

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

K-12 public school student discipline.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to K-12 public school student discipline;
2 requiring school district boards of trustees to adopt rules
3 and policies governing student discipline; establishing
4 requirements for student discipline; requiring parental
5 notice and consultation; expanding department of education
6 duties; requiring reporting; repealing immunity for
7 corporal punishment; making conforming amendments; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 21-4-308 by creating a new subsection

13 (a), by renumbering and amending (a) as (c), by creating

1 new subsections (d) through (m) and by renumbering (c) as
2 (n) is amended to read:

3
4 **21-4-308. Student discipline; employee authority;**
5 **classroom removal; diplomas.**

6
7 (a) As used in this section:

8
9 (i) "Classroom removal" means an exclusion of a
10 student from the student's assigned classroom when the
11 school district employee initiating the exclusion or the
12 school principal or the principal's designee determines
13 that the student should not return to the assigned
14 classroom at the next regularly scheduled class meeting
15 without administrative review or further action. The term
16 does not include a temporary classroom referral;

17
18 (ii) "School district property" means any
19 property owned or leased by a school district, including
20 classrooms, property where any school district or school-
21 sponsored activity takes place, as defined by W.S. 21-3-
22 137(a)(v), regardless of location, and vehicles utilized

1 for transportation to or from school or school-sponsored
2 activities;

3
4 (iii) "Temporary classroom referral" means
5 directing a student to the school principal, the
6 principal's designee or another supervised setting for
7 ordinary classroom management, de-escalation or the
8 imposition of a disciplinary consequence, with the
9 expectation that the student may return to the assigned
10 classroom at the next regularly scheduled class meeting. A
11 temporary classroom referral may continue for the remainder
12 of the instructional period in which the referral occurs
13 and shall not constitute a classroom removal for purposes
14 of this section.

15
16 ~~(a)-(c)~~ Each board of trustees ~~in each school~~
17 ~~district within the state may~~ shall adopt rules ~~for or~~
18 policies governing student discipline applicable to
19 students enrolled in the school district. The policies or
20 rules shall provide reasonable ~~forms of punishment and~~
21 disciplinary measures and procedures designed to maintain a
22 safe and orderly learning environment while protecting the

1 opportunity for all students to learn. ~~Subject to such~~
2 ~~rules, teachers, principals, and superintendents in such~~
3 ~~district may impose reasonable forms of punishment and~~
4 ~~disciplinary measures for insubordination, disobedience,~~
5 ~~and other misconduct.~~ The policies adopted under this
6 subsection shall:

7
8 (i) Authorize school district employees to
9 enforce district policies and school rules governing
10 student conduct applicable to students under the employee's
11 supervision;

12
13 (ii) Establish procedures governing temporary
14 classroom referrals and classroom removals consistent with
15 this section;

16
17 (iii) Establish procedures for identifying and
18 responding to patterns of student conduct that materially
19 interfere with teaching, the opportunity of other students
20 to learn or the safe and orderly operation of the school;

21

1 (iv) Designate the school principal or other
2 administrator, and any designee, to receive and act upon
3 referrals under this section and other matters involving
4 student discipline in accordance with district policy. For
5 purposes of this section, "designated official" means the
6 official designated pursuant to this paragraph;

7
8 (v) Establish a process for the early
9 identification of and behavioral support for students who:

10
11 (A) Engage in violent, threatening or
12 abusive conduct or conduct creating a safety risk to
13 students or school district personnel; or

14
15 (B) Are subject to classroom removal on
16 three (3) or more occasions within sixty (60) consecutive
17 school days, whether from the same or different classrooms,
18 or a lower threshold established by district policy;

19

1 (vi) Provide disciplinary measures reasonably
2 related to the nature, seriousness, frequency and
3 circumstances of the student's conduct and, when
4 appropriate, the student's age and developmental needs.

5
6 (d) Subject to applicable state and federal law and
7 school district rules and policies, a school district
8 employee may:

9
10 (i) Remove a student from the location of the
11 disruption on school district property when the student's
12 conduct:

13
14 (A) Is violent, threatening or physically
15 dangerous;

16
17 (B) Creates a safety risk to students or
18 school district personnel; or

19

1 (C) Materially interferes with the
2 opportunity of other students to learn or with the safe and
3 orderly operation of the school, including conduct that is
4 abusive, uncontrollable or disruptive.

