

107TH CONGRESS  
1ST SESSION

# H. R. 1854

To amend the General Education Act to allow parents access to certain information about their children.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2001

Mr. TIAHRT (for himself, Mr. PITTS, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. GUTKNECHT, Mr. RYUN of Kansas, Mr. BARR of Georgia, Mr. ENGLISH, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. WELDON of Florida, Mr. TANCREDO, Mr. GRAHAM, and Mr. LEWIS of Kentucky) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the General Education Act to allow parents access to certain information about their children.

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 “Parental Freedom of  
5 Information Act”.

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

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

5 “(j) INSTRUCTIONAL AND TESTING MATERIALS.—

6 “(1) IN GENERAL.—No funds shall be made  
7 available under any applicable program to any edu-  
8 cational agency or institution that has a policy of de-  
9 nying, or that effectively prevents, the parent of an  
10 elementary school or secondary school student served  
11 by such agency or at such institution, as the case  
12 may be, the right to inspect and review any instruc-  
13 tional material used with respect to the educational  
14 curriculum of, or testing material that has been ad-  
15 ministered to, the student. Each educational agency  
16 or institution shall establish appropriate procedures  
17 for the granting of a request by parents for access  
18 to the instructional material or testing material. The  
19 granting of each such request shall be made in a  
20 reasonable period of time, but shall not exceed 30  
21 days, after the date of the request.

22 “(2) GRIEVANCE PROCESS.—

23 “(A) IN GENERAL.—Any educational agen-  
24 cy or institution that receives funding under  
25 any applicable program shall establish and  
26 maintain procedures in accordance with this

1 paragraph for resolving a dispute under this  
2 subsection through mediation or through use of  
3 arbitration if the dispute is not resolved  
4 through mediation.

5 “(B) MEDIATION.—

6 “(i) GOALS OF MEDIATION.—The  
7 goals of mediation are a prompt resolution  
8 of the dispute in a written agreement be-  
9 tween the parties.

10 “(ii) MEDIATION PROCESS.—The me-  
11 diation process, at a minimum, shall meet  
12 the following requirements:

13 “(I) Be conducted not later than  
14 60 days after a parent’s request for  
15 access and review of educational and  
16 testing materials is denied.

17 “(II) Not be used to deny or  
18 delay a parent’s rights afforded under  
19 this subsection.

20 “(III) Be conducted by a quali-  
21 fied and impartial mediator who is  
22 trained in effective mediation tech-  
23 niques and is chosen by mutual con-  
24 sent of the involved parties.

1                   “(IV) Be scheduled in a timely  
2                   manner and be held in a location that  
3                   is convenient to the parties to the dis-  
4                   pute.

5                   “(iii) COSTS OF MEDIATION.—The  
6                   costs of mediation shall be paid for by the  
7                   educational agency or institution, as the  
8                   case may be.

9                   “(C) ARBITRATION.—

10                   “(i) GOAL OF ARBITRATION.—The  
11                   goal of arbitration is a prompt resolution  
12                   of the dispute in the event the parties are  
13                   unable to reach a written agreement  
14                   through the mediation process.

15                   “(ii) ARBITRATION PROCESS.—The  
16                   arbitration process, at a minimum, shall  
17                   meet the following requirements:

18                   “(I) Be conducted not later than  
19                   60 days after failure to resolve the  
20                   dispute through mediation.

21                   “(II) Be conducted by an inde-  
22                   pendent arbitrator chosen by mutual  
23                   consent of all parties to the dispute.

24                   “(III) Require the arbitrator to  
25                   take testimony and order such equi-

1 table or declaratory relief as appro-  
2 priate.

3 “(IV) Be scheduled in a timely  
4 manner and be held in a location that  
5 is convenient to the parties to the dis-  
6 pute.

7 “(V) Be considered final and  
8 binding upon all parties to the dis-  
9 pute.

10 “(iii) COSTS OF ARBITRATION.—The  
11 costs of arbitration shall be shared equally  
12 between all parties to the dispute.

13 “(3) DEFINITIONS.—In this subsection:

14 “(A) INSTRUCTIONAL MATERIAL.—The  
15 term ‘instructional material’ means a textbook,  
16 audio/visual material, informational material ac-  
17 cessible through Internet sites, material in dig-  
18 ital or electronic formats, instructional manual,  
19 or journal, or any other material supplementary  
20 to the educational curriculum of a student.

21 “(B) TESTING MATERIAL.—The term ‘test-  
22 ing material’ means any test (without re-  
23 sponses) after the test is administered to a stu-  
24 dent during the current school year, and if  
25 available, any statistical comparison data re-

1           garding the test results with respect to the stu-  
2           dent’s age or grade level. The term does not in-  
3           clude a test subject to a copyright or licensing  
4           agreement.

5           “(k) PARENTAL CONSENT.—

6           “(1) IN GENERAL.—Except as provided in para-  
7           graph (2), no funds shall be made available under  
8           any applicable program to an educational agency or  
9           institution that, without the prior, written, informed  
10          consent of the parent of a student requires the stu-  
11          dent to undergo medical, psychological, or psy-  
12          chiatric examination, testing, treatment, or immuni-  
13          zation (except in the case of a medical emergency).

14          “(2) EXCEPTION.—Paragraph (1) shall not  
15          apply to directory information as defined in sub-  
16          section (a)(5)(A) or to medical, psychological, or  
17          psychiatric examinations, testing, treatment, or im-  
18          munizations of students expressly permitted by State  
19          law without written parental consent.

20          “(3) RULE OF CONSTRUCTION.—Nothing in  
21          paragraph (1) shall be construed as superseding or  
22          otherwise affecting informed parental consent re-  
23          quirements under the Individuals with Disabilities  
24          Act (20 U.S.C. 1400 et seq.).

1           “(4) RESTRICTION ON SEEKING INFORMATION  
2 FROM MINORS.—Notwithstanding any other provi-  
3 sion of Federal law, in conducting a program or ac-  
4 tivity funded in whole or in part by the Federal Gov-  
5 ernment a person may not, without the consent of  
6 at least 1 parent or guardian of a minor or, in the  
7 case of an emancipated minor, the prior consent of  
8 the minor, require or otherwise seek the response of  
9 the minor to a survey or questionnaire whether writ-  
10 ten or oral which elicits information concerning any  
11 of the following:

12                   “(i) Parental political affiliations or  
13 beliefs.

14                   “(ii) Mental or psychological prob-  
15 lems.

16                   “(iii) Sexual behavior or attitudes.

17                   “(iv) Illegal, antisocial, or self-incrimi-  
18 nating behavior.

19                   “(v) Appraisals of other individuals  
20 with whom the minor has a familial rela-  
21 tionship.

22                   “(vi) Relationships that are legally  
23 recognized as privileged, including those  
24 with lawyers, physicians, and members of  
25 the clergy.

1                   “(vii) Religious affiliations or be-  
2                   liefs.”.

3           (b) RIGHT OF ACCESS.—The third sentence of sec-  
4 tion 444(a)(1)(A) of the General Education Provisions Act  
5 (20 U.S.C. 1232g(a)(1)(A)) is amended by striking  
6 “forty-five” and inserting “30”.

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