

## HOUSE BILL NO. HB0132

Ban on teaching and training critical race theory.

Sponsored by: Representative(s) Bear, Allred, Banks,  
Haroldson, Heiner and Hornok and Senator(s)  
Biteman and Brennan

A BILL

for

1 AN ACT relating to teaching and training standards;  
2 creating limitations on teaching and training specified  
3 concepts; specifying duties for the attorney general and  
4 district attorneys; preventing public employers from  
5 requiring employee training on specified concepts; creating  
6 private causes of action; authorizing civil damages;  
7 requiring reporting; 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. 21-9-105 and 27-9-109 are created to  
12 read:

13

14 **21-9-105. Prohibited instruction; disciplinary**  
15 **action; legal action; civil penalty.**

1

2 (a) Any teacher, administrator or other employee of a  
3 school district or state agency who is involved with  
4 students and teachers in preschool through twelfth grade  
5 shall not use public monies for instruction that presents  
6 any form of blame or judgment on the basis of race,  
7 ethnicity, sex, color or national origin.

8

9 (b) Any teacher, administrator or other employee of a  
10 school district or state agency who is involved with  
11 students and teachers in preschool through twelfth grade  
12 shall not instruct in, provide information on or make part  
13 of a course of instruction any of the following concepts:

14

15 (i) That any sex, race, ethnicity, religion,  
16 color or national origin is inherently superior or  
17 inferior;

18

19 (ii) That a person should be discriminated  
20 against or receive adverse treatment solely or partly  
21 because of the sex, race, ethnicity, religion, color or  
22 national origin attributed to that person;

23

1           (iii) That a person, by virtue of the sex, race,  
2 ethnicity, religion, color or national origin attributed to  
3 that person, is inherently responsible for actions  
4 committed in the past by other members of the same or any  
5 other sex, race, ethnicity, religion, color or national  
6 origin;

7

8           (iv) That a person, by virtue of the sex, race,  
9 ethnicity, religion, color or national origin attributed to  
10 that person, is inherently racist, sexist or oppressive,  
11 whether consciously or unconsciously;

12

13           (v) That a person's moral character is  
14 necessarily determined by the sex, race, ethnicity,  
15 religion, color or national origin attributed to that  
16 person;

17

18           (vi) That a person should be targeted for or  
19 made to feel discomfort, guilt, anguish or any other form  
20 of psychological, physical or any other kind of distress  
21 because of the sex, race, ethnicity, religion, color or  
22 national origin attributed to that person;

23

1           (vii) That meritocracy or traits such as a hard  
2 work ethic are racist or sexist or were created by a  
3 particular race to oppress another race;

4

5           (viii) That the United States is fundamentally  
6 or systemically racist or sexist.

7

8           (c) Subsection (b) of this section shall not prevent  
9 a teacher, administrator or other employee of a school  
10 district or state agency who is involved with students and  
11 teachers in preschool through the twelfth grade from  
12 instructing in or making part of a course:

13

14           (i) The history of an ethnic group, as described  
15 in textbooks and instructional materials adopted in  
16 accordance with approved curriculum;

17

18           (ii) The discussion of otherwise controversial  
19 aspects of history, only if done so by presenting, from a  
20 holistic point of view, a complete and accurate perspective  
21 of the subject matter;

22

1           (iii) Instruction on the historical oppression  
2 of a particular group of people based on race, ethnicity,  
3 class, nationality, religion or geographic region;

4

5           (iv) Primary source documents relevant to a  
6 discussion in paragraphs (i) through (iii) of this section  
7 if otherwise approved for use in curriculum or trainings.

8

9           (d) Subsection (c) of this section shall not be  
10 interpreted to allow for a violation of subsection (b) of  
11 this section.

12

13           (e) An attorney acting on behalf of a school district  
14 may request that the state superintendent of public  
15 instruction request a legal opinion from the attorney  
16 general as to whether a proposed use of school district  
17 resources would violate this section.

18

19           (f) A teacher or administrator who violates this  
20 section shall be subject to disciplinary action under W.S.  
21 21-7-110.

22

1           (g) The district attorney for the county in which an  
2 alleged violation of this section occurs or the attorney  
3 general may initiate a suit in the district court in the  
4 county in which the teacher, administrator, school district  
5 or state agency is located for the purpose of enforcing  
6 this section. For each violation of this section, including  
7 subsequent or continued violations, the court may impose a  
8 civil penalty not to exceed five thousand dollars  
9 (\$5,000.00) for each separate violation of this section.

10

11           (h) A person aggrieved by an alleged violation of  
12 this section shall have a private cause of action against  
13 any teacher, administrator, school district or state agency  
14 that violates this section for damages arising from the  
15 alleged violation. Notwithstanding any other provision of  
16 law, no teacher, administrator, school district or state  
17 agency shall be immune from liability for a violation of  
18 this section. The aggrieved person shall bring an action in  
19 the district court in the county in which the teacher,  
20 administrator, school district or state agency is located.

