#### 118TH CONGRESS 1ST SESSION

# H. R. 5

To ensure the rights of parents are honored and protected in the Nation's public schools.

#### IN THE HOUSE OF REPRESENTATIVES

March 1, 2023

Ms. Letlow (for herself, Mr. Scalise, Mr. Emmer, Ms. Stefanik, Mr. JOHNSON of Louisiana, Mr. Hudson, Ms. Foxx, Mrs. Miller of Illinois, Mr. Fitzgerald, Mr. Wilson of South Carolina, Mr. Thompson of Pennsylvania, Mr. Grothman, Mr. Allen, Mr. Banks, Mr. SMUCKER, Mr. OWENS, Mrs. STEEL, Mr. BEAN of Florida, Mr. WIL-LIAMS of New York, Mrs. Houchin, Mr. Reschenthaler, Mr. MOOLENAAR, Mr. NEWHOUSE, Mrs. MILLER-MEEKS, Mr. BUCHANAN, Mr. Higgins of Louisiana, Mr. Finstad, Ms. Tenney, Mr. DesJarlais, Mr. Fallon, Mr. Kelly of Pennsylvania, Mr. Edwards, Mr. Tiffany, Mr. Carl, Mr. Calvert, Mr. Valadao, Mrs. Hinson, Mr. Norman, Mr. Bost, Mr. Meuser, Mr. Waltz, Mr. Kustoff, Mr. MIKE GARCIA of California, Mr. GUTHRIE, Ms. MACE, Mr. STEIL, Mr. Wenstrup, Mr. Rutherford, Mr. Graves of Louisiana, Mrs. Rod-GERS of Washington, Mr. Duncan, Mr. Miller of Ohio, Mr. McClin-TOCK, Mr. Crenshaw, Mr. Mooney, Mr. Gooden of Texas, Mr. GIMENEZ, Mrs. HARSHBARGER, Mr. GUEST, Mr. TONY GONZALES OF Texas, Mr. Huizenga, Mrs. Luna, Mr. Balderson, Mr. Wittman, Mr. ROUZER, Mr. CRAWFORD, Mr. EZELL, Mr. CAREY, Mrs. CAMMACK, Mr. ZINKE, Mr. McCaul, Mr. Joyce of Pennsylvania, and Mr. Hern) introduced the following bill; which was referred to the Committee on Education and the Workforce

# A BILL

To ensure the rights of parents are honored and protected in the Nation's public schools.

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 "Parents Bill of Rights
5	Act".
6	TITLE I—AMENDMENTS TO THE
7	ELEMENTARY AND SEC-
8	ONDARY EDUCATION ACT OF
9	1965
10	SEC. 101. STATE PLAN ASSURANCES.
11	Section 1111(g)(2) of the Elementary and Secondary
12	Education Act of 1965 (20 U.S.C. 6311(g)(2)) is amend-
13	ed—
14	(1) in subparagraph (M), by striking "and" at
15	the end;
16	(2) in subparagraph (N), by striking the period
17	at the end and inserting a semicolon; and
18	(3) by adding at the end the following:
19	"(O) the State will ensure that each local
20	educational agency in the State—
21	"(i) in a case in which the curriculum
22	for an elementary or secondary school
23	grade level is freely and publicly available
24	on the internet—

1	"(I) posts on a publicly accessible
2	website of the agency, such cur-
3	riculum; or
4	"(II) if such agency does not op-
5	erate a website, widely disseminates to
6	the public such curriculum; or
7	"(ii) in a case in which the curriculum
8	for an elementary or secondary school
9	grade level is not freely and publicly avail-
10	able on the internet—
11	"(I) posts on a publicly accessible
12	website of the agency—
13	"(aa) a description of such
14	curriculum; and
15	"(bb) information on how
16	parents can review such cur-
17	riculum as described in section
18	1112(e)(1)(A); or
19	"(II) if such agency does not op-
20	erate a website, widely disseminates to
21	the public the description and infor-
22	mation described in items (aa) and
23	(bb) of subclause (I); and
24	"(P) in the case of any revisions to the
25	State's challenging State academic standards

1 (including any revisions to the levels of achieve-2 ment within the State's academic achievement 3 standards), the State educational agency will 4 post to the homepage of its website, and widely disseminate to the public, notice of such revi-6 sions and a copy of such revisions, except that 7 the State educational agency shall not be re-8 quired to submit such notice or such revisions 9 to the Secretary.".

