

HB 10-FN - AS AMENDED BY THE HOUSE

20Mar2025... 0695h

2025 SESSION

25-0042

11/02

HOUSE BILL

***10-FN***

AN ACT establishing the parental bill of rights.

SPONSORS: Rep. Packard, Rock. 16; Rep. Doucette, Rock. 25; Rep. Kofalt, Hills. 32; Rep. Terry, Belk. 7; Rep. Cordelli, Carr. 7; Rep. DeSimone, Rock. 18; Rep. Post, Hills. 42; Rep. Seidel, Hills. 29; Rep. Osborne, Rock. 2

COMMITTEE: Children and Family Law

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT establishing the parental bill of rights.

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

1 1 Declaration of Purpose. The general court finds and affirms that parents have a fundamental  
2 liberty interest to raise and care for their minor children, as well as make decisions concerning their  
3 care, custody, and fundamental liberty interest is protected under both the federal and New  
4 Hampshire constitutions, and have the right, to have access to, and be notified of and be provided  
5 with all information relating to these rights.

6 2 New Chapter; Parent Bill of Rights. Amend RSA by inserting after 169-H the following new  
7 chapter.

8 CHAPTER 169-I

9 PARENT BILL OF RIGHTS

10 169-I:1 Short Title. This chapter may be cited as the Parent's Bill of Rights.

11 169-I:2 Definitions. In this chapter:

12 I. "Parent" means a person who is the legal natural or adoptive parent of a minor  
13 child. A legal guardian appointed pursuant to RSA 463:2, IV shall be deemed to be a parent for as  
14 long guardianship is in force. The term "Parent" shall not apply to a person whose rights to a child  
15 have been either voluntarily surrendered or involuntarily terminated pursuant to law.

16 II. "Parental rights and responsibilities" shall have the same meaning as care custody and  
17 control, and shall include parenting time, decision making, and residential responsibility. Parents  
18 for whom such rights to care, custody, or control of a child have been abridged, halted, modified, or  
19 suspended, shall have their rights restored upon showing a preponderance of the evidence that is in  
20 the child's best interest and the child is returned to parental care.

21 III. "Minor" means an unemancipated person under the age of 18 years.

22 IV. "Compelling state interest" means the governmental interest in the welfare of a  
23 child which includes, but is not limited to, parental rights and responsibilities pursuant to RSA  
24 461- A:1, V.

25 169-I:3 Infringement of Parental Rights Prohibited. The state; any of its political  
26 subdivisions, including, without limitation, any school board, school district, or school  
27 administrative unit; any other governmental entity; or any other institution may not infringe on  
28 the fundamental rights of a parent to direct the upbringing, education, health care, and mental  
29 health of his or her minor child without demonstrating that such action is reasonable and  
30 necessary to achieve a compelling state interest, that such action is narrowly tailored, and that  
31 such interest is not otherwise served by less restrictive means.

1 169-I:4 Parental Rights.

2 I. All parent's rights are reserved to the parent of a minor child in this state without  
3 obstruction or interference from the state, any of its political subdivisions, including, without  
4 limitation, any school board, school district, or school administrative unit, any other governmental  
5 entity, or any other institution, including, but not limited to, all of the following rights of a parent of  
6 a minor child in this state:

7 (a) To inquire of the school or school personnel and immediately receive accurate,  
8 truthful, and complete disclosure regarding any and all matters related to their minor child, unless  
9 an immediate answer cannot be provided when the initial request is made, in which case the answer  
10 shall be provided no later than 5 days after the request;

11 (b) Direct the education and care;

12 (c) Direct the upbringing and moral or religious training;

13 (d) Apply to enroll in a public school, or private school, religious school, home school  
14 program, or other available options, as authorized by law;

15 (e) To access and review all school records pursuant to RSA 189:66 IV;

16 (f) Make health care decisions unless otherwise prohibited by law to include end of life  
17 treatments and care with terminal conditions;

18 (g) To be physically present at any health care facility providing care licensed pursuant  
19 to RSA 151:2;

20 (h) Access and review all medical records as the personal representatives of their  
21 children, unless such representation is modified or terminated by court order, or the parent is the  
22 subject of an investigation of a crime committed against the minor child and a law enforcement  
23 agency or other officials request the information not be released.

