

H.R. 5, Parents Bill of Rights Act

As ordered reported by the House Committee on Education and the Workforce on March 1, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	a	a	a
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	a	a	a
Spending Subject to Appropriation (Outlays)	a	a	a
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
a. CBO has no basis for estimating a reduction in direct spending or a reduction in discretionary authorizations.			

H.R. 5 would amend the Elementary and Secondary Education Act (ESEA) and the General Education Provisions Act (GEPA) to require public schools to allow parents to review certain materials and to be informed of, and grant consent for, certain activities. In addition, the bill would establish requirements on local education agencies (LEAs) as a condition of receiving federal funds.

Spending Subject to Appropriation

The bill would amend ESEA to require LEAs that receive funding under title I to ensure that schools either make certain information publicly available on a website or communicate that information to parents. That information would include curricula, budgets, lists of parents' rights, library and course materials, and parent engagement plans.

In addition, H.R. 5 would amend GEPA to require schools that participate in programs administered by the Department of Education seek parental consent for specified activities—such as the use of technology in the classroom, attendance for guest speakers in the classroom, or mental health treatment. The bill also would restrict the use of student information for commercial and financial gain and require LEAs to provide comment periods to solicit feedback from parents on course materials, books available to students, and professional development materials. Finally, the Secretary of Education would be required to



report annually to the Congress about investigations and enforcement actions by LEAs and state education agencies as well as enforcement action taken by the Secretary.

Enacting H.R. 5 could result in a decrease in estimated authorizations for programs at the Department of Education. This would come about if schools choose to forgo federal funding by not complying with the requirements in the bill. CBO has no basis to estimate whether or how many LEAs would do so. CBO estimates that, on average, schools receive \$275,000 each year in federal funds from programs under ESEA title I.

Direct Spending

Title IV of the bill would establish as a condition of federal assistance that schools get parental consent before staff change a child's gender marker, pronouns, or preferred name on any school form or allow a child to change which bathroom or locker room they use. CBO expects that the requirement would apply broadly to all federal funds that schools receive, including funding that is authorized by laws other than ESEA or GEPA.

Enacting the parental consent requirement could result in a reduction in direct spending through a similar mechanism as spending subject to appropriations, but CBO has no basis to predict whether, or how many, schools would not comply with the requirement in title IV. As a result, CBO cannot estimate the savings related to schools not complying with that requirement.

CBO expects that schools that fail to get such parental consent would not be allowed to participate in the child nutrition programs. Under the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program, the Summer Food Service Program, and the Special Milk Program, the government provides commodities and cash payments to reimburse participating schools and institutions for at least part of the cost of each meal served. In 2024, CBO estimates that the average school that participates in the NSLP and SBP will receive about \$121,800 in 2024 under those programs.

Mandates

Under the Unfunded Mandates Reform Act (UMRA), duties required of nonfederal entities do not impose mandates if those duties are a condition of federal assistance. H.R. 5 would require state and local educational agencies, including schools, to perform a series of new duties primarily related to the publication of school materials and parental notification, consent, and review. Because the duties in H.R. 5 are either explicitly conditioned on accepting federal assistance or amend existing laws that apply to recipients of federal assistance, the bill would not impose mandates under UMRA.



The CBO staff contact for this estimate is Garrett Quenneville. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

A handwritten signature in black ink, appearing to read "Phillip L. Swagel".

Phillip L. Swagel
Director, Congressional Budget Office