

118TH CONGRESS  
1ST SESSION

# H. R. 5327

To establish a private right of action for parents with respect to the teaching of racial discrimination theory and other actions by covered schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 1, 2023

Mr. GOOD of Virginia (for himself, Mrs. MILLER of Illinois, Mr. LAMALFA, and Mr. BIGGS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To establish a private right of action for parents with respect to the teaching of racial discrimination theory and other actions by covered schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Empowering Parents  
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The family unit consisting of a mother, fa-  
9 ther, and child is the foundation of civil society.

1           (2) The rights and authority of parents are  
2 God-given and self-evident.

3           (3) The rights and authority of parents do not  
4 derive from the government.

5           (4) The rights and authority of parents should  
6 not be challenged or undermined by the government,  
7 but must be preserved and protected.

8           (5) Parents are responsible for impressing  
9 faith, morals, and values upon their children; such  
10 responsibility does not belong to teachers, school  
11 board members, or politicians.

12           (6) No teacher, school board member, or public  
13 official has the right to politicize or indoctrinate  
14 children.

15           (7) More than 70 percent of citizens of the  
16 United States support the ability of parents to  
17 choose where students attend school.

18           (8) It is contrary to the 10th Amendment of  
19 the Constitution and the principles of federalism es-  
20 poused by the founding fathers for the Federal Gov-  
21 ernment to supersede State or local authorities re-  
22 garding the instruction and testing of students.

23           (9) Taxpayers have a right to know what pub-  
24 licly funded schools are teaching students.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) a covered school should not—

4 (A) deny a student the ability to attend  
5 school in person;

6 (B) intentionally expose a student to racial  
7 discrimination theory;

8 (C) intentionally expose a student to rad-  
9 ical gender theory or sexually explicit content;

10 (D) require a biological woman to compete  
11 against a biological man in an athletic competi-  
12 tion hosted or sponsored by such school;

13 (E) require a biological woman and a bio-  
14 logical man to share a private facility, includ-  
15 ing—

16 (i) a restroom;

17 (ii) a locker room;

18 (iii) a shower facility; or

19 (iv) a changing room; or

20 (F) require a student to abide by a health  
21 mandate without first obtaining parental con-  
22 sent or require, as a prerequisite for in-person  
23 school attendance—

24 (i) wearing a mask;

25 (ii) receiving a COVID–19 vaccine; or

26 (iii) subjecting to a medical screening;

1 (2) a covered school should—

2 (A) protect the personal information of  
3 every student, as required under section 444 of  
4 the General Education Provisions Act (com-  
5 monly known as the “Family Educational  
6 Rights and Privacy Act of 1974” ) (20 U.S.C.  
7 1232g); and

8 (B) be parent-led and locally managed with  
9 State oversight;

10 (3) Federal law enforcement agencies should  
11 not target a parent for exercising First Amendment  
12 rights on school property or in school board meet-  
13 ings; and

14 (4) a parent should have the ability to choose  
15 the school that the children of such parent attend.

16 **SEC. 4. PROHIBITIONS.**

17 (a) IN GENERAL.—A covered school may not—

18 (1) compel a teacher or student to adopt, af-  
19 firm, adhere to, or profess—

20 (A) any academic discipline, program, or  
21 activity that is premised on the idea that—

22 (i) the United States is a Nation  
23 founded on White supremacy and oppres-  
24 sion, or that these forces are at the root of  
25 American society;

1 (ii) one race or sex is inherently supe-  
2 rior to another race or sex;

3 (iii) the United States is fundamen-  
4 tally racist or sexist;

5 (iv) an individual, by virtue of his or  
6 her race or sex, is inherently racist, sexist,  
7 or oppressive, whether consciously or un-  
8 consciously;

9 (v) an individual should be discrimi-  
10 nated against or receive adverse treatment  
11 solely or partly because of his or her race  
12 or sex;

13 (vi) members of one race or sex can-  
14 not and should not attempt to treat others  
15 without respect to race or sex;

16 (vii) an individual's moral character is  
17 necessarily determined by his or her race  
18 or sex;

19 (viii) an individual, by virtue of his or  
20 her race or sex, bears responsibility for ac-  
21 tions committed in the past by other mem-  
22 bers of the same race or sex;