24 (i) To consent in writing before a biometric scan is made, shared, or stored pursuant to  
25 RSA 189:65 and RSA 189:68;

26 (j) Consent in writing before any blood or deoxyribonucleic acid (DNA) is created, stored,  
27 or shared, except as required by general law or pursuant to a court order;

28 (k) To consent in writing before the state or any of its political subdivisions, including,  
29 without limitation, any school board, school district, or school administrative unit; pursuant also to  
30 the provisions of RSA 189:68, III-V makes a video or voice recording unless such recording is made  
31 during or as part of a court proceeding or part of a forensic interview in a criminal or other  
32 investigation by the bureau of child protective services or it is to be used solely for the purpose of a  
33 safety demonstration, including the maintenance of order and discipline in the common areas of a  
34 school or on student transportation vehicles; and

35 (l) To be notified promptly if an employee of the state, any of its political subdivisions,  
36 any other governmental entity, or any other institution suspects that a criminal offense has been  
37 committed against his or her minor child, unless the incident has first been reported to law

1 enforcement or the bureau of child protective services and notifying the parent would impede the  
2 investigation.

3 II. This section does not:

4 (a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful  
5 or to abuse or neglect his or her minor child in violation of general law.

6 (b) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a  
7 government agency that is responsible for child welfare from acting in his or her official capacity  
8 within the reasonable and prudent scope of his or her authority, pursuant to RSA 186:11, IX-c.

9 III. An employee of the state, any of its political subdivisions, including, without limitation,  
10 any school board, school district, or school administrative unit, or any other governmental entity who  
11 encourages or coerces a minor child to withhold information from his or her parent may be subject to  
12 disciplinary action.

13 IV. A parent of a minor child in this state has inalienable rights that are more  
14 comprehensive than those listed in this section, unless such rights have been legally waived or  
15 terminated. This chapter does not prescribe all rights to a parent of a minor child in this state.  
16 Unless required by law, the rights of a parent of a minor child in this state may not be limited or  
17 denied.

18 169-I:5 School Board Notifications on Parental Rights.

19 I. Each school board, school district, or school administrative unit shall, in consultation with  
20 parents, teachers, and administrators, develop, adopt and promulgate publicly a policy to promote  
21 parental involvement in the public school system. Such policy must include:

22 (a) A plan for parental participation in schools to improve parent and teacher  
23 cooperation in such areas as homework, school attendance, and discipline.

24 (b) A procedure for a parent to learn about his or her minor child's course of study,  
25 including the source of any supplemental education materials.

26 (c) Procedures for a parent to object to instructional materials and other materials used  
27 in the classroom. Such objections may be based on beliefs regarding morality, sex, and religion or  
28 the belief that such materials are harmful. For purposes of this section, the term "instructional  
29 materials" shall include, without limitation, all materials used in the classroom, including  
30 workbooks and worksheets, handouts, software, applications, and any digital media made available  
31 to students.

32 (d) Procedures for a parent to withdraw his or her minor child from any portion of the  
33 school district's health education program that relates to sex education or instruction in acquired  
34 immune deficiency syndrome education or any instruction regarding sexuality if the parent provides  
35 a written objection to his or her minor child's participation. Such procedures must provide for a  
36 parent to be notified in advance of such course content so that he or she may withdraw his or her  
37 minor child from those portions of the course.

1 (e) Procedures for a parent to learn about the nature and purpose of clubs and activities  
2 offered at his or her minor child's school, including those that are extracurricular or part of the  
3 school curriculum.

4 (f) Procedures for a parent to learn about parental rights and responsibilities under  
5 general law, including all of the following:

6 (1) The right to opt his or her minor child out of any portion of the school district's  
7 health education program that relates to sex education instruction in acquired immune deficiency  
8 syndrome education or any instruction regarding sexuality.

9 (2) The right of a parent to exempt his or her minor child from immunizations, as  
10 per the provisions of RSA 141-C:20-a relative to immunizations.

11 (3) The right of a parent to receive statewide, standardized assessment results.

12 (4) The right of a parent to enroll his or her minor child in gifted or special education  
13 programs if the child qualifies for such programs.

14 (5) The right of a parent to inspect school district instructional materials.

15 (6) The right of a parent to access information relating to the school district's  
16 policies.

17 (7) The right of a parent to receive a school report card and be informed of his or her  
18 minor child's attendance requirements and compliance with such requirements.

19 (8) The right of a parent to access information relating to the state public education  
20 system, state standards, report card requirements, attendance requirements, and instructional  
21 materials requirements.

22 (9) The right of a parent to opt out of any district-level data collection relating to his  
23 or her minor child not required by federal or state law.

24 II. A school board may provide the information required in this section electronically or post  
25 such information on its website. Additionally, at the beginning of each new school year a school  
26 board shall provide to parents a written copy of the following rights which shall be titled, "Parents'  
27 Bill of Rights" all of which are consistent with or pursuant to the provisions of this statute, and in no  
28 way conflict with them:

29 (a) You have the right and expectation to question and address your child's school  
30 officials via letters, electronic communications, and in person meetings including elected school  
31 board meetings. You also have the right to attend publicly designated meetings with proper notice of  
32 the meetings provided.

33 (b) You have the right and expectation to question and review curriculum taught in your  
34 child's school by questioning your school board and school administrators during public comment  
35 periods at publicly designated meetings.

36 (c) You have the right and expectation that academic curriculum taught in your child's  
37 school aligns with New Hampshire and federal law.

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1 (d) You have the right and expectation to participate in the selection and approval of  
2 academic standards for the state of New Hampshire.

3 (e) You have the right and expectation to access educational materials and curriculum  
4 taught to your child in the classroom and school.

5 (f) You have the right to make decisions regarding vaccinations and immunizations for  
6 your child.

7 (g) You have the right and expectation to make medical decisions on behalf of your child.

8 (h) You have the right and expectation to receive your child's student health records.

9 (i) You have the right to receive special education services on behalf of your child with a  
10 disability.

11 III. A parent may request, in writing, from the district school superintendent the  
12 information required under this section pursuant to RSA 91-A.

13 169-I:6 Parental Consent for Health Care Services.

14 I. Except as otherwise provided by law or a court order, a health care practitioner or an  
15 individual employed by such health care practitioner may not provide or solicit or arrange to provide  
16 health care services or prescribe medicinal drugs to a minor child without first obtaining written  
17 parental consent.

18 II. Except as otherwise provided by law or a court order, a health care provider shall not  
19 allow a medical procedure to be performed on a minor child in its facility without first obtaining  
20 written parental consent.

21 III. This section does not apply to services provided by a clinical laboratory, unless the  
22 services are delivered through a direct encounter with the minor at the clinical laboratory facility  
23 with parental consent.

24 IV. This section does not apply to emergency services pursuant to RSA 153-A:18.

25 V. A health care practitioner or other person who violates this section is subject to  
26 disciplinary action, and such a violation constitutes a class A misdemeanor.

27 3 Effective Date. This act shall take effect July 1, 2025.

**HB 10-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0695h)

AN ACT                    establishing the parental bill of rights.

**FISCAL IMPACT:** This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

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.

The Judicial Branch states this bill would result in an increase to criminal and civil complaints filed in Circuit Court and Superior Court, and there would be an increase in the number of appeals taken to the Supreme Court. The Judicial Branch is unable to estimate the number of such new complaints and petitions and therefore unable to estimate this bill's impact on Branch expenditures in FY 2024 and each year thereafter.

The Department of Education states this bill principally codifies some, not all, of existing regulations required to be followed by schools relative to parental rights and school transparency (this includes only state laws and there are further federal laws that public schools must comply with relative to this topic). The Department states this bill does not impose additional requirements on school districts that would result in additional costs, however, it is possible that with awareness of certain parental rights, school districts may experience an increase in right to know requests, for which requirements exist under the current law.

**AGENCIES CONTACTED:**

Judicial Branch and Department of Education

[As this bill is similar to HB 10, 2023 Session, we used the same information the agencies provided at that time to prepare the above fiscal note]