

## Union Calendar No. 4

118TH CONGRESS  
1ST SESSION

# H. R. 5

[Report No. 118–9]

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

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### 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. WILLIAMS 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. RODGERS of Washington, Mr. DUNCAN, Mr. MILLER of Ohio, Mr. MCCLINTOCK, 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

MARCH 14, 2023

Additional sponsors: Mr. ELLZEY, Ms. HAGEMAN, Mr. LAWLER, Mr. LAMBORN, Mr. ESTES, Ms. LEE of Florida, Mr. STEUBE, Mr. VAN DREW, Mr. FEENSTRA, Mr. DIAZ-BALART, Mr. WILLIAMS of Texas, Mr. D'ESPOSITO, Mr. MANN, Mr. LAHOOD, Ms. GREENE of Georgia, Mr. SMITH of New Jersey, Mrs. CHAVEZ-DEREMER, Ms. MALLIOTAKIS, Mr. LANGWORTHY, Mr. BUCSHON, Mr. LATURNER, Mr. ADERHOLT, Mr. FERGUSON, Mr. POSEY, Mr. NEHLS, Mr. AMODEI, Mrs. FISCHBACH, Mrs. BICE, Mr. LAMALFA, Mr. CARTER of Georgia, Mr. BAIRD, Mr. MORAN, Mr. OGLES, Mr. C. SCOTT FRANKLIN of Florida, Mr. MOLINARO, Mr. BABIN, Mr. SANTOS, Mr. WALBERG, Mr. KELLY of Mississippi, Mr. GREEN of Tennessee, Mr. CLINE, Mrs. BOEBERT, Mr. NUNN of Iowa, Mr. STAUBER, Mr. BURGESS, Mr. VAN ORDEN, Mr. JOHNSON of South Dakota, Mrs. LESKO, Mr. HUNT, and Mr. JACKSON of Texas

MARCH 14, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 1, 2023]

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## 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 grade*  
 23 *level is freely and publicly available on the*  
 24 *internet—*

1                   “(I) posts on a publicly accessible  
2                   website of the agency, such curriculum;  
3                   or

4                   “(II) if such agency does not oper-  
5                   ate 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 grade  
9                   level is not freely and publicly available on  
10                  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 oper-  
20                  ate a website, widely disseminates to  
21                  the public the description and informa-  
22                  tion described in items (aa) and (bb) of  
23                  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*  
5           *disseminate to the public, notice of such revisions*  
6           *and a copy of such revisions, except that the*  
7           *State educational agency shall not be required to*  
8           *submit such notice or such revisions to the Sec-*  
9           *retary.”.*

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

11                           **CARDS.**

12           *Section 1111(h)(2) of the Elementary and Secondary*  
13           *Education Act of 1965 (20 U.S.C. 6311(h)(2)) is amended*  
14           *by inserting at the end the following new subparagraph:*

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 as*  
21                           *a whole, and for each elementary school and sec-*  
22                           *ondary school served by the local educational*  
23                           *agency. In addition to the detailed budget infor-*  
24                           *mation required under the preceding sentence,*  
25                           *the agency shall include a separate fact sheet*

1           *that summarizes such information in a clear*  
2           *and easily understandable format.”.*

3 **SEC. 103. LOCAL EDUCATIONAL AGENCY PLAN ASSUR-**  
4           **ANCES.**

5           *Section 1112(c) of the Elementary and Secondary*  
6 *Education Act of 1965 (20 U.S.C. 6312(c)) is amended—*

7           (1) *in paragraph (6), by striking “and” at the*  
8           *end;*

9           (2) *in paragraph (7), by striking the period at*  
10          *the end and inserting a semicolon; and*

11          (3) *by adding at the end the following:*

12           “(8) *meet the requirements described in section*  
13          *1111(g)(2)(O);*

14           “(9) *post on a publicly accessible website of the*  
15          *local educational agency or, if the local educational*  
16          *agency does not operate a website, widely disseminate*  
17          *to the public, the plan for carrying out the parent*  
18          *and family engagement described in section 1116 and*  
19          *all policies and procedures that result from such en-*  
20          *gagement;*

