

HOUSE BILL NO. HB0097

Ban on teaching and training critical race theory.

Sponsored by: Representative(s) Gray, Bear, Haroldson,
Heiner, Jennings, Laursen, Neiman and Winter
and Senator(s) French and McKeown

A BILL

for

1 AN ACT relating to education and training; creating
2 limitations on teaching and training specified concepts;
3 specifying duties for the attorney general and district
4 attorneys; creating private causes of action; providing
5 civil damages; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-9-105 and 27-9-109 are created to
10 read:

11

12 **21-9-105. Prohibited instruction; disciplinary**
13 **action; legal action; civil penalty.**

14

1 (a) A teacher, administrator or other employee of a
2 school district or state agency who is involved with
3 students and teachers in grades preschool through the
4 twelfth grade shall not use public monies for instruction
5 that presents any form of blame or judgment on the basis of
6 race, ethnicity, sex, color or national origin.

7

8 (b) A teacher, administrator or other employee of a
9 school district or state agency who is involved with
10 students and teachers in grades preschool through the
11 twelfth grade shall not instruct in or make part of a
12 course of instruction any of the following concepts:

13

14 (i) That any sex, race, ethnicity, color or
15 national origin is inherently superior or inferior;

16

17 (ii) That a person should be discriminated
18 against or receive adverse treatment solely or partly
19 because of the sex, race, ethnicity, religion, color or
20 national origin attributed to that person;

21

22 (iii) That a person, by virtue of the sex, race,
23 ethnicity, religion, color or national origin attributed to

1 that person, is inherently responsible for actions
2 committed in the past by other members of the same (or any
3 other) sex, race, ethnicity, religion, color or national
4 origin;

5

6 (iv) That a person, by virtue of the sex, race,
7 ethnicity, religion, color, or national origin attributed
8 to that person is inherently racist, sexist or oppressive,
9 whether consciously or unconsciously;

10

11 (v) That a person's moral character is
12 necessarily determined by the sex, race, ethnicity,
13 religion, color or national origin attributed to that
14 person;

15

16 (vi) That a person should be targeted and made
17 to feel discomfort, guilt, anguish or any other form of
18 psychological, physical or any other kind of distress due
19 to the sex, race, ethnicity, religion, color or national
20 origin attributed to that person;

21

1 (vii) That meritocracy or traits such as a hard
2 work ethic are racist or sexist or were created by a
3 particular race to oppress another race; or

4

5 (viii) That the United States is fundamentally
6 or systemically racist or sexist.

7

8 (c) Subsection (b) of this section does not prevent a
9 teacher, administrator or other employee of a school
10 district or state agency who is involved with students and
11 teachers in grades preschool through the twelfth grade from
12 instructing in or making part of a course:

13

14 (i) The history of an ethnic group, as described
15 in textbooks and instructional materials adopted in
16 accordance with approved curriculum;

17

18 (ii) The discussion of otherwise controversial
19 aspects of history, only if done so by presenting, from a
20 holistic point of view, a complete and accurate perspective
21 of the subject matter or prism;

22

1 (iii) Instruction on the historical oppression
2 of a particular group of people based on race, ethnicity,
3 class, nationality, religion or geographic region; or

4

5 (iv) Primary source documents relevant to a
6 discussion in paragraphs (i) through (iii) of this section
7 if otherwise approved for use in curriculum or trainings.

8

9 (d) Subsection (c) of this section shall not be
10 interpreted to allow for a violation of subsection (b) of
11 this section.

12

13 (e) An attorney acting on behalf of a public school
14 may request a legal opinion from the district attorney or
15 may request that the state superintendent of public
16 instruction request a legal opinion from the attorney
17 general as to whether a proposed use of school district
18 resources would violate this section.

19

20 (f) A teacher or administrator who violates this
21 section shall be subject to disciplinary action under W.S.
22 21-7-110.

23

1 (g) The district attorney for the county in which an
2 alleged violation of this section occurs or the attorney
3 general may initiate a suit in the district court in the
4 county in which the teacher, administrator, school district
5 or state agency is located for the purpose of enforcing
6 this section. For each violation of this section, including
7 subsequent or continued violations, the court may impose a
8 civil penalty not to exceed five thousand dollars
9 (\$5,000.00) per teacher, administrator, school district or
10 state agency where the violation occurs.

11

12 (h) A person aggrieved by an alleged violation of
13 this section shall have a private cause of action against
14 any offending teacher, administrator, school district or
15 state agency for damages arising from the alleged
16 violation. Notwithstanding any other provision of law, no
17 teacher, administrator, school district or state agency
18 shall be immune from liability for a violation of this
19 section. The aggrieved person may bring an action in the
20 district court in the county in which the teacher,
21 administrator, school district or state agency is located.

