

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5  
OFFERED BY MS. LETLOW OF LOUISIANA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**4 TITLE I—AMENDMENTS TO THE  
5 ELEMENTARY AND SEC-  
6 ONDARY EDUCATION ACT OF  
7 1965**

**8 SEC. 101. STATE PLAN ASSURANCES.**

9       Section 1111(g)(2) of the Elementary and Secondary  
10 Education Act of 1965 (20 U.S.C. 6311(g)(2)) is amend-  
11 ed—

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

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

16           (3) by adding at the end the following:

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

1           “(i) in a case in which the curriculum  
2           for an elementary or secondary school  
3           grade level is freely and publicly available  
4           on the internet—

5                   “(I) posts on a publicly accessible  
6                   website of the agency, such cur-  
7                   riculum; or

8                           “(II) if such agency does not op-  
9                           erate a website, widely disseminates to  
10                          the public such curriculum; or

11           “(ii) in a case in which the curriculum  
12           for an elementary or secondary school  
13           grade level is not freely and publicly avail-  
14           able on the internet—

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

17                           “(aa) a description of such  
18                           curriculum; and

19                                   “(bb) information on how  
20                                   parents can review such cur-  
21                                   riculum as described in section  
22                                   1112(e)(1)(A); or

23                           “(II) if such agency does not op-  
24                           erate a website, widely disseminates to  
25                           the public the description and infor-

1                   mation described in items (aa) and  
2                   (bb) of subclause (I); and

3                   “(P) in the case of any revisions to the  
4                   State’s challenging State academic standards  
5                   (including any revisions to the levels of achieve-  
6                   ment within the State’s academic achievement  
7                   standards), the State educational agency will  
8                   post to the homepage of its website, and widely  
9                   disseminate to the public, notice of such revi-  
10                  sions and a copy of such revisions, except that  
11                  the State educational agency shall not be re-  
12                  quired to submit such notice or such revisions  
13                  to the Secretary.”.

14 **SEC. 102. ANNUAL LOCAL EDUCATIONAL AGENCY REPORT**  
15                   **CARDS.**

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

19                  “(E) BUDGET.—Each local educational  
20                  agency report card shall include the budget for  
21                  the school year for which such report card is  
22                  being prepared (including all revenues and ex-  
23                  penditures (including expenditures made to pri-  
24                  vate entities)) for the local educational agency  
25                  as a whole, and for each elementary school and

1 secondary school served by the local educational  
2 agency.”.

3 **SEC. 103. LOCAL EDUCATIONAL AGENCY PLAN ASSUR-**  
4 **ANCES.**

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

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

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

11 (3) by adding at the end the following:

12 “(8) meet the requirements described in section  
13 1111(g)(2)(O); and

14 “(9) post on a publicly accessible website of the  
15 local educational agency or, if the local educational  
16 agency does not operate a website, widely dissemi-  
17 nate to the public, the plan for carrying out the par-  
18 ent and family engagement described in section  
19 1116 and all policies and procedures that result  
20 from such engagement.”.

21 **SEC. 104. PARENTS RIGHT-TO-KNOW.**

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

1           (1) by redesignating paragraphs (1), (2), (3),  
2           and (4) as paragraphs (2), (3), (4), and (6), respec-  
3           tively;

4           (2) by inserting before paragraph (2) (as so re-  
5           designated), the following:

6           “(1) NOTICE OF RIGHTS.—A local educational  
7           agency receiving funds under this part shall ensure  
8           that each elementary school and secondary school  
9           served by such agency posts on a publicly accessible  
10          website of the school or, if the school does not oper-  
11          ate a website, widely disseminates to the public, a  
12          summary notice of the right of parents to informa-  
13          tion about their children’s education as required  
14          under this Act, which shall be in an understandable  
15          format for parents and include, at minimum—

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

18                 “(B) the right to know if the State alters  
19                 the State’s challenging State academic stand-  
20                 ards;

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

1           “(D) the right to review the budget, in-  
2           cluding all revenues and expenditures, of their  
3           child’s school;

4           “(E) the right to—

5                   “(i) a list of the books and other read-  
6                   ing materials available in the library of  
7                   their child’s school; and

8                   “(ii) inspect such books or other read-  
9                   ing materials;

10           “(F) the right to address the school board  
11           of the local educational agency;

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

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

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

19                   (A) by redesignating clause (i) and clause  
20                   (ii) as subclause (I) and subclause (II), respec-  
21                   tively;

22                   (B) by striking “(B) ADDITIONAL INFOR-  
23                   MATION.—” and inserting:

24                   “(B) ADDITIONAL INFORMATION.—

25                   “(i) IN GENERAL.—”; and

1 (C) by adding at the end the following:

2 “(ii) SCHOOL LIBRARY.—A local edu-  
3 cational agency receiving funds under this  
4 part shall ensure that each elementary  
5 school and secondary school served by such  
6 agency provides the parents of each child  
7 who is a student in such school—

8 “(I) at the beginning of each  
9 school year, a list of books and other  
10 reading materials available in the li-  
11 brary of such school; and

12 “(II) the opportunity to inspect  
13 such books and other reading mate-  
14 rials.

