

PARENTS BILL OF RIGHTS ACT

MARCH 14, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Ms. FOXX, from the Committee on Education and the Workforce,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 5) to ensure the rights of parents are honored and protected in the Nation’s public schools, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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—

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

- “(I) posts on a publicly accessible website of the agency, such curriculum; or
- “(II) if such agency does not operate a website, widely disseminates to the public such curriculum; or
- “(ii) in a case in which the curriculum for an elementary or secondary school grade level is not freely and publicly available on the internet—
- “(I) posts on a publicly accessible website of the agency—
- “(aa) a description of such curriculum; and
- “(bb) information on how parents can review such curriculum as described in section 1112(e)(1)(A); or
- “(II) if such agency does not operate a website, widely disseminates to the public the description and information described in items (aa) and (bb) of subclause (I); 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. In addition to the detailed budget information required under the preceding sentence, the agency shall include a separate fact sheet that summarizes such information in a clear and easily understandable format.”.

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 at the end and inserting a semicolon; and
- (3) by adding at the end the following:
 - “(8) meet the requirements described in section 1111(g)(2)(O);
 - “(9) post on a publicly accessible website of the local educational agency or, if the local educational agency does not operate a website, widely disseminate to the public, the plan for carrying out the parent and family engagement described in section 1116 and all policies and procedures that result from such engagement;
 - “(10) ensure that each elementary school served by the local educational agency notifies the parents of any student enrolled at such school when the student does not score as grade-level proficient in reading or language arts at the end of the third grade based on the reading or language arts assessments administered under section 1111(b)(2)(B)(v)(I)(aa) or another assessment administered to all third grade students by such school; and
 - “(11) ensure that each elementary school and secondary school served by the local educational agency provides to the parents of students enrolled at such school, before a person speaks (in-person or virtually) to such students in a class, school assembly, or any other school-sponsored event, notice that includes the name of the speaker and the name of the organization or other entity being represented by the speaker.”.

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, and make copies of, at no cost, 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 in accordance with paragraph (5)(A);
 - “(D) the right to review the budget, including all revenues and expenditures, of their child's school;
 - “(E) the right to—
 - “(i) a list of the books and other reading materials available in the library of their child's school; and
 - “(ii) inspect such books or other reading materials;
 - “(F) the right to information about all schools in which their child can enroll, including options for enrolling in or transferring to—
 - “(i) other schools served by the local educational agency;
 - “(ii) charter schools; and
 - “(iii) schools served by a different local educational agency in the State;
 - “(G) the right to address the school board of the local educational agency;
 - “(H) the right to information about violent activity in their child's school;
 - “(I) the right to information about any plans to eliminate gifted and talented programs in the child's school;
 - “(J) the right to review any professional development materials;
 - “(K) the right to know if their child is not grade-level proficient in reading or language arts at the end of the third grade as described in subsection (c)(10);
 - “(L) the right to know if a school employee or contractor acts to—
 - “(i) change a minor child's gender markers, pronouns, or preferred name; or
 - “(ii) allow a child to change the child's sex-based accommodations, including locker rooms or bathrooms;
 - “(M) the right to know if—
 - “(i) a school employee or contractor acts to—
 - “(I) treat, advise, or address the cyberbullying of a student;
 - “(II) treat, advise, or address the bullying or hazing of a student;
 - “(III) treat, advise, or address a student's mental health, suicidal ideation, or instances of self-harm;
 - “(IV) treat, advise, or address a specific threat to the safety of a student;
 - “(V) treat, advise, or address the possession or use of drugs and other controlled substances; or
 - “(VI) treat, advise, or address an eating disorder; or
 - “(ii) a child brings a weapon to school; and
 - “(N) the right to the notice described in subsection (c)(11) before a person speaks (in-person or virtually) to their child in a class, school assembly, or any other school-sponsored event.”;
- (3) in paragraph (2)(B) (as redesignated by paragraph (1))—
- (A) by redesignating clause (i) and clause (ii) as subclause (I) and subclause (II), respectively;
 - (B) by striking “(B) ADDITIONAL INFORMATION.—” and inserting:
 - “(B) ADDITIONAL INFORMATION.—
 - “(i) IN GENERAL.—”; 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 the parents of each child who is a student in such school—
 - “(I) at the beginning of each school year, a list of books and other reading materials available in the library of such school; and
 - “(II) the opportunity to inspect such books and other reading materials.
 - “(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 each child who is a student in such school timely notification of any violent activity occurring on school grounds or at school-sponsored activities in which one

or more individuals suffer injuries, except that such notification shall not contain names or the grade level of any students involved in the activity.

“(iv) GIFTED AND TALENTED PROGRAMS.—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 each 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 each child who is a student in an elementary school or secondary school served by such agency—

“(A)(i) the opportunity to meet in-person or virtually via videoconference 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, including the option to attend such meetings virtually via videoconference; 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.—Congress finds the following:

“(1) Parents have a First Amendment right to express their opinions on 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, elected officials, Executive Branch officials and employees, and other stakeholders should never seek to use law enforcement to criminalize the lawfully expressed concerns of parents about their children’s education, but should never hesitate to contact public safety officials if there is a credible threat to the safety and security of students, parents, educators, policymakers, elected officials, executive branch officials or employees, or other stakeholders, school faculty, or staff.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the First Amendment guarantees parents and other stakeholders the right to assemble and express their opinions on 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 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.

(a) ENFORCEMENT.—Section 444(f) of the General Education Provisions Act (20 U.S.C. 1232g) (also known as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C. 1232g(f)) is amended by adding at the end the following: “The Secretary shall comply with the reporting requirement under section 445(e)(2)(C)(ii) with respect to the enforcement actions taken under this subsection to ensure compliance with this section.”.

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

“(k) PROHIBITION ON EDUCATIONAL AGENCIES OR INSTITUTIONS ACTING AS AGENT OF A PARENT FOR USE OF TECHNOLOGY.—An educational agency or institution may not act as the agent of a parent of a student in attendance at a school of such agency or at such institution for purposes of providing verifiable parental consent for the use of technology in the classroom for purposes of educating the student without providing notice and an opportunity for the parent to object to the use of such technology.”

“(l) PROHIBITION ON EDUCATIONAL AGENCIES OR INSTITUTIONS ACTING AS AGENT OF A PARENT FOR VACCINES.—An educational agency or institution may not act as the agent of a parent of a student in attendance at a school of such agency or at such institution for purposes of providing verifiable parental consent for a vaccination.”

(c) 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 Educational Rights and Privacy Act of 1974”), as amended by this section, is further amended by adding at the end the following:

“(1) PROHIBITION ON SALE OF INFORMATION FOR COMMERCIAL PURPOSES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no educational agency or institution or authorized representative of such agency or institution may sell student information for commercial or financial gain.

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

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

“(m) PARENTAL CONSULTATION.—In developing a privacy policy or procedure, an educational agency or institution shall engage meaningfully with parents of students in attendance at the schools served by such agency or institution.”

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

“(n) DISCLOSURE OF INFORMATION.—An educational agency or institution or authorized representative of such agency or institution shall, upon request from a parent of a student, disclose to such parent the identity of any individual or entity with whom information is shared from the education record of the student or any response of the student to a survey.”

SEC. 202. PROTECTION OF PUPIL RIGHTS.

(a) AVAILABILITY FOR INSPECTION BY PARENTS OR GUARDIANS.—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 OR GUARDIANS.—A local educational agency (as such term is defined in subsection (c)(6)(C)) that receives funds under any applicable program shall ensure the following:

“(1) INFORMATION AVAILABLE.—Each of the following shall be available for inspection by the parents or guardians of the children in attendance at the schools served by such agency, and the availability of each of the following for inspection shall not be conditioned on any requirement that such parents or guardians sign a nondisclosure agreement:

“(A) 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.

“(B) Any books or other reading materials made available to students in such school or through the school library of such school.

“(C) Any professional development materials.

“(2) COMMENT PERIODS FOR PARENTS.—

“(A) IN GENERAL.—The agency shall provide comment periods during which parents or guardians of the children in attendance at the schools served by the agency may inspect and provide feedback on any of the materials referred to in paragraph (1) that—

“(i) are expected to be used to teach such children during the three weeks following the comment period; or

“(ii) were used to teach such children during preceding portions of the school year.

“(B) FREQUENCY AND DURATION.—The comment periods described in subparagraph (A) shall be held not less frequently than once every three weeks

during the school year and each comment period shall be not less than three school days in duration.”.

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

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

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

(c) DEVELOPMENT AND ADOPTION OF LOCAL POLICIES.—Section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(c)) 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) prior notice to parents of such a medical examination or screening, and receipt of consent from parents before administering 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 and 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.”.

(d) 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) in clause (i), by striking “and” at the end;

(B) by amending clause (ii) to read as follows:

“(ii) in the case of an activity described in clause (i) or (iii) of subparagraph (D), offer an opportunity and clear instructions for the parent (or in the case of a student who is an adult or emancipated minor, the student) to opt the student out of participation in such activity;”;

and

(C) 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); and

“(iv) not require a student to submit to a survey described in subparagraph (D)(ii) without the prior written consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent, which is provided specifically for such survey.”;

(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 paragraphs (1) and (3) 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 redesignated 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 “invasive physical” and inserting “medical”.
- (e) 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 funds 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).”.
- (f) EXCEPTIONS.—Paragraph (4)(A) of section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(c)) 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:”.
- (g) DEFINITIONS.—Paragraph (6) of section 445(c) of the General Education Provisions Act (20 U.S.C. 1232h(c)) is amended—
- (1) by amending subparagraph (B) to read as follows:
- “(B) MEDICAL EXAMINATION OR SCREENING.—The term ‘medical examination or screening’ means any medical examination or screening that involves the exposure of private body parts, or any act during such examination or screening that includes incision, insertion, or injection into the body, or a mental health or substance use disorder screening, except that such term does not include a hearing, vision, or scoliosis screening, or an observational screening carried out to comply with child find obligations under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).”; 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.”.
- (h) 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 terminate assistance provided under an applicable program 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.—On an annual basis, each local educational agency (as such term is defined in subsection (c)(6)(C)) that receives funds under any applicable program shall—
- “(i) without identifying any personal information of a student or students, report to the State educational agency 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.—On an annual basis, each State educational agency 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 educational agency took to ensure parents’ rights were protected.

“(C) SECRETARY.—Not later than 1 year after the date of enactment of the Parents Bill of Rights Act, and annually thereafter, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

“(i) the reports received under subparagraph (B); and

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

TITLE III—PROHIBITION ON FEDERAL INVOLVEMENT IN CURRICULUM

SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system.

