

H.R. 5, Parents Bill of Rights Act

Bill Summary as Reported by Committee

This bill clarifies that parents have a right to know what is happening in their child's school and maintain the right to make decisions about their child's education. This bill ensures five commonsense principles are met by our schools:

1. Parents have the right to know what's being taught;
2. Parents have the right to be heard;
3. Parents have the right to see the school budget and spending;
4. Parents have the right to protect their child's privacy; and
5. Parents have the right to be updated on any violent activity at school.

To protect these rights, the *Parents Bill of Rights Act* includes critical amendments to several existing laws.

Title I – Elementary and Secondary Education

The bill makes the following changes to the *Elementary and Secondary Education Act*:

- Amends the Title I state plan to require states to ensure that each school district in the state posts the curriculum for each grade level on a publicly accessible website or, if the district does not operate a website, widely disseminates the curriculum to the public. To protect intellectual property, the bill specifies that if the curriculum is not freely and openly available, school districts must post descriptions of the curriculum and information on how parents can review the curriculum.
- Amends the Title I state plan to require states to provide the public a copy of any revisions to the state's academic content and achievement standards, while also clarifying that such a notice does not have to be provided to the Secretary of Education.
- Requires school districts that receive Title I funds to include, as part of their annual report cards to the public, the budget (including all revenues and expenditures) for that school year for the district as a whole and for each school served by that district, along with a summarized budget fact sheet.
- Amends the Title I local plan to require each school district that receives Title I funds to carry out the responsibilities described in the state plan for curriculum transparency.
- Amends the Title I local plan to require each school district that receives Title I funds to post on a publicly accessible website or, if the district does not operate a website, widely disseminate to the public, the school district's plan for carrying out the parent engagement required under section 1116 of the law and the policies and procedures that result from that engagement.
- Amends the Title I local plan to require each school district that receives Title I funds to ensure that each school provides prior notice to the parents when an individual, organization, or other entity will be speaking to such students in a class, school assembly, or other school-sponsored event.
- Amends the Title I local plan to require that schools notify parents if their children are not grade-level proficient in reading at the end of the third grade.

- Amends the Title I “Parents Right-To-Know” provisions to require each school district that receives Title I funds to ensure that each school served by the district:
 - annually posts a summary notice of the right of parents to information about their children’s education contained in the *Elementary and Secondary Education Act*, including at least:
 - the right to review, and make copies of, the curriculum of the child’s school at no cost to the parents;
 - the right to know if the state alters the state’s academic standards;
 - the right to meet with their child’s teacher at least twice each school year in person or virtually via videoconference;
 - the right to review the budget, including all revenues and expenditures, of their child’s school;
 - the right to a list of books and other reading materials contained in the library of their child’s school and the right to inspect those books and other reading materials;
 - the right to information about all available public school enrollment options, including charter schools, schools within the school district, and transfers to schools in other school districts;
 - the right to address the school board of the school district;
 - the right to information about violent activity in their child’s school;
 - the right to information about any plans to eliminate gifted and talented programs in their child’s school;
 - the right to review professional development materials;
 - the right to know if their child is not grade-level proficient in reading at the end of the third grade;
 - the right to know if a school employee or contractor acts to change a minor child’s gender markers, pronouns, or preferred name, or allow a child to change the child’s sex-based accommodations, including locker rooms and bathrooms;
 - the right to know if a child brings a weapon to school or if a school employee or contractor treats, advises, or addresses the following:
 - cyberbullying of a student;
 - bullying or hazing of a student;
 - a student’s mental health, suicidal ideation, or instances of self-harm;
 - a specific threat to the safety of a student;
 - the possession or use of drugs and other controlled substances; or
 - an eating disorder; and
 - the right to notice before an individual, organization, or other entity addresses a class, school assembly, or other school-sponsored event.
 - annually provides to the parents of children enrolled in the school a list of books and reading materials available in the school library and the opportunity for parents to inspect those books and other reading materials.
 - provides the parents of children enrolled in the school timely notification of any violent activity occurring on school grounds or at school-sponsored events, except

that such notification must not contain the names or grade levels of any students involved in the activity.

- provides the parents of children enrolled in the school timely notification of any plan to eliminate gifted and talented programs.
- provides the parents of children enrolled in the school the opportunity to meet in person or virtually via videoconference with each of the child’s teachers at least twice each school year and provides parents notification of this opportunity at the beginning of each school year.
- Further amends the Title I “Parents Right-To-Know” provisions to require each school district that receives Title I funds to provide the parents an opportunity to address the school board on issues impacting the education of children in the school district.
- Adds to the law’s Title VIII general provisions a sense of Congress regarding the importance of educators and policymakers, including Executive Branch officials and employees and elected officials, respecting the First Amendment right of parents and other stakeholders to assemble and express their opinions of decisions affecting their children and communities. The sense of Congress also encourages those individuals to respond to credible threats against public safety. The sense of Congress also encourages educators and policymakers to encourage community engagement and consider that feedback when making decisions.

Title II – Privacy and Parental Notification and Consent

The *General Education Provisions Act* includes the *Family Educational Rights and Privacy Act* (FERPA) and the *Protection of Pupil Rights Amendment* (PPRA). FERPA and PPRA include several important protections for parents and students. However, the amendments made by this bill will provide important new protections under FERPA and critical clarifications to provisions in PPRA.

FERPA

The bill makes the following changes to FERPA:

- Adds language to align the enforcement provision in current law with new language regarding enforcement that was added by the bill to the PPRA.
- Adds a new protection to ensure schools do not preempt parents’ rights by clarifying that schools may not provide verifiable consent related to the use of certain educational technologies without providing parents proper notice and a chance to object to the use of those technologies.
- Adds a provision that prohibits schools from acting as the agent of a parent for purposes of providing parental consent for vaccination.
- Prohibits the sale of student data for commercial purposes, which removes any ability for any school or authorized representative of a school to profit off of student data. The bill provides exceptions for products sold to students by or on behalf of schools such as yearbooks, prom tickets, and school pictures.
- Adds a requirement for schools to consult with parents prior to developing or updating any policies or procedures related to privacy.

- Adds a provision expanding FERPA’s requirements for disclosure of certain information to parents to include information from survey responses.

PPRA

The bill makes the following changes to PPRA:

- Expands a current law provision related to parental consent of student participation in surveys to clarify that parental consent must be obtained for each individual survey.
- Expands a provision to require local educational agencies to provide parents access to inspect all books, reading material, and professional development materials to be used in the school and prohibits local educational agencies from conditioning that access to inspect on parents signing non-disclosure agreements. Also lays out a process for these inspections to occur. Current law only applies this protection to materials used in connection with any survey, analysis, or evaluation.
- Includes the same parent consultation update that is included in the amendments to FERPA to ensure parents are fully engaged in the development of these policies and procedures.
- Includes the right to request a review of any books or other reading material made available to students in the classroom or school library. Current law limits this right to instructional material used as part of the educational curriculum.
- Broadens the requirement around parental notification of any physical exam to include medical exams, such as mental health or substance use disorder screenings, to ensure parents’ rights are protected when it comes to any medical examinations or procedures. The amendments include an exception for emergencies but clearly state that notice to parents must be made promptly after the emergency. The amendments also clarify that the expanded scope of this provision does not apply to observational screenings conducted as part of schools’ obligations under the *Individuals with Disabilities Education Act*.
- Adds a provision to require transparency regarding enforcement to ensure schools, school districts, states, and the U.S. Department of Education are fully enforcing the rights guaranteed by PPRA.

Title III – Prohibition on Federal Involvement in Curriculum

- Repeats existing language from other federal laws to clarify that nothing in the Act may be construed to authorize any department or agency of the United States to exercise control over curriculum, instruction, or school personnel.

Title IV – Gender Markers, Pronouns, and Preferred Names on School Forms

- Adds a provision requiring elementary and middle schools that receive federal funds to obtain parental consent before changing a minor child’s gender markers, pronouns, or preferred name on any school form, or allowing a child to change the child’s sex-based accommodations, including locker rooms or bathrooms.

Title V – Access to School Broadband

- Includes a Sense of Congress that all public elementary and secondary school students should have access to broadband.

Title VI – Sense of Congress

- Includes a Sense of Congress that all public elementary and secondary school students should have opportunities to learn the history of the Holocaust and antisemitism.