

PARENTAL RIGHTS OVER THE EDUCATION AND
CARE OF THEIR KIDS ACT

JANUARY 13, 2026.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WALBERG, from the Committee on Education and Workforce,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2616]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Workforce, to whom was referred the bill (H.R. 2616) to require public elementary and middle schools that receive funds under the Elementary and Secondary Education Act of 1965 to obtain parental consent before changing a minor’s gender markers, pronouns, or preferred name on any school form or sex-based accommodations, including locker rooms or bathrooms, 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 “Parental Rights Over The Education and Care of Their Kids Act” or the “PROTECT Kids Act”.

SEC. 2. PARENTAL CONSENT REQUIREMENT RELATED TO GENDER MARKERS, PRONOUNS, AND PREFERRED NAMES ON SCHOOL FORMS AND SEX-BASED ACCOMMODATIONS.

(a) REQUIREMENT.—As a condition of receiving funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), a public school that receives funds under such Act shall obtain parental consent before changing a covered student’s—

- (1) gender markers, pronouns, or preferred name on any school form; or
- (2) sex-based accommodations, including locker rooms or bathrooms.

(b) DEFINITIONS.—In this section:

- (1) COVERED STUDENT.—The term “covered student” means a minor who is—
 (A) an elementary school student; or
 (B) a student in any of the middle grades.
- (2) ESEA TERMS.—The terms “elementary school”, “middle grades”, and “parent” have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

PURPOSE

The purpose of H.R. 2616, the *Parental Rights Over The Education and Care of Their* (PROTECT) *Kids Act*, is to ensure parents remain central in their children’s lives, particularly when it comes to sensitive decisions made at school. The bill requires, as a condition of receiving funds under the *Elementary and Secondary Education Act* (ESEA), public schools not to socially transition elementary and middle school students without parental consent.¹

COMMITTEE ACTION

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 need to protect and restore the rights of parents to have a say in their children’s upbringing and education. Testifying before the Committee were 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 the Honorable Jared Polis, Governor, State of Colorado, Denver, CO.

On May 16, 2023, 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 2024 budget priorities of the U.S. Department of Education. Additionally, then-Chairwoman Virginia Foxx (R-NC) asked witness Secretary Miguel Cardona whether he believed that “teachers, administrators, and school boards should defer to parents as the primary teachers of their children, not undercut and work against them.” Secretary Cardona agreed, stating “the schools that are most effective are those that honor and engage parents in a meaningful way.” Testifying before the Committee was U.S. Department of Education Secretary Miguel Cardona, Washington, D.C.

Legislative Action

On March 1, 2023, Representative Julia Letlow (R-LA) introduced H.R. 5, the *Parents Bill of Rights Act*, with then-Chairwoman Foxx and Representatives Burgess Owens (R-UT), Rick W. Allen (R-GA), Elise M. Stefanik (R-NY), Glenn Thompson (R-PA), Steve Scalise (R-LA), Tom Emmer (R-MN), Mike Johnson (R-LA), Richard Hudson (R-NC), Mary E. Miller (R-IL), Scott Fitzgerald (R-WI), Joe Wilson (R-SC), Glenn Grothman (R-WI), Jim Banks

¹ <https://www.congress.gov/bill/119th-congress/house-bill/2616>.

(R-IN), Lloyd Smucker (R-PA), Michelle Steel (R-CA), Aaron Bean (R-FL), Brandon Williams (R-NY), Erin Houchin (R-IN), Guy Reschenthaler (R-PA), John R. Moolenaar (R-MI), Dan Newhouse (R-WA), Marianne Miller-Meeke (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), Tom Tiffany (R-WI), Jerry Carl (R-AL), Ken Calvert (R-CA), David Valadao (R-CA), Ashley Hinson (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), Daniel Crenshaw (R-TX), Alex 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), Rob Wittman (R-VA), David Rouzer (R-NC), Rick Crawford (R-AR), Mike Ezell (R-MS), Mike Carey (R-OH), Kat Cammack (R-FL), Ryan Zinke (R-MT), Michael McCaul (R-TX), John Joyce (R-PA), Kevin Hern (R-OK), and 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, among several others, the following amendments to H.R. 5:

1. Representative Letlow offered an Amendment in the Nature of a Substitute (ANS) that added 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 amendment also made one technical change. The ANS was adopted by a voice vote.

2. Representative Tim Walberg (R-MI) offered the PROTECT Kids Act as an amendment to the ANS. The PROTECT Kids 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.

