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 concepts; specifying duties for the attorney general and district attorneys; preventing public employers from requiring employee training on specified concepts; creating private causes of action; authorizing civil damages; requiring reporting; and providing for an effective date.

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

Section 1. W.S. 21-9-105 and 27-9-109 are created to read:

1 HB0205
21-9-105. Prohibited instruction; disciplinary action; legal action; civil penalty.

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

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

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

(ii) That a person should be discriminated against or receive adverse treatment solely or partly
because of the sex, race, ethnicity, religion, color or national origin attributed to that person;

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

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

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

(vi) That a person should be targeted for or made to feel discomfort, guilt, anguish or any other form of psychological, physical or any other kind of distress
because of the sex, race, ethnicity, religion, color or national origin attributed to that person;

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

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

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

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

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

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

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

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

(e) An attorney acting on behalf of a school district
may request a legal opinion from the appropriate district
attorney or may request that the state superintendent of
public instruction request a legal opinion from the
attorney general as to whether a proposed use of school
district resources would violate this section.
(f) A teacher or administrator who violates this section shall be subject to disciplinary action under W.S. 21-7-110.

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

(h) A person aggrieved by an alleged violation of this section shall have a private cause of action against any teacher, administrator, school district or state agency that violates this section for damages arising from the alleged violation. Notwithstanding any other provision of law, no teacher, administrator, school district or state agency shall be immune from liability for a violation of this section. The aggrieved person shall bring an action in
the district court in the county in which the teacher, administrator, school district or state agency is located.

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

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

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

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

(ii) That a person should be discriminated against or receive adverse treatment solely or partly
because of the sex, race, ethnicity, religion, color or national origin attributed to that person; 

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

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

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

(vi) That a person should be targeted for or made to feel discomfort, guilt, anguish or any other form of psychological, physical or any other kind of distress.
because of the sex, race, ethnicity, religion, color or national origin attributed to that person;

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

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

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

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

(ii) The discussion of otherwise controversial aspects of history, only if done so by presenting, from a holistic point of view, a complete, neutral and unbiased perspective of the subject matter or prism;
(iii) Instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion or geographic region;

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

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

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

(e) On or before December 1 of each year, the department of administration and information shall submit a report that lists state agencies in compliance with this section to the governor, the president of the senate and the speaker of the house of representatives and the secretary of state.
(f) A person aggrieved by an alleged violation of this section shall have a private cause of action against the state, a state agency or a city, town, county or political subdivision for damages arising from the alleged violation. Notwithstanding any other provision of law, neither the state nor any state agency, city, town, county or political subdivision shall be immune from liability for a violation of this section. The aggrieved person may bring an action in the district court in the county in which alleged violation occurred.

Section 2. W.S. 1-39-104(a) is amended to read:

1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112, 21-9-105(h) and 27-9-109(f). Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was
within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

Section 3. This act is effective July 1, 2023.