

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

K-12 public school discipline.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to K-12 public school discipline; requiring
2 school district board of trustees to adopt rules or
3 policies; establishing requirements for student punishment
4 and discipline; eliminating the ability of school districts
5 to withhold diplomas for failure to pay fines; modifying
6 civil and criminal immunity for school district employees;
7 making conforming amendments; repealing provisions of law;
8 and providing for an effective date.

9

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

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STAFF COMMENT

The policy choices and substantive requirements contained in this bill draft were directed by Chairman Andrew. Recall, he provided LSO draft statutory language. LSO revised the organization and language to adhere to Wyoming Statutes and drafting standards.

Portions of this bill draft are duplicative or an alternative to language contained in 26LSO-0091, K-12 public school teacher bill of rights. The Committee may want to consider the potential conflicts and redundancies should both bills be enacted into law.

Section 1. W.S. 21-2-304(a) by creating a new paragraph (xviii) and 21-4-308(a) and by creating new subsections (d) through (j) are amended to read:

21-2-304. Duties of the state board of education.

(a) The state board of education shall:

(xviii) Adopt rules for the use of reasonable force by school district employees in removal of a student pursuant to W.S. 21-4-308(a)(ii)(B)(I).

1 21-4-308. Punishment and disciplinary measures;
2 required rules and policies; duties of school district
3 boards of trustees and school district employees.

4
5 (a) Each board of trustees in each school district
6 within the state ~~may~~shall adopt rules or policies for
7 ~~reasonable forms of~~ punishment and ~~disciplinary measures.~~
8 ~~Subject to such rules, teachers, principals, and~~
9 ~~superintendents in such~~ discipline of students enrolled in
10 a school district. ~~may impose reasonable forms of~~
11 ~~punishment and disciplinary measures for insubordination,~~
12 ~~disobedience, and other misconduct.~~ The rules or policies
13 shall:

14
15 (i) Provide all school district employees
16 with the authority to discipline and punish students placed
17 under the supervision of an employee by the school
18 principal or the principal's designated representative to
19 ensure all students have the opportunity to learn on school
20 district property and ensure the safety of students and
21 school district personnel. For purposes of this section,

1 "school district property" means any property owned or
2 leased by a school district, including classrooms, property
3 where any school district or school sponsored activities
4 take place, as defined by W.S. 21-3-137(a)(v), regardless
5 of location, and transportation to or from school sponsored
6 activities;

7
8 (ii) Provide school district employees with
9 authority to take any of the following actions to ensure
10 the safety of students and school district employees and to
11 maintain the opportunity for all students to learn:

12
13 (A) Enforce classroom management rules
14 or policies adopted pursuant to this subsection, including
15 policies or rules adopted for the use of cellular phones,
16 smart watches, tablets, computers and all other electronic
17 devices;

18
19 (B) Enforce consequences and
20 punishments in response to student misconduct in violation
21 of rules or policies adopted pursuant to this section or a

1 student code of conduct adopted by a school district that
2 may include any of the following:

3
4 (I) Removal of disobedient,
5 disrespectful, violent, abusive, uncontrollable or
6 disruptive students from school district property using
7 reasonable force. Reasonable force, as defined by rule of
8 the state board of education pursuant to W.S.
9 21-2-304(a)(xviii), may be used by school district
10 employees to remove a student from school district property
11 to prevent injury of the student or others, maintain the
12 opportunity for all students to learn or to ensure the
13 safety of students and school district employees;

14
15 (II) Referral to the school
16 principal, school district superintendent or the board of
17 trustees for behavioral modification or imposition of
18 consequences and punishments pursuant to subsection (d) of
19 this section. If a student is removed pursuant to
20 subdivision (I) of this subparagraph, prior to the
21 imposition of any behavioral modification, punishments or

1 consequences pursuant to subsection (d) of this section,
2 the school principal, the school district superintendent or
3 the board of trustees shall consult with the employee that
4 removed the student to discuss recommended consequences and
5 punishments. If the final consequences or punishments
6 imposed by the school principal, the school district
7 superintendent or the board of trustees pursuant to
8 subsection (d) of this section differ from those
9 recommended by the employee that removed the student,
10 written notice shall be provided by the school district to
11 the removing employee. The employee shall also be informed
12 of all actions taken to address the student's behavior.