Second Session—Legislative Action

On February 1, 2023, Representative Walberg introduced H.R. 736, the PROTECT Kids Act. The bill was referred solely to the Committee on Education and the Workforce. On September 11, 2024, the Committee considered H.R. 736 in a legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 22–12. The Committee considered the following amendment to H.R. 736:

1. Representative Walberg offered an ANS that struck section 2 and amended section 3 to apply the funding condition of the bill only to funds received under ESEA. The ANS was adopted by a voice vote.

119TH CONGRESS

First Session—Hearing

On February 5, 2025, the Committee on Education and Workforce held a hearing on “The State of American Education.” The purpose of the hearing was to examine the state of American education. During the hearing, Representative Mark Harris (R–NC) asked witness Mrs. Nicole Neily to provide an example of parental rights violations related to gender identity in schools. Mrs. Neily mentioned a school district in Wisconsin that provided teacher training materials that told teachers parents must earn the right to know their child’s gender identity. Testifying before the Committee were Mrs. Nicole Neily, President, Parents Defending Education, Arlington, VA; Dr. Preston Cooper, Senior Fellow, American Enterprise Institute, Washington, D.C.; Mrs. Janai Nelson, President and Director-Counsel, NAACP Legal Defense Fund, Washington, D.C.; and Mr. Johnny C. Taylor, Jr., President and CEO, Society for Human Resource Management, Alexandria, VA.

Legislative Action

On April 3, 2025, H.R. 2616, the PROTECT Kids Act, was re-introduced by Chairman Walberg. The bill was referred solely to the Committee on Education and Workforce. On April 9, 2025, the Committee considered H.R. 2616 in legislative session and reported it favorably, as amended, to the House of Representatives by a vote of 18–12. The Committee considered the following amendment to H.R. 2616:

1. Representative Walberg offered an ANS that made minor technical changes. The amendment was adopted by voice vote.

COMMITTEE VIEWS

INTRODUCTION

The Committee is steadfast in its support for families and for the role of parents in shaping their children’s lives. This includes ensuring that parents remain central in the lives of their children, particularly when it comes to sensitive decisions made at school.

Unfortunately, the nation has seen troubling developments in states like California where school districts can facilitate gender transitions without parental knowledge or consent. This is simply wrong, for the most important stakeholders in a child’s life are his or her parents.

Parents, not bureaucrats, should decide when substantial changes are made regarding how their child is identified or accommodated.

BACKGROUND ON RADICAL GENDER THEORY IN SCHOOLS

Parents across the country have raised concerns as schools push progressive gender ideology and, in many cases, hide students’ attempts to transition from their parents. According to Parents Defending Education, at least 21,000 schools in 1,200 districts (covering over 12 million students) have policies that prevent faculty and staff from disclosing a student’s gender identity to his or her

parents without that student's permission.² Such policies are to the detriment of all children and are also a violation of parents' rights to direct the upbringing and education of their own child.

While the precise details of each of these district's policies may vary, they are unified by a radical leftist vision of sex and gender. One of these 1,200 districts is the Los Angeles Unified School District (LAUSD), whose guidance defines "gender" as "a person's actual or perceived sex, and includes a person's gender identity and gender expression" [emphasis added]. The guidance further clarifies that a student's professed gender identity may be different "from that traditionally associated with the person's physiology or assigned sex at birth." Students are not restricted to choosing between two sexes. LAUSD affirms that students may be "agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming or gender variant."³

Chicago Public Schools similarly defines "gender identity" as "the deeply held sense or psychological knowledge that individuals have of their gender, regardless of the biological sex they were assigned at birth," and notes that "common examples may include 'male/man/boy,' 'female/woman/girl,' 'trans/transgender,' 'gender variant,' 'gender nonconforming,' 'agender,' 'gender nonbinary,' or any combination of these terms." Chicago also asserts that "preferred gender pronouns" may include "common" words such as "ze."⁴

Pittsburgh Public Schools teaches that "[o]ne's gender identity can be the same or different from [his or her] sex assigned at birth."⁵ Seattle Public Schools asserts that students may be "gender-expansive," which they define as "a wider, more flexible range of gender identities than those typically associated with the binary," and that students may proceed "from living and identifying as one gender to living and identifying as another."⁶

BACKGROUND ON POLICIES TO EXCLUDE PARENTS

Local district policy can keep parents in the dark about their child's gender transition. LAUSD's guidance, for example, mandates that "[s]tudents shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school *without* obtaining a court order, changing their pupil records or *obtaining parent/legal guardian permission*" [emphasis added]. Further, the guidance openly acknowledges that parents may not be aware of their student's attempts to transition genders ("school personnel should be aware that the student may not have disclosed their gender identity to their parents.") In fact, the guidance mandates that before school administrators talk to parents, administrators should consider whether "the parent is aware of the student's gender identity or expression and is supportive of the student." If administrators deem a parent not "supportive," there is no requirement that

² <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>.

