

ENROLLED ACT NO. 62, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

AN ACT relating to education; amending sections related to suspension and expulsion; specifying and amending hearing timeframes for students subject to suspension or expulsion; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 14-6-203(g)(vii)(intro) and (B)(I), 21-4-305(a) through (c) and by creating a new subsection (g) and 21-4-306 by creating new subsections (c) and (d) are amended to read:

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

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

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

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

ENROLLED ACT NO. 62, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

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

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

(a) The board of trustees of any school district is authorized to suspend or expel a student subject to the requirements to provide notice and an opportunity to be heard as set forth in this section. The board of trustees may delegate the authority to suspend or expel a student to disciplinarians chosen from the administrative and supervisory staff. ~~to suspend any student from school for a period not to exceed ten (10) school days. In addition, the board of trustees shall, subject to the case by case modification permitted by this subsection, require the district superintendent to expel from school for a period of one (1) year any student determined to possess, use, transfer, carry or sell a deadly weapon as defined under W.S. 6-1-104(a)(iv) within any school bus as defined by W.S. 31-7-102(a)(xl) or within the boundaries of real property used by the district primarily for the education of students in grades kindergarten through twelve (12). The superintendent with the approval of the board of trustees may modify the period of expulsion on a case by case basis based upon the circumstances of the violation. Upon a violation of this subsection and following notice and hearing requirements of this section, the superintendent shall notify the district attorney of the violation together with the specific act in violation of this subsection and the name of the student violating this subsection. Nothing in this subsection prohibits a district from providing educational services to the expelled student in an alternative setting.~~

ENROLLED ACT NO. 62, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

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

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

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

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

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

(i) For a suspension of ten (10) school days or less, notice shall be provided in accordance with paragraph

ENROLLED ACT NO. 62, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

~~(b)(ii) of this section and a student shall be provided an opportunity to be heard before a student is removed unless the student's presence endangers persons or property, or threatens disruption of the academic process, in which case his immediate removal from school may be justified, but the opportunity to be heard shall follow as soon as practicable, and not later than seventy-two (72) hours after his removal, not counting Saturdays and Sundays;.~~ ~~Written notice of suspension shall be sent to the student's parents, guardians or custodians within twenty four (24) hours of the decision to conduct them.~~

~~(ii) For a suspension or expulsion longer than ten (10) school days a hearing shall be held in accordance with the Wyoming Administrative Procedure Act and, unless the student requests an extension and the board or the disciplinarian designee of the board approves an extension, the hearing shall be held within ten (10) business days, or as soon thereafter as is reasonably practicable, after the supervisory staff disciplinarian recommends suspension or expulsion to the appropriate administrator. The student's suspension shall continue until the hearing is held.~~

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

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

ENROLLED ACT NO. 62, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

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

(d) The superintendent with the approval of the board of trustees may modify the period of any expulsion on a case-by-case basis based upon the circumstances of the violation. Upon a violation of paragraph (a)(v) of this section and following notice and hearing requirements of W.S. 21-4-305, the superintendent shall notify the district attorney of the violation together with the specific act in violation of paragraph (a)(v) of this section and the name of the student violating paragraph (a)(v) of this section. Nothing in this section prohibits a district from providing educational services to the expelled student in an alternative setting.

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

ORIGINAL SENATE  
FILE NO. SF0120

ENGROSSED

ENROLLED ACT NO. 62, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
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**Section 3.** This act is effective July 1, 2019.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk