

Vote Scorecard on H.R. 5 (March 23, 2023)

First Focus Campaign for Children is a bipartisan organization dedicated to making children and families a greater priority in federal policy and budget decisions. We are issuing this vote scorecard to urge lawmakers to take actions that make the best interests and well-being of children a priority in decisions that impact the next generation.

H.R. 5, the Parents Bill of Rights by Rep. Letlow (LA)

As current drafted, we urge a **NO** vote on H.R. 5. Although we believe that parental engagement and involvement in education is critical to the success of children, this legislation fails children in a number of ways by:

- 1) failing to recognize that children have a right and role to play in education;
- 2) creating significant new bureaucracy, red tape, and reporting requirements for every single public school in this country that results in funding, time, attention, and services being diverted away from educating and serving children in every single public school across this country¹;
- 3) promoting and facilitating book bans and censorship rather than greater access to books, reading, and learning;
- 4) threatening access to health care, privacy, and confidentiality of students;
- 5) promoting division and animosity between parents and educators in the education of children rather than helping facilitate partnerships and greater civility between parents and educators; and,
- 6) urging the reporting of “violence” in schools after the fact rather than the protection and prevention of violence to students, teachers, other educators, and school board members.

Foxx (NC) Manager’s Amendment

We strongly urge a **NO** vote on this amendment, as it imposes even more administrative requirements upon individual schools across the country and proposes a Sense of Congress that expresses a radical alteration of how the courts should oversee the role of parents in the education of children which, if passed into law, could overturn landmark Supreme Court decisions in this country with respect to the rights of children and importance of education to our democracy, including *Brown v. Board of Education* (1954), *Island Trees School District v. Pico* (1982), *Tinker v. Des Moines Independent Community School District* (1969), *West Virginia*

¹ In testimony before the House Rules Committee on March 22, 2023, House Education and Workforce Committee Chair Virginia Foxx said that the federal government provides 7% of the resources to schools but a disproportionate share of the mandates imposed on schools. This bill provides no funding but increases the bureaucratic mandates upon schools

Board of Education v. Barnette (1943), *Epperson v. Arkansas* (1968), and *Seagraves v. State of California* (1981).²

Bonamini (OR) Substitute

We strongly urge a **YES** vote on the substitute, as it recognizes the rights of both parents and students in education and promotes partnerships between schools, parents, students, and communities to improve public education, including increasing the authorization of funding for Full-Service Community Schools.

Boebert (CO) Amendment #47

We urge a **NO** vote on the amendment. The role of the federal government in education policy should not be in overseeing bathrooms.

Crane (AZ) Amendment #54

We urge a **NO** vote on the amendment, which creates a private right of action for parents to sue schools for perceived failings to comply with all the newly imposed aspects of federal bureaucracy and reporting requirements under this act. This would potentially impose massive new costs upon our nation's schools, which would likely disproportionately harm rural and poor schools in this country.

Davidson (OH) Amendment #56

We urge a **NO** vote on the amendment, as it imposes new enrollment requirements and schemes on every local education agency across this country.

Fitzpatrick (PA) Amendment #2

We urge a **YES** vote on this amendment, as it seeks information from the Government Accountability Office (GAO) on the costs associated with the newly imposed requirements in H.R. 5. We strongly support the concept of a children's budget and child impact statements and

² For more information on legal issues of important to the education of children, see Black, Derek W., Freedom, Democracy, and the Right to Education, *Northwestern University Law Review*, 116(4), 2022, 1031-1098; Weishart, Joshua E., Separate But Free, *Florida Law Review*, 73(5), 2021, 1139-1198; Black, Derek W., *Schoolhouse Burning: Public Education and the Assault on American Democracy*, Hachette Book Group, 2020; Huntington, Clare & Elizabeth S. Scott, Conceptualizing Legal Childhood in the Twenty-First Century, *Michigan Law Review*, 118(7), 2020, 1371-1457; Weishart, Joshua E., Democratizing Education Rights, *William & Mary Bill of Rights Journal*, 29(1), 2020; Black, Derek W., The Fundamental Right to Education, *Notre Dame Law Review*, 93(3), 2019, 1059-1114; Robinson, Kimberly Jenkins (ed.), *A Federal Right to Education: Fundamental Questions for Our Democracy*, New York University Press, 2019; Joshua E. Weishart, Rethinking Constitutionality in Education Rights Cases, *Arkansas Law Review*, 71(4), 2019; Black, Derek, W., The Constitutional Compromise to Guarantee Education, *Stanford Law Review*, 70, Mar. 2018, 735-103; Rebell, Michael A., *Courts & Kids: Pursuing Educational Equity Through the State Courts*, University of Chicago Press, 2009; Chemerinsky, Erwin, The Deconstitutionalization of Education, *Loyola University Chicago Law Journal*, 36(1), Fall 2004, 111-135.

would prefer that information is available to Congress and the Administration before passing legislation or enacting regulations or rules, but we support policymakers having better information on the impact policies have on children in all cases, as this amendment seeks.

Green (TN) Amendment #55

We urge a **YES** vote on this amendment, as it seeks to provide for the protection of personal information of parents and children that may be victims of a cyberattack on schools.

Hunt (TX) Amendment #44

We urge a **NO** vote on the amendment, as funding for diversity, equity, and inclusion initiatives would actually aid and promote better participation in gifted and talented programs.

Jacobs (CA) Amendment #4

We urge a **YES** vote on the amendment, as it seeks to ensure that funding dedicated to the education of children is not diverted to attacks by outside groups demanding endless copies, research, and time dedicated to information requests. In its report, the Education and Workforce Committee promoted the case of a person who filed a records request related to school curriculum but failed to note the individual and her husband, in partnership with outside groups that support the dismantling of public schools, filed 300+ other records requests that included requests for personal and personnel information about educators were at an estimated cost of more than \$70,000 to the elementary school. The funding, time, and attention for such things divert resources, time, and attention that would be better spent on the education of children and would also be a better use of taxpayer dollars.

Jacobs (CA) Amendment #6

We urge a **YES** vote on this amendment, as it reduces the paperwork, red tape, and expenses for schools to better focus on improving teacher quality and the education of children.

Lawler (NY) Amendment #9

We urge a **NO** vote on this amendment. If the Congress seeks to impose requirements related to its funding to schools, it should not discriminate in its application to schools. This would establish a terrible precedent that schools could discriminate or not comply with fundamental protections of children associated with federal funding.

Massie (KY), Boebert (CO), Gaetz (FL), Self (TX) Amendment #7

We strongly urge a **NO** vote on this amendment, as it seeks to terminate the Department of Education in its entirety, which includes the fundamental protections that federal funding provides to students, such as child care, afterschool, the Individual with Disability Education Act (IDEA), Special Olympics, Title 1 grants to districts with concentrated poverty, Education for Homeless Children and Youth, Full-Service Community Schools, GEAR UP, Impact Aid,

migrant education, TRIO, and students in correctional facilities. Children are already underfunding as a share in the federal budget and the defunding of educational programs to children would devastate education across this country.

McCormick (GA) Amendment #36

We urge a **NO** vote on this amendment, as we do not believe the federal government should micromanage how local school boards operate or the manner in which they gather public input.

Roy (TX) Amendment #20

We strongly urge a **NO** vote on this amendment, as it would radically change how funding for schools are distributed across this country through the imposition of a nationwide voucher program that we oppose.