

118TH CONGRESS  
1ST SESSION

# H. R. 5

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Parents Bill of Rights  
3 Act”.

4 **TITLE I—AMENDMENTS TO THE**  
5 **ELEMENTARY AND SEC-**  
6 **ONDARY EDUCATION ACT OF**  
7 **1965**

8 **SEC. 101. STATE PLAN ASSURANCES.**

9 Section 1111(g)(2) of the Elementary and Secondary  
10 Education Act of 1965 (20 U.S.C. 6311(g)(2)) is amend-  
11 ed—

12 (1) in subparagraph (M), by striking “and” at  
13 the end;

14 (2) in subparagraph (N), by striking the period  
15 at the end and inserting a semicolon; and

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

17 “(O) the State will ensure that each local  
18 educational agency in the State—

19 “(i) in a case in which the curriculum  
20 for an elementary or secondary school (in-  
21 cluding secondary career and technical  
22 education schools) grade level is freely and  
23 publicly available on the internet—

24 “(I) posts on a publicly accessible  
25 website of the agency, such cur-  
26 riculum; or

1 “(II) if such agency does not op-  
2 erate a website, widely disseminates to  
3 the public such curriculum; or

4 “(ii) in a case in which the curriculum  
5 for an elementary or secondary school (in-  
6 cluding secondary career and technical  
7 education schools) grade level is not freely  
8 and publicly available on the internet—

9 “(I) posts on a publicly accessible  
10 website of the agency—

11 “(aa) a description of such  
12 curriculum; and

13 “(bb) information on how  
14 parents can review such cur-  
15 riculum as described in section  
16 1112(e)(1)(A); or

17 “(II) if such agency does not op-  
18 erate a website, widely disseminates to  
19 the public the description and infor-  
20 mation described in items (aa) and  
21 (bb) of subclause (I); and

22 “(P) in the case of any revisions to the  
23 State’s challenging State academic standards  
24 (including any revisions to the levels of achieve-  
25 ment within the State’s academic achievement

1 standards), the State educational agency will  
2 post to the homepage of its website, and widely  
3 disseminate to the public, notice of such revisions  
4 and a copy of such revisions, except that  
5 the State educational agency shall not be required  
6 to submit such notice or such revisions  
7 to the Secretary.”.

8 **SEC. 102. ANNUAL LOCAL EDUCATIONAL AGENCY REPORT**  
9 **CARDS.**

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

13 “(E) BUDGET.—Each local educational  
14 agency report card shall include the budget for  
15 the school year for which such report card is  
16 being prepared (including all revenues and expenditures  
17 (including expenditures made to private entities)) for the local educational agency  
18 as a whole, and for each elementary school and  
19 secondary school (including secondary career  
20 and technical education schools) served by the  
21 local educational agency. In addition to the detailed  
22 budget information required under the  
23 preceding sentence, the agency shall include a  
24 separate fact sheet that summarizes such information  
25

1           mation in a clear and easily understandable for-  
2           mat.”.

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 dissemi-  
17          nate to the public, the plan for carrying out the par-  
18          ent and family engagement described in section  
19          1116 and all policies and procedures that result  
20          from such engagement;

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

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

5 “(11) ensure that each elementary school and  
6 secondary school (including secondary career and  
7 technical education schools) served by the local edu-  
8 cational agency provides to the parents of students  
9 enrolled at such school, before a person speaks (in-  
10 person or virtually) to such students in a class,  
11 school assembly, or any other school-sponsored  
12 event, notice that includes the name of the speaker  
13 and the name of the organization or other entity  
14 being represented by the speaker.”.

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

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

18 (1) by redesignating paragraphs (1), (2), (3),  
19 and (4) as paragraphs (2), (3), (4), and (6), respec-  
20 tively;

21 (2) by inserting before paragraph (2) (as so re-  
22 designated), the following:

23 “(1) NOTICE OF RIGHTS.—A local educational  
24 agency receiving funds under this part shall ensure  
25 that each elementary school and secondary school

1 (including secondary career and technical education  
2 schools) served by such agency posts on a publicly  
3 accessible website of the school or, if the school does  
4 not operate a website, widely disseminates to the  
5 public, a summary notice of the right of parents to  
6 information about their children’s education as re-  
7 quired under this Act, which shall be in an under-  
8 standable format for parents and include, at min-  
9 imum—

10 “(A) the right (provided in accordance  
11 with the requirements of section 445(a)(2) of  
12 the General Education Provisions Act (20  
13 U.S.C. 1232h(a)(2)) with respect to such local  
14 educational agency) to review, and make copies  
15 of, at no cost, the curriculum of their child’s  
16 school;