TITLE IV—GENDER MARKERS, PRONOUNS, AND PREFERRED NAMES ON SCHOOL FORMS

SEC. 401. REQUIREMENT RELATED TO GENDER MARKERS, PRONOUNS, AND PREFERRED NAMES ON SCHOOL FORMS.

As a condition of receiving Federal funds, any elementary school (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or school that consists of only middle grades (as such term is defined in such section), that receives Federal funds shall be required to obtain parental consent before—

- (1) changing a minor child’s gender markers, pronouns, or preferred name on any school form; or
- (2) allowing a child to change the child’s sex-based accommodations, including locker rooms or bathrooms.

TITLE V—ACCESS TO SCHOOL BROADBAND

SEC. 501. SENSE OF CONGRESS.

It is the sense of Congress that all public elementary and public secondary school students should have access to broadband.

TITLE VI—SENSE OF CONGRESS

SEC. 601. SENSE OF CONGRESS.

It is the sense of Congress that all public elementary school and secondary school students should have opportunities to learn the history of the Holocaust and anti-Semitism.

PURPOSE

The issue of parents’ rights in education has become a major topic since the Covid-19 pandemic revealed the unaccountable influence that teachers’ unions and special interest groups hold over public K-12 education. School closures allowed many parents, for

the first time, to see exactly what their kids were being taught. They learned that divisive and inappropriate topics like Critical Race Theory (CRT) and progressive gender ideology have infiltrated public schools. H.R. 5, the *Parents Bill of Rights Act* takes important steps to clarify 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. H.R. 5 will put practices in place that facilitate meaningful dialog between a family and their child's school, and lead to more input throughout the learning process.

COMMITTEE ACTION

116TH CONGRESS

Second Session—Hearings

On June 15, 2020, the Committee on Education and the Workforce held a virtual hearing on “Budget Cuts and Lost Learning: Assessing the Impact of Covid-19 on Public Education.” The hearing was the first in a series examining the impact of the Covid-19 pandemic on K-12 education. The purpose of the hearing was to evaluate the state of education funding and examine the learning losses students are projected to experience. Testifying before the Committee were Mr. Mark Johnson, State Superintendent, North Carolina Department of Public Instruction, Raleigh, NC; Dr. Michael Leachman, Vice President for State Fiscal Policy, Center on Budget and Policy Priorities, Washington, D.C.; Mr. Eric Gordon, CEO, Cleveland Metropolitan School District, Cleveland, OH; and Ms. Becky Pringle, Vice President, National Education Association, Washington, D.C.

On July 21, 2020, the Committee's Subcommittee on Early Childhood, Elementary and Secondary Education (ECESE) held a virtual hearing on “Underfunded & Unprepared: Examining How to Overcome Obstacles to Safely Reopen Public Schools.” The purpose of the hearing was to discuss the barriers to reopening schools and how to overcome them. Testifying before the subcommittee were Mrs. Penny Schwinn, Commissioner, Tennessee Department of Education, Nashville, TN; Ms. Leslie Boggs, President, National Parent Teachers Association, Alexandria, VA; Dr. Michael Hinojosa, Superintendent, Dallas Independent School District, Dallas, TX; and Dr. Sean O'Leary, Pediatric Infectious Disease Specialist, Children's Hospital Colorado, Co-Chair of the Immunization Committee, Colorado Chapter of the American Academy of Pediatrics, Aurora, CO.

Second Session—Hearings

Legislative Action

On April 30, 2019, the Committee held a legislative hearing on school integration and civil rights enforcement. A review of Committee archives suggests this is the first hearing focused on school segregation since the 101st Congress, nearly 30 years ago. The hearing, titled “Brown v. Board of Education at 65: A Promise Unfulfilled,” was used to inform the development of H.R. 2639. On May 9, 2019, Rep. Marcia Fudge (D-OH) introduced H.R. 2639, the Strength in Diversity Act of 2019, with Chairman Bobby Scott (D-

VA) and Rep. Gregorio Sablan (D-MP), Chair of the Subcommittee on Early Childhood, Elementary, and Secondary Education, as original co-sponsors. On May 16, 2019, the Committee considered H.R. 2639 in a legislative session and ordered it reported favorably, as amended, to the House of Representative by a vote of 26–20. The Committee considered and adopted the following amendments to H.R. 2639:

1. Rep. Fudge offered an Amendment in the Nature of a Substitute (ANS) that made numerous changes to H.R. 2639. The ANS improved provisions under section 5 of the bill to ensure outreach to parents and students is produced in commonly understandable language. It also ensured consultation with students and families in the district or region targeted for diversity improvement efforts. Under section 6, the ANS expanded planning grant activities to include the development of a robust family, student, and community engagement plan. It also explicitly stated that funds can be used to support school districts under a court-ordered school desegregation plan. The ANS expanded implementation grants activities to include the development of innovative and equitable school assignment plans and other innovative activities to increase racial and socioeconomic diversity. Under section 7, the ANS added reducing school discipline rates as a measure of a school integration plan's success. Under section 8, the ANS expanded the annual reporting requirement to include a description of the entity's efforts to increase inclusivity in schools. Finally, the ANS added a new section to specify that GEPA section 426 does not apply to funds authorized by the bill.

The Committee further considered the following amendments to the Amendment in the Nature of a Substitute to H.R. 2639:

2. Rep. Rick Allen (R-GA) offered an amendment to the ANS that proposed to strike the authorization of the new federal grant program created in H.R. 2639 to support voluntary community-driven efforts to increase diversity in schools. The amendment instead amended section 4106 of the Elementary and Secondary Education Act of 1965⁸ to allow school districts to use funds authorized by such act to develop or implement strategies to improve diversity and reduce or eliminate racial or socioeconomic isolation in schools. The amendment also permitted LEAs to use funds received under section 4106 to cover fees associated with accelerated learning examinations given to low-income students. Lastly, the amendment exempted funds used pursuant to the authorized uses from the requirements of GEPA section 426. Because the amendment proposed to amend the Elementary and Secondary Education Act of 1965, a law not amended by the underlying bill, the amendment expanded the scope of the bill and was ruled out of order by the Chairman.

The Committee again worked with the Committee on Appropriations on longstanding anti-integration riders during the Fiscal Year 2021 (FY21) appropriations process. As a result, H.R. 7617, the Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021 included a provision strik-

ing GEPA section 426 from law entirely. H.R. 7617 passed the House July 31, 2020 by a vote of 217–197.

On May 2, 2019, Rep. Kim Schrier (D–WA) introduced H.R. 2480, the Stronger Child Abuse Prevention and Treatment Act, with Reps. James Comer (R–KY), Lori Trahan (D–MA), Dusty Johnson (R–SD), Suzanne Bonamici (D–OR), Elise Stefanik (R–NY), Chairman Bobby Scott (D–VA), and Ranking Member Virginia Foxx (R–NC) as original co-sponsors. On May 8, 2019, the Committee considered H.R. 2480 in a legislative session and reported it favorably, as amended, to the House of Representative by a voice vote. The Committee considered and adopted the following amendments to H.R. 2480:

1. Rep. Bonamici offered an Amendment in the Nature of a Substitute (ANS) that made several improvements to H.R. 2480. The ANS narrowed the condition of receipt of funds in Section 103(d) to grants received through Section 106. In Section 106(a)(5)(A), housing agencies were added to the list of service providers participating in state and local networks supporting child and family well-being to establish connections between the child welfare system and agencies that support families in finding and securing stable housing.

The ANS made two important changes to support prevention efforts in tribal communities. The amendment added Indian tribes and tribal organizations to the list of entities that receive equitable distribution of assistance in Section 107 and required the Government Accountability Office (GAO) to examine and make recommendations about issues relating to child abuse and neglect in Indian tribal communities.

Several changes were made in Section 110 through the ANS to clarify the intent of and strengthen the electronic data exchange system. First, language was added to ensure that standards and policies governing the electronic interstate data exchange adhere to federal law in addition to state law. The ANS also clarified that the exchange can only be used for purposes of child safety and is not to be used for any other purpose. To this end, the ANS included a prohibition on the Secretary from accessing or storing data exchanged on the system. The ANS also required that each state provide the Secretary an assurance that its child abuse and neglect registry provides procedural due process for individuals placed on such a registry. Finally, the ANS modified the appropriations reservation for Section 110 such that out of annual funds appropriated in Title I, \$2 million per year for fiscal years 2020 and 2021 and \$1 million per year for fiscal years 2022 through 2025 are reserved for the development and implementation of the electronic data exchange system.

The ANS also included a change in Title II to raise the administrative cap on funds received in excess of fiscal year 2019 state allocations from four percent to ten percent to ensure lead entities are able to effectively monitor and provide oversight of prevention services. The ANS was adopted via voice vote.

During the legislative session the Committee adopted several amendments to the ANS:

1. Rep. Lucy McBath (D-GA) offered, in coordination with Rep. Stefanik (R-NY), an amendment to the ANS allowing the Secretary to fund a national hotline for child abuse and neglect. The amendment was adopted via voice vote.

2. Rep. Russ Fulcher (R-ID) offered an amendment to the amendment in the nature of the substitute requiring the working group established in Section 110 to generate best practices that ensure due process for individuals included in state child abuse and neglect registries. The amendment was adopted via voice vote.

3. Rep. David Trone (D-MD) offered, in coordination with Rep. Ron Wright (R-TX), an amendment to the ANS allowing states to carry out programs or strategies that promote the recruitment, support, or retention of the child welfare workforce. The amendment was adopted via voice vote.

2. Rep. Lloyd Smucker (R-PA) offered, in coordination with Rep. Lauren Underwood (D-PA), an amendment to the ANS ensuring the Secretary includes parent substance use disorder as a factor in the study examining adoption outcomes. The amendment was adopted via voice vote.

3. Rep. Van Taylor (R-TX) offered, in coordination with Rep. Joe Morelle (D-NY), an amendment to the ANS requiring the Secretary to conduct a study of exemptions to state laws pertaining to the minimum age of marriage and examine how such exemptions affect child safety. The amendment was adopted via voice vote.

4. Rep. Susan Wild (D-PA) offered, in coordination with Rep. Glenn “GT” Thompson (R-PA), an amendment to the ANS requiring the Secretary to conduct a study of mandatory reporter state laws and examine differences in rates of referrals related to such state laws. The amendment was adopted via voice vote.

5. Rep. Steve Watkins (R-KS) offered, in coordination with Rep. Susie Lee (D-NV), an amendment to the ANS ensuring that no child protective services protocols or systems authorize the separation of a child from their family due solely to poverty. The amendment was adopted via voice vote.

