

HOUSE BILL NO. HB0190

Parental rights in education.

Sponsored by: Representative(s) Bear, Andrew, Angelos, Haroldson, Heiner, Hornok, Jennings, Knapp, Neiman, O'Hearn, Ottman, Penn, Singh, Slagle, Smith, Strock, Styvar, Ward and Winter and Senator(s) Biteman, Boner, Dockstader, Hutchings, Ide and Steinmetz

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;

1 providing definitions; requiring rulemaking; and providing
2 for effective dates.

3

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

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

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

11

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

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16 (i) For students in grades kindergarten through
17 twelve (12); or

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

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

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2 (i) Notify a student's parent or guardian
3 immediately if the student indicates that they wish to
4 change their name, pronoun, title or word to identify the
5 student in a manner that is inconsistent with the student's
6 biological sex;

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

19

20 (iii) Unless disclosure is prohibited by other
21 law, not prohibit parents or guardians from accessing any
22 of their student's education and health records created,
23 maintained or used by the school district;

1

2 (iv) Not adopt any policies or procedures that
3 prohibit school district personnel from notifying a
4 student's parent or guardian about the student's mental,
5 emotional or physical health or well-being, or a change in
6 related services;

7

8 (v) Not adopt procedures that encourage or have
9 the effect of encouraging a student to withhold from a
10 parent or guardian information about the student's mental,
11 emotional or physical health or well-being.

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

23

1 (d) Before administering a student well-being
2 questionnaire or health screening to a student in grades
3 kindergarten through twelve (12), each school district
4 shall provide the questionnaire or information on the
5 health screening to the parent or guardian and obtain the
6 parent's or guardian's permission.

7

8 (e) As used in this section:

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10 (i) "Health care service" means any service
11 provided by a health care provider licensed by the state;

12

13 (ii) "Health screening" means the acquisition,
14 analysis and delivery of health related data of students to
15 aid in determining the need for medical services. A "health
16 screening" does not include medical services in response to
17 a medical emergency;

18

19 (iii) "Well-being questionnaire" means a survey
20 administered to students to assess a student's overall
21 well-being and physical, mental or emotional health.

22

1 (f) Each school district shall adopt procedures to
2 notify parents or guardians of the rights and procedures
3 available to parents under this section.

4

5 (g) Nothing in this subsection shall be construed to
6 abridge any other rights or remedies under law available to
7 parents and guardians.

8

9 (h) This section shall be implemented by each school
10 district in accordance with W.S. 14-2-206 and in compliance
11 with federal law as applicable.

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13 (j) Nothing in this section shall prohibit a school
14 district from adopting procedures that authorize school
15 district personnel to withhold from disclosing to a parent
16 or guardian information about the student's mental,
17 emotional or physical health or well-being if a reasonably
18 prudent person would believe that disclosure would result
19 in 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 (k) An attorney acting on behalf of a public school
23 may request a legal opinion from the county attorney or may

1 request that the state superintendent of public instruction
2 request a legal opinion from the attorney general as to
3 whether a proposed action by the school district would
4 violate this section.

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6 (m) A teacher or administrator who violates this
7 section shall be subject to disciplinary action under W.S.
8 21-7-110.

9

10 (n) The county attorney for the county in which an
11 alleged violation of this section occurs or the attorney
12 general may initiate a suit in the district court in the
13 county in which the teacher, administrator, school district
14 or state agency is located for the purpose of enforcing
15 this section. For each violation of this section, including
16 subsequent or continued violations, the court may impose a
17 civil penalty not to exceed five thousand dollars
18 (\$5,000.00) per teacher, administrator, school district or
19 state agency per violation of this section.

20

21 (o) A person aggrieved by an alleged violation of
22 this section shall have a private cause of action against
23 any teacher, administrator, school district or state agency

1 for damages arising from the alleged violation.
2 Notwithstanding any other provision of law, no teacher,
3 administrator, school district or state agency shall be
4 immune from liability for a violation of this section. The
5 aggrieved person may bring an action in district court in
6 the county in which the teacher, administrator, school
7 district or state agency is located.

8

9 **Section 2.** W.S. 21-3-110(a) by creating a new
10 paragraph (xlii) and 21-7-110(a)(viii), by creating a new
11 paragraph (ix) and by renumbering (ix) as (x) are amended
12 to read:

13

14 **21-3-110. Duties of boards of trustees.**

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

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19 (xlii) Adopt procedures and guidelines regarding
20 student instruction and the provision of services
21 associated with student health and well-being in accordance
22 with W.S. 21-3-135.

23

1 21-7-110. Suspension or dismissal of teachers;
2 notice; hearing; independent hearing officer; board review
3 and decision; appeal.

4

5 (a) The board may suspend or dismiss any teacher, or
6 terminate any continuing contract teacher, for any of the
7 following reasons:

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9 (viii) Conviction of a felony; ~~and~~

10

11 (ix) Violation of W.S. 21-3-135; and

12

13 ~~(ix)~~(x) Any other good or just cause relating to
14 the educational process.

15

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

21

1 **Section 4.**

2

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

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

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11

(END)