17 “(B) the right to know if the State alters  
18 the State’s challenging State academic stand-  
19 ards;

20 “(C) the right to meet with each teacher of  
21 their child not less than twice during each  
22 school year in accordance with paragraph  
23 (5)(A);

1           “(D) the right to review the budget, in-  
2           cluding all revenues and expenditures, of their  
3           child’s school;

4           “(E) the right to—

5                   “(i) a list of the books and other read-  
6                   ing materials available in the library of  
7                   their child’s school; and

8                   “(ii) inspect such books or other read-  
9                   ing materials;

10           “(F) the right to information about all  
11           schools in which their child can enroll, including  
12           options for enrolling in or transferring to—

13                   “(i) other schools served by the local  
14                   educational agency;

15                   “(ii) charter schools; and

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

18           “(G) the right to address the school board  
19           of the local educational agency;

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

22           “(I) the right to information about any  
23           plans to eliminate gifted and talented or college  
24           credit programs in the child’s school, including



1 Advanced Placement and dual-enrollment class-  
2 es;

3 “(J) the right to review any professional  
4 development materials;

5 “(K) the right to know if their child is not  
6 grade-level proficient in reading or language  
7 arts at the end of the third grade as described  
8 in subsection (c)(10);

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

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

13 “(ii) allow a child to change the  
14 child’s sex-based accommodations, includ-  
15 ing locker rooms or bathrooms;

16 “(M) the right to know if—

17 “(i) a school employee or contractor  
18 acts to—

19 “(I) treat, advise, or address the  
20 cyberbullying of a student;

21 “(II) treat, advise, or address the  
22 bullying or hazing of a student;

23 “(III) treat, advise, or address a  
24 student’s mental health, suicidal idea-  
25 tion, or instances of self-harm;

1                   “(IV) treat, advise, or address a  
2                   specific threat to the safety of a stu-  
3                   dent;

4                   “(V) treat, advise, or address the  
5                   possession or use of drugs and other  
6                   controlled substances; or

7                   “(VI) treat, advise, or address an  
8                   eating disorder; or

9                   “(ii) a child brings a weapon to  
10                  school;

11                  “(N) the right to the notice described in  
12                  subsection (c)(11) before a person speaks (in-  
13                  person or virtually) to their child in a class,  
14                  school assembly, or any other school-sponsored  
15                  event;

16                  “(O) the right to be informed of the total  
17                  number of school counselors in their child’s  
18                  school;

19                  “(P) the right to know if their child’s  
20                  school operates, sponsors, or facilitates athletic  
21                  programs or activities that permit an individual  
22                  whose biological sex is male to participate in an  
23                  athletic program or activity that is designated  
24                  for individuals whose biological sex is female;

1           “(Q) the right to know if their child’s  
2 school allows an individual whose biological sex  
3 is male to use restrooms or changing rooms  
4 designated for individuals whose biological sex  
5 is female; and

6           “(R) the right to timely notice of any  
7 major cyberattack against their child’s school  
8 that may have compromised student or parent  
9 information.”;

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

12           (A) by redesignating clause (i) and clause  
13 (ii) as subclause (I) and subclause (II), respec-  
14 tively;

15           (B) by striking “(B) ADDITIONAL INFOR-  
16 MATION.—” and inserting:

17           “(B) ADDITIONAL INFORMATION.—

18           “(i) IN GENERAL.—”; and

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

20           “(ii) SCHOOL LIBRARY.—A local edu-  
21 cational agency receiving funds under this  
22 part shall ensure that each elementary  
23 school and secondary school (including sec-  
24 ondary career and technical education  
25 schools) served by such agency provides

1 the parents of each child who is a student  
2 in such school—

3 “(I) at the beginning of each  
4 school year, a list of books and other  
5 reading materials available in the li-  
6 brary of such school; and

7 “(II) the opportunity to inspect  
8 such books and other reading mate-  
9 rials.

10 “(iii) VIOLENT ACTIVITY.—A local  
11 educational agency receiving funds under  
12 this part shall ensure that each elementary  
13 school and secondary school (including sec-  
14 ondary career and technical education  
15 schools) served by such agency provides  
16 the parents of each child who is a student  
17 in such school timely notification of any  
18 violent activity occurring on school grounds  
19 or at school-sponsored activities in which  
20 one or more individuals suffer injuries (in-  
21 cluding whether such agency is aware of  
22 videos or recordings of such violent activ-  
23 ity), except that such notification shall not  
24 contain names or the grade level of any  
25 students involved in the activity.

