



**SENATE RESOLUTION #2851**

**TITLE:** ASUW Opposition to SF0017 Parental Rights in Education  
**DATE INTRODUCED:** January 31, 2023  
**AUTHOR:** Senator McLean and Director of Governmental and Community Affairs Heddins  
**SPONSORS:** Senators Ewalt and Engelby; President Brown; Vice President Swilling; Director of Diversity Sapien; First-Year Senators Chaudhari, Keasling, Knopp, and Medina; Pi Kappa Alpha Fraternity


1. WHEREAS, the purpose of the Associated Students of the University of Wyoming
2. (ASUW) is to serve our fellow students in the best manner possible; and,
3. WHEREAS, SF#00117 “Parental Rights in Education” is summarized as, “AN ACT
4. relating to education; specifying procedures and requirements for school districts to
5. provide parents notice of information regarding students and the rights of parents to
6. make decisions regarding their children; specifying that school districts cannot prohibit
7. parental notification and involvement in critical decisions involving students;
8. prohibiting classroom discussion about sexual orientation or gender identity as
9. specified; specifying training requirements for school districts; specifying procedures
10. for resolving parent concerns and complaints; specifying duties for school district
11. boards of trustees and the state board of education; providing for a cause of action;
12. requiring rulemaking; and providing for effective dates.” (Addendum A); and,
13. WHEREAS, this senate file is a word for word recreation of the Florida HB#1557,
14. colloquially titled the “Don’t Say Gay” bill; and,
15. WHERAS, SF#00117 would prohibit any conversation of gender identity and sexual
16. orientation; and,

17. WHEREAS, SF#00117 is intentionally vague, as it does not clarify which gender
18. identities and sexual orientations are allowed to be discussed, what books are allowed to
19. be read and what stories are allowed to be told; and,
20. WHEREAS, SF#00117 has the potential to prohibit teachers and students with
21. diverse families from openly discussing their home life and lived experiences; and,
22. WHEREAS, W.S. 21-2-134 states that parents must be notified should these  
conversations
23. take place, which may require students to be outed to their parents, even if they are
24. not ready to come out; and,
25. WHEREAS, 20.50% of University of Wyoming students identify as part of the
26. LGBTQIAP2S+ community, as outlined in Addendum B, and could be adversely
27. affected in the field of education as result of this legislation; and,
28. WHEREAS, SF#00117 has been challenged by Wyoming's American Civil
29. Liberties Union (ACLU), citing the difficulty that it would place on Wyoming students,
30. teachers, and families, as shown in Addendum C; and,
31. WHEREAS, previous iterations of "Parental Rights in Education" in other states are
32. currently being challenged in federal court and it is currently unknown the
33. constitutionality and future of this legislation and legislation like it.
34. THEREFORE, be it resolved that SF#00117 would pose a serious threat to the quality,
35. fairness, and safety of Wyoming students, teachers, and diverse families; and,
36. THEREFORE, be it further resolved that SF#00117 does not clarify which gender
37. identities and sexualities are appropriate for discussion in a classroom setting, nor does it
38. clarify specifically how it will impact educational materials, meaning this legislation

- 39. could lead to harmful and unintended consequences in the future; and,
- 40. THEREFORE, be it further resolved that SF#00117 is not reflective of the views of
- 41. University of Wyoming students, and;
- 42. THEREFORE, be it further resolved that SF#00117 is fundamentally against the values
- 43. of diversity, inclusion and acceptance that ASUW upholds and strives for at the
- 44. University of Wyoming; and,
- 45. THEREFORE, be it further resolved that upon passage of this resolution it will be sent to
- 46. relevant lawmakers in the Wyoming State Legislature or any relevant Wyoming
- 47. Government officials as deemed appropriate by the ASUW Director of Governmental
- 48. and Community Affairs in consultation with the ASUW President; and,
- 49. THEREFORE, be it further resolved that the ASUW Student Government unequivocally
- 50. opposes the passage and implementation of SF#00117, "Parental Rights in Education."

51. Referred to: \_\_\_\_\_ Committee of the Whole \_\_\_\_\_

52. Date of Passage: \_\_\_\_\_ January 31st, 2023 \_\_\_\_\_ Signed: \_\_\_\_\_

  
(ASUW Chairperson)

53. "Being enacted on \_\_\_\_\_ January 31<sup>st</sup>, 2023 \_\_\_\_\_, I do hereby sign my name hereto

54.

