

117TH CONGRESS
1ST SESSION

S. 3218

To amend the Elementary and Secondary Education Act of 1965 to provide
for a Parents’ Bill of Rights.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2021

Mr. HAWLEY introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act
of 1965 to provide for a Parents’ Bill of Rights.

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 “Parents’ Bill of Rights
5 Act of 2021”.

6 **SEC. 2. PARENTS’ BILL OF RIGHTS.**

7 (a) IN GENERAL.—Subpart 2 of part F of title VIII
8 of the Elementary and Secondary Education Act of 1965
9 (20 U.S.C. 7901 et seq.) is amended by adding at the end
10 the following:

1 **“SEC. 8549D. PARENTS’ BILL OF RIGHTS.**

2 “(a) IN GENERAL.—No State, its agents, its subdivi-
3 sions, or the agents of its subdivisions shall deny to the
4 parent or guardian of a minor child any or all of the fol-
5 lowing rights:

6 “(1) The right to fully review, in physical or
7 digital optical character recognition format, and
8 make copies of, the curricula, books, and other edu-
9 cational materials used by the school attended by
10 their minor child or local educational agency that
11 serves such school. This right shall be understood
12 to—

13 “(A) include a right to affirmative disclo-
14 sure of class syllabi and reading lists to the
15 parent or guardian of a minor child by the
16 school attended by their minor child or local
17 educational agency that serves such school; and

18 “(B) prohibit a requirement that an indi-
19 vidual sign a nondisclosure agreement as a con-
20 dition to viewing or otherwise accessing cur-
21 ricular materials.

22 “(2) The right to access information on the
23 teachers, guest lecturers, and outside presenters who
24 engage with students at the school attended by their
25 minor child. This right shall be understood to pro-
26 hibit schools from permitting or requiring the at-

1 tendance of minor children at school assemblies,
2 field trips, and other extracurricular activities, ab-
3 sent affirmative consent from their parent or guard-
4 ian.

5 “(3) The right to access information on all
6 third-party individuals and organizations that re-
7 ceive contracts or other funding through the school
8 attended by their minor child or the local edu-
9 cational agency that serves such school.

10 “(4) The right to visit their minor child at
11 school during school hours.

12 “(5) The right to access all records generated
13 by the school attended by their minor child or the
14 local educational agency that serves such school that
15 concerns their minor child.

16 “(6) The right to access information pertaining
17 to the collection and transmission of data regarding
18 their minor child by the school attended by their
19 minor child or the local educational agency that
20 serves such school. This right shall be understood
21 to—

22 “(A) include a right to access information
23 on any outside entity, including an accreditor,
24 marketing consultancy, or third-party clearing-

1 house, to which student data, whether
2 anonymized or not, is transferred;

3 “(B) prohibit the collection, by the school
4 attended by their minor child or the local edu-
5 cational agency that serves such school, of any
6 biometric data or other sensitive personal infor-
7 mation from the minor child, absent affirmative
8 consent by a parent or guardian of the minor
9 child; and

10 “(C) require that schools and local edu-
11 cational agencies serving such schools make
12 available processes by which the parent or
13 guardian of a minor child can object in writing
14 to, and deny consent to, the use of
15 videographic, photographic, or audio depictions
16 of their minor child by the school or local edu-
17 cational agency serving such school.

18 “(7) The right to be heard at school board
19 meetings or other governance hearings pertaining to
20 the school attended by their minor child or the local
21 educational agency that serves such school. This
22 right shall be understood to require that school
23 board meetings or other governance hearings per-
24 taining to curricula, safety, and other student issues

1 be conducted publicly and allow for public com-
2 ments.

3 “(8) The right to be notified of situations af-
4 fecting the safety of their minor child at school. This
5 right shall be understood to require, but is not lim-
6 ited to requiring, that schools notify parents or
7 guardians in a timely manner of any or all of the
8 following incidents:

9 “(A) Physical assaults occurring in or
10 around the school.

11 “(B) Sexual assaults occurring in or
12 around the school.

13 “(C) Appearances of weapons in or around
14 the school.

15 “(D) Drug use or possession in or around
16 the school.

17 “(E) Police investigations in or around the
18 school.

19 “(F) Crimes, including misdemeanors,
20 committed by teachers or other school or local
21 educational agency employees, whether such of-
22 fenses were committed on or off the campus of
23 a school.

24 “(b) ENFORCEMENT.—

1 “(1) CIVIL ACTION.—Any person who is denied
2 one or more of the rights identified in subsection (a)
3 may bring a civil action in any court of competent
4 jurisdiction for injunctive relief.

5 “(2) STATE ENFORCEMENT.—In any case in
6 which the attorney general of a State has reason to
7 believe that an interest of the residents of that State
8 has been or is threatened or adversely affected by
9 the engagement of any entity in an act or practice
10 denying one or more of the rights identified in sub-
11 section (a), the State, as *parens patriae*, may bring
12 a civil action on behalf of the residents of the State
13 in a district court of the United States or a State
14 court of appropriate jurisdiction to obtain injunctive
15 relief.

16 “(3) WITHHOLDING OF FUNDS FOR PER-
17 SISTENT VIOLATIONS.—

18 “(A) IN GENERAL.—If a State is not in
19 compliance, as described in subparagraph (B),
20 for a fiscal year the Secretary shall withhold
21 from the State 50 percent of the total amount
22 required to be apportioned to the State or any
23 subdivision of the State under this Act on the
24 first day of the following fiscal year.

1 “(B) NONCOMPLIANCE.—A State shall be
2 deemed noncompliant for a fiscal year for pur-
3 poses of this paragraph if, within the 5-year pe-
4 riod before the date of the determination, there
5 was not less than 3 final judgments (that were
6 not reversed on appeal) in separate suits for in-
7 junctive relief filed pursuant to paragraph (1)
8 or (2), or both, in which the plaintiffs prevailed
9 against the State, its agents, its subdivisions, or
10 the agents of its subdivisions, and in which the
11 court granted injunctive relief.”.

12 (b) TABLE OF CONTENTS.—The table of contents in
13 section 2 of the Elementary and Secondary Education Act
14 of 1965 is amended by inserting after the item relating
15 to section 8549C the following:

“Sec. 8549D. Parents’ Bill of Rights.”.

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