³ <https://ca01000043.schoolwires.net/cms/lib/CA01000043/Centricity/Domain/383/BUL-6224.2%20Transgender%20Policy%205%2013%2019.pdf>.

⁴ https://www.cps.edu/globalassets/cps-pages/about-cps/departments-directory/education-policy-and-procedures/tl_transgendernonconformingstudents_guidelines.pdf.

⁵ [https://go.boarddocs.com/pa/pghboe/Board.nsf/files/AAVNG25B8B5D/\\$file/102.3_Nondiscrimination_Transgender_and_Gender_Expansive_Students_June2016.pdf](https://go.boarddocs.com/pa/pghboe/Board.nsf/files/AAVNG25B8B5D/$file/102.3_Nondiscrimination_Transgender_and_Gender_Expansive_Students_June2016.pdf).

⁶ https://www.seattleschools.org/wp-content/uploads/2021/07/109_20200624_Approval-of-new-BP-No.-3211-Gender-Inclusive-Schools.pdf.

the parent(s) be informed at all when a school acts to transition a student.⁷

Chicago Public Schools has plainly stated that correctly identifying a student by his or her biological sex could be grounds for disciplinary action: “The intentional or persistent refusal by students or school staff to respect a student’s gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student’s gender identity) is a violation of these Guidelines, the Student Code of Conduct, and Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy. Such violations will result in appropriate consequences for offending staff and students.”⁸

Portland Public Schools in Oregon also pledges to cut out parents and discipline any school staff that dissents, stating that “[t]he District will not require caregiver/guardian consent before honoring the student’s self-reported gender identity, asserted name, and gender expression,” and that “[r]efusal to use a student’s pronouns may result in disciplinary action.”⁹

Local district policies often include no provisions protecting or exempting school staff who may have conscientious objections or sincerely held religious beliefs against addressing students as anything other than the student’s sex. On the contrary, LAUSD’s guidance threatens that “persistent refusal to respect a student’s gender identity is a violation of District policy and may constitute discrimination under State law.”¹⁰

In 2024, California became the first state to forbid school districts from having any policy that would require school staff to notify parents about changes in a student’s professed gender identity.¹¹ The bill was introduced after California’s attorney general sued a Southern California school district that implemented a policy that required teachers to inform parents if their child identifies as transgender or goes by a different name or pronouns at school.¹² On the other hand, at least eight states have passed legislation that requires teachers or administrators to inform parents if their child has requested to transition genders. In North Carolina, South Carolina, Tennessee, Alabama, Indiana, Idaho, North Dakota, and Iowa, if a student asks to go by pronouns or a name different from the one in a district’s record, teachers must report the student’s request to an administrator, who then has to report it to the student’s parent or guardian.¹³

BACKGROUND ON FEDERAL LAW ABOUT PARENTAL RIGHTS AND SCHOOL-BASED GENDER TRANSITIONS

Parental exclusion policies such as these are in conflict with the rights of parents. As the Heritage Foundation has written,

⁷ <https://ca01000043.schoolwires.net/cms/lib/CA01000043/Centricity/Domain/383/BUL-6224.2%20Transgender%20Policy%205%2013%2019.pdf>.

⁸ https://www.cps.edu/globalassets/cps-pages/about-cps/department-directory/education-policy-and-procedures/tl_transgendernonconformingstudents_guidelines.pdf.

⁹ <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/4.30.061-AD.pdf>.

¹⁰ <https://ca01000043.schoolwires.net/cms/lib/CA01000043/Centricity/Domain/383/BUL-6224.2%20Transgender%20Policy%205%2013%2019.pdf>.

¹¹ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1955.

¹² <https://apnews.com/article/california-sues-chino-valley-parental-notification-transgender-students>; <https://apnews.com/article/gender-identity-schools-california-law>.

¹³ <https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF496>.