21

1           (j) This section shall not preclude any training on  
2 sexual harassment or training on recognizing and reporting  
3 abuse.

4

5           **27-9-109. Training, orientation and therapy; blame**  
6 **and judgment; prohibition; annual report; definition.**

7

8           (a) The state, a state agency or a city, town, county  
9 or political subdivision shall not require an employee to  
10 engage in training, orientation or therapy or use public  
11 monies for training, orientation or therapy that instructs  
12 in, provides information on or makes part of a training  
13 presentation any of the following concepts:

14

15           (i) That any sex, race, ethnicity, religion,  
16 color or national origin is inherently superior or  
17 inferior;

18

19           (ii) That a person should be discriminated  
20 against or receive adverse treatment solely or partly  
21 because of the sex, race, ethnicity, religion, color or  
22 national origin attributed to that person;

23

1           (iii) That a person, by virtue of the sex, race,  
2 ethnicity, religion, color or national origin attributed to  
3 that person, is inherently responsible for actions  
4 committed in the past by other members of the same or any  
5 other sex, race, ethnicity, religion, color or national  
6 origin;

7

8           (iv) That a person, by virtue of the sex, race,  
9 ethnicity, religion, color or national origin attributed to  
10 that person, is inherently racist, sexist or oppressive,  
11 whether consciously or unconsciously;

12

13           (v) That a person's moral character is  
14 necessarily determined by the sex, race, ethnicity,  
15 religion, color or national origin attributed to that  
16 person;

17

18           (vi) That a person should be targeted for or  
19 made to feel discomfort, guilt, anguish or any other form  
20 of psychological, physical or any other kind of distress  
21 because of the sex, race, ethnicity, religion, color or  
22 national origin attributed to that person;

23

1           (vii) That meritocracy or traits such as a hard  
2 work ethic are racist or sexist, or were created by a  
3 particular race to oppress another race;

4

5           (viii) That the United States is fundamentally  
6 or systemically racist or sexist.

7

8           (b) Subsection (a) of this section shall not prevent  
9 the state, a state agency or a city, town, county or  
10 political subdivision from instructing in or making part of  
11 a training presentation:

12

13           (i) The history of an ethnic group, as described  
14 in textbooks and instructional materials approved by the  
15 attorney general in conformance with subsection (a) of this  
16 section;

17

18           (ii) The discussion of otherwise controversial  
19 aspects of history, only if done so by presenting, from a  
20 holistic point of view, a complete, neutral and unbiased  
21 perspective of the subject matter;

22

1           (iii) Instruction on the historical oppression  
2 of a particular group of people based on race, ethnicity,  
3 class, nationality, religion or geographic region;

4

5           (iv) Primary source documents relevant to a  
6 discussion in paragraphs (i) through (iii) of this section  
7 if otherwise approved for use in curriculum or trainings.

8

9           (c) Subsection (b) of this section shall not be  
10 interpreted to allow for a violation of subsection (a) of  
11 this section.

12

13           (d) This subsection shall not preclude any training  
14 on sexual harassment or reporting of abuse.

15

16           (e) On or before December 1 of each year, the  
17 department of administration and information shall submit a  
18 report that lists state agencies in compliance with this  
19 section to the governor, the president of the senate, the  
20 speaker of the house of representatives and the secretary  
21 of state.

22

1 (f) A person aggrieved by an alleged violation of  
2 this section shall have a private cause of action against  
3 the state, a state agency or a city, town, county or  
4 political subdivision for damages arising from the alleged  
5 violation. Notwithstanding any other provision of law,  
6 neither the state nor any state agency, city, town, county  
7 or political subdivision shall be immune from liability for  
8 a violation of this section. The aggrieved person may bring  
9 an action in the district court in the county in which  
10 alleged violation occurred.

11

12 **Section 2.** W.S. 1-39-104(a) is amended to read:

13

14 **1-39-104. Granting immunity from tort liability;**  
15 **liability on contracts; exceptions.**

16

17 (a) A governmental entity and its public employees  
18 while acting within the scope of duties are granted  
19 immunity from liability for any tort except as provided by  
20 W.S. 1-39-105 through 1-39-112, 21-9-105(h) and  
21 27-9-109(f). Any immunity in actions based on a contract  
22 entered into by a governmental entity is waived except to  
23 the extent provided by the contract if the contract was

1 within the powers granted to the entity and was properly  
2 executed and except as provided in W.S. 1-39-120(b). The  
3 claims procedures of W.S. 1-39-113 apply to contractual  
4 claims against governmental entities.

5

6 **Section 3.** This act is effective July 1, 2024.

7

8

(END)