

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:

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

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2 (a) The local child protective agency shall:

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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:

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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;

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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.

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

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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.

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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.

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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)