21           “(10) *ensure that each elementary school served*  
22          *by the local educational agency notifies the parents of*  
23          *any student enrolled at such school when the student*  
24          *does not score as grade-level proficient in reading or*  
25          *language arts at the end of the third grade based on*

1 *the reading or language arts assessments administered*  
2 *under section 1111(b)(2)(B)(v)(I)(aa) or another as-*  
3 *essment administered to all third grade students by*  
4 *such school; and*

5 *“(11) ensure that each elementary school and sec-*  
6 *ondary school served by the local educational agency*  
7 *provides to the parents of students enrolled at such*  
8 *school, before a person speaks (in-person or virtually)*  
9 *to such students in a class, school assembly, or any*  
10 *other school-sponsored event, notice that includes the*  
11 *name of the speaker and the name of the organization*  
12 *or other entity being represented by the speaker.”.*

13 **SEC. 104. PARENTS RIGHT-TO-KNOW.**

14 *Section 1112(e) of the Elementary and Secondary*  
15 *Education Act of 1965 (20 U.S.C. 6312(e)) is amended—*

16 *(1) by redesignating paragraphs (1), (2), (3),*  
17 *and (4) as paragraphs (2), (3), (4), and (6), respec-*  
18 *tively;*

19 *(2) by inserting before paragraph (2) (as so re-*  
20 *designated), the following:*

21 *“(1) NOTICE OF RIGHTS.—A local educational*  
22 *agency receiving funds under this part shall ensure*  
23 *that each elementary school and secondary school*  
24 *served by such agency posts on a publicly accessible*  
25 *website of the school or, if the school does not operate*

1        *a website, widely disseminates to the public, a sum-*  
2        *mary notice of the right of parents to information*  
3        *about their children’s education as required under*  
4        *this Act, which shall be in an understandable format*  
5        *for parents and include, at minimum—*

6                *“(A) the right to review, and make copies*  
7                *of, at no cost, the curriculum of their child’s*  
8                *school;*

9                *“(B) the right to know if the State alters the*  
10                *State’s challenging State academic standards;*

11                *“(C) the right to meet with each teacher of*  
12                *their child not less than twice during each school*  
13                *year in accordance with paragraph (5)(A);*

14                *“(D) the right to review the budget, includ-*  
15                *ing all revenues and expenditures, of their child’s*  
16                *school;*

17                *“(E) the right to—*

18                        *“(i) a list of the books and other read-*  
19                        *ing materials available in the library of*  
20                        *their child’s school; and*

21                        *“(ii) inspect such books or other read-*  
22                        *ing materials;*

23                *“(F) the right to information about all*  
24                *schools in which their child can enroll, including*  
25                *options for enrolling in or transferring to—*

1                   “(i) other schools served by the local  
2                   educational agency;

3                   “(ii) charter schools; and

4                   “(iii) schools served by a different local  
5                   educational agency in the State;

6                   “(G) the right to address the school board of  
7                   the local educational agency;

8                   “(H) the right to information about violent  
9                   activity in their child’s school;

10                  “(I) the right to information about any  
11                  plans to eliminate gifted and talented programs  
12                  in the child’s school;

13                  “(J) the right to review any professional de-  
14                  velopment materials;

15                  “(K) the right to know if their child is not  
16                  grade-level proficient in reading or language arts  
17                  at the end of the third grade as described in sub-  
18                  section (c)(10);

19                  “(L) the right to know if a school employee  
20                  or contractor acts to—

21                         “(i) change a minor child’s gender  
22                         markers, pronouns, or preferred name; or

23                         “(ii) allow a child to change the child’s  
24                         sex-based accommodations, including locker  
25                         rooms or bathrooms;

1                   “(M) the right to know if—  
2                    “(i) a school employee or contractor  
3                   acts to—  
4                    “(I) treat, advise, or address the  
5                   cyberbullying of a student;  
6                    “(II) treat, advise, or address the  
7                   bullying or hazing of a student;  
8                    “(III) treat, advise, or address a  
9                   student’s mental health, suicidal idea-  
10                  tion, or instances of self-harm;  
11                  “(IV) treat, advise, or address a  
12                  specific threat to the safety of a stu-  
13                  dent;  
14                  “(V) treat, advise, or address the  
15                  possession or use of drugs and other  
16                  controlled substances; or  
17                  “(VI) treat, advise, or address an  
18                  eating disorder; or  
19                  “(ii) a child brings a weapon to school;  
20                  and  
21                  “(N) the right to the notice described in sub-  
22                  section (c)(11) before a person speaks (in-person  
23                  or virtually) to their child in a class, school as-  
24                  sembly, or any other school-sponsored event.”;

