

SENATE FILE NO. SF0117

Parental rights in education.

Sponsored by: Senator(s) Dockstader and Representative(s)
Allred

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.

14

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

1

2 **Section 1.** W.S. 21-3-134 is created to read:

3

4 **21-3-134. Parental notices related to health care and**
5 **gender instruction; student welfare; procedures; school**
6 **district prohibitions.**

7

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

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

14

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

18

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

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21 (i) Adopt procedures for notifying a student's
22 parent or guardian if there is a change in the student's
23 services or monitoring related to the student's mental,

1 emotional or physical health or well-being and the school's
2 ability to provide a safe and supportive learning
3 environment for the student. Procedures adopted under this
4 paragraph shall reinforce the fundamental right of parents
5 to make decisions regarding the care and control of their
6 children by requiring school district personnel to
7 encourage a student to discuss issues relating to his
8 well-being with his parent or guardian or to facilitate
9 discussion with the parent. No procedures adopted under
10 this paragraph shall prohibit parents or guardians from
11 accessing any of their student's education and health
12 records created, maintained or used by the school district;

13

14 (ii) Not adopt any procedures that prohibit
15 school district personnel from notifying a student's parent
16 or guardian about the student's mental, emotional or
17 physical health or well-being, a change in related services
18 or monitoring. No school district shall adopt procedures
19 that encourage or have the effect of encouraging a student
20 to withhold from a parent or guardian information about the
21 student's mental, emotional or physical health or
22 well-being. Nothing in this paragraph shall prohibit a
23 school district from adopting procedures that authorize

1 school district personnel to withhold from disclosing to a
2 parent or guardian information about the student's mental,
3 emotional or physical health or well-being if a reasonably
4 prudent person would believe that disclosure would result
5 in abuse as defined by W.S. 14-3-202(a)(ii) or neglect as
6 defined by W.S. 14-3-202(a)(vii).

7

8 (c) The state board of education shall establish
9 guidelines and standards for student support services in
10 school districts in accordance with this section. Student
11 support services training developed or provided by a school
12 district to the school district's personnel shall adhere to
13 any guidelines and standards promulgated by the state board
14 of education in accordance with this section.

15

16 (d) Effective school year 2023-2024 and each school
17 year thereafter, at the beginning of each school year each
18 school district shall notify parents and guardians of each
19 health care service offered or provided at the student's
20 school and provide the option for the parent or guardian to
21 withhold consent or decline any specific health care
22 service. Parental or guardian consent to a health care
23 service shall not waive the parent's or guardian's right to

1 access his student's educational or health care records or
2 to be notified in a change in his student's services or
3 monitoring.

4

5 (e) Before administering a student well-being
6 questionnaire or health screening to a student in grades
7 kindergarten through three (3), each school district shall
8 provide the questionnaire or information on the health
9 screening to the parent or guardian and obtain the parent's
10 or guardian's permission.

11

12 (f) Each school district shall adopt procedures for a
13 parent or guardian to file a complaint with the school
14 district regarding a school district's non-compliance with
15 this section, in accordance with the following:

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

21

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

4

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

8

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

15

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

19

20 (A) Request a hearing on the complaint
21 before an independent hearing officer through the office of
22 administrative hearings, who shall determine facts relating
23 to the dispute over the school district's compliance with

1 this section, consider information provided by the school
2 district and render a recommended decision within thirty
3 (30) days after receiving the request to the state board of
4 education. The state board of education shall accept or
5 reject the hearing officer's recommended decision at its
6 next regularly scheduled meeting or within thirty (30) days
7 after the date the recommended decision is submitted to the
8 state board, whichever is earlier. The costs of the hearing
9 and the hearing officer shall be borne by the school
10 district;

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12 (B) Bring an action against the school
13 district to obtain a declaratory judgment that the school
14 district has violated this section and to seek injunctive
15 relief. A court may award damages and shall award
16 reasonable attorney fees to a parent or guardian who
17 substantially prevails in an action brought under this
18 subparagraph.

19

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

23

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

4

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

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9 **21-2-304. Duties of the state board of education.**

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11 (a) The state board of education shall:

12

13 (xviii) Adopt procedures, guidelines and
14 standards and promulgate rules regarding student
15 instruction and the provision of services associated with
16 student health and well-being and for the resolution of
17 parent complaints in accordance with W.S. 21-3-134.

18

19 **21-3-110. Duties of boards of trustees.**

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

23

1 (x1) Adopt procedures, guidelines and standards
2 regarding student instruction and the provision of services
3 associated with student health and well-being in accordance
4 with W.S. 21-3-134 and any rules, guidelines or standards
5 promulgated by the state board of education.

6
7 **Section 3.**

8
9 (a) Not later than July 1, 2023:

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11 (i) The state board of education shall
12 promulgate rules and establish or update all procedures,
13 guidelines and standards necessary to comply with the
14 requirements of this act;

15
16 (ii) Each school district board of trustees
17 shall establish procedures, guidelines and standards in
18 accordance with this act and any rules or policies
19 promulgated by the state board of education in accordance
20 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, 2023.

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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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(END)