1           “(iv) GIFTED AND TALENTED PRO-  
2 GRAMS.—A local educational agency receiv-  
3 ing funds under this part shall ensure that  
4 each elementary school and secondary  
5 school (including secondary career and  
6 technical education schools) served by such  
7 agency provides the parents of each child  
8 who is a student in such school timely noti-  
9 fication of any plan to eliminate gifted and  
10 talented or college credit programs in such  
11 school, including Advanced Placement and  
12 dual-enrollment classes.

13           “(v) SCHOOL COUNSELORS.—A local  
14 educational agency receiving funds under  
15 this part shall ensure that each elementary  
16 school and secondary school (including sec-  
17 ondary career and technical education  
18 schools) served by such agency provides  
19 the parents of each child who is a student  
20 in such school the information described in  
21 paragraph (1)(O).

22           “(vi) ENROLLMENT OPTIONS.—A  
23 local educational agency receiving funds  
24 under this part shall ensure that each ele-  
25 mentary school and secondary school (in-

1 cluding secondary career and technical  
2 education schools) served by such agency  
3 provides the parents of each child who is  
4 a student in such school the information  
5 described in paragraph (1)(F), including  
6 the enrollment and transfer options de-  
7 scribed in such paragraph.

8 “(vii) SCHOOL EMPLOYEE OR CON-  
9 TRACTOR ACTIONS.—A local educational  
10 agency receiving funds under this part  
11 shall ensure that each elementary school  
12 and secondary school (including secondary  
13 career and technical education schools)  
14 served by such agency notifies the parents  
15 of any child who is a student in such  
16 school if a school employee or contractor  
17 takes, with respect to such child, any ac-  
18 tion described in clause (i) or (ii) of para-  
19 graph (1)(L).

20 “(viii) SCHOOL AND STUDENT SAFE-  
21 TY.—A local educational agency receiving  
22 funds under this part shall ensure that  
23 each elementary school and secondary  
24 school (including secondary career and

1 technical education schools) served by such  
2 agency notifies—

3 “(I) the parents of any child who  
4 is a student in such school if a school  
5 employee or contractor takes, with re-  
6 spect to such child, any action de-  
7 scribed in clause (i) of paragraph  
8 (1)(M); and

9 “(II) the parents of each child  
10 who is a student in such school if any  
11 child takes the action described in  
12 clause (ii) of paragraph (1)(M).

13 “(ix) PROFESSIONAL DEVELOPMENT  
14 MATERIALS.—A local educational agency  
15 receiving funds under this part shall en-  
16 sure that each elementary school and sec-  
17 ondary school (including secondary career  
18 and technical education schools) served by  
19 such agency provides the parents of each  
20 child who is a student in such school the  
21 opportunity to review professional develop-  
22 ment materials to ensure the parental right  
23 described in paragraph (1)(J).

24 “(x) ATHLETIC PROGRAMS OR ACTIVI-  
25 TIES.—A local educational agency receiving

1 funds under this part shall ensure that  
2 each elementary school and secondary  
3 school (including secondary career and  
4 technical education schools) served by such  
5 agency provides the parents of each child  
6 who is a student in such school the infor-  
7 mation described in paragraph (1)(O).

8 “(xi) ACCOMMODATIONS.—A local  
9 educational agency receiving funds under  
10 this part shall ensure that each elementary  
11 school and secondary school (including sec-  
12 ondary career and technical education  
13 schools) served by such agency provides  
14 the parents of each child who is a student  
15 in such school the information described in  
16 paragraph (1)(O).

17 “(xii) CYBERATTACKS.—A local edu-  
18 cational agency receiving funds under this  
19 part shall ensure that each elementary  
20 school and secondary school (including sec-  
21 ondary career and technical education  
22 schools) served by such agency provides  
23 the parents of each child who is a student  
24 in such school notifications described in  
25 paragraph (1)(O).”; and



1           (4) by inserting after paragraph (4) (as redesignated by paragraph (1)) the following:

2           “(5) TRANSPARENCY.—A local educational  
3 agency receiving funds under this part shall provide  
4 the parents of each child who is a student in an elementary school or secondary school (including secondary career and technical education schools) served by such agency—

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

7           “(ii) a notification, at the beginning of each school year, of the opportunity for such meetings, including the option to attend such meetings virtually via videoconference; and

8           “(B) the opportunity to address the school board of such local educational agency on issues impacting the education of children in such agency and on any violations of the rights specified in paragraph (1).”.