1           (3) *in paragraph (2)(B) (as redesignated by*  
2 *paragraph (1))—*

3           (A) *by redesignating clause (i) and clause*  
4 *(ii) as subclause (I) and subclause (II), respec-*  
5 *tively;*

6           (B) *by striking “(B) ADDITIONAL INFORMA-*  
7 *TION.—” and inserting:*

8           “(B) *ADDITIONAL INFORMATION.—*

9           “(i) *IN GENERAL.—*”; *and*

10          (C) *by adding at the end the following:*

11          “(ii) *SCHOOL LIBRARY.—A local edu-*  
12 *cational agency receiving funds under this*  
13 *part shall ensure that each elementary*  
14 *school and secondary school served by such*  
15 *agency provides the parents of each child*  
16 *who is a student in such school—*

17          “(I) *at the beginning of each*  
18 *school year, a list of books and other*  
19 *reading materials available in the li-*  
20 *brary of such school; and*

21          “(II) *the opportunity to inspect*  
22 *such books and other reading mate-*  
23 *rials.*

24          “(iii) *VIOLENT ACTIVITY.—A local edu-*  
25 *cational agency receiving funds under this*

1           *part shall ensure that each elementary*  
2           *school and secondary school served by such*  
3           *agency provides the parents of each child*  
4           *who is a student in such school timely noti-*  
5           *fication of any violent activity occurring on*  
6           *school grounds or at school-sponsored activi-*  
7           *ties in which one or more individuals suffer*  
8           *injuries, except that such notification shall*  
9           *not contain names or the grade level of any*  
10          *students involved in the activity.*

11           “(iv) *GIFTED AND TALENTED PRO-*  
12          *GRAMS.—A local educational agency receiv-*  
13          *ing funds under this part shall ensure that*  
14          *each elementary school and secondary school*  
15          *served by such agency provides the parents*  
16          *of each child who is a student in such school*  
17          *timely notification of any plan to eliminate*  
18          *gifted and talented programs in such*  
19          *school.”; and*

20           (4) *by inserting after paragraph (4) (as redesign-*  
21          *ated by paragraph (1)) the following:*

22           “(5) *TRANSPARENCY.—A local educational agen-*  
23          *cy receiving funds under this part shall provide the*  
24          *parents of each child who is a student in an elemen-*

1        *tary school or secondary school served by such agen-*  
 2        *cy—*

3                *“(A)(i) the opportunity to meet in-person or*  
 4                *virtually via videoconference with each teacher of*  
 5                *such child not less than twice during each school*  
 6                *year; and*

7                *“(ii) a notification, at the beginning of each*  
 8                *school year, of the opportunity for such meetings,*  
 9                *including the option to attend such meetings vir-*  
 10               *tually via videoconference; and*

11               *“(B) the opportunity to address the school*  
 12               *board of such local educational agency on issues*  
 13               *impacting the education of children in such*  
 14               *agency.”.*

15 **SEC. 105. SENSE OF CONGRESS ON FIRST AMENDMENT**  
 16                **RIGHTS.**

17        *Title VIII of the Elementary and Secondary Edu-*  
 18        *cation Act of 1965 (20 U.S.C. 7801 et seq.) is amended—*

19               (1) *by redesignating section 8549C as section*  
 20               *8549D; and*

21               (2) *by inserting after section 8549B the following*  
 22               *new section:*

23 **“SEC. 8549C. SENSE OF CONGRESS ON FIRST AMENDMENT**  
 24                **RIGHTS.**

25               *“(a) FINDINGS.—Congress finds the following:*

1           “(1) *Parents have a First Amendment right to*  
2           *express their opinions on decisions made by State and*  
3           *local education leaders.*

4           “(2) *States and local educational agencies should*  
5           *empower parents to communicate regularly with Fed-*  
6           *eral, State, and local policymakers and educators re-*  
7           *garding the education and well-being of their chil-*  
8           *dren.*

9           “(3) *Transparent and cooperative relationships*  
10          *between parents and schools have significant and*  
11          *long-lasting positive effects on the development of chil-*  
12          *dren.*

13          “(4) *Parents’ concerns over content and peda-*  
14          *gogy deserve to be heard and fully considered by*  
15          *school professionals.*

16          “(5) *Parent and other community input about*  
17          *schools that is presented in a lawful and appropriate*  
18          *manner should always be encouraged.*

19          “(6) *Educators, policymakers, elected officials,*  
20          *Executive Branch officials and employees, and other*  
21          *stakeholders should never seek to use law enforcement*  
22          *to criminalize the lawfully expressed concerns of par-*  
23          *ents about their children’s education, but should never*  
24          *hesitate to contact public safety officials if there is a*  
25          *credible threat to the safety and security of students,*

1       parents, educators, policymakers, elected officials, ex-  
 2       ecutive branch officials or employees, or other stake-  
 3       holders, school faculty, or staff.

4       “(b) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
 5       *that the First Amendment guarantees parents and other*  
 6       *stakeholders the right to assemble and express their opinions*  
 7       *on decisions affecting their children and communities, and*  
 8       *that educators and policymakers should welcome and en-*  
 9       *courage that engagement and consider that feedback when*  
 10      *making decisions.”.*

11           ***TITLE II—AMENDMENTS TO***  
 12                   ***FERPA AND PPRA***

13      ***SEC. 201. AMENDMENTS TO THE FAMILY EDUCATIONAL***  
 14                   ***RIGHTS AND PRIVACY ACT OF 1974.***

15       (a) *ENFORCEMENT.*—*Section 444(f) of the General*  
 16      *Education Provisions Act (20 U.S.C. 1232g) (also known*  
 17      *as the “Family Educational Rights and Privacy Act of*  
 18      *1974”)* (20 U.S.C. 1232g(f)) *is amended by adding at the*  
 19      *end the following: “The Secretary shall comply with the re-*  
 20      *porting requirement under section 445(e)(2)(C)(ii) with re-*  
 21      *spect to the enforcement actions taken under this subsection*  
 22      *to ensure compliance with this section.”.*

23       (b) *PROHIBITION ON EDUCATIONAL AGENCIES OR IN-*  
 24      *STITUTIONS ACTING AS AN AGENT OF A PARENT.*—*Section*  
 25      *444 of the General Education Provisions Act (20 U.S.C.*

1 1232g) (also known as the “Family Educational Rights and  
2 Privacy Act of 1974”) is amended by adding at the end  
3 the following:

4       “(k) *PROHIBITION ON EDUCATIONAL AGENCIES OR IN-*  
5 *STITUTIONS ACTING AS AGENT OF A PARENT FOR USE OF*  
6 *TECHNOLOGY.*—An educational agency or institution may  
7 not act as the agent of a parent of a student in attendance  
8 at a school of such agency or at such institution for pur-  
9 poses of providing verifiable parental consent for the use  
10 of technology in the classroom for purposes of educating the  
11 student without providing notice and an opportunity for  
12 the parent to object to the use of such technology.

13       “(l) *PROHIBITION ON EDUCATIONAL AGENCIES OR IN-*  
14 *STITUTIONS ACTING AS AGENT OF A PARENT FOR VAC-*  
15 *CINES.*—An educational agency or institution may not act  
16 as the agent of a parent of a student in attendance at a  
17 school of such agency or at such institution for purposes  
18 of providing verifiable parental consent for a vaccination.”.

19       “(c) *PROHIBITION ON SALE OF INFORMATION FOR COM-*  
20 *MERCIAL PURPOSES.*—Section 444 of the General Edu-  
21 cation Provisions Act (20 U.S.C. 1232g) (also known as the  
22 “Family Educational Rights and Privacy Act of 1974”),  
23 as amended by this section, is further amended by adding  
24 at the end the following:

1       “(m) *PROHIBITION ON SALE OF INFORMATION FOR*  
2 *COMMERCIAL PURPOSES.*—

3               “(1) *IN GENERAL.*—*Except as provided in para-*  
4 *graph (2), no educational agency or institution or au-*  
5 *thorized representative of such agency or institution*  
6 *may sell student information for commercial or fi-*  
7 *nancial gain.*

8               “(2) *EXCEPTIONS.*—*The prohibition described in*  
9 *paragraph (1) shall not apply to products sold to stu-*  
10 *dents by or on behalf of the educational agency or in-*  
11 *stitution, such as yearbooks, prom tickets, and school*  
12 *pictures.*”.

13       “(d) *PARENTAL CONSULTATION.*—*Section 444 of the*  
14 *General Education Provisions Act (20 U.S.C. 1232g) (also*  
15 *known as the “Family Educational Rights and Privacy Act*  
16 *of 1974”)*, as amended by this section, is further amended  
17 *by adding at the end the following:*

18               “(n) *PARENTAL CONSULTATION.*—*In developing a pri-*  
19 *vacy policy or procedure, an educational agency or institu-*  
20 *tion shall engage meaningfully with parents of students in*  
21 *attendance at the schools served by such agency or institu-*  
22 *tion.*”.

23       “(e) *DISCLOSURE OF INFORMATION.*—*Section 444 of the*  
24 *General Education Provisions Act (20 U.S.C. 1232g) (also*  
25 *known as the “Family Educational Rights and Privacy Act*

1 of 1974”), as amended by this section, is further amended  
2 by adding at the end the following:

3 “(o) *DISCLOSURE OF INFORMATION.*—An educational  
4 agency or institution or authorized representative of such  
5 agency or institution shall, upon request from a parent of  
6 a student, disclose to such parent the identity of any indi-  
7 vidual or entity with whom information is shared from the  
8 education record of the student or any response of the stu-  
9 dent to a survey.”.

10 **SEC. 202. PROTECTION OF PUPIL RIGHTS.**

11 (a) *AVAILABILITY FOR INSPECTION BY PARENTS OR*  
12 *GUARDIANS.*—Section 445(a) of the General Education  
13 Provisions Act (20 U.S.C. 1232h(a)) is amended to read  
14 as follows:

15 “(a) *AVAILABILITY FOR INSPECTION BY PARENTS OR*  
16 *GUARDIANS.*—A local educational agency (as such term is  
17 defined in subsection (c)(6)(C)) that receives funds under  
18 any applicable program shall ensure the following:

19 “(1) *INFORMATION AVAILABLE.*—Each of the fol-  
20 lowing shall be available for inspection by the parents  
21 or guardians of the children in attendance at the  
22 schools served by such agency, and the availability of  
23 each of the following for inspection shall not be condi-  
24 tioned on any requirement that such parents or  
25 guardians sign a nondisclosure agreement:

1           “(A) *All instructional materials, including*  
2 *teacher’s manuals, films, tapes, or other supple-*  
3 *mentary material which will be used in such*  
4 *school or in connection with any survey, anal-*  
5 *ysis, or evaluation.*

6           “(B) *Any books or other reading materials*  
7 *made available to students in such school or*  
8 *through the school library of such school.*

9           “(C) *Any professional development mate-*  
10 *rials.*

11       “(2) *COMMENT PERIODS FOR PARENTS.—*

12           “(A) *IN GENERAL.—The agency shall pro-*  
13 *vide comment periods during which parents or*  
14 *guardians of the children in attendance at the*  
15 *schools served by the agency may inspect and*  
16 *provide feedback on any of the materials referred*  
17 *to in paragraph (1) that—*

18                   “(i) *are expected to be used to teach*  
19 *such children during the three weeks fol-*  
20 *lowing the comment period; or*

21                   “(ii) *were used to teach such children*  
22 *during preceding portions of the school*  
23 *year.*

24           “(B) *FREQUENCY AND DURATION.—The*  
25 *comment periods described in subparagraph (A)*

1           *shall be held not less frequently than once every*  
2           *three weeks during the school year and each com-*  
3           *ment period shall be not less than three school*  
4           *days in duration.”.*

5           **(b) SINGLE ISSUE NOTIFICATION.**—*Section 445(b) of*  
6           *the General Education Provisions Act (20 U.S.C. 1232h)*  
7           *is amended—*

8                   (1) *by striking “prior consent of the student”*  
9                   *and inserting “prior written consent of the student”;*  
10                  *and*