6. Rep. Josh Harder (D-CA) offered, in coordination with Rep. Dan Meuser (R-PA), an amendment to the ANS allowing states to carry out activities that reduce child abuse and neglect due to the substance use disorder of a parent. The amendment was adopted via voice vote.

The Committee further considered the following amendment H.R. 2480, as amended:

7. Rep. Pramila Jayapal (D-WA) offered, in coordination with Rep. Brett Guthrie (R-KY), an amendment to the ANS ensuring that infants whose prenatal drug exposure is the result of maternal intake of drugs as prescribed by a physician are not reported to child protective services. The amendment was withdrawn with a commitment to work with Committee leadership to improve this language for inclusion in the bill.

On May 8, 2019, Chairman Scott and House Judiciary Committee Chairman Nadler introduced H.R. 2574, the Equity and Inclusion Enforcement Act, with Rep. Gregorio Sablan (D-MP), Chair of the Subcommittee on Early Childhood, Elementary, and Secondary Education, and Rep. Alma Adams (D-NC), Chair of the

Subcommittee on Workforce Protections as original co-sponsors. On May 16, 2019, the Committee considered H.R. 2574 in a legislative session and reported it favorably, as amended, to the House of Representatives by a vote of 26–20. The Committee considered and adopted the following amendment to H.R. 2574:

1. Rep. Scott offered an Amendment in the Nature of a Substitute (ANS) that made technical improvements to H.R. 2574. The ANS amended the Short Title of the bill, and made clear that under section 4, the newly created Special Assistant position shall advise both the Secretary and Deputy Secretary on all matters relating to equity and inclusion in a manner consistent with Title VI.

During the legislative session the Committee considered one amendment to the ANS:

1. Rep. James Comer (R–KY) offered an amendment to the ANS that would strike language from the bill restoring the private right of action under Title VI and would modify the new Special Assistant for Equity and Inclusion at the Department, consolidating its duties with an existing Special Assistant for Gender Equity. Because the amendment proposed to amend a portion of the bill outside of the jurisdiction of the Committee (as defined in rule X of the Rules of the House of Representatives), the amendment was ruled out of order.

117TH CONGRESS

First Session—Hearings

On April 28, 2021, the Committee on Education and the Workforce held a hearing on “Building Back Better: Investing in Improving Schools, Creating Jobs, and Strengthening Families and our Economy.” The purpose of the hearing was to examine the Biden administration’s *American Jobs Plan and American Families Plan*. Testifying before the Committee were Dr. Neal McCluskey, Director, Center for Educational Freedom, CATO Institute, Washington, D.C.; Mr. Brian Riedl, Senior Fellow, Manhattan Institute, Washington, D.C.; Mr. Mark Mitsui, President, Portland Community College, Portland, Oregon; Mr. Rasheed Malik, Senior Policy Analyst, Early Childhood Policy, Center for American Progress, Washington, D.C.; Ms. Mary Filardo, Founder and Executive Director, 21st Century School Fund, Washington, D.C.

On May 6, 2021, the Committee’s Subcommittee on Early Childhood, Elementary and Secondary Education (ECESE) held a hearing on “Addressing the Impact of COVID–19 on Students with Disabilities.” The purpose of the hearing was to examine the negative consequences of COVID–19 on students with disabilities and strategies to address the loss of services and learning. Testifying before the subcommittee were Mr. Reade Bush, Parent, Arlington, VA; Mr. Ron Hager, Managing Attorney for Education and Employment, National Disability Rights Network, Washington, D.C.; Dr. Danielle Kovach, Special Education Teacher, Tulsa Trail Elementary School, Hopatcong, NJ; Ms. Kanika Littleton, Project Director, Michigan Alliance for Families, Lansing, MI.

On September 29, 2021, the Committee’s Subcommittee on Early Childhood, Elementary and Secondary Education (ECESE) held a hearing on “Back to School: Highlighting Best Practices for Safely

Reopening School.” The purpose of the hearing was to examine efforts to reopen schools this fall in light of the Delta variant of COVID–19. Testifying before the subcommittee were Mr. David Zweig, Journalist, Hastings on Hudson, NY; Dr. Jesus Jara, Superintendent, Clark County School District, Las Vegas, NV; Ms. Denise Forte, Interim Chief Executive Officer, The Education Trust, Washington, DC; Dr. Ashish Jha, Dean, School of Public Health at Brown University, Providence, RI.

On November 17, 2021, the Committee’s Joint Subcommittee on Early Childhood, Elementary and Secondary Education (ECESE) held a hearing on “Examining the Implementation of COVID–19 Education Funds.” The purpose of the hearing was to conduct oversight of the Education Stabilization Fund (ESF). Testifying before the subcommittee were The Honorable Cindy Marten, Deputy Secretary, U.S. Department of Education, Washington, D.C.; The Honorable James Kvaal, Under Secretary, U.S. Department of Education, Washington, D.C.

Second Session—Hearings

On February 16, 2022, the Committee’s Subcommittee on Early Childhood, Elementary and Secondary Education (ECESE) held a hearing on “Serving All Students: Promoting a Healthier, More Supportive School Environment.” The purpose of the hearing was to examine school safety practices such as seclusion and restraint and corporal punishment, and proposals to fund school districts’ efforts to create positive school climates. Testifying before the subcommittee were Mr. Max Eden, Research Fellow, American Enterprise Institute, Washington D.C.; Ms. Kristen Harper, Vice President For Public Policy and Engagement, Child Trends, Bethesda, MD; Mr. Guy Stephens, Founder and Executive Director, Alliance Against Seclusion and Restraint, Solomons, MD; Ms. Morgan Craven, National Director of Policy, Advocacy and Community Engagement, Intercultural Development Research Association, San Antonio, TX.

On May 26, 2022, the Committee on Education and the Workforce held a hearing on “Examining the Policies and Priorities of the U.S. Department of Education.” The purpose of the hearing was to review the Fiscal Year 2023 budget priorities of the U.S. Department of Education. Testifying before the Committee was The Honorable Miguel Cardona, Secretary, U.S. Department of Education, Washington, D.C.

On September 20, 2022, the Committee’s Subcommittee on Early Childhood, Elementary and Secondary Education (ECESE) held a hearing on “Back to School: Meeting Students’ Academic, Social and Emotional Needs.” The purpose of the hearing was to examine how states and school districts are meeting the academic and mental health needs of students at this stage of the pandemic. Testifying before the subcommittee were Dr. Penny Schwinn, Commissioner, Tennessee Department of Education, Nashville, TN; Dr. Aaliyah A. Samuel, President and Chief Executive Officer, Collaborative for Academic, Social, and Emotional Learning, Chicago, IL; Dr. Matthew Blomstedt, Commissioner, Nebraska Department of Education, Lincoln, NE; Ms. Phyllis Jordan, Associate Director, Future Ed, Georgetown University, Washington, D.C.

Legislative Action

On September 29, 2021, Rep. Debbie Wasserman Schultz (D-FL) introduced H.R. 5428, the School Shooting Preparedness and Safety Act, with Reps. McBath and Hayes as original co-sponsors. The bill was referred solely to the Committee on Education and Labor. On February 16, 2022, the Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled “Serving All Students: Promoting a Healthier, More Supportive School Environment.”

On March 16, 2022, the Committee considered H.R. 5428 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 27–21. The Committee considered the following amendments to H.R. 5428:

1. Rep. McBath offered an Amendment in the Nature of a Substitute (ANS) to make conforming and technical changes to the bill. The amendment was adopted by a voice vote.

2. Rep. Burgess Owens (R-UT) offered an amendment to the ANS, representing the minority substitute. The Owens amendment struck the definitions and mentions of “school shooting” and “mass shooting” from the bill and would require the Department of Education to consult with the Department of Homeland Security in collecting and publishing data on school safety while eliminating the detailed data collection on school shooting collected by the underlying bill. The amendment was defeated by a recorded vote of 21–28.

3. Rep. Elise Stefanik (R-NY) offered an amendment to include data collection and reporting on the implementation of bail reform, the presence of school resource officers at schools, and the implementation of alternative discipline practices in school districts that have experienced a school shooting. The amendment was defeated by a recorded vote of 22–27.

4. Rep. Rick Allen (R-GA) offered an amendment to include a study regarding school safety and school choice, including whether increased school choice increases perceptions of school safety. The amendment was defeated by a recorded vote of 22–27.

On July 26, 2022, Rep. John Joyce (R-PA) introduced H. Res. 1273 to direct the President to provide certain documents to the House of Representatives in relation to communication between the executive branch and the American Federation of Teachers (AFT) regarding reopening schools and supporting safe, in-person learning. On September 15, 2022, the Committee considered H. Res. 1273 in legislative session and reported it unfavorably, as amended, to the House of Representatives by a vote of 28–21. The resolution was not considered on the House floor.

118TH CONGRESS

First Session—Hearings

On February 8, 2023, the Committee on Education and the Workforce held a hearing on “American Education in Crisis”. The purpose of the hearing was to examine the state of American education, including the needs to add transparency and accountability, to update the education system to serve the needs of students and families, and to protect and restore the rights of parents to have

a say in their children's education. Testifying before the Committee was Ms. Virginia Gentles, Director, Education Freedom Center, Independent Women's Forum, Arlington, VA; Dr. Monty Sullivan, President, Louisiana Community and Technical College System, Baton Rouge, LA; Mr. Scott Pulsipher, President, Western Governors University, Salt Lake City, UT; and Mr. Jared Polis, Governor, State of Colorado, Denver, CO.