55. and approve this Senate action."

  
ASUW President

## Addendum A

The current version of the bill text is displayed below. To view all versions of the bill with page and line numbers, use the PDF documents located to the right, under "Bill Versions & Resources."

2023

STATE OF WYOMING

23LSO-0156

SENATE FILE NO. SF0117

Parental rights in education.

Sponsored by: Senator(s) Dockstader and Representative(s) Allred

A BILL

for

AN ACT relating to education; specifying procedures and requirements for school districts to provide parents notice of information regarding students and the rights of parents to make decisions regarding their children; specifying that school districts cannot prohibit parental notification and involvement in critical decisions involving students; prohibiting classroom discussion about sexual orientation or gender identity as specified; specifying training requirements for school districts; specifying procedures for resolving parent concerns and complaints; specifying duties for school district boards of trustees and the state board of education; providing for a cause of action; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 21-3-134 is created to read:

**21-3-134. Parental notices related to health care and gender instruction; student welfare; procedures; school district prohibitions.**

(a) No school district shall permit classroom instruction by teachers or any other person on sexual orientation and gender identity:

(i) For students in grades kindergarten through three (3); or

(ii) In a manner that is not age appropriate or developmentally appropriate for students in accordance with standards established by the state board of education.

(b) Each school district board of trustees shall:

(i) Adopt procedures for notifying a student's parent or guardian if there is a change in the student's services or monitoring related to the student's mental, emotional or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. Procedures adopted under this paragraph shall reinforce the fundamental right of parents to make decisions regarding the care and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his well-being with his parent or guardian or to facilitate discussion with the parent. No procedures adopted under this paragraph shall prohibit parents or guardians from accessing any of their student's education and health records created, maintained or used by the school district;

(ii) Not adopt any procedures that prohibit school district personnel from notifying a student's parent or guardian about the student's mental, emotional or physical health or well-being, a change in related services or monitoring. No school district shall adopt procedures that encourage or have the effect of encouraging a student to withhold from a parent or guardian information about the student's mental, emotional or physical health or well-being. Nothing in this paragraph shall prohibit a school district from adopting procedures that authorize school district personnel to withhold from disclosing to a parent or guardian information about the student's mental, emotional or physical health or well-being if a reasonably prudent person would believe that disclosure would result in abuse as defined by W.S. 14-3-202(a)(ii) or neglect as defined by W.S. 14-3-202(a)(vii).

(c) The state board of education shall establish guidelines and standards for student support services in school districts in accordance with this section. Student support services training developed or provided by a school district to the school district's personnel shall adhere to any guidelines and standards promulgated by the state board of education in accordance with this section.

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

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

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

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

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

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

(iv) If a complaint is not resolved by the school district within thirty (30) days after submission of the complaint, the school district shall resolve the complaint or provide to the parent or guardian a statement of reasons for why the school district has not yet resolved the complaint;

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

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

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

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

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

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

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

(a) The state board of education shall:

(xviii) Adopt procedures, guidelines and standards and promulgate rules regarding student instruction and the provision of services associated with student health and well-being and for the resolution of parent complaints in accordance with W.S. 21-3-134.

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

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

(xl) Adopt procedures, guidelines and standards regarding student instruction and the provision of services associated with student health and well-being in accordance with W.S. 21-3-134 and any rules, guidelines or standards promulgated by the state board of education.

**Section 3.**

(a) Not later than July 1, 2023:

(i) The state board of education shall promulgate rules and establish or update all procedures, guidelines and standards necessary to comply with the requirements of this act;

(ii) Each school district board of trustees shall establish procedures, guidelines and standards in accordance with this act and any rules or policies promulgated by the state board of education in accordance with this act.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

## Addendum B

### LGBTQIA2S+ Student Support

The ASUW Fall Student Issues Survey was distributed for a month from September-October 2022 and received responses from 1,136 students. The compiled data in this report highlights quantitative data with a select number of qualitative responses. Alongside this data, ASUW also presents summaries highlighting our findings from the data as well as presenting suggestions or statements.

#### Summary

The LGBTQIA2S+ Student Support portion of the ASUW Fall Issues Survey received feedback from almost 1,300 students. Feedback on this portion of the survey was limited to students and was not available to staff or faculty. We acknowledge this feedback is limited, but are confident it is a representation of student concerns.

