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

IN THE HOUSE OF REPRESENTATIVES

March 1, 2023

Ms. Letlow (for herself, Mr. Scalise, Mr. Emmer, Ms. Stefanik, Mr. Johnson of Louisiana, Mr. Hudson, Ms. Foxx, Mrs. Miller of Illinois, Mr. FitzGerald, Mr. Wilson of South Carolina, Mr. Thompson of Pennsylvania, Mr. Grotton, 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. Harshaarger, Mr. Guest, Mr. Tony Gonzales of Texas, Mr. Huizenga, Mrs. Luna, Mr. Balderston, Mr. Wittman, Mr. Rouzer, Mr. Crawford, Mr. Ezell, Mr. Carey, Mrs. Cammack, Mr. Zinke, Mr. McCaul, Mr. Joyce of Pennsylvania, and Mr. Herck) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To ensure the rights of parents are honored and protected in the Nation’s public schools.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. STATE PLAN ASSURANCES.

Section 1111(g)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(g)(2)) is amended—

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

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

(3) by adding at the end the following:

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

“(i) in a case in which the curriculum for an elementary or secondary school grade level is freely and publicly available on the internet—
“(I) posts on a publicly accessible website of the agency, such curriculum; or

“(II) if such agency does not operate a website, widely disseminates to the public such curriculum; or

“(ii) in a case in which the curriculum for an elementary or secondary school grade level is not freely and publicly available on the internet—

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

“(aa) a description of such curriculum; and

“(bb) information on how parents can review such curriculum as described in section 1112(e)(1)(A); or

“(II) if such agency does not operate a website, widely disseminates to the public the description and information described in items (aa) and (bb) of subclause (I); and

“(P) in the case of any revisions to the State’s challenging State academic standards
(including any revisions to the levels of achievement within the State’s academic achievement standards), the State educational agency will post to the homepage of its website, and widely disseminate to the public, notice of such revisions and a copy of such revisions, except that the State educational agency shall not be required to submit such notice or such revisions to the Secretary.”.

SEC. 102. ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.

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

“(E) BUDGET.—Each local educational agency report card shall include the budget for the school year for which such report card is being prepared (including all revenues and expenditures (including expenditures made to private entities)) for the local educational agency as a whole, and for each elementary school and secondary school served by the local educational agency.”.
SEC. 103. LOCAL EDUCATIONAL AGENCY PLAN ASSURANCES.

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

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

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

(3) by adding at the end the following:

“(8) meet the requirements described in section 1111(g)(2)(O); and

“(9) post on a publicly accessible website of the local educational agency or, if the local educational agency does not operate a website, widely disseminate to the public, the plan for carrying out the parent and family engagement described in section 1116 and all policies and procedures that result from such engagement.”.

SEC. 104. PARENTS RIGHT-TO-KNOW.

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

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated), the following:
“(1) NOTICE OF RIGHTS.—A local educational agency receiving funds under this part shall ensure that each elementary school and secondary school served by such agency posts on a publicly accessible website of the school or, if the school does not operate a website, widely disseminates to the public, a summary notice of the right of parents to information about their children’s education as required under this Act, which shall be in an understandable format for parents and include, at minimum—

“(A) the right to review the curriculum of their child’s school;

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

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

“(D) the right to review the budget, including all revenues and expenditures, of their child’s school;

“(E) the right to a list of the books and other reading materials contained in the library of their child’s school;
“(F) the right to address the school board of the local educational agency;

“(G) the right to information about violent activity in their child’s school; and

“(H) the right to information about any plans to eliminate gifted and talented programs in the child’s school.”;

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

(A) by redesignating clause (i) and clause (ii) as subclause (I) and subclause (II), respectively;

(B) by striking “(B) ADDITIONAL INFORMATION.—” and inserting:

“(B) ADDITIONAL INFORMATION.—

“(i) IN GENERAL.—”; and

(C) by adding at the end the following:

“(ii) SCHOOL LIBRARY.—A local educational agency receiving funds under this part shall ensure that each elementary school and secondary school served by such agency provides, at the beginning of each school year, the parents of a child who is a student in such school a list of books and other reading materials available to the
students of such school in the school library.

