

SENATE FILE NO. SF0123

Military dependents-school choice.

Sponsored by: Senator(s) Boner, Brennan, Ellis, Hutchings
and Nethercott and Representative(s) Brown,
O'Hearn, Olsen and Styvar

A BILL

for

1 AN ACT relating to education; allowing children of active
2 duty military members to transfer to any public school
3 within a school district as specified; requiring reporting;
4 making a conforming amendment; and providing for an
5 effective date.

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

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9 **Section 1.** W.S. 21-4-302.2 is created to read:

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11 **21-4-302.2. Enrollment and transfer for children of**
12 **active duty military members; discrimination.**

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14 (a) As used in this section, "active duty military"
15 means full-time duty status in the active uniformed

1 services of the United States. The term does not include
2 members of the national guard and reserve on active duty
3 orders.

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5 (b) Once enrolled in a public school within the
6 school district, any pupil whose parent or guardian is an
7 active duty military member may transfer enrollment from
8 one (1) public school within the school district where the
9 pupil resides to another public school within the same
10 district at any time, except as otherwise provided in
11 subsection (c) of this section. A transfer of enrollment
12 under this subsection shall require that the active duty
13 military member provide proof of having filed an official
14 complaint with a military base equal opportunity office
15 describing discrimination against the pupil seeking the
16 transfer of enrollment.

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18 (c) A school district may decline to transfer a pupil
19 seeking a transfer under this section in a particular
20 public school within the district for any of the following
21 reasons:

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1 (i) The particular public school's structure,
2 arrangement or function of rooms does not have sufficient
3 capacity including at the appropriate grade level; or

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5 (ii) The pupil seeking a transfer of enrollment
6 has been suspended or expelled or is in the process of
7 being suspended or expelled under W.S. 21-4-305 through
8 21-4-306.

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10 (d) Not later than ten (10) days after a school
11 district declines to transfer a pupil seeking a transfer
12 under subsection (c) of this section, a school district
13 shall report its denial to the state superintendent of
14 public instruction.

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16 (e) Nothing in this section shall be construed to
17 require a particular public school to offer additional
18 programs, alter the structure or equipment of the necessary
19 facilities to meet any special needs of a pupil, offer a
20 particular program or alter eligibility criteria for
21 participation in a particular program including age
22 requirements, course prerequisites and required levels of
23 performance.

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2 (f) Any parent or guardian who is an active duty
3 military member aggrieved by a decision of the school
4 district under subsection (c) of this section, may seek
5 review in accordance with the Wyoming Administrative
6 Procedure Act. In accordance with W.S. 16-3-112, the review
7 of a decision of the school district shall be before the
8 state superintendent of public instruction. If the school
9 district declines to transfer a pupil in a particular
10 public school under paragraph (c)(i) of this section, the
11 state construction department shall submit a recommendation
12 regarding the particular public school's capacity to the
13 state superintendent of public instruction.

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15 **Section 2.** W.S. 21-3-110(a) by creating a new
16 paragraph (x1) is amended to read:

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18 **21-3-110. Duties of boards of trustees.**

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

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1 (x1) Review and make a written determination
2 whether a transfer of enrollment shall be granted or denied
3 under W.S. 21-4-302.2. The written determination shall be
4 made within ten (10) business days after receiving a
5 request to transfer a pupil to a particular public school
6 under W.S. 21-4-302.2.

7

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

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(END)