

HOUSE BILL NO. HB0221

Education-parental rights.

Sponsored by: Representative(s) Lindholm, Blackburn, Clem, Kroeker and Steinmetz

A BILL

for

1 AN ACT relating to parental rights in education; modifying
2 definitions; modifying requirements for home-based
3 educational programs and private schools; modifying
4 mandatory school attendance; modifying student assessment;
5 modifying collection and retention of student information;
6 prohibiting destruction of education information as
7 specified; prohibiting concealing of education information
8 as specified; prohibiting retention of education
9 information as specified; prohibiting collection of
10 education information as specified; imposing penalties;
11 requiring reporting; and providing for an effective date.

12

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

14

1 **Section 1.** W.S. 21-2-901 and 21-4-317 are created to
2 read:

3
4 **21-2-901. Education records; retention; penalties.**

5
6 (a) Notwithstanding any other provision of law, all
7 personally identifiable student information in possession
8 of the state, school district or school, including but not
9 limited to information related to academic performance,
10 special services received or participation in
11 extracurricular activities, shall be available to the
12 parent or legal guardian of a child.

13
14 (b) Notwithstanding any other provision of law, the
15 parent or legal guardian of any child attending a public
16 school shall have the ability to prohibit personally
17 identifiable student information from being collected or
18 maintained by the school, school district, state or federal
19 government for the child.

20
21 (c) Notwithstanding any other provision of law, upon
22 the written notification by the parent or legal guardian of
23 a child, no child attending public school shall be required

1 to participate in any assessment required under state or
2 federal law.

3

4 (d) Notwithstanding any other provision of law, any
5 school or school district representative, administrator or
6 employee is guilty of a misdemeanor punishable by a fine of
7 not more than seven hundred fifty (\$750.00) if he destroys,
8 conceals or purges any personally identifiable student
9 information, including but not limited to information
10 related to academic performance or participation in
11 extracurricular activities, without the written consent of
12 the parent or legal guardian of the child. Each instance
13 of destruction, concealing or purging of information as
14 prohibited under this subsection constitutes a separate
15 offense.

16

17 (e) Notwithstanding any other provision of law, any
18 school or school district representative, administrator or
19 employee is guilty of a misdemeanor punishable by a fine of
20 not more than seven hundred fifty dollars (\$750.00) if he
21 fails to provide all personally identifiable student
22 information in the possession of the state, school district
23 or school, including but not limited to information related

1 to academic performance or participation in extracurricular
2 activities, upon the written request of the parent or legal
3 guardian of a child. Each failure to provide requested
4 information as prohibited under this subsection constitutes
5 a separate offense.

6

7 **21-4-317. Home-based educational program and private**
8 **school children.**

9

10 (a) Notwithstanding any other provision of law, all
11 Wyoming school districts shall allow children attending a
12 private school or home-based educational program to enroll
13 in dual and concurrent enrollment courses offered pursuant
14 to W.S. 21-20-101 through 21-20-111 and 21-20-201 and any
15 other extracurricular or elective courses, including but
16 not limited to band or choir courses, offered by the school
17 district in which the child resides. The board of trustees
18 of each school district shall adopt policies and procedures
19 to govern enrollment pursuant to this subsection. Children
20 enrolled full-time in the public school shall be given
21 priority for enrollment if the class size exceeds the
22 capacity for a specific class or program.

23

1 (b) Children enrolled pursuant to subsection (a) of
2 this section shall be included in the average daily
3 membership of the school district as required under W.S.
4 21-13-101(a)(i).

5
6 (c) No school district shall discriminate against a
7 child who desires to participate in any extracurricular
8 activities offered by the school district in which the
9 child resides. All children wishing to participate in such
10 activities shall be given equal opportunity and treatment
11 during any tryout process.

12
13 **Section 2.** W.S. 21-4-101(a)(i), (iv), (v) and (vi)
14 and 21-4-102(a)(intro), (b), (c) and by creating new
15 subsections (d) and (e) are amended to read:

16
17 **21-4-101. Definitions.**

18
19 (a) For the purposes of this article:

20
21 (i) "Unexcused absence" means the absence, ~~as~~
22 ~~defined in the policies of the local board of trustees,~~ of
23 any child required by this article to attend school when

1 such absence is not ~~excused to the satisfaction of the~~
2 ~~board of trustees~~ consented to by the parent, guardian, or
3 other person having control of such child;

4
5 (iv) "Parochial, church or religious school" is
6 one operated under the auspices or control of a local
7 church or religious congregation or a denomination
8 established to promote and promulgate the commonly held
9 religious doctrines of the group though it may also include
10 basic academic subjects in its curriculum. Nothing
11 contained in W.S. 21-4-102(b), 21-2-401 or 21-2-406 grants
12 to the state of Wyoming or any of its officers, agencies,
13 subdivisions or school districts any right or authority to
14 control, manage, supervise or make any suggestions as to
15 the control, management or supervision of any parochial,
16 church or religious school which meets the requirements of
17 W.S. 21-2-406(a);

18
19 (v) A "home-based educational program" means a
20 program of educational instruction provided to a child by
21 the child's parent or legal guardian or by a person
22 designated by the parent or legal guardian. ~~An~~
23 ~~instructional program provided to more than one (1) family~~

1 ~~unit does not constitute a home-based educational program~~
2 Nothing contained in W.S. 21-4-102(b), 21-2-401 or 21-2-406
3 grants the state of Wyoming or any of its officers,
4 agencies, subdivisions or school districts any right or
5 authority to control, manage, supervise or make any
6 suggestions as to the control, management or supervision of
7 any home-based educational program which meets the
8 requirements of this paragraph and paragraph (vi) of this
9 subsection;

10
11 (vi) "Basic academic educational program" is one
12 that provides a sequentially progressive curriculum of
13 fundamental instruction in ~~reading, writing language arts,~~
14 mathematics, science and social studies, that may include
15 but is not limited to civics, history, ~~literature and~~
16 ~~science~~ religious instruction and geography. These
17 curriculum requirements do not require any private school
18 or home-based educational program to implement any academic
19 or other standards or include in its curriculum any
20 concept, topic or practice in conflict with its religious
21 doctrines or to exclude from its curriculum any concept,
22 topic or practice consistent with its religious doctrines.

23

1 **21-4-102. When attendance required; exemptions;**
2 **withdrawal; penalties.**

3
4 (a) Every parent, guardian or other person having
5 control or charge of any child who is a resident of this
6 state, ~~and~~ whose seventh birthday falls on or before
7 September 15 of any year and who has not yet attained his
8 sixteenth birthday or completed the tenth grade shall be
9 required to send such child to, and such child shall be
10 required to attend, ~~a public or private~~ school each year,
11 in accordance with this subsection. Children attending a
12 public school shall attend during the entire time that the
13 public schools ~~shall be~~ are in session in the district in
14 which the pupil resides, ~~;~~ ~~provided, that~~ Children attending
15 a private school shall attend school for a period of time
16 equal to the period of time that public schools are in
17 session in the district in which the pupil resides. The
18 board of trustees of each school district may exempt any
19 child from the operation of this article when:

20
21 (b) A home-based educational program shall ~~meet the~~
22 ~~requirements of a basic academic educational program~~
23 ~~pursuant to W.S. 21-4-101(a)(vi).~~ ~~It shall be the~~

1 ~~responsibility of every person administering a home-based~~
2 ~~educational program to submit a curriculum to the local~~
3 ~~board of trustees each year showing that the program~~
4 ~~complies with the requirements of this subsection. Failure~~
5 ~~to submit a curriculum showing compliance is prima facie~~
6 ~~evidence that the home-based educational program does not~~
7 ~~meet the requirements of this article~~ not be determined or
8 approved by any federal or state entity or any school
9 district.

10
11 (c) ~~In addition to subsection (a) of this section,~~
12 ~~the~~ Notwithstanding any other provision of law, a parent,
13 guardian or other person having control or charge of any
14 child under the age of eighteen (18), ~~who has not otherwise~~
15 ~~notified the district of enrolling that child in a~~
16 ~~different school district or in a private school or home-~~
17 ~~based educational program, shall meet in person with a~~ may
18 provide the school district ~~counselor or administrator to~~
19 ~~provide the school district with a~~ written ~~consent to the~~
20 letter of withdrawal ~~of~~ to notify the school district that
21 the child ~~from school attendance~~ will no longer attend
22 school. The written ~~consent to~~ letter of withdrawal ~~shall~~
23 may include a separate provision authorizing the release of

1 the student's identity and address to the Wyoming national
2 guard youth challenge program, as established by W.S.
3 19-9-701, for the sole purpose of recruitment into the
4 Wyoming national guard youth challenge program. The school
5 district shall give the parent or legal guardian all
6 student records if the child withdraws from a public school
7 as provided by this subsection.

8
9 (d) Notwithstanding any other provision of law, the
10 following shall apply to the operation of any home-based
11 educational program or private school:

12
13 (i) The federal or state government or school
14 district shall not impose any federal, state or school
15 district standards or initiatives, including but not
16 limited to any academic standards;

17
18 (ii) The federal or state government and school
19 district shall not impose any federal, state, regional or
20 school district tests or assessments; and

21
22 (iii) The federal or state government or school
23 district shall not impose any curriculum.

1

2 (e) Any school or school district representative,
3 administrator or employee or federal or state government
4 employee is guilty of a misdemeanor punishable by a fine of
5 not more than seven hundred fifty dollars (\$750.00) if he
6 attempts to obtain personally identifiable student
7 information from a home-based educational program or
8 private school. Any school district employee sending home-
9 based educational programs or private schools a request for
10 personally identifiable student information is specifically
11 prohibited and shall be deemed prima facie evidence of
12 attempting to obtain information prohibited under this
13 subsection. Each attempt to obtain data prohibited under
14 this subsection constitutes a separate offense.

15

16 **Section 3.** The joint interim education committee
17 shall conduct a review of related statutes to ensure no
18 conflicting or unnecessary provisions exist as a result of
19 passage of this act. The committee shall report to the
20 legislature prior to the 2016 budget session and shall
21 include any draft legislation necessary to effectuate the
22 recommendations.

23

1 **Section 4.** This act is effective July 1, 2015.

2

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(END)