

SENATE FILE NO. SF0009

Parental rights in education-1.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to education; specifying procedures and
 2 requirements for school districts to provide parents and
 3 guardians notice of information regarding students and the
 4 rights of parents and guardians to make decisions regarding
 5 their children; specifying that school districts cannot
 6 prohibit parental or guardian notifications and involvement
 7 in critical decisions involving students; specifying
 8 procedures for resolving parent or guardian concerns and
 9 complaints; specifying duties for school districts;
 10 requiring adoption of necessary policies, rules and
 11 procedures; and providing for effective dates.

12

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

14

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

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1 **21-3-135. Parental and guardian notices related to**
2 **the physical, mental and emotional health of students;**
3 **student welfare; procedures; school district prohibitions.**

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5 (a) Each school district shall:

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

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19 (ii) Not prohibit parents or guardians from
20 accessing any of their student's education and health
21 records created, maintained or used by the school district.
22 Parents or guardians shall be provided access to education
23 and health records within a reasonable time;

1

2 (iii) Not adopt or implement any rules, policies
3 or procedures that prohibit school district personnel from
4 notifying a student's parent or guardian about the
5 student's physical, mental or emotional health or
6 well-being or a change in the student's related services as
7 authorized under paragraphs (a)(i) and (ii) of this
8 section;

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10 (iv) Not adopt or implement any rule, policies
11 or procedures that encourage or have the effect of
12 encouraging a student to withhold from a parent or guardian
13 information about the student's physical, mental or
14 emotional health or well-being.

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16 (b) Effective school year 2024-2025 and each school
17 year thereafter, at the beginning of each school year, each
18 school district shall make available to parents and
19 guardians any health care services offered or provided at
20 the student's school and provide the option for the parent
21 or guardian to withhold consent or decline any specific
22 health care service. Parental or guardian consent to a
23 health care service shall not waive the parent's or

1 guardian's right to access the student's educational or
2 health care records or to be notified of a change in the
3 student's physical, mental or emotional health or
4 well-being.

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6 (c) Before administering a well-being questionnaire
7 or health screening to a student or a group of students,
8 each school district shall make available the questionnaire
9 or information on the health screening to the parent or
10 guardian.

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

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

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1 (ii) To initiate proceedings under this
2 subsection, a parent or guardian shall file a complaint
3 with the school district superintendent or his designee;

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5 (iii) The school district superintendent or his
6 designee shall acknowledge in writing receipt of a
7 complaint submitted under this subsection within seven (7)
8 business days from the date of receipt of the complaint, as
9 evidenced by the postmark;

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11 (iv) The school district superintendent shall
12 issue a decision in response to a complaint under this
13 subsection not more than thirty (30) calendar days after
14 the written acknowledgment required under paragraph (iii)
15 of this subsection;

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17 (v) Any parent or guardian aggrieved by a
18 decision made by a school district superintendent under
19 paragraph (iv) of this subsection may request a hearing
20 before the school district's board of trustees, who shall
21 determine facts relating to the dispute over the school
22 district superintendent's compliance with this section,
23 consider any information provided by the school district

1 superintendent and render a decision within thirty (30)
2 calendar days after receiving the request for a hearing;

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4 (vi) Any parent or guardian aggrieved or
5 adversely affected in fact by a final decision of a board
6 of trustees under paragraph (v) of this subsection, may
7 seek judicial review pursuant to W.S. 16-3-114, within
8 thirty (30) calendar days of the decision by the board of
9 trustees, as evidenced by the postmark;

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11 (vii) Each school district shall adopt necessary
12 rules, policies and procedures to notify parents and
13 guardians of the rights and procedures available under this
14 subsection;

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16 (viii) Nothing in this subsection shall be
17 construed to abridge any other rights or remedies under law
18 available to parents and guardians.

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20 (e) This section shall be implemented by each school
21 district in accordance with W.S. 14-2-206.

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1 (f) Nothing in this section shall prohibit a school
2 district from adopting procedures that authorize school
3 district personnel to withhold from disclosing to a parent
4 or guardian information about the student's physical,
5 mental or emotional health or well-being if a reasonably
6 prudent person would believe that disclosure would result
7 in abuse as defined by W.S. 14-3-202(a)(ii) or neglect as
8 defined by W.S. 14-3-202(a)(vii).

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10 **Section 2.** W.S. 21-3-110(a) by creating a new
11 paragraph (xlii) is amended to read:

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13 **21-3-110. Duties of boards of trustees.**

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

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18 (xlii) Adopt policies, procedures and rules
19 necessary to implement the provisions of W.S. 21-3-135.

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21 **Section 3.** Not later than July 1, 2024, each school
22 district board of trustees shall establish rules, policies
23 and procedures in accordance with this act.