Legislative Action

On March 1, 2023, Rep. Julia Letlow (R-LA) introduced H.R. 5, *Parents Bill of Rights Act*, with Reps. Foxx, Owens, Allen, Stefanik, Thompson, Steve Scalise (R-LA), Tom Emmer (R-MN), Mike Johnson (R-LA), Richard Hudson (R-NC), Mary Miller (R-IL), Scott Fitzgerald (R-WI), Joe Wilson (R-SC), Glenn Grothman (R-WI), Jim Banks (R-IN), Lloyd Smucker (R-PA), Michelle Steel (R-CA), Aaron Bean (R-FL), Brandon Williams (R-NY), Erin Houchin (R-IN), Guy Reseenthaler (R-PA), John Moolenaar (R-MI), Dan Newhouse (R-WA), Marianne Miller-Meeks (R-IA), Vern Buchanan (R-FL), Clay Higgins (R-LA), Brad Finstad (R-MN), Claudia Tenney (R-NY), Scott DesJarlais (R-TN), Pat Fallon (R-TX), Mike Kelly (R-PA), Chuck Edwards (R-NC), Tiffany Thomas (R-WI), Jerry Carl (R-AL), Ken Calvert (R-CA), David Valadao (R-CA), Ashley Binson (R-IA), Ralph Norman (R-SC), Mike Bost (R-IL), Daniel Meuser (R-PA), Michael Waltz (R-FL), David Kustoff (R-TN), Mike Garcia (R-CA), Brett Guthrie (R-KY), Nancy Mace (R-SC), Bryan Steil (R-WI), Brad Wenstrup (R-OH), John Rutherford (R-FL), Garret Graves (R-LA), Cathy McMorris Rodgers (R-WA), Jeff Duncan (R-SC), Max Miller (R-OH), Tom McClintock (R-CA), Dan Crenshaw (R-TX), Alexander Mooney (R-WV), Lance Gooden (R-TX), Carlos Gimenez (R-FL), Diana Harshbarger (R-TN), Michael Guest (R-MS), Tony Gonzales (R-TX), Bill Huizenga (R-MI), Anna Paulina Luna (R-FL), Troy Balderson (R-OH), Robert Wittman (R-VA), David Rouzer (R-NC), Eric Crawford (R-AR), Mike Ezell (R-MS), Mike Carrey (R-OH), Kat Cammack (R-FL), Ryan Zinke (R-MT), Michael McCaul (R-TX), John Joyce (R-PA), Kevin Hern (R-OK), Jake Ellzey (R-TX) as original co-sponsors. The bill was referred solely to the Committee on Education and the Workforce. On March 8, 2023, the Committee considered H.R. 5 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 25–17. The Committee adopted the following amendments to H.R. 5:

1. Amendment in Nature of a Substitute—Rep. Letlow offered an Amendment in the Nature of a Substitute (ANS) that adds language to the Title I “Parents Right-To-Know” provisions to ensure that parents have the right to inspect books and other reading materials in school libraries. The ANS also makes one technical change. The ANS was adopted by a recorded vote of 25–17. It was ordered reported by a recorded vote of 25–17.
2. School Speakers—Rep. Owens offered an amendment to the ANS to require school districts to ensure that schools notify parents of individuals or groups that are invited to speak at school. The amendment was adopted by a recorded vote of 25–17.

3. School Enrollment Options—Rep. Kevin Kiley (R-CA) offered an amendment to the ANS to add language to the Title I “Parents Right-To-Know” provisions to ensure that parents have 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 amendment was adopted by voice vote.

4. PROTECT Act—Rep. Walberg offered H.R. 736, the PROTECT Act as an amendment to the ANS. The PROTECT ACT requires 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 before allowing a child to change the child’s sex-based accommodations, including locker rooms or bathrooms. The amendment was adopted by voice vote.

5. Budget Information—Rep. Lori Chavez-DeRemer (R-OR) offered an amendment to the ANS requiring school districts to present summarized budget information to parents in addition to the detailed information required to be reported under the bill. The amendment was adopted by voice vote.

6. Teacher Professional Development Materials—Rep. Eric Burlison (R-MO) offered an amendment to the ANS to ensure that parents have the right to review teacher professional development materials. The amendment was adopted by voice vote.

7. Curriculum Review Periods—Rep. Chavez-DeRemer offered an amendment to the ANS to create structure around parents’ right to inspect instructional material. The review period would occur, at minimum, once every three weeks and last a minimum of three school days, during which parents have the right to review any instructional materials expected to be used in the next three weeks, as well as any instructional materials used in the past. The amendment was adopted by voice vote.

8. Third Grade Literacy—Rep. Houchin (R-IN) offered an amendment to the ANS to ensure schools notify parents if their children are not grade-level proficient in reading at the end of the third grade. The amendment was adopted by voice vote.

9. Curriculum Review Fees—Rep. Good (R-VA) offered an amendment to the ANS to ensure that schools cannot charge parents fees for reviewing the curriculum. The amendment was adopted by voice vote.

10. Acting as Agent of Parent for Vaccines—Rep. Good offered an amendment to the ANS prohibiting schools from acting as the agent of a parent for purposes of providing parental consent for vaccination. The amendment was adopted by voice vote.

11. Permitting Copies of Materials—Rep. Good offered an amendment to the ANS to permit parents to make copies of instructional materials, in addition to inspecting them. The amendment was adopted by voice vote.

12. Executive Branch Accountability—Rep. Good offered an amendment to the ANS to state that Executive Branch officials

should not criminalize the lawfully expressed concerns of parents. The amendment was adopted by voice vote.

13. Right to Know of Gender Identity Affirmation—Rep. Good offered an amendment to the ANS to include the right for parents to know about any attempt by a teacher of their child to affirm their child’s asserted identity if that identity is incongruent with the child’s biological sex. The amendment was adopted by voice vote.

14. Non-Disclosure Agreements—Rep. John James (R-MI) offered an amendment to the ANS to ensure that parents’ rights to review curriculum and any books and other reading materials made available through the school and the school library are not conditioned on their signing non-disclosure agreements. The amendment was adopted by voice vote.

15. Sense of Congress—Rep. Williams (R-NY) offered an amendment to the ANS that provides a sense of Congress that all public elementary and secondary school students should have opportunities to learn the history of the Holocaust and anti-Semitism. The amendment was adopted by voice vote.

16. Sense of Congress—Rep. Kathy Manning (D-NC) offered an amendment to the ANS that establishes a sense of Congress that all public elementary and secondary school students should have access to broadband. The amendment was adopted by voice vote.

17. Curriculum—Rep. Joe Courtney (D-CT) offered an amendment that clarifies that nothing in the Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system. The amendment was adopted by voice vote.

COMMITTEE VIEWS

INTRODUCTION

Parental rights are non-negotiable. Parents have a God-given right to make decisions for their children, to raise children according to the values they hold, and to know how their children are being instructed in school. Americans should never be forced to relinquish these parental rights to the government—whether that involves curriculum decisions or personal medical choices.

These rights belong to all serving in parental roles. H.R. 5 amends the *Elementary and Secondary Education Act* (ESEA), the *Family Educational Rights and Privacy Act* (FERPA), and the Protection of Pupil Rights Amendment (PPRA), all of which define “parent” broadly to include legal guardians and others standing *loco parentis*. Unfortunately, these fundamental parental rights are increasingly under assault. The issue of parents’ rights in education has become a major topic since the COVID-19 pandemic. School closures allowed many parents, for the first time, to see exactly what their kids were being taught. Many parents discovered that divisive and inappropriate leftist ideology had infiltrated their local public school.

Rather than listening to parents' concerns about what was being taught, the left has instead tried to silence them. Powerful teachers unions, school boards, Democrat politicians, and the Biden Justice Department have all voiced opposition to the rights of parents to have a say in their child's education. Former Democrat House Budget Committee Chairman John Yarmuth argued in an Education and Labor Committee markup that children need to be protected from their parents.¹ Virginia Democrat gubernatorial candidate Terry McAuliffe argued during a debate that parents should not tell schools what to teach.² And Department of Education (ED) Secretary Miguel Cardona refused to accept that parents should be the primary stakeholder in their children's education.³

H.R. 5 takes important steps to restore parents' rights by strengthening provisions in ESEA, FERPA, and the PPRA. Committee Republicans want parents to be involved in the decision-making process when it comes to their child's education. Parents deserve transparency and accountability. *The Parents Bill of Rights Act* (PBORA) reaffirms schools' duties to parents by securing the following five key rights:

1. The right to know what their children are being taught.
2. The right to be heard by educators and policymakers.
3. The right to see school budgeting and spending.
4. The right to protect their child's privacy.
5. The right to keep their children safe.

Parents have the right to know what is being taught

In 2021, Rhode Island mother-of-two Nicole Solas talked to an elementary school principal in South Kingstown, RI, about what was being taught in schools. She quickly became concerned that leftist ideology was being taught and demanded to know more. She asked the principal, the school board, the superintendent, the director of curriculum, and the legal department at the Rhode Island Department of Education to let her view the curriculum.⁴

After persistent stonewalling, the school district directed her to file a request under state law governing public access of records on the school district website to obtain the curriculum. Solas filed numerous requests, leading the school board to publicly consider suing her.⁵ In August 2021, the local National Education Association affiliate did file a lawsuit against her.⁶

This kind of treatment is outrageous. Simply because she wanted to know what her child was being taught, Solas was subjected to endless stonewalling, public humiliation, and an interminable and costly legal battle. No parent should have to go through that just to know what their child is learning in school.

To these ends, schools and school districts must be transparent about every aspect of education. To honor the transparency that all

¹ https://www.youtube.com/watch?v=CwduW_zw18U.

² <https://www.foxnews.com/politics/mcauliffe-says-he-doesnt-believe-parents-should-control-what-schools-teach>.

³ https://www.realclearpolitics.com/video/2021/10/01/biden_education_sec_cardona_parents_shouldnt_be_primary_stakeholder_in_their_kids_education.html.

⁴ https://legalinsurrection.com/2021/06/im_a-mom-seeking-records-of-critical-race-and-gender-curriculum-now-the-school-committee-may-sue-to-stop-me/.

⁵ <https://turnto10.com/news/local/south-kingstown-school-committee-wont-sue-woman-over-public-records-requests>.

⁶ <https://turnto10.com/news/local/teachers-union-sues-south-kingstown-school-committee-parent-over-public-records-release>.

parents deserve, H.R. 5 requires states to ensure that school districts post curriculum information for each grade level on a publicly accessible website or, for any districts that do not operate a website, that such districts must widely disseminate the information to the public. Schools will also be required to allow parents the opportunity to review the curriculum. Additionally, schools will be required to annually release a list of books and reading materials that are available in the school library, so parents are aware and able to review the literature available to their child. Finally, the bill requires states to provide the public a copy of any revisions made to the state's academic content and achievement standards.

The Committee is aware of the important role teachers play in school system. These transparency responsibilities will not increase teacher burden. The responsibility to post or widely distribute curriculum information is a school district responsibility. The Committee expects that school district staff will fulfill this obligation.

Parents have the right to be heard

In the past two years, parents have turned out en masse to school board meetings to protest and express their opinions on local education policies. They have much to be frustrated about. For one, parents are rightly concerned about how leftist ideologies have infiltrated school classrooms. Nicole Solas's story, above, is a prime example of how school administrators can stonewall even the most basic attempts to uncover what children are being taught. That is cause for grave concern.

