

SENATE FILE NO. SF0095

Teacher tenure.

Sponsored by: Senator(s) Hicks, Brennan, Driskill and
Steinmetz and Representative(s) Allred,
Andrew, Burkhart, Neiman and Stith

A BILL

for

1 AN ACT relating to education; removing continuing contract
2 status from the Wyoming teacher employment law as
3 specified; modifying hearing requirements for teacher
4 suspension, dismissal and termination; providing
5 definitions; repealing provisions accordingly; specifying
6 applicability; specifying legislative intent; and providing
7 for an effective date.

8

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

10

11 **Section 1.** W.S. 21-3-110(a)(xviii), 21-6-225,
12 21-7-102(a)(intro), (iii), (viii) and by creating a new
13 paragraph (x), 21-7-104(a), 21-7-105, 21-7-106, 21-7-109,
14 21-7-110(a)(intro), (c) through (e), (g), by creating new
15 subsections (h) through (m), by renumbering (h) as (n) and

1 by creating new subsections (o) and (p), 21-7-112 and
2 21-7-113 are amended to read:

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4 **21-3-110. Duties of boards of trustees.**

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6 (a) The board of trustees in each school district
7 shall:

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9 (xviii) Establish a teacher performance
10 evaluation system and require the performance of each
11 ~~continuing contract~~ nonprobationary teacher to be evaluated
12 against the school district's standards for performance, as
13 submitted and approved pursuant to W.S. 21-2-304(b)(xv),
14 once a year until the teacher has been classified as
15 effective under the performance evaluation system utilized
16 by the school district for two (2) consecutive years. Upon
17 a classification of effective for two (2) consecutive
18 years, evaluation shall occur at minimum once every three
19 (3) years. The teacher shall receive a copy of each
20 evaluation of his performance;

21

22 **21-6-225. Contract rights and benefits of employees**
23 **and teachers.**

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2 No contract right, fringe benefit, benefit granted under
3 school policies, ~~or continuing contract status of any~~
4 ~~employee,~~ or any rights under the Wyoming Teachers'
5 Employment Act shall be denied or reduced as a result of
6 school district reorganization, except as provided by W.S.
7 21-7-111(a)(iv). The new school district shall have the
8 right to establish a uniform salary and benefit schedule
9 for employees of the previous school districts and shall
10 have the right to establish the length of the contract
11 year.

12

13 **21-7-102. Definitions.**

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15 (a) As used in this article: ~~the following~~
16 ~~definitions shall apply:~~

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18 (iii) "Dismissal" ~~means~~ means the cancellation of
19 any teacher's contract of employment by the board of
20 trustees while ~~such~~ the contract is in effect; ~~In the case~~
21 ~~of a continuing contract teacher, dismissal shall mean~~
22 ~~cancellation of his contract at any time other than at the~~
23 ~~end of a school year where proper notice has been given;~~

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(viii) "Termination" ~~means~~ means the failure of the board of trustees of a school district in Wyoming to ~~reemploy~~ offer a teacher ~~at the end of a school year in any given year~~ employed by the district a contract after the expiration of a previous contract;

(x) "Probationary teacher" means a teacher who has been employed by the same school district within the state for less than three (3) consecutive school years.

21-7-104. Teacher salary increases; service credit.

(a) A ~~continuing contract~~ teacher ~~shall be~~ employed by ~~each~~ a school district on a ~~continuing basis from year to year without annual~~ contract ~~renewal at~~ basis shall be paid a salary determined by the board of trustees of each district, said salary subject to increases from time to time as provided for in the salary provisions adopted by the board.

21-7-105. Employment of teachers on contract basis; termination of probationary teacher; notice.

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2 ~~(a) An initial contract~~ A teacher who has taught in
3 the system continuously for a period of at least ninety
4 (90) days shall be hired on ~~an annual~~ a contract basis. ~~and~~

5

6 (b) A probationary teacher shall be notified in
7 writing of the reasons for termination, if such is the
8 case, no later than April 15 of each year. ~~An initial~~
9 ~~contract~~ A probationary teacher's employment may be
10 terminated for any reason not specifically prohibited by
11 law. ~~and a board is not limited to the reasons set forth~~
12 ~~in W.S. 21-7-110(a).~~

13

14 (c) The notice of termination for any teacher shall
15 not be disseminated to the public or to prospective
16 employers absent the teacher's consent. Nothing contained
17 in this section shall limit the use of the notice in any
18 hearing.

