

## HOUSE BILL NO. HB0149

Home school prohibition-parents with convictions.

Sponsored by: Representative(s) Provenza, Davis, Larsen, L, Williams and Yin and Senator(s) Cooper, Rothfuss and Schuler

## A BILL

for

1 AN ACT relating to education; providing that a person  
2 convicted of certain offenses shall not administer a home-  
3 based educational program; establishing limitations on  
4 home-based educational programs for persons under  
5 investigation for child neglect or abuse; providing  
6 penalties; making conforming amendments; specifying  
7 applicability; and providing for an effective date.

8

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

10

11           **Section**            **1.**    W.S.            14-3-204(a)(iii)(intro),  
12    21-4-101(a)(v),   21-4-102(b)   and   21-4-103   are   amended   to  
13    read:

14

15           **14-3-204. Duties of local child protective agency.**

1

2           (a) The local child protective agency shall:

3

4               (iii) Within twenty-four (24) hours after  
5 notification of a suspected case of child abuse or neglect,  
6 initiate an investigation or assessment to verify every  
7 report. The representative of the child protective agency  
8 shall, at the initial time of contact with the individual  
9 subject to a child abuse and neglect investigation or  
10 assessment, advise the individual of the specific  
11 complaints or allegations made against the individual. If  
12 the child is enrolled in a public school, or a private  
13 school as defined by W.S. 21-4-101(a)(iii) other than a  
14 home-based educational program administered by the  
15 individual subject to the investigation or assessment, and  
16 the local child protective agency determines it is in the  
17 best interest of the child, the representative shall advise  
18 the individual that the individual shall not commence  
19 administering a home-based educational program during the  
20 period of investigation or assessment period as provided by  
21 W.S. 21-4-102(b)(ii) and shall report that advice to the  
22 public school or private school where the child is  
23 enrolled. A thorough investigation or assessment and report

1 of child abuse or neglect shall be made in the manner and  
2 time prescribed by the state agency pursuant to rules and  
3 regulations adopted in accordance with the Wyoming  
4 Administrative Procedure Act. If the child protective  
5 agency is denied reasonable access to a child by a parent  
6 or other persons and the agency deems that the best  
7 interest of the child so requires, it shall seek an  
8 appropriate court order by ex parte proceedings or other  
9 appropriate proceedings to see the child. The child  
10 protective agency shall assign a report:

11

12 **21-4-101. Definitions.**

13

14 (a) For the purposes of this article:

15

16 (v) A home-based educational program means a  
17 program of educational instruction provided to a child by  
18 the child's parent or legal guardian, or by a person  
19 designated by the parent or legal guardian, and that is  
20 provided in compliance with the requirements of W.S.

21 21-4-102(b);

22

1           **21-4-102. When attendance required; exemptions;**  
2           **withdrawal.**

3

4           (b) A home-based educational program shall meet the  
5        requirements of a basic academic educational program  
6        pursuant to W.S. 21-4-101(a)(vi). It shall be the  
7        responsibility of every person administering a home-based  
8        educational program to ensure a curriculum is administered  
9        to pupils in the program that complies with the  
10      requirements of this subsection. The following shall apply  
11      to a person administering a home-based educational program:

12

13           (i) No person shall administer a home-based  
14      educational program if the person, or any other person who  
15      is living in the home where the home-based educational  
16      program is administered, has been convicted of any of the  
17      offenses specified under this paragraph within the  
18      immediately preceding seven (7) years. For purposes of this  
19      paragraph, a person shall be deemed to be convicted of an  
20      offense if the person was convicted or pleaded guilty or  
21      nolo contendere. This paragraph shall not apply if the  
22      conviction was reversed or annulled or the person received

1       a pardon. This paragraph applies to any of the following  
2       offenses:

3

4               (A) Any violation of W.S. 6-2-201 or  
5       6-2-202, if the victim was a minor;

6

7               (B) Any violation of W.S. 6-2-314 through  
8       6-2-318;

9

10               (C) W.S. 6-2-503;

11

12               (D) W.S. 6-2-504, if the victim was a  
13       minor;

14

15               (E) W.S. 6-4-403;

16

17               (F) Any other felony or misdemeanor offense  
18       in which the victim was a minor and the conduct constitutes  
19       abuse as defined by W.S. 14-3-202(a)(ii) or neglect as  
20       defined by W.S. 14-3-202(a)(vii);

21

22               (G) Any violation of a state or federal law  
23       that contains the same or similar elements as the offenses

1    specified in subparagraphs (A) through (F) of this  
2    paragraph.

3

4            (ii) No person shall remove a child from  
5    enrollment in a public school, or a private school  
6    administered by another person, and commence the  
7    administration of a home-based educational program for the  
8    child during any period that the person is under  
9    investigation or assessment for child abuse or neglect if  
10   the person was advised not to commence the administration  
11   of a home-based educational program as provided by W.S.  
12   14-3-204(a)(iii). The person may request a hearing before  
13   the office of administrative hearings pursuant to the  
14   Wyoming Administrative Procedure Act on the ability of the  
15   person to commence administering a home-based educational  
16   program under this paragraph. Nothing in this paragraph  
17   shall prohibit a person from continuing to administer a  
18   home-based education program if the person was  
19   administering the home-based educational program prior to  
20   the commencement of the investigation or assessment for  
21   child abuse or neglect.

22

1           **21-4-103. Enforcement of article; appointment and**  
2           **compensation of attendance officers.**

3

4           (a) Except as otherwise provided in this subsection,  
5           the primary responsibility for the enforcement of this  
6           article shall be upon the board of trustees of the school  
7           district, which shall appoint an attendance officer or  
8           officers to carry out the provisions of this article. Said  
9           officer shall be paid out of the district treasury such sum  
10           as may be provided in the order of appointment. The primary  
11           responsibility for the enforcement of W.S. 21-4-102(b)(i)  
12           and (ii) regarding criminal background and abuse  
13           investigations shall be the responsibility of the  
14           department of family services or the applicable local law  
15           enforcement agency.

16

17           (b) Any person who administers a home-based  
18           educational program in violation of W.S. 21-4-102(b)(i) or  
19           who commences the administration of a home-based  
20           educational program in violation of W.S. 21-4-102(b)(ii) is  
21           guilty of a felony punishable by imprisonment for not more  
22           than three (3) years, a fine of not more than five thousand  
23           dollars (\$5,000.00), or both.

1

2           **Section 2.** Any person who is administering a  
3 home-based educational program on the effective date of  
4 this act in violation of W.S. 21-4-102(b)(i) shall cease  
5 the administration of the home-based educational program  
6 not later than July 1, 2026.

7

8           **Section 3.** This act is effective immediately upon  
9 completion of all acts necessary for a bill to become law  
10 as provided by Article 4, Section 8 of the Wyoming  
11 Constitution.

12

13

(END)