11                   (2) *by inserting “, which is provided specifically*  
12                   *for such survey, analysis, or evaluation” before the*  
13                   *period at the end.*

14           **(c) DEVELOPMENT AND ADOPTION OF LOCAL POLI-**  
15           **CIES.**—*Section 445(c) of the General Education Provisions*  
16           *Act (20 U.S.C. 1232h(c)) is amended—*

17                   (1) *in the subsection heading, by striking “PHYS-*  
18                   *ICAL” and inserting “MEDICAL”;*

19                   (2) *in paragraph (1)—*

20                           (A) *in the matter preceding subparagraph*  
21                           (A), *by striking “in consultation with parents”*  
22                           *and inserting “in consultation with parents in*  
23                           *accordance with paragraph (2)(A)”;*

24                           (B) *in subparagraph (C), by amending*  
25                           *clause (i) to read as follows:*

1           “(i) *The right of a parent of a student*  
2           *to inspect, upon the request of the parent,*  
3           *any instructional material used as part of*  
4           *the educational curriculum for the student,*  
5           *and any books or other reading materials*  
6           *made available to the student in a school*  
7           *served by the agency or through the school*  
8           *library; and”;*

9           (C) *by amending subparagraph (D) to read*  
10          *as follows:*

11           “(D) *The administration of medical exami-*  
12          *nations or screenings that the school or agency*  
13          *may administer to a student, including—*

14           “(i) *prior notice to parents of such a*  
15          *medical examination or screening, and re-*  
16          *ceipt of consent from parents before admin-*  
17          *istering such an examination or screening;*  
18          *and*

19           “(ii) *in the event of an emergency that*  
20          *requires a medical examination or screening*  
21          *without time for parental notification and*  
22          *consent, the procedure for promptly noti-*  
23          *fying parents of such examination or*  
24          *screening subsequent to such examination or*  
25          *screening.”; and*

1           (D) by amending subparagraph (E) to read  
2 as follows:

3           “(E) The prohibition on the collection, dis-  
4 closure, or use of personal information collected  
5 from students for the purpose of marketing or for  
6 selling that information (or otherwise providing  
7 that information to others for that purpose),  
8 other than for a legitimate educational purpose  
9 to improve the education of students as described  
10 in paragraph (4), and the arrangements to pro-  
11 tect student privacy that are provided by the  
12 agency in the event of such collection, disclosure,  
13 or use for such a legitimate educational pur-  
14 pose.”.

15       (d) PARENTAL NOTIFICATION.—Paragraph (2) of sec-  
16 tion 445(c) of the General Education Provisions Act (20  
17 U.S.C. 1232h(c)) is amended—

18           (1) in the paragraph heading, by inserting  
19 “CONSULTATION AND” before “NOTIFICATION”;

20           (2) by redesignating subparagraphs (A) through  
21 (C) as subparagraphs (B) through (D), respectively;

22           (3) in subparagraph (B) (as so redesignated)—

23               (A) in clause (i), by striking “and” at the  
24 end;

1           (B) by amending clause (ii) to read as fol-  
2           lows:

3                   “(ii) in the case of an activity de-  
4                   scribed in clause (i) or (iii) of subpara-  
5                   graph (D), offer an opportunity and clear  
6                   instructions for the parent (or in the case of  
7                   a student who is an adult or emancipated  
8                   minor, the student) to opt the student out of  
9                   participation in such activity;” and

10           (C) by adding at the end the following:

11                   “(iii) in the case of an activity de-  
12                   scribed in subparagraph (D)(i), a descrip-  
13                   tion of how such activity is for a legitimate  
14                   educational purpose to improve the edu-  
15                   cation of students as described in paragraph  
16                   (4); and

17                   “(iv) not require a student to submit to  
18                   a survey described in subparagraph (D)(ii)  
19                   without the prior written consent of the stu-  
20                   dent (if the student is an adult or emanci-  
21                   pated minor), or in the case of an  
22                   unemancipated minor, without the prior  
23                   written consent of the parent, which is pro-  
24                   vided specifically for such survey.”;

1           (4) by inserting before subparagraph (B) (as so  
2           amended and redesignated), the following:

3           “(A) *PARENTAL CONSULTATION.*—The pa-  
4           rental consultation required for the purpose of  
5           developing and adopting policies under para-  
6           graphs (1) and (3) by a local educational agency  
7           shall ensure that such policy is developed with  
8           meaningful engagement by parents of students  
9           enrolled in schools served by that agency.”; and  
10          (5) in subparagraph (D) (as redesignated by  
11          paragraph (2))—

12           (A) by amending clause (i) to read as fol-  
13          lows:

14           “(i) *Activities involving the collection,*  
15           *disclosure, or use of personal information*  
16           *collected from students for a legitimate edu-*  
17           *cational purpose to improve the education*  
18           *of students as described in paragraph (4).”;*  
19           and

20           (B) in clause (iii), by striking “*invasive*  
21           *physical*” and inserting “*medical*”.

22          (e) *UPDATES TO EXISTING POLICIES.*—Paragraph (3)  
23          of section 445(c) of the General Education Provisions Act  
24          (20 U.S.C. 1232h(c)) is amended to read as follows:

25           “(3) *UPDATES TO EXISTING POLICIES.*—

1           “(A) *IN GENERAL.*—Not later than 180  
2           *days after the date of enactment of the Parents*  
3           *Bill of Rights Act, a local educational agency*  
4           *that receives funds under any applicable pro-*  
5           *gram shall—*

6                     “(i) *review policies covering the re-*  
7                     *quirements of paragraph (1) as in effect on*  
8                     *the day before such date of enactment; and*

9                     “(ii) *develop and update such policies*  
10                    *to reflect the changes made to paragraph (1)*  
11                    *by the amendments made by the Parents*  
12                    *Bill of Rights Act.*

13           “(B) *CONSULTATION AND NOTIFICATION.*—  
14           *In developing and updating the policies under*  
15           *subparagraph (A), the agency shall comply with*  
16           *the consultation and notification requirements*  
17           *under paragraph (2).”.*

18           (f) *EXCEPTIONS.*—*Paragraph (4)(A) of section 445(c)*  
19           *of the General Education Provisions Act (20 U.S.C.*  
20           *1232h(c)) is amended by amending the matter preceding*  
21           *clause (i) to read as follows:*

22                     “(A) *EDUCATIONAL PRODUCTS OR SERV-*  
23                     *ICES.*—*For purposes of paragraph (1)(E), the*  
24                     *collection, disclosure, or use of personal informa-*  
25                     *tion collected from students for a legitimate edu-*

1           *cational purpose to improve the education of stu-*  
2           *dents means the exclusive purpose of developing,*  
3           *evaluating, or providing educational products or*  
4           *services for, or to, students or schools, such as the*  
5           *following.”.*

6           *(g) DEFINITIONS.—Paragraph (6) of section 445(c) of*  
7           *the General Education Provisions Act (20 U.S.C. 1232h(c))*  
8           *is amended—*

9                   *(1) by amending subparagraph (B) to read as*  
10           *follows:*

11                           *“(B) MEDICAL EXAMINATION OR SCREEN-*  
12                           *ING.—The term ‘medical examination or screen-*  
13                           *ing’ means any medical examination or screen-*  
14                           *ing that involves the exposure of private body*  
15                           *parts, or any act during such examination or*  
16                           *screening that includes incision, insertion, or in-*  
17                           *jection into the body, or a mental health or sub-*  
18                           *stance use disorder screening, except that such*  
19                           *term does not include a hearing, vision, or scoli-*  
20                           *osis screening, or an observational screening car-*  
21                           *ried out to comply with child find obligations*  
22                           *under the Individuals with Disabilities Edu-*  
23                           *cation Act (20 U.S.C. 1400 et seq.).”;*

24                   *(2) in subparagraph (E)—*

25                           *(A) in clause (iii), by striking “or”;*

1                   (B) in clause (iv), by striking the period at  
2                   the end and inserting “; or”; and

3                   (C) by adding at the end the following:

4                                 “(v) an email address.”.

5           (h) *ENFORCEMENT AND REPORTING.*—Subsection (e)  
6 of section 445 of the General Education Provisions Act (20  
7 U.S.C. 1232h) is amended to read as follows:

8           “(e) *ENFORCEMENT AND REPORTING.*—

9                         “(1) *ENFORCEMENT.*—The Secretary shall take  
10                         such action as the Secretary determines appropriate  
11                         to enforce this section, except that action to terminate  
12                         assistance provided under an applicable program  
13                         shall be taken only if the Secretary determines that—

14                                 “(A) there has been a failure to comply with  
15                                 such section; and

16                                 “(B) compliance with such section cannot  
17                                 be secured by voluntary means.

