

119TH CONGRESS
1ST SESSION

S. 2702

To require local educational agencies, State educational agencies, and other governmental education entities to respect the rights of parents regarding gender transition, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 3, 2025

Mr. BANKS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require local educational agencies, State educational agencies, and other governmental education entities to respect the rights of parents regarding gender transition, and for other purposes.

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 “Empower Parents to
5 Protect their Kids Act of 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) School districts across the country have vio-
2 lated parental and familial rights by encouraging or
3 instructing staff to deceive or withhold information
4 from parents if their child expresses discomfort with
5 their sex or is seeking to socially or physically adopt
6 an identity that is incongruent with their sex. With-
7 out parental knowledge or consent, schools have
8 changed the names and pronouns of children in
9 school, provided or allowed students to bring clothes
10 typically worn by the opposite sex for students to
11 change into once they arrive at school, and even al-
12 lowed children to change which sex-segregated facili-
13 ties they use, such as rest rooms, locker rooms, and
14 dormitories or other housing for overnight field
15 trips.

16 (2) This is often being done pursuant to a
17 “gender transition plan” that is nearly always kept
18 secret from parents. In fact, these school districts
19 have kept a second set of student records that are
20 unknown to the parents. Powerful teachers unions
21 and activist organizations have pressured more
22 schools to adopt policies to enable and encourage
23 children, of any age, to adopt an “identity” that is
24 incongruent with their sex and be treated accord-
25 ingly at school without parental notice or consent.

1 (3) Contrary to the unfounded assertions of ac-
 2 tivists, the social aspects of adopting an identity that
 3 is incongruent with an individual's sex are not neu-
 4 tral or uncontroversial. This is experimental and has
 5 immediate effects on a child's psychology and dra-
 6 matically increases the statistical likelihood that a
 7 child will go on to take puberty blocking or sup-
 8 pressing drugs and wrong-sex hormones. Addition-
 9 ally, it makes it more difficult for a child to reverse
 10 course later, thereby increasing the likelihood that
 11 the child will continue the surgical elements of
 12 adopting an identity that is incongruent with one's
 13 sex, resulting in life-changing, irreversible con-
 14 sequences.

15 (4) Any policies that attempt to circumvent pa-
 16 rental authority are a violation of parents' constitu-
 17 tionally protected rights to direct the care, custody,
 18 and upbringing of their children as recognized by
 19 the Supreme Court. Further, policies that withhold
 20 information from parents or ask children about inti-
 21 mate details of their family life violate Federal stat-
 22 utes designed to uphold a parent's rights and duties
 23 in education. School districts implementing such
 24 policies are misrepresenting or entirely ignoring
 25 these statutes and constitutional protections.

1 (5) On January 29, 2025, President Trump
 2 signed Executive Order 14190 (90 Fed. Reg. 8853;
 3 relating to ending radical indoctrination in K–12
 4 schooling) to enforce the law to ensure that recipi-
 5 ents of Federal funds providing K–12 education
 6 comply with all laws protecting parental rights.

7 (6) Schools should never be allowed to intrude
 8 on family life by misleading or excluding parents
 9 and confusing children.

10 **SEC. 3. REQUIREMENTS OF PARENTAL CONSENT.**

11 (a) DEFINITIONS.—In this section:

12 (1) ESEA DEFINITIONS.—The term “elemen-
 13 tary school” and “secondary school” have the mean-
 14 ings given the terms in section 8101 of the Elemen-
 15 tary and Secondary Education Act of 1965 (20
 16 U.S.C. 7801).

17 (2) FEMALE.—The term “female,” when used
 18 to refer to a natural person, means an individual
 19 who naturally has, had, will have, or would have, but
 20 for a congenital anomaly, historical accident, or in-
 21 tentional or unintentional disruption, the reproduc-
 22 tive system that at some point produces, transports,
 23 and utilizes eggs for fertilization.

24 (3) MALE.—The term “male,” when used to
 25 refer to a natural person, means an individual who

1 naturally has, had, will have, or would have, but for
2 a congenital anomaly, historical accident, or inten-
3 tional or unintentional disruption, the reproductive
4 system that at some point produces, transports, and
5 utilizes sperm for fertilization.

6 (4) SEX.—The term “sex,” when referring to
7 the sex of an individual, means to refer to either
8 male or female, as biologically determined.

9 (5) DESIGNATED VIOLATION.—The term “des-
10 ignated violation” means an actual or threatened
11 violation of this section.

12 (6) GENDER TRANSITION.—The term “gender
13 transition” means the process in which an individual
14 goes from identifying with or presenting a self-pro-
15 claimed identity that does not correspond with or is
16 different from his or her sex, and may be accom-
17 panied with social, legal, or physical changes.

