

Senate Education Committee

Trevor Currier 271-4151

HB 1268, modifying the structure and administration of home education programs.

Hearing Date: April 21, 2026

Time Opened: 10:32 a.m.

Time Closed: 11:58 a.m.

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

Members of the Committee Absent : Senator Prentiss

Bill 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.

Sponsors:

Rep. Noble

Rep. Drago

Rep. Drye

Rep. Freeman

Rep. Granger

Rep. Layon

Rep. Tom Mannion

Rep. Mazur

Rep. Osborne

Rep. Peternel

Sen. Murphy

Sen. Sullivan

Who supports the bill: 146 People signed in support of HB 1268. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who opposes the bill: 301 People signed in opposition to HB 1268. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who is neutral on the bill: 1 Person signed in neutrality to HB 1268. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Summary of testimony presented in support:

Representative Kristin Noble – *Hillsborough 2*

- Representative Noble introduced and testified in support of House Bill 1268.
- Rep. Noble stated that the legislation is an update to the home education framework, which is centered on the recognition that parents have the right to direct their children's education.
- She established that the bill sought to clarify the state's role in home education.
- She stated the initial intent of the bill was to address concerns that Education Freedom Accounts (EFAs) could lead to further regulations on all forms private education.
- She emphasized that the home education and EFA pathways are two distinct educational pathways.
- She established that HB 1268 repeals the one-time notification requirement, except when a student is withdrawing from a public school or accessing public school programs.
- She stated that at least eleven states do not require parents to notify the government when they choose to home educate and instead rely on existing child welfare laws.
- She stated that annual assessments would become optional.
- She highlighted that participation in home education alone can not be used as evidence of neglect. She shared that reports of neglect based on facts remain enforceable.
- She stated that the bill created an accountability measure for individuals who knowingly or in bad faith falsely report abuse and neglect.
- She highlighted the constitutional protections in the legislation, such as guardrails on home entry and access to records.
- She shared that the bill included the repeal of the Home Education Advisory Council (HEAC) and permitting equal access to the PSAT.
- **Senator Altschiller** asked whether the main goal of the legislation is to bifurcate the home-schooling families who use EFAs from those who do not. Representative Noble confirmed that is the case.

- **Senator Altschiller** asked who asked for the legislation. Rep. Noble stated that home educators asked for it.

Doris Hohensee

- Ms. Hohensee stated that the legislation changes a privilege into a right.
- She stated the bill permits home educators to educate their children without permission from the state.
- She supported the additional layer of protection for families from DCYF.
- She stated that the HEAC has served its purpose and is no longer needed.
- **Senator Altschiller** asked whether Ms. Hohensee's children had previously attended public school before entering homeschool. She replied that they had not attended public school before homeschool.
- **Senator Altschiller** asked whether Ms. Hohensee sent a letter to the district informing them of her family's decision to home educate. Ms. Hohensee replied that she spoke with the district but never provided formal notice because she felt it was unconstitutional and it was prior to the notification requirement.

Darren Jones – *Home School Legal Defense Association*

- Mr. Jones stated that his parents' initial request to home school was denied prior to the current law taking effect.
- He stated that states typically start with “approval,” like in Massachusetts, and then move to a notification model, like in New Hampshire currently. He stated that it is becoming increasingly common for states to adopt legislation like House Bill 1268, as in New Jersey and Texas.
- He supported the optional notification framework in the bill.

Representative Katy Peternel – *Carroll 6*

- Representative Peternel commended the prime sponsor for introducing and refining the bill.
- She established that parents should be the default educators of their children and that public schools should be secondary. She recognized that compulsory attendance laws treat public schools as the default mode of education.
- She stated that the bill addressed concerns raised by the HEAC about differentiating home education in 194: A and 195: F.
- She continued to support the repeal of the HEAC and stated that it remained a misuse of public funds.
- **Senator Abbas** asked whether HB 1155 would be necessary if HB 1268 passed. She replied that HB 1155 would no longer be necessary.
- **Senator Altschiller** asked whether Rep. Peternel sent a letter informing the local school district of her decision to homeschool her children. She shared that

she complied with the law but found it burdensome and noted that she had to submit copies of the literature's table of contents.

- **Senator Altschiller** reflected on her experience homeschooling and did not recall reporting anything beyond notifying the district of their intent to homeschool. She stated she did not submit the reviews and/or the needs-based assessment. Rep. Peternel replied that she had to turn it in or else she could have been subject to probation.

Cathy Peschke

- Ms. Peschke stated that homeschooling students academically outperform public school students.

