

117TH CONGRESS  
2D SESSION

# H. R. 7662

To prohibit Federal education funds from being provided to elementary schools that do not require teachers to obtain written parental consent prior to teaching lessons specifically related to gender identity, sexual orientation, or transgender studies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2022

Mr. VAN DREW (for himself, Mr. HARRIS, Mr. GIMENEZ, Ms. MACE, Ms. VAN DUYNE, Ms. MALLIOTAKIS, Mr. WEBSTER of Florida, Mr. WEBER of Texas, Mr. POSEY, Mr. STEUBE, Mr. KELLY of Pennsylvania, Mr. CLYDE, Mr. DUNCAN, Mr. LONG, and Mr. BOST) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To prohibit Federal education funds from being provided to elementary schools that do not require teachers to obtain written parental consent prior to teaching lessons specifically related to gender identity, sexual orientation, or transgender studies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “My Child, My Choice  
5 Act of 2022”.

1 **SEC. 2. WRITTEN PARENTAL CONSENT REQUIRED FOR**  
2 **TEACHING OF INFORMATION RELATED TO**  
3 **GENDER IDENTITY, SEXUAL ORIENTATION,**  
4 **OR TRANSGENDER STUDIES.**

5 (a) IN GENERAL.—No funds under an applicable pro-  
6 gram may be provided to an elementary school determined  
7 by the Secretary of Education under subsection (c) to not  
8 be in compliance with subsection (b).

9 (b) WRITTEN PARENTAL CONSENT.—

10 (1) CONSENT REQUIRED.—A teacher employed  
11 by an elementary school shall, prior to teaching a  
12 lesson specifically related to gender identity, sexual  
13 orientation, or transgender studies, request written  
14 consent from the parent of each student enrolled in  
15 the class in which the teacher plans to teach such  
16 lesson.

17 (2) TIMING.—

18 (A) IN GENERAL.—A teacher shall request  
19 the written consent required under paragraph  
20 (1) not later than 30 days prior to the date on  
21 which the teacher plans to teach such lesson.

22 (B) DURATION OF CONSENT.—A teacher  
23 shall request such written consent each such  
24 time the teacher plans to teach such lesson.

25 (3) SUBMISSION.—A parent providing written  
26 consent shall submit such written consent to the

principal of the school not later than the date described in paragraph (2)(A).

(4) CONSENT NOT OBTAINED.—

(A) IN GENERAL.—In the case of a student whose parent does not submit written consent under paragraph (3), the school shall provide such student with an alternative period of learning or study hall.

(B) 50 PERCENT REQUIRED.—If the principal does not receive written consent from the parents of at least 50 percent of the students enrolled in the class in which the teacher plans to teach such lesson, the teacher may not teach such lesson.

(c) ENSURING COMPLIANCE.—

(1) IN GENERAL.—Students enrolled in an elementary school, parents of such students, and teachers employed by an elementary school may submit, to the Secretary, a report that such school was not in compliance with subsection (b).

(2) REVIEW.—The Secretary shall review each such report and make a determination with respect to whether the elementary school identified in such report is in compliance with subsection (b).

1           (3) DETERMINATION OF COMPLIANCE.—If the  
2       Secretary makes a determination that the school is  
3       not in compliance with subsection (b), the Secretary  
4       shall—

5                   (A) notify the school of such determina-  
6       tion;

7                   (B) provide a period of 15 days after such  
8       notification for the school to—

9                           (i) comply with subsection (b); and  
10                           (ii) submit to the Secretary a written  
11       confirmation of compliance with subsection  
12       (b), which shall include—

13                               (I) an identification of each re-  
14       quirement of subsection (b) with  
15       which the school was not in compli-  
16       ance; and

17                               (II) the plans and actions the  
18       school is taking to ensure that the  
19       school continues to be in such compli-  
20       ance; and

21                   (C) evaluate the written confirmation sub-  
22       mitted under subparagraph (B)(ii) and make a  
23       final determination with respect to whether the  
24       school is in compliance with subsection (b).

1       (d) FEDERAL FUNDS.—If the Secretary makes a  
2 final determination under subsection (c)(3)(C) that an ele-  
3 mentary school is not in compliance with subsection (b),  
4 no funds under an applicable program may be provided  
5 to such school for the school year immediately following  
6 the school year in which such school is determined to be  
7 out of compliance.

8       (e) DEFINITIONS.—In this section:

9           (1) APPLICABLE PROGRAM.—The term “appli-  
10 cable program” has the meaning given the term in  
11 section 400(c) of the General Education Provisions  
12 Act (20 U.S.C. 1221(c)).

13          (2) BIOLOGICAL SEX.—The term “biological  
14 sex” means the biological indication of male or fe-  
15 male in the context of reproductive potential or ca-  
16 pacity, including sex chromosomes, naturally occur-  
17 ring sex hormones, gonads, and nonambiguous inter-  
18 nal and external genitalia present at birth.

19          (3) ESEA TERMS.—The terms “elementary  
20 school” and “parent” have the meanings given such  
21 terms in section 8101 of the Elementary and Sec-  
22 ondary Education Act of 1965 (20 U.S.C. 7801).

23          (4) GENDER IDENTITY.—The term “gender  
24 identity” means an individual’s perception of their

1 own gender or claimed gender, regardless of the bio-  
2 logical sex of the individual.

3 (5) LESSON.—The term “lesson” means a  
4 planned and structured period of learning.

5 (6) SECRETARY.—The term “Secretary” means  
6 the Secretary of Education.

7 (7) SEXUAL ORIENTATION.—The term “sexual  
8 orientation” means an individual’s actual or per-  
9 ceived romantic, physical or sexual attraction to  
10 other individuals, or lack thereof, on the basis of  
11 gender.

12 (8) TRANSGENDER INDIVIDUAL.—The term  
13 “transgender individual” means an individual whose  
14 gender identity or behavior does not conform to that  
15 typically associated with the biological sex of the in-  
16 dividual.

17 (9) TRANSGENDER STUDIES.—The term  
18 “transgender studies” means the study of  
19 transgender individuals.

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