Congressional Testimony of Deborah Figliola

Before the House Committee on Education and Workforce
Subcommittee on Early Childhood, Elementary, and Secondary
Education

Safeguarding Student Privacy and Parental Rights: A Review of FERPA and PPRA

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Chairman Kiley, Ranking Member Bonamici, and Members of the Subcommittee, it is an honor to be with you today.

I was an educator for over 25 years, most recently a special education and English teacher at Harrisonburg City Public Schools. Throughout my career, I focused on serving children who needed a little extra support. I loved what I did, and I loved my students. It was a great joy and privilege to see the students, entrusted to my care by their parents, overcome the academic and personal challenges they faced.

My religious faith has always played a central role in my life and work. I am a practicing Christian, and I have long strived to live out my faith daily in my work, home, and family life. I am an active member of my church, where I volunteer with youth, run a special-needs clinic, facilitate prayer meetings, and mentor students and young adults.

My faith teaches that God created the family and charged parents with the primary responsibility of raising, guiding, and caring for their children. As a teacher, part of my job is to work closely with the parents and guardians of my students, responding to their questions, addressing their concerns, and respecting their decisions about how they raise and train their child. I take seriously the trust parents place in me when they drop their child off at school each day.

I have always believed it was my duty to be truthful and transparent with

the parents of students I teach, even when that meant having difficult or uncomfortable conversations about what was happening at school. Only when I'm fully honest and transparent with parents are they equipped with the information they need to make decisions about their child's best interest.

But in 2021, my school district introduced a policy that instructed teachers, in certain circumstances, to keep information about students' social transitions secret from parents. I felt that this new policy forced me to betray the trust that parents placed in me. I could not look parents in the eye while keeping them in the dark about the challenges their children were facing.

Moreover, I loved my students and believed that complying with the school board's directives would harm them and their families. In all other aspects of school life, I felt I had the school board's full support to involve and inform parents about any issues affecting their children. Yet when it came to sensitive questions about identity and self-worth, the policy directed teachers to exclude parents—the very people who know and love their children best.

Experience at HCPS

Throughout my time at Skyline Middle School, I encountered many students who either identified as transgender or were questioning their identity.

One student confided in me that she was using a different name at school and was struggling with identity issues. She was hesitant to tell her mother that she had gone shopping for boys' clothes with her grandmother, because she felt her mother wouldn't understand her feelings or insecurities. I asked her whether she thought her mother cared about her. "Oh yes, absolutely," she replied. I encouraged her to give her mother a chance to understand what she was going through. We parted with a hug and continued to greet each other warmly whenever we saw each other at school.

I also interacted with students outside my classroom who were navigating similar identity-related issues. These experiences reinforced my belief in the importance of parental involvement, which allows moms and dads to guide their children through these tumultuous years and, when needed, to find a good counselor to help their children process and work through their feelings.

However, in August 2021 I attended mandatory training at school where my school district informed staff about a new policy that undermined transparency and parental involvement. The training prohibited me from speaking to a student's

parents about the use of preferred names and pronouns at school without the student's consent. If a student was using preferred names and pronouns at school and his or her parents were not aware of the situation (and the student did not specifically authorize his or her parents to know about the situation at school), I was instructed not to tell them—in other words to be deceptive with the parents about the student's situation.

Furthermore, I understood from the training that if I were to do anything that violated this policy—such as disclosing to a student's parents that their child was using different names or pronouns at school—then I would be subject to disciplinary action up to and including expulsion or discharge.

That training, and the policy underlying it, also had implications for how we dealt with our students' educational records. During a planning meeting for special education teachers, we were instructed not to include gender identity information (such as preferred names or pronouns) on certain records sent to the high school because parents might be able to see it. Instead, we were told to note in the student's file that there was further information that should be discussed in person between school personnel.

And in a School Leadership Team meeting, we were reminded to only use student names from the "PowerSchool" system—names provided by parents—when sending progress reports home. This reinforced the policy that denied parents access to their child's full and complete education records and concealed a school's use of students' preferred names and pronouns from their parents.

At a very deep level, I knew this policy was wrong. Parents know their children best and will remain in their children's lives much longer than any educator will, which is why it's critical that parents are centrally involved from the outset and fully informed about changes to their child's academic, physical, and mental well-being. Any school policy that automatically hides information from parents is suspect, regardless of what issue it concerns. And I knew as an educator that I could not hide critical information about a child from his or her parents. Doing so could deprive children of immense benefits from having caring parents shepherd the child through challenging circumstances and life-altering decisions the child faces.

So I joined together with other teachers and parents, and we asked the school board to assure us that it would involve parents and not force us to go against our conscience. When those concerns were dismissed, we brought a lawsuit asking a Virginia court to clarify that a school board could not adopt policies that undermine parental rights by instructing teachers to withhold vital information from parents.

Conclusion of the Case

Two years after we filed our case the school board finally agreed to a settlement.

Ultimately, the school board agreed to accommodate our religious objections. We would not be required to withhold information from parents and use inaccurate names and pronouns that do not accurate reflect a child's sex. In the final agreed order, the school board acknowledged that it "does not require staff to use a preferred name or pronoun" and "it does not support hiding or withholding information from parents." I am grateful that we were able to settle the case, and I am particularly glad about the final result. The resolution not only upheld the integrity of educators but also reinforced the vital role of parents in their children's lives.

Ensuring transparency and parental involvement is key to creating a supportive learning environment where students can thrive, knowing they have the unwavering support of both their teachers and their families. I hope that our case serves as a guiding example for school districts across the country to prioritize honesty and collaboration in addressing these sensitive issues. And I hope that we can all agree that parents shouldn't be cut out of critical discussions about their children's well-being. Instead, parents should be empowered to walk alongside their children through these struggles, providing the support and care that parents are uniquely qualified to offer.