18 (7) GOVERNMENTAL ENTITY.—The term “gov-
19 ernmental entity,” means a school district, a local
20 educational agency, a school board, or any agency or
21 other governmental unit or subdivision of a State re-
22 sponsible for education, or of such a local govern-
23 ment.

24 (8) QUALIFIED PARTY.—The term “qualified
25 party” means—

1 (A) The Attorney General of the United
2 States; or

3 (B) Any parent or legal guardian adversely
4 affected by the designated violation.

5 (b) IN GENERAL.—No Federal funds shall be made
6 available to any elementary school or secondary school un-
7 less the elementary school or secondary school, with re-
8 spect to students enrolled at the school who have not yet
9 reached 18 years of age, complies with each of the fol-
10 lowing requirements:

11 (1) School employees do not proceed with any
12 accommodation intended to affirm a student’s pur-
13 ported “identity” that is incongruent with the stu-
14 dent’s sex, or any action to facilitate or otherwise
15 aid and abet a minor in adopting such an identity,
16 including referral or recommendation to any third-
17 party medical provider for a gender transition proce-
18 dure, unless the employees have received express pa-
19 rental consent to do so.

20 (2) School employees do not facilitate, encour-
21 age, or coerce students to withhold information from
22 their parents regarding the student’s purported
23 identity when it is incongruent with the student’s
24 sex.

1 (3) School employees do not withhold or hide
 2 information from parents about a student’s discom-
 3 fort with their sex, their desire for an identity that
 4 is incongruent with their sex, their profession of an
 5 identity that is incongruent with their sex, or their
 6 desire to undergo a gender transition procedure.

7 (4) School employees do not encourage, pres-
 8 sure, or coerce the parents of students, or students
 9 themselves, to proceed with any intervention to af-
 10 firm the student’s adoption of an identity that is in-
 11 congruent with their sex.

12 (c) RULES OF CONSTRUCTION.—Nothing in this sec-
 13 tion shall be construed—

14 (1) to prevent a school employee from con-
 15 tacting appropriate legal authorities about an immi-
 16 nent threat to a student’s physical safety in the
 17 event that the school employee knows or has a rea-
 18 sonable suspicion that the student is at risk of
 19 abuse, as defined in section 1169 of title 18, United
 20 States Code; or

21 (2) to deprive any parent of the right to be in-
 22 volved in a child’s actions or discussions about gen-
 23 der transition, without the due process of law.

24 (d) ENSURING COMPLIANCE.—The head of each Fed-
 25 eral agency shall require each application for Federal as-

1 sistance submitted by a State educational agency or local
 2 educational agency to the head of such Federal agency—

3 (1) to describe the steps that each elementary
 4 school and secondary school served by the State edu-
 5 cational agency or local educational agency proposes
 6 to take to ensure compliance with the requirements
 7 under this section and how these steps preserve and
 8 protect the authority of the family; and

9 (2) to ensure that—

10 (A) a copy of the written policy that each
 11 elementary school and secondary school served
 12 by the State educational agency or local edu-
 13 cational agency has to ensure compliance with
 14 the requirements under this section is provided
 15 to the head of such Federal agency and to the
 16 families of enrolled students; and

17 (B) each such policy is clearly and publicly
 18 posted on the website of the school.

19 (e) CIVIL ACTION FOR CERTAIN VIOLATIONS.—

20 (1) IN GENERAL.—A qualified party may, in a
 21 civil action, obtain appropriate relief with regard to
 22 a designated violation.

23 (2) ADMINISTRATIVE REMEDIES NOT RE-
 24 QUIRED.—An action under this section may be com-
 25 menced, and relief may be granted, without regard

1 to whether the party commencing the action has
 2 sought or exhausted any available administrative
 3 remedy.

4 (3) DEFENDANTS IN ACTIONS UNDER THIS
 5 SECTION MAY INCLUDE GOVERNMENTAL ENTITIES
 6 AS WELL AS OTHERS.—An action under this section
 7 may be brought against any elementary school or
 8 secondary school receiving Federal financial assist-
 9 ance or any governmental entity assisting an elemen-
 10 tary school or secondary school.

11 (4) NATURE OF RELIEF.—In an action under
 12 this section, the court shall grant—

13 (A) all appropriate relief, including injunc-
 14 tive relief and declaratory relief;

15 (B) to a prevailing plaintiff, reasonable at-
 16 torney’s fees and litigation costs; and

17 (C) payment for treatments or therapy to
 18 repair harm to the child from pursuit of “gen-
 19 der transition” determined as necessary by the
 20 parent and the child’s medical providers.

21 (5) ATTORNEY FEES FOR DEFENDANT.—If a
 22 defendant in a civil action under this subsection pre-
 23 vails and the court finds that the suit brought by the
 24 plaintiff was frivolous, the court shall award a rea-

- 1 sonable attorney's fee in favor of the defendant
- 2 against the plaintiff.