Second, children have borne the brunt of excessively cautious and politicized COVID-19 mitigation strategies. School closures and the pandemic experience plunged students into feelings of isolation, depression, and anxiety.⁷ The CDC's 2021 Adolescent Behaviors and Experiences Survey noted that 37 percent of high school students experienced poor mental health during the pandemic, with 44 percent of all students reporting feeling persistently sad or hopeless.⁸ A study conducted by the American Civil Liberties Union asked students to grade their mental wellness before and after schools closed on a scale of one to 10, with 10 indicating peak mental health.⁹ Before the pandemic, 65 percent of students gave themselves a seven or higher. After the onset of the pandemic, that percentage dropped to less than 40 percent. Moreover, the number of students who rated their mental health a three or lower more than tripled after the pandemic began, from 7.2 percent to 23 percent.¹⁰

Although students have been learning in person most of the last two school years, the learning loss suffered during school closures cannot be overstated. Study after study confirms the sad yet unsurprising reality: school closures crippled K-12 students' learning. ED released National Assessment of Educational Progress (NAEP) data¹¹ last fall showing that reading and math scores for nine-year-olds declined sharply over the course of the pandemic. Average scores in 2022 declined five points in reading and seven

⁷ <https://www.hsph.harvard.edu/news/hsph-in-the-news/covid-youth-mental-health-crisis/>.

⁸ <https://www.cdc.gov/healthyyouth/data/abes.htm>, <https://www.cdc.gov/media/releases/2022/p0331-youth-mental-health-covid-19.html>.

⁹ Student anxiety, depression increasing during school closures, survey finds | EdSource.

¹⁰ Ibid.

¹¹ <https://www.nationsreportcard.gov/highlights/ltt/2022/>.

points in math compared to 2020. This is the largest average decline in reading since 1990 and the first ever decline in math. A July 2021 analysis conducted by McKinsey & Company found that students may earn \$49,000 to \$61,000 less over their lifetime because of the pandemic.¹²

What is worse is that COVID-19 mitigation policies were often influenced less by the imperatives of public health concerns and more by Democrats' political allies. For instance, the Biden administration allowed the American Federation of Teachers to rewrite key portions of the Centers for Disease Control and Prevention's school reopening guidance.¹³ Teachers unions also had tremendous control over deciding which school districts would reopen. Research shows large urban school districts with entrenched union power were less likely to reopen in the fall of 2021.¹⁴

When parents shared their concerns at local school board meetings, the Biden administration reacted not with compassion but by threatening to investigate and prosecute parents. In October 2021, Attorney General Merrick Garland instructed the FBI to be on the lookout for "harassment, intimidation, and threats of violence" against school board members and administrators.¹⁵ This directive followed on the heels of the National School Boards Association's plea to the White House that some parents' protests to school boards could be akin to "domestic terrorism."¹⁶

Parents should never be prosecuted or labeled "domestic terrorists" simply for sharing their frustrations. School board meetings should be open to any concerned parent who wishes to discuss what is happening in their child's school. H.R. 5 includes provisions that require each school district receiving Title I funds to provide parents an opportunity to address the school board on issues impacting the education of children in the school district. Additionally, parents should have access to their child's teachers. Since parents are the primary stakeholders of their child's education, H.R. 5 includes provisions to ensure that all parents are aware of their opportunity to meet in person with each of their child's teachers at least twice a year.

Parents have the right to see the school budget and spending

Each school's budget is more than just numbers. It represents a school district's past performance and future spending plan. It further represents a blueprint of the school's priorities and values. Whether it is paying salaries, providing academic supports, or purchasing curricula, each school's allocation of tax dollars should be open to examination and feedback by parents who can bring crucial insights leading to increased student achievement. Parents should further have access to the budget to verify that their tax dollars are being spent on appropriate, rigorous curricula needed to prepare their children for success after high school, and not on materials and outside groups seeking to indoctrinate students.

¹² <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning>.

¹³ <https://nypost.com/2021/05/01/teachers-union-collaborated-with-cdc-on-school-reopening-emails/>.

¹⁴ <https://www.brookings.edu/blog/brown-center-chalkboard/2021/03/25/teachers-unions-scape-goats-or-bad-faith-actors-in-covid-19-school-reopening-decisions/>.

¹⁵ <https://www.justice.gov/ag/page/file/1438986/download>.

¹⁶ <https://www.edweek.org/policy-politics/national-school-board-groups-apology-for-domestic-terrorism-letter-may-not-quell-uproar/2021/10>.

Furthermore, parents can ensure that taxpayer resources entrusted to school officials are spent wisely to address students' needs. It is estimated that students experienced learning deficits of approximately one-third of an entire school year during the pandemic.¹⁷ To combat the learning loss sustained throughout the Democrat-led school closures, Congress appropriated nearly \$190 billion to schools. Some of that funding has not been spent at all, while some has been spent on frivolous projects like athletic fields or on campaigns to indoctrinate students with the left's radical agenda.¹⁸ ¹⁹ H.R. 5 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.

Parents have the right to protect their child's privacy

Today's parents are the first to rear "digital children."²⁰ These children have a virtual presence at a very early age. However, schools are also storing significant amounts of information online, such as web browsing activity, surveillance footage, test scores, health information, and electronic communications. Using educational technology to store sensitive information requires meaningful consent, security safeguards, transparency, and accountability for any data breaches.²¹

In particular, parents should be made aware of the various health screenings their child could be subjected to. Under the bill, parents must consent before any medical exam takes place at school, including mental health or substance use disorder screenings. Parents must have a say in, and be able to review, their school's privacy policies and procedures. Schools must also receive consent from parents for their child's participation in certain surveys, analyses, and evaluations under the PPRA. Under the PPRA, schools must disclose to parents when information is collected from students in any of eight protected categories. H.R. 5 will ensure that each collection receives parental consent. Finally, when it comes to data privacy, schools are restricted from sharing student data to technology companies without parental permission; such data cannot be sold for commercial purposes.

Parents have the right to keep their children safe

Schools are struggling to address student behavior.²² One thing is certain: bullying, fighting, sexual assaults, or any other form of violence on school grounds should warrant an immediate notification to parents and guardians. There is currently no single data collection that can encompass the incidence, frequency, and trends

¹⁷ Betthäuser, B.A., Bach-Mortensen, A.M. & Engzell, P. A systematic review and meta-analysis of the evidence on learning during the COVID-19 pandemic. *Nat Hum Behav* (2023). <https://doi.org/10.1038/s41562-022-01506-4>.

¹⁸ <https://apnews.com/article/coronavirus-pandemic-school-funding-sports-5b468b260ebd2593e53f03f9104d9bca>.

¹⁹ <https://www.foxnews.com/politics/california-new-york-illinois-covid-19-relief-funds-crt-schools>.

²⁰ Danah Boyd, "Social network sites as networked publics: affordances, dynamics, and implications", in *A Networked Self: Identity, Community, and Culture on Social Network Sites*, Zizi Papacharissi ed. (Routledge, 2011).

²¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/015/65/PDF/G2101565.pdf?OpenElement>.

²² <https://www.psychologytoday.com/us/blog/unpacking-school-violence/202002/violence-in-schools-is-national-crisis>.

in violent crimes throughout American schools.²³ It is also no secret that learning suffers when students worry about their safety, feel that teachers do not have high expectations for their success, or fear being bullied at school.²⁴

Unfortunately, schools have often chosen to hide violence on school grounds. In May 2021, Loudoun County parent Scott Smith was notified of a “physical altercation” involving his daughter at school.²⁵ He soon began to suspect his daughter had been raped in the restroom, but the school obfuscated: at a June school board meeting, Loudoun County Public Schools Superintendent Scott Ziegler declared that “we don’t have any record of assaults occurring in our restrooms.”²⁶ Despite that declaration, it was later revealed that Mr. Smith’s daughter had, in fact, been sexually assaulted and that the school had actively concealed the facts from him.

H.R. 5 takes steps to prevent instances like Loudoun County’s stonewalling from ever happening again. The bill requires schools to notify parents of violent activities occurring on school campuses or at school-sponsored events while also protecting the privacy of students involved in such incidents. Access to such information would allow parents to make the best educational decisions for their child.

CONCLUSION

The Biden administration’s politicization of education must stop. Parents have the right to be part of their child’s education. H.R. 5 takes important steps to restore parents’ rights by strengthening provisions in ESEA, FERPA, and the PPRA. Secretary of Education Miguel Cardona recently published an op-ed about the Democrat vision for parent empowerment.²⁷ In his vision, parents should be satisfied when the federal government spends taxpayer dollars on top-down solutions. By contrast, Committee Republicans want an authentic give-and-take between parents and the education system about what students learn, how they are taught, and how they should be protected. Democrats seem to believe parents’ rights means the right to accept whatever the experts hand down from on high. H.R. 5 rejects that approach and embraces an active role for parents in the education of their children.

SUMMARY H.R. 5, THE PARENTS BILL OF RIGHTS ACT SECTION-BY-SECTION SUMMARY

Section 1. Short title

- Names the bill as the “Parents Bill of Rights Act”.

²³ <https://nij.ojp.gov/topics/articles/what-do-data-reveal-about-violence-schools#note2>.

²⁴ <https://fordhaminstitute.org/national/commentary/children-learn-best-when-they-feel-safe-and-valued>.

²⁵ <https://www.aei.org/op-eds/meet-the-medias-top-domestic-terrorist/>.

²⁶ <https://heartlandernews.com/2022/12/15/loudoun-county-school-superintendent-spokesman-indicted-for-lying-about-transgender-sex-assaults/>

²⁷ <https://www.newsweek.com/its-time-raise-bar-parent-partnership-our-schools-opinion-1784502>.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY
EDUCATION ACT

Section 101. State plan assurances

- 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.

Section 102. Annual local educational agency report card

- 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.
- Requires school districts to present summarized budget information in addition to the detailed information required to be reported under the bill.

Section 103. Local educational agency plan assurances.

- 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 *Elementary and Secondary Education Act* and the policies and procedures that result from that engagement.
- Ensures that schools notify parents if their children are not grade-level proficient in reading at the end of the third grade.
- Requires school districts to ensure that schools notify parents of individuals or groups that are invited to speak at school.

Section 104. Parents Right-to-Know

- 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 the curriculum of the child’s school at no cost to parents;
 - the right to make copies of curriculum, in addition to inspecting them;
 - 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 video-conferencing;

- 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;
- 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 teacher professional development 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 for parents to know about any attempt by a school employee to affirm their child's asserted identity if that identity is incongruent with the child's biological sex;
- the right to know if their child is not grade-level proficient at the end of the third grade;
- the right to know if a school employee or contractor acts to treat, advise, address cyberbullying, hazing, mental health, self-harm, suicidal ideation, a specific threat to safety of students, possession or use of controlled substance, and eating disorder of a student; and
- the right to know if their child brings a weapon to school.

Section 105. Sense of Congress on First Amendment Rights

- Establishes a Sense of Congress guaranteeing parents and other stakeholders hold the right to assemble and express their opinions on decisions affecting their children and communities. It also states that educators and policymakers should welcome and encourage that engagement and consider that feedback when making decisions.
- Establishes a Sense of Congress to state that Executive Branch officials should not criminalize the lawfully expressed concerns of parents.