5
6 (ii) Initiate a temporary classroom referral;

7
8 (iii) Request assistance from school
9 administrators or other school district personnel in
10 carrying out actions authorized under this section;

11
12 (iv) Refer a student to the designated official
13 for disciplinary action or behavioral intervention
14 authorized by this section.

15
16 (e) The following procedures shall apply to a
17 classroom removal pursuant to this section:

18
19 (i) A removal authorized under paragraph (d)(i)
20 of this section does not, by itself, constitute a classroom

1 removal, and this subsection does not apply to a temporary
2 classroom referral;

3
4 (ii) If a school district employee determines
5 that a student's conduct warrants a classroom removal, the
6 employee may request that the student not return to the
7 assigned classroom pending administrative review;

8
9 (iii) Upon a classroom removal, the designated
10 official shall review the circumstances giving rise to the
11 classroom removal and determine the appropriate
12 disciplinary action or behavioral intervention authorized
13 under this section and applicable school district rules and
14 policies;

15
16 (iv) Before determining the appropriate
17 disciplinary action or behavioral intervention following a
18 classroom removal, the designated official shall consult
19 with the school district employee who initiated the
20 classroom removal regarding the appropriate response;

21

1 (v) Consistent with applicable law, the
2 designated official shall provide the school district
3 employee who initiated the classroom removal written notice
4 of the disciplinary action or behavioral intervention
5 implemented in response to the student's conduct. If the
6 disciplinary action or behavioral intervention differs
7 substantially from the employee's recommendation, the
8 notice shall include the reasons for the difference;

9
10 (vi) A student subject to a classroom removal
11 shall continue to receive educational services during the
12 period of the classroom removal. The manner of providing
13 educational services shall be determined by the school
14 district consistent with applicable law;

15
16 (vii) A student subject to a classroom removal
17 shall not be returned to the assigned classroom until a
18 written re-entry plan has been developed by the designated
19 official as soon as practicable, but not later than two (2)
20 school days after the classroom removal;

21

1 (viii) The written re-entry plan shall include,
2 at a minimum:

3

4 (A) A description of the conduct resulting
5 in the classroom removal;

6

7 (B) The disciplinary action or behavioral
8 intervention imposed;

9

10 (C) Documentation of parent or guardian
11 contact;

12

13 (D) Input from the school district employee
14 who initiated the classroom removal;

15

16 (E) Identification of any behavioral
17 interventions or supports to be provided before or after
18 the student's return to the classroom;

19

1 (F) Any safety measures necessary to protect
2 students and school district personnel; and

3
4 (G) A process or date for reviewing the
5 effectiveness of the re-entry plan.

6
7 (f) Subject to applicable law and school district
8 policy, the designated official, the school district
9 superintendent or, in the case of a suspension or
10 expulsion, the board of trustees may impose one (1) or more
11 of the following disciplinary consequences, as appropriate
12 under the circumstances:

13
14 (i) Placement in an alternative classroom or
15 other supervised educational setting on school district
16 property;

17
18 (ii) In-school suspension;

1 (iii) Suspension or expulsion in accordance with
2 W.S. 21-4-305 and 21-4-306.

3

4 (g) Before imposing a disciplinary consequence
5 authorized under paragraphs (f)(i) or (ii) of this section,
6 the student shall be afforded an opportunity to be heard
7 regarding the conduct giving rise to the proposed
8 disciplinary consequence. The following requirements apply:

9

10 (i) This subsection shall not apply if providing
11 the student an opportunity to be heard would jeopardize the
12 safety of students or school district personnel or is
13 otherwise impracticable under the circumstances;

14

15 (ii) "Opportunity to be heard" means, at a
16 minimum, an informal meeting during which the designated
17 official explains the conduct giving rise to the proposed
18 disciplinary consequence and provides the student an
19 opportunity to respond. An opportunity to be heard under
20 this subsection does not require a formal hearing;

1

2 (iii) Nothing in this subsection shall be
3 construed to alter or supersede any procedural requirement
4 governing suspension or expulsion under W.S. 21-4-305 or
5 21-4-306.

6

7 (h) The designated official shall:

8

9 (i) Provide written notice to the student's
10 parent or guardian of any classroom removal;

11

12 (ii) Following any classroom removal resulting
13 from violent, threatening or physically dangerous conduct,
14 or upon initiation of the behavioral intervention process
15 required by paragraph (c)(v) of this section, schedule a
16 conference with the student's parent or guardian within ten
17 (10) school days, or document in writing the reason the
18 conference could not be held within that period. The
19 conference shall address the student's conduct, the
20 disciplinary action or behavioral intervention imposed, any

behavioral interventions or supports to be provided and expectations for the student and the student's parent or guardian;

(iii) A parent's or guardian's inability or refusal to participate in a conference required by this subsection shall not delay any action the school district determines necessary to maintain school safety or protect the opportunity of other students to learn;

(j) A school district employee requesting assistance in carrying out an action authorized under this section shall receive assistance from other appropriate school district personnel, including the designated official, as soon as reasonably practicable.

(k) A school district employee shall not be subject to adverse employment action solely for making a good faith report, initiating a temporary classroom referral, requesting or initiating a classroom removal or otherwise

1 exercising authority authorized by this section in
2 accordance with district policy.

3
4 (m) Nothing in this section shall be construed to:

5
6 (i) Alter, limit or supersede the requirements
7 governing suspension or expulsion under W.S. 21-4-305 or
8 21-4-306;

9
10 (ii) Supersede or conflict with the Individuals
11 with Disabilities Education Act, 20 U.S.C. § 1400 et seq.,
12 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §
13 794, the McKinney-Vento Homeless Assistance Act, 42 U.S.C.
14 § 11431 et seq., applicable rules governing seclusion and
15 restraint adopted pursuant to W.S. 21-2-202(a)(xxxii), or
16 any other applicable provision of state or federal law;

17
18 (iii) Limit the authority of a school district to
19 adopt rules or policies that provide greater protections,
20 impose additional requirements or establish more

1 comprehensive student discipline policies that are
2 consistent with this section.

3

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

8

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

14

15 **Section 2.** W.S. 21-4-308(b) is repealed.

16

17

18 **Section 3.**

19

20 (a) Not later than June 1, 2027, the department of
21 education shall:

1

2 (i) Develop a model policy for school district
3 compliance with W.S. 21-4-308, as amended by this act, in
4 consultation with school district representatives,
5 educators and other relevant stakeholders;

6

7 (ii) Provide technical assistance to school
8 districts in implementing the requirements of this act,
9 using existing departmental resources to the extent
10 practicable;

11

12 (iii) Identify existing regional behavioral
13 resources and services available to school districts, with
14 priority given to identifying options accessible to small
15 and rural districts.

16

17 **Section 4.** Not later than August 1, 2027, each school
18 district shall adopt policies or rules as required by W.S.
19 21-4-308, as amended by this act.

20

21 **Section 5.**

22

1 (a) For purposes of this section, "major student
2 disciplinary actions" means classroom removals resulting in
3 placement outside the student's assigned classroom for more
4 than one (1) school day, in-school suspensions, out-of-
5 school suspensions and expulsions.

6

7 (b) Not later than June 15, 2028, and annually
8 thereafter through June 15, 2030, each school shall submit
9 to the school district board of trustees a report
10 summarizing the major student disciplinary actions imposed
11 during the preceding school year. The report shall be
12 submitted in a form prescribed by the department of
13 education and shall contain only de-identified information;

14

15 (c) Not later than July 15, 2028, and annually
16 thereafter through July 15, 2030, each board of trustees
17 shall consolidate the information submitted pursuant to
18 subsection (b) of this subsection and submit the
19 information to the department of education.

20

21 (d) Not later than August 15, 2028, and annually
22 thereafter through August 15, 2030, the department of
23 education shall submit a report to the joint education

1 interim committee summarizing the information received
2 pursuant to subsection (c) of this subsection.

3
4 (e) Not later than December 1, 2030, the department
5 of education shall submit a report to the joint education
6 interim committee evaluating implementation of this act,
7 identifying implementation barriers encountered by school
8 districts, evaluating the utility of continued reporting
9 and recommending whether the reporting requirements of this
10 section should be continued, modified or allowed to expire.
11 The report shall include any recommendations to modify W.S.
12 21-4-308, as amended by section 1 of this act.

13
14 **Section 6.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18
19 (END)