## 10 SEC. 102. ANNUAL LOCAL EDUCATIONAL AGENCY REPORT

## 11 CARDS.

12 Section 1111(h)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)) is amended by inserting at the end the following new subparagraph: 14 15 "(E) Budget.—Each local educational 16 agency report card shall include the budget for 17 the school year for which such report card is 18 being prepared (including all revenues and ex-19 penditures (including expenditures made to pri-20 vate entities)) for the local educational agency 21 as a whole, and for each elementary school and 22 secondary school served by the local educational

agency.".

23

1	SEC. 103. LOCAL EDUCATIONAL AGENCY PLAN ASSUR-
2	ANCES.
3	Section 1112(c) of the Elementary and Secondary
4	Education Act of 1965 (20 U.S.C. 6312(c)) is amended—
5	(1) in paragraph (6), by striking "and" at the
6	end;
7	(2) in paragraph (7), by striking the period at
8	the end and inserting a semicolon; and
9	(3) by adding at the end the following:
10	"(8) meet the requirements described in section
11	1111(g)(2)(O); and
12	"(9) post on a publicly accessible website of the
13	local educational agency or, if the local educational
14	agency does not operate a website, widely dissemi-
15	nate to the public, the plan for carrying out the par-
16	ent and family engagement described in section
17	1116 and all policies and procedures that result
18	from such engagement.".
19	SEC. 104. PARENTS RIGHT-TO-KNOW.
20	Section 1112(e) of the Elementary and Secondary
21	Education Act of 1965 (20 U.S.C. 6312(e)) is amended—
22	(1) by redesignating paragraphs (1), (2), (3),
23	and (4) as paragraphs (2), (3), (4), and (6), respec-
24	tively;
25	(2) by inserting before paragraph (2) (as so re-
26	designated), the following:

1	"(1) Notice of rights.—A local educational
2	agency receiving funds under this part shall ensure
3	that each elementary school and secondary school
4	served by such agency posts on a publicly accessible
5	website of the school or, if the school does not oper-
6	ate a website, widely disseminates to the public, a
7	summary notice of the right of parents to informa-
8	tion about their children's education as required
9	under this Act, which shall be in an understandable
10	format for parents and include, at minimum—
11	"(A) the right to review the curriculum of
12	their child's school;
13	"(B) the right to know if the State alters
14	the State's challenging State academic stand-
15	ards;
16	"(C) the right to meet with each teacher of
17	their child not less than twice during each
18	school year in accordance with paragraph
19	(5)(A);
20	"(D) the right to review the budget, in-
21	cluding all revenues and expenditures, of their
22	child's school;
23	"(E) the right to a list of the books and
24	other reading materials contained in the library
25	of their child's school;

1	"(F) the right to address the school board
2	of the local educational agency;
3	"(G) the right to information about violent
4	activity in their child's school; and
5	"(H) the right to information about any
6	plans to eliminate gifted and talented programs
7	in the child's school.";
8	(3) in paragraph (2)(B) (as redesignated by
9	paragraph (1))—
10	(A) by redesignating clause (i) and clause
11	(ii) as subclause (I) and subclause (II), respec-
12	tively;
13	(B) by striking "(B) Additional infor-
14	MATION.—" and inserting:
15	"(B) Additional information.—
16	"(i) In general.—"; and
17	(C) by adding at the end the following:
18	"(ii) School Library.—A local edu-
19	cational agency receiving funds under this
20	part shall ensure that each elementary
21	school and secondary school served by such
22	agency provides, at the beginning of each
23	school year, the parents of a child who is
24	a student in such school a list of books and
25	other reading materials available to the

students of such school in the school library.

"(iii) VIOLENT ACTIVITY.—A local educational agency receiving funds under this part shall ensure that each elementary school and secondary school served by such agency provides the parents of a child who is a student in such school timely notification of any violent activity occurring on school grounds or at school-sponsored activities in which one or more individuals suffer injuries, except that such notification shall not contain names or the grade level of any students involved in the activity.