TITLE II—AMENDMENTS TO FERPA AND PPRA

Section 201. Amendments to the Family Educational Rights and Privacy Act of 1974

- Adds language to align the enforcement provision in current law with new language regarding enforcement that was added by the bill to the PPRA.
- Clarifies that schools may not provide verifiable consent related to the use of educational technologies without providing parents proper notice and a chance to object to the use of those technologies.
- Prohibits the sale of student data for commercial purposes. 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 engage with parents as they are developing their privacy policy or procedure.
- Adds a provision requiring schools to tell parents, upon request, with whom the school shares student survey or student record information.
- Adds a provision that prohibits schools from acting as the agent of a parent for purposes of providing parental consent for vaccination.

Section 202. Protection of Pupil Rights

- Expands a current law provision related to parental consent of student participation in surveys to clarify that parental consent of minors must be obtained for each individual survey.
- Expands a provision to require local educational agencies to provide parents access to inspect all books and instructional material to be used in the school.
- 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.
- 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.
- Adds a provision that ensures parents' rights to review curriculum and any books and other reading materials made available through the school and the school library are not conditioned on their signing non-disclosure agreements.
- Adds a provision to create structure around parents' rights to inspect instructional materials. The review period would occur, at minimum, once every three weeks and last a minimum of three school days, during which parents have the right to review any instructional materials expected to be used in the next three weeks, as well as any instructional materials used in the past.

TITLE III—PROHIBITION ON FEDERAL INVOLVEMENT IN CURRICULUM

Section 301 Rule of Construction

- Clarifies that nothing in the Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system.

TITLE IV—GENDER MARKERS, PRONOUNS, AND PREFERRED NAMES ON SCHOOL FORMS

Section 401. Requirement related to gender markers, pronouns, and preferred names on school forms

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

TITLE V—ACCESS TO SCHOOL BROADBAND

Section 501. Sense of Congress

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

TITLE VI—SENSE OF CONGRESS

Section 601. Sense of Congress

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

EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 5. takes important steps to clarify 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, including by putting practices in place that facilitate meaningful dialog between a family and their child's school, and lead to more input throughout the learning process.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This issue is addressed in the CBO letter.

EARMARK STATEMENT

H.R. 5 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.

ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes

for and against and the names of the Members voting for and against.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:2

Bill: H.R. 5



Amendment Number: 2

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Bonamici (Sub_01)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURTNEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total: 45/ Quorum:/ Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 03/08/2023

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call: 3

Bill: H.R. 5

Amendment Number: 3

Disposition: Adopted by a roll call vote of 25-17

Sponsor/Amendment: Owens / OWENUT_008

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)	X			Mr. COURNTEY (CT)		X	
Mr. WALBERG (MI)	X			Mr. SABLAN (MP)		X	
Mr. GROTHMAN (WI)	X			Ms. WILSON (FL)		X	
Ms. STEFANIK (NY)	X			Ms. BONAMICI (OR)		X	
Mr. ALLEN (GA)	X			Mr. TAKANO (CA)		X	
Mr. BANKS (IN)	X			Ms. ADAMS (NC)		X	
Mr. COMER (KY)	X			Mr. DESAULNIER (CA)		X	
Mr. SMUCKER (PA)	X			Mr. NORCROSS (NJ)		X	
Mr. OWENS (UT)	X			Ms. JAYAPAL (WA)		X	
Mr. GOOD (VA)	X			Ms. WILD (PA)		X	
Mrs. MCCLAIN (MI)	X			Ms. MCBATH (GA)		X	
Mrs. MILLER (IL)	X			Mrs. HAYES (CT)		X	
Mrs. STEEL (CA)	X			Ms. OMAR (MN)			X
Mr. ESTES (KS)	X			Ms. STEVENS (MI)		X	
Ms. LETLOW (LA)	X			Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)	X			Ms. MANNING (NC)		X	
Mr. BEAN (FL)	X			Mr. MRVAN (IN)		X	
Mr. BURLISON (MO)	X			Mr. BOWMAN (NY)		X	
Mr. MORAN (TX)	X						
Mr. JAMES (MI)	X						
Ms. CHAVEZ-DEREMER (OR)	X						
Mr. WILLIAMS (NY)	X						
Ms. HOUCHIN (IN)	X						

TOTALS: Ayes: 25

Nos: 17

Not Voting: 3

Total: 45 / Quorum: / Report:

(25 R - 20 D)

^Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:4

Bill: H.R. 5

Amendment Number: En Bloc #1

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Hayes (AMD_08); Scott (AMD_11)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTHEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total: 45/ Quorum:/ Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:5

Bill: H.R. 5

■ Amendment Number: 7

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Scott (AMD_16)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total:45/ Quorum:/ Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:6

Bill: H.R. 5

■ Amendment Number: En Bloc #2

Disposition: **Defeated by a Full Committee Roll Call Vote**

Sponsor/Amendment: Grijalva (AMD_14); Takano (AMD_04)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLON (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUGHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total:45/ Quorum:/ Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:7

Bill: H.R. 5

■ Amendment Number: En Bloc #3

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Grijalva(AMD_28); Grijalva(AMD_32); Bowman(AMD_26); Takano(AMD_29); Bonamici(AMD_30), and Jayapal (AMD_27)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total:45/ Quorum:/ Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call: 8

Bill: H.R. 5

Amendment Number: En Bloc #4

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Jayapal (AMD_18); Scott (AMD_33)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos: 25

Not Voting: 3

Total: 45/ Quorum: / Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:g

Bill: H.R. 5

Amendment Number: En Bloc #5

Disposition: **Defeated by a Full Committee Roll Call Vote**

Sponsor/Amendment: DeSaulnier(AMD_05); Scott (AMD_01); Scott(AMD_24); Bowman (AMD_21)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total:45/ Quorum:/ Report:

(25 R - 20 D)

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*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call: 10

Bill: H.R. 5

Amendment Number: 26

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Hayes (AMD_06)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos: 25

Not Voting: 3

Total: 45/ Quorum:/ Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:11

Bill: H.R. 5

Amendment Number: 27

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Manning (AMD_009)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total:45/ Quorum:/ Report:

(25 R - 20 D)

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*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:12

Bill: H.R. 5

Amendment Number: 32

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Manning (AMD_34)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTHEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total:45/ Quorum:/ Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call:13

Bill: H.R. 5

Amendment Number: 34

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Bowman (AMD_19)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTHEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos:25

Not Voting:3

Total:45/ Quorum:/ Report:

(25 R - 20 D)

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Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call: 14

Bill: H.R. 5

Amendment Number: 36

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: Stevens(AMD_03)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos: 25

Not Voting: 3

Total: 45/ Quorum/ Report:

(25 R - 20 D)

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Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call: 15

Bill: H.R. 5

Amendment Number: 38

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: WILSON (WILSFL_010)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHIN (IN)		X					

TOTALS: Ayes: 17

Nos: 25

Not Voting: 3

Total: 45 / Quorum: / Report:

(25 R - 20 D)

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*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3-8-2023

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD VOTE

Roll Call: 16

Bill: H.R. 5

Amendment Number: 40

Disposition: Defeated by a Full Committee Roll Call Vote

Sponsor/Amendment: WILSON (WILSFL_011)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLON (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)	X		
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Mrs. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)			X
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Mrs. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)	X		
Mrs. MORAN (TX)		X					
Mr. JAMES (MI)		X					
Mrs. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Mrs. HOUCHEIN (IN)		X					

TOTALS: Ayes: 17

Nos: 25

Not Voting: 3

Total: 45 / Quorum: /

Report: (25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 03/08/2023

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call: 17

Bill: H.R. 5

Amendment Number: Motion

Disposition: Adopted by a Full Committee Roll Call Vote 25- 17

Sponsor/Amendment: Letlow Motion to Report H.R. 5 to the House with an amendment and with
 recommendation that the amendment be agreed to, and the bill as amended, do pass

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)	X			Mr. COURNTEY (CT)		X	
Mr. WALBERG (MI)	X			Mr. SABLAN (MP)		X	
Mr. GROTHMAN (WI)	X			Ms. WILSON (FL)		X	
Ms. STEFANIK (NY)	X			Ms. BONAMICI (OR)		X	
Mr. ALLEN (GA)	X			Mr. TAKANO (CA)		X	
Mr. BANKS (IN)	X			Ms. ADAMS (NC)		X	
Mr. COMER (KY)	X			Mr. DESAULNIER (CA)		X	
Mr. SMUCKER (PA)	X			Mr. NORCROSS (NJ)		X	
Mr. OWENS (UT)	X			Ms. JAYAPAL (WA)		X	
Mr. GOOD (VA)	X			Ms. WILD (PA)		X	
Mrs. MCCLAIN (MI)	X			Ms. MCBATH (GA)		X	
Mrs. MILLER (IL)	X			Mrs. HAYES (CT)		X	
Mrs. STEEL (CA)	X			Ms. OMAR (MN)			X
Mr. ESTES (KS)	X			Ms. STEVENS (MI)		X	
Ms. LETLOW (LA)	X			Ms. LEGER FERNÁNDEZ (NM)			X
Mr. KILEY (CA)	X			Ms. MANNING (NC)		X	
Mr. BEAN (FL)	X			Mr. MRVAN (IN)		X	
Mr. BURLISON (MO)	X			Mr. BOWMAN (NY)		X	
Mr. MORAN (TX)	X						
Mr. JAMES (MI)	X						
Ms. CHAVEZ-DEREMER (OR)	X						
Mr. WILLIAMS (NY)	X						
Ms. HOUCHIN (IN)	X						

TOTALS: Ayes: 25

Nos: 17

Not Voting: 3

Total: 45 / Quorum: / Report:

(25 R - 20 D)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H.R. 5 is to protect parents' rights in educational decisions about their children.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 5 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The committee estimates enacting H.R. 5 does not specifically direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS
OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

REQUIRED COMMITTEE HEARING AND RELATED HEARINGS

In compliance with clause 3(c)(6) of rule XIII the following hearing held during the 118th Congress was used to develop or consider H.R. 5: "American Education in Crisis".

The following related hearings were held: "Budget Cuts and Lost Learning: Assessing the Impact of Covid-19 on Public Education.", "Underfunded & Unprepared: Examining How to Overcome Obstacles to Safely Reopen Public Schools.", "Brown v. Board of Education at 65: A Promise Unfulfilled.", "Building Back Better: Investing in Improving Schools, Creating Jobs, and Strengthening Families and our Economy.", "Addressing the Impact of COVID-19 on Students with Disabilities.", "Back to School: Highlighting Best Practices for Safely Reopening School.", "Examining the Implementation of COVID-19 Education Funds.", "Serving All Students: Promoting a Healthier, More Supportive School Environment.", "Examining the Policies and Priorities of the U.S. Department of Education.", "Back to School: Meeting Students' Academic, Social and Emotional Needs."

