

**Testimony from AFT-NH opposing HB1217**  
**From Debrah Howes, President AFT-NH**  
**Feb. 20. 2026**



**To Chairman Bob Lynn and Members of the House Judiciary Committee:**

My name is Debrah Howes, President of the American Federation of Teachers–NH. I write on behalf of our 3,500 members who work in preK through grade 12 public education, in public services, and in private and public universities across the Granite State. We are taxpayers and citizens of New Hampshire, and many of us are parents or grandparents of public-school students.

On behalf of our members and the students we serve, I am writing to express strong opposition to **HB 1217**.

**HB 1217** would allow public and private institutions, including schools, to classify individuals by “biological sex” for bathrooms, locker rooms, and athletic participation. It also states that these classifications are not discriminatory.

First, **HB 1217** creates unsafe and exclusionary environments in our public schools for transgender and nonbinary students. By allowing schools to bar students from facilities aligned with their gender identity, the bill increases risks of bullying, harassment, and isolation. Testimony before this committee in previous similar bills notes that some students may avoid using restrooms at school entirely because they fear being confronted or challenged. New Hampshire acted to reduce harassment, bullying, and isolation when it recognized gender identity as a protected category under existing anti-discrimination law. **HB 1217** reverses that protection and heightens harm to vulnerable youth.

Second, **HB 1217** places educators and school staff in legally unclear and potentially dangerous situations. The bill does not define how “biological sex” is to be determined, whether by anatomy, birth certificate, or chromosomes. It also does not specify who would be responsible for enforcement. This lack of specificity could lead to teachers, nurses, and administrators being required to perform “gender checks” on students before they are allowed to use the bathroom or locker room. It is entirely inappropriate to ask teachers and school staff to do this and an invasion of student privacy to expect them to submit to it. Staff may also face accusations of discrimination whether they enforce the classification or decline to do so.

Third, **HB 1217** adds to a growing group of laws that weaken civil rights protections for students and educators. The ACLU, NEA-NH, and GLAD have already sued the state over other restrictive education laws. Those laws have been described as vague, unconstitutional, and harmful to students with disabilities and to the First Amendment

rights of teachers and students. **HB 1217** increases these concerns by narrowing what counts as discrimination, which disproportionately harms transgender and gender diverse students.

Fourth, **HB 1217** imposes new administrative burdens on schools. This bill expands state authority without providing sufficient guidance. As a result, schools and municipalities would face additional administrative responsibilities and potential legal exposure. Districts would need to revise policies, signage, and staff training, and they would likely face more conflicts, complaints, and litigation. These requirements divert resources from teaching and learning.

Fifth, the bill reduces local control. New Hampshire communities traditionally exercise local authority in education. **HB 1217** imposes a statewide mandate based on an undefined concept of biological sex rather than community needs. This mirrors other state level actions, including recent open enrollment mandates that school leaders have warned could cause financial and operational chaos in districts.

Finally, **HB 1217** harms school climate. Allowing exclusion of students no longer afforded protections under anti-discrimination laws gives State permission for increases in peer conflict and bullying. It puts educators in conflict with best practice standards for supporting students. This bill will reduce safety and belonging in schools, which undermines student well-being and academic success.

For these reasons, I urge the committee to find **HB 1217** Inexpedient to Legislate. This bill jeopardizes the safety of students, infringes on civil rights, adds unfunded mandates, and damages the supportive environment necessary for learning.

Sincerely,

Debrah Howes



President, AFT-New Hampshire