

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:

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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

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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.

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

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21 (i) Notify a student's parent or guardian
22 immediately if there is a change in the student's services
23 or monitoring related to the student's mental, emotional or

1 physical health or well-being and the school's ability to
2 provide a safe and supportive learning environment for the
3 student. Procedures adopted under this paragraph shall
4 reinforce the fundamental right of parents to make
5 decisions regarding the care and control of their children
6 by requiring school district personnel to encourage a
7 student to discuss issues relating to his well-being with
8 his parent or guardian or to facilitate discussion with the
9 parent;

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

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15 (iii) Not adopt any policies or procedures that
16 prohibit school district personnel from notifying a
17 student's parent or guardian about the student's mental,
18 emotional or physical health or well-being, a change in
19 related services or monitoring;

20

21 (iv) Not adopt procedures that encourage or have
22 the effect of encouraging a student to withhold from a

1 parent or guardian information about the student's mental,
2 emotional or physical health or well-being.

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4 (c) Effective school year 2023-2024 and each school
5 year thereafter, at the beginning of each school year each
6 school district shall notify parents and guardians of each
7 health care service offered or provided at the student's
8 school and provide the option for the parent or guardian to
9 withhold consent or decline any specific health care
10 service. Parental or guardian consent to a health care
11 service shall not waive the parent's or guardian's right to
12 access his student's educational or health care records or
13 to be notified in a change in his student's services or
14 monitoring.

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16 (d) Before administering a student well-being
17 questionnaire or health screening to a student in grades
18 kindergarten through three (3), each school district shall
19 provide the questionnaire or information on the health
20 screening to the parent or guardian and obtain the parent's
21 or guardian's permission.

22

1 (e) Each school district shall adopt procedures for a
2 parent or guardian to file a complaint with the school
3 district regarding a school district's non-compliance with
4 this section, in accordance with the following:

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

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

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

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19 (iv) If a complaint is not resolved by the
20 school district within thirty (30) days after submission of
21 the complaint, the school district shall resolve the
22 complaint or provide to the parent or guardian a statement

1 of reasons for why the school district has not yet resolved
2 the complaint;

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

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8 (A) Request a hearing on the complaint
9 before an independent hearing officer through the office of
10 administrative hearings, who shall determine facts relating
11 to the dispute over the school district's compliance with
12 this section, consider information provided by the school
13 district and render a recommended decision within thirty
14 (30) days after receiving the request to the state board of
15 education. The state board of education shall accept or
16 reject the hearing officer's recommended decision at its
17 next regularly scheduled meeting or within thirty (30) days
18 after the date the recommended decision is submitted to the
19 state board, whichever is earlier. The costs of the hearing
20 and the hearing officer shall be borne by the school
21 district;

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1 (B) Bring an action against the school
2 district to obtain a declaratory judgment that the school
3 district has violated this section and to seek injunctive
4 relief. A court may award damages and shall award
5 reasonable attorney fees to a parent or guardian who
6 substantially prevails in an action brought under this
7 subparagraph.

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

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

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

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20 (g) Nothing in this section shall prohibit a school
21 district from adopting procedures that authorize school
22 district personnel to withhold from disclosing to a parent
23 or guardian information about the student's mental,

1 emotional or physical health or well-being if a reasonably
2 prudent person would believe that disclosure would result
3 in abuse as defined by W.S. 14-3-202(a)(ii) or neglect as
4 defined by W.S. 14-3-202(a)(vii).

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

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10 **21-2-304. Duties of the state board of education.**

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12 (a) The state board of education shall:

13

14 (xviii) Adopt procedures and guidelines for the
15 resolution of parent complaints in accordance with W.S.
16 21-3-134.

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18 **21-3-110. Duties of boards of trustees.**

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

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