

**SUBSTITUTE FOR THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 5  
OFFERED BY M.S. BONAMICI**

Strike all after the enacting clause and insert the following:

**1 SEC. 1. FINDINGS.**

2 Congress finds the following:

3 (1) Education is fundamental to the develop-  
4 ment of individual citizens and the progress of the  
5 Nation.

6 (2) There is a continuing need to ensure equal  
7 access for all Americans to educational opportunities  
8 of high quality, and such educational opportunities  
9 should not be denied because of race, creed, color,  
10 national origin, or sex.

11 (3) Parents have the primary responsibility for  
12 the education of their children, and States and local-  
13 ities have the primary responsibility for supporting  
14 that parental role.

15 (4) In our Federal system, the primary public  
16 responsibility for education is reserved respectively  
17 to the States and the local school systems and other  
18 instrumentalities of the States.

1           (5) The American people benefit from a diver-  
2           sity of educational settings, including public and pri-  
3           vate schools, libraries, museums and other institu-  
4           tions, the workplace, the community, and the home.

5           (6) The importance of education is increasing  
6           as new technologies and alternative approaches to  
7           traditional education are considered, as society be-  
8           comes more complex, and as equal opportunities in  
9           education and employment are promoted.

10          (7) The purposes of the Department of Edu-  
11          cation include—

12                (A) to strengthen the Federal commitment  
13                to ensuring access to equal educational oppor-  
14                tunity for every individual;

15                (B) to supplement and complement the ef-  
16                forts of States, the local school systems and  
17                other instrumentalities of the States, the pri-  
18                vate sector, public and private educational insti-  
19                tutions, public and private nonprofit edu-  
20                cational research institutions, community-based  
21                organizations, parents, and students to improve  
22                the quality of education;

23                (C) to encourage the increased involvement  
24                of the public, parents, and students in Federal  
25                education programs;

1 (D) to promote improvements in the qual-  
2 ity and usefulness of education through feder-  
3 ally supported research, evaluation, and sharing  
4 of information;

5 (E) to improve the coordination of Federal  
6 education programs;

7 (F) to improve the management and effi-  
8 ciency of Federal education activities, especially  
9 with respect to the processes, procedures, and  
10 administrative structures for the dispersal of  
11 Federal funds, as well as the reduction of un-  
12 necessary and duplicative burdens and con-  
13 straints, including unnecessary paperwork, on  
14 the recipients of Federal funds; and

15 (G) to increase the accountability of Fed-  
16 eral education programs to the President, the  
17 Congress, and the public.

18 (8) Parents, families, students, educators, and  
19 community members are key stakeholders in the  
20 public education system and provide valuable input  
21 with respect to such education system.

22 (9) When parents, families, students, schools,  
23 and community members work together, students  
24 have better school attendance, earn higher grades  
25 and test scores, and have greater long-term success.

1           (10) All students deserve an education that  
2 helps them develop important life skills and prepares  
3 them for success in and beyond the classroom.

4           (11) An inclusive education benefits all stu-  
5 dents, not just by making them feel valued and ac-  
6 cepted, but also by helping them build important  
7 knowledge and skills that will prepare them for fu-  
8 ture success and create a safer environment for all  
9 students.

10          (12) The United States has much to be proud  
11 of and learning about the history of our Nation  
12 helps students see how far we've come and how they  
13 can continue our progress.

14          (13) Federal law contains numerous provisions  
15 that protect parental rights in elementary and sec-  
16 ondary education, including the following:

17                 (A) Sections 1111(b)(2)(B)(x), 1112(e)(4),  
18                 and 1116(f) of the Elementary and Secondary  
19                 Education Act of 1965 (20 U.S.C.  
20                 6311(b)(2)(B)(x); 6312(e)(4); 6318(f)) give  
21                 parents the right to receive communications  
22                 from schools, to the extent practicable, in a lan-  
23                 guage that they can understand.

24                 (B) Section 1111(d) of the Elementary  
25                 and Secondary Education Act of 1965 (20

1 U.S.C. 6311(d)) gives parents of children in a  
2 school identified for support and improvement  
3 the right to be involved in the development of  
4 the support and improvement plan for the  
5 school to improve student outcomes.

6 (C) Section 1111(h) of the Elementary and  
7 Secondary Education Act of 1965 (20 U.S.C.  
8 6311(h)) gives parents the right to know how  
9 their child's school is performing.

10 (D) Section 1112(e)(1) of the Elementary  
11 and Secondary Education Act of 1965 (20  
12 U.S.C. 6312(e)(1)), gives parents of children in  
13 schools receiving funds under part A of title I  
14 of such Act the right to—

15 (i) know the professional qualifica-  
16 tions of the teachers and paraprofessionals  
17 who teach their children;

18 (ii) receive information about the level  
19 of achievement of their children; and

20 (iii) receive notice that their children  
21 have been taught for 4 or more consecutive  
22 weeks by a teacher who does not meet ap-  
23 plicable State certification or licensure re-  
24 quirements.

1           (E) Section 1112(e)(2) of the Elementary  
2           and Secondary Education Act of 1965 (20  
3           U.S.C. 6312(e)(2)), gives parents of children in  
4           schools receiving funds under part A of title I  
5           of such Act the right to information regarding  
6           any State or local educational agency policy re-  
7           garding student participation in any assess-  
8           ments mandated by section 1111(b)(2) of such  
9           Act and by the State or local educational agen-  
10          cy, which must include a policy, procedure, or  
11          parental right to opt the child out of such as-  
12          sessments, where applicable.

13          (F) Section 1112(e)(3)(A) of the Elemen-  
14          tary and Secondary Education Act of 1965 (20  
15          U.S.C. 6312(e)(3)(A)) gives parents of children  
16          identified as English learners and who are par-  
17          ticipating in a language instruction educational  
18          program under title I or title III of such Act  
19          the right to receive information with respect to  
20          the reasons for that identification, level of  
21          English proficiency, methods of instruction,  
22          academic needs, exit criteria, individualized  
23          education plan objectives, if applicable, and the  
24          right to remove their children from the pro-  
25          gram.

1           (G) Section 1112(e)(3)(C) of the Elemen-  
2           tary and Secondary Education Act of 1965 (20  
3           U.S.C. 6312(e)(3)(C)) gives parents of English  
4           learners in a local educational agency that re-  
5           ceives funds under part A of title I of such Act  
6           the right to receive information with respect to  
7           how the parents can be involved in the edu-  
8           cation of their children and be active partici-  
9           pants in assisting their children.

10           (H) Section 1114(b) of the Elementary  
11           and Secondary Education Act of 1965 (20  
12           U.S.C. 6314(b)) gives parents of children in a  
13           school with a schoolwide program plan under  
14           title I of such Act the right to be involved in  
15           the development of the schoolwide program plan  
16           and for the information contained in such plan  
17           to be in an understandable and uniform format  
18           and, to the extent practicable, provided in a  
19           language that the parents can understand.

20           (I) Section 1116(a) of the Elementary and  
21           Secondary Education Act of 1965 (20 U.S.C.  
22           6318(a)) gives parents of children in a local  
23           educational agency that receives funds under  
24           part A of title I of such Act the right to mean-

1           ingfully participate in the development of a dis-  
2           trict parent and family engagement policy.

3           (J) Section 1116(b) of the Elementary and  
4           Secondary Education Act of 1965 (20 U.S.C.  
5           6318(b)) gives parents of children in a school  
6           that receives funds under part A of title I of  
7           such Act the right to participate in and approve  
8           a written parent and family engagement policy,  
9           and to be notified of the policy in an under-  
10          standable and uniform format and, to the ex-  
11          tent practicable, provided in a language that  
12          the parents can understand.

13          (K) Section 1116(c) of the Elementary  
14          Secondary Education Act of 1965 (20 U.S.C.  
15          6318(c)) gives parents of children in a school  
16          that receives funds under part A of title I of  
17          such Act the right—

18                  (i) to attend, at the school’s invitation  
19                  and encouragement, an annual meeting—

20                          (I) where parents will be in-  
21                          formed about the school’s participa-  
22                          tion in part A of title I of such Act;

23                          (II) that explains the require-  
24                          ments of such part, including that



1 parents have a right to be involved;  
2 and

3 (III) that discusses parent and  
4 family engagement policy;

5 (ii) to be involved in the planning, re-  
6 view, and improvement of programs includ-  
7 ing the school parent and family engage-  
8 ment policy and the joint development of  
9 the schoolwide program;

10 (iii) timely information about such  
11 programs, a description and explanation of  
12 the curriculum in use at the school, the  
13 forms of academic assessment used to  
14 measure student progress, and the achieve-  
15 ment levels of the challenging State aca-  
16 demic standards; and

17 (iv) if requested by parents, opportu-  
18 nities for regular meetings to make sugges-  
19 tions and participate, as appropriate, in  
20 decisions relating to the education of their  
21 children.

22 (L) Section 1116(d) of the Elementary  
23 Secondary Education Act of 1965 (20 U.S.C.  
24 6318(d)) gives parents the right to jointly de-  
25 velop with their child's school, if the school re-

1 ceives funds under part A of title I of such Act,  
2 a school-parent compact that outlines how par-  
3 ents, the school staff, and students will share  
4 responsibility for improved student academic  
5 achievement and how the school and parents  
6 will build and develop a partnership to help the  
7 children achieve the State's high standards, in-  
8 cluding—

9 (i) the importance of ongoing commu-  
10 nication between teachers and parents  
11 through parent-teacher conferences;

12 (ii) frequent reports to parents about  
13 their children's progress;

14 (iii) reasonable access to staff; and

15 (iv) opportunities to volunteer and  
16 participate in their child's class and ob-  
17 serve classroom activities.

18 (M) Section 1116(e) of the Elementary  
19 Secondary Education Act of 1965 (20 U.S.C.  
20 6318(e)) requires school and local educational  
21 agency served under part A of title I of the  
22 Act—

23 (i) to provide to parents assistance,  
24 materials, and training to ensure effective  
25 involvement of parents and to support a

1 partnership among the school involved, the  
2 parents, and the community to improve  
3 student academic achievement;

4 (ii) to educate teachers, specialized in-  
5 structional support personnel, principals,  
6 and other school leaders and staff about—

7 (I) the value and utility of con-  
8 tributions of parents; and

9 (II) how to—

10 (aa) reach out to, commu-  
11 nicate with, and work with par-  
12 ents as equal partners;

13 (bb) implement and coordi-  
14 nate parent programs; and

15 (cc) build ties between par-  
16 ents and the school; and

17 (iii) to receive information related to  
18 school and parent programs, meetings, and  
19 other activities in a format and, to the ex-  
20 tent practicable, a language the parents  
21 can understand.

22 (N) Section 1116(g) of the Elementary  
23 Secondary Education Act of 1965 (20 U.S.C.  
24 6318(g)) requires schools and local educational  
25 agencies in a State operating a Statewide Fam-

1           ily Engagement Center under part E of title IV  
2           of this Act, to be informed about the existence  
3           of the program.

4                   (O) Section 4001(a) of the Elementary and  
5           Secondary Education Act of 1965 (20 U.S.C.  
6           7101(a)) requires a State, local educational  
7           agency, or other entity receiving funds under  
8           title IV of such Act to obtain from parents  
9           prior written, informed consent for a child  
10          under age 18 to participate in any mental  
11          health assessment or service that is funded  
12          under such title IV of such Act and conducted  
13          in connection with an elementary or secondary  
14          school under such title of such Act.

15                   (P) Section 4502 of the Elementary and  
16          Secondary Education Act of 1965 (20 U.S.C.  
17          7242) authorizes the Secretary of Education to  
18          award grants to establish Statewide Family En-  
19          gagement Centers to carry out parent education  
20          and family engagement in education programs,  
21          or provide comprehensive training and technical  
22          assistance to State educational agencies, local  
23          educational agencies, schools identified by State  
24          educational and local educational agencies, or-  
25          ganizations that support family-school partner-

1           ships and other organizations that carry out  
2           such programs.

3           (Q) Section 8528(a)(2)(A) of the Elemen-  
4           tary and Secondary Education Act of 1965 (20  
5           U.S.C. 7908(a)(2)(A))—

6                   (i) gives parents of secondary school  
7                   students the right to submit a written re-  
8                   quest to their child’s local educational  
9                   agency that receives funds under such Act  
10                  that their child’s name, address, and tele-  
11                  phone listing not be released to military re-  
12                  cruiters without the prior written consent  
13                  of the parents; and

14                   (ii) upon receiving such a request,  
15                   prohibits the local educational agency from  
16                   releasing the student’s name, address, and  
17                   telephone listing for such purposes without  
18                   the prior written consent of the parent.

19           (R) Section 8542 of the Elementary and  
20           Secondary Education Act of 1965 (20 U.S.C.  
21           7922) prohibits the Department of Education  
22           from relying on such Act to—

23                   (i) prohibit a parental determination  
24                   that a child may travel to or from school  
25                   on foot or by car, bus, or bike when the

1 parents of the child have given permission;  
2 or

3 (ii) expose parents to civil or criminal  
4 charges for allowing their child to respon-  
5 sibly and safely travel to and from school  
6 by a means the parents believe is age ap-  
7 propriate.

8 (S) Section 444 of the General Education  
9 Provisions Act (20 U.S.C. 1232g) gives parents  
10 the right, with respect to student education  
11 records maintained by educational agencies or  
12 institutions, to—

13 (i) inspect and review such education  
14 records;

15 (ii) seek amendment of such education  
16 records where they contain information  
17 that is inaccurate, misleading, or otherwise  
18 in violation of the privacy rights of a stu-  
19 dent; and

20 (iii) with some exceptions, exercise  
21 some control over the disclosure of person-  
22 ally identifiable information from such edu-  
23 cation records.

24 (T) Section 445(c)(1) of the General Edu-  
25 cation Provisions Act (20 U.S.C. 1232h(c)(1))

1 requires that parents be consulted about the de-  
2 velopment and adoption of policies by a local  
3 educational agency, which is defined for pur-  
4 poses of that subsection to include an elemen-  
5 tary school, secondary school, school district, or  
6 local board of education that receives funds  
7 under an applicable program, to provide parents  
8 with the right to inspect, upon request—

9 (i) certain surveys;

10 (ii) instruments used to collect per-  
11 sonal information from students for the  
12 purpose of marketing or sale (or otherwise  
13 distributing such information for that pur-  
14 pose), with some exceptions; and

15 (iii) instructional materials used as  
16 part of the educational curriculum for the  
17 student.

18 (U) Section 445(c)(2) of the General Edu-  
19 cation Provisions Act (20 U.S.C. 1232h(c)(2))  
20 requires a local educational agency, which is de-  
21 fined for purposes of that subsection to include  
22 an elementary school, secondary school, school  
23 district, or local board of education that re-  
24 ceives funds under an applicable program, to

1 provide parents with advance notice, and an op-  
2 portunity to opt a student out, of—

3 (i) activities involving the collection,  
4 disclosure, or use of personal information  
5 collected from students for the purpose of  
6 marketing or sale (or to otherwise dis-  
7 tribute such information to others for that  
8 purpose), with some exceptions;

9 (ii) non-emergency, invasive physical  
10 examination or screening required as a  
11 condition of attendance, administered by  
12 their school, scheduled by their school in  
13 advance, and not necessary to protect the  
14 immediate health and safety of a student,  
15 with some exceptions; and

16 (iii) certain surveys.

17 (V) Section 445(b) of the General Edu-  
18 cation Provisions Act (20 U.S.C. 1232h(b))  
19 gives parents the right to consent before an  
20 unemancipated minor student is required to  
21 submit to a survey, analysis, or evaluation that  
22 is funded by the Department of Education if  
23 that survey concerns one or more of the fol-  
24 lowing protected areas—



- 1 (i) political affiliations or beliefs of  
2 the student or the student's parent;
- 3 (ii) mental or psychological problems  
4 of the student or student's family;
- 5 (iii) sex behavior or attitudes;
- 6 (iv) illegal, anti-social, self-incrimi-  
7 nating, or demeaning behavior;
- 8 (v) critical appraisals of other individ-  
9 uals with whom respondents have close  
10 family relationships;
- 11 (vi) legally recognized privileged or  
12 analogous relationships, such as those of  
13 lawyers, physicians, and ministers;
- 14 (vii) religious practices, affiliations, or  
15 beliefs of the student or student's parent;  
16 or
- 17 (viii) income (other than that required  
18 by law to determine eligibility for partici-  
19 pation in a program or for receiving finan-  
20 cial assistance under such program).

21 **SEC. 2. SENSE OF CONGRESS.**

22 It is the sense of Congress that students deserve  
23 school environments that promote—

- 1           (1) the ability of teachers and administrators to
- 2           encourage students to reach their full potential and
- 3           take actions that help them meet that goal;
- 4           (2) the empowerment of parents to engage in
- 5           their child's education and help them succeed;
- 6           (3) significant opportunity for all children to re-
- 7           ceive a fair, equitable, and high-quality education,
- 8           and to close educational achievement gaps;
- 9           (4) learning environments free from discrimina-
- 10          tion; and
- 11          (5) an education that is free from censorship.