A century of Supreme Court jurisprudence supports the notion that parents enjoy the fundamental constitutional right to direct the upbringing, health, and education of their children. As recently as 2000, in fact, the court called it “perhaps the oldest of the fundamental liberty interests recognized.”¹⁴

Additionally, Title IX of the *Education Amendments of 1972* (Title IX) prohibits any education program or activity receiving federal financial assistance from discriminating on the basis of sex. In practice, Title IX applies to most public elementary and secondary schools (including private elementary and secondary schools participating in the school meals programs) and to public and private colleges and universities.¹⁵

The Biden administration weaponized Title IX by expanding the definition of “sex” to include sexual orientation and gender identity. Under the Biden administration’s interpretation, schools were required to allow students to use sex-based facilities such as bathrooms and locker rooms based on the student’s claimed gender identity.¹⁶ The Biden-Harris administration’s rewrite of Title IX drew numerous lawsuits and court orders, and the rewrite was eventually blocked by a nationwide court order.¹⁷ The Trump administration immediately reversed the Biden administration’s executive overreach on Title IX. On January 31, the Trump Department of Education announced it would enforce the 2020 Title IX regulations, which had been in place before the Biden administration’s rewrite of those rules.¹⁸

Parental exclusion policies are also legally suspect under the *Family Educational Rights and Privacy Act* (FERPA). FERPA is section 444 of the *General Education Provisions Act*, and it requires recipients of Department of Education funding to provide parents (or students once they reach age 18 or that are attending an institution of higher education) access to the education records of their children.¹⁹ Parents Defending Education has compiled a list of school districts that require or allow school district personnel to keep a student’s transgender status hidden from parents.²⁰ States and school districts with these policies argue that information about a student’s gender transition is not part of the student’s education record under FERPA and therefore not required to be disclosed at a parent’s request.

On March 28, 2025, Secretary McMahon issued a Dear Colleague Letter stating that such policies violate FERPA. The letter correctly reminds school districts that FERPA “does require that a

¹⁴ <https://www.heritage.org/gender/commentary/parents-are-fed-public-schools-secretly-transitioning-children>.

¹⁵ <https://www.govinfo.gov/content/pkg/COMPS-11127/pdf/COMPS-11127.pdf>.

¹⁶ <https://heritageaction.com/toolkit/stop-bidens-title-ix-rule-change>.

¹⁷ <https://www.politico.com/news/2025/01/09/federal-judge-vacates-bidens-title-ix-rule-00197353>; <https://www.edweek.org/policy-politics/which-states-have-sued-to-stop-bidens-title-ix-rule/2024/07>; <https://www.insidehighered.com/news/government/2024/07/17/title-ix-rule-hold-more-670-colleges>; <https://hechingerreport.org/title-ix-regulations-on-sex-discrimination-can-be-trump-era-or-biden-era-depending-on-your-state-or-school/>; <https://www.insidehighered.com/news/government/politics-elections/2025/02/03/department-education-reverts-trumps-title-ix-rule>.

¹⁸ <https://www.insidehighered.com/news/government/politics-elections/2025/02/03/department-education-reverts-trumps-title-ix-rule>.

¹⁹ *General Education Provisions Act*, § 444.

²⁰ <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/-:text=Last%20Update:%20March%2018%2C%202025,list%2C%20please%20Notify%20PDE%20here>.

school provide a parent with an opportunity to inspect and review education records of their child, upon request,” including any documentation of gender transition plans.²¹ The Department has opened FERPA investigations into California and Maine related to those states’ policies of withholding gender transition information from parents.²²

CONCLUSION

The PROTECT Kids Act accomplishes three critically important goals.

First, the bill empowers parental involvement in their children’s education. The PROTECT Kids Act emphasizes the fundamental role of parents in making sensitive decisions regarding their child’s identity and accommodations in schools. Children do best when parents are involved in their education, and this bill protects that fundamental principle.

Second, the bill protects teachers’ consciences. This bill helps prevent teachers from being pressured by administrators to keep secrets from their students’ parents. Teachers should be able to tell parents about important changes regarding their students.

Finally, this bill is a direct response to urgent needs in local schools. This legislation addresses recent developments in states such as California, where parental rights have been trampled on. Parents should never be misled or lied to by school administrators.

SUMMARY

The PROTECT Kids Act was introduced by Chairman Walberg in April 2025. The bill requires that, as a condition of receiving funds under the ESEA, any elementary school or middle school must obtain parental consent before changing a minor child’s name or pronouns and before receiving any sex-based accommodations (including use of bathrooms and locker rooms).²³

H.R. 2616 SECTION-BY-SECTION SUMMARY

Section 1. Short title

- Names the bill the “Parental Rights over the Education and Care of Their Kids Act” or the “PROTECT Kids Act.”

