

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) Give oral or written notice of the student's  
2 suspension or expulsion to the student's parents, guardians  
3 or custodians within twenty-four (24) hours of the  
4 commencement of the student's suspension or expulsion;

5  
6           (iii) Give the student to be suspended or expelled  
7 an opportunity to be heard and to present his version of the  
8 charges against him. ~~No student shall be removed from school~~  
9 ~~without such notice and opportunity to be heard, except as~~  
10 ~~provided by~~ as set forth in subsection (c) of this section;.

11  
12           (c) To provide an opportunity to be heard the  
13 disciplinarian shall give ~~the every~~ student to be suspended  
14 or expelled the opportunity to be heard as soon as practicable  
15 after the misconduct, and in accordance with the following,  
16 unless a student requests an extension of time and the board  
17 of trustees or the disciplinarian designee of the board  
18 approve the extension:

19  
20           (i) For a suspension of ten (1) days or less, an  
21 opportunity to be heard shall occur before a student is  
22 removed unless the student's presence endangers persons or  
23 property, or threatens disruption of the academic process, in

1 which case his immediate removal from school may be justified,  
2 but the opportunity to be heard shall follow as soon as  
3 practicable, and not later than seventy-two (72) hours after  
4 his removal, not counting Saturdays and Sundays. ~~Written~~  
5 ~~notice of suspension shall be sent to the student's parents,~~  
6 ~~guardians or custodians within twenty four (24) hours of the~~  
7 ~~decision to conduct them.~~

8  
9 (ii) For a suspension or expulsion longer than ten  
10 (10) days a hearing shall be held in accordance with the  
11 Wyoming Administrative Procedure Act and, unless the student  
12 requests an extension and the board or the disciplinarian  
13 designee of the board approves an extension, the hearing shall  
14 be held not later than ten (10) days after the supervisory  
15 staff disciplinarian recommends suspension or expulsion to  
16 the appropriate administrator.

17  
18 (g) As used in this chapter, an "opportunity to be  
19 heard" means at a minimum a meeting in which the  
20 disciplinarian or his designee provides the substantive  
21 information regarding the suspension or expulsion to the  
22 student to be suspended and the student's parents, and the  
23 student to be suspended may dispute the substantive

1 information provided. An opportunity to be heard does not  
2 require a formal hearing in accordance with the provisions of  
3 the Wyoming Administrative Procedure Act.

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5 **21-4-306. Suspension or expulsion; grounds.**

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

12  
13 (d) The superintendent with the approval of the board  
14 of trustees may modify the period of any expulsion on a  
15 case-by-case basis based upon the circumstances of the  
16 violation. Upon a violation of paragraph (a)(v) of this  
17 section and following notice and hearing requirements of W.S.  
18 21-4-305, the superintendent shall notify the district  
19 attorney of the violation together with the specific act in  
20 violation of paragraph (a)(v) of this section and the name of  
21 the student violating paragraph (a)(v) of this section.  
22 Nothing in this section prohibits a district from providing

