

HOUSE BILL NO. HB0061

Fiscal accountability and transparency in education.

Sponsored by: Representative(s) Penn, Andrew, Bear, Haroldson, Heiner, Hornok, Jennings, Neiman, Ottman, Pendergraft, Trujillo and Ward and Senator(s) Hutchings and Laursen, D

A BILL

for

1 AN ACT relating to education; defining applicable terms;
2 requiring reporting by school districts as specified;
3 modifying contracting requirements for school districts as
4 specified; modifying the duties of the department of
5 education as specified; requiring parental or guardian
6 permission prior to instruction as specified; prohibiting
7 school districts from requiring school district personnel
8 and students to use a student's preferred pronouns if the
9 pronoun does not align with the student's biological sex;
10 and providing for an effective date.

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

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

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2 **21-3-135. Fiscal accountability and transparency in**
3 **education.**

4

5 (a) As used in this section:

6

7 (i) "Covered program" means any program
8 implemented by a school district that directly or
9 indirectly addresses any the following concepts:

10

11 (A) Diversity, equity or inclusion or DEI;

12

13 (B) Political or social activism;

14

15 (C) Social issues.

16

17 (ii) "Department" means the state department of
18 education as created by W.S. 21-2-104;

19

20 (iii) "Diversity, equity or inclusion" or "DEI"
21 means any program, activity or policy that promotes
22 differential or preferential treatment of individuals or
23 classifies such individuals on the basis of race, color,

1 sex, national origin, gender identity or sexual
2 orientation;

3

4 (iv) "Political or social activism" means any
5 activity organized with a purpose of effecting or
6 preventing change to a government policy, action or
7 function or any activity intended to achieve a desired
8 result related to social issues, where the school district
9 endorses or promotes a position in school district
10 communications, advertisements, programs or activities.
11 "Political or social activism" does not include authorized
12 government relations and lobbying activities of the school
13 district concerning matters that directly affect the
14 operation of the school district or direct-support
15 organizations of the school district;

16

17 (v) "School district" means each school district
18 organized pursuant to W.S. 21-3-101, et seq.;

19

20 (vi) "Social issues" means topics that polarize
21 or divide society among political, ideological, moral or
22 religious beliefs, positions or norms.

23

1 (b) Not later than August 30 each year, each school
2 district shall submit an itemized report to the department
3 of any public funds expended to implement, deliver or
4 support a covered program in any public school within the
5 school district for the immediately preceding school year.
6 The report shall be in the manner and form prescribed by
7 the department. The report shall at minimum include the
8 following:

9

10 (i) The number, job description and salaries of
11 employees whose duties or job function relate to the
12 implementation, delivery or support of a covered program;

13

14 (ii) The total budget amount allocated or
15 expended by the school district to implement, deliver or
16 support covered programs;

17

18 (iii) Individual amounts allocated or expended
19 by the school district to implement, deliver or support a
20 covered program;

21

1 (iv) The number of trainings, courses, classes
2 and professional development sessions for school district
3 employees that in any manner relate to a covered program;

4

5 (v) The number of trainings, courses and classes
6 for students that in any manner relate to a covered
7 program;

8

9 (vi) The number of students disciplined,
10 counseled or involved in any remedial action related to the
11 implementation, delivery, support or improvement of a
12 covered program.

13

14 (c) Not later than August 30 each year, each school
15 district shall submit to the department the following
16 information in the manner and form prescribed by
17 department:

18

19 (i) A copy of any policy that exists or is
20 adopted by the school district to maintain, address or
21 improve a covered program;

22

1 (ii) A copy of the student and employee
2 handbooks, including identification of the following:

3
4 (A) Enforcement provisions related to
5 school district policies involving covered programs;

6
7 (B) Penalties or disciplinary measures that
8 may be imposed for failure to comply with the school
9 district's policies related to a covered program;

10
11 (C) Due process policies or requirements
12 associated with imposition of penalties or disciplinary
13 actions for failure to comply with the school district's
14 policies related to a covered program;

15
16 (D) The process for school district
17 employees to withdraw or opt out of voluntary or mandatory
18 classes, lessons, trainings, educational activities or any
19 program or activity involving a covered program.

20
21 (iii) A copy of the process and procedures
22 utilized to comply with the permission requirements
23 contained in subsection (h) of this section;

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2 (iv) A copy of the policy utilized to comply
3 with the requirements contained in subsection (k) of this
4 section;

5

6 (v) A copy of any contracts or written
7 agreements the school district executes to provide
8 professional development, training, classes, lessons,
9 educational activities or any program or activity involving
10 covered programs, including identification of the amount
11 expended for each agreement;

12

13 (vi) A copy of any contract or written agreement
14 the school district executed to perform any evaluation,
15 analysis or audit involving a covered program, including
16 agreements to assess, create or develop a covered program.
17 The school district shall include all supporting
18 documentation related to such contracts or written
19 agreements, including but not limited to procurement
20 documents, bids, proposals and reports or work products
21 generated as a result of the agreements. The report shall
22 separately identify amounts expended under each contract or

1 written agreement required to be reported under this
2 paragraph.

