



DIOCESE OF MANCHESTER

January 12, 2026

The Honorable Kristin Noble, Chair
And Members, House Education Policy and Administration Committee
Granite Place Room 232
Concord, New Hampshire 03301

Re: HB 1819 (Education Freedom Account Service Providers)

Dear Madam Chair and Members of the Committee:

As Director of the Office of Public Policy of the Roman Catholic Diocese of Manchester, I write to respectfully register our opposition to HB 1819.

As I have previously stated to this Committee with respect to other bills over the years, we fundamentally disagree with the underlying premise of HB 1819 insofar as it is intended to treat EFAs under RSA 194-F as public funds that occasion treatment of nonpublic schools in ways that are different from how they have been treated under laws of long-standing in New Hampshire.

In addition to this fundamental objection, it should be noted that if HB 1819 is intended to reinforce that nonpublic schools will comply with applicable nondiscrimination laws, HB 1819 is unnecessary because these laws obviously apply today. If on the other hand HB 1819 is intended to prohibit nonpublic schools from engaging in actions that are currently lawful under RSA 354-A (the state anti-discrimination law), then HB 1819 is problematic because it goes beyond the provisions of RSA 354-A.

To illustrate one problem with such an approach, religion is a protected category under RSA 193:39 (referenced in HB 1819), and it is likewise protected under RSA 354-A. RSA 354-A, though, contains express exemptions for religious organizations, and thus for instance a religious employer lawfully may give hiring preferences to applicants who share that employer's religious faith. While that hiring preference is permitted under RSA 354-A because of the exemptions, it is not clear that this would be permitted under HB 1819 because RSA 193:39 appears to proscribe discrimination on the basis of religion without including the exemption that is found in RSA 354-A.

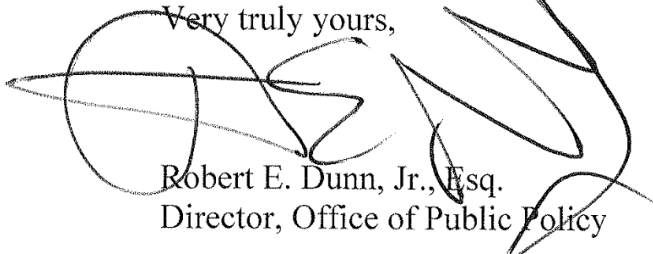
RSA 354-A is the product of decades of careful policy development, and it would simply be inadvisable to change RSA 354-A obliquely, especially by means of legislation that does not even mention RSA 354-A.

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It is also worth noting in that regard that HB 1819 could present constitutional questions as well. For instance, nonpublic religious schools cannot constitutionally be prohibited from making decisions that are protected under the First Amendment. See, e.g., *Hosanna Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. 171 (2012).

Accordingly, we respectfully ask that you recommend HB 1819 as inexpedient to legislate.

Thank you as always for your kind consideration of our views.

Very truly yours,

Robert E. Dunn, Jr., Esq.
Director, Office of Public Policy