Section 2. Parental consent requirement related to gender markers, pronouns, and preferred names on school forms and sex-based accommodations

- Requires that, as a conditions of receiving funds under ESEA, public schools obtain parental consent before changing an elementary or middle school student’s gender markers, pronouns, preferred name, or sex-based accommodations (including locker rooms and bathrooms).

²¹ https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPD_DCL_Annual%20Notice_0.pdf.

²² <https://www.chalkbeat.org/2025/03/28/schools-must-share-child-gender-identity-info-with-parents-trump-education-department-says/>.

²³ <https://www.congress.gov/bill/119th-congress/house-bill/2616>.

EXPLANATION OF AMENDMENTS

The amendment in the nature of a substitute is 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. 2616 requires public elementary and middle schools to obtain parental consent before changing a minor’s gender markers, pronouns, or preferred name on any school form or sex-based accommodations, which includes bathrooms or locker rooms. H.R. 2616 is applicable to elementary and secondary schools that receive funds under the Elementary and Secondary Education Act of 1965 and therefore does not apply to the Legislative Branch.

UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344 (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104–4), the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the Congressional Budget and Impoundment Control Act of 1974.

EARMARK STATEMENT

H.R. 2616 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: 4/9/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call:2

Bill: H.R. 2616

Amendment Number:N/A

Disposition: Adopted by a Full Committee Roll Call Vote (18y-12n)

Sponsor/Amendment: Motion to Report bill; as amended

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. COURTNEY (CT))		X	
Mrs. FOXX (NC)	X			Ms. WILSON (FL)		X	
Mr. THOMPSON (PA)	X			Ms. BONAMICI (OR)		X	
Mr. GROTHMAN (WI)	X			Mr. TAKANO (CA))		X	
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)		X	
Mr. ALLEN (GA)	X			Mr. DESAULNIER (CA)		X	
Mr. COMER (KY)			X	Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)	X			Ms. MCBATH (GA)			X
Ms. MCCLAIN (MI)			X	Ms. HAYES (CT)		X	
Mrs. MILLER (IL)	X			Ms. OMAR (MN)		X	
Ms. LETLOW (LA)	X			Ms. STEVENS (MI)			X
Mr. KILEY (CA)	X			Mr. CASAR (TX)		X	
Mr. RULLI (OH)	X			Ms. LEE (PA)		X	
Mr. MOYLAN (GU)	X			Mr. MANNION (NY)		X	
Mr. ONDER (MO)	X						
Mr. MACKENZIE (PA)	X						
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)	X						
Mr. MESSMER (IN)	X						
Mr. FINE (FL)	X						

TOTALS: Ayes: 18

Nos: 12

Not Voting: 6

Total: 36 / Quorum: / Report: 18y-12n

(21 R - 16 D)

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H.R. 2616, is to require public elementary and middle schools that receive federal funding under the Elementary and Secondary Education Act of 1965 to obtain parental consent before changing a minor’s gender markers, pronouns, or preferred name on any school form or sex-based accommodations, which includes bathrooms or locker rooms.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 2616 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.

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

In compliance with clause 3(c)(6) of rule XIII the following hearing held during the 119th Congress was used to develop or consider H.R. 2616: On February 5, 2025, the Committee on Education and Workforce held a hearing on “The State of American Education.”

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 adopts as its own the cost estimate for the bill prepared by the Director of the Congressional Budget Office.

H.R. 2616, PROTECT Kids Act			
As ordered reported by the House Committee on Education and Workforce on April 9, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 2616 would require public elementary and secondary schools that receive funds under the Elementary and Secondary Education Act of 1965 to obtain parental consent before changing a student's gender markers, pronouns, or preferred name on any school form or their sex-based accommodations, such as locker rooms or bathrooms. The requirements would apply only to students through grade eight.

CBO expects that schools will comply with the new requirements. As a result, CBO estimates enacting the bill would have no effect on federal spending for grants to elementary and secondary schools.

Based on the cost of similar activities, CBO estimates that the costs to the Department of Education to implement H.R. 2616 would be insignificant; any related spending would be subject to the availability of appropriated funds.

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

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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. 2616. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when, as with the present report, the Committee adopts as its own the cost estimate for the bill prepared by the Director of the Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 2616 makes no changes to existing law.

