



Wyoming Compilation of School Discipline Laws and Regulations

Prepared: January 12, 2016

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2016. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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Wyoming State Codes Cited

Wyoming Revised Statutes

The State of Wyoming contracts with LexisNexis to provide free public access to the Wyoming Statutes Annotated (<http://www.lexisnexis.com/hottopics/wy statutes/>). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 9. Administration of the Government

Chapter 1. State Officers

Article 6. Attorney General

[9-1-603.](#) Duties generally; retention of qualified practicing attorneys; matters in which county or state is party or has interest; assistance to county and district attorneys in felony trials

Title 21. Education

Chapter 2. The Administration of the State System of Education at the State Level

Article 2. Superintendent of Public Instruction

21-2-201. General supervision of public schools entrusted to state superintendent
21-2-202. Duties of the state superintendent

Chapter 3. School Districts in General

Article 1. In General

21-3-110. Duties of boards of trustees
21-3-128. Protection or insurance of board members, teachers and other personnel against personal liability

Chapter 4. Pupils

Article 1. Compulsory Attendance

21-4-101. Definitions
21-4-102. When attendance required; exemptions; withdrawal
21-4-103. Enforcement of article; appointment and compensation of attendance officers
21-4-104. Duties of attendance officers
21-4-105. Penalty for failure of parent, guardian or custodian to comply with article
21-4-106. List of children of school age to be furnished; notice of unexcused absences
21-4-107. Notice to district attorney of habitual truancy; duty of district attorney

Article 3. Right to Attend School

21-4-301. Schools to be free and accessible to all children; minimum school year
21-4-303. Right not denied on account of sex, race or religion
21-4-305. Suspension or expulsion; authority; procedure
21-4-306. Suspension or expulsion; grounds
21-4-308. Punishment and disciplinary measures; denial of diploma or credit
21-4-311. Safe school climate act; short title

- 21-4-312. Definitions
- 21-4-313. Prohibition against harassment, intimidation or bullying; reporting to school officials
- 21-4-314. School district implementation; state policies, training and technical assistance
- 21-4-315. Applicability; no civil liability created; immunity

Wyoming Administrative Code

Department of Education

General Agency, Board or Commission Rules

Chapter 042. Seclusion and Restraint in Schools

- Section 1. Authority
- Section 2. Scope
- Section 3. Purpose
- Section 4. Applicability; No civil liability created; Immunity
- Section 5. Promulgation, amendment, or repeal of rules
- Section 6. Definitions
- Section 7. Policy requirements
- Section 8. Enforcement of policy
- Section 9. Publication of policy
- Section 10. Data collection requirements

General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 21-2-201. General supervision of public schools entrusted to state superintendent.

(a) The general supervision of the public schools shall be entrusted to the state superintendent who shall be the administrative head and chief executive officer of the department of education.

(b) and (c) Repealed by Laws 2015, ch. 30 § 4.

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

(a) Each board of trustees in each school district within the state may adopt rules for reasonable forms of punishment and disciplinary measures. Subject to such rules, teachers, principals, and superintendents in such district may impose reasonable forms of punishment and disciplinary measures for insubordination, disobedience, and other misconduct.

§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

REGULATIONS

No relevant regulations found.

Scope

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(d) Each local school board shall include the policy adopted by a school district pursuant to this section in a publication of the comprehensive rules, procedures and standards of conduct for schools of a school district and in each school's student's handbook.

(e) Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students.

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

§ 14-3-201. Purpose.

The purpose of W.S. 14-3-201 through 14-3-216 is to delineate the responsibilities of the state agency, other governmental agencies or officials, professionals and citizens to intervene on behalf of a child suspected of being abused or neglected, to protect the best interest of the child, to further offer protective services when necessary in order to prevent any harm to the child or any other children living in the home, to protect children from abuse or neglect which jeopardize their health or welfare, to stabilize the home environment, to preserve family life whenever possible and to provide permanency for the child in appropriate circumstances. The child's health, safety and welfare shall be of paramount concern in implementing and enforcing this article.

§ 14-3-202. Definitions.

(a) As used in W.S. 14-3-201 through 14-3-216:

- (ii) "Abuse" means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including [...]excessive or unreasonable corporal punishment [...]

(B) "Physical injury" means any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition;

§ 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.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

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

(a) [...] 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)[...]