1 **SEC. 105. SENSE OF CONGRESS ON FIRST AMENDMENT**  
2 **RIGHTS.**

3 (a) IN GENERAL.—Title VIII of the Elementary and  
4 Secondary Education Act of 1965 (20 U.S.C. 7801 et  
5 seq.) is amended—

6 (1) by redesignating section 8549C as section  
7 8549D; and

8 (2) by inserting after section 8549B the fol-  
9 lowing new section:

10 **“SEC. 8549C. SENSE OF CONGRESS ON FIRST AMENDMENT**  
11 **RIGHTS.**

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

13 “(1) The right of parents to educate their chil-  
14 dren is a pre-political natural right that the U.S.  
15 Supreme Court has recognized as ‘beyond debate’  
16 and rooted in the ‘history and culture of Western  
17 civilization’.

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

21 “(3) States and local educational agencies  
22 should empower parents to communicate regularly  
23 with Federal, State, and local policymakers and edu-  
24 cators regarding the education and well-being of  
25 their children.

1           “(4) Transparent and cooperative relationships  
2           between parents and schools have significant and  
3           long-lasting positive effects on the development of  
4           children.

5           “(5) Parents’ concerns over content and peda-  
6           gogy deserve to be heard and fully considered by  
7           school professionals.

8           “(6) Parent and other community input about  
9           schools that is presented in a lawful and appropriate  
10          manner should always be encouraged.

11          “(7) Educators, policymakers, elected officials,  
12          Executive Branch officials and employees, and other  
13          stakeholders should never seek to use law enforce-  
14          ment to criminalize the lawfully expressed concerns  
15          of parents about their children’s education, but  
16          should never hesitate to contact public safety offi-  
17          cials if there is a credible threat to the safety and  
18          security of students, parents, educators, policy-  
19          makers, elected officials, executive branch officials or  
20          employees, or other stakeholders, school faculty, or  
21          staff.

22          “(b) SENSE OF CONGRESS.—It is the sense of Con-  
23          gress that—

24                 “(1) the First Amendment guarantees parents  
25                 and other stakeholders the right to assemble and ex-

1 press their opinions on decisions affecting their chil-  
 2 dren and communities, and that educators and pol-  
 3 icymakers should welcome and encourage that en-  
 4 gagement and consider that feedback when making  
 5 decisions; and

6 “(2) parents have a fundamental right, pro-  
 7 tected by the U.S. Constitution, to direct the edu-  
 8 cation of their children, and the strict scrutiny test  
 9 used by courts to evaluate cases concerning funda-  
 10 mental rights is the correct standard of review for  
 11 government actions that interfere with the right of  
 12 parents to educate their children.”.

13 (b) TABLE OF CONTENTS.—The table of contents in  
 14 section 2 of the Elementary and Secondary Education Act  
 15 of 1965 is amended—

16 (1) by striking the item relating to section  
 17 8549C; and

18 (2) by inserting after the item relating to sec-  
 19 tion 8549B the following:

Sec. 8549C. Sense of Congress on First Amendment Rights.  
 Sec. 8549D. Technical assistance.

20 **SEC. 106. DEFINITION OF SECONDARY CAREER AND TECH-**  
 21 **NICAL EDUCATION SCHOOL.**

22 Section 8101 the Elementary and Secondary Edu-  
 23 cation Act of 1965 (20 U.S.C. 7801) is amended—

1           (1) by redesignating paragraphs (45) through  
2           (52) as paragraphs (46) through (53), respectively;  
3           and

4           (2) by inserting after paragraph (44) the fol-  
5           lowing new paragraph:

6           “(45) SECONDARY CAREER AND TECHNICAL  
7           EDUCATION SCHOOL.—The term ‘secondary career  
8           and technical education school’ means a secondary  
9           school (including secondary career and technical  
10          education schools) that is an area career and tech-  
11          nical education school described in subparagraph (A)  
12          or (B) of paragraph (3) of section 3 of the Carl D.  
13          Perkins Career and Technical Education Act of  
14          2006 (20 U.S.C. 2032(3)(A); (B)).”.

## 15           **TITLE II—AMENDMENTS TO** 16           **FERPA AND PPRA**

### 17           **SEC. 201. AMENDMENTS TO THE FAMILY EDUCATIONAL** 18           **RIGHTS AND PRIVACY ACT OF 1974.**

19          (a) ENFORCEMENT.—Section 444(f) of the General  
20          Education Provisions Act (20 U.S.C. 1232g) (also known  
21          as the “Family Educational Rights and Privacy Act of  
22          1974”) (20 U.S.C. 1232g(f)) is amended by adding at the  
23          end the following: “The Secretary shall comply with the  
24          reporting requirement under section 445(e)(2)(C)(ii) with

1 respect to the enforcement actions taken under this sub-  
2 section to ensure compliance with this section.”.