Rachel McCormick

- Ms. McCormick stated that the bill is about parents' ability to make decisions for their children when there is nowhere else to turn to.
- She stated that the legislation removes unnecessary barriers to homeschooling.
- She believed that parents should be able to act without seeking permission from the system that had failed their child.
- **Senator Altschiller** asked whether Ms. McCormick is currently homeschooling. She replied that she is considering it as an option because her child's school has not met the requirements in her child's IEP.

Ann Marie Banfield

- Ms. Banfield stated she supports any efforts to ease the burdens on parents seeking access to different educational pathways.
- She shared that homeschooling can be a last-ditch effort for some parents to ensure students' needs are met.
- She shared that parents are disadvantaged because they pay for advocates and lawyers out of pocket, even though school districts have larger budgets to handle the situations.
- **Senator Altschiller** clarified that parents are not required to obtain legal counsel to homeschool their child. Ms. Banfield agreed with Senator Altschiller.

Melissa Blasek – *Rebuild NH*

- Ms. Blasek stated that the right to educate one's child comes from the student's parents. She stated that current law infringes on that right.
- She described the right as a natural right and therefore the legislature must protect it.
- She characterized current law as a permission model.
- She stated that the mandates in the current law could be detrimental for families.

- She shared that over the last three years, more than 1,500 homeschool families have been investigated for educational neglect, and more than 90% of the cases produced no such result.
- She highlighted the recourse mechanism in the bill, which allows parents to protect and defend themselves.
- She stated that although homeschool families do not receive public resources, they are held to the same standard.
- Senator Altschiller established that failing to produce a record involves penalties in many areas of law and specifically mentioned the right to vote. Ms. Blasek stated that home educators have relied on a “friendly” Department of Education.
- **Senator Altschiller** asked whether Ms. Blasek was familiar with unschooling and could explain what it is. Ms. Blasek explained that it is an approach to educating a child.

Christiane Green

- Ms. Green stated that the last significant change to homeschooling law did not fully recognize homeschooling as a fundamental right.
- She stated that she would not describe the current law as onerous but added that any red tape is inappropriate.
- She stated that the legislation removes New Hampshire from the permission model.
- She reflected on her experience with homeschooling families and stated that every family she has interacted with has had their students' best interests at heart.
- **Senator Altschiller** questioned whether our current system is truly a permission model and whether it reflects more of a notification model. Ms. Green replied that the end-of-year evaluation still reflects a permission model.
- **Senator Altschiller** detailed the various ways to complete the end-of-year evaluations, cited the portfolio and outside assessments offered to homeschooling students, and clarified that the results are not shared with the district. Ms. Green replied that homeschool families are still required to comply with the end-of-year evaluations.

Jessica Desantis

- Ms. Desantis testified in support of House Bill 1268.

Devin Stevenson

- Mr. Stevenson testified in support of House Bill 1268.

Anysia Martin

- Ms. Martin stated that she had begun educating her child, even though her child would not be considered old enough to be enrolled in a public school.
- She emphasized the importance of time and the time associated with and committed to educating her child.
- She opposed any requirements that would require additional time to demonstrate that she is capable of educating her child.

Sarah Scott – *Americans for Prosperity*

- Ms. Scott reflected on her experience as a homeschool student and attributed her education to the success she currently enjoys.
- She stated that this bill reflects that parents are meant to be the party responsible for the direction of their child’s education.
- She stated the current system inhibits parents’ aspirations to homeschool their children.
- She emphasized the importance of the equal-access portion of the legislation.
- **Senator Altschiller** asked how EFT defined homeschool. She deferred to the definition in RSA 193:A.

Representative Erica Layon – *Rockingham 13*

- Representative Layon stated that homeschool education can serve multiple purposes. One of those purposes is to learn to love learning and themselves again.
- Rep. Layon stated that the homeschooling Co-op works for many students because of the smaller class size, and then potentially can reintegrate into the public school system.
- She emphasized the importance of removing the rule-making authority.
- **Senator Sullivan** asked whether Representative Layon saw a correlation between regulating homeschooling and voting rights. Rep. Layon stated that it is a civic duty to educate students and emphasized the permissive nature of the right, noting that a parent's right to homeschool can be revoked by DCYF.
- **Senator Altschiller** asked about Representative Layon’s familiarity with unschooling. Representative Layon responded that she knows families who practice unschooling and noted that it can involve academically rigorous coursework aligned with students’ individual interests, such as aviation.
- **Senator Altschiller** asked whether Representative Layon believed there are cases where unschooling has not been successful, unlike the example she shared, and whether bullying still remains a problem in homeschooling co-op environments. Representative Layon agreed but noted that homeschoolers can move from one co-op to another. She also acknowledged that there are likely unschoolers who are not productive, but added that the same could be true of some public school children.