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20 **21-7-106. Notice of recommendation of termination to**
21 **nonprobationary teacher; when termination effective.**

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1 (a) A ~~continuing~~ nonprobationary teacher's employment
2 may be terminated for any reason not specifically
3 prohibited by law before the offer and acceptance of an
4 additional contract made under W.S. 21-7-109. A
5 nonprobationary teacher shall be notified of a
6 recommendation of termination by the superintendent or any
7 member of the board designated by the superintendent or
8 designated by the board pursuant to a majority vote of the
9 board by giving the teacher written notice together with
10 written reasons for termination on or before April 15 of
11 any year. Upon receipt of notice, the teacher may request a
12 hearing on the recommendation ~~before an independent hearing~~
13 ~~officer through the office of administrative hearings~~ as
14 provided under W.S. 21-7-110.

15
16 (b) If ordered by the board under W.S. ~~21-7-110(g)~~
17 21-7-110(m), termination under recommendation shall be
18 effective at the end of the school year in the year in
19 which notice of termination is given.

20
21 **21-7-109. When contract offered to and accepted by**
22 **teacher.**

23

1 Upon determination to offer a contract to a teacher, the
2 board ~~must~~ shall offer a ~~the~~ contract ~~for the ensuing year~~
3 to ~~each initial contract~~ the teacher ~~if such is to be~~
4 ~~offered~~ by April 15., ~~and it must~~ The contract shall be
5 accepted by the teacher by May 15 of each year offered or
6 the position ~~will~~ shall be declared open. A contract for a
7 probationary teacher shall not exceed one (1) year. A
8 contract for a nonprobationary teacher shall not exceed
9 four (4) years.

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11 **21-7-110. Suspension or dismissal of teachers;**
12 **termination of nonprobationary teacher; notice; hearing;**
13 **independent hearing officer; board review and decision;**
14 **appeal.**

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

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20 (c) Any ~~continuing contract~~ teacher ~~receiving notice~~
21 ~~of a recommendation of termination under W.S. 21-7-106(a),~~
22 ~~or any teacher~~ against whom dismissal or suspension without
23 pay proceedings are instituted under subsection (b) of this

1 section, is entitled to a hearing before an independent
2 hearing officer provided through the office of
3 administrative hearings on ~~the recommendation for~~
4 ~~termination or~~ the reasons for dismissal or suspension
5 without pay, upon submission of a written request to the
6 superintendent. The request for hearing shall be ~~given~~ made
7 within seven (7) days ~~after receipt of notice of~~
8 ~~termination under W.S. 21-7-106(a) or~~ after receiving
9 notice of dismissal or suspension under subsection (b) of
10 this section. Expenses of the hearing officer shall be paid
11 by the school district in accordance with W.S.
12 9-2-2202(b)(ii).

13

14 (d) Within five (5) days ~~after selection of receipt~~
15 of the request for hearing under subsection (c) of this
16 section, the hearing officer shall set the date for hearing
17 and notify the teacher and superintendent of the hearing
18 date, time and location. In no event shall the hearing
19 commence on a date later than forty-five (45) days after
20 notice under ~~W.S. 21-7-106(a) or~~ subsection (b) of this
21 section. ~~, as applicable.~~ The hearing shall be conducted in
22 accordance with contested case procedures specified under

1 W.S. 9-2-2202(b). All school district records pertaining to
2 the teacher shall be made available to the hearing officer.