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the committee has received the following estimate for H.R. 5 from the Director of the Congressional Budget Office:

H.R. 5, Parents Bill of Rights Act			
As ordered reported by the House Committee on Education and the Workforce on March 1, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	a	a	a
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	a	a	a
Spending Subject to Appropriation (Outlays)	a	a	a
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
a. CBO has no basis for estimating a reduction in direct spending or a reduction in discretionary authorizations.			

H.R. 5 would amend the Elementary and Secondary Education Act (ESEA) and the General Education Provisions Act (GEPA) to require public schools to allow parents to review certain materials and to be informed of, and grant consent for, certain activities. In addition, the bill would establish requirements on local education agencies (LEAs) as a condition of receiving federal funds.

Spending subject to appropriation: The bill would amend ESEA to require LEAs that receive funding under title I to ensure that schools either make certain information publicly available on a website or communicate that information to parents. That information would include curricula, budgets, lists of parents' rights, library and course materials, and parent engagement plans.

In addition, H.R. 5 would amend GEPA to require schools that participate in programs administered by the Department of Education seek parental consent for specified activities—such as the use of technology in the classroom, attendance for guest speakers in the classroom, or mental health treatment. The bill also would restrict the use of student information for commercial and financial gain and require LEAs to provide comment periods to solicit feedback from parents on course materials, books available to students, and professional development materials. Finally, the Secretary of Education would be required to report annually to the Congress about investigations and enforcement actions by LEAs and state education agencies as well as enforcement action taken by the Secretary.

Enacting H.R. 5 could result in a decrease in estimated authorizations for programs at the Department of Education. This would come about if schools choose to forgo federal funding by not complying with the requirements in the bill. CBO has no basis to estimate whether or how many LEAs would do so. CBO estimates that, on average, schools receive \$275,000 each year in federal funds from programs under ESEA title I.

Direct spending: Title IV of the bill would establish as a condition of federal assistance that schools get parental consent before staff change a child's gender marker, pronouns, or preferred name on any school form or allow a child to change which bathroom or

locker room they use. CBO expects that the requirement would apply broadly to all federal funds that schools receive, including funding that is authorized by laws other than ESEA or GEPA.

Enacting the parental consent requirement could result in a reduction in direct spending through a similar mechanism as spending subject to appropriations, but CBO has no basis to predict whether, or how many, schools would not comply with the requirement in title IV. As a result, CBO cannot estimate the savings related to schools not complying with that requirement.

CBO expects that schools that fail to get such parental consent would not be allowed to participate in the child nutrition programs. Under the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program, the Summer Food Service Program, and the Special Milk Program, the government provides commodities and cash payments to reimburse participating schools and institutions for at least part of the cost of each meal served. In 2024, CBO estimates that the average school that participates in the NSLP and SBP will receive about \$121,800 in 2024 under those programs.

Mandates: Under the Unfunded Mandates Reform Act (UMRA), duties required of nonfederal entities do not impose mandates if those duties are a condition of federal assistance. H.R. 5 would require state and local educational agencies, including schools, to perform a series of new duties primarily related to the publication of school materials and parental notification, consent, and review. Because the duties in H.R. 5 are either explicitly conditioned on accepting federal assistance or amend existing laws that apply to recipients of federal assistance, the bill would not impose mandates under UMRA.

The CBO staff contact for this estimate is Garrett Quenneville. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 5. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when, as with the present report, the committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

With respect to the requirement of clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, this section was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall have this printed upon its receipt by the Committee.

MINORITY VIEWS

INTRODUCTION

The Majority claims that H.R. 5, the *Parents Bill of Rights Act*, seeks to “put in place concrete legal protections that will ensure parents always have a seat at the table when it comes to their child’s education.”¹ However, the bill is largely duplicative of current law, lacks clarity in how its provisions will actually address students well-being, and stands as an example of the type federal overreach Congressional Republicans have long claimed would harm children, teachers and schools.

SUMMARY OF CONCERNS

H.R. 5 is Duplicative of Current Law

The provisions in H.R. 5 are largely duplicative of current law and create unnecessary and burdensome requirements on state education agencies (SEAs), local education agencies (LEAs), and schools. The bill would require these entities to divert essential resources and personnel away from serving students and providing them with the supports they need. Recognizing this is not an exhaustive list, the following are examples of duplicative provisions contained in H.R. 5.

Under the *Protection of Pupils Rights Amendment* (PPRA), parents already have the right to access instructional materials used by their child’s school.² Title I of *Elementary and Secondary Education Act of 1965* (Title I) also currently requires that districts conduct outreach to parents and family members, and implement programs, activities, and procedures to involve parents and families in their child’s education.³ Under the law, each district that receives Title I funds must have a written parent and family engagement policy in place that, in part, provides parents with a description and explanation of the curriculum and assessments used in their child’s school.⁴ Districts and schools must distribute this policy to parents and family members and hold at least one annual meeting with families to explain the policy and their right to be involved.⁵ Many of the additional requirements placed on SEAs and LEAs would unduly burden Title I schools, which serve higher portions of students from low-income backgrounds and students of color. For example, if H.R. 5 became law, funds spent compiling and disseminating required lists of books and reading materials to families could otherwise be spent on direct educational services for

¹Press Release, Rep. Julia Letlow, Letlow Introduces Parents Bill of Rights (Mar. 1, 2023), <https://letlow.house.gov/media/press-releases/letlow-reintroduces-parents-bill-rights>.

²20 U.S.C. 1232h(c)(1).

³20 U.S.C. 6318(a)(1), (b), (d); 20 U.S.C. 6311(d); 20 U.S.C. 6314(b).

⁴20 U.S.C. 6318(a)(1); 20 U.S.C. 6318(b), (d).

⁵20 U.S.C. 6318.

disadvantaged students or efforts to close achievement gaps, as the *Elementary and Secondary Education Act* (ESEA) mandates.

Like the amendments to ESEA, the student data privacy provisions in H.R. 5 are largely redundant of provisions currently required by law. Currently, PPRA requires that educational institutions make parents aware of instances in which their child's information may be used for marketing or sales and provide parents with the opportunity to opt their child out.⁶ Likewise, PPRA currently requires that school districts develop policies, in consultation with families, to protect student data privacy and govern the disclosure of student information online.⁷

H.R. 5 Lacks Clarity in Addressing Student Well-being

Additionally, there are concerned with H.R. 5's proposed amendments to PPRA that pertain to school-based health examinations. The language is problematic for several reasons. For example, the bill changes "physical" to "medical," thereby expanding the PPRA to non-physical (i.e., mental) health, and then requires an opt-in with prior notice to and consent from parents before "any medical examination or screening", except in case of emergency.⁸ The bill does not specify how often schools would be required to collect and confirm parental consent prior to providing students with medical care. As a result, the requirement could prevent students from accessing needed medical services at school—particularly in instances where parents cannot be reached—and could create an additional administrative burden for both schools and families. The bill also does not define "mental health screening" or "emergency," leaving room for potentially broad and inconsistent interpretations, and could negatively impact the provision of vital mental health support. This could be particularly harmful due to recent rises in suicide, anxiety, and depression among students.⁹

H.R. 5 is an Example of Federal Overreach

In addition to being duplicative of existing federal law, the requirements in H.R. 5 are at best redundant, and at worst in direct conflict, to requirements of state and local education laws. For example, a number of states and districts have enacted policies to provide transparency and access to documents and proceedings already. If signed into law, H.R. 5 could institute an additional set of standards and requirements to accomplish the same goal. Further, key terms are undefined, leaving the true scope of work necessary for compliance unclear. For example, schools are required to inform parents of all "violent activity" which results in injury, but the vagueness of the bill could leave to question whether these "activities" include playground squabbles and skinned knees, which, while low stakes may involve violence, or something much more se-

⁶ 20 U.S.C. 1232h(c).

⁷ 20 U.S.C. 1232h(c)(1).

⁸ It should be noted that the Committee supports ensuring that behavioral health is encompassed within health.

⁹ Ctrs. For Disease Control & Prevention, *Mental Health, Poor Mental Health Is a Problem for Adolescents*, (last reviewed Feb. 13, 2023) [https://www.cdc.gov/healthyyouth/mental-health/index.htm#:~:text=In%202021%2C%20more%20than%204,10%20\(10%25\)%20attempted%20suicide.](https://www.cdc.gov/healthyyouth/mental-health/index.htm#:~:text=In%202021%2C%20more%20than%204,10%20(10%25)%20attempted%20suicide.)

rious (e.g., robbery) which may involve the threat of violence, but not actual violence.

This is especially troubling as H.R. 5 makes a mockery of long-standing Republican ideals of federalism in education and local control over educational decisions. The bill is a litany of unfunded mandates put on schools with no real theory as to how any of these requirements will actually improve educational quality. For example, the bill includes a “notice of rights” for parents, including the right to review curriculum, budget, and the list of books and other reading materials but does not take into consideration any current state or local laws which may be duplicative in purpose yet incongruent with the bill in implementation. While Congressional Democrats generally support a strong federal role in education, we believe in many instances, federal education law can provide a floor of support that localities can build on based on their unique needs.

It was in this spirit that Committee Democrats offered a series of amendments that simply provided assurances that nothing in H.R. 5 could be construed to permit federal involvement in the teaching of many aspects of history that we know state PBOR bills are explicitly targeting. This began with Rep. Courtney (D-CT) offering a blanket amendment on ensuring H.R. 5 could not be construed to allow the federal government to meddle in curriculum, which was accepted as a restatement of law. Democrats then offered amendments to specify that certain history curricula would also be safe from federal intrusion under H.R. 5. These include, but are not limited to, African-American history, Latino history, Asian-American history, LGBTQ+ history, Women’s history, the Holocaust and the history of Anti-Semitism in America. Committee Democrats recognize that these subjects are not taught in every school, and nothing in our amendments would compel they be taught, as that would violate longstanding federal policy. But we did want to protect the schools and teachers who have chosen to teach these subjects, letting them know state law mandates to “Don’t Say Gay”¹⁰ or “Teach the Controversy”¹¹ could not be construed to be required by H.R. 5. Committee Republicans voted down all of these measures on party line votes, with Chairwoman Foxx repeatedly invoking the longstanding federal ban on involvement with curricula as the reason.

