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 requirements for school districts to provide parents notice of information regarding students and the rights of parents to make decisions regarding their children; specifying that school districts cannot prohibit parental notification and involvement in critical decisions involving students; prohibiting classroom discussion about sexual orientation or gender identity as specified; specifying training requirements for school districts; specifying procedures for resolving parent concerns and complaints; specifying duties for school district boards of trustees and the state board of education; providing for a cause of action; requiring rulemaking; and providing for effective dates.

[Bill Number]
Be It Enacted by the Legislature of the State of Wyoming:

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

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

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

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

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

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

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

(iii) Not adopt any policies or procedures that prohibit school district personnel from notifying a student's parent or guardian about the student's mental, emotional or physical health or well-being, a change in related services or monitoring;
(iv) Not adopt any policies or procedures that encourage or have the effect of encouraging a student to withhold from a parent or guardian information about the student's mental, emotional or physical health or well-being.

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

(d) Before administering a student well-being questionnaire or health screening to a student, each school district shall provide the questionnaire or information on the health screening to the parent or guardian and obtain the parent's or guardian's permission.
(e) Each school district shall adopt procedures for a parent or guardian to file a complaint with the school district regarding a school district's non-compliance with this section, in accordance with the following:

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

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

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

(iv) If a complaint is not resolved by the school district within thirty (30) days after submission of the complaint, the school district shall resolve the complaint or provide to the parent or guardian a statement
of reasons for why the school district has not yet resolved the complaint;

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

(A) Request a hearing on the complaint before an independent hearing officer through the office of administrative hearings, who shall determine facts relating to the dispute over the school district's compliance with this section, consider information provided by the school district and render a recommended decision within thirty (30) days after receiving the request to the state board of education. The state board of education shall accept or reject the hearing officer's recommended decision at its next regularly scheduled meeting or within thirty (30) days after the date the recommended decision is submitted to the state board, whichever is earlier. The costs of the hearing and the hearing officer shall be borne by the school district;
(B) Bring an action against the school district to obtain a declaratory judgment that the school district has violated this section and to seek injunctive relief. A court may award damages and shall award reasonable attorney fees to a parent or guardian who substantially prevails in an action brought under this subparagraph.

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

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

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

(g) Nothing in this section shall prohibit a school district from adopting procedures that authorize school district personnel to withhold from disclosing to a parent or guardian information about the student's mental,
emotional or physical health or well-being if a reasonably
prudent person would believe that disclosure would result
in abuse as defined by W.S. 14-3-202(a)(ii) or neglect as
defined by W.S. 14-3-202(a)(vii).

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

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

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

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

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

(a) The board of trustees in each school district
shall:
(xlii) Adopt procedures and guidelines regarding student instruction and the provision of services associated with student health and well-being in accordance with W.S. 21-3-135.

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

Section 4.

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

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