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

“(iv) Gifted and Talented Programs.—A local educational agency receiving funds under this part shall ensure that each elementary school and secondary school served by such agency provides the parents of a child who is a student in such school timely notification of any plan to eliminate gifted and talented programs in such school.”; and
(4) by inserting after paragraph (4) (as redesignated by paragraph (1)) the following:

“(5) TRANSPARENCY.—A local educational agency receiving funds under this part shall provide the parents of a child who is a student in an elementary school or secondary school served by such agency—

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

“(ii) a notification, at the beginning of each school year, of the opportunity for such meetings; and

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

SEC. 105. SENSE OF CONGRESS ON FIRST AMENDMENT RIGHTS.

Title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.) is amended—

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

(2) by inserting after section 8549B the following new section:
“SEC. 8549C. SENSE OF CONGRESS ON FIRST AMENDMENT RIGHTS.

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

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

“(2) States and local educational agencies should empower parents to communicate regularly with Federal, State, and local policymakers and educators regarding the education and well-being of their children.

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

“(4) Parents’ concerns over content and pedagogy deserve to be heard and fully considered by school professionals.

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

“(6) Educators, policymakers, and other stakeholders should never seek to criminalize the lawfully expressed concerns of parents about their children’s education.
“(b) Sense of Congress.—It is the sense of Congress that the First Amendment guarantees parents and other stakeholders the right to assemble and express their opinions on decisions affecting their children and communities, and that educators and policymakers should welcome and encourage that engagement and consider that feedback when making decisions.”

TITLE II—AMENDMENTS TO FERPA AND PPRA

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

(a) Enforcement.—Section 444(f) of the General Education Provisions Act (20 U.S.C. 1232g) (also known as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C. 1232g(f)) is amended by adding at the end the following: “The Secretary shall comply with the reporting requirement under section 445(c)(2)(C)(ii) with respect to the enforcement actions taken under this subsection to ensure compliance with this section.”.

(b) Prohibition on Educational Agencies or Institutions Acting as an Agent of a Parent.—Section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (also known as the “Family Educational Rights and Privacy Act of 1974”) is amended by adding at the end the following:
“(k) Prohibition on Educational Agencies or Institutions Acting as Agent of a Parent.—An educational agency or institution may not act as the agent of a parent of a student in attendance at a school of such agency or at such institution for purposes of providing verifiable parental consent for the use of technology in the classroom for purposes of educating the student without providing notice and an opportunity for the parent to object to the use of such technology.”.

(c) Prohibition on Sale of Information for Commercial Purposes.—Section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (also known as the “Family Educational Rights and Privacy Act of 1974”), as amended by this section, is further amended by adding at the end the following:

“(l) Prohibition on Sale of Information for Commercial Purposes.—

“(1) In general.—Except as provided in paragraph (2), no educational agency or institution or authorized representative of such agency or institution may sell student information for commercial or financial gain.

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

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

“(m) PARENTAL CONSULTATION.—In developing a privacy policy or procedure, an educational agency or institution shall engage meaningfully with parents of students in attendance at the schools served by such agency or institution.”.

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

“(n) DISCLOSURE OF INFORMATION.—An educational agency or institution or authorized representative of such agency or institution shall, upon request from a parent of a student, disclose to such parent the identity of any individual or entity with whom information is shared from the education record of the student or any response of the student to a survey.”.
SEC. 202. PROTECTION OF PUPIL RIGHTS.

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

“(a) AVAILABILITY FOR INSPECTION BY PARENTS OR GUARDIANS.—A local educational agency (as such term is defined in subsection (c)(6)(C)) that receives funds under any applicable program shall ensure that each of the following shall be available for inspection by the parents or guardians of the children in attendance at the schools served by such agency:

“(1) All instructional materials, including teacher’s manuals, films, tapes, or other supplementary material which will be used in such school or in connection with any survey, analysis, or evaluation.

“(2) Any books or other reading materials made available to students in such school or through the school library of such school.”.

