

105TH CONGRESS
2D SESSION

S. 1631

To amend the General Education Provisions Act to allow parents access to certain information.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1998

Mr. HUTCHINSON (for himself, Mr. DEWINE, Mr. SMITH of New Hampshire, Mr. CRAIG, Ms. COLLINS, Mr. INHOFE, Mr. FAIRCLOTH, and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the General Education Provisions Act to allow parents access to certain information.

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”.

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

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

1 “(i) INSTRUCTIONAL AND TESTING MATERIALS.—

2 “(1) IN GENERAL.—No funds shall be made
3 available under any applicable program to any edu-
4 cational agency or institution that has a policy of de-
5 nying, or that effectively prevents, the parent of an
6 elementary school or secondary school student served
7 by such agency or at such institution, as the case
8 may be, the right to inspect and review any instruc-
9 tional material used with respect to the educational
10 curriculum of, or testing material administered to,
11 the student. Each educational agency or institution
12 shall establish appropriate procedures for the grant-
13 ing of a request by parents for access to the instruc-
14 tional material or testing material within a reason-
15 able period of time, but in no case more than 30
16 days after the request has been made.

17 “(2) DEFINITIONS.—In this subsection:

18 “(A) INSTRUCTIONAL MATERIAL.—The
19 term ‘instructional material’ means a textbook,
20 audio/visual material, manual, journal, film,
21 tape, or any other material supplementary to
22 the educational curriculum of a student.

23 “(B) TESTING MATERIAL.—The term ‘test-
24 ing material’ means a copy of any test (without
25 responses) that is administered to a student

1 during the current or preceding school year,
2 and if available, any statistical comparison data
3 regarding the test results with respect to the
4 student's age or grade level. The term does not
5 include a nonclassroom diagnostic test, a stand-
6 arized assessment or standardized achievement
7 test, or a test subject to a copyright agreement.

8 “(j) RIGHT OF ACCESS.—

9 “(1) IN GENERAL.—A parent of an elementary
10 school or secondary school student whose right to
11 gain access to information or material made avail-
12 able to the parent under this section during the 30-
13 day compliance period set forth in subsection (a)(1)
14 or (i)(1) is knowingly or negligently violated may
15 maintain an action for appropriate relief after the
16 last day of such period. Appropriate relief includes
17 equitable or declaratory relief and reasonably in-
18 curred litigation costs, including a reasonable attor-
19 ney's fee.

20 “(2) LIMITATION.—A civil action under this
21 subsection may not commence more than 2 years
22 after the last day of the 30-day compliance period
23 set forth in subsection (a)(1) or (i)(1).

24 “(k) PARENTAL CONSENT.—No funds shall be made
25 available under any applicable program to an educational

1 agency or institution that, as part of an applicable pro-
2 gram and without the prior written, informed consent of
3 the parent of a student, requires the student—

4 “(1) to undergo medical, psychological, or psy-
5 chiatric examination, testing, treatment, or immuni-
6 zation (except in the case of a medical emergency);
7 or

8 “(2) to reveal any information about the stu-
9 dent’s personal or family life (except to the extent
10 necessary to comply with the Child Abuse Prevention
11 and Treatment Act (42 U.S.C. 5101 et seq.).”.

12 (b) RIGHT OF ACCESS.—The third sentence of sec-
13 tion 444(a)(1)(A) of the General Education Provisions Act
14 (20 U.S.C. 1232g(a)(1)(A)) is amended by striking
15 “forty-five” and inserting “30”.

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