02/19/2026 0643s
14May2026... 1937h

2026 SESSION

26-2030
12/09

SENATE BILL ***434***

AN ACT relative to regulation of public school materials.

SPONSORS: Sen. Lang, Dist 2; Sen. Ward, Dist 8; Sen. Carson, Dist 14; Sen. Pearl, Dist 17; Sen. Avard, Dist 12; Sen. Sullivan, Dist 18; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Sen. Rochefort, Dist 1; Rep. Moffett, Merr. 4; Rep. Drye, Sull. 7; Rep. Noble, Hills. 2; Rep. Freeman, Belk. 8

COMMITTEE: Education

AMENDED ANALYSIS

This bill requires local school boards to adopt and display a policy to be used to address complaints submitted by parents or guardians alleging that material presented in school is obscene and harmful to minors.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to regulation of public school materials.

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

1 Short Title. This act shall be known as the "Right To Challenge Act".

2 New Subdivision; Prohibition of Materials Harmful to Minors in Schools. Amend RSA 189 by inserting after section 74 the following new subdivision:

Prohibition of Materials Harmful to Minors in Schools

189:74-a Prohibition of Materials Harmful to Minors in Schools.

I. For the purposes of this subdivision:

(a) "Material" means any printed matter, visual presentation, web-based content, live performance, or sound recording, including, but not limited to, books, magazines, motion picture films or videos, pamphlets, phonographic records, pictures, drawings, photographs, figures, statues, plays, dances, or other representations that are provided by the school district.

(b) "Material considered harmful to minors" means material that, when considered as a whole:

(1) Predominantly appeals to the prurient interest of minors in sex, that is, an interest in lewdness or lascivious thoughts;

(2) Depicts or describes sexual conduct in a manner so explicit as to be patently offensive to contemporary adult standards, in the county within which the school district resides, with respect to what is suitable material for minors; and

(3) Lacks serious literary, artistic, political or scientific value.

II. No later than November 1, 2026, each local school board shall adopt a policy to be used to address complaints submitted by parents or guardians alleging that material that is presented or made available is obscene and harmful to minors. The policy shall be posted on the district website. The policy shall include the definition for material considered harmful to minors, as defined in RSA 189:74-a, I(b).

189:74-b Prohibition of Materials Harmful to Minors in Schools.

I. No later than November 1, 2027, each local school board shall adopt a procedure to be used to address complaints submitted by parents or guardians alleging that material that is harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school. The policy shall be posted on the district website. At a minimum, the complaint resolution process shall provide that:

(a) Complaints be submitted in writing to the superintendent or designee of the school district where the student is enrolled, contain a reasonably detailed description of the material that is alleged to be harmful to minors, and propose an action to be taken by the school district relative to the material.

(b) The superintendent or designee takes reasonable steps to investigate the allegations in the complaint, including, but not limited to, reviewing the material complained of, meeting with the parent

or guardian who submitted the complaint in person, or communicating with the parent or guardian by email or telephone, within 10 school days of receipt of the complaint.

(c) The superintendent or designee determines whether the material that is the subject of the complaint is harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school or for use in the context in which the material is being used.

(d) The superintendent or designee, within 25 school days of notice of receipt of the complaint or as otherwise agreed upon by both parties, determines whether student access to, or use of, the material that is the subject of the complaint will remain in place without change, be removed, be restricted, be modified, or have other action taken with respect to the material.

(e) The superintendent or designee, within 5 calendar days of making the determination required in subparagraph (d), provides a written response to the complainant explaining his or her decision, which includes:

(1) Whether the material has been determined to be harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school;

(2) A description of why the superintendent or designee reached his or her conclusions; and

(3) An explanation of the value the superintendent or designee finds the material provides.

(f) The complainant may appeal the determination of the superintendent or designee to the school board within 30 calendar days of receipt of the determination of the superintendent or designee, or at the next regularly scheduled meeting of the school board, whichever comes first.

(g) The local school board shall permit the parent or guardian to be heard as part of the agenda at a regularly scheduled board meeting.

(h) Within 30 calendar days of the meeting at which the appeal is heard, the local school board issues a written decision that:

(1) Is signed by the chairperson of the school board and indicates how each school board member voted, including those members who voted in the majority to affirm, reverse, or modify the decision of the superintendent; and

(2) Describes the reason or reasons for the school board's decision with reference to:

(A) Whether the material has been determined to be harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school;

(B) A description of why the school board reached its conclusions; and

(C) An explanation of the value the school board finds the material provides.

II. All decisions of the superintendent or designee and the school board, and any communications relating thereto, shall be considered public records pursuant to RSA 91-A.

3 Effective Date. This act shall take effect upon its passage.

VETOED July 2, 2026 / Veto Sustained August 19, 2026