"(iv) GIFTED AND TALENTED PRO-GRAMS.—A local educational agency receiving funds under this part shall ensure that each elementary school and secondary school served by such agency provides the parents of a child who is a student in such school timely notification of any plan to eliminate gifted and talented programs in such school."; and

1	(4) by inserting after paragraph (4) (as redesig-
2	nated by paragraph (1)) the following:
3	"(5) Transparency.—A local educational
4	agency receiving funds under this part shall provide
5	the parents of a child who is a student in an elemen-
6	tary school or secondary school served by such agen-
7	ey—
8	"(A)(i) the opportunity to meet in-person
9	with each teacher of such child not less than
10	twice during each school year; and
11	"(ii) a notification, at the beginning of
12	each school year, of the opportunity for such
13	meetings; and
14	"(B) the opportunity to address the school
15	board of such local educational agency on issues
16	impacting the education of children in such
17	agency.".
18	SEC. 105. SENSE OF CONGRESS ON FIRST AMENDMENT
19	RIGHTS.
20	Title VIII of the Elementary and Secondary Edu-
21	cation Act of 1965 (20 U.S.C. 7801 et seq.) is amended—
22	(1) by redesignating section 8549C as section
23	8549D; and
24	(2) by inserting after section 8549B the fol-
25	lowing new section.

1	"SEC. 8549C. SENSE OF CONGRESS ON FIRST AMENDMENT
2	RIGHTS.
3	"(a) FINDINGS.—Congress finds the following:
4	"(1) Parents have a First Amendment right to
5	express their opinions on decisions made by State
6	and local education leaders.
7	"(2) States and local educational agencies
8	should empower parents to communicate regularly
9	with Federal, State, and local policymakers and edu-
10	cators regarding the education and well-being of
11	their children.
12	"(3) Transparent and cooperative relationships
13	between parents and schools have significant and
14	long-lasting positive effects on the development of
15	children.
16	"(4) Parents' concerns over content and peda-
17	gogy deserve to be heard and fully considered by
18	school professionals.
19	"(5) Parent and other community input about
20	schools that is presented in a lawful and appropriate
21	manner should always be encouraged.
22	"(6) Educators, policymakers, and other stake-
23	holders should never seek to criminalize the lawfully
24	expressed concerns of parents about their children's
25	education.

- 1 "(b) Sense of Congress.—It is the sense of Con-
- 2 gress that the First Amendment guarantees parents and
- 3 other stakeholders the right to assemble and express their
- 4 opinions on decisions affecting their children and commu-
- 5 nities, and that educators and policymakers should wel-
- 6 come and encourage that engagement and consider that
- 7 feedback when making decisions.".

# 8 TITLE II—AMENDMENTS TO

## 9 **FERPA AND PPRA**

- 10 SEC. 201. AMENDMENTS TO THE FAMILY EDUCATIONAL
- 11 RIGHTS AND PRIVACY ACT OF 1974.
- 12 (a) Enforcement.—Section 444(f) of the General
- 13 Education Provisions Act (20 U.S.C. 1232g) (also known
- 14 as the "Family Educational Rights and Privacy Act of
- 15 1974") (20 U.S.C. 1232g(f)) is amended by adding at the
- 16 end the following: "The Secretary shall comply with the
- 17 reporting requirement under section 445(e)(2)(C)(ii) with
- 18 respect to the enforcement actions taken under this sub-
- 19 section to ensure compliance with this section.".
- 20 (b) Prohibition on Educational Agencies or
- 21 Institutions Acting as an Agent of a Parent.—Sec-
- 22 tion 444 of the General Education Provisions Act (20
- 23 U.S.C. 1232g) (also known as the "Family Educational
- 24 Rights and Privacy Act of 1974") is amended by adding
- 25 at the end the following:

