

Written Testimony on HB 1268 Amendment #2026-0606h

Submitted by Michelle Levell, Director, Granite State Home Educators (GSHE)

February 17, 2026

Dear Members of the House Education Policy and Administration Committee,

As Director of Granite State Home Educators (GSHE), a nonpartisan, all-volunteer organization supporting independent home education under RSA 193-A and home education advocate for over 20 years, I submit this written testimony in opposition to enactment of HB 1268 as amended (#2026-0606h) in its current form, with recommendations for further amendments to better protect independent home educating families.

We commend the amendment's repeal of mandatory annual assessments, record-keeping, and other measures to roll back paperwork requirements—meaningful steps toward reducing unnecessary state burdens on families. These changes align with our shared commitment to trusting parents as the primary educators of their children in the independent home education pathway. We also appreciate the clear reinforcement of the legal distinction between independent home education as a separate, parent-led option free from the Education Freedom Account (EFA) program, and the added presumptions of RSA 169-C limiting evidentiary misuse of home education status or lack of formalities—a good step.

However, true parental rights require more than reduced obligations—they need proactive, voluntary tools to affirm authority and restrain residual state powers under compulsory attendance (RSA 193:1), truancy enforcement (RSA 189:35-a), and child protection laws (RSA 169-C). Replacing requirements with statutory silence leaves families reactive, potentially drawn into investigations where the burden falls on parents to prove legitimacy after escalation—guilty until proven innocent. Because compulsory attendance (RSA 193:1), truancy enforcement (RSA 189:35-a), and child-protection laws (RSA 169-C) remain unchanged, a change to RSA 193-A alone is insufficient.

While the RSA 169-C presumptions are valuable, they apply only after an investigation begins and do not prevent initial triggers under unchanged laws. The amendment's conditional declaration leaves families on the defensive when enrollment or compliance is questioned.

Imagine the proverbial knock on the door by a truancy or DCYF officer. Families either have nothing they can immediately show to dissolve the concern on the spot, or they scribble something on a random piece of paper. Courts may view this as evidence of good intention at best, but without statutory clarity, parents still must prove themselves and their children's learning through a disruptive and intrusive process.

New Hampshire families have diverse needs and risk tolerances: some prefer low-engagement operation under the amendment's framework, while others seek durable affirmations to match their circumstances and provide peace of mind. We respectfully suggest adding permissive language for optional, notarized self-declarations to initiate or conclude a home education program—retained privately and non-submitted. Notarization is a common legal tool used in matters such as powers of attorney, healthcare directives, and property transfers that strengthens evidentiary standing without creating oversight, filing requirements, or any state retention of the document. To fully respect parental authority, RSA 193:1 should be amended to recognize such a parent declaration as sufficient for exemptions from compulsory attendance for under-age completers, eliminating de facto deference to the Department of Education. These proposed tools are voluntary, parent-controlled, privately retained, and do not create any filing requirement, mandate, reporting obligation, or expansion of state authority.

This is also an opportunity to curb the overreach of Ed 315 instead of codifying it further into NH's home education requirements. Specifically, references to public education's definition of a child with a disability should not be imported from rules. Parents have the right to direct their child's education. Period.

This pivotal moment allows us to strengthen RSA 193-A into an enduring model of liberty and parental empowerment—one that elevates New Hampshire as a leader in home education freedom. In its current form, however, the amendment is not ready to be enacted as is. We respectfully urge the committee to recommend further amendment before advancing the bill, to include these proactive, voluntary tools and clarifications that put families and their children first. GSHE is happy to keep working with sponsors, committee members, and other stakeholders to make this bill stronger for independent home educating families. Thank you for your consideration.

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