

Amendment to SB 72-FN

1 Amend RSA 189-B:2, III as inserted by section 2 of the bill by replacing it with the following:

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3 III. "Compelling state interest" sufficient to justify any action or inaction that infringes upon  
4 any of the rights identified in RSA 189-B:3 shall exist only when the school or school personnel have  
5 an actual and objectively reasonable belief, supported by clear and convincing evidence, that the  
6 infringement upon parental rights is necessary to prevent the child from being abused as defined in  
7 RSA 169-C:3.

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9 Amend RSA 189-B:2, IV as inserted by section 2 of the bill by replacing it with the following:

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11 IV. "School" shall include, without limitation, any school board, school district, school  
12 administrative unit, or public charter school.

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14 Amend RSA 189-B:2, VI(a) as inserted by section 2 of the bill by replacing it with the following:

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16 VI.(a) "Infringement" for the purposes of this chapter shall include:

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(1) The violation or infringement of any of the rights described in this chapter;

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(2) Knowingly withholding of truthful information required to be disclosed to a  
19 child's parent pursuant to this chapter;

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(3) Knowingly providing misleading or intentionally inaccurate information required  
21 to be disclosed to or forbidden to be withheld from a child's parent pursuant to this chapter; or

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(4) The denial of the existence of information required to be disclosed to a child's  
23 parent pursuant to this chapter when the information is known to the school or school personnel  
24 inquired of by a parent.

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26 Amend RSA 189-B:3, I(s) as inserted by section 2 of the bill by replacing it with the following:

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28 (s) The right to be informed of, and provide consent to, any medical procedure or  
29 treatment to be performed on a child, except pursuant to RSA 132:34, RSA 141-C:18, or for the  
30 provision of emergency medical treatment, including mental health treatment.

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(t) The right to receive truthful and accurate information about the child in response to a  
32 written request that is not otherwise protected from disclosure by this chapter.

**Amendment to SB 72-FN**  
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1 Amend RSA 189-B:3 as inserted by section 2 of the bill by deleting RSA 189-B:3, I-a.

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3 Amend RSA 189-B:4, II as inserted by section 2 of the bill by replacing it with the following:

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5         II. Any parent claiming violation of any provision of this chapter may bring an action for  
6 declaratory or injunctive relief, or both, and monetary damages against the school. If a parent  
7 prevails in any such court action, the court shall award to the parent his or her reasonable attorneys'  
8 fees and court costs, including any such attorneys' fees and court costs incurred in an appeal to the  
9 supreme court.

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11 Amend RSA 189-B:5 as inserted by section 2 of the bill by replacing it with the following:

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13         189-B:5 Procedure Upon Determination of The Existence of a Compelling State Interest  
14 Warranting Infringement Upon Parental Rights. Upon determining that a compelling state interest  
15 requires a school or school personnel to infringe upon any of the parental rights described in this  
16 chapter, such school personnel shall immediately notify his or her principal or designee of his or her  
17 intent to infringe upon parental rights in a written report that identifies each of the articulable facts  
18 that the person believes justifies the infringement of parental rights. Such report shall identify the  
19 individual parental rights that the school or school personnel proposes to infringe upon and the basis  
20 for such infringement. The report shall also state the anticipated duration for the continued  
21 impingement of parental rights and all steps the school or school personnel proposes to take to  
22 address the compelling state interest. The infringement of parental rights shall continue for no  
23 longer than is necessary to address the compelling state interest.