Testimony

Before the House Committee on Education and Workforce

Early Childhood, Elementary, and Secondary Education Subcommittee

on

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

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Dear Chairman Kiley, Ranking Member Bonamici, and Members of the Subcommittee:

Parents know and love their children best. They are there when we enter the world, when we take our first step, scrape a knee on the driveway, start our first day of school, or need a shoulder to cry on. It is through the parent-child relationship that the next generation is cared for, their minds and bodies nourished, and they are equipped to enter and contribute to society. The family is the cornerstone of society, and successful nations are built on a foundation of healthy, stable, thriving families.

Because of the primary role of parents, our laws have long recognized the fundamental right of parents to "direct the education and upbringing of one's children."[1] This has been especially true in the education context. For over 100 years, the U.S. Supreme Court has repeatedly affirmed the "natural duty of the parent to give his children education suitable to their station in life."[2] As the Court explained: "The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."[3] Or put more plainly, it is "the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children."[4]

Congress has played a pivotal role in safeguarding and promoting the authority of parents to guide and direct the education and upbringing of their children. Two laws in particular—the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA)—were intended to increase parental involvement in their child's educational journey. Under FERPA, parents would have full access to their child's education record, allowing them to prevent unauthorized changes without their approval. And under the PPRA, parents would have transparency into what their child is taught and could shield their child from invasive evaluations and questions about a child's sexuality, family life, or religious beliefs.

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[1] *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997) (listed among examples of "fundamental rights and liberty interests" protected by the Due Process Clause of the Fourteenth Amendment).
[2] *Meyer v. Nebraska*, 262 U.S. 390, 399-401 (1923) (explaining that the Fourteenth Amendment protects the liberty "to marry, establish a home and bring up children").
[3] *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534-35 (1925) (striking down a compulsory education law that "unreasonably interfere[d] with the liberty of parents and guardians to direct the upbringing and education of children under their control").
[4] *Wisconsin v. Yoder*, 406 U.S. 205, 233 (1972) (parental rights "must be read to include the inculcation of moral standards, religious beliefs, and elements of good citizenship").

Yet what should have been powerful tools for American families have been dulled by court rulings that undermined the impact of FERPA and PPRA and by school officials who conspired to bypass the parental direction and involvement at the heart of these laws.

Nowhere is this more evident than in the growing threat from "secret-transition" policies. These are district policies that withhold or conceal critical information from parents about their child's identity, including that their child is being called by a different name or incorrect pronouns at school.

These policies resulted in situations like that of the Vitsaxaki family in New York whose middle-school daughter was treated as a boy by her school without her parents' knowledge or consent.[5] Or the Mead family in Michigan, where school officials actively concealed from the parents that they were socially transitioning the family's middle-school daughter and even altered the child's educational records before sending them home to the parents.[6]

Over 1,000 school districts—encompassing over 6,000 public schools and hundreds of thousands of children—have secret-transition policies like these that direct school officials to hide information about children from parents.[7] Absent evidence of abuse or neglect, which must immediately be reported to the appropriate authorities, school districts should promote complete transparency to parents about a child's well-being. But secret-transition policies plainly violate the letter and congressional intent of FERPA and PPRA and deprive parents of the information and involvement to which they are rightly entitled. These same policies are used to threaten and punish caring teachers who believe parents should always be informed about what is happening to their children. Instead, teachers and staff are commanded to conceal information and deceive parents.

Worst of all, these violations of parental rights—including those rights protected by FERPA and PPRA—harm kids. When children are deprived of the careful oversight that only parents can

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[5] *Vitsaxaki v. Skaneateles Central School Distric*t, ADF MEDIA, https://adflegal.org/case/vitsaxaki-v-skaneateles-central-school-district/.

[6] *Mead v. Rockford Public School District*, ADF MEDIA, https://adflegal.org/case/mead-v-rockford-public-school-district/.

[7] *Lee v. Poudre Sch. Dist. R-1*, No. 25-89, 2025 WL 2906469, at *1 (U.S. Oct. 14, 2025) (Alito, J., concurring) ("[N]early 6,000 public schools have policies—as respondent allegedly does—that purposefully interfere with parents' access to critical information about their children's gender-identity choices and school personnel's involvement in and influence on those choices."); *Parents Protecting Our Child., UA v. Eau Claire Area Sch. Dist., Wisconsin*, 145 S. Ct. 14, 220 L. Ed. 2d 265 (2024) (Alito, J., dissenting) ("We are told that more than 1,000 districts have adopted such policies.").

provide, they can be easily manipulated and pushed down paths that are detrimental to the child's physical, mental, and educational development. When parents are denied access to their child's full educational record, they may not know that their child is struggling socially or academically and therefore cannot obtain professional help for their child. When parents cannot readily review the curriculum, a child can be indoctrinated in radical ideology that undermines the family's values and beliefs. And when parents don't know about a child's mental health struggles—including the child questioning his or her identity—the child can be easily steered toward dangerous, often irreversible gender transition drugs and surgeries.

The original goals of FERPA and PPRA—to safeguard parental rights and facilitate greater parental involvement—are as important today as they were when these laws were enacted five decades ago. It is time for Congress to revisit them both, strengthen them to better safeguard parental rights, and explore additional measures to further stand with caring families seeking to care for and train up their children consistent with their beliefs and values free from unreasonable government interference.