3 (b) PROHIBITION ON EDUCATIONAL AGENCIES OR  
4 INSTITUTIONS ACTING AS AN AGENT OF A PARENT.—Sec-  
5 tion 444 of the General Education Provisions Act (20  
6 U.S.C. 1232g) (also known as the “Family Educational  
7 Rights and Privacy Act of 1974”) is amended by adding  
8 at the end the following:

9 “(k) PROHIBITION ON EDUCATIONAL AGENCIES OR  
10 INSTITUTIONS ACTING AS AGENT OF A PARENT FOR USE  
11 OF TECHNOLOGY.—An educational agency or institution  
12 may not act as the agent of a parent of a student in at-  
13 tendance at a school of such agency or at such institution  
14 for purposes of providing verifiable parental consent for  
15 the use of technology in the classroom for purposes of edu-  
16 cating the student without providing notice and an oppor-  
17 tunity for the parent to object to the use of such tech-  
18 nology.

19 “(l) PROHIBITION ON EDUCATIONAL AGENCIES OR  
20 INSTITUTIONS ACTING AS AGENT OF A PARENT FOR VAC-  
21 CINES.—An educational agency or institution may not act  
22 as the agent of a parent of a student in attendance at  
23 a school of such agency or at such institution for purposes  
24 of providing verifiable parental consent for a vaccina-  
25 tion.”.

1           (c) PROHIBITION ON SALE OF INFORMATION FOR  
2 COMMERCIAL PURPOSES.—Section 444 of the General  
3 Education Provisions Act (20 U.S.C. 1232g) (also known  
4 as the “Family Educational Rights and Privacy Act of  
5 1974”), as amended by this section, is further amended  
6 by adding at the end the following:

7           “(m) PROHIBITION ON SALE OF INFORMATION FOR  
8 COMMERCIAL PURPOSES.—

9                   “(1) IN GENERAL.—Except as provided in para-  
10 graph (2), no educational agency or institution or  
11 authorized representative of such agency or institu-  
12 tion may sell student information for commercial or  
13 financial gain.

14                   “(2) EXCEPTIONS.—The prohibition described  
15 in paragraph (1) shall not apply to products sold to  
16 students by or on behalf of the educational agency  
17 or institution, such as yearbooks, prom tickets, and  
18 school pictures.”.

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

24           “(n) PARENTAL CONSULTATION.—In developing a  
25 privacy policy or procedure, an educational agency or insti-

1 tution shall engage meaningfully with parents of students  
2 in attendance at the schools served by such agency or in-  
3 stitution.”.

4 (e) DISCLOSURE OF INFORMATION.—Section 444 of  
5 the General Education Provisions Act (20 U.S.C. 1232g)  
6 (also known as the “Family Educational Rights and Pri-  
7 vacy Act of 1974”), as amended by this section, is further  
8 amended by adding at the end the following:

9 “(o) DISCLOSURE OF INFORMATION.—An edu-  
10 cational agency or institution or authorized representative  
11 of such agency or institution shall, upon request from a  
12 parent of a student, disclose to such parent the identity  
13 of any individual or entity with whom information is  
14 shared from the education record of the student or any  
15 response of the student to a survey.”.

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

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

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



1           “(1) INFORMATION AVAILABLE.—Each of the  
2 following shall be available for inspection by the par-  
3 ents or guardians of the children in attendance at  
4 the schools served by such agency, and the avail-  
5 ability of each of the following for inspection shall  
6 not be conditioned on any requirement that such  
7 parents or guardians sign a nondisclosure agree-  
8 ment:

9           “(A) All instructional materials, including  
10 teacher’s manuals, films, tapes, or other supple-  
11 mentary material which will be used in such  
12 school or in connection with any survey, anal-  
13 ysis, or evaluation.

14           “(B) Any books or other reading materials  
15 made available to students in such school or  
16 through the school library of such school.

17           “(C) Any professional development mate-  
18 rials.

19           “(2) COMMENT PERIODS FOR PARENTS.—

20           “(A) IN GENERAL.—The agency shall pro-  
21 vide comment periods during which parents or  
22 guardians of the children in attendance at the  
23 schools served by the agency may inspect and  
24 provide feedback on any of the materials re-  
25 ferred to in paragraph (1) that—

1                   “(i) are expected to be used to teach  
2                   such children during the three weeks fol-  
3                   lowing the comment period; or

4                   “(ii) were used to teach such children  
5                   during preceding portions of the school  
6                   year.