22

1 (j) This section does not preclude any training on
2 sexual harassment or lessons on recognizing and reporting
3 abuse.

4

5 **27-9-109. Training, orientation and therapy; blame**
6 **and judgment; prohibition; annual report; definition.**

7

8 (a) No state, a state agency or a city, town, county
9 or political subdivision shall require an employee to
10 engage in training, orientation or therapy or use public
11 monies for training, orientation or therapy that instructs
12 in or makes part of a training presentation any of the
13 following concepts:

14

15 (i) That any sex, race, ethnicity, color or
16 national origin is inherently superior or inferior;

17

18 (ii) That a person should be discriminated
19 against or receive adverse treatment solely or partly
20 because of the sex, race, ethnicity, religion, color or
21 national origin attributed to that person;

22

1 (iii) That a person, by virtue of the sex, race,
2 ethnicity, religion, color or national origin attributed to
3 that person, is inherently responsible for actions
4 committed in the past by other members of the same (or any
5 other) sex, race, ethnicity, religion, color or national
6 origin;

7
8 (iv) That a person, by virtue of the sex, race,
9 ethnicity, religion, color or national origin attributed to
10 that person is inherently racist, sexist or oppressive,
11 whether consciously or unconsciously;

12
13 (v) That a person's moral character is
14 necessarily determined by the sex, race, ethnicity,
15 religion, color or national origin attributed to that
16 person;

17
18 (vi) That a person should be targeted and made
19 to feel discomfort, guilt, anguish or any other form of
20 psychological, physical or any other kind of distress due
21 to the sex, race, ethnicity, religion, color or national
22 origin attributed to that person;

23

1 (vii) That meritocracy or traits such as a hard
2 work ethic are racist or sexist, or were created by a
3 particular race to oppress another race; or

4

5 (viii) That the United States is fundamentally
6 or systemically racist or sexist.

7

8 (b) Subsection (a) of this section does not prevent
9 the state, a state agency or a city, town, county or
10 political subdivision from instructing in or making part of
11 a training presentation:

12

13 (i) The history of an ethnic group, as described
14 in textbooks and instructional materials adopted in
15 accordance with approved curriculum;

16

17 (ii) The discussion of otherwise controversial
18 aspects of history, only if done so by presenting, from a
19 holistic point of view, a complete, neutral and unbiased
20 perspective of the subject matter or prism;

21

1 (iii) Instruction on the historical oppression
2 of a particular group of people based on race, ethnicity,
3 class, nationality, religion or geographic region; or

4

5 (iv) Primary source documents relevant to a
6 discussion in paragraphs (i) through (iii) of this section
7 if otherwise approved for use in curriculum or trainings.

8

9 (c) Subsection (b) of this section shall not be
10 interpreted to allow for a violation of subsection (a) of
11 this section.

12

13 (d) This subsection does not preclude any training on
14 sexual harassment.

15

16 (e) On or before December 1 of each year the
17 department of administration and information shall submit a
18 report that includes state agencies in compliance with this
19 section to the governor, the president of the senate and
20 the speaker of the house of representatives and submit a
21 copy of this report to the secretary of state.

22

1 (f) A person aggrieved by an alleged violation of
2 this section shall have a private cause of action against
3 the state, a state agency or a city, town, county or
4 political subdivision for damages arising from the alleged
5 violation. Notwithstanding any other provision of law,
6 neither the state nor any state agency, city, town, county
7 or political subdivision shall be immune from liability for
8 a violation of this section. The aggrieved person may bring
9 an action in the district court in the county in which
10 alleged violation occurred.

11

12 **Section 2.** W.S. 1-39-104(a) is amended to read:

13

14 **1-39-104. Granting immunity from tort liability;**
15 **liability on contracts; exceptions.**

16

17 (a) A governmental entity and its public employees
18 while acting within the scope of duties are granted
19 immunity from liability for any tort except as provided by
20 W.S. 1-39-105 through 1-39-112, 21-9-105(h) and
21 27-9-109(f). Any immunity in actions based on a contract
22 entered into by a governmental entity is waived except to
23 the extent provided by the contract if the contract was

1 within the powers granted to the entity and was properly
2 executed and except as provided in W.S. 1-39-120(b). The
3 claims procedures of W.S. 1-39-113 apply to contractual
4 claims against governmental entities.

5

6 **Section 3.** This act is effective July 1, 2022.

7

8

(END)