

HB 1778-FN - AS INTRODUCED

2026 SESSION

26-3023

12/09

HOUSE BILL

***1778-FN***

AN ACT                   relative to prohibiting the use of personal identity ideology in public school instruction and policies.

SPONSORS:           Rep. Litchfield, Rock. 32; Rep. Nalevanko, Ches. 9; Rep. Wherry, Hills. 13; Rep. DeRoy, Straf. 3; Rep. Thibault, Merr. 25; Rep. Freeman, Belk. 8; Rep. Mazur, Hills. 44; Rep. Moffett, Merr. 4; Sen. Gannon, Dist 23; Sen. Murphy, Dist 16

COMMITTEE:       Education Policy and Administration

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ANALYSIS

This bill prohibits the teaching of personal identity ideology in schools. The bill also requires the state board of education to develop and implement policies related to the prohibition of teaching personal identity ideology.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    relative to prohibiting the use of personal identity ideology in public school instruction and policies.

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

1            1 New Section; Prohibition on Teaching Personal Identity Ideologies; Policy Requirements.  
2 Amend RSA 193 by inserting after section 40 the following new section:

3            193:40-a Prohibition on Teaching Personal Identity Ideology.

4            I. In this chapter "personal identity ideology" shall mean any approach or form of teaching  
5 that prioritizes personal identity characteristics over individual merit. Approaches or forms of  
6 teaching prohibited by RSA 186:72 relative to diversity, equity, or inclusion (DEI) shall be included  
7 in the definition of personal identity ideology.

8            (a) Within this section, personal identity characteristics shall include one's race, color,  
9 biological sex, sexual orientation, national origin, religion, or gender identity.

10           II. Each school district and chartered public school shall develop and implement a policy  
11 that:

12           (a) Establishes and maintains environments promoting the equality of opportunities for  
13 all students so they may succeed regardless of personal identity characteristics;

14           (b) Prohibits use of personal identity ideology related curriculum or curriculum  
15 materials;

16           (c) Prohibits conducting trainings, programs, professional development, or activities  
17 designed or implemented in reference to personal identity ideology; and

18           (d) Prohibits requiring any public school or public charter school employee, student, or  
19 parents of students to declare a gender identity or preferred pronouns in any form of communication.

20           III. Nothing in this section shall be construed to prohibit discussing, as part of a larger  
21 course of academic instruction, the historical existence of ideas and subjects identified in this  
22 subdivision.

23           IV. Any person claiming to be aggrieved by a violation of this section, including the attorney  
24 general, may initiate a civil action against a school or school district in superior court for legal or  
25 equitable relief, or with the New Hampshire commission for human rights as provided in RSA 354-  
26 A:34.

27           V. Violation of this section by an educator shall be considered a violation of the educator  
28 code of conduct that justifies disciplinary sanction by the state board of education.

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1           VI. 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 January 1, 2027.

**HB 1778-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT relative to prohibiting the use of personal identity ideology in public school instruction and policies.

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

| Estimated State Impact |              |                                 |         |         |
|------------------------|--------------|---------------------------------|---------|---------|
|                        | FY 2026      | FY 2027                         | FY 2028 | FY 2029 |
| Revenue                | \$0          | \$0                             | \$0     | \$0     |
| Revenue Fund(s)        | None         |                                 |         |         |
| Expenditures*          | \$0          | \$100,000 to \$500,000 Per Year |         |         |
| Funding Source(s)      | General Fund |                                 |         |         |
| Appropriations*        | \$0          | \$0                             | \$0     | \$0     |
| Funding Source(s)      | None         |                                 |         |         |

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

| Estimated Political Subdivision Impact |         |                |         |         |
|----------------------------------------|---------|----------------|---------|---------|
|                                        | FY 2026 | FY 2027        | FY 2028 | FY 2029 |
| <b>Local Revenue</b>                   | \$0     | \$0            | \$0     | \$0     |
| <b>Local Expenditures</b>              | \$0     | Indeterminable |         |         |

**METHODOLOGY:**

This bill, effective January 1, 2027, would require every school district and chartered public school to develop and implement policies prohibiting curriculum, training, programs, or materials that prioritize personal identity characteristics over individual merit, and to promote equality of opportunity for all students. The bill also authorizes any person, including the Attorney General, to bring a civil action or file a complaint with the New Hampshire Commission for Human Rights for alleged violations.

The Department of Justice states this bill is unclear regarding the evaluative standards for determining compliance and the mechanism for referring complaints to the Attorney General. However, as the Attorney General is authorized to bring suit, it is assumed that complaints and requests for investigation would be received. The Department of Justice anticipates an increase in investigative, and litigation demands, as well as additional requests for legal advice from the Commission for Human Rights and the State Board of Education. While the number of potential

complaints cannot be estimated, the Department of Justice assumes that the increase in workload would require at least one new full-time Investigator and one new full-time Attorney. If complaint volume exceeds approximately 40 cases, additional staffing may be necessary. The Department did not provide position specifics or cost estimates, except for total cost is indeterminable and would be between \$100,000 and \$500,000 per year. This bill provides neither authorization nor appropriation for new personnel.

The Commission for Human Rights states this bill does not impose any new requirements on the Commission to adopt or amend its standards and procedures for resolving discrimination cases. However, an increase of cases filed will contribute to the existing backlog of cases which currently exists at the Commission. The Commission did not provide an estimate as to potential costs it may incur as a result of this bill.

This bill may have an impact on local school districts. Any impact is indeterminable and would vary by district.

The Department of Education and Judicial Branch state that any costs they may incur because of this bill would be absorbed by current normal operating budget resources.

**AGENCIES CONTACTED:**

Department of Justice, Department of Education, Judicial Branch, and Commission for Human Rights