

HOUSE BILL NO. HB0159

Teacher employment hearings.

Sponsored by: Representative(s) Harvey, Northrup, Paxton
and Teeters and Senator(s) Coe and Peterson

A BILL

for

1 AN ACT relating to the Wyoming teacher employment law;
2 specifying procedures applicable to hearings on contested
3 teacher employment decisions; modifying grounds for teacher
4 suspension or dismissal; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 21-7-106(a) and 21-7-110(a)(viii), by
10 creating a new paragraph (ix) and by renumbering (ix) as
11 (x), (c), (d) and (g) are amended to read:

12

13 **21-7-106. Notice of recommendation of termination to**
14 **teacher; when termination effective.**

15

1 (a) A continuing contract teacher shall be notified
2 of a recommendation of termination by the superintendent or
3 any member of the board designated by the superintendent or
4 designated by the board pursuant to a majority vote of the
5 board by giving the teacher written notice together with
6 written reasons for termination on or before April 15 of
7 any year. Upon receipt of notice, the teacher may request
8 a hearing on the recommendation before ~~an independent~~
9 ~~hearing officer through the office of administrative~~
10 ~~hearings as provided under~~ the board pursuant to W.S.
11 21-7-110.

12

13 **21-7-110. Suspension or dismissal of teachers;**
14 **notice; hearing; independent hearing officer; board review**
15 **and decision; appeal.**

16

17 (a) The board may suspend or dismiss any teacher, or
18 terminate any continuing contract teacher, for any of the
19 following reasons:

20

21 (viii) Conviction of a felony; ~~and~~

22

23 (ix) Breach of contract; and

24

1 ~~(ix)~~(x) Any other good or just cause relating to
2 the educational process.

3

4 (c) Any continuing contract teacher receiving notice
5 of a recommendation of termination under W.S. 21-7-106(a),
6 or any teacher against whom dismissal or suspension
7 proceedings are instituted, is entitled to a hearing before
8 ~~an independent hearing officer provided through the office~~
9 ~~of administrative hearings~~ the board on the recommendation
10 for termination or the reasons for dismissal or suspension,
11 upon submission of a written request to the superintendent.
12 The request for hearing shall be given within seven (7)
13 days after receipt of notice of termination under W.S.
14 21-7-106(a) or after receiving notice of dismissal or
15 suspension under subsection (b) of this section. ~~Expenses~~
16 ~~of the hearing officer shall be paid by the school district~~
17 ~~in accordance with W.S. 9-2-2202(b)(ii).~~

18

19 (d) Within five (5) days after ~~selection~~ receipt of
20 the request for hearing, the ~~hearing officer~~ board shall
21 set the date for hearing and notify the teacher and
22 superintendent of the hearing date, time and location. In
23 no event shall the hearing commence on a date later than
24 forty-five (45) days after notice under W.S. 21-7-106(a) or

1 subsection (b) of this section, as applicable. The hearing
2 shall be conducted in accordance with contested case
3 procedures specified under ~~W.S. 9-2-2202(b)~~ the Wyoming
4 Administrative Procedure Act. All school district records
5 pertaining to the teacher shall be made available to the
6 ~~hearing officer~~ teacher.

7
8 (g) The board shall review the ~~findings of fact and~~
9 ~~recommendation submitted by the hearing officer and within~~
10 ~~twenty (20) days after receipt, issue a written order to~~
11 ~~either terminate, suspend or dismiss the teacher, or to~~
12 ~~retain the teacher. If the board terminates, suspends or~~
13 ~~dismisses the teacher's employment over a recommendation by~~
14 ~~the hearing officer for retention, the written order of the~~
15 ~~board shall include a conclusion together with reasons~~
16 ~~supported by the record. A copy of the order shall be~~
17 ~~provided to the teacher and a copy shall be entered into~~
18 ~~the school district records pertaining to the teacher. Any~~
19 ~~action by the board pursuant to this subsection shall be~~
20 ~~approved by a majority of the duly elected members of the~~
21 ~~board~~ evidence and testimony, render written findings of
22 fact and determine if the teacher's employment is
23 terminated, suspended or dismissed, or that the teacher be
24 retained. The board's findings shall be forwarded to the

1 teacher within twenty (20) days following conclusion of the
2 hearing.

3

4 **Section 2.** W.S. 21-7-110(e) is repealed.

5

6 **Section 3.** This act is effective July 1, 2013.

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8

(END)