The Family Educational Rights and Privacy Act Protects Parental Access to and Control Over a Child's Full Education Record

Enacted in 1974, FERPA gives parents the right to inspect, review, and request corrections to their child's education records. Under the law, an educational institution is prohibited from having "a policy of denying, or which effectively prevents, the parents of students … the right to inspect and review the education records of their children."[8] It gives parents "an opportunity for a hearing" by the educational institution "to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records."[9]

[8] 20 U.S.C. § 1232g(a)(1)(A); 34 C.F.R. 99.10 (requiring a school to "comply with a [parent's] request for access to records within a reasonable period of time, but not more than 45 days after it has received the request").
[9] 20 U.S.C. § 1232g(a)(2).

The scope of "education records" covered by FERPA was intended to be broad. According to the statute, a child's education records encompass "those records, files, documents, and other materials which—(i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution."[10] Notably, the original version of FERPA contained a narrower, specific list of what was included in a child's education record: "identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns."[11]

As Senator Thomas McIntyre (D-NH) explained when the definition of "education record" was amended in December 1974 to the current, broader definition: "I would understand that intent to be that, except as provided in the definition, parents and students should have access to everything in institutional records maintained for each student in the normal course of business and used by the institution in making decisions that affect the life of the student."[12]

FERPA's regulations shed further light on the breadth of what is considered a "record," specifying that it includes "any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche."[13]

In other words, FERPA provides parents the right to review their child's complete education records—grades, psychological tests, health data, counselor observations, behavioral patterns, and much, much more.[14] Schools are not permitted to keep "shadow files" on students. They are not permitted to conceal behavioral or mental health concerns from parents seeking access to this vital information about their children. Parents are entitled to a full and clear picture of how their child is faring at school—academically, behaviorally, and emotionally. Only with a full and complete picture

[10] 20 U.S.C. § 1232g(a)(4)(A).
[11] PL 93–380, § 513, 88 Stat 484 (1974).
[12] 120 Cong. Rec. 39,858-59 (emphasis added).
[13] 34 C.F.R. § 99.3.
[14] *Belanger v. Nashua, New Hampshire, Sch. Dist.*, 856 F. Supp. 40, 48 (D.N.H. 1994) ("The plain meaning of the statutory language reveals that Congress intended for the definition to be broad in its scope.").

of their child's well-being can parents determine the best course for their child's education and development as they prepare the child for adulthood.

During the review of their child's education record, if the parents discover that some information is inaccurate, they have the right to request a correction. Thus, if a school refers to a student by a name or identity that does not align with the child's legal name or biological sex, the parents can demand that the school correct the record and remove the inaccurate information from the child's file.

In case parents are unaware of their rights under FERPA, its regulations require schools to provide parents with annual notice of their rights, including the "right to … inspect and review the student's education record" and "seek amendment to the student's education records that the parent … believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights."[15]

FERPA's goal—to ensure parents have full access and influence over their child's education record—was made clear in a bipartisan statement introduced in the Congressional Record by its sponsors—Senators James Buckley (R-NH) and Claiborne Pell (D-RI). The purpose of the law, they explained, is "to assure parents of students … access to their education records."[16]

> An individual should be able to know, review, and challenge all information—with certain limited exceptions—that an institution keeps on him, particularly when the institution may make important decisions affecting his future, or may transmit such personal information to parties outside the institution. This is especially true when the individual is a minor. Parents need access to such information in order to protect the interest of their child.[17]

Of particular importance to Senators Buckley and Pell was the ability for parents to challenge and correct false information about their child. FERPA "intends that parents have a full and fair opportunity to present evidence to show that their children's records contain inaccurate, misleading or otherwise inappropriate information."[18] This is especially critical when the inaccurate information inserted into a child's education record "may contribute, or have contributed to an important decision

[15] 34 C.F.R. § 99.7.
[16] 120 Cong. Rec. 39,862.
[17] *Id.* (emphasis added).
[18] *Id.*

made about them by the institution."[19] And it would undoubtedly include inaccurate information about a child's name or identity that is used to justify a school's actions to socially transition a vulnerable child without the parents' knowledge.

As a federal court recently explained when ruling against a California school district's policy that hid information about the social transition of children from parents, "FERPA speaks to the Congressional elevation of the importance of parents being involved in their child's education."[20]

The Protection of Pupil Rights Amendment Gives Parents the Right to Review All Curriculum and Shield Their Children from Invasive Questioning and Examinations

Contemporaneous with FERPA, Congress also passed PPRA. Originally, PPRA gave parents the right to inspect "all instructional materials" used by a school, including "teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation" of a student.[21] A few years later, PPRA was expanded to regulate invasive questioning and evaluations of a student's sexual behaviors, religious beliefs, and mental or psychological problems. Specifically, if a student is given a survey, questionnaire, or evaluation that asks about:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians; and ministers;
- Religious practices, affiliations, or beliefs of the student or the student's parent; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

[19] *Id.*
[20] *Mirabelli v. Olson*, 691 F. Supp. 3d 1197, 1211–12 (S.D. Cal. 2023).
[21] 20 U.S.C. § 1232h(a).

the school must both notify parents and obtain their "prior written consent" if the survey is mandatory and is paid for in whole or part by federal funds.[22] And even if the evaluation asking about these highly sensitive topics is optional or is paid for by local or private funds, parents must be given prior notice and the opportunity to opt their child out of participating.[23]

