

AMENDMENT TO H.R. 1, AS REPORTED
OFFERED BY MR. TIAHRT OF KANSAS

Before part B of title IX of the bill, insert the following:

1 **Subpart 3—General Education Provisions**

2 **SEC. 916. INFORMATION ACCESS AND CONSENT.**

3 (a) IN GENERAL.—Section 445 of the General Edu-
4 cation Provisions Act (20 U.S.C. 1232h) is amended by—

5 (1) redesignating subsections (e) through (e) as
6 subsections (d) through (f), respectively; and

7 (2) by striking subsections (a) and (b) and in-
8 serting the following:

9 “(a) ACCESS TO INFORMATION.—No funds shall be
10 made available under any applicable program to any edu-
11 cational agency or institution that has a policy of denying,
12 or that effectively prevents, the parent of an elementary
13 school or secondary school student served by such agency
14 or at such institution, as the case may be—

15 “(1) the right to inspect and review any in-
16 structional material used with respect to the edu-
17 cational curriculum of the student. Each educational
18 agency or institution shall establish appropriate pro-
19 cedures for the granting of a request by parents for
20 access to the instructional material. The granting of
21 each such request shall be made in a reasonable pe-



1 riod of time, but shall not exceed 45 days, after the
2 date of the request;

3 “(2) the right to inspect and review a survey,
4 analysis, or evaluation that is subject to subsection
5 (c)(7) before the survey, analysis, or evaluation is
6 given to a student.

7 “(b) RESTRICTION ON SEEKING INFORMATION FROM
8 MINORS.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of Federal law, no funds shall be made
11 available under any program administered by the
12 Secretary to any educational agency or institution
13 that administers or provides a survey, analysis, or
14 evaluation to a student without the prior, informed,
15 written consent of the parent or guardian of a stu-
16 dent concerning—

17 “(A) political affiliations or beliefs of the
18 student or the student’s parent;

19 “(B) mental or psychological problems po-
20 tentially embarrassing to the student or the stu-
21 dent’s family;

22 “(C) sex behavior or attitudes;

23 “(D) illegal, antisocial, or self-incrimi-
24 nating behavior;



1 “(E) appraisals of other individuals with
2 whom the minor has a familial relationship;

3 “(F) relationships that are legally recog-
4 nized as privileged, including those with law-
5 yers, physicians, and members of the clergy;
6 and

7 “(G) religious practices affiliations or be-
8 liefs.”.

9 “(2) EXPLANATION.—In seeking the consent of the
10 parent an educational agency or institution must provide
11 an accurate explanation, in writing, of the types of items
12 listed in subparagraphs (A) through (G) of paragraph (1)
13 that are contained in the survey and the purpose, if
14 known, for including those items.

15 “(c) RESTRICTION ON MEDICAL TESTING AND
16 TREATMENT OF MINORS.—

17 “(1) CONSENT REQUIRED.—Except as provided
18 in paragraph (2), no funds shall be made available
19 under any applicable program to an educational
20 agency or institution that requires or otherwise
21 causes the student without the prior, written, in-
22 formed consent of the parent or a guardian of a
23 minor to undergo medical or mental health examina-
24 tion, testing, treatment, or immunization (except in
25 the case of a medical emergency).

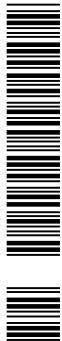


1 “(2) EXCEPTION.—Paragraph (1) shall not
2 apply to medical or mental health examinations,
3 testing, treatment, or immunizations of students ex-
4 pressly permitted by State law without written pa-
5 rental consent.

6 “(3) DEFINITIONS.—For the purpose of this
7 section, the term ‘educational agency or institution’
8 means any elementary, middle, or secondary school,
9 any school district or local board of education, and
10 any State educational agency that is the recipient of
11 funds under any program administered by the Sec-
12 retary, except that it does not apply to postsec-
13 ondary institutions.

14 “(4) INSTRUCTIONAL MATERIAL.—In this sub-
15 section the term ‘instructional material’ means a
16 textbook, audio/visual material, informational mate-
17 rial accessible through Internet sites, material in
18 digital or electronic formats, instructional manual,
19 or journal, or any other material supplementary to
20 the education of a student.

21 “(5) RULES OF CONSTRUCTION.—(A) Nothing
22 in this section shall be construed to supersede the
23 Family Educational Rights and Privacy Act (20
24 U.S.C. 1232g).



1 “(B) The term ‘instructional material’ does not
2 include academic tests or assessments.

3 “(6) APPLICATION.—

4 “(A) CERTAIN SURVEYS, ANALYSIS, AND
5 EVALUATIONS.—Subsection (b) shall not apply
6 to surveys, analysis, or evaluations administered
7 to a student as part of the Individuals with Dis-
8 abilities Act (20 U.S.C. 1400 et seq.).

9 “(B) PARENTAL CONSENT.—Nothing in
10 subsection (c) shall be construed to supersede
11 or otherwise affect the parental consent require-
12 ments under the Individuals with Disabilities
13 Education Act (20 U.S.C. 1400 et seq.).

14 “(C) STUDENT RIGHTS.—The rights pro-
15 vided parents under this Act transfer to the
16 student once the student turns 18 years old or
17 is an emancipated minor at any age.

18 “(7) STATE LAW EXCEPTION.—Educational
19 agencies and institutions residing in a State that has
20 a law that provides parents rights comparable to the
21 rights contained herein may seek exemption from
22 this Act by obtaining a waiver from the office des-
23 ignated by the Secretary to administer this Act. This
24 office may grant a waiver to educational agencies
25 and institutions upon review of State law.