MINORITY VIEWS

INTRODUCTION

H.R. 2616, the *Parental Rights Over The Education and Care of Their Kids Act* (PROTECT Kids Act), would require public schools, as a condition of receiving funds under the *Elementary and Secondary Education Act*¹ (ESEA), to “obtain parental consent before changing” a middle or high school student’s “gender markers, pronouns, or preferred name on any school form” or their “sex-based accommodations, including locker rooms or bathrooms.”² This bill further marginalizes certain student populations while simultaneously turning a blind eye to the dismantling of our nation’s public education system and supports.

SUMMARY OF CONCERNS

H.R. 2616 is Overbroad and Does Nothing To Address Issues of Concern to Parents, Students, and Families

The bill is written to encompass all public students in elementary and middle grades, meaning that it implicates any student who wants to be called a name different than the name on their birth certificate. Therefore, in order for a teacher to write down that a student wants to be called by a nickname, something that kids have done since the dawn of time, a school has to obtain parental consent. According to one media report, in order to conform to a similar Florida law requiring parental consent, a school district in Florida sent out a form with the following example: “As an example, if the student is named Robert, but likes to be called the nickname Rob, the form must be filled out authorizing teachers and other personnel to call Robert the nickname Rob.”³ This bill simply creates more paperwork and bureaucracy for teachers, administrators, schools, and parents, wasting valuable time, resources, and taxpayer money. Furthermore, if implemented with fidelity, this legislation would inflict punitive punishment on *every* student in a school by withholding federal funding from *all* students for perhaps one accidental oversight of a teacher calling a student by a nickname without first obtaining parental consent.

Instead of questioning this Administration’s efforts to undermine Congress and illegally dismantle the U.S. Department of Education (Department), the Majority is moving a bill that will needlessly penalize our nation’s public schools, teachers, and students. We are spending no time addressing the President’s dubious executive

¹20 U.S.C. §§ 6301–8601.

²Parental Rights Over The Education and Care of Their Kids Act, H.R. 2616, 119th Cong. §2(a) (2025).

³Chris Gollon, *Students Now Need Parental Permission to Use Nicknames in School*, WNDB—News Daytona Beach (Aug. 10, 2023), <https://www.newsdaytonabeach.com/stories/students-now-need-parental-permission-to-use-nicknames-in-school,52303>.

order to effectively close the Department⁴ or the elimination of the Department's education research and work on evidence-based practices and student achievement.⁵ To date, the Majority has held no hearings on the Reduction in Force (RIF) that cut the Department's staff in half.⁶ We know the attempted closure of the Department has resulted in, and will continue to result in, delays in federal funds getting to states, which have few options for recourse.⁷ Rather than focusing on this bill, the Majority ought to be utilizing our time on education issues that are priorities to the American people, such as protecting our nation's public schools, closing the achievement gap, investing in school infrastructure, and preventing gun violence in our schools, none of which are addressed or improved by this legislation.

H.R. 2616 Would Further Marginalize Transgender Students and Has The Potential To Increase Their Risks Of Physical Harm And Adverse Mental Health Outcomes

Despite being couched in a broad manner to capture all students, the real victims of this legislation will be transgender students. The requirements of H.R. 2616 will have the effect of forcibly outing transgender students. It will foster a culture of fear and distrust between parents and schools and between students and teachers, inappropriately insert politicians into the parent-child relationship, and puts school staff in control of how and when families have deeply personal conversations.

If passed into law, H.R. 2616 would disproportionately impact transgender students. It is not hard to imagine a situation where a school system did not follow the law every time a cisgendered child asked to be called by a nickname and only completed the required notifications when a transgender student requested a name change. This would be disparate treatment, in violation of Title IX of the *Education Amendments of 1972* (Title IX),⁸ and it is easy to contemplate the likelihood of its occurrence. Further the second provision of H.R. 2616 would likely only come into use in the case of transgender youth. The mere act of changing ones preferred gender accommodations would only effect transgender students in everyday practice, which suggests the law itself would have a disparate impact on these students, again in violation of Title IX.

Many transgender children have the support of their parents. However, some transgender children may fear abuse by their parents or being kicked out of their house because of their gender identity. A 2024 study showed that children who were outed to their parents have higher symptoms of depression and are less likely to have family support.⁹ Moreover, transgender youth experi-

⁴ Exec. Order No. 14,242, 90 Fed. Reg. 13679 (Mar. 20, 2025).

