature for both parents for any health care provided to the child. Ms. Tanner clarified that this was a question that Dartmouth Health had about the bill, rather than understanding.
- Senator Prentiss established that psychotherapy notes are protected by HIPAA regulations unless there is a court order mandating their release. She explained that her interpretation of some of the language on page 2 of the bill establishes who can be asked for medical notes and what grounds someone has to request them, but it doesn't address any of the protections of doctors' notes. She sought clarification of this understanding. Ms. Tanner explained that HIPAA is only one layer of federal protection for medical records. She explained that there are other federal regulations, such as 42 CFR Part 2, which protects access to substance use disorder service records. She emphasized that between House Bill 560 and this bill, it is key to determine whether either of the bills violate any of these federal protections, as well as avoiding contradictions between the two bills. She added that there should be a specific carve-out in the legislation to protect psychotherapy notes if that is the legislature's intent.
- Senator Prentiss referred to page 5, line 13. She asked about how this language would affect teen pregnancy. Ms. Tanner explained that she was unsure of how

the bill's language would relate to teen pregnancy and that it is another outstanding question that Dartmouth Health has on the bill. She clarified by asking whether a pregnant teen would legally be considered a parent or if she would still fall under the distinction of a child with parental supervision.

- Senator Abbas asked what Dartmouth Health's policy is regarding minors who receive health care treatments in the absence of parental consent. Ms. Tanner explained that almost always, parental consent is a requirement when it comes to health care treatments for minors, but that on occasion there are instances where a child might be part of a child welfare program and parental consent is not realistic.
- Senator Prentiss asked if pointing out the specific state and federal administrative rules and laws would limit confusion in the bill's language. Ms. Tanner explained that her concern resided on page 5, lines 13-26, based on how broad the language was. She explained that striking the language would be beneficial, as it would concentrate the bill on education provisions rather than health care.

Cathy Stratton - New Hampshire Medical Society

- Ms. Stratton testified in opposition to House Bill 10.
- Ms. Stratton expressed that physicians understand that parents play a vital role in the education and medical care of minors. Parents who are physically and emotionally present provide valuable support to children and the institutions dedicated to providing education and medical care.
- She expressed concerns that House Bill 10 interferes with the physician-patient relationship, creates confusion about physicians' discretion to protect patients, and establishes a class A misdemeanor for physicians in violation of the bill.
- She expressed additional concerns that the bill contains educational and health care provisions, which have two distinct expectations and corresponding laws. She cited sections 1 A, F, G, H, O, and G as examples of sections that do not reconcile exceptions to the general rule in child custody cases.
- She highlighted that the written parental consent necessary for health care practitioners to provide, solicit, or arrange for health services directly interferes with the physician-patient relationship.
- She provided a few examples related to mental health and sexually transmitted diseases where a minor may seek non-emergent medical care. Still, the situation may have an element of urgency for which written consent could be a barrier, resulting in delayed or avoided care.
- Senator Altschiller asked Ms. Stratton to repeat the three examples of healthcare she provided in her testimony. These were examples of current

healthcare practices that are offered without needing to obtain written parental consent.

- Ms. Stratton responded that the three examples were reproductive issues, mental health crises, and substance use. None of these services currently require parental consent.
- Senator Prentiss recalled early testimony that clarified that this section of the bill is not limited to education but, in fact, pertains to all of healthcare. She asked if there were any unintended consequences for healthcare providers that this broadly contrasted section would impose.
- Ms. Stratton expressed that there would be reproductive healthcare consequences, including delayed care for sexually transmitted diseases. Youth patients sometimes delay or avoid care if it is not understood to be confidential. She cited Chlamydia as an example because if left untreated, it results in sterilization.

Liz Canada - Advocacy Director at Planned Parenthood of Northern New England and Planned Parenthood New Hampshire Action Fund

- Liz Canada testified in opposition to House Bill 10.
- Ms. Canada established that currently, teenagers can access birth control confidentially. But this is not protected, and no state law says they are allowed to consent to it. She also established that Title 10 protections apply to providers who are members of the Title 10 program, and this requires providers to provide confidential birth control. If this bill were passed, teenagers would not be able to receive confidential birth control unless they went to a provider that receives Title 10 funding.
- Ms. Canada also established that there is nothing in the law that would allow pregnant teens to consent to their own healthcare in that pregnancy. She explained that if the pregnant teen wanted to receive an epidural, she would need parental consent.
- Ms. Canada established that nothing in state law prohibits a teen from receiving care for yeast infections. Currently, teens can talk with and get a prescription from their providers confidentially.
- She stated that the FDA approval of emergency contraception means a teen can go to a pharmacy and buy it over the counter. If House Bill 10 were to pass, it would not allow the teen to go to their healthcare provider to receive it.
- She expressed that parental involvement is at the top of her agency's mind and that there are times when teens are not yet ready to discuss things with their parents, like the examples she provided earlier in her testimony.

- She established that New Hampshire's abortion law requires parental notification and asked if House Bill 10 would now require parental consent for abortion.
- Senator Abbas asked if Ms. Canada could email the committee with a list of any laws that House Bill 10 would impact. Ms. Canada said she would be happy to.
- Senator Altschiller asked Ms. Canada to confirm that she testified that there is no affirmative right to birth control in New Hampshire. Ms. Canada said there is nothing in state or federal law that says a teen can consent to her contraception. However, there is also no ban on it, and this bill would be considered a restriction. The Title 10 program requires confidential services, including contraception, for all patients, including teenagers. She cited that in Texas, there are no teens who have access to confidential birth control, and for the first time, their teen pregnancy rate has gone up.
- Senator Altschiller asked if this bill were to pass, would the state have to cease the sale of over-the-counter birth control without a screening mechanism, including but not limited to the sale of condoms. Ms. Canada stated that House Bill 10 leaves us with many questions regarding the future of essential reproductive healthcare services.