Representative Yury Polozov – *Merrimack 10*

- Representative Polozov testified in support of House Bill 1268 and thanked the prime sponsor for introducing the legislation.

Nicholas Hobart

- Mr. Hobart stated this bill is a step to restore academic freedom on New Hampshire and emphasized that parents should direct the education of their children.
- He characterized homeschooling as a natural right.
- He stated that the government should not be able to monitor or approve home education.
- He shared that public school achievement scores have been in decline on the National Assessment of Educational Progress (NAEP).

Dianne Nolin

- She stated that parents have a fundamental right to raise and educate their children. She said that the bill aligns home education law with fundamental parental rights.
- She shared that home educators are willing to bear the financial burden of homeschooling their children in order to obtain their right.

Shannon McGinley

- Ms. McGinley stated that the letter of intent does not feel neutral because of the sense of oversight that is created. She stated that a reported right feels more like a regulated activity than a right.
- She shared that Connecticut does not require notification.
- She described the bill as a proactive measure to protect those who have been accused by DCYF for violations of the safety of their children, just for choosing to home educate their children.
- She shared that she would likely continue to maintain a portfolio to monitor her child's progress, but does not believe the state should have the right to require it.
- She stated that public schools do not close because they fail children.
- She expressed support for the repeal of the rule making.

Ian Huyett – *Cornerstone*

- Mr. Huyett stated that the prime sponsor has gathered a wide variety of feedback and, in doing so, has strengthened the legislation.
- He stated that the current law does not protect homeschooling families from negligence or truancy investigations. He stated that the bill added a key

provision stating that homeschool families are presumptively not engaged in a child protection act violation.

- Senator Abbas referenced page three, lines five through ten, and expressed concern about the application of the language regarding obtaining a warrant because exigent circumstances is not defined. He asked why the language was in the bill and whether it could remain enforceable if removed. Mr. Huyett replied that it is a rearticulation of constitutional case law.
- Senator Abbas asked whether removing it would do no harm. Mr. Huyett replied that he would defer to the prime sponsor but agreed that it refers to existing case law.
- Senator Altschiller referenced page three, section six, line nine, which detailing anonymous reporting and the current practice in DCYF. She stated that this legislation would create a carve-out for homeschooling families and asked whether that is the intent and whether there is room for amendment. Mr. Huyett replied that the Fourth Amendment case law reflects that an anonymous report can not be, in and of itself, the basis for probable cause, and therefore believed the section was a reiteration of case law.
- Senator Abbas asked if Mr. Huyett would review a bill relative to frivolous reporting and ensure the two bills do not conflict. He replied that he will review the bill.

Representative JR Hoell – Merrimack 27th

- Representative Hoell read a letter in support of House Bill 1268 from former HSLDA Attorney Michael Donnelly.
- Rep. Hoell stated that parents care most about the outcome of their own children's education and reflected on his many years of experience as a home educator.

Benjamin Hoell

- Mr. Hoell reflected on his academic background and the success he has achieved in both the home school environment and his dual and concurrent coursework.
- He stated that bullying is a major problem in public schools and less prevalent in homeschool co-ops.

Marybeth Wadlinger

- Ms. Wadlinger stated that the bill protects individuals' fundamental rights and eliminates the reporting requirements.
- She stated the government is meant to secure these rights and that families must be recognized as the default mode of education.

Representative James Thibault – Merrimack 25

- Representative Thibault reflected on his family's experience homeschooling his sister. He attributed the success his sister was enjoying to home education.
- He supported the bill because the current system was challenging to navigate when his parents chose to homeschool his sister.

Summary of testimony presented in opposition:

Deborah Sullivan

- Ms. Sullivan stated that the compulsory attendance law requires DCYF to do its job and that the current notification system for districts shields homeschooling families from intrusions.
- She cautioned the committee to consider the ramifications of what a future legislature may do with the abuse and neglect language in the bill.
- She stated that HEAC may not be currently needed because she characterized the legislature as friendly to homeschooling, but cautioned that it may be needed when it is not friendly.
- She appreciated the intent of the liability section but does not believe families will have the resources to use it.

Neutral Information Presented:

Nate Green – *New Hampshire Department of Education*

- Mr. Green referenced the first paragraph, which adds education freedom accounts to the equal access options for extracurricular and cocurricular courses. He stated that home-educated people currently have access to these accounts, and the state provides an amount of adequacy aid to cover the costs of the education the home-educated student is accessing.
- He explained a few ways the costs could be covered. He noted that some students use their EFA funds to cover the costs. He stated that a mechanism could be created, similar to homeschooling, where the state covers the associated costs.