Shortly after those amendments were considered, Rep. Williams (R-NY) offered Sense of Congress language (shared with the Committee mere minutes before its consideration 12 hours into the markup) that all public elementary and secondary school students should have opportunities to learn the history of the Holocaust and anti-Semitism. While this provision was at best aspirational and carried no force of law whatsoever, Democrats led by Rep. Bonamici (D-CA) sought to perfect it by including the other marginalized groups mentioned in our previous amendments to this Sense of Congress. The Bonamici amendment would put Congress on the record as supporting an expansive and inclusive teaching of history in our schools.

¹⁰ 2022 Fla. Laws 22.

¹¹ Terry Gross, *From slavery to socialism, new legislation restricts what teachers can discuss*, NPR, Feb. 3, 2022, <https://www.npr.org/2022/02/03/1077878538/legislation-restricts-what-teachers-can-discuss>.

Rather than vote on this provision, the Majority insisted the Bonamici amendment to the Williams expanded upon the fundamental purpose of the Williams amendment, which they determined was the teaching of history relating to the Holocaust and Anti-Semitism. Despite a masterful argument from Rep. Takano (D-CA) illustrating the intersectionality of all our varied histories in American history, and a reminder from Ranking Member Scott that just because a point of order lies against an amendment, it doesn't need to be insisted upon (especially if the provision would materially improve the bill), the Majority ruled the Bonamici amendment as out of order and not germane to the fundamental purpose of the Williams amendment. In the space of less than an hour, the Majority abandoned its principles of federalism by refusing to guarantee H.R. 5 could not be used to stifle local curricula choices. It then introduced language telegraphing what curricula it thought should be taught, and then prevented the Committee from expanding that list of curricula to be inclusive via parliamentary tactics.

H.R. 5 Would Harm Children, Teachers, and Schools

Finally, we must highlight the real harm that PBOR bills, and H.R. 5 specifically, will inflict on students and their families. While many of H.R. 5's provisions detail what seem to be simple ways parents can involve themselves with their child's educational experience, many of those provisions already exist in federal law or are even further detailed in state law. Coupled with these provisions H.R. 5 includes impactful provisions that may harm children, teachers, and school communities. For example, by expanding the PPRA to non-physical (i.e., mental) health and requiring an opt-in with prior notice to and consent from parents before "any medical examination or screening", except in case of emergency, the bill could essentially be forcing a school to share information about a student's sexual orientation in order for the parent to approve such services. A school official may know that this sharing would result in harm coming to the child, but under H.R. 5, they would have no discretion in the matter. Additionally, there are concerns that requiring prior approval for such examinations and screenings could allow parents to essentially conceal abuse in the home, evidence a student would otherwise share with a relevant mental health professional.

Educators are also worried about H.R. 5¹² For example, the National Education Association stated ". . .the legislation tells teachers, school counselors, librarians, and other school professionals that despite their education, expertise, experience, and dedication to their students, they cannot be trusted to work with parents and their communities to determine what materials are appropriate, how to design curricula that meet students' needs, nor how to ascertain students' progress."¹³ Additionally, there are concerns that the bill could create the conditions to amplify censorship. The

¹² Libby Stanford, *Teachers Say a New Parents' Bill of Rights Doesn't Solve Schools' Problems*, EdWeek, March 7, 2023, <https://www.edweek.org/leadership/teachers-say-a-new-parents-bill-of-rights-doesnt-solve-schools-problems/2023/03>.

¹³ Letter from Marc Egan, Director of Government Relations, National Education Association, to the Committee on Education and the Workforce (March 7, 2023).

American Library Association expressed “concern about the potential for the negative unintended consequences of further book banning and censorship of viewpoints that may results if these federal requirements are imposed on local schools.”¹⁴

DEMOCRATIC AMENDMENTS OFFERED DURING THE MARKUP OF H.R. 5

Committee Democrats put forward 30 amendments in response to H.R. 5. Democrats offered proposals focusing on improve parental engagement and ensuring that every child receives an inclusive, well-funded, and accurate education. Democrats also offered amendments that addressed impractical aspects of the bill, including Rep. Alma Adams’s successful amendment to ensure parents could attend conferences remotely and Ranking Member Scott’s unsuccessful amendment which clarified that parents’ right to address school boards come with reasonable limitations. Committee Republicans rejected 26 of the 30 Democratic amendments that were considered.

Amendment Number	Offered By	Description	Action Taken
2	Ms. Bonamici	Democratic Substitute	Defeated
4	Mrs. Hayes	Authorizes \$117,000,000 for teacher preparation, training, and recruiting under Title II of ESEA	Defeated
6	Mr. Scott	Adds the Strength in Diversity Act, a grant program to increase diversity in schools, to the bill	Defeated
7	Mr. Scott	Rule of construction that nothing in the bill may be construed to authorize Federal funds to arm any person	Defeated
8	Mr. Grijalva	Rule of construction that nothing in the bill may be construed to allow the banning or censorship of books in public elementary or public secondary schools	Defeated
10	Mr. Courtney	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system	Adopted
12	Mr. Grijalva	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum or program of instruction of any educational institution, school, or school system, including with respect to Latino history	Defeated
14	Mr. Grijalva	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum or program of instruction of any educational institution, school, or school system, including with respect to Native American history	Defeated
16	Mr. Bowman	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum or program of instruction of any educational institution, school, or school system, including with respect to Black history	Defeated

¹⁴ Letter from Alan S. Inouye, Ph.D., Senior Director, Public Policy & Government Relations and Interim Associate Executive Director, American Library Association, to the Honorable Virginia Foxx, Chairwoman, House Education and the Workforce Committee and the Honorable Bobby Scott, Ranking Member, House Education and the Workforce Committee (March 3, 2023).

Amendment Number	Offered By	Description	Action Taken
18	Mr. Scott	(Amendment to Amendment #17 offered by Mr. Good of Virginia) Clarifies that public safety officials should be engaged in certain instances when there is a credible threat	Adopted
19	Mr. Takano	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum or program of instruction of any educational institution, school, or school system, including with respect to LGBTQ+ history	Defeated
20	Ms. Bonamici	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum or program of instruction of any educational institution, school, or school system, including with respect to women's history	Defeated
21	Ms. Jayapal	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum or program of instruction of any educational institution, school, or school system, including with respect to Asian, Asian American, and Pacific Islander history	Defeated
22	Ms. Jayapal	Requires a GAO study on the bill's impact on learning outcomes	Defeated
24	Mr. DeSaulnier	Authorizes Statewide Family Engagement Centers at \$60,000,000 for each of fiscal years 2024 through 2029	Defeated
25	Ms. Manning	Sense of Congress that students should have access to broadband	Adopted
26	Mrs. Hayes	Sense of Congress that students should have access to healthy, nutritious meals	Defeated
27	Ms. Manning	Rule of construction that nothing in the bill may be construed to permit federal involvement in the curriculum or program of instruction of any educational institution, school, or school system, including with respect to the Holocaust or anti-Semitism	Defeated
29	Ms. Bonamici	(Amendment to #28 offered by Mr. Williams of Texas) Adds Black history, Native American history, LGBTQI+ history, AAPI history, women's history, Latino history, and all other history within the sense of Congress that all public elementary school and secondary school students should have opportunities to learn the history of the Holocaust and anti-Semitism	Ruled non-germane
30	Ms. Adams	Ensures teacher-parent conferences can be accessible via video and that parents must be made aware that video conferencing is an option	Adopted
32	Ms. Manning	Rule of construction that nothing in the bill may be construed to permit or encourage a local educational agency or school to require any student to provide reproductive or sexual health information, including information regarding the student's menstrual cycle	Defeated
34	Mr. Bowman	Sense of Congress that students should have regular access to a trauma informed mental health professional	Defeated
36	Ms. Stevens	Creates a grant program to remove lead pipes in schools	Defeated
38	Ms. Wilson	Sense of Congress that teachers should earn a minimum salary of \$60,000 per year	Defeated

Amend- ment Num- ber	Offered By	Description	Action Taken
40	Ms. Wilson	Sense of Congress that children have a right to diverse teachers; creates a grant program to facilitate the training and recruitment of diverse teachers authorized at \$10,000,000 for fiscal year 2024 and each succeeding fiscal year	Defeated
42	Mr. Bowman	Increases the authorization levels for full-service community schools	Defeated
43	Mr. Takano	Renames the bill the “Ban Books, Censor Teachers and Child Endangerment Act”	Defeated
44	Mr. Scott	Creates a parent coordinator role at public schools	Defeated
45	Mr. Scott	Requires schools or local educational agencies to provide the opportunity for parents for whom English is a second language to have a qualified translator at meetings with the parent.	Defeated
46	Mr. Scott	Clarifies that parents have the right to address school boards with reasonable limitations	Defeated

CONCLUSION

House Democrats believe parental engagement is central to student success. As the American Psychological Association highlighted, “research shows a strong relationship between parent engagement and educational outcomes, including school attendance and higher grades and classroom test scores.”¹⁵ However, H.R. 5 does not help further promote parental engagement. Instead, it is a bill largely duplicative of requirements already in federal and state law; where it expands upon existing requirements it unduly burdens schools and families, opens the door for censorship in school curricula and school libraries and contributes to the de-professionalization of educators and librarians. The bill does nothing to address the real challenges facing students, parents, and educators. Issues like declining math and science scores, achievement gaps, mental health services, and a lack of community centers and wrap-around services for youth were sidelined to focus on a political agenda focused not on education but scapegoating some of our most vulnerable students.

Simply put, H.R. 5 and PBOR efforts are educational gag orders across the nation designed to prevent students from learning and prevent teachers from teaching. These efforts seek to score political points and scare parents into thinking that schools do not have their best interests at heart. The overwhelming majority of parents in this country know this is not true. Instead, Committee Democrats will continue to advocate for the support that schools and families actually need to improve parent-teacher partnerships and support student well-being and academic achievement. For the reasons stated above, Committee Democrats unanimously opposed H.R. 5 when the Committee on Education and the Workforce considered it on March 8, 2023. For the sake of the students of this country, we urge the House of Representatives to do the same.

¹⁵ *What is Parental Engagement*, Am Psych. Ass’n, (last visited Mar. 11, 2023), <https://www.apa.org/pi/lgbt/programs.safe-supportive/parental-engagement>.

BOBBY SCOTT,
Ranking Member.
RAÚL GRIJALVA.
JOE COURTNEY.
GREGORIO SABLAN.
FREDERICA WILSON.
SUZANNE BONAMICI.
MARK TAKANO.
ALMA ADAMS.
MARK DESAULNIER.
DONALD NORCROSS.
PRAMILA JAYAPAL.
LUCY MCBATH.
JAHANA HAYES.
HALEY STEVENS.
TERESA LEGER FERNANDEZ.
FRANK MRVAN.
JAMAAL BOWMAN.

