

The New York Times

Divided House Passes G.O.P. Bill on Hot-Button Schools Issues

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March 24, 2023

A divided House on Friday approved legislation that would mandate that schools make library catalogs and curriculums public, and that they obtain parental consent before honoring a student's request to change their gender-identifying pronouns, part of a Republican effort to wring political advantage from a raging debate over contentious social issues.

The bill, approved almost entirely along party lines on a vote of 213 to 208, is a centerpiece of the Republican agenda that its sponsors call the Parents Bill of Rights Act. It has no chance of passing the Democratic-controlled Senate or being signed by President Biden, whose advisers say it endangers transgender children without actually supporting parents.

Its passage reflected the latest bid by House Republicans to focus on topics that animate the right-wing base by promoting what they cast as common-sense changes that could appeal to voters across the ideological spectrum. Republican proponents describe the bill as a measure “to ensure the rights of parents are honored and protected in the nation's public schools,” and argue that the goal is to provide students the best learning experience possible.

“Sending a child to public school does not terminate parental rights at the door,” said Representative Erin Houchin, Republican of Indiana. “It gives power back to parents.”

Democrats argue instead that the bill could create a legal basis for censorship in schools and book bans, and would create divisions based on sexual orientation and gender identity. During debate on the House floor this week, some Democrats dubbed the legislation the “Politics Over

Parents Act,” calling it extreme and a vehicle to bring political battles over social issues into classrooms while attempting to codify parental rights that already exist.

“This bill does not give parents any more rights than they already have,” said Representative Mary Gay Scanlon, Democrat of Pennsylvania. Instead, she said, it provided a “one size fits all approach across the country, assuming the size that fits is a right wing straight jacket.”

Debate over the measure grew heated as Republicans and Democrats argued over its implications, treading carefully around some of the most fraught and emotional issues that children and parents face.

A Divided Congress

The 118th Congress is underway, with Republicans controlling the House and Democrats holding the Senate.

- **On a Collision Course:** President Biden and Speaker Kevin McCarthy need each other to govern, but a messaging battle has replaced functional legislating as the two spar over the budget and federal debt limit.
- **Biden’s First Veto:** The president issued the first veto of his presidency, turning back a Republican effort to bar investment managers from incorporating climate and social considerations into their decisions.
- **House G.O.P. Retreat:** For the third year since Donald Trump left office, the former president continued to dominate the annual Republican gathering, underscoring his grip on the party.
- **Biden Antagonist:** Representative James Comer of Kentucky, the chairman of the House Oversight and Accountability Committee, has become an aggressive promoter of sinister-sounding claims about the president and his family.

For Republicans, many of whom have opposed transgender rights altogether, it was an opportunity to highlight fears that many parents have publicly expressed about how schools handle gender issues, and to respond to broader fears among their conservative supporters about progressive indoctrination while providing momentum to states that are passing similar bills.

In emotional speeches on the House floor, Democrats said that hidden under the seemingly innocuous language of the 30-page bill were politics that would imperil L.G.B.T. children. And they warned that such legislation would make it easier for right-wing groups to wage campaigns against books they wanted banned, potentially saddling school boards with lawsuits if they did not comply.

The bill would require schools to alert parents if a student wanted to change his or her pronouns, or wanted to change the bathroom or locker room that he or she used at school. If a school failed to obtain parental consent for such changes, it could lose federal funding. Representative Lauren Boebert, Republican of Colorado, won inclusion of an amendment that required schools to alert parents if a student whose biological sex is male participated in a sport designated for women and girls.

Representative Alexandria Ocasio-Cortez, Democrat of New York, said the effect would be to “require schools to out trans, nonbinary and L.G.B.T. youth, even if it would put said youth in harm’s way.” She added that “for so many children of abuse, school is their only safe place to be.”

Representative Mark Takano, Democrat of California and a former teacher, shared his own experiences of children facing severe punishment at home after teachers outed students to parents.

“When a home is not safe for L.G.B.T. kids, schools becomes their safe place,” he said, noting that the bill would push “good teachers to do bad things” and force “kids back into the closet. It is a fundamental invasion of privacy that puts children in danger.”

Republicans, in response, insisted that the bill would do no such thing.

“It does not force any teacher to reveal private conversations or any conversation about sexual orientation,” said Representative Virginia Foxx, Republican of North Carolina.

She said it would merely require a school to alert the parents if a student wanted to change his or her pronouns or wanted to use a bathroom or locker room designated for a different sex.

Many of the arguments in favor of the bill were couched as criticism of teachers’ unions, which Republicans argued were improperly pressing their own agenda at the expense of parents. Ms. Foxx said they had “worked to push progressive politics in classrooms while keeping parents in the dark.”

Republicans first seized on the issue of progressive politics ostensibly running rampant in public schools in 2021, after former Gov. Terry McAuliffe of Virginia, a Democrat, said during a campaign for his old post in a special election: “I don’t think parents should be telling schools what they should teach.”

His Republican rival, Glenn Youngkin, seized on the remark and used the issue — which resonated with some parents who were angry about the way schools responded to the pandemic — to propel himself to victory, winning the governorship later that year.

The issue has become a potent one for Republicans in other states as well. In Florida, Gov. Ron DeSantis pushed through the “Parental Rights in Education” Act, which has led to the banning of books like “And Tango Makes Three,” an award-winning children’s book about the true story of a same-sex penguin couple. This week, his administration moved to expand a controversial policy that forbids classroom instruction on sexual orientation and gender identity, by seeking to expand it to all grades.

On Capitol Hill, Republicans defended their bill as a simple piece of legislation that would help provide the best learning experiences for students, mandate two parent-teacher conferences annually and force schools to post their budgets and curriculum in public.

“They’re afraid of parents being able to come in,” Representative Chip Roy, Republican of Texas, said of the Democratic opposition. “They are afraid of the sunshine going into the classroom.”

Over three days of debate, in committees and on the House floor, as they defended themselves against Democratic attacks, Republicans said they were not proponents of banning books.

Mr. Roy said that “nobody wants to pull books about Rosa Parks.” But he singled out “Flamer,” a graphic novel about a teenager struggling with his identity as a Catholic and a Boy Scout who is coming to terms with the fact that he is gay. Mr. Roy described it as a “graphic book about young boys performing sexual acts at a summer camp” and said it was the kind of book that did not belong in public schools.

In response, Democrats noted that the American Library Association opposes the legislation, deeming it a catalyst for more book banning and censorship, and said that was one of the core goals of the legislation.

“It is about banning books,” said Representative Jim McGovern, Democrat of Massachusetts. “This bill is going to be weaponized by far right groups and used to threaten schools with legal action if they don’t pull books off the shelves. They want to ban books about Black and Brown people and they want to ban books about L.G.B.T.Q.I.+ people.”

Ms. Scanlon called the legislation a “stunning act of federal overreach that would essentially nationalize our education system.” And she noted that the libertarian Cato Institute expressed reservations about the legislation, claiming that the bill “suffers from a fundamental flaw: It is not constitutional.”

Five Republicans voted against the bill: Representatives Andy Biggs of Arizona, Ken Buck of Colorado, Matt Gaetz of Florida, Mike Lawler of New York and Matt Rosendale of Montana. Republicans hold a four-seat majority in the House, but the bill was able to pass despite the defections because of Democratic absences.

The White House said in a statement of administration policy that it did not support the bill because “the bill does not actually help parents support their children at school” while putting gay, lesbian and transgender students at higher risk.