

**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 specifying procedures for resolving parent concerns and
8 complaints; specifying duties for school district boards of
9 trustees; providing for a cause of action; requiring
10 rulemaking; and providing for effective dates.

11

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

13

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

2

3 **21-3-135. Parental notices related to the physical,**
4 **mental and emotional health of students; student welfare;**
5 **procedures; school district prohibitions.**

6

7 (a) Each school district board of trustees shall:

8

9 (i) Notify a student's parent or guardian as
10 soon as practicable if there is a change in the student's
11 services or monitoring related to the student's physical,
12 mental or emotional health or well-being and the school's
13 ability to provide a safe and supportive learning
14 environment for the student. Procedures adopted under this
15 paragraph shall reinforce the fundamental right of parents
16 to make decisions regarding the care and control of their
17 children by requiring school district personnel to
18 encourage a student to discuss issues relating to his
19 well-being with his parent or guardian or to facilitate
20 discussion with the parent;

21

22 (ii) Not prohibit parents or guardians from
23 accessing any of their student's education and health

1 records created, maintained or used by the school district.
2 Parents or guardians shall be provided access to education
3 and health records maintained in an electronic or digital
4 format within five (5) business days after receipt, as
5 evidenced by the postmark, and for education and health
6 records maintained in paper format, within seven (7)
7 business days after receipt, as evidenced by the postmark,
8 of the request. The reasonable costs of producing a copy of
9 the education and health records shall be borne by the
10 parent or guardian making the request. The costs may
11 include the cost of producing a copy of the education and
12 health records and the cost of constructing the records,
13 including the cost of programming and computer services;

14

15 (iii) Not adopt any rules, policies or
16 procedures that prohibit school district personnel from
17 notifying a student's parent or guardian about the
18 student's physical, mental or emotional health or
19 well-being or a change in the student's related services as
20 authorized under paragraphs (a)(i) and (ii) of this
21 section;

22

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

6

7 (b) 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 the student's educational or health care records or
16 to be notified of a change in the student's services or
17 monitoring related to the student's physical, mental or
18 emotional health or well-being.

19

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

1 parent's or guardian's consent. For purposes of this
2 subsection:

3
4 (i) A "well-being questionnaire" means a survey
5 administered to students to assess a student's overall
6 well-being and physical, mental or emotional health;

7
8 (ii) A "health screening" means the acquisition,
9 analysis and delivery of health-related data of students to
10 aid in determining the need for medical services. A "health
11 screening" does not include medical services in response to
12 a medical emergency.

13
14 (d) Each school district shall adopt necessary rules,
15 policies and procedures for a parent or guardian to file a
16 complaint with the school district regarding a school
17 district's non-compliance with this section, in accordance
18 with the following:

19
20 (i) Notwithstanding W.S. 21-2-101, to the extent
21 that any provision of this subsection conflicts with the
22 Wyoming Administrative Procedure Act, this subsection and
23 any rules promulgated thereunder shall control;

1

2 (ii) To initiate proceedings under this
3 subsection, a parent or guardian shall file a complaint
4 with the school district superintendent or his designee;

5

6 (iii) The school district superintendent or his
7 designee shall acknowledge in writing receipt of a
8 complaint submitted under this subsection within seven (7)
9 business days from the date of receipt of the complaint, as
10 evidenced by the postmark;

11

12 (iv) The school district superintendent shall
13 issue a decision in response to a complaint under this
14 subsection not more than thirty (30) calendar days after
15 the written acknowledgment required under paragraph (iii)
16 of this subsection;

17

18 (v) Any parent or guardian aggrieved by a
19 decision made by a school district superintendent under
20 paragraph (iv) of this subsection may request a hearing
21 before the school district's board of trustees, who shall
22 determine facts relating to the dispute over the school
23 district superintendent's compliance with this section,

1 consider any information provided by the school district
2 superintendent and render a decision within thirty (30)
3 calendar days after receiving the request for a hearing;

4

5 (vi) Any parent or guardian aggrieved or
6 adversely affected in fact by a final decision of a board
7 of trustees under paragraph (v) of this subsection, may
8 seek judicial review pursuant to W.S. 16-3-114, within
9 thirty (30) days of the decision by the board of trustees,
10 as evidenced by the postmark;

11

12 (vi) Each school district shall adopt necessary
13 rules, policies and procedures to notify parents and
14 guardians of the rights and procedures available under this
15 subsection;

16

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

20

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

23

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

9

10 **Section 2.** W.S. 21-3-110(a) by creating a new
11 paragraph (xlii) is amended to read:

12

13 **21-3-110. Duties of boards of trustees.**

14

15 (a) The board of trustees in each school district
16 shall:

17

18 (xlii) Adopt policies, procedures and rules
19 necessary to implement the provisions of W.S. 21-3-135,
20 including but not limited to, rules governing hearings
21 under W.S. 21-3-135(d)(v).

22

1 **Section 3.** Not later than July 1, 2024, each school
2 district board of trustees shall establish rules, policies
3 and procedures in accordance with this act.

4

5 **Section 4.**

6

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

9

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

14

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(END)