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

(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:

- (i) Continued willful disobedience or open defiance of the authority of school personnel;
- (ii) Willful destruction or defacing of school property during the school year or any recess or vacation;
- (iii) Any behavior which in the judgment of the local board of trustees is clearly detrimental to the education, welfare, safety or morals of other pupils, including the use of foul, profane or abusive language or habitually disruptive behavior as defined by subsection (b) of this section;
- (iv) Torturing, tormenting, or abusing a pupil or in any way maltreating a pupil or a teacher with physical violence;
- (v) Possession, use, transfer, carrying or selling 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).

(b) As used in paragraph (a)(iii) of this section, "habitually disruptive behavior" means overt behavior willfully initiated by a student causing disruption in the classroom, on school grounds, on school vehicles or at school activities or events, which requires the attention of a teacher or other school personnel.

REGULATIONS

No relevant regulations found.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

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

(d) The board of trustees of any school district or the superintendent if designated, may suspend a student for a period exceeding ten (10) school days or may expel a student for a period not to exceed one (1) year, provided the student is afforded an opportunity for a hearing in accordance with the procedures of the Wyoming Administrative Procedure Act.

(e) Suspension or expulsion shall not be imposed as an additional punishment for offenses punishable under the laws of the state, except for expulsion by a district superintendent under subsection (a) of this section, or where the offense was committed at a school function, against the property of the school, or is of such nature that continuation of the child in school would clearly be detrimental to the education, welfare, safety or morals of other pupils. No suspension or expulsion shall be for longer than one (1) year.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspensions and expulsion

LAWS

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

(a) The board of trustees of any school district may delegate authority 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.

(b) The disciplinarian shall give the student to be suspended oral or written notice of the charges against him and an explanation of the evidence the authorities have. The disciplinarian shall give the student to be suspended 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 subsection (c) of this section.

(c) The disciplinarian shall give the student to be suspended the opportunity to be heard as soon as practicable after the misconduct, 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.

(d) The board of trustees of any school district or the superintendent if designated, may suspend a student for a period exceeding ten (10) school days or may expel a student for a period not to exceed one (1) year, provided the student is afforded an opportunity for a hearing in accordance with the procedures of the Wyoming Administrative Procedure Act.

(e) Suspension or expulsion shall not be imposed as an additional punishment for offenses punishable under the laws of the state, except for expulsion by a district superintendent under subsection (a) of this section, or where the offense was committed at a school function, against the property of the school, or is of such nature that continuation of the child in school would clearly be detrimental to the education, welfare, safety or morals of other pupils. No suspension or expulsion shall be for longer than one (1) year.

(f) Any decision of the board, or of a designated superintendent, shall be considered a final decision which may be appealed to the district court of the county in which the school district is located, pursuant to provisions of the Wyoming Administrative Procedure Act. The court may, on application or on its own motion, stay the decision of the board or superintendent pending appeal, considering both the best interests of the child and the need to maintain an orderly environment conducive to learning for other children.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

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

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

(xxxi) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(B) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. "Seclusion" does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

REGULATIONS

Chapter 042. §6. Definitions.

(n) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. There are two distinct

categories: i) Seclusion from the Learning Environment, and ii) Isolation Room. The term does not include a student requested break or in-school-suspension, detention or other appropriate disciplinary measure.

Return to school following removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

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

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

(xxxi) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(A) "Restraint" means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student's body. "Restraint" does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. "Seclusion" does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

REGULATIONS

Chapter 042. §1. Authority.

The Wyoming rules are authorized by W.S. § 21-2-202(a)(xxxii) and W.S. § 21-3-110(a)(xxxi). These rules govern and regulate the use of seclusion and restraint with students in public school districts providing education to children ages five (5) through the completion of the school year in which the child turns twenty-one (21) pursuant to Wyoming law.

Chapter 042. §2. Scope.

(a) All provisions W.S. § 21-2-202(a)(xxxii) and W.S. § 21-3-110(a)(xxxi), including any subsequent amendments or revisions of the law and/or rules, apply to every school district as defined in W.S. §§ 21-3-102 through 21-3-104.

(b) Wyoming statute requires the State Superintendent of Public Instruction to ensure the requirements of law, regulation, rule, and educational standards are met in all education programs administered, approved, and/or accredited by the state. Pursuant to W.S. § 21-2-202(a), the State Superintendent shall review the policy of each school district for compliance with the state statute governing Seclusion and Restraint in Schools, and approve those policies only after a determination that compliance has been achieved.

(c) To the extent that these rules governing Seclusion and Restraint