

107TH CONGRESS
1ST SESSION

H. R. 1854

To amend the General Education Act to allow parents access to certain information about their children.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2001

Mr. TIAHRT (for himself, Mr. PITTS, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. GUTKNECHT, Mr. RYUN of Kansas, Mr. BARR of Georgia, Mr. ENGLISH, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. WELDON of Florida, Mr. TANCREDO, Mr. GRAHAM, and Mr. LEWIS of Kentucky) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the General Education Act to allow parents access to certain information about their children.

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 Freedom of
5 Information Act”.

1 **SEC. 2. INFORMATION ACCESS AND CONSENT.**

2 (a) IN GENERAL.—Section 444 of the General Edu-
3 cation Provisions Act (20 U.S.C. 1232g) is amended by
4 adding at the end the following:

5 “(j) INSTRUCTIONAL AND TESTING MATERIALS.—

6 “(1) IN GENERAL.—No funds shall be made
7 available under any applicable program to any edu-
8 cational agency or institution that has a policy of de-
9 nying, or that effectively prevents, the parent of an
10 elementary school or secondary school student served
11 by such agency or at such institution, as the case
12 may be, the right to inspect and review any instruc-
13 tional material used with respect to the educational
14 curriculum of, or testing material that has been ad-
15 ministered to, the student. Each educational agency
16 or institution shall establish appropriate procedures
17 for the granting of a request by parents for access
18 to the instructional material or testing material. The
19 granting of each such request shall be made in a
20 reasonable period of time, but shall not exceed 30
21 days, after the date of the request.

22 “(2) GRIEVANCE PROCESS.—

23 “(A) IN GENERAL.—Any educational agen-
24 cy or institution that receives funding under
25 any applicable program shall establish and
26 maintain procedures in accordance with this

1 paragraph for resolving a dispute under this
2 subsection through mediation or through use of
3 arbitration if the dispute is not resolved
4 through mediation.

5 “(B) MEDIATION.—

6 “(i) GOALS OF MEDIATION.—The
7 goals of mediation are a prompt resolution
8 of the dispute in a written agreement be-
9 tween the parties.

10 “(ii) MEDIATION PROCESS.—The me-
11 diation process, at a minimum, shall meet
12 the following requirements:

13 “(I) Be conducted not later than
14 60 days after a parent’s request for
15 access and review of educational and
16 testing materials is denied.

17 “(II) Not be used to deny or
18 delay a parent’s rights afforded under
19 this subsection.

20 “(III) Be conducted by a quali-
21 fied and impartial mediator who is
22 trained in effective mediation tech-
23 niques and is chosen by mutual con-
24 sent of the involved parties.

1 “(IV) Be scheduled in a timely
2 manner and be held in a location that
3 is convenient to the parties to the dis-
4 pute.

5 “(iii) COSTS OF MEDIATION.—The
6 costs of mediation shall be paid for by the
7 educational agency or institution, as the
8 case may be.

9 “(C) ARBITRATION.—

10 “(i) GOAL OF ARBITRATION.—The
11 goal of arbitration is a prompt resolution
12 of the dispute in the event the parties are
13 unable to reach a written agreement
14 through the mediation process.

15 “(ii) ARBITRATION PROCESS.—The
16 arbitration process, at a minimum, shall
17 meet the following requirements:

18 “(I) Be conducted not later than
19 60 days after failure to resolve the
20 dispute through mediation.

21 “(II) Be conducted by an inde-
22 pendent arbitrator chosen by mutual
23 consent of all parties to the dispute.

24 “(III) Require the arbitrator to
25 take testimony and order such equi-

1 table or declaratory relief as appro-
2 priate.

3 “(IV) Be scheduled in a timely
4 manner and be held in a location that
5 is convenient to the parties to the dis-
6 pute.

7 “(V) Be considered final and
8 binding upon all parties to the dis-
9 pute.

10 “(iii) COSTS OF ARBITRATION.—The
11 costs of arbitration shall be shared equally
12 between all parties to the dispute.

13 “(3) DEFINITIONS.—In this subsection:

14 “(A) INSTRUCTIONAL MATERIAL.—The
15 term ‘instructional material’ means a textbook,
16 audio/visual material, informational material ac-
17 cessible through Internet sites, material in dig-
18 ital or electronic formats, instructional manual,
19 or journal, or any other material supplementary
20 to the educational curriculum of a student.

21 “(B) TESTING MATERIAL.—The term ‘test-
22 ing material’ means any test (without re-
23 sponses) after the test is administered to a stu-
24 dent during the current school year, and if
25 available, any statistical comparison data re-

1 garding the test results with respect to the stu-
2 dent’s age or grade level. The term does not in-
3 clude a test subject to a copyright or licensing
4 agreement.

5 “(k) PARENTAL CONSENT.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), no funds shall be made available under
8 any applicable program to an educational agency or
9 institution that, without the prior, written, informed
10 consent of the parent of a student requires the stu-
11 dent to undergo medical, psychological, or psy-
12 chiatric examination, testing, treatment, or immuni-
13 zation (except in the case of a medical emergency).

14 “(2) EXCEPTION.—Paragraph (1) shall not
15 apply to directory information as defined in sub-
16 section (a)(5)(A) or to medical, psychological, or
17 psychiatric examinations, testing, treatment, or im-
18 munizations of students expressly permitted by State
19 law without written parental consent.

20 “(3) RULE OF CONSTRUCTION.—Nothing in
21 paragraph (1) shall be construed as superseding or
22 otherwise affecting informed parental consent re-
23 quirements under the Individuals with Disabilities
24 Act (20 U.S.C. 1400 et seq.).

1 “(4) RESTRICTION ON SEEKING INFORMATION
2 FROM MINORS.—Notwithstanding any other provi-
3 sion of Federal law, in conducting a program or ac-
4 tivity funded in whole or in part by the Federal Gov-
5 ernment a person may not, without the consent of
6 at least 1 parent or guardian of a minor or, in the
7 case of an emancipated minor, the prior consent of
8 the minor, require or otherwise seek the response of
9 the minor to a survey or questionnaire whether writ-
10 ten or oral which elicits information concerning any
11 of the following:

12 “(i) Parental political affiliations or
13 beliefs.

14 “(ii) Mental or psychological prob-
15 lems.

16 “(iii) Sexual behavior or attitudes.

17 “(iv) Illegal, antisocial, or self-incrimi-
18 nating behavior.

19 “(v) Appraisals of other individuals
20 with whom the minor has a familial rela-
21 tionship.

22 “(vi) Relationships that are legally
23 recognized as privileged, including those
24 with lawyers, physicians, and members of
25 the clergy.

1 “(vii) Religious affiliations or be-
2 liefs.”.

3 (b) RIGHT OF ACCESS.—The third sentence of sec-
4 tion 444(a)(1)(A) of the General Education Provisions Act
5 (20 U.S.C. 1232g(a)(1)(A)) is amended by striking
6 “forty-five” and inserting “30”.

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