On the whole, the survey results provided productive feedback regarding campus climate and safety, access to counseling, name change processes, staff and faculty trainings, reporting structures, support for Trans students, and legislative concerns. The overarching theme of the open-ended feedback was that the existing resources on campus like Multicultural Affairs, Queer Community Coalition, and United Multicultural Council are doing great work, but there needs to be increased support in other areas of campus, as well as increased awareness of said resources.

#### Students/Participants

Out of the 1,290 students who participated in this section of the survey, 20.50% of students reported that they identify within the LGBTQIA2S+ community. Of the students who identify with that community, 39.13% of them expressed that they believe the University of Wyoming is doing enough to support LGBTQIA2S+ students, with the other 60.87% of participants choosing the “No” or “Unsure” options. Fortunately, 87.02% of LGBTQIA2S+ students said that they were aware of on-campus resources like Multicultural Affairs, Rainbow Resource Center, and Queer Community Coalition. 11.54% of respondents identified as transgender, with 45.83% expressing awareness of resources like the ASUW Name Change Fund.

<b><i>Do you identify within the LGBTQIA2S+ community?</i></b>			
#	Field	Choice Count	
1	Yes	20.50%	<b>219</b>
2	No	80.16%	1,034
3	Prefer not to say	2.87%	37

*Follow through questions with the 219 who selected “yes” for the previous question.*

<b><i>Do you believe the University of Wyoming is doing enough to support LGBTQIA2S+ Students?</i></b>	
Field	Choice Count



Yes	39.13%	18
No	27.05%	56
Unsure	33.82%	70

***Are you aware of on-campus student interest groups for queer students? (Queer Community Coalition, Multicultural Affairs student circles, Rainbow resource center etc.)***

Field	Choice Count	
Yes	87.02%	181
No	12.98%	27

***Do you identify as transgender?***

Field	Choice Count	
Yes	11.54%	<b>24</b>
No	86.96%	179
Prefer not to say	2.40%	5

*Follow through question with the 24 who selected “yes” for the previous question.*

***Are you aware of resources that are provided to students, like the ASUW name-change fund that completely pays for the costs of changing your name and also provides legal assistance?***

Field	Choice Count	
Yes	45.83%	11
No	54.17%	13

### ***Select Open Comments***

“The university has an image problem, particularly with DEI issues. Students are working so hard to pick up the slack of staff and upper admin. If UW truly cared about students, they would do more to prove that LGBTQIA+ students are welcome here.”

“Actual acknowledgment from the University particularly about upcoming legislative issues that impact students and the Gender Studies department. More of an effort to have professors use inclusive language and include pronouns in introductions would also be nice.”

“Stop deadnaming students through all official communications. Allow me to actually use my real name, update my email, not be called on by my deadname, etc.”

“Not invite transphobic commencement speakers, provide better training for faculty and staff in regards to asking for pronouns and respecting identities and maintaining safe places for discussion in classrooms, have higher admin attend some LGBTQIA+ events to get to know students and their issues”

## **Student Mental Health**

### **Summary**

The mental health portion of the ASUW Fall Issues Survey opened on Wednesday, September 7<sup>th</sup> and has had feedback from over 1,136 students. We acknowledge this feedback is limited, but are confident that results are a clear presentation of student concerns across campus.

There were multiple questions throughout the survey that asked students about their mental health. In question 55 of the student survey students were asked to select which of the following mental or emotional health challenges they have experienced in the past month. 10.41% (684) students selected that anxiety was a challenge that they faced in the past month. 16.45% (479) students selected that one of the problems they faced in the past month is trouble concentrating. Students were also asked to put down any there any other problems, they faced in the past month that were not represented in the selection boxes. Some problems that were provided were uncertainty based on living situations, feeling stressed and overwhelmed, relationship issues, autism spectrum disorder, financial concerns, and time management. Results from this survey can be found in section 1 below.

On question 56 students were then asked to describe their mental health today as compared to during pandemic. 3.64% (37) students said they are far worse than before the pandemic, 13.29% (135) said that they ae somewhat worse than before, 33.66% (342) students said about the same, 28.84% (293) somewhat better than before, and finally 20.57% (209) students said they are far better than before the pandemic. Results from this survey can be found in section 2 below.

Finally, on question 57 students were asked as to which of the following contributed to a decline in their mental health. 25% (611) students said that one of the major problems that contributed to the decline in their mental health was too much to do or being overwhelmed. Another high result for these questions was academics being a contributing factor to the decline in mental health. 22.95% (561) chose this answer. Students were also asked to provide any other contributing factors they felt were in relation to the decline in their mental health. These are provided below. Results in this survey can be found in section 3 below.

<i>Which of the following mental or emotional health challenges have you experienced in the past month?</i>			
#	Field	Choice Count	
1	Anxiety	10.41%	303
2	Social Isolation or Loneliness	8.31%	242
3	Depression	8.14%	237
4	Trouble Concentrating	3.44%	100
5	Difficulty Coping with Stress in a Healthy Way	1.79%	52
6	Difficulty Handling Emotions	0.79%	242
7	Unhealthy Social Media Use	8.14%	237
8	Lack of Family Stability or Support at Home	3.44%	100
9	Suicidal Thoughts	1.79%	52
10	Self-Harm	0.79%	23
11	Substance use Issues	1.27%	37
12	Harassment or Bullying	0.96%	28
13	Other	1.03%	30

<i>How would you describe your mental health today compared to during the pandemic?</i>			
#	Field	Choice Count	
1	Far Worse Than Before	3.64%	37
2	Somewhat Worse Than Before	13.29%	135
3	About The Same	33.66%	342

4	Somewhat Better Than Before	28.84%	293
5	Far Better Than Before	20.57%	209

<i>Which of the following has contributed to a decline in your mental health?</i>			
#	Field	Choice Count	
1	Food Insecurity	5.97%	146
2	Too much to do/Overwhelmed	25.00%	611
3	Academics	22.95%	561
4	Relationships	14.61%	357
5	Personal Health	11.05%	270
6	Financial Wellbeing	17.10%	418
7	Drug and Alcohol Use	1.23%	30
8	Other	2.09%	51

## Addendum C

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### **CENSOR CLASSROOM DISCUSSION, HARM LGBTQ+ AND TWO SPIRIT YOUTH**

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#### **MEDIA CONTACT**

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JANUARY 18, 2023

The ACLU of Wyoming opposes Senate File 117, legislation that would ban classroom discussions related to sexual orientation and gender identity in Wyoming's public schools.



The government censorship bill, which closely mirrors Florida's "Don't Say Gay" bill that was signed into law last year and is currently being challenged in federal court, would silence students from speaking

about their LGBTQ+ and Two Spirit family members, friends and neighbors and would create costly new liabilities for school districts. Under the bill, any parent who thinks that a classroom discussion was inappropriate or who is unsupportive of a district's policies would be given broad powers to sue for damages and attorneys' fees.

"This is a dangerous bill that wrongfully censors students' and teachers' right to free speech. It is always appropriate for kids to talk about themselves, their experiences and their families. These are not taboo subjects, but banning them makes them seem so," said Antonio Serrano, ACLU of Wyoming advocacy director. "The government should never be in the business of passing censorship bills, especially those that harm our kids. Children should not have to hide their identities in a place where they should feel safe to be themselves: Wyoming schools."

Additionally, the overly broad language of Senate File 117 could create dangerous confusion about what teachers, staff and students are allowed to say and study in school. It will limit teachers' ability to give students the education and support they need, and it will foster an information vacuum that further endangers already-vulnerable young people.

"Senate File 117 also could stop teachers from responding to anti-LGBTQ+ and Two Spirit bullying or harassment," Serrano said. "The vague language makes it unclear when standing up for students would mean breaking the law. Wyomingites must not allow the government to suppress First Amendment rights in the classroom without a fight."

#### **About the ACLU of Wyoming**

The American Civil Liberties Union of Wyoming is a non-partisan, nonprofit organization dedicated to the preservation and enhancement of civil liberties and civil rights. The ACLU of Wyoming is part of a

three-state chapter that also includes North Dakota and South Dakota. The team in Wyoming is supported by staff in those states.

The ACLU believes freedoms of press, speech, assembly, and religion, and the rights to due process, equal protection and privacy, are fundamental to a free people. In addition, the ACLU seeks to advance constitutional protections for groups traditionally denied their rights, including people of color, women, and the LGBTQ communities. The ACLU of Wyoming carries out its work through selective litigation, lobbying at the state and local level, and through public education and awareness of what the Bill of Rights means for the people of Wyoming.

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