

HOUSE BILL NO. HB0205

Ban on teaching and training critical race theory.

Sponsored by: Representative(s) Bear, Allemand, Angelos, Banks, Davis, Haroldson, Heiner, Hornok, Jennings, Knapp, Lawley, Locke, Neiman, Niemiec, O'Hearn, Ottman, Pendergraft, Penn, Rodriguez-Williams, Slagle, Smith, Strock, Styvar, Tarver, Trujillo, Ward, Winter and Wylie and Senator(s) Biteman, Boner, Brennan, Dockstader, Hicks, Hutchings, Kolb, Laursen, D, McKeown, Salazar and Steinmetz

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:

1

2 **21-9-105. Prohibited instruction; disciplinary**
3 **action; legal action; civil penalty.**

4

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

11

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

17

18 (i) That any sex, race, ethnicity, religion,
19 color or national origin is inherently superior or
20 inferior;

21

22 (ii) That a person should be discriminated
23 against or receive adverse treatment solely or partly

1 because of the sex, race, ethnicity, religion, color or
2 national origin attributed to that person;

3

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

10

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

15

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

20

21 (vi) That a person should be targeted for or
22 made to feel discomfort, guilt, anguish or any other form
23 of psychological, physical or any other kind of distress

1 because of the sex, race, ethnicity, religion, color or
2 national origin attributed to that person;

3

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

7

8 (viii) That the United States is fundamentally
9 or systemically racist or sexist.

10

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

16

17 (i) The history of an ethnic group, as described
18 in textbooks and instructional materials adopted in
19 accordance with approved curriculum;

20

21 (ii) The discussion of otherwise controversial
22 aspects of history, only if done so by presenting, from a

1 holistic point of view, a complete and accurate perspective
2 of the subject matter or prism;

3

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

7

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

11

12 (d) Subsection (c) of this section shall not be
13 interpreted to allow for a violation of subsection (b) of
14 this section.

15

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

22

1 (f) A teacher or administrator who violates this
2 section shall be subject to disciplinary action under W.S.
3 21-7-110.

4

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

14

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

1 the district court in the county in which the teacher,
2 administrator, school district or state agency is located.

3

4 (j) This section shall not preclude any training on
5 sexual harassment or lessons on recognizing and reporting
6 abuse.

7

8 **27-9-109. Training, orientation and therapy; blame**
9 **and judgment; prohibition; annual report; definition.**

10

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

17

18 (i) That any sex, race, ethnicity, religion,
19 color or national origin is inherently superior or
20 inferior;

21

22 (ii) That a person should be discriminated
23 against or receive adverse treatment solely or partly

1 because of the sex, race, ethnicity, religion, color or
2 national origin attributed to that person;

3

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

10

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

15

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

20

21 (vi) That a person should be targeted for or
22 made to feel discomfort, guilt, anguish or any other form
23 of psychological, physical or any other kind of distress

1 because of the sex, race, ethnicity, religion, color or
2 national origin attributed to that person;

3

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

7

8 (viii) That the United States is fundamentally
9 or systemically racist or sexist.

10

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

15

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

19

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

1

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

5

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

9

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

13

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

16

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

23

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, 2023.

7

8

(END)