

HB 1268 Amendment #0606h Analysis

[The amended version of HB 1268, #0606h](#), substantially restructures New Hampshire's [home education statute, RSA 193-A](#). It repeals annual assessment and record-keeping provisions, makes notification conditional, removes the Board of Education's rulemaking authority, directs repeal of Ed 315, and adds new language addressing certificates of completion, public education cross-references, and program-status clarifications. On its face, the amendment appears to significantly reduce regulatory requirements.

Some provisions are constructive. The amendment clarifies that participation in the Education Freedom Account (EFA) program terminates a home education program under RSA 193-A and reinforces the legal distinction between independent home education and state-funded programs. It also removes some rule-based terminology that previously exceeded statutory language and limits certain evidentiary uses of home education in child-protection proceedings.

At the same time, the amendment inserts public education concepts directly into RSA 193-A. Most notably, it incorporates the public school definition of a "child with a disability" from RSA 186-C:2 — a classification determined through public school evaluation and IEP processes. Rather than simplifying the statute, these additions increase structural linkage between home education and public school administrative frameworks.

The amendment also imports elements of Ed 315 rule language into statute, missing an opportunity to narrow or correct rule-level overextension.

While formal reporting obligations are reduced, the underlying systems of state authority remain intact without giving families an optional and proactive legal shield from the state.

The amendment does not materially alter the enforcement structure that governs compulsory attendance and child-protection authority. Truancy enforcement remains in place under RSA 193:1 and RSA 189:35-a. Child Protection Act investigative authority under RSA 169-C is unchanged.

In several areas, the amendment replaces defined statutory structure with statutory silence. Annual assessments and record-keeping requirements are repealed without replacement by permissive language. Notification becomes optional, but no affirmative legal mechanism is created or identified that independently establishes or recognizes lawful home education status as a matter of law. A certificate of completion is defined more broadly than its historical compulsory-attendance function, potentially shifting the conceptual role of the state toward acknowledgment of completion without altering enforcement authority.

The central question is not whether the amendment reduces paperwork. It does. The question is whether it strengthens the legal standing of families when enforcement questions arise. In a compulsory-attendance state, liberty depends not only on fewer statutory requirements, but on whether the law provides durable, affirmative grounding for parental authority. The amendment reduces formal obligations while leaving the balance of state authority largely unchanged.