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4 (d) The department shall ensure information reported
5 pursuant to subsections (b) and (c) of this section is
6 publicly accessible on the department's website. The
7 information shall be searchable by school district.

8

9 (e) Each school district shall ensure information
10 reported pursuant to subsections (b) and (c) of this
11 section is publicly accessible on the school district's
12 website.

13

14 (f) Notwithstanding any other provision of law, each
15 school district shall comply with the requirements of W.S.
16 9-2-3204 in the procurement of services or supplies to
17 perform any evaluation, analysis or audit involving a
18 covered program, including but not limited to agreements to
19 assess, create or develop a covered program.
20 Notwithstanding any other provision of law, contracts or
21 written agreements executed under this section and any
22 associated work products, reports or evaluations produced
23 as a result of such contracts or written agreements shall

1 be made publicly available on each school district's
2 website. Contracts or written agreements executed under
3 this subsection shall require:

4

5 (i) The contractor to present any work product
6 or reports in performance of obligations under the contract
7 or written agreement during a public meeting of the school
8 district board of trustees with the opportunity for members
9 of the public to pose questions and obtain information
10 related to the work;

11

12 (ii) Measurable deliverables and periodic
13 benchmarks to evaluate the effectiveness of the school
14 district and the contractor in completion of the required
15 tasks;

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17 (iii) Evaluation of the progress of the school
18 district and the contractor in meeting the measurable
19 deliverables and periodic benchmarks including a statement
20 whether the failure of the school district or the
21 contractor to perform tasks under the contract resulted in
22 discrimination of students.

23

1 (g) Implementation of recommendations, findings or
2 suggested plans or action in response to a contract
3 executed under subsection (f) shall require a majority vote
4 of the board of trustees.

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6 (h) Each school district shall obtain permission from
7 each student's parent or legal guardian prior to the
8 student participating or receiving instruction in any
9 trainings, courses or classes that address a covered
10 program. Written and electronic notice shall be given to
11 parents and legal guardians not less than fourteen (14)
12 calendar days prior to the student's participation or
13 receipt of instruction in any trainings, courses or classes
14 that address a covered program. Parents and guardians may
15 provide permission for the student to participate or
16 receive instruction in any trainings, courses or classes
17 that address a covered program. No student shall
18 participate or receive instruction in any trainings,
19 courses or classes that address a covered program without
20 written or electronic permission by the student's parent or
21 legal guardian as required under this subsection at least
22 one (1) day prior to the participation or instruction in

1 any trainings, courses or classes that address a covered
2 program.

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4 (j) Each school district shall adopt a policy and
5 ensure school district employees have the ability to
6 withdraw or opt out of voluntary or mandatory classes,
7 lessons, trainings, educational activities or any program
8 or activity involving a covered program.

9

10 (k) Each school district shall adopt a policy and
11 ensure that school district employees and students are not
12 required to refer to a student using the student's
13 preferred pronoun if the pronoun does not align with the
14 student's biological sex.

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16 **Section 2.** W.S. 9-2-3204(b)(intro) and
17 21-3-110(a)(viii) are amended to read:

18

19 **9-2-3204. General services division.**

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21 (b) For the purpose of this subsection the term
22 "agencies" does not include the University of Wyoming,
23 community college districts, or, except as provided by W.S.

1 21-3-135(f), school districts. It does not include the
2 department of transportation except as to paragraphs (xi),
3 (xii) and (xiii) of this subsection. The department through
4 the general services division shall:

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6 **21-3-110. Duties of boards of trustees.**

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8 (a) The board of trustees in each school district
9 shall:

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11 (viii) Except as provided by W.S. 21-3-135(f),
12 obtain competitive bids when any purchase of insurance,
13 supplies or materials other than textbooks costing more
14 than twenty-five thousand dollars (\$25,000.00) and less
15 than fifty thousand dollars (\$50,000.00) is contemplated
16 unless precluded by other regulation or statute. If the
17 amount of the purchase of insurance, supplies or materials
18 other than textbooks is equal to or exceeds fifty thousand
19 dollars (\$50,000.00), a call for bids shall be published at
20 least once in a newspaper of general circulation in the
21 district and on the state procurement website, as defined
22 in W.S. 9-2-3001(b)(vii). For any contract for a capital
23 construction project with an estimated value in excess of

1 fifty thousand dollars (\$50,000.00), the board shall
2 publish a call for bids in a newspaper of general
3 circulation in the district at least once each week for two
4 (2) consecutive weeks. All contracts for capital
5 construction projects shall be let in accordance with W.S.
6 9-2-3004 and 9-2-3006 except as provided in this paragraph.
7 The district shall reserve the right to reject any and all
8 bids and to waive irregularities and informalities in any
9 bid, as defined in W.S. 9-2-3001(b)(v). No contract shall
10 be divided for the purpose of avoiding this paragraph.
11 Items for which bids must be obtained may be described in
12 the published call for bids by stating general requirements
13 and making detailed specifications available to prospective
14 bidders at the district's administrative headquarters. A
15 district shall independently meet the requirements of this
16 paragraph when procuring goods or services that are subject
17 to this paragraph through a board of cooperative
18 educational services;

19

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

21

22

(END)