

Parent Rights Bill Rapidly Advancing

In just a week, the [Parents Bill of Rights Act](#) (PBOR) - a bill intended to give parents more control over their child's education - was [reintroduced](#), [marked up](#) by the House Education and Workforce Committee, and is now out of Committee and likely to go to a [floor vote in two weeks](#) where a Republican majority is [predicted to pass it](#). The PBOR provides parents [a list of rights](#), but **parents already have a lot of these rights under existing law** and schools already do a lot of what the PBOR would require. **However, the changes that the PBOR would make to FERPA and PPRA may have major impacts for schools** - the following analysis explains why.

Major changes to PPRA:

As a reminder - PPRA is a law that aims to protect students' privacy by allowing parents to limit the personal information schools can collect from students.

- **The PBOR would give parents the ability to opt out of the collection, use, and sharing of personal information collected from their child for “legitimate educational purpose[s] to improve the education of students” - a change that may unintentionally prevent teachers from accessing educational data needed to improve the quality of instruction.**
 - What counts as legitimate educational purposes is very broad and includes things like developing curriculum and instructional materials as well as programs providing access to low-cost literary products.
 - Allowing parents to opt-out of using student information for legitimate educational purposes may have serious impacts on student success, potentially leaving students [“to navigate in the dark”](#) when making pivotal decisions where educational data could shed light on paths forward.
- **The PBOR would require schools to obtain specific, written consent from parents every time before requiring students to take a survey regarding 8 protected categories of information** - a requirement that significantly increases the amount of parental correspondence and potentially amplifies the [many barriers](#) to parental consent.
 - Schools use surveys for various purposes such as [evaluating youth risk behaviors](#), [understanding and addressing students emotional health](#), [gauging career interests](#), and [assessing school quality](#). If schools are unable to receive broad parental opt-in to these surveys, schools may no longer be able to collect responses from a representative sample of students and lose the benefits of conducting surveys for these purposes.

Deep dive - PBOR's impact on technology in schools:

- **The bill would require schools to notify parents about what education technology is used and give them an opportunity to object to it being used for their child. This would reverse the decades-long practice of schools consenting to technology use on behalf of parents, forcing schools to contact every parent, every time the school needed to use children's data – an issue that [education stakeholders have flagged before](#).**

- Any student whose parents have objected would likely be unable to use edtech, so teachers may have to choose between creating and implementing multiple lesson plans for the same classroom or not using technology at all - a change that may leave teachers not only ill equipped to teach in a modern environment, but also coping with post-pandemic challenges like [learning loss](#) with resources of the 1980's.
- **The [version of PBOR introduced last year](#) only allowed for parents to opt-out of edtech for technology collecting data from children under the age of 13. This year's version is much broader, and can be interpreted to apply to students up to the age of 18 as well as likely covering data about children in addition to data from children .**
 - In the PBOR section of last year's bill that amended FERPA, there was an explicit reference to COPPA (a law requiring parental consent before collecting personal information from kids under 13). The new bill cut the mention of COPPA, but kept most of the original language requiring schools to notify parents and give them an opportunity to object to edtech, which may expand the scope of this requirement to:
 - **Older students**: Removing the reference to COPPA may raise the age of students subject to their parent's decision of whether they can use technology in school from 12 to 18 - a significant increase that may result in parents prohibiting their high school seniors from using edtech.
 - **More tech**: Removing the reference to COPPA may expand the requirement to all technologies that other people enter student information into at school. For example, this may mean that schools would have to give parents notice and an opportunity to object to teachers entering their child's attendance information, grades, and disciplinary records into any technology in the school - a requirement that may seriously disrupt the school's ability to use student information systems.

Highlights from Wednesday's PBOR markup:

- After a [16 hour markup on Wednesday](#), the PBOR [cleared](#) the Education and Workforce Committee.
- Democrats criticized the bill for requiring "unnecessary and burdensome" requirements, with Representative Haley Stevens (D-MI) emphasizing that the bill would require parents to sign off on every classroom interaction, including "using a whiteboard."
- Representative Mark Takano (D-CA) argued against some of the parental notification provisions due to concerns of abuse.

The bottom line:

The parents rights movement is here and it's moving quickly. At an [event](#) introducing the PBOR, Education and the Workforce Committee Chairwoman Foxx (R-NC) [stated](#) that "[t]he Parents Bill of Rights will support parents' rights movements across America" - a movement that has already seen "[84 bills in 26 states pre-filed or introduced this year alone that seek to expand parents' rights in schools.](#)" The PBOR reiterates a lot of rights that parents already have under

existing law and things that many schools already do, but the changes the PBOR makes to FERPA and PPRA could have major consequences for schools, including: restricting access to student data to improve the education of students, limiting schools' ability to administer certain surveys, and limiting technology use in schools.