7                   “(B) FREQUENCY AND DURATION.—The  
8                   comment periods described in subparagraph (A)  
9                   shall be held not less frequently than once every  
10                  three weeks during the school year and each  
11                  comment period shall be not less than three  
12                  school days in duration.”.

13                  (b) SINGLE ISSUE NOTIFICATION.—Section 445(b) of  
14                  the General Education Provisions Act (20 U.S.C. 1232h)  
15                  is amended—

16                         (1) by striking “prior consent of the student”  
17                         and inserting “prior written consent of the student”;  
18                         and

19                         (2) by inserting “, which is provided specifically  
20                         for such survey, analysis, or evaluation” before the  
21                         period at the end.

22                  (c) DEVELOPMENT AND ADOPTION OF LOCAL POLI-  
23                  CIES.—Section 445(c) of the General Education Provi-  
24                  sions Act (20 U.S.C. 1232h(c)) is amended—

1           (1) in the subsection heading, by striking  
2           “PHYSICAL” and inserting “MEDICAL”;

3           (2) in paragraph (1)—

4           (A) in the matter preceding subparagraph  
5           (A), by striking “in consultation with parents”  
6           and inserting “in consultation with parents in  
7           accordance with paragraph (2)(A)”;

8           (B) in subparagraph (C), by amending  
9           clause (i) to read as follows:

10           “(i) The right of a parent of a student  
11           to inspect, upon the request of the parent,  
12           any instructional material used as part of  
13           the educational curriculum for the student,  
14           and any books or other reading materials  
15           made available to the student in a school  
16           served by the agency or through the school  
17           library; and”;

18           (C) by amending subparagraph (D) to read  
19           as follows:

20           “(D) The administration of medical exami-  
21           nations or screenings that the school or agency  
22           may administer to a student, including—

23           “(i) prior notice to parents of such a  
24           medical examination or screening, and re-  
25           ceipt of consent from parents before ad-

1 ministering such an examination or screen-  
2 ing; and

3 “(ii) in the event of an emergency  
4 that requires a medical examination or  
5 screening without time for parental notifi-  
6 cation and consent, the procedure for  
7 promptly notifying parents of such exam-  
8 ination or screening subsequent to such ex-  
9 amination or screening.”; and

10 (D) by amending subparagraph (E) to  
11 read as follows:

12 “(E) The prohibition on the collection, dis-  
13 closure, or use of personal information collected  
14 from students for the purpose of marketing or  
15 for selling that information (or otherwise pro-  
16 viding that information to others for that pur-  
17 pose), other than for a legitimate educational  
18 purpose to improve the education of students as  
19 described in paragraph (4), and the arrange-  
20 ments to protect student privacy that are pro-  
21 vided by the agency in the event of such collec-  
22 tion, disclosure, or use for such a legitimate  
23 educational purpose.”.

1 (d) PARENTAL NOTIFICATION.—Paragraph (2) of  
2 section 445(c) of the General Education Provisions Act  
3 (20 U.S.C. 1232h(c)) is amended—

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

6 (2) by redesignating subparagraphs (A) through  
7 (C) as subparagraphs (B) through (D), respectively;

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

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

11 (B) by amending clause (ii) to read as fol-  
12 lows:

13 “(ii) in the case of an activity de-  
14 scribed in clause (i) or (iii) of subpara-  
15 graph (D), offer an opportunity and clear  
16 instructions for the parent (or in the case  
17 of a student who is an adult or emanci-  
18 pated minor, the student) to opt the stu-  
19 dent out of participation in such activity;”;  
20 and

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

22 “(iii) in the case of an activity de-  
23 scribed in subparagraph (D)(i), a descrip-  
24 tion of how such activity is for a legitimate  
25 educational purpose to improve the edu-

1 cation of students as described in para-  
2 graph (4); and

3 “(iv) not require a student to submit  
4 to a survey described in subparagraph  
5 (D)(ii) without the prior written consent of  
6 the student (if the student is an adult or  
7 emancipated minor), or in the case of an  
8 unemancipated minor, without the prior  
9 written consent of the parent, which is pro-  
10 vided specifically for such survey.”;

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

13 “(A) PARENTAL CONSULTATION.—The pa-  
14 rental consultation required for the purpose of  
15 developing and adopting policies under para-  
16 graphs (1) and (3) by a local educational agen-  
17 cy shall ensure that such policy is developed  
18 with meaningful engagement by parents of stu-  
19 dents enrolled in schools served by that agen-  
20 cy.”; and

21 (5) in subparagraph (D) (as redesignated by  
22 paragraph (2))—

23 (A) by amending clause (i) to read as fol-  
24 lows:

1           “(i) Activities involving the collection,  
2           disclosure, or use of personal information  
3           collected from students for a legitimate  
4           educational purpose to improve the edu-  
5           cation of students as described in para-  
6           graph (4).”; and

7           (B) in clause (iii), by striking “invasive  
8           physical” and inserting “medical”.

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

12           “(3) UPDATES TO EXISTING POLICIES.—

13           “(A) IN GENERAL.—Not later than 180  
14           days after the date of enactment of the Parents  
15           Bill of Rights Act, a local educational agency  
16           that receives funds under any applicable pro-  
17           gram shall—

18           “(i) review policies covering the re-  
19           quirements of paragraph (1) as in effect on  
20           the day before such date of enactment; and

21           “(ii) develop and update such policies  
22           to reflect the changes made to paragraph  
23           (1) by the amendments made by the Par-  
24           ents Bill of Rights Act.

1           “(B) CONSULTATION AND NOTIFICA-  
2           TION.—In developing and updating the policies  
3           under subparagraph (A), the agency shall com-  
4           ply with the consultation and notification re-  
5           quirements under paragraph (2).”.

6           (f) EXCEPTIONS.—Paragraph (4)(A) of section  
7 445(c) of the General Education Provisions Act (20  
8 U.S.C. 1232h(c)) is amended by amending the matter pre-  
9 ceding clause (i) to read as follows:

10           “(A) EDUCATIONAL PRODUCTS OR SERV-  
11           ICES.—For purposes of paragraph (1)(E), the  
12           collection, disclosure, or use of personal infor-  
13           mation collected from students for a legitimate  
14           educational purpose to improve the education of  
15           students means the exclusive purpose of devel-  
16           oping, evaluating, or providing educational  
17           products or services for, or to, students or  
18           schools, such as the following:”.

19           (g) DEFINITIONS.—Paragraph (6) of section 445(c)  
20 of the General Education Provisions Act (20 U.S.C.  
21 1232h(c)) is amended—

22           (1) by amending subparagraph (B) to read as  
23 follows:

24           “(B) MEDICAL EXAMINATION OR SCREEN-  
25           ING.—The term ‘medical examination or screen-



1           ing’ means any medical examination or screen-  
 2           ing that involves the exposure of private body  
 3           parts, or any act during such examination or  
 4           screening that includes incision, insertion, or in-  
 5           jection into the body, or a mental health or sub-  
 6           stance use disorder screening, except that such  
 7           term does not include a hearing, vision, or scoli-  
 8           osis screening, or an observational screening  
 9           carried out to comply with child find obligations  
 10          under the Individuals with Disabilities Edu-  
 11          cation Act (20 U.S.C. 1400 et seq.).”;

12          (2) in subparagraph (E)—

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

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

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

17                         “(v) an email address.”.

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

21                 “(e) ENFORCEMENT AND REPORTING.—

22                         “(1) ENFORCEMENT.—The Secretary shall take  
 23                         such action as the Secretary determines appropriate  
 24                         to enforce this section, except that action to termi-  
 25                         nate assistance provided under an applicable pro-

1       gram shall be taken only if the Secretary determines  
2       that—

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

5               “(B) compliance with such section cannot  
6       be secured by voluntary means.

7       “(2) REPORTING.—

8               “(A) LOCAL EDUCATIONAL AGENCIES.—  
9       On an annual basis, each local educational  
10      agency (as such term is defined in subsection  
11      (c)(6)(C)) that receives funds under any appli-  
12      cable program shall—

13               “(i) without identifying any personal  
14      information of a student or students, re-  
15      port to the State educational agency any  
16      enforcement actions or investigations car-  
17      ried out for the preceding school year to  
18      ensure compliance with this section; and

19               “(ii) publish such information on its  
20      website or through other public means  
21      used for parental notification if the agency  
22      does not have a website.

23               “(B) STATES.—On an annual basis, each  
24      State educational agency shall provide to the  
25      Secretary a report, with respect to the pre-

1 ceding school year, that includes all actions  
2 local educational agencies have reported under  
3 subparagraph (A), and a description of the en-  
4 forcement actions the State educational agency  
5 took to ensure parents' rights were protected.

6 “(C) SECRETARY.—Not later than 1 year  
7 after the date of enactment of the Parents Bill  
8 of Rights Act, and annually thereafter, the Sec-  
9 retary shall submit to the Committee on Edu-  
10 cation and the Workforce of the House of Rep-  
11 resentatives and the Committee on Health,  
12 Education, Labor, and Pensions of the Sen-  
13 ate—

14 “(i) the reports received under sub-  
15 paragraph (B); and

16 “(ii) a description of the enforcement  
17 actions taken by the Secretary under this  
18 subsection and section 444(f) to ensure full  
19 compliance with this section and section  
20 444, respectively.”.

1 **TITLE III—PROHIBITION ON**  
2 **FEDERAL INVOLVEMENT IN**  
3 **CURRICULUM**

4 **SEC. 301. RULE OF CONSTRUCTION.**

5 Nothing in this Act may be construed to authorize  
6 any department, agency, officer, or employee of the United  
7 States to exercise any direction, supervision, or control  
8 over the curriculum, program of instruction, administra-  
9 tion, or personnel of any educational institution, school,  
10 or school system.

11 **TITLE IV—GENDER MARKERS,**  
12 **PRONOUNS, AND PREFERRED**  
13 **NAMES ON SCHOOL FORMS**

14 **SEC. 401. REQUIREMENT RELATED TO GENDER MARKERS,**  
15 **PRONOUNS, AND PREFERRED NAMES ON**  
16 **SCHOOL FORMS.**

17 As a condition of receiving Federal funds from the  
18 Department of Education, any elementary school (as such  
19 term is defined in section 8101 of the Elementary and  
20 Secondary Education Act of 1965 (20 U.S.C. 7801)) or  
21 school that consists of only middle grades (as such term  
22 is defined in such section), that receives such Federal  
23 funds shall be required to obtain parental consent be-  
24 fore—

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

3 (2) allowing a child to change the child’s sex-  
4 based accommodations, including locker rooms or  
5 bathrooms.

6 **TITLE V—ACCESS TO SCHOOL**  
7 **BROADBAND**

8 **SEC. 501. SENSE OF CONGRESS.**

9 It is the sense of Congress that all public elementary  
10 and public secondary school (including public secondary  
11 career and technical education school) students should  
12 have access to broadband.

13 **TITLE VI—SENSE OF CONGRESS**

14 **SEC. 601. SENSE OF CONGRESS.**

15 It is the sense of Congress that all public elementary  
16 school and secondary school (including public secondary  
17 career and technical education school) students should  
18 have opportunities to learn the history of the Holocaust  
19 and anti-Semitism.

20 **TITLE VII—GAO REPORT**

21 **SEC. 701. GAO REPORT.**

22 Not later than one year after the date of enactment  
23 of this Act, the Comptroller General of the United States  
24 shall submit to the Committee on Education and the  
25 Workforce and the Committee on Appropriations of the

1 House of Representatives and the Committee on Health,  
2 Education, Labor, and Pensions and the Committee on  
3 Appropriations of the Senate a report that evaluates and  
4 analyzes the impact of this Act, and the amendments  
5 made by this Act, on—

6 (1) protecting parents' rights in the education  
7 of their children; and

8 (2) costs to State educational agencies, local  
9 educational agencies, elementary schools, and sec-  
10 ondary schools (as such terms are defined in section  
11 8101 of the Elementary and Secondary Education  
12 Act of 1965 (20 U.S.C. 7801)).

13 **TITLE VIII—RULE OF CON-**  
14 **STRUCTION ON STUDENT AC-**  
15 **CESS TO BOOKS AND OTHER**  
16 **READING MATERIALS**

17 **SEC. 801. RULE OF CONSTRUCTION ON STUDENT ACCESS**  
18 **TO BOOKS AND OTHER READING MATERIALS.**

19 Nothing in this Act, or the amendments made by this  
20 Act, shall be construed as authorizing or granting parents  
21 the right or ability to deny any student who is not their  
22 child from accessing any books or other reading materials  
23 that are otherwise available in the library of their child's  
24 school.

1 **TITLE IX—INAPPLICABILITY TO**  
2 **NON-PUBLIC SCHOOLS**

3 **SEC. 901. RULE OF CONSTRUCTION.**

4 Nothing in this Act may be construed to impose any  
5 requirements on non-public elementary or secondary  
6 schools.

7 **SEC. 902. SENSE OF CONGRESS.**

8 It is the sense of Congress that local educational  
9 agencies do not have the authority to exercise any direc-  
10 tion, supervision, or control over the curriculum or pro-  
11 gram of instruction of non-public elementary or secondary  
12 schools.

Passed the House of Representatives March 24,  
2023.

Attest:

*Clerk.*

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

**H. R. 5**

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**AN ACT**

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