⁵ Jonaki Mehta & Cory Turner, *Trump administration targets Education Department research arm in latest cuts*, NPR (Feb. 10, 2025, 10:38 PM), <https://www.npr.org/2025/02/10/nx-s1-5292444/trump-musk-education-department-schools-students-research-cuts>.

⁶ *U.S. Department of Education Initiates Reduction in Force*, U.S. Dep't of Educ. (Mar. 11, 2020), <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>.

⁷ Mark Lieberman, *States Get Antsy as Education Department Layoffs Delay Millions for Schools*, Education Week (Mar. 27, 2025), <https://www.edweek.org/policy-politics/states-get-antsy-as-education-department-layoffs-delay-millions-for-schools/2025/03>.

⁸ 20 U.S.C. § 1681.

⁹ Peter S. McCauley et al., *Stress of being outed to parents, LGBTQ family support, and depressive symptoms among sexual and gender diverse youth*, *J. of Rsch. on Adolescence* (Jan. 29,

ence disproportionate rates of homelessness (“38% of transgender girls/women, 39% of transgender boys/men”) either because they were mistreated or kicked out due to their gender identity, which in turn negatively impacts their mental health.¹⁰ “Transgender youth in particular face higher rates of childhood abuse than their peers and significantly higher rates of anxiety, depression, and suicidal ideation.”¹¹ The bill provides no consideration for situations in which revealing the student’s gender identity to parents would endanger the child at home or impact their ability to stay in the home.

For transgender students who do not have or do not believe they will have the support of their families, school may provide a safe space for them. All students deserve a quality education in a safe and affirming learning environment. H.R. 2616 would make that impossible. It would impose government interference in parent-child relationships and potentially cause teachers to alienate children from their parents. It could also require teachers to—sometimes knowingly—place students in physical danger and/or emotional harm. Moreover, in many states, this bill could force teachers to violate mandated reporter laws or force them to be required to report the danger to the state simultaneously with contacting a student’s parents to obtain the consent required under the bill. The bill would place a giant boulder on the shoulders of our nation’s teachers who are already overworked in a profession with a nationwide shortage. Teachers should be caring and supportive and work with parents towards a child’s success, but teachers should also be trusted professionals who have the ability to use their judgment to know when a student is lacking support in the home in a way that could lead to mistreatment.

Unfortunately, forced outing bills are being proposed across the country. According to the ACLU, in 2024, 59 state legislative bills forcing outing in schools were introduced and five of those bills were signed into law.¹² In contrast, in June 2024, California became the first state to pass a law that bans policies that force educators to out students who ask to be known by a different pronoun or name.¹³ In cases across the country where states haven’t taken action, some school boards are creating both supportive and harmful policies.¹⁴

2024), <https://onlinelibrary.wiley.com/doi/10.1111/jora.12912>; Beth Hawkins, *Report: Higher Rates of Depression, Anxiety for LGBTQ Teens Forcibly Outed*, *The 74* (June 13, 2024), <https://www.the74million.org/article/report-higher-rates-of-depression-anxiety-for-lgbtq-teens-forcibly-outed/>.

¹⁰J.P. DeChants et al., *Homelessness and Housing Instability Among LGBTQ Youth*, The Trevor Project (2021), <https://www.thetrevorproject.org/wp-content/uploads/2022/02/Trevor-Project-Homelessness-Report.pdf>.

¹¹*Markup of H.R. 2616 Before the H. Comm. on Educ. & Labor*, 119th Cong. (Apr. 9, 2025) (statement of Rep. Mark Takano), https://www.youtube.com/live/wmS_n6GR57I.

¹²*Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024*, ACLU, <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024?impact=75145> (last visited Apr. 6, 2025).

¹³Jill Cowan, *California Becomes the First State to Ban Student Gender Notification Policies*, *N.Y. Times* (July 16, 2024), <https://www.nytimes.com/2024/07/16/us/gender-identity-bill-california.html>.

¹⁴Mark Walsh, *Supreme Court Turns Down Case Challenging School District’s Transgender Policies*, *Ed Week* (May 20, 2024), <https://www.edweek.org/policy-politics/supreme-court-turns-down-case-challenging-school-districts-transgender-policies/2024/05>; Cameron Kiszla, *Court temporarily halts Chino school district’s ‘forced outing policy’*, *KTLA* (Sept. 6, 2023), <https://ktla.com/news/local-news/california-temporarily-halts-cvUSD-forced-outing-policy-for-trans-nonbinary-students/>.

H.R. 2616 is in lock step with the culture wars against transgender students this Administration is leading. This was made clear by the President’s signing of Executive Order 14,168 (EO) on January 20.¹⁵ The EO makes it the policy of the federal government to only recognize two sexes, male and female, and makes those sexes immutable.¹⁶ Any discussion of consideration of “gender” outside of biological sex is eliminated in all federal departments and agencies, with implications for transgender individuals in all areas of interaction with the federal government.¹⁷ This ignores the reality that transgender students exist in our schools, and there is a rational basis for educating all students in a safe and inclusive environment.

The Bill Does Not Support or Expand Parental Engagement

Parental engagement is critical to student success. Parental engagement in schools is closely linked to better student behavior, higher academic achievement, and enhanced social skills.¹⁸ Pursuant to the *Family Educational Rights and Privacy Act*¹⁹ (FERPA), in order to receive federal funds under applicable programs—including ESEA—federal law already requires that parents be permitted to inspect and review any education records pertaining to their minor student maintained by the student’s school.²⁰ H.R. 2616 does not amend FERPA, and despite the Majority’s assertions about parents’ rights, the bill does not expand parental involvement in their child’s education in a meaningful way.

The Bill Constitutes Federal Overreach and Undermines Local Control

The Majority claims that H.R. 2616 “protects a parent’s right to have access to information regarding his or her child’s school environment.”²¹ To the contrary, the bill in no way addresses the schools’ overall environment, nor does it address student learning. Moreover, the bill represents a contradiction to the Majority’s belief that there should be greater local control over education,²² and instead it micromanages educators in public school classrooms. This bill creates a one-size-fits-all solution in search of a problem that does not exist, and it stands as an example of the type of federal overreach that congressional Republicans have long claimed would harm children, teachers, and schools.

DEMOCRATIC AMENDMENTS OFFERED DURING MARKUP OF H.R. 2616

Committee Democrats did not offer any amendments to H.R. 2616.

¹⁵ Exec. Order No. 14,168, 90 Fed. Reg. 8,615 (Jan. 20, 2025).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See, e.g., *Parental Involvement in Your Child’s Education*, Annie E. Casey Foundation, <https://www.aecf.org/blog/parental-involvement-is-key-to-student-success-research-shows> (Dec. 14, 2022).

¹⁹ 20 U.S.C. §§ 1232g–1232j.

²⁰ 20 U.S.C. § 1232g(a)(1).

²¹ *Markup of H.R. 2616 Before the H. Comm. on Educ. & Labor*, 119th Cong. (Apr. 9, 2025) (statement of Chair Tim Walberg), https://www.youtube.com/live/wmS_n6GR57L.

²² See, e.g., Walberg: Restore Local Control in Education, Website of Congressman Tim Walberg, <https://walberg.house.gov/media/press-releases/walberg-restore-local-control-education> (last visited Apr. 21, 2025).

CONCLUSION

This bill does not address any widespread education issue. Instead, it makes the responsibility to educate all students more difficult and endangers transgender students. It is silent on issues that would actually help families, students, and schools. Meanwhile, the Administration is continuing its efforts to abolish the Department and privatize education in the United States. The Majority is ignoring what is actually important to the American people, such as protecting our nation's public schools, supporting student academic success, addressing chronic neglect of our school infrastructure, and confronting the nation's epidemic of gun violence and school shootings. During the 118th Congress, the language of this bill was offered as an amendment and accepted during the markup of H.R. 5, the *Parents Bill of Rights Act*, a bill that ultimately passed the House of Representatives with no Democratic Member support and five Republicans opposing the bill.²³ It was then marked up as a standalone bill by the Committee and ordered to be reported to the House of Representatives along a party line vote.²⁴ This bill stalled in the 118th Congress, and it should stall again this Congress. For the reasons stated above, Committee Democrats unanimously opposed H.R. 2616 when the Committee on Education and Workforce considered it on April 9, 2025. We urge the House of Representatives to do the same.

ROBERT C. "BOBBY" SCOTT,
Ranking Member.
JOE COURTNEY,
MARK TAKANO,
MARK DESAULNIER,
SUMMER LEE,
YASSAMIN ANSARI,
Members of Congress.

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²³ Parents Bill of Rights Act, H.R. 5, 118th Cong. (2023).

²⁴ Parental Rights Over The Education and Care of Their Kids Act, H.R. 736, 118th Cong. (2023).