23 (ix) any individual should feel discom-  
24 fort, guilt, anguish, or any other form of

1                   psychological distress on account of his or  
2                   her race or sex; or

3                   (x) meritocracy or traits such as a  
4                   hard work ethic are racist or sexist, or  
5                   were created by a particular race to op-  
6                   press another race; or

7                   (B) an idea, where such compulsion vio-  
8                   lates title IV or title VI of the Civil Rights Act  
9                   of 1964 (42 U.S.C. 2000c et seq.);

10                  (2) compel a student to observe or espouse ob-  
11                  scene or sexual materials without the consent of a  
12                  parent of such student;

13                  (3) instruct or require an employee of such  
14                  school to refer to a student using a pronoun not as-  
15                  sociated with the biological sex of such student,  
16                  without obtaining consent to do so from a parent of  
17                  such student;

18                  (4) act as the agent of a parent of a student  
19                  enrolled in such school, for purposes of—

20                         (A) providing verifiable parental consent;

21                         or

22                         (B) receiving a notice or other information  
23                         required to be provided to a parent of such stu-  
24                         dent; or

1           (5) neglect to report sexual assault or sexual  
2 harassment on school property to the appropriate  
3 law enforcement authorities.

4           (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
5 tion may be construed to prohibit a teacher or a student  
6 from discussing public policy issues or matters of public  
7 debate.

8 **SEC. 5. PRIVATE RIGHT OF ACTION.**

9           (a) **IN GENERAL.**—A parent aggrieved by a violation  
10 of section 4 may commence a civil action against the cov-  
11 ered school responsible for the violation.

12           (b) **RELIEF.**—In any action under subsection (a), the  
13 court may award appropriate relief, including—

14               (1) temporary, preliminary, or permanent in-  
15 junctive relief;

16               (2) compensatory damages;

17               (3) punitive or exemplary damages; and

18               (4) reasonable fees for attorneys.

19           (c) **STATUTE OF LIMITATIONS.**—An action under this  
20 section shall be brought not later than 30 days after the  
21 date on which the violation of section 4 occurred.

22           (d) **ATTORNEY GENERAL.**—In a case in which a par-  
23 ent commences a civil action under subsection (a), the At-  
24 torney General shall have the exclusive authority to over-

1 see, as appropriate, any investigation conducted by the  
2 Federal Government in connection with such action.

3 **SEC. 6. DEFINITIONS.**

4 In this Act:

5 (1) **BIOLOGICAL MAN.**—The term “biological  
6 man” means an individual who is recognized as a  
7 male on the date of the birth of such individual,  
8 based on the genetic and reproductive biological  
9 characteristics of such individual.

10 (2) **BIOLOGICAL SEX.**—The term “biological  
11 sex” means the sex recognized on the date of birth  
12 of the individual based on the genetic and reproduc-  
13 tive biological characteristics of such individual.

14 (3) **BIOLOGICAL WOMAN.**—The term “biological  
15 woman” means an individual who is recognized as a  
16 female on the date of the birth of such individual,  
17 based on the genetic and reproductive biological  
18 characteristics of such individual.

19 (4) **COVERED SCHOOL.**—The term “covered  
20 school” means an elementary school or secondary  
21 school, as such terms are defined in section 8101 of  
22 the Elementary and Secondary Education Act of  
23 1965 (20 U.S.C. 7801).



1           (5) OBSCENE MATERIAL.—The term “obscene  
2 material” means material that, considered as a  
3 whole—

4           (A) appeals to—

5                 (i) the prurient interest; or

6                 (ii) a shameful or morbid interest in  
7 nudity, sexual conduct, sexual excitement,  
8 excretory functions or products thereof, or  
9 sadomasochistic abuse;

10           (B) goes substantially beyond customary  
11 limits of candor in description or representation  
12 of the matters described in clause (A)(ii); and

13           (C) does not have serious literary, artistic,  
14 political, or scientific value.

15           (6) PARENT.—The term “parent” has the  
16 meaning given such term in section 8101 of the Ele-  
17 mentary and Secondary Education Act of 1965 (20  
18 U.S.C. 7801).

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