PPRA's regulations explain the types of evaluations that trigger the law's parental consent requirements, specifically including any "psychiatric examination, testing, or treatment" or any "psychological examination, testing, or treatment" that reveals information about the listed sensitive topics.[24] And even the terms "psychiatric or psychological examination or test" are broadly defined to encompass any "method of obtaining information, including a group activity, … that is designed to elicit information [from a student] about attitudes, habits, traits, opinions, beliefs, or feelings" on the listed topics.[25]

Schools have a duty under PPRA to "develop and adopt policies" that, among other things, protect parents' right to "inspect … any instructional material used as part of the educational curriculum for the student" and ensure access is given to parents "within a reasonable period of time after the request [to inspect the curriculum] is received."[26]

Once again, the legislative history illuminates the grave concerns Congress sought to address in passing PPRA's requirement for parental consent before students are questioned or evaluated about sensitive matters. These concerns are even more relevant today as we see some school officials seeking to drive a wedge between children and their parents. Senator Orrin Hatch (R-UT) described the goal of PPRA: "Simply stated, our amendment requires that before any elementary or secondary age child is subjected to psychiatric, behavior probing or other nonscholastic and nonaptitude testing; that there must first be obtained the written consent of the respective child's parent or guardian."[27] Using language that presciently describes modern efforts to wrongly smear parents who do not believe a

[22] 20 U.S.C. § 1232h(b).
[23] 20 U.S.C. § 1232h(c)(2)(A); U.S. Dept. of Educ., Student Privacy Policy Office, *Protection of Pupil Rights Amendment (PPRA)* (Oct. 22, 2020) https://studentprivacy.ed.gov/sites/default/files/resource_document/file/20-0379.PPRA_508.pdf.
[24] 34 C.F.R. § 98.4(a).
[25] 34 C.F.R. § 98.4(c)(1).
[26] 20 U.S.C. § 1232h(c)(1).
[27] 124 Cong. Rec. 27,423.

child should adopt an identity that conflicts with his or her sex, Senator Hatch explained the threats he saw to parental rights:

> Our amendment simply holds that before young children who, in many cases, have not learned to cross a street properly become subjected to sensitivity training … that we should first have the written OK of their parents or guardian.
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> This whole problem came about when schools started becoming more concerned with children's attitudes, beliefs, and emotions rather than providing them with basic education. And what we have today is a situation where dramatically fewer young children can read, write, or count; but who have become worldly wise to stories about sex, and drugs, and violence.
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> This does not speak well for the longterm emotional stability of the child; and such implicit value changes which attend teaching very young children about drugs or sex, or which challenge their faith in their parents constitute the most vile threat to the American family unit. The techniques used to change young children's attitudes and values are an invasion of privacy in the first degree, especially in some of the innovative testing questions soliciting young children to pinpoint their father's or mother's faults, or in another ESEA-sponsored program which actually had the students of an elementary school class collectively put their parents on trial—following which the mother and father were always found guilty."[28]

Exposing vulnerable young minds to sexual content. Challenging a child's faith in their parents. Putting parents on trial where they are always found guilty. These warnings from Senator Hatch echo the same concerns parents are raising today as radical sexual and gender ideology is shoved on innocent children. Kids are encouraged to hide information from their parents, who are painted as "non-affirming" if they don't believe a child experiencing confusion over his or her identity should receive puberty blockers, cross-sex hormones, or irreversible, often sterilizing surgeries.

In Senator Hatch's words, "what I am concerned with … [is] the psychiatric games that are being played with many of our children."[29]

These psychiatric games tragically still occur as school officials push children away from their parents—the very ones whose involvement is "essential to the healthy maturation of

[28] *Id.*
[29] *Id.*

schoolchildren"[30]—and toward dangerous, experimental social and medical gender transition. These games harm both "the child who needs parental guidance" and the parents who are deprived of "the long recognized Fourteenth Amendment right to care, guide, and make health care decisions for their children."[31]

GROWING THREATS TO PARENTAL RIGHTS

Despite federal laws like FERPA and PPRA designed to promote parental rights and involvement in their child's education, we are witnessing an increasing number of instances when school districts are blatantly ignoring congressional directives. The districts disregard federal mandates for curriculum transparency, hide critical information about a child from his or her parents, and position district employees as the deciders of what is best for a child.

For example, there have been several recent documented instances of parents being denied the right to review curriculum materials—a right guaranteed under PPRA—unless they pay exorbitant fees or navigate bureaucratic red tape. A mother in Rhode Island was told that she must pay nearly $117,000 to review a social studies teacher's curriculum.[32] A Maryland parent, who specifically asserted PPRA when requesting to review the school's Family Life Human Sexuality curriculum, was told she would have to submit the request through the state's open records laws—a burdensome process that would allow the school to charge the parent to review the curriculum.[33] And when the Wisconsin Institute for Law and Liberty sought to review high school English and social studies curriculum at several of the largest school districts in the state, it was quoted costs ranging from several hundred dollars to over $5,200 dollars to access the curriculum—costs that would be unbearable for many families.[34]

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[30] *Mirabelli*, 691 F. Supp. 3d at 1222.
[31] *Id.*
[32] Kamron Kompani, *$117K Paywall: School Hides Curriculum After Teacher's Anti-Kirk Comments*, GOLDWATER INSTITUTE (Oct. 29, 2025), https://www.goldwaterinstitute.org/117k-paywall-school-hides-curriculum-after-teachers-anti-kirk-comments/.
[33] Andrew Mark Miller, *Blue school district hit with federal complaint alleging it 'sidestepped' law depriving parent of transparency*, FOX NEWS (Nov. 18, 2025), https://www.foxnews.com/politics/blue-school-district-hit-with-federal-complaint-alleging-it-sidestepped-law-depriving-parent-of-transparency.
[34] Will Flanders and Jessica Holmberg, *Opening the Schoolhouse Door: Promoting Curriculum Transparency*, WISCONSIN INSTITUTE FOR LAW AND LIBERTY (2021), https://www.wisconsinrightnow.com/wp-content/uploads/2021/05/OpeningTheSchoolhouseDoor_FINAL-1.pdf.

But one of the most severe threats nationwide to parental rights takes the form of secret-transition policies that push gender ideology on vulnerable children while simultaneously concealing the school-facilitated social transition from the parents.

Consider the unlawful policy adopted by the Milwaukee, Wisconsin Public School District, which violates both FERPA and PPRA.[35] The policy entitles every student, no matter how young, "to be addressed by an affirmed name and pronoun(s) of their choice that correspond to their gender identity."[36] Not only are parents not notified of this change to how their child is addressed, but the policy also warns school employees "not to reveal, imply, or refer to a student's actual or perceived gender identity or gender expression when contacting parents/guardians when formal changes to official records have not been made."[37] The policy further directs staff to inquire whether "parents/guardian(s) are aware and supportive" of the child's new identity.[38] And finally, in the relevant forms documenting the change to the child's name/pronouns, it dictates that the information "should not be part of a student's official record but should be kept in a confidential file."[39]

Hiding information from parents and keeping information about a child in a separate "confidential file" is a straightforward violation of FERPA's requirement that parents be able to access all of their child's education records—not just those parts that a school district wants to reveal. Likewise, it violates PPRA to subject a student to questions or evaluations that reveal "mental or psychological problems of the student," such as a potential diagnosis of gender dysphoria, or that include "critical appraisals" of "close family," such as questioning whether parents support or affirm a child's new identity without prior written consent from the parents.

Sadly, the Milwaukee Public Schools policy is not an isolated incident. As discussed above, over 1,000 school districts have similar policies that have led to parents being lied to, kids being harmed, and teachers facing discipline.

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[35] On April 2, 2025, Alliance Defending Freedom partnered with the Wisconsin Institute for Law & Liberty and Defending Education to file a formal complaint with Secretary of Education Linda McMahon and Attorney General Pam Bondi regarding the Milwaukee Public Schools policy. *Available at* https://adfmedia.org/wp-content/uploads/2025/04/ocr-complaintmilwaukeepublicschools-1.pdf.
[36] Milwaukee Public Schools, *Gender Inclusion Guidance* 4 (2023), https://mps.milwaukee.k12.wi.us/MPS-Public/CSA/GII/Resources/MPS-GenderInclusion.pdf.
[37] *Id.*
[38] *Id.* at 14.
[39] *Id.* at 2.

The Foote/Silvestri Family (Massachusetts)[40]: When Stephen Foote and Marissa Silvestri learned that their 11-year-old daughter was experiencing depression and questioning her gender identity, they hired a private counselor to help her. They informed the school district they were getting their daughter the mental health help she needed and instructed school officials to not have any private conversations with their daughter about these matters. But school officials disregarded the parents' explicit instructions and decided to "socially transition" their 11-year-old daughter. Officials regularly met with her to assist with and encourage her "transition" to "genderqueer," with a male name and nonbinary pronouns like fae/faerae/aer, ve/ver, xe/xem, or ze/sir. They even provided her with pro-LGBT instructional resources, exchanged private online messages inviting her to reject her parents' care plan, and encouraged her to use the bathrooms where middle school boys undressed. School officials actively concealed their activities from the girl's parents by using her real name and pronouns when communicating with her parents but using her male name and nonbinary pronouns at school.

The school counselor instructed middle-school staff that they should not tell the parents about their daughter's use of a male name without her permission, but one of the teachers eventually did. The school district promptly fired her. After learning what the school district was doing to their daughter, Foote and Silvestri begged district officials for help, but officials refused and even accused the parents of using parental rights as "thinly veiled … camouflage" for "intolerance, prejudice and bigotry against LGBTQ individuals." They wrongly insisted that their policy was necessary because children struggling with identity issues were only safe at school, not with their own parents.

The Mead Family (Michigan)[41]: Dan and Jennifer Mead's daughter attended East Rockford Middle School in Michigan. While there, Dan and Jennifer's daughter began meeting regularly with a school counselor, who updated Jennifer about her daughter's academic progress and general well-being at school. Eventually, the Meads came to communicate even more frequently with the school after she was diagnosed with autism. They trusted school staff to keep them informed about how their daughter was doing and how the school was treating her. But no one told the Meads—let alone asked for their consent—when District officials, including the same counselor, began to treat their daughter as a boy, referring to her with male pronouns and a masculine name. The District took these actions

[40] *Foote v. Ludlow School Committee*, ADF MEDIA, https://adfmedia.org/case/foote-v-ludlow-school-committee/.
[41] *Mead v. Rockford Public School District*, ADF MEDIA, https://adfmedia.org/case/mead-v-rockford-public-school-district/.

pursuant to its own policy. And that policy even required District employees to intentionally alter some official records to remove references to the masculine name and male pronouns used by the District before sending those records to the Meads. The Meads only learned about this when they received a document that had accidentally not been fully altered.

The Vitsaxaki Family (New York)[42]: Jennifer Vitsaxaki always trusted the counselors, teachers, and employees at Skaneateles Central School District to share any information about her daughter, especially if they noticed concerns in her behavior. When Jennifer noticed signs of depression and anxiety in her daughter, in addition to significant resistance to going to school, she asked school staff if they had noticed anything at school to explain her daughter's behavior. The school reassured her that nothing was happening. That reassurance, however, concealed the truth. For several months, school staff had been treating Jennifer's daughter, 12-years-old at the time, as if she were a boy, secretly socially transitioning her. They used a masculine name and the third-person plural pronouns "they" and "them" when addressing Jennifer's daughter. Acting in accordance with school policy, every teacher, counselor, and school official kept this information hidden from Jennifer, including each time Jennifer came to the school with concerns about her daughter's behavior and well-being. Eventually, one staff member could no longer conceal the information and urged the school principal to disclose the secret social transition to Jennifer. When he did, Jennifer immediately told the school to stop. She wanted time to learn more about her daughter's struggles and to get her daughter individualized help to address everything she was dealing with. But school-district policy required employees to continue treating her daughter as a boy, despite Jennifer's instructions. Because of the school district's deception, Jennifer had to withdraw her daughter from the school.

The Wailes and Rollers Families (Colorado)[43]: When Joe and Serena Wailes allowed their 11-year-old daughter to attend a district-sponsored trip to Philadelphia and Washington, D.C., they were told their daughter would be rooming with three other fifth-grade girls. It wasn't until their daughter was in her room getting ready for bed on the first night of the trip that she discovered she was to share a bed with a boy who identified as a girl. Afterward, the Wailes sent two letters to Jefferson County Public Schools ("JCPS") requesting reasonable accommodations—asking the school

[42] *Vitsaxaki v. Skaneateles Central School District*, ADF MEDIA, https://adfmedia.org/case/vitsaxaki-v-skaneateles-central-school-district/.
[43] *Wailes v. Jefferson County Public Schools*, ADF MEDIA, https://adfmedia.org/case/wailes-v-jefferson-county-public-schools/.

district to allow parents to opt their children out of any policy, prior to an overnight trip, that rooms children by gender identity rather than sex—but the district repeatedly denied their request.

Bret and Susanne Roller sent their 11-year-old son on an annual JCPS sixth grade camping trip, called Outdoor Lab, and were told their son would be in a cabin with six to 30 other boys, including a male high school counselor. It wasn't until their son was in the mountains—away from home for the first time and without any way to contact his parents—that he realized the school district had lied. His 18-year-old counselor was not male but was instead a "non-binary" female. The Rollers' son soon found out that this counselor was not just sleeping and changing in the same cabin but was also tasked by JCPS to supervise the boys' showers, including his own.

A JCPS policy directs that students should be "assigned to share overnight accommodations with other students that share the student's gender identity" rather than rooming by sex. JCPS tells parents that "girls will be roomed together on one floor, and boys will be roomed together on a different floor," but what district officials fail to disclose is that they have redefined the words "girl" and "boy" to mean a student's self-asserted "gender identity" rather than sex. The district refuses to give parents truthful, pertinent information about their children's overnight accommodations, thus hampering parents' ability to make informed decisions about their children's education and privacy.

The Fournier Family (Wisconsin)[44]: A 12-year-old student in the Kettle Moraine School District was experiencing increased anxiety and depression, and her school's counseling program pushed her to say she wanted to be a boy. Her parents wanted to give her time to work through her mental health challenges, but school officials said that no matter the parents' wishes, they would—under the district's secret-transition policy—refer to the couple's daughter by a male name and pronoun. The policy blatantly ignored parents' decisions regarding their child's mental health.

The Littlejohn Family (Florida)[45]: The Leon County School District met secretly with a 13-year-old girl, behind her parents' back, to develop a "gender support plan" that permitted the girl to use pronouns inconsistent with her sex. The plan also indicated that school staff should begin using a different name and "they/them" pronouns when referring to the child at school, but would use the

[44] *T.F. and B.F. v. Kettle Moraine School District*, ADF MEDIA, https://adfmedia.org/case/tf-and-bf-v-kettle-moraine-school-district/.
[45] *Littlejohn v. School Board of Leon County*, ADF MEDIA, https://adfmedia.org/case/littlejohn-v-school-board-leon-county/.

child's given name and "she/her" when talking to her parents, intentionally keeping the parents in the dark about what was going on with their daughter at school.

Pam Ricard (Kansas)[46]: Pam Ricard served as a math teacher at Fort Riley Middle School in Fort Riley, Kansas. Pam has spent decades in education, and she has always treated her students with the utmost dignity and respect. In April 2021, Fort Riley Middle School suspended Pam for three days after she declined to refer to a student by a name that was inconsistent with the student's sex. At the time, neither the school nor the USD 475 Geary County School District had a formal policy about "preferred" names and pronouns. One week after Pam returned from her suspension, the middle school principal sent new training documents to the staff mandating that teachers use students' preferred names and pronouns when referring to them. A few months later, the district informed teachers about a new policy that had been approved by the school board. In addition to forcing teachers to use preferred names and pronouns, this new policy prohibited teachers from informing parents about their children's decisions to go by new names and pronouns unless the student consented.

In cases like these and many others, school districts circumvent FERPA's disclosure requirement by intentionally keeping information about gender identity, including a student's preferred name or pronouns, outside of the student's "official" education record. Some schools will label the information as "confidential" that can only be accessed by specific school personnel. If the information about a child's gender identity is not in the child's "official" education record or is labeled "confidential," the schools theorize, then parents have no legal right to inspect and review that information. Dave Edwards, a self-described "queer person and career educator,"[47] summarized how California's federally funded schools get around FERPA: "To prevent accidental disclosure of a student's transgender status, it is strongly recommended that schools keep records that reflect a transgender student's birth name and assigned sex (e.g., copy of the birth certificate) apart from the student's school records."[48]

[46] *Ricard v. USD 475 Geary County Schools School Board Members*, ADF MEDIA, https://adfmedia.org/case/ricard-v-usd-475-geary-county-schools-school-board-members/.
[47] *Dave Edwards*, GENDER INCLUSIVE SCHOOLS, https://www.genderinclusiveschools.org/about.
[48] *Student Records and Privacy*, GENDER INCLUSIVE SCHOOLS, https://www.genderinclusiveschools.org/student-records-privacy (emphasis added).

When the parents in the above stories finally learned of the secret-transition policy and demanded that the district immediately cease the unlawful usurpation of their rights and restore the child's education record to accurately reflect the child's legal name and sex, school officials refused. Their defiance disregards their duty under FERPA to provide complete transparency to parents or to correct inaccurate information in a child's record.

And in violation of PPRA, some of the children in these stories were subjected to invasive questions about their mental health struggles, feelings of gender incongruence, their families' beliefs, and whether their parents support an identity that doesn't align with the child's sex. These unlawful evaluations—done without the written consent of the parents—are what led to many of these kids being driven toward social transition, a harmful experience from which many of the children have yet to fully recover.

Some school districts even brazenly claim that FERPA requires school officials to adopt these unlawful policies and withhold information from a parent about their own child. Districts wrongly assert that FERPA gives students an independent "privacy" right from their parents. The idea was reflected in the final Title IX rule issued by the Department of Education last year that encouraged schools to "address a sex-based hostile environment" experienced by a student—which could include "a parent who, for example, will not acknowledge their child's gender identity."[49] The rule favorably pointed to two sources: guidance from the California Department of Education and a policy from the Washoe County, Nevada school district, as models that schools should follow:

- The California Dept. of Educ. Guidance provided that "[w]ith rare exceptions, schools are required to respect the limitations that a student places on the disclosure of their transgender status, including not sharing that information with the student's parents."[50]

[49] Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33474, 33531 (Apr. 29, 2024) (to be codified at 34 C.F.R. pt. 106). This rule was vacated by a federal court on January 9, 2025. *Tennessee v. Cardona*, 762 F. Supp. 3d 615, 627 (E.D. Ky. 2025). Shortly thereafter, the U.S. Department of Education announced that it would not enforce the rule. Craig Trainor, Acting Asst. Sec. for Civil Rights, *Dear Colleague Letter*, U.S. DEPT. OF EDUC., OFFICE FOR CIVIL RIGHTS (Feb. 4, 2025), https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf.
[50] Calif. Dept. of Educ., *Frequently Asked Questions about the School Success and Opportunity Act (Assembly Bill 1266)*, quoted in *Mirabelli*, 691 F. Supp. 3d at 1207.

- The Washoe County policy went further, directing its staff to "not disclose information that may reveal a student's transgender or gender non-conforming status to others, including parents/guardians … unless there is a specific 'need to know.'"[51]

Yet federal courts have repeatedly rejected the argument that schools can assert "student privacy" to justify withholding information from parents under FERPA or any other federal law. As the Fifth Circuit explained: "There is no clearly established law holding that a student in a public secondary school has a privacy right…that precludes school officials from discussing with a parent the student's private matters."[52] FERPA does not grant minors such rights against their parents. On the contrary, "[t]he privacy right of a child, according to FERPA, takes second place to his or her parents' right to know."[53]

Indeed, what a child wants or doesn't want—including a desire to hide a social transition from a parent—cannot alone serve as justification to thwart parental prerogatives over what is best for the child.

> Simply because the decision of a parent is not agreeable to a child or because it involves risks does not automatically transfer the power to make that decision from the parents to some agency or officer of the state. The same characterization can be made for a tonsillectomy, appendectomy, or other medical procedure. Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment. Parents can and must make those judgments.[54]

In *Willey v. Sweetwater County School District*,[55] parents challenged school district policies directing school staff to use a child's preferred name or pronouns and not to disclose this information to parents without the child's permission. As the court found, "the refusal to disclose such information likely runs afoul of the District's obligations under [FERPA]."[56]

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[51] *Administrative Regulation 5161, Gender Identity and Gender Non-Conformity – Students*, WASHOE COUNTY SCHOOL DISTRICT (Apr. 3, 2019), https://wcsdpolicy.net/pdf_files/administrative_regulations/5161_Reg-Gender_Identify-v2.pdf.
[52] *Wyatt v. Fletcher,* 718 F.3d 496, 499 (5th Cir. 2013).
[53] *Mirabelli*, 691 F. Supp. 3d at 1211–12 (emphasis added).
[54] *Parham v. J.R.*, 442 U.S. 584, 603-604 (1979).
[55] *Willey v. Sweetwater Cnty. Sch. Dist. No. 1 Bd. of Trs.*, 680 F. Supp. 3d 1250 (D. Wyo. 2023).
[56] *Id.* at 1278, n.12.

But more broadly, deceptive school district policies and practices violate the fundamental right of parents to direct the upbringing and education of their child. *See Ricard v. USD 345 Geary Cnty. Sch. Bd.*, 2022 WL 1471372, at *8 (D. Kan. May 9, 2022) (acknowledging parents' constitutional right to control their children's upbringing and stating that "[i]t is difficult to envision why a school would even claim … a generalized interest in withholding or concealing from the parents of minor children, information fundamental to a child's identity, personhood, and mental and emotional well-being such as their preferred name and pronouns"); *T.F. v. Kettle Moraine Sch. Dist.*, 2023 WL 6544917, at *10 (Wis. Cir. Ct. Oct. 3, 2023) (school policies that require educators to use a different name and pronouns for a student "without either notifying the parents or by disregarding the parents wishes is not permissible and violates fundamental parental rights"); *Mirabelli*, 691 F. Supp. 3d at 1212 (schools violate parents' fundamental rights by "elevating a child's gender-related choices to that of paramount importance, while excluding a parent from knowing of, or participating in, that kind of choice, is as foreign to federal constitutional and statutory law as it is medically unwise").

WAYS CONGRESS CAN BETTER SAFEGUARD PARENTAL RIGHTS

Far too many of our nation's public educational institutions are ignoring the fundamental right of moms and dads to direct their child's education and upbringing. The very schools that parents entrusted to educate their children consistent with the families' values have betrayed that trust—and violated federal law in the process. At the root of that betrayal lies the school's disagreement with parents' decisions about how to raise their child. School officials take the concept of *in loco parentis* to radical extremes by designating themselves as arbiter of what is best for a child's mental, emotional, and physical development—even over the strong objections of parents.

But Congress can offer a much-needed course correction. Indeed, the House Education and Workforce Committee has repeatedly put forth legislation intended to fortify parental rights.[57] It must safeguard the primary role of parents by exercising its constitutionally designated authority to provide oversight of the implementation of federal law and passing new legislation to strengthen protections for parental rights.

[57] *See, e.g.*, Parental Rights Over The Education and Care of Their Kids Act, H.R. 2616, 119th Cong. (2025); Empower Parents to Protect their Kids Act, H.R. 5116, 119th Cong. (2025); Parental Oversight and Educational Transparency Act, H.R. 1416, 119th Cong. (2025).

1. Conduct a Congressional Investigation and Issue a Formal Report on the Prevalence of Unresolved FERPA and PPRA Violations.

FERPA and PPRA have been on the books for five decades. Federal law requires school districts to annually notify parents of their rights under both laws.[58] And the Department of Education, which Congress charged to "take appropriate actions to enforce this section and to deal with violations of this section,"[59] provides numerous resources to educate school officials and equip them to fulfill their duties under these laws.[60]

Yet school districts continue to violate both the spirit and letter of these laws by exploiting loopholes and outright ignoring their statutory duties to parents. This invites the question: why do schools continue to contravene FERPA and PPRA with impunity?

Congress should conduct an in-depth investigation seeking clear answers to this question. The investigation should involve key officials from the Department of Education tasked with enforcing FERPA and PPRA, parental rights groups that represent the interests of families, and other organizations that help expose violations of FERPA and PPRA by school districts. It should examine the volume of complaints alleging violations of FERPA, PPRA, and parental rights in education that the Department of Education receives. And it should offer concrete solutions to bring an end to the blatant violations of federal law like those described herein.

2. Enact Legislation to Strengthen Parental Rights Under FERPA.

FERPA was a groundbreaking law when enacted, one that has provided important protection to parents in the 50 years since its passage. But the law needs updating to close loopholes and address how school officials continue to devise ways to thwart parental control over their child's education.

First, Congress should strengthen the definition of "education records" under FERPA to ensure that it fully encompasses everything that a school, or any employee or agent of a school, maintains about a child. Counseling records, medical records, evaluations of a student's emotional, mental, or behavioral well-being, and any other document that records information about a student

[58] 34 C.F.R. § 99.7; 20 U.S.C. § 1232h(c)(2)(A).
[59] 20 U.S.C. § 1232g(f); *accord* 20 U.S.C. § 1232h(e) ("The Secretary shall take such action as the Secretary determines appropriate to enforce this section.").
[60] U.S. Dept. of Educ., *Protecting Student Privacy*, https://studentprivacy.ed.gov/ (last visited Nov. 17, 2025).

should be readily available to parents. And schools must be forbidden from maintaining "shadow records" or "confidential" files that are inaccessible to parents.

Second, Congress should impose an affirmative duty on schools to immediately notify parents of any changes to a child's "education records" that relate to a child's mental, behavioral, or emotional well-being. As described above, far too many parents have been completely left in the dark about their child's struggles with anxiety, depression, and identity. That's because nothing in federal law explicitly requires schools to notify parents of these important issues. As a result, many school officials have decided that parents need not be informed about what their child is facing and what actions the school is taking in response.

Yet who better than the parents to help their child navigate these challenges and ensure the child receives appropriate care and support. If their child experiences mental health challenges, parents can find a qualified professional with the specific skills needed to treat their child. If the child faces academic challenges, parents can explore whether their child is spending sufficient time studying or whether the child may have too many extracurricular activities that are negatively impacting academic performance. And if their child experiences negative interactions with peers, parents can shield their child and help direct them to a healthier peer group.

But parents can only guide and direct their child if they have all the information necessary to do so. Amending FERPA to require schools to notify parents about significant changes to their child's well-being is an important step in better empowering parents to help their children thrive.

Third, Congress should prohibit schools from maintaining education records that do not accurately reflect a child's sex and legal name. Education records should include factually accurate information. But records that replace a child's sex as female or male with a self-perceived identity that does not reflect biological truth harm the child and often become a tool to keep parents in the dark.

Finally, Congress should consider whether the existing enforcement mechanisms under FERPA are sufficiently protecting parental rights, or whether other enforcement mechanisms should be created or resources allocated to guarantee that Congress's intent when it passed FERPA is being fulfilled.

3. Enact Legislation to Strengthen Parental Rights Under PPRA.

PPRA would likewise benefit from amendments to secure parental oversight of their child's educational experience.

First, Congress should expand the scope of "instructional materials" that parents have a right to inspect. Too many schools refuse to provide full and complete transparency of what they are teaching to children. And parents who seek such transparency often face insurmountable roadblocks—from schools adopting a narrow interpretation of what they must disclose to demanding that parents pay money to exercise their right to inspection.

A clarifying amendment should define "instructional materials" to include any materials distributed to or accessible to students as part of the instruction. It should also encompass any materials used by third-parties invited to provide instruction to students. And it should extend to teacher training and preparation materials so that parents know what sources a teacher is drawing upon as she or he provides classroom instruction to children.

And parents should be guaranteed access to all of these materials without cost. Lest we forget, it is parents' taxpayer dollars that not only pay for those instructional materials but also fund the salaries of the instructors. No parent should be "double-taxed" by having to pay to simply inspect the instructional materials used to educate their child.

Second, the terms "survey," "analysis," and "evaluation" should be defined to explicitly extend to any individualized evaluation of a student—including any evaluation of a specific student's academic, mental, emotional, or behavioral well-being. If a school employee wants to question a student about his or her mental health or evaluate whether a student is in need of additional academic support services, such questioning or evaluation should unequivocally be considered a "survey, analysis, or evaluation." And if the questioning or evaluation touches on any of the enumerated topics under PPRA, the employee must first obtain written parental consent.

Finally, Congress should build on the Supreme Court's recent decision in *Mahmoud v. Taylor* by allowing parents to opt out of any instruction that conflicts with a family's religious beliefs, ethics, or values or that the parents determine interferes with their right to direct the upbringing of their child.

As the Court noted, "[s]everal States across the country permit broad opt outs from discrete aspects of the public school curriculum without widespread consequences."[61]

4. Enact Comprehensive Parental Rights Legislation like the Families' Rights and Responsibilities Act.

While FERPA and PPRA provide important protections for parental rights in public education, they do not provide the comprehensive guardrails necessary to secure parental rights against infringement by the federal government. Even though the U.S. Supreme Court and other federal courts have consistently recognized that parents have the fundamental right and duty to direct the care and upbringing of their children, they have not always treated parental rights as co-equal to other fundamental rights—like free speech or the free exercise of religion. As a result, some courts treat parental rights as a "second-tier" right and do not properly safeguard these rights against government infringement.

The Families' Rights and Responsibilities Act, introduced by Representative Virginia Foxx and Senator Tim Scott[62] and currently assigned to the House and Senate Judiciary Committees, remedies this problem by restoring parental rights to a "top-tier" right under federal law. The Act protects the right of parents to direct the upbringing, education, and health care of their children by applying the strict scrutiny test. Simply disagreeing with parenting choices is not enough to warrant government intrusion. Instead, the government will need to show a least restrictive, compelling government interest before interfering in parental educational choices, moral and religious training of the child, and physical and mental health care decisions. Congress should make passing the Families' Rights and Responsibilities Act a top priority.

CONCLUSION

Many parents trust their public schools to educate their children by providing them with a core knowledge of subjects such as math, science, history, grammar, and literature. But some school districts betray that trust—choosing to indoctrinate vulnerable young minds and intentionally hide

[61] 606 U.S. 522, 568 (2025).
[62] H.R. 650, 119th Cong. (2025); S. 204, 119th Cong. (2025).

their actions from families. These were the very harms that Congress sought to prevent when it enacted FERPA and PPRA five decades ago.

As more and more families reassert their right to direct the education and upbringing of their children, Congress has the duty to stand with families by ensuring that federal law supports and empowers parents. By conducting hearings, amending FERPA and PPRA, and passing robust parental rights legislation like the Families' Rights and Responsibilities Act, Congress can help safeguard parental rights for the next five decades…and beyond.