117TH CONGRESS
1ST SESSION

H. R. ______

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

IN THE HOUSE OF REPRESENTATIVES

Ms. Letlow introduced the following bill; which was referred to the Committee on ____________________________

A BILL

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 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 posts the curriculum for each elementary and secondary school grade level on a publicly accessible website of the agency or, if such agency does not operate a website, widely disseminates to the public such curriculum; 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 and inserting a semicolon; and

(3) by adding at the end the following:

“(8) post on a publicly accessible website of the agency or, if the agency does not operate a website, widely disseminate to the public, the curriculum for each elementary and secondary school grade level; and

“(9) post on a publicly accessible website of the agency or, if the agency does not operate a website, widely disseminate to the public, the plan for carrying out the parent 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;

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

“(B) ADDITIONAL INFORMATION.—

“(i) IN GENERAL.—’’;

(B) by redesignating clause (i) and clause (ii) as subclause (I) and subclause (II), respectively; 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 li-
brary.

“(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 notifica-
tion of any violent activity occurring on
school grounds or at school-sponsored ac-
tivities in which one or more individuals
suffer injuries, except that such notifica-
tion shall not contain names or the grade
level of any students involved in the activ-
ity.

“(iv) GIFTED AND TALENTED PRO-
GRAMS.—A local educational agency receiv-
ing 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.—The Congress finds as follows:

“(1) Parents have a First Amendment right to express their opinions of 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 the Congress that the First Amendment guarantees parents and other stakeholders the right to assemble and express their opinions of 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 RIGHTS AND PRIVACY ACT OF 1974.

(a) PROHIBITION ON EDUCATIONAL AGENCIES 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 Rights and Privacy Act of 1974”) is amended by adding at the end the following:

“(k) PROHIBITION ON EDUCATIONAL AGENCIES ACTING AS AGENT OF A PARENT.—An educational agency may not act as the agent of a parent of a student in attendance at a school served by such agency for purposes of providing verifiable parental consent under the regulations prescribed under section 1303(b) of the Children’s Online Privacy Protection Act of 1998 (15 U.S.C. 6502(b)) without providing notice and a chance for such parent to opt out of the provision of such consent.”.
(b) 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 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.—No educational agency or authorized representative of such agency may sell student information for commercial or financial gain.”.

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

“(m) PARENTAL CONSULTATION.—An educational agency shall develop any privacy policy or procedure with meaningful engagement by parents of students in attendance at the schools of the agency.”.

SEC. 202. PROTECTION OF PUPIL RIGHTS.

(a) AVAILABILITY FOR INSPECTION BY PARENTS.—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.—A local educational agency that receives funding 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 of 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) DEVELOPMENT AND ADOPTION OF LOCAL POLICIES.—Section 445(e) of the General Education Provisions Act (20 U.S.C. 1232h(e)) 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) the notice to parents of such a medical examination or screening, and receipt of consent from parents for 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 or 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 arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure, or use for such a legitimate educational purpose.”.

(c) PARENTAL NOTIFICATION.—Paragraph (2) of section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(c)) 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) by amending clause (ii) to read as follows:

“(ii) offer an opportunity and clear instructions for the parent (and for purposes of an activity described in subparagraph
(D)(i), in the case of a student of an appropriate age, the student) to opt the student out of participation in an activity described in subparagraph (D); and

(B) 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).”;

(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 paragraph (1) 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 “physical” and inserting “medical”.

(d) 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 funding 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).”.

(e) Exceptions.—Paragraph (4)(A) of section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(e)) 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:”.

(f) Definitions.—Paragraph (6) of section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(e)) is amended—

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

“(B) Medical examination.—The term ‘medical examination’ means any medical exam-
ination that involves the exposure of private
body parts, or any act during such examination
that includes incision, insertion, or injection
into the body, or a mental health or substance
use disorder screening, but does not include a
hearing, vision, or scoliosis screening.”; 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.”.
(g) 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 termi-
nate assistance provided under an applicable pro-
gram 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.— Each local educational agency that receives funding under any applicable program shall—

“(i) without identifying any personal information of a student or students, report to the State 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.—A State shall provide to the Secretary a report, with respect to the preceding school year, that includes all actions local educational agencies have reported under subparagraph (A), and a description of the enforcement actions the State took to ensure parents’ rights were protected.

“(C) SECRETARY.—Not later than 1 year after the date of enactment of Parents Bill of
Rights Act, and annually thereafter, the Secretary shall provide to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, the reports received under subparagraph (B) and a description of the enforcement actions taken by the Secretary under this subsection to ensure full compliance with this section.”.