

HOUSE BILL NO. HB0220

Prohibiting pornography in schools.

Sponsored by: Representative(s) Hornok, Banks, Bear, Davis,
Haroldson, Jennings, Locke, Niemiec,
O'Hearn, Ottman, Pendergraft, Rodriguez-
Williams, Slagle and Smith and Senator(s)
Ide

A BILL

for

1 AN ACT relating to education; prohibiting sensitive
2 materials in schools; specifying duties for the boards of
3 trustees in school districts and the state board of
4 education relating to sensitive materials; defining terms;
5 making conforming amendments; requiring reports; requiring
6 rulemaking; and providing for an effective date.

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

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10 **Section 1.** W.S. 21-3-134 is created to read:

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12 **21-3-134. Sensitive materials in schools prohibited.**

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14 (a) As used in this section:

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2 (i) "Charter school" means a charter school
3 within a school as defined by W.S. 21-3-302(a)(i), a
4 converted charter school as defined by W.S. 21-3-302(a)(ii)
5 and a new charter school or charter school as defined by
6 W.S. 21-3-302(a)(iv);

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8 (ii) "Instructional material" means any
9 material, regardless of format, used as or in place of
10 textbooks to deliver curriculum and content for study by
11 students or to otherwise support a student's learning.
12 "Instructional material" includes but is not limited to
13 reading materials, handouts, videos, digital materials,
14 websites, online applications and presentations;

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16 (iii) "Sensitive material" means an
17 instructional material that is pornographic or indecent
18 material that conforms with the definition of obscenity in
19 W.S. 6-4-301. "Sensitive material" shall not include
20 instructional materials for courses related to health,
21 healthcare or family and consumer sciences and shall not
22 include any course that the state board exempts by rule.

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1 (b) No school district or charter school shall:

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3 (i) Authorize or allow any sensitive materials
4 in any school of the district;

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6 (ii) Permit a speaker or presenter in any school
7 to display or distribute sensitive materials;

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9 (iii) Adopt, use, distribute, provide a student
10 access to or maintain sensitive materials in any school.

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12 (c) Any school district or charter school receiving a
13 complaint that an instructional material violates this
14 section shall forward the complaint to the state board for
15 review and resolution in accordance with rules promulgated
16 under W.S. 21-2-304(b)(xix).

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18 (d) Not later than October 1, 2023 and each October 1
19 thereafter, the state board shall report to the joint
20 education interim committee on the following:

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22 (i) Any rule or policy adopted, amended or
23 repealed to implement or comply with this section;

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2 (ii) All complaints that the state board and
3 each school district and charter school received regarding
4 a violation of this section;

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6 (iii) Any action taken in response to complaints
7 reported under paragraph (ii) of this subsection;

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9 (iv) If a school district retains an
10 instructional material for which the school district or
11 state board receives a complaint, the school district's
12 rationale for retaining the instructional material for use.

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14 **Section 2.** W.S. 21-2-304(b) by creating new
15 paragraphs (xviii) and (xix), 21-3-110(a) by creating a new
16 paragraph (xl) and 21-3-304(g) by creating a new paragraph
17 (iv) are amended to read:

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19 **21-2-304. Duties of the state board of education.**

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21 (b) In addition to subsection (a) of this section and
22 any other duties assigned to it by law, the state board
23 shall:

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21-3-110. Duties of boards of trustees.

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(a) The board of trustees in each school district shall:

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21-3-304. Charter school; requirements; authority.

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(g) A charter school may operate free from specified school district policies and state regulations. Pursuant to contract, a school district may waive locally imposed

1 school district requirements, without seeking approval of
2 the state board. The state board may waive state statutory
3 requirements or rules promulgated by the state board,
4 except that the state board shall not waive any statute or
5 rule relating to the assessments or standards required to
6 be administered. Upon request of the charter applicant, the
7 state board shall provide summaries of such regulations and
8 policies to use in preparing a charter school application.
9 The department of education shall prepare the summary of
10 state regulations within existing appropriations. Any
11 waiver of state or local school district regulations made
12 pursuant to this subsection shall be for the term of the
13 charter for which the waiver is made, except that a waiver
14 of state statutes or regulations by the state board shall
15 be subject to review every two (2) years and may be revoked
16 if the waiver is deemed no longer necessary by the state
17 board. Nothing in this subsection shall be deemed to exempt
18 the charter school from:

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20 (iv) Complying with the requirements of W.S.
21 21-3-134.

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1 **Section 3.** This act is effective July 1, 2023.

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(END)