

107TH CONGRESS  
1ST SESSION

# H. R. 385

To amend the Elementary and Secondary Education Act of 1965 to provide for parental notification and consent prior to enrollment of a child in a bilingual education program or a special alternative instructional program for limited English proficient students.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. TANCREDO (for himself, Mr. STUMP, Mr. SHAYS, Ms. RIVERS, and Mr. RYUN of Kansas) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To amend the Elementary and Secondary Education Act of 1965 to provide for parental notification and consent prior to enrollment of a child in a bilingual education program or a special alternative instructional program for limited English proficient students.

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 Know Best  
5 Act of 2001”.

1 **SEC. 2. PARENTAL NOTIFICATION AND CONSENT TO PAR-**  
2 **TICIPATE.**

3 Section 7502(b) of the Elementary and Secondary  
4 Education Act of 1965 (20 U.S.C. 7602(b)) is amended  
5 to read as follows:

6 “(b) PARENTAL NOTIFICATION AND CONSENT.—

7 “(1) IN GENERAL.—A parent or the parents of  
8 a limited English proficient student participating in  
9 a bilingual education program, or a special alter-  
10 native instructional program, assisted under this Act  
11 shall be informed of—

12 “(A) the reasons for the identification of  
13 the student as being in need of participation;

14 “(B) the child’s level of English pro-  
15 ficiency, how such level was assessed, and the  
16 status of the child’s academic achievement;

17 “(C) how such program will specifically  
18 help the child acquire English and meet age-ap-  
19 propriate standards for grade promotion and  
20 graduation;

21 “(D) what the specific exit requirements  
22 for the program are;

23 “(E) the expected rate of graduation from  
24 the program into mainstream classes; and

25 “(F) the expected rate of graduation from  
26 high school for the program.

1           “(2) PARENTAL CONSENT.—

2                   “(A) IN GENERAL.—A parent or the par-  
3           ents of a limited English proficient student who  
4           is identified for participation in a bilingual edu-  
5           cation program, or a special alternative instruc-  
6           tional program, assisted under this Act shall—

7                   “(i) sign a form consenting to the stu-  
8           dent’s placement in such a program prior  
9           to such time as the student is enrolled in  
10          the program;

11                  “(ii) select among methods of instruc-  
12          tion, if more than one method is offered in  
13          the program; and

14                  “(iii) have the right to have the stu-  
15          dent immediately removed from the pro-  
16          gram upon the parent’s request.

17           “(B) EFFECT OF LAU DECISION.—A local  
18          educational agency shall not be relieved of any  
19          of its obligations under the holding in the Su-  
20          preme Court case of *Lau v. Nichols*, 414 U.S.  
21          563 (1974), because any parent chooses not to  
22          enroll their child in a bilingual education pro-  
23          gram.

24           “(3) RECEIPT OF INFORMATION.—A parent or  
25          the parents of a limited English proficient student

1 who is identified for participation in a bilingual edu-  
2 cation program, or a special alternative instructional  
3 program, assisted under this Act shall receive, in a  
4 manner and form understandable to the parent or  
5 parents, the information required by this subsection.

6 At a minimum, the parent or parents shall receive—

7           “(A) timely information about such pro-  
8 grams; and

9           “(B) if a parent of a participating child so  
10 desires, notice of opportunities for regular  
11 meetings for the purpose of formulating and re-  
12 sponding to recommendations from such par-  
13 ents.”.

○