

SENATE FILE NO. SF0120

Student expulsion hearing requirements.

Sponsored by: Senator(s) Bebout and Coe and Representative(s)
Salazar

A BILL

for

1 AN ACT relating to education; amending sections related to
2 suspension and expulsion; specifying and amending hearing
3 timeframes for students subject to suspension or expulsion;
4 making conforming amendments; 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. 14-6-203(g)(vii)(intro) and (B)(I),
10 21-4-305(a) through (c) and by creating a new subsection (g)
11 and 21-4-306 by creating new subsections (c) and (d) are
12 amended to read:

13

14 **14-6-203. Jurisdiction; confidentiality of records.**

15

1 (g) Except as provided by subsection (j) of this
2 section, all information, reports or records made, received
3 or kept by any municipal, county or state officer or employee
4 evidencing any legal or administrative process or disposition
5 resulting from a minor's misconduct are confidential and
6 subject to the provisions of this act. The existence of the
7 information, reports or records or contents thereof shall not
8 be disclosed by any person unless:

9

10 (vii) The disclosure is made to an administrative
11 employee or member of the board of trustees of the minor's
12 school district, authorized by the court to receive the
13 information, for purposes of the suspension or expulsion of
14 the minor pursuant to W.S. ~~21-4-305(d)~~21-4-305(c)(ii),
15 provided:

16

17 (B) The school district administrative
18 employees or board of trustee members authorized to receive
19 the minor's confidential information shall only disclose the
20 information:

21

1 (I) To other members of the board of
2 trustees or the superintendent for purposes of W.S.
3 ~~21-4-305(d)~~ 21-4-305(c)(ii); and

4
5 **21-4-305. Suspension or expulsion; authority;**
6 **procedure.**

7
8 (a) The board of trustees of any school district is
9 authorized to suspend or expel a student subject to the
10 requirements to provide notice and an opportunity to be heard
11 as set forth in this section. The board of trustees may
12 delegate the authority to suspend or expel a student to
13 disciplinarians chosen from the administrative and
14 supervisory staff. ~~to suspend any student from school for a~~
15 ~~period not to exceed ten (10) school days. In addition, the~~
16 ~~board of trustees shall, subject to the case by case~~
17 ~~modification permitted by this subsection, require the~~
18 ~~district superintendent to expel from school for a period of~~
19 ~~one (1) year any student determined to possess, use, transfer,~~
20 ~~carry or sell a deadly weapon as defined under W.S.~~
21 ~~6-1-104(a)(iv) within any school bus as defined by W.S.~~
22 ~~31-7-102(a)(xl) or within the boundaries of real property~~
23 ~~used by the district primarily for the education of students~~

1 ~~in grades kindergarten through twelve (12). The~~
2 ~~superintendent with the approval of the board of trustees may~~
3 ~~modify the period of expulsion on a case-by-case basis based~~
4 ~~upon the circumstances of the violation. Upon a violation of~~
5 ~~this subsection and following notice and hearing requirements~~
6 ~~of this section, the superintendent shall notify the district~~
7 ~~attorney of the violation together with the specific act in~~
8 ~~violation of this subsection and the name of the student~~
9 ~~violating this subsection. Nothing in this subsection~~
10 ~~prohibits a district from providing educational services to~~
11 ~~the expelled student in an alternative setting.~~

12

13 (b) No student shall be suspended or expelled from
14 school without notice as set forth in this subsection and an
15 opportunity to be heard as set forth in subsection (c) of
16 this section. To provide notice the disciplinarian shall:

17

18 (i) Give the student to be suspended or expelled
19 oral or written notice of the charges against him and an
20 explanation of the evidence the authorities have~~i~~. ~~The~~
21 ~~disciplinarian shall~~

22

1 (ii) In good faith attempt to notify the student's
2 parents, guardians or custodians within twenty-four (24)
3 hours of the student's suspension or expulsion, using contact
4 information on record with the school or district. The
5 disciplinarian shall keep record of the efforts to provide
6 notice under this paragraph and whether the notice was
7 provided successfully;

8
9 (iii) Give the student to be suspended or expelled
10 an opportunity to be heard and to present his version of the
11 charges against him. ~~No student shall be removed from school~~
12 ~~without such notice and opportunity to be heard, except as~~
13 ~~provided by~~ as set forth in subsection (c) of this section;:-

14
15 (c) To provide an opportunity to be heard the
16 disciplinarian shall give ~~the every~~ student to be suspended
17 or expelled the opportunity to be heard as soon as practicable
18 after the misconduct, and in accordance with the following,
19 unless a student requests an extension of time and the board
20 of trustees or the disciplinarian designee of the board
21 approve the extension:

22

1 (i) For a suspension of ten (10) school days or
2 less, an opportunity to be heard shall occur before a student
3 is removed unless the student's presence endangers persons or
4 property, or threatens disruption of the academic process, in
5 which case his immediate removal from school may be justified,
6 but the opportunity to be heard shall follow as soon as
7 practicable, and not later than seventy-two (72) hours after
8 his removal, not counting Saturdays and Sundays. ~~Written~~
9 ~~notice of suspension shall be sent to the student's parents,~~
10 ~~guardians or custodians within twenty-four (24) hours of the~~
11 ~~decision to conduct them.~~

12
13 (ii) For a suspension or expulsion longer than ten
14 (10) school days a hearing shall be held in accordance with
15 the Wyoming Administrative Procedure Act and, unless the
16 student requests an extension and the board or the
17 disciplinarian designee of the board approves an extension,
18 the hearing shall be held within ten (10) business days, or
19 as soon thereafter as is reasonably practicable, after the
20 supervisory staff disciplinarian recommends suspension or
21 expulsion to the appropriate administrator.

22

1 (g) As used in this chapter, an "opportunity to be
2 heard" means at a minimum a meeting in which the
3 disciplinarian or his designee provides the substantive
4 information regarding the suspension or expulsion to the
5 student to be suspended and the student's parents, and the
6 student to be suspended may dispute the substantive
7 information provided. An opportunity to be heard does not
8 require a formal hearing in accordance with the provisions of
9 the Wyoming Administrative Procedure Act except as provided
10 in paragraph (c)(ii) of this section.

11
12 **21-4-306. Suspension or expulsion; grounds.**

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14 (c) The board of trustees shall, subject to the
15 case-by-case modification permitted by subsection (d) of this
16 section, require the district superintendent to expel from
17 school for a period of one (1) year any student determined to
18 violate paragraph (a)(v) of this section.

19
20 (d) The superintendent with the approval of the board
21 of trustees may modify the period of any expulsion on a
22 case-by-case basis based upon the circumstances of the
23 violation. Upon a violation of paragraph (a)(v) of this

1 section and following notice and hearing requirements of W.S.
2 21-4-305, the superintendent shall notify the district
3 attorney of the violation together with the specific act in
4 violation of paragraph (a)(v) of this section and the name of
5 the student violating paragraph (a)(v) of this section.
6 Nothing in this section prohibits a district from providing
7 educational services to the expelled student in an
8 alternative setting.

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10 **Section 2.** W.S. 21-4-305(d) is repealed.

11

12 **Section 3.** This act is effective July 1, 2019.

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14

(END)