

105TH CONGRESS
2D SESSION

H. R. 3189

To amend the General Education Provisions Act to allow parents access to certain information.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1998

Mr. TIAHRT (for himself, Mr. LARGENT, Mr. SOLOMON, Mr. RYUN, Mr. WICKER, Mr. COBURN, Mr. GRAHAM, Mr. SOUDER, Mr. HILLEARY, Mr. TALENT, Mr. BARCIA, Mr. LIPINSKI, Mr. HULSHOF, Mr. MCINTOSH, Mrs. MYRICK, Mr. PETERSON of Pennsylvania, Mr. NORWOOD, Mr. GUTKNECHT, Mr. ENSIGN, Mr. CALVERT, Mr. STEARNS, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. REDMOND, Mr. PAPPAS, Mr. BLUNT, Mr. SESSIONS, Mr. HUTCHINSON, Mr. FORBES, Mrs. EMERSON, Mrs. CHENOWETH, Mr. ARMEY, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. HOEKSTRA, Mr. CRAPO, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. TAYLOR of North Carolina, Mr. MCINNIS, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. PITTS, Mr. WAMP, Mr. SHADEGG, Mr. ADERHOLT, Mr. DICKEY, Mr. DELAY, and Mr. INGLIS of South Carolina) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the General Education Provisions Act to allow parents access to certain information.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Parental Freedom of
3 Information Act”.

4 **SEC. 2. INFORMATION ACCESS AND CONSENT.**

5 (a) IN GENERAL.—Section 444 of the General Edu-
6 cation Provisions Act (20 U.S.C. 1232g) is amended by
7 adding at the end the following:

8 “(i) INSTRUCTIONAL AND TESTING MATERIALS.—

9 “(1) IN GENERAL.—No funds shall be made
10 available under any applicable program to any edu-
11 cational agency or institution that has a policy of de-
12 denying, or that effectively prevents, the parent of an
13 elementary school or secondary school student served
14 by such agency or at such institution, as the case
15 may be, the right to inspect and review any instruc-
16 tional material used with respect to the educational
17 curriculum of, or testing material administered to,
18 the student. Each educational agency or institution
19 shall establish appropriate procedures for the grant-
20 ing of a request by parents for access to the instruc-
21 tional material or testing material within a reason-
22 able period of time, but in no case more than 30
23 days after the request has been made.

24 “(2) DEFINITIONS.—In this subsection:

25 “(A) INSTRUCTIONAL MATERIAL.—The
26 term ‘instructional material’ means a textbook,

1 audio/visual material, manual, journal, film,
2 tape, or any other material supplementary to
3 the educational curriculum of a student.

4 “(B) TESTING MATERIAL.—The term ‘test-
5 ing material’ means a copy of any test (without
6 responses) that is administered to a student
7 during the current or preceding school year,
8 and if available, any statistical comparison data
9 regarding the test results with respect to the
10 student’s age or grade level. The term does not
11 include a nonclassroom diagnostic test, a stand-
12 dardized assessment or standardized achievement
13 test, or a test subject to a copyright agreement.

14 “(j) RIGHT OF ACCESS.—

15 “(1) IN GENERAL.—A parent of an elementary
16 school or secondary school student whose right to
17 gain access to information or material made avail-
18 able to the parent under this section during the 30-
19 day compliance period set forth in subsection (a)(1)
20 or (i)(1) is knowingly or negligently violated may
21 maintain an action for appropriate relief after the
22 last day of such period. Appropriate relief includes
23 equitable or declaratory relief and reasonably in-
24 curred litigation costs, including a reasonable attor-
25 ney’s fee.

1 “(2) LIMITATION.—A civil action under this
2 subsection may not commence more than 2 years
3 after the last day of the 30-day compliance period
4 set forth in subsection (a)(1) or (i)(1).

5 “(k) PARENTAL CONSENT.—No funds shall be made
6 available under any applicable program to an educational
7 agency or institution that, as part of an applicable pro-
8 gram and without the prior, written, informed consent of
9 the parent of a student, requires the student—

10 “(1) to undergo medical, psychological, or psy-
11 chiatric examination, testing, treatment, or immuni-
12 zation (except in the case of a medical emergency);
13 or

14 “(2) to reveal any information about the stu-
15 dent’s personal or family life (except to the extent
16 necessary to comply with the Child Abuse Prevention
17 and Treatment Act (42 U.S.C. 5102)).”.

18 (b) RIGHT OF ACCESS.—The third sentence of sec-
19 tion 444(a)(1)(A) of the General Education Provisions Act
20 (20 U.S.C. 1232g(a)(1)(A)) is amended by striking
21 “forty-five” and inserting “30”.

○