

Floor Amendment to HB 1792-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the prohibition on teaching discrimination.

4

5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Prohibition on Teaching Discrimination; Purposeful Mental State Added; Civil Remedy  
8 Removed. RSA 193:40 is repealed and reenacted to read as follows:

9 193:40 Prohibition on Teaching Discrimination.

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

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

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

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

22 (d) That people of one age, sex, gender identity, sexual orientation, race, creed, color,  
23 marital status, familial status, mental or physical disability, religion, or national origin cannot and  
24 should not attempt to treat others without regard to age, sex, gender identity, sexual orientation,  
25 race, creed, color, marital status, familial status, mental or physical disability, religion, or national  
26 origin.

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

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

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1           IV. For the purposes of this section, "educator" means a professional employee of any school  
2 district whose position requires certification by the state board pursuant to RSA 189:39.  
3 Administrators, specialists, and teachers are included within the definition of this term.  
4           2 Effective Date. This act shall take effect September 1, 2026.

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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.