13

14 (d) Consequences and punishments imposed under this
15 section by the school principal, the school district
16 superintendent or the board of trustees may include the
17 following:

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19 (i) If a student is removed from a classroom,
20 placement in an alternative classroom. No student removed
21 from a class shall be placed in the class from which he was

1 removed without the written consent of the classroom
2 teacher;

3

4 (ii) In-school suspension;

5

6 (iii) Implementation of dropout prevention or an
7 academic intervention program;

8

9 (iv) Exclusion from participation in, or
10 attendance at, school or district sponsored events and
11 activities, including extracurricular or cocurricular
12 activities;

13

14 (v) Suspension or expulsion in accordance with
15 W.S. 21-4-305 and 21-4-306.

16

17 (e) School district employees that request assistance
18 in enforcement of actions authorized pursuant to paragraph
19 (a)(ii) of this section shall receive immediate assistance
20 from other school district personnel, including the school
21 principal.

1
2 (f) Upon the request of any school district employee,
3 the school district shall provide training or other
4 assistance to improve skills in classroom management,
5 violence prevention, conflict resolution and areas related
6 to student discipline.

7
8 (g) Upon referral by a school district board of
9 trustees, the district attorney may initiate legal
10 proceedings against a student for criminal conduct that
11 occurs on school district property.

12 *****
13 *****
14 STAFF COMMENT
15 In reference to W.S. 21-4-308(g), as created by this act,
16 the district attorney has authority under Wyoming's
17 statutes to initiate charges for violation of the law. This
18 language is duplicative and may cause confusion for
19 district attorneys in determining when a student can or
20 cannot be charged. A district attorney does not need a
21 referral to take action. The Committee may wish to consider
22 deleting this subsection to avoid confusion and ensure
23 clarity for district attorneys.

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25 *****
26
27 (h) Any school district employee who knows, or has
28 reasonable suspicion to believe, that a person has
29 committed, or may commit, a violent crime on school

property shall report the information to the school principal and the school district superintendent. If the report is made in good faith, the principal and superintendent shall defend and support the actions of the reporting employee. Any school district employee that makes a good faith report pursuant to this subsection shall be immune from civil and criminal liability for making a report.

STAFF COMMENT

The last sentence of W.S. 21-4-308(h), as created by this act, is unnecessary. School district employees are protected by sovereign immunity, except for specific instances contained in the Governmental Claims Act, W.S. 1-39-101 through 1-39-124. Making a report in good faith related to potential school violence is not an exception contained in the Governmental Claims Act. In this instance, the school district employee would be a "public employee" acting in the scope of his duties. Inclusion may cause confusion in the application of sovereign immunity and the provisions of the Governmental Claims Act. The Committee may want to consider deleting the provision to avoid confusion and potentially inconsistent application.

(j) The school district board of trustees shall take reasonable steps to ensure the safety of students and school district employees when physical violence is likely to occur on school district property.

STAFF COMMENT

The May 13, 2025 memo, titled "Overview of School Discipline: Suspension, Expulsion, Seclusion, and Restraint" prepared by the LSO, and presented to the Committee, provides information that may assist in consideration of this bill draft. This includes but is not limited to discussion of W.S. 21-4-305, Suspension or expulsion; authority; procedure and W.S. 21-4-306, Suspension or expulsion, which have potential overlap or provisions that are inconsistent with the specific language provided to LSO for this bill draft.

Section 2. W.S. 21-4-308(b) and (c) is repealed.

STAFF COMMENT

For informational purposes W.S. 21-4-308(b) and (c) repealed by section 2 read as follows:

21-4-308. Punishment and disciplinary measures; denial of diploma or credit.

(b) Teachers, principals and superintendents in each district shall be immune from civil and criminal liability in the exercise of reasonable corporal discipline of a student as authorized by board policy.

(c) No diploma or credit for a course which has been completed successfully shall be denied a pupil who has earned it; provided, such diploma or credit shall not be deemed earned until payment has been made for all indebtedness due to the school district.

Section 3. Not later than August 1, 2026, each school
district shall adopt policies or rules as required by W.S.
21-4-308(a) as amended by section 1 of this act.

STAFF COMMENT

The date of August 1, 2026 for school districts to adopt
policies and rules required by W.S. 21-4-308 as amended by
section 1 of this act is a placeholder and may be modified
at the direction of the Committee.

Section 4. This act is effective immediately upon
completion of all acts necessary for a bill to become law
as provided by Article 4, Section 8 of the Wyoming
Constitution.

(END)