

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO.

Parental rights in education-1.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to education; specifying procedures and
2 requirements for school districts to provide parents notice
3 of information regarding students and the rights of parents
4 to make decisions regarding their children; specifying that
5 school districts cannot prohibit parental notification and
6 involvement in critical decisions involving students;
7 prohibiting classroom discussion about sexual orientation
8 or gender identity as specified; specifying training
9 requirements for school districts; specifying procedures
10 for resolving parent concerns and complaints; specifying
11 duties for school district boards of trustees and the state
12 board of education; providing for a cause of action;
13 requiring rulemaking; and providing for effective dates.

1

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

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4 **Section 1.** W.S. 21-3-135 is created to read:

5

6 **21-3-135. Parental notices related to health care and**
7 **gender instruction; student welfare; procedures; school**
8 **district prohibitions.**

9

10 (a) No school district shall permit classroom
11 instruction by teachers or any other person on sexual
12 orientation and gender identity:

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14 (i) For students in grades kindergarten through
15 three (3); or

16

17 (ii) In a manner that is not age appropriate or
18 developmentally appropriate for students in accordance with
19 standards established by the state board of education.

20

21 (b) Each school district board of trustees shall:

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1 (i) Notify a student's parent or guardian
2 immediately if there is a change in the student's services
3 or monitoring related to the student's mental, emotional or
4 physical health or well-being and the school's ability to
5 provide a safe and supportive learning environment for the
6 student. Procedures adopted under this paragraph shall
7 reinforce the fundamental right of parents to make
8 decisions regarding the care and control of their children
9 by requiring school district personnel to encourage a
10 student to discuss issues relating to his well-being with
11 his parent or guardian or to facilitate discussion with the
12 parent;

13

14 (ii) Not prohibit parents or guardians from
15 accessing any of their student's education and health
16 records created, maintained or used by the school district;

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18 (iii) Not adopt any policies or procedures that
19 prohibit school district personnel from notifying a
20 student's parent or guardian about the student's mental,
21 emotional or physical health or well-being, a change in
22 related services or monitoring;

23

1 (iv) Not adopt any policies or procedures that
2 encourage or have the effect of encouraging a student to
3 withhold from a parent or guardian information about the
4 student's mental, emotional or physical health or
5 well-being.

6

7 (c) Effective school year 2024-2025 and each school
8 year thereafter, at the beginning of each school year each
9 school district shall notify parents and guardians of each
10 health care service offered or provided at the student's
11 school and provide the option for the parent or guardian to
12 withhold consent or decline any specific health care
13 service. Parental or guardian consent to a health care
14 service shall not waive the parent's or guardian's right to
15 access his student's educational or health care records or
16 to be notified in a change in his student's services or
17 monitoring.

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19 (d) Before administering a student well-being
20 questionnaire or health screening to a student, each school
21 district shall provide the questionnaire or information on
22 the health screening to the parent or guardian and obtain
23 the parent's or guardian's permission.

1

2 (e) Each school district shall adopt procedures for a
3 parent or guardian to file a complaint with the school
4 district regarding a school district's non-compliance with
5 this section, in accordance with the following:

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7 (i) Notwithstanding W.S. 21-2-101, to the extent
8 that any provision of this subsection conflicts with the
9 Wyoming Administrative Procedure Act, this subsection and
10 any rules promulgated thereunder shall control;

11

12 (ii) A parent or guardian filing a complaint
13 shall provide a copy of the complaint to the principal or
14 the principal's designee;

15

16 (iii) The procedures shall provide that any
17 complaint submitted under this subsection shall be resolved
18 within seven (7) days of the submission of the complaint;

19

20 (iv) If a complaint is not resolved by the
21 school district within thirty (30) days after submission of
22 the complaint, the school district shall resolve the
23 complaint or provide to the parent or guardian a statement

1 of reasons for why the school district has not yet resolved
2 the complaint;

3

4 (v) If a complaint is not resolved after a
5 statement of reasons is provided as required by paragraph
6 (iv) of this subsection, a parent or guardian may:

7

8 (A) Request a hearing on the complaint
9 before an independent hearing officer through the office of
10 administrative hearings, who shall determine facts relating
11 to the dispute over the school district's compliance with
12 this section, consider information provided by the school
13 district and render a recommended decision within thirty
14 (30) days after receiving the request to the state board of
15 education. The state board of education shall accept or
16 reject the hearing officer's recommended decision at its
17 next regularly scheduled meeting or within thirty (30) days
18 after the date the recommended decision is submitted to the
19 state board, whichever is earlier. The costs of the hearing
20 and the hearing officer shall be borne by the school
21 district;

22

1 (B) Bring an action against the school
2 district to obtain a declaratory judgment that the school
3 district has violated this section and to seek injunctive
4 relief. A court may award damages and shall award
5 reasonable attorney fees to a parent or guardian who
6 substantially prevails in an action brought under this
7 subparagraph.

8

9 (vi) Each school district shall adopt procedures
10 to notify parents of the rights and procedures available to
11 parents under this subsection;

12

13 (vii) Nothing in this subsection shall be
14 construed to abridge any other rights or remedies under law
15 available to parents.

16

17 (f) This section shall be implemented by each school
18 district in accordance with W.S. 14-2-206.

19

20 (g) Nothing in this section shall prohibit a school
21 district from adopting procedures that authorize school
22 district personnel to withhold from disclosing to a parent
23 or guardian information about the student's mental,

1 emotional or physical health or well-being if a reasonably
2 prudent person would believe that disclosure would result
3 in abuse as defined by W.S. 14-3-202(a)(ii) or neglect as
4 defined by W.S. 14-3-202(a)(vii).

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6 **Section 2.** W.S. 21-2-304(b) by creating a new
7 paragraph (xviii) and 21-3-110(a) by creating a new
8 paragraph (xlii) are amended to read:

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10 **21-2-304. Duties of the state board of education.**

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

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16 (xviii) Adopt procedures and guidelines for the
17 resolution of parent complaints in accordance with W.S.
18 21-3-135.

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20 **21-3-110. Duties of boards of trustees.**

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

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7 **Section 3.** Not later than July 1, 2024, each school
8 district board of trustees shall establish procedures,
9 guidelines and standards in accordance with this act and
10 any rules or policies promulgated by the state board of
11 education in accordance with this act.

12

13

Section 4.

14

15 (a) Except as provided in subsection (b) of this
16 section, this act is effective July 1, 2024.

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18 (b) Sections 3 and 4 of this act are effective
19 immediately upon completion of all acts necessary for a
20 bill to become law as provided by Article 4, Section 8 of
21 the Wyoming Constitution.

22

23

(END)