- 1 "(k) Prohibition on Educational Agencies or
- 2 Institutions Acting as Agent of a Parent.—An
- 3 educational agency or institution may not act as the agent
- 4 of a parent of a student in attendance at a school of such
- 5 agency or at such institution for purposes of providing
- 6 verifiable parental consent for the use of technology in the
- 7 classroom for purposes of educating the student without
- 8 providing notice and an opportunity for the parent to ob-
- 9 ject to the use of such technology.".
- 10 (c) Prohibition on Sale of Information for
- 11 Commercial Purposes.—Section 444 of the General
- 12 Education Provisions Act (20 U.S.C. 1232g) (also known
- 13 as the "Family Educational Rights and Privacy Act of
- 14 1974"), as amended by this section, is further amended
- 15 by adding at the end the following:
- 16 "(1) Prohibition on Sale of Information for
- 17 Commercial Purposes.—
- 18 "(1) IN GENERAL.—Except as provided in para-
- 19 graph (2), no educational agency or institution or
- authorized representative of such agency or institu-
- 21 tion may sell student information for commercial or
- financial gain.
- 23 "(2) Exceptions.—The prohibition described
- in paragraph (1) shall not apply to products sold to
- students by or on behalf of the educational agency

- 1 or institution, such as yearbooks, prom tickets, and
- 2 school pictures.".
- 3 (d) PARENTAL CONSULTATION.—Section 444 of the
- 4 General Education Provisions Act (20 U.S.C. 1232g) (also
- 5 known as the "Family Educational Rights and Privacy
- 6 Act of 1974"), as amended by this section, is further
- 7 amended by adding at the end the following:
- 8 "(m) Parental Consultation.—In developing a
- 9 privacy policy or procedure, an educational agency or insti-
- 10 tution shall engage meaningfully with parents of students
- 11 in attendance at the schools served by such agency or in-
- 12 stitution.".
- 13 (e) Disclosure of Information.—Section 444 of
- 14 the General Education Provisions Act (20 U.S.C. 1232g)
- 15 (also known as the "Family Educational Rights and Pri-
- 16 vacy Act of 1974"), as amended by this section, is further
- 17 amended by adding at the end the following:
- 18 "(n) DISCLOSURE OF INFORMATION.—An edu-
- 19 cational agency or institution or authorized representative
- 20 of such agency or institution shall, upon request from a
- 21 parent of a student, disclose to such parent the identity
- 22 of any individual or entity with whom information is
- 23 shared from the education record of the student or any
- 24 response of the student to a survey.".

#### SEC. 202. PROTECTION OF PUPIL RIGHTS.

- 3 Guardians.—Section 445(a) of the General Education
- 4 Provisions Act (20 U.S.C. 1232h(a)) is amended to read
- 5 as follows:
- 6 "(a) Availability for Inspection by Parents or
- 7 Guardians.—A local educational agency (as such term
- 8 is defined in subsection (c)(6)(C) that receives funds
- 9 under any applicable program shall ensure that each of
- 10 the following shall be available for inspection by the par-
- 11 ents or guardians of the children in attendance at the
- 12 schools served by such agency:
- 13 "(1) All instructional materials, including
- teacher's manuals, films, tapes, or other supple-
- mentary material which will be used in such school
- or in connection with any survey, analysis, or evalua-
- tion.
- 18 "(2) Any books or other reading materials
- made available to students in such school or through
- the school library of such school.".
- 21 (b) SINGLE ISSUE NOTIFICATION.—Section 445(b) of
- 22 the General Education Provisions Act (20 U.S.C. 1232h)
- 23 is amended—
- 24 (1) by striking "prior consent of the student"
- and inserting "prior written consent of the student";
- 26 and

1	(2) by inserting ", which is provided specifically
2	for such survey, analysis, or evaluation" before the
3	period at the end.
4	(c) DEVELOPMENT AND ADOPTION OF LOCAL POLI-
5	CIES.—Section 445(c) of the General Education Provi-
6	sions Act (20 U.S.C. 1232h(c)) is amended—
7	(1) in the subsection heading, by striking
8	"Physical" and inserting "Medical";
9	(2) in paragraph (1)—
10	(A) in the matter preceding subparagraph
11	(A), by striking "in consultation with parents"
12	and inserting "in consultation with parents in
13	accordance with paragraph (2)(A)";
14	(B) by amending subparagraph (C)(i) to
15	read as follows:
16	"(C)(i) The right of a parent of a student
17	to inspect, upon the request of the parent, any
18	instructional material used as part of the edu-
19	cational curriculum for the student, and any
20	books or other reading materials made available
21	to the student in a school served by the agency
22	or through the school library; and";
23	(C) by amending subparagraph (D) to read
24	as follows:

