

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2295

To prohibit a State from receiving Federal education funds unless the State has certain policies and procedures regarding the purchase or acquisition of library and classroom-based reference, instructional, and other print materials for use in elementary schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2005

Mr. JONES of North Carolina introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To prohibit a State from receiving Federal education funds unless the State has certain policies and procedures regarding the purchase or acquisition of library and classroom-based reference, instructional, and other print materials for use in elementary schools, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Parental Empower-  
5       ment Act of 2005”.

1 **SEC. 2. REQUIRED POLICIES AND PROCEDURES.**

2 Beginning not later than 1 year after the date of the  
3 enactment of this Act, a State may not receive any funds  
4 under any program or activity administered by the Sec-  
5 retary of Education unless, with regard to the purchase  
6 or acquisition of any library or classroom-based reference,  
7 instructional, or other print material for use in any ele-  
8 mentary school, the State is implementing policies and  
9 procedures that—

10 (1) require each local educational agency in the  
11 State to maintain a parent review and empowerment  
12 council in accordance with this Act; or

13 (2) if the State purchases most library or class-  
14 room-based reference, instructional, or other print  
15 materials for use in elementary schools served by the  
16 State's local educational agencies, require the State  
17 educational agency to maintain such a council.

18 **SEC. 3. PARENT REVIEW AND EMPOWERMENT COUNCIL.**

19 (a) MEMBERSHIP.—Each council shall be composed  
20 of not less than 5 nor more than 15 members (unless a  
21 lesser or greater number of members is determined by the  
22 State (or its designee) to be necessary for organizational  
23 purposes), of which—

24 (1) a majority of the members must have a  
25 child who is enrolled, or was enrolled within the pre-

1       vious 2 school years, in an elementary school oper-  
2       ated by the applicable educational agency; and

3               (2) at least 1 member must have a child who  
4       is enrolled in a kindergarten operated by such agen-  
5       cy if the kindergarten program of the agency is op-  
6       erated as part of a separate educational program.

7       (b) OPERATIONS.—

8               (1) IN GENERAL.—Each council shall provide  
9       significant input into the decision-making process of  
10      the applicable educational agency regarding the pur-  
11      chase or acquisition of any library or classroom-  
12      based reference, instructional, or other print mate-  
13      rial for use in any elementary school.

14              (2) RECOMMENDATIONS.—Each council shall  
15      provide recommendations to the relevant decision-  
16      making body on the purchase or acquisition by the  
17      applicable educational agency of any library or class-  
18      room-based reference, instructional, or other print  
19      material for use in any elementary school, including  
20      by majority vote—

21                      (A) recommending the acceptance in whole  
22                      or in part of the proposed purchase or acquisi-  
23                      tion;

1 (B) recommending the supervised release  
2 (such as by parent or teacher signature) of part  
3 of the proposed purchase or acquisition;

4 (C) recommending that the relevant deci-  
5 sion-making body review and specifically deter-  
6 mine whether part of the proposed purchase or  
7 acquisition is appropriate; or

8 (D) recommending against part of the pro-  
9 posed purchase or acquisition.

10 (3) **TIMING.**—Each council shall provide rec-  
11 ommendations pursuant to paragraph (2) prior to  
12 the date of the purchase or acquisition involved.

13 (4) **MEETINGS.**—Each council shall meet not  
14 less than every 6 months to review, consider, and  
15 provide recommendations on the purchase or acquisi-  
16 tion by the applicable educational agency of library  
17 or classroom-based reference, instructional, or other  
18 print materials for use in any elementary school.

19 **SEC. 4. RULE OF CONSTRUCTION.**

20 Nothing in this Act shall be construed to create a  
21 Federal prohibition against the purchase or acquisition of  
22 any library or classroom-based reference, instructional, or  
23 other print material by a State or local educational agency  
24 if the State or agency determines that such material is  
25 appropriate.

1 **SEC. 5. REPORT.**

2 Not later than 18 months after the date of the enact-  
3 ment of this Act, the Secretary shall conduct a study and  
4 submit a report on the results achieved under this Act to  
5 the Committee on Education and the Workforce of the  
6 House of Representatives and the Committee on Health,  
7 Education, Labor, and Pensions of the Senate.

8 **SEC. 6. DEFINITIONS.**

9 In this Act:

10 (1) The term “applicable educational agency”  
11 means—

12 (A) the local educational agency involved;

13 or

14 (B) in the case of a State described in sec-  
15 tion 2(2), the State educational agency.

16 (2) The term “child” means a child within the  
17 age limits for which the State involved provides free  
18 public education.

19 (3) The term “council” means a parent review  
20 and empowerment council maintained in accordance  
21 with this Act.

22 (4) The term “elementary school”—

23 (A) has the meaning given to that term in  
24 section 9101 of the Elementary and Secondary  
25 Education Act of 1965 (20 U.S.C. 7801); and

1 (B) includes a kindergarten operated by  
2 the applicable educational agency, irrespective  
3 of whether the kindergarten is operated as part  
4 of a separate educational program or as a part  
5 of the State's elementary education under appli-  
6 cable State law.

7 (5) The term "library or classroom-based ref-  
8 erence, instructional, or other print material" ex-  
9 cludes any school textbook.

10 (6) The term "local educational agency" has  
11 the meaning given to that term in section 9101 of  
12 the Elementary and Secondary Education Act of  
13 1965 (20 U.S.C. 7801).

14 (7) The term "Secretary" means the Secretary  
15 of Education.

16 (8) The term "State" includes the several  
17 States, the District of Columbia, the Commonwealth  
18 of Puerto Rico, the Commonwealth of the Northern  
19 Mariana Islands, American Samoa, Guam, the Vir-  
20 gin Islands, and any other territory or possession of  
21 the United States.

22 (9) The term "State educational agency" has  
23 the meaning given to that term in section 9101 of

1 the Elementary and Secondary Education Act of  
2 1965 (20 U.S.C. 7801).

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