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

(1) by striking “prior consent of the student” and inserting “prior written consent of the student”; and
(2) by inserting “, which is provided specifically for such survey, analysis, or evaluation” before the period at the end.

(c) DEVELOPMENT AND ADOPTION OF LOCAL POLICIES.—Section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(c)) is amended—

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

(2) in paragraph (1)—

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

(B) by amending subparagraph (C)(i) to read as follows:

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

(C) by amending subparagraph (D) to read as follows:
“(D) The administration of medical examinations or screenings that the school or agency may administer to a student, including—

“(i) prior notice to parents of such a medical examination or screening, and receipt of consent from parents before administering such an examination or screening; and

“(ii) in the event of an emergency that requires a medical examination or screening without time for parental notification and consent, the procedure for promptly notifying parents of such examination or screening subsequent to such examination or screening.”; and

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

“(E) The prohibition on the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), other than for a legitimate educational purpose to improve the education of students as described in paragraph (4), and the arrange-
ments to protect student privacy that are pro-
vided by the agency in the event of such collec-
tion, disclosure, or use for such a legitimate
educational purpose.”.

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

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

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

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

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

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

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

and

(C) by adding at the end the following:
“(iii) in the case of an activity described in subparagraph (D)(i), a description of how such activity is for a legitimate educational purpose to improve the education of students as described in paragraph (4); and

“(iv) not require a student to submit to a survey described in subparagraph (D)(ii) without the prior written consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent, which is provided specifically for such survey.”;

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

“(A) PARENTAL CONSULTATION.—The parental consultation required for the purpose of developing and adopting policies under paragraphs (1) and (3) by a local educational agency shall ensure that such policy is developed with meaningful engagement by parents of students enrolled in schools served by that agency.”; and
(5) in subparagraph (D) (as designated by paragraph (2))—

(A) by amending clause (i) to read as follows:

“(i) Activities involving the collection, disclosure, or use of personal information collected from students for a legitimate educational purpose to improve the education of students as described in paragraph (4).”; and

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

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

“(3) UPDATES TO EXISTING POLICIES.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Parents Bill of Rights Act, a local educational agency that receives funds under any applicable program shall—

“(i) review policies covering the requirements of paragraph (1) as in effect on the day before such date of enactment; and
“(ii) develop and update such policies to reflect the changes made to paragraph (1) by the amendments made by the Parents Bill of Rights Act.

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

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

“(A) EDUCATIONAL PRODUCTS OR SERVICES.—For purposes of paragraph (1)(E), the collection, disclosure, or use of personal information collected from students for a legitimate educational purpose to improve the education of students means the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or schools, such as the following:”.

(g) DEFINITIONS.—Paragraph (6) of section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(c)) is amended—
(1) by amending subparagraph (B) to read as follows:

“(B) MEDICAL EXAMINATION OR SCREENING.—The term ‘medical examination or screening’ means any medical examination or screening that involves the exposure of private body parts, or any act during such examination or screening that includes incision, insertion, or injection into the body, or a mental health or substance use disorder screening, except that such term does not include a hearing, vision, or scoliosis screening, or an observational screening carried out to comply with child find obligations under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).”; and

(2) in subparagraph (E)—

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

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

(C) by adding at the end the following:

“(v) an email address.”.

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

“(e) ENFORCEMENT AND REPORTING.—
“(1) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

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

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

“(2) REPORTING.—

“(A) LOCAL EDUCATIONAL AGENCIES.—
On an annual basis, each local educational agency (as such term is defined in subsection (c)(6)(C)) that receives funds under any applicable program shall—

“(i) without identifying any personal information of a student or students, report to the State educational agency any enforcement actions or investigations carried out for the preceding school year to ensure compliance with this section; and

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

“(B) STATES.—On an annual basis, each
State educational agency shall provide to the
Secretary a report, with respect to the pre-
ceding school year, that includes all actions
local educational agencies have reported under
subparagraph (A), and a description of the en-
forcement actions the State educational agency
took to ensure parents’ rights were protected.

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

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

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