1	"(D) The administration of medical exami-
2	nations or screenings that the school or agency
3	may administer to a student, including—
4	"(i) prior notice to parents of such a
5	medical examination or screening, and re-
6	ceipt of consent from parents before ad-
7	ministering such an examination or screen-
8	ing; and
9	"(ii) in the event of an emergency
10	that requires a medical examination or
11	screening without time for parental notifi-
12	cation and consent, the procedure for
13	promptly notifying parents of such exam-
14	ination or screening subsequent to such ex-
15	amination or screening."; and
16	(D) by amending subparagraph (E) to
17	read as follows:
18	"(E) The prohibition on the collection, dis-
19	closure, or use of personal information collected
20	from students for the purpose of marketing or
21	for selling that information (or otherwise pro-
22	viding that information to others for that pur-
23	pose), other than for a legitimate educational
24	purpose to improve the education of students as

described in paragraph (4), and the arrange-

25

1	ments to protect student privacy that are pro-
2	vided by the agency in the event of such collec-
3	tion, disclosure, or use for such a legitimate
4	educational purpose.".
5	(d) Parental Notification.—Paragraph (2) of
6	section 445(c) of the General Education Provisions Act
7	(20 U.S.C. 1232h(c)) is amended—
8	(1) in the paragraph heading, by inserting
9	"CONSULTATION AND" before "NOTIFICATION";
10	(2) by redesignating subparagraphs (A) through
11	(C) as subparagraphs (B) through (D), respectively;
12	(3) in subparagraph (B) (as so redesignated)—
13	(A) in clause (i), by striking "and" at the
14	end;
15	(B) by amending clause (ii) to read as fol-
16	lows:
17	"(ii) in the case of an activity de-
18	scribed in clause (i) or (iii) of subpara-
19	graph (D), offer an opportunity and clear
20	instructions for the parent (or in the case
21	of a student who is an adult or emanci-
22	pated minor, the student) to opt the stu-
23	dent out of participation in such activity;";
24	and
25	(C) by adding at the end the following:

1	"(iii) in the case of an activity de-
2	scribed in subparagraph (D)(i), a descrip-
3	tion of how such activity is for a legitimate
4	educational purpose to improve the edu-
5	cation of students as described in para-
6	graph (4); and
7	"(iv) not require a student to submit
8	to a survey described in subparagraph
9	(D)(ii) without the prior written consent of
10	the student (if the student is an adult or
11	emancipated minor), or in the case of an
12	unemancipated minor, without the prior
13	written consent of the parent, which is pro-
14	vided specifically for such survey.";
15	(4) by inserting before subparagraph (B) (as so
16	amended and redesignated), the following:
17	"(A) PARENTAL CONSULTATION.—The pa-
18	rental consultation required for the purpose of
19	developing and adopting policies under para-
20	graphs (1) and (3) by a local educational agen-
21	cy shall ensure that such policy is developed
22	with meaningful engagement by parents of stu-
23	dents enrolled in schools served by that agen-
24	cy.''; and

1	(5) in subparagraph (D) (as designated by
2	paragraph (2))—
3	(A) by amending clause (i) to read as fol-
4	lows:
5	"(i) Activities involving the collection,
6	disclosure, or use of personal information
7	collected from students for a legitimate
8	educational purpose to improve the edu-
9	cation of students as described in para-
10	graph (4)."; and
11	(B) in clause (iii), by striking "invasive
12	physical" and inserting "medical".
13	(e) UPDATES TO EXISTING POLICIES.—Paragraph
14	(3) of section 445(c) of the General Education Provisions
15	Act (20 U.S.C. 1232h(e)) is amended to read as follows:
16	"(3) Updates to existing policies.—
17	"(A) IN GENERAL.—Not later than 180
18	days after the date of enactment of the Parents
19	Bill of Rights Act, a local educational agency
20	that receives funds under any applicable pro-
21	gram shall—
22	"(i) review policies covering the re-
23	quirements of paragraph (1) as in effect on
24	the day before such date of enactment; and

