

118TH CONGRESS
1ST SESSION

H. R. 216

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. VAN DREW introduced the following bill; which was referred to the
Committee on Education and the Workforce

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 2023”.

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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