15 “(iii) VIOLENT ACTIVITY.—A local  
16 educational agency receiving funds under  
17 this part shall ensure that each elementary  
18 school and secondary school served by such  
19 agency provides the parents of each child  
20 who is a student in such school timely noti-  
21 fication of any violent activity occurring on  
22 school grounds or at school-sponsored ac-  
23 tivities in which one or more individuals  
24 suffer injuries, except that such notifica-  
25 tion shall not contain names or the grade

1 level of any students involved in the activ-  
2 ity.

3 “(iv) GIFTED AND TALENTED PRO-  
4 GRAMS.—A local educational agency receiv-  
5 ing funds under this part shall ensure that  
6 each elementary school and secondary  
7 school served by such agency provides the  
8 parents of each child who is a student in  
9 such school timely notification of any plan  
10 to eliminate gifted and talented programs  
11 in such school.”; and

12 (4) by inserting after paragraph (4) (as redesign-  
13 nated by paragraph (1)) the following:

14 “(5) TRANSPARENCY.—A local educational  
15 agency receiving funds under this part shall provide  
16 the parents of each child who is a student in an ele-  
17 mentary school or secondary school served by such  
18 agency—

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

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



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

5 **SEC. 105. SENSE OF CONGRESS ON FIRST AMENDMENT**  
6                   **RIGHTS.**

7                   Title VIII of the Elementary and Secondary Edu-  
8                   cation Act of 1965 (20 U.S.C. 7801 et seq.) is amended—

9                   (1) by redesignating section 8549C as section  
10                  8549D; and

11                  (2) by inserting after section 8549B the fol-  
12                  lowing new section:

13 **“SEC. 8549C. SENSE OF CONGRESS ON FIRST AMENDMENT**  
14                  **RIGHTS.**

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

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

19                  “(2) States and local educational agencies  
20                  should empower parents to communicate regularly  
21                  with Federal, State, and local policymakers and edu-  
22                  cators regarding the education and well-being of  
23                  their children.

24                  “(3) Transparent and cooperative relationships  
25                  between parents and schools have significant and

1 long-lasting positive effects on the development of  
2 children.

3 “(4) Parents’ concerns over content and peda-  
4 gogy deserve to be heard and fully considered by  
5 school professionals.

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

9 “(6) Educators, policymakers, and other stake-  
10 holders should never seek to criminalize the lawfully  
11 expressed concerns of parents about their children’s  
12 education.

13 “(b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that the First Amendment guarantees parents and  
15 other stakeholders the right to assemble and express their  
16 opinions on decisions affecting their children and commu-  
17 nities, and that educators and policymakers should wel-  
18 come and encourage that engagement and consider that  
19 feedback when making decisions.”.

20 **TITLE II—AMENDMENTS TO**  
21 **FERPA AND PPRA**

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

24 (a) ENFORCEMENT.—Section 444(f) of the General  
25 Education Provisions Act (20 U.S.C. 1232g) (also known

1 as the “Family Educational Rights and Privacy Act of  
2 1974”) (20 U.S.C. 1232g(f)) is amended by adding at the  
3 end the following: “The Secretary shall comply with the  
4 reporting requirement under section 445(e)(2)(C)(ii) with  
5 respect to the enforcement actions taken under this sub-  
6 section to ensure compliance with this section.”.

7 (b) PROHIBITION ON EDUCATIONAL AGENCIES OR  
8 INSTITUTIONS ACTING AS AN AGENT OF A PARENT.—Sec-  
9 tion 444 of the General Education Provisions Act (20  
10 U.S.C. 1232g) (also known as the “Family Educational  
11 Rights and Privacy Act of 1974”) is amended by adding  
12 at the end the following:

13 “(k) PROHIBITION ON EDUCATIONAL AGENCIES OR  
14 INSTITUTIONS ACTING AS AGENT OF A PARENT.—An  
15 educational agency or institution may not act as the agent  
16 of a parent of a student in attendance at a school of such  
17 agency or at such institution for purposes of providing  
18 verifiable parental consent for the use of technology in the  
19 classroom for purposes of educating the student without  
20 providing notice and an opportunity for the parent to ob-  
21 ject to the use of such technology.”.