1 "(ii) develop and update such policies 2 to reflect the changes made to paragraph 3 (1) by the amendments made by the Par-4 ents Bill of Rights Act. 5 "(B) CONSULTATION AND NOTIFICA-6 TION.—In developing and updating the policies 7 under subparagraph (A), the agency shall com-8 ply with the consultation and notification re-9 quirements under paragraph (2).". 10 EXCEPTIONS.—Paragraph (4)(A) of section (f) 11 445(c) of the General Education Provisions Act (20) 12 U.S.C. 1232h(c)) is amended by amending the matter pre-13 ceding clause (i) to read as follows: 14 "(A) EDUCATIONAL PRODUCTS OR SERV-15 ICES.—For purposes of paragraph (1)(E), the 16 collection, disclosure, or use of personal infor-17 mation collected from students for a legitimate 18 educational purpose to improve the education of 19 students means the exclusive purpose of devel-20 oping, evaluating, or providing educational 21 products or services for, or to, students or 22 schools, such as the following:". 23 (g) Definitions.—Paragraph (6) of section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(c)) is amended— 25

1	(1) by amending subparagraph (B) to read as
2	follows:
3	"(B) Medical examination or screen-
4	ING.—The term 'medical examination or screen-
5	ing' means any medical examination or screen-
6	ing that involves the exposure of private body
7	parts, or any act during such examination or
8	screening that includes incision, insertion, or in-
9	jection into the body, or a mental health or sub-
10	stance use disorder screening, except that such
11	term does not include a hearing, vision, or scoli-
12	osis screening, or an observational screening
13	carried out to comply with child find obligations
14	under the Individuals with Disabilities Edu-
15	cation Act (20 U.S.C. 1400 et seq.)."; and
16	(2) in subparagraph (E)—
17	(A) in clause (iii), by striking "or";
18	(B) in clause (iv), by striking the period at
19	the end and inserting "; or"; and
20	(C) by adding at the end the following:
21	"(v) an email address.".
22	(h) Enforcement and Reporting.—Subsection
23	(e) of section 445 of the General Education Provisions Act
24	(20 U.S.C. 1232h) is amended to read as follows:
25	"(e) Enforcement and Reporting.—

1	"(1) Enforcement.—The Secretary shall take
2	such action as the Secretary determines appropriate
3	to enforce this section, except that action to termi-
4	nate assistance provided under an applicable pro-
5	gram shall be taken only if the Secretary determines
6	that—
7	"(A) there has been a failure to comply
8	with such section; and
9	"(B) compliance with such section cannot
10	be secured by voluntary means.
11	"(2) Reporting.—
12	"(A) LOCAL EDUCATIONAL AGENCIES.—
13	On an annual basis, each local educational
14	agency (as such term is defined in subsection
15	(c)(6)(C)) that receives funds under any appli-
16	cable program shall—
17	"(i) without identifying any personal
18	information of a student or students, re-
19	port to the State educational agency any
20	enforcement actions or investigations car-
21	ried out for the preceding school year to
22	ensure compliance with this section; and
23	"(ii) publish such information on its
24	website or through other public means

1	used for parental notification if the agency
2	does not have a website.
3	"(B) States.—On an annual basis, each
4	State educational agency shall provide to the
5	Secretary a report, with respect to the pre-
6	ceding school year, that includes all actions
7	local educational agencies have reported under
8	subparagraph (A), and a description of the en-
9	forcement actions the State educational agency
10	took to ensure parents' rights were protected.
11	"(C) Secretary.—Not later than 1 year
12	after the date of enactment of the Parents Bill
13	of Rights Act, and annually thereafter, the Sec-
14	retary shall submit to the Committee on Edu-
15	cation and the Workforce of the House of Rep-
16	resentatives and the Committee on Health,
17	Education, Labor, and Pensions of the Sen-
18	ate—
19	"(i) the reports received under sub-
20	paragraph (B); and
21	"(ii) a description of the enforcement
22	actions taken by the Secretary under this
23	subsection and section 444(f) to ensure full

1	compliance	with	this	section	and	section
2	444, respect	tively.	,, <u>.</u>			

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