



March 5, 2024

The Honorable Ogden Driskill
State Capitol
200 West 24th
Cheyenne, Wyoming 82002

RE: No signature of Senate File 0009/Senate Enrolled Act 0008

Dear President Driskill,

As this is a budget session, there is one express constitutional duty for the 67th Legislature: to pass a budget for the upcoming biennium. While other pieces of legislation are sometimes considered, some of which are important for Wyoming while others can seem frivolous or even gratuitous. When I review Senate Enrolled Act 0008, and consider it alongside existing established laws that already protect the rights of parents, I have to question if this law is really necessary at this time. There may be political import, but keeping in mind the fact that the existing Wyo. Stat. § 14-2-206(a) is clear in stating “the liberty of a parent to the care, custody and control of their child is a fundamental right that resides first in the parent,” I struggle to see what additional value this bill brings for an individual parent and their child. One might also consider the federal Family Education Rights and Privacy Act (FERPA), which requires parental notification in the cases of activities including the collection of or use of personal information and the federal Protection of Pupil Rights Amendment (PPRA), which provides the rights for parents of students regarding participation in surveys and the inspection of instructional material and certain physical exams. These laws are not inconsequential.

There are significant repercussions to districts for non-compliance of FERPA and PPRA, potentially risking the loss of federal funding. Clearly, Wyoming laws, federal laws and local school board policies are already in place that broadly protect the rights of parents.

Moreover, my experience as a parent of four children educated in Johnson County School District #1 schools and my subsequent service on that school board reconfirms my respect for the value of locally elected boards. Their members are duly elected by engaged citizens in their respective communities. These boards are made up of our neighbors and friends. They are accountable to citizens, parents and, ultimately, the local community. Local boards have long facilitated open dialogue with parents, providing opt-out options of sensitive materials. In my

case, I never had any reason to suspect the schools my children attended, or their teachers, or the administration ever sought to interfere with my relationship with my children. I was, in fact, very involved with my children's education all through their time. And as a locally elected school board member, I sought to foster that transparency.

This local control approach should continue, it allows schools to respect and value parental input while also fostering productive conversations. Although I fully recognize the importance of addressing concerns related to parental rights and education, I also believe it is imperative that we maintain a delicate balance between state oversight, which is mandated by the Wyoming Constitution and local autonomy where accountability is most appropriate. This legislation, in its current form, at best does little more to protect parent's rights than existing law. At worst it has the potential to interpose government between parents and their children by opening a potential to disrupt this balance by creating an expectation that a few parents could force a point of view upon others who may not hold the same thereby infringing upon the rights of those other parents. Neutering the authority of locally elected officials and impeding their ability to effectively manage education policies tailored to the unique needs of their communities is contrary to the Government of the People and by the People that we hold dear.

In short, I am concerned that this act may lead to unintended consequences and place restrictions on school districts impeding their ability to effectively manage educational processes in our public schools. Rather than confirming a parent's right and ability to guide the fortunes of their children; this law may actually enable the specter of a self-appointed group to exercise the very same sort of doctrinaire interference that this bill is ostensibly supposed to defeat.

Still, I recognize that parents want reassurance that they will retain their fundamental right to determine what is best for their children in health care as well as education, both of which are intertwined in our schools and the delivery of public education. Nevertheless, I remain wary of the complexities surrounding the implementation of this act, particularly concerning students with individualized education plans (IEPs), which raise significant concerns about unintended consequences and potential conflicts with existing special education laws. I believe we must proceed with caution to avoid placing undue burdens on school districts and potentially jeopardizing the rights and well-being of students with special needs. Parents choosing to opt out of special education services could create tension with special education law. Wyoming will undoubtedly seek to assist local school boards and local school administrators to meet the challenges that this law will create for them.

This act is within the constitutional powers granted the legislature, and, therefore, in light of these considerations and the broader implications of this legislation, I have decided not to affix

my signature but to allow it to pass into law. As has been my practice, I take this opportunity to enumerate problems I find in the legislation that, while not fatal, are certainly concerning. This legislation further burdens public schools. Ironically, at the same time the legislature is freeing teachers at charter schools from these same burdens. I urge continued dialogue and collaboration between stakeholders to address underlying issues and to explore less broad-brushed approaches that align better with Wyoming's history of appropriate measures that uphold important individual parental rights while respecting the parental rights of others and the authority of locally elected school boards.

Thank you for your attention to this matter, and I remain committed to working together on policies that ensure the best interests of Wyoming's families and students are upheld.

Sincerely,



Mark Gordon
Governor

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cc: The Honorable Albert Sommers, Speaker of the House
Chief Clerk, Wyoming House of Representatives
Chief Clerk, Wyoming Senate