22 (c) PROHIBITION ON SALE OF INFORMATION FOR  
23 COMMERCIAL PURPOSES.—Section 444 of the General  
24 Education Provisions Act (20 U.S.C. 1232g) (also known  
25 as the “Family Educational Rights and Privacy Act of

1 1974”), as amended by this section, is further amended  
2 by adding at the end the following:

3 “(l) PROHIBITION ON SALE OF INFORMATION FOR  
4 COMMERCIAL PURPOSES.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), no educational agency or institution or  
7 authorized representative of such agency or institu-  
8 tion may sell student information for commercial or  
9 financial gain.

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

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

20 “(m) PARENTAL CONSULTATION.—In developing a  
21 privacy policy or procedure, an educational agency or insti-  
22 tution shall engage meaningfully with parents of students  
23 in attendance at the schools served by such agency or in-  
24 stitution.”.

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

6           “(n) DISCLOSURE OF INFORMATION.—An edu-  
7 cational agency or institution or authorized representative  
8 of such agency or institution shall, upon request from a  
9 parent of a student, disclose to such parent the identity  
10 of any individual or entity with whom information is  
11 shared from the education record of the student or any  
12 response of the student to a survey.”.

13 **SEC. 202. PROTECTION OF PUPIL RIGHTS.**

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

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

1           “(1) All instructional materials, including  
2 teacher’s manuals, films, tapes, or other supple-  
3 mentary material which will be used in such school  
4 or in connection with any survey, analysis, or evalua-  
5 tion.

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

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

12           (1) by striking “prior consent of the student”  
13 and inserting “prior written consent of the student”;  
14 and

15           (2) by inserting “, which is provided specifically  
16 for such survey, analysis, or evaluation” before the  
17 period at the end.

18           (c) DEVELOPMENT AND ADOPTION OF LOCAL POLI-  
19 CIES.—Section 445(c) of the General Education Provi-  
20 sions Act (20 U.S.C. 1232h(c)) is amended—

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

23           (2) in paragraph (1)—

24           (A) in the matter preceding subparagraph

25           (A), by striking “in consultation with parents”

1 and inserting “in consultation with parents in  
2 accordance with paragraph (2)(A)”;

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

5 “(C)(i) The right of a parent of a student  
6 to inspect, upon the request of the parent, any  
7 instructional material used as part of the edu-  
8 cational curriculum for the student, and any  
9 books or other reading materials made available  
10 to the student in a school served by the agency  
11 or through the school library; and”;

12 (C) by amending subparagraph (D) to read  
13 as follows:

14 “(D) The administration of medical exami-  
15 nations or screenings that the school or agency  
16 may administer to a student, including—

17 “(i) prior notice to parents of such a  
18 medical examination or screening, and re-  
19 ceipt of consent from parents before ad-  
20 ministering such an examination or screen-  
21 ing; and

22 “(ii) in the event of an emergency  
23 that requires a medical examination or  
24 screening without time for parental notifi-  
25 cation and consent, the procedure for

1 promptly notifying parents of such exam-  
2 ination or screening subsequent to such ex-  
3 amination or screening.”; and

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

6 “(E) The prohibition on the collection, dis-  
7 closure, or use of personal information collected  
8 from students for the purpose of marketing or  
9 for selling that information (or otherwise pro-  
10 viding that information to others for that pur-  
11 pose), other than for a legitimate educational  
12 purpose to improve the education of students as  
13 described in paragraph (4), and the arrange-  
14 ments to protect student privacy that are pro-  
15 vided by the agency in the event of such collec-  
16 tion, disclosure, or use for such a legitimate  
17 educational purpose.”.

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

21 (1) in the paragraph heading, by inserting

22 “CONSULTATION AND” before “NOTIFICATION”;

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

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



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

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

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

13 (C) by adding at the end the following:

14 “(iii) in the case of an activity de-  
15 scribed in subparagraph (D)(i), a descrip-  
16 tion of how such activity is for a legitimate  
17 educational purpose to improve the edu-  
18 cation of students as described in para-  
19 graph (4); and

20 “(iv) not require a student to submit  
21 to a survey described in subparagraph  
22 (D)(ii) without the prior written consent of  
23 the student (if the student is an adult or  
24 emancipated minor), or in the case of an  
25 unemancipated minor, without the prior

1 written consent of the parent, which is pro-  
2 vided specifically for such survey.”;

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

5 “(A) PARENTAL CONSULTATION.—The pa-  
6 rental consultation required for the purpose of  
7 developing and adopting policies under para-  
8 graphs (1) and (3) by a local educational agen-  
9 cy shall ensure that such policy is developed  
10 with meaningful engagement by parents of stu-  
11 dents enrolled in schools served by that agen-  
12 cy.”; and

13 (5) in subparagraph (D) (as redesignated by  
14 paragraph (2))—

15 (A) by amending clause (i) to read as fol-  
16 lows:

17 “(i) Activities involving the collection,  
18 disclosure, or use of personal information  
19 collected from students for a legitimate  
20 educational purpose to improve the edu-  
21 cation of students as described in para-  
22 graph (4).”; and

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

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

4 “(3) UPDATES TO EXISTING POLICIES.—

5 “(A) IN GENERAL.—Not later than 180  
6 days after the date of enactment of the Parents  
7 Bill of Rights Act, a local educational agency  
8 that receives funds under any applicable pro-  
9 gram shall—

10 “(i) review policies covering the re-  
11 quirements of paragraph (1) as in effect on  
12 the day before such date of enactment; and

13 “(ii) develop and update such policies  
14 to reflect the changes made to paragraph  
15 (1) by the amendments made by the Par-  
16 ents Bill of Rights Act.

17 “(B) CONSULTATION AND NOTIFICA-  
18 TION.—In developing and updating the policies  
19 under subparagraph (A), the agency shall com-  
20 ply with the consultation and notification re-  
21 quirements under paragraph (2).”.

22 (f) EXCEPTIONS.—Paragraph (4)(A) of section  
23 445(c) of the General Education Provisions Act (20  
24 U.S.C. 1232h(c)) is amended by amending the matter pre-  
25 ceding clause (i) to read as follows:

1           “(A) EDUCATIONAL PRODUCTS OR SERV-  
2           ICES.—For purposes of paragraph (1)(E), the  
3           collection, disclosure, or use of personal infor-  
4           mation collected from students for a legitimate  
5           educational purpose to improve the education of  
6           students means the exclusive purpose of devel-  
7           oping, evaluating, or providing educational  
8           products or services for, or to, students or  
9           schools, such as the following:”.

10          (g) DEFINITIONS.—Paragraph (6) of section 445(c)  
11 of the General Education Provisions Act (20 U.S.C.  
12 1232h(c)) is amended—

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

15           “(B) MEDICAL EXAMINATION OR SCREEN-  
16           ING.—The term ‘medical examination or screen-  
17           ing’ means any medical examination or screen-  
18           ing that involves the exposure of private body  
19           parts, or any act during such examination or  
20           screening that includes incision, insertion, or in-  
21           jection into the body, or a mental health or sub-  
22           stance use disorder screening, except that such  
23           term does not include a hearing, vision, or scoli-  
24           osis screening, or an observational screening  
25           carried out to comply with child find obligations

1 under the Individuals with Disabilities Edu-  
2 cation Act (20 U.S.C. 1400 et seq.).”; and

3 (2) in subparagraph (E)—

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

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

7 (C) by adding at the end the following:

8 “(v) an email address.”.

9 (h) ENFORCEMENT AND REPORTING.—Subsection  
10 (e) of section 445 of the General Education Provisions Act  
11 (20 U.S.C. 1232h) is amended to read as follows:

12 “(e) ENFORCEMENT AND REPORTING.—

13 “(1) ENFORCEMENT.—The Secretary shall take  
14 such action as the Secretary determines appropriate  
15 to enforce this section, except that action to termi-  
16 nate assistance provided under an applicable pro-  
17 gram shall be taken only if the Secretary determines  
18 that—

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

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

23 “(2) REPORTING.—

24 “(A) LOCAL EDUCATIONAL AGENCIES.—

25 On an annual basis, each local educational

1 agency (as such term is defined in subsection  
2 (c)(6)(C)) that receives funds under any appli-  
3 cable program shall—

4 “(i) without identifying any personal  
5 information of a student or students, re-  
6 port to the State educational agency any  
7 enforcement actions or investigations car-  
8 ried out for the preceding school year to  
9 ensure compliance with this section; and

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

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

22 “(C) SECRETARY.—Not later than 1 year  
23 after the date of enactment of the Parents Bill  
24 of Rights Act, and annually thereafter, the Sec-  
25 retary shall submit to the Committee on Edu-

1 cation and the Workforce of the House of Rep-  
2 resentatives and the Committee on Health,  
3 Education, Labor, and Pensions of the Sen-  
4 ate—

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

7 “(ii) a description of the enforcement  
8 actions taken by the Secretary under this  
9 subsection and section 444(f) to ensure full  
10 compliance with this section and section  
11 444, respectively.”.