18                         “(2) *REPORTING.*—

19                                 “(A) *LOCAL EDUCATIONAL AGENCIES.*—On  
20                                 an annual basis, each local educational agency  
21                                 (as such term is defined in subsection (c)(6)(C))  
22                                 that receives funds under any applicable pro-  
23                                 gram shall—

24   “(i) without identifying any personal  
25   information of a student or students, report

1           to the State educational agency any enforce-  
2           ment actions or investigations carried out  
3           for the preceding school year to ensure com-  
4           pliance with this section; and

5                   “(ii) publish such information on its  
6                   website or through other public means used  
7                   for parental notification if the agency does  
8                   not have a website.

9                   “(B) STATES.—On an annual basis, each  
10                  State educational agency shall provide to the  
11                  Secretary a report, with respect to the preceding  
12                  school year, that includes all actions local edu-  
13                  cational agencies have reported under subpara-  
14                  graph (A), and a description of the enforcement  
15                  actions the State educational agency took to en-  
16                  sure parents’ rights were protected.

17                  “(C) SECRETARY.—Not later than 1 year  
18                  after the date of enactment of the Parents Bill of  
19                  Rights Act, and annually thereafter, the Sec-  
20                  retary shall submit to the Committee on Edu-  
21                  cation and the Workforce of the House of Rep-  
22                  resentatives and the Committee on Health, Edu-  
23                  cation, Labor, and Pensions of the Senate—

24                   “(i) the reports received under sub-  
25                   paragraph (B); and

1                   “(i) a description of the enforcement  
2                   actions taken by the Secretary under this  
3                   subsection and section 444(f) to ensure full  
4                   compliance with this section and section  
5                   444, respectively.”.

6   **TITLE     III—PROHIBITION     ON**  
7       **FEDERAL INVOLVEMENT IN**  
8       **CURRICULUM**

9   **SEC. 301. RULE OF CONSTRUCTION.**

10       *Nothing in this Act may be construed to authorize any*  
11       *department, agency, officer, or employee of the United*  
12       *States to exercise any direction, supervision, or control over*  
13       *the curriculum, program of instruction, administration, or*  
14       *personnel of any educational institution, school, or school*  
15       *system.*

16   **TITLE     IV—GENDER     MARKERS,**  
17       **PRONOUNS, AND PREFERRED**  
18       **NAMES ON SCHOOL FORMS**

19   **SEC. 401. REQUIREMENT RELATED TO GENDER MARKERS,**  
20                   **PRONOUNS, AND PREFERRED NAMES ON**  
21                   **SCHOOL FORMS.**

22       *As a condition of receiving Federal funds, any elemen-*  
23       *tary school (as such term is defined in section 8101 of the*  
24       *Elementary and Secondary Education Act of 1965 (20*  
25       *U.S.C. 7801)) or school that consists of only middle grades*

1 *(as such term is defined in such section), that receives Fed-*  
2 *eral funds shall be required to obtain parental consent be-*  
3 *fore—*

4 *(1) changing a minor child’s gender markers,*  
5 *pronouns, or preferred name on any school form; or*

6 *(2) allowing a child to change the child’s sex-*  
7 *based accommodations, including locker rooms or*  
8 *bathrooms.*

9 **TITLE V—ACCESS TO SCHOOL**  
10 **BROADBAND**

11 **SEC. 501. SENSE OF CONGRESS.**

12 *It is the sense of Congress that all public elementary*  
13 *and public secondary school students should have access to*  
14 *broadband.*

15 **TITLE VI—SENSE OF CONGRESS**

16 **SEC. 601. SENSE OF CONGRESS.**

17 *It is the sense of Congress that all public elementary*  
18 *school and secondary school students should have opportuni-*  
19 *ties to learn the history of the Holocaust and anti-Semi-*  
20 *tism.*



Union Calendar No. 4

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 5**

[Report No. 118-9]

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**A BILL**

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

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MARCH 14, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed