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117TH CONGRESS
2D SESSION

H. R. 7662

To prohibit Federal education funds from being provided to elementary schools that do not require teachers to obtain written parental consent prior to teaching lessons specifically related to gender identity, sexual orientation, or transgender studies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2022

Mr. VAN DREW (for himself, Mr. HARRIS, Mr. GIMENEZ, Ms. MACE, Ms. VAN DUYNE, Ms. MALLIOTAKIS, Mr. WEBSTER of Florida, Mr. WEBER of Texas, Mr. POSEY, Mr. STEUBE, Mr. KELLY of Pennsylvania, Mr. CLYDE, Mr. DUNCAN, Mr. LONG, and Mr. BOST) introduced the following bill; which was referred to the Committee on Education and Labor

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A BILL

To prohibit Federal education funds from being provided to elementary schools that do not require teachers to obtain written parental consent prior to teaching lessons specifically related to gender identity, sexual orientation, or transgender studies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "My Child, My Choice Act of 2022".

SEC. 2. WRITTEN PARENTAL CONSENT REQUIRED FOR TEACHING OF INFORMATION RELATED TO GENDER IDENTITY, SEXUAL ORIENTATION, OR TRANSGENDER STUDIES.

(a) IN GENERAL.—No funds under an applicable program may be provided to an elementary school determined by the Secretary of Education under subsection (c) to not be in compliance with subsection (b).

(b) WRITTEN PARENTAL CONSENT.—

(1) CONSENT REQUIRED.—A teacher employed by an elementary school shall, prior to teaching a lesson specifically related to gender identity, sexual orientation, or transgender studies, request written consent from the parent of each student enrolled in the class in which the teacher plans to teach such lesson.

(2) TIMING.—

(A) IN GENERAL.—A teacher shall request the written consent required under paragraph (1) not later than 30 days prior to the date on which the teacher plans to teach such lesson.

(B) DURATION OF CONSENT.—A teacher shall request such written consent each such time the teacher plans to teach such lesson.

(3) SUBMISSION.—A parent providing written consent shall submit such written consent to the

principal of the school not later than the date described in paragraph (2)(A).

(4) CONSENT NOT OBTAINED.—

(A) IN GENERAL.—In the case of a student whose parent does not submit written consent under paragraph (3), the school shall provide such student with an alternative period of learning or study hall.

(B) 50 PERCENT REQUIRED.—If the principal does not receive written consent from the parents of at least 50 percent of the students enrolled in the class in which the teacher plans to teach such lesson, the teacher may not teach such lesson.

(c) ENSURING COMPLIANCE.—

(1) IN GENERAL.—Students enrolled in an elementary school, parents of such students, and teachers employed by an elementary school may submit, to the Secretary, a report that such school was not in compliance with subsection (b).

(2) REVIEW.—The Secretary shall review each such report and make a determination with respect to whether the elementary school identified in such report is in compliance with subsection (b).

(3) DETERMINATION OF COMPLIANCE.—If the Secretary makes a determination that the school is not in compliance with subsection (b), the Secretary shall—

(A) notify the school of such determination;

(B) provide a period of 15 days after such notification for the school to—

(i) comply with subsection (b); and

(ii) submit to the Secretary a written confirmation of compliance with subsection (b), which shall include—

(I) an identification of each requirement of subsection (b) with which the school was not in compliance; and

(II) the plans and actions the school is taking to ensure that the school continues to be in such compliance; and

(C) evaluate the written confirmation submitted under subparagraph (B)(ii) and make a final determination with respect to whether the school is in compliance with subsection (b).

(d) FEDERAL FUNDS.—If the Secretary makes a final determination under subsection (c)(3)(C) that an elementary school is not in compliance with subsection (b), no funds under an applicable program may be provided to such school for the school year immediately following the school year in which such school is determined to be out of compliance.

(e) DEFINITIONS.—In this section:

(1) APPLICABLE PROGRAM.—The term ''applicable program'' has the meaning given the term in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221(c)).

(2) BIOLOGICAL SEX.—The term ''biological sex'' means the biological indication of male or female in the context of reproductive potential or capacity, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth.

(3) ESEA TERMS.—The terms ''elementary school'' and ''parent'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) GENDER IDENTITY.—The term ''gender identity'' means an individual's perception of their

own gender or claimed gender, regardless of the biological sex of the individual.

(5) LESSON.—The term ''lesson'' means a planned and structured period of learning.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) SEXUAL ORIENTATION.—The term ''sexual orientation'' means an individual's actual or perceived romantic, physical or sexual attraction to other individuals, or lack thereof, on the basis of gender.

(8) TRANSGENDER INDIVIDUAL.—The term ''transgender individual'' means an individual whose gender identity or behavior does not conform to that typically associated with the biological sex of the individual.

(9) TRANSGENDER STUDIES.—The term ''transgender studies'' means the study of transgender individuals.

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