3

4 (e) At the hearing, the superintendent shall have the
5 burden of proving ~~that the recommendation for termination~~
6 ~~is based upon reasons provided in the notice of termination~~
7 ~~submitted pursuant to W.S. 21-7-106(a) or~~ that suspension
8 without pay or dismissal is based upon reasons specified in
9 the notice given under subsection (b) of this section, ~~as~~
10 ~~applicable.~~

11

12 (g) The board shall review the findings of fact and
13 recommendation submitted by the hearing officer and within
14 twenty (20) days after receipt, issue a written order to
15 ~~either terminate,~~ suspend without pay or dismiss the
16 teacher, or to retain the teacher. If the board ~~terminates,~~
17 suspends without pay or dismisses the teacher's employment
18 over a recommendation by the hearing officer, ~~for~~
19 ~~retention,~~ the written order of the board shall include a
20 conclusion together with reasons supported by the record.
21 A copy of the order shall be provided to the teacher and a
22 copy shall be entered into the school district records
23 pertaining to the teacher. Any action by the board pursuant

1 to this subsection shall be approved by a majority of the
2 duly elected members of the board.

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4 (h) Any nonprobationary teacher receiving notice of
5 termination under W.S. 21-7-106(a) is entitled to a hearing
6 before the board on the reasons for termination upon
7 submission of a written request to the board. The request
8 for hearing shall be made within seven (7) days after
9 receipt of notice under W.S. 21-7-106(a).

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11 (j) Within five (5) days after receipt of the written
12 request for a hearing under subsection (h) of this section,
13 the board shall set the date for hearing and notify the
14 nonprobationary teacher and superintendent of the hearing
15 date, time and location. In no event shall the hearing
16 commence on a date later than forty-five (45) days after
17 notice under W.S. 21-7-106(a).

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19 (k) The hearing under subsection (h) of this section
20 shall be limited and shall not be subject to the contested
21 case procedures of the Wyoming Administrative Procedure
22 Act. The nonprobationary teacher shall be provided an
23 opportunity to present argument and may be represented by

1 counsel. The nonprobationary teacher and superintendent may
2 submit written evidence in the form of affidavits and
3 supporting documents. Oral testimony shall not be taken.
4 The board shall determine if termination is based upon
5 reasons provided in the notice of termination submitted
6 pursuant to W.S. 21-7-106(a).

7
8 (m) Not more than twenty (20) days after the hearing
9 under subsection (h) of this section, the board shall issue
10 a written order to either terminate or to retain the
11 nonprobationary teacher. If the board elects to terminate
12 the nonprobationary teacher, the written order shall
13 include a conclusion together with reasons supporting the
14 order. A copy of the order shall be provided to the
15 nonprobationary teacher and a copy shall be entered into
16 the school district records pertaining to the teacher. Any
17 action by the board pursuant to this subsection shall be
18 approved by a majority of the duly elected members of the
19 board.

20
21 (h)(n) Appeals may be taken from the order of the
22 board under subsections (g) and (m) of this section to the
23 district court as provided by the Wyoming Administrative

1 Procedure Act. An electronic recording of hearing
2 proceedings may serve as the official transcript but upon
3 appeal, the district court may request a written transcript
4 of the proceedings or any portion of the proceedings. The
5 cost of transcribing the record shall be borne equally by
6 the teacher and the school district.

7

8 (o) Nothing in this section prohibits the board from
9 providing a probationary teacher a hearing.

10

11 (p) A teacher suspended with pay is not entitled to a
12 hearing.

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14 **21-7-112. Effect on existing contracts.**

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16 The contracts of all teachers in the state of Wyoming from
17 and after July 1, ~~2012~~2025, shall be subject to the
18 policies, rules, and regulations of the school district not
19 in conflict with this law or the other laws of the state of
20 Wyoming.

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22 **21-7-113. Application to teachers presently employed.**

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1 The provisions of this article shall apply to all teachers
2 who are teaching in Wyoming on and after July 1, ~~2012~~2025,
3 and shall apply regardless of whether the teacher was
4 employed prior to July 1, ~~2012~~2025 as a teacher in
5 Wyoming.

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7 **Section 2.** W.S. 21-7-102(a)(ii) and (iv), 21-7-103
8 and 21-7-111(a) are repealed.

9

10 **Section 3.** It is the intent of the legislature that
11 the provision of a limited hearing to a teacher receiving
12 notice of termination does not create any property right.
13 The legislature finds, determines and declares that this
14 act is necessary for the immediate preservation of the
15 public peace, health and safety.

16

17 **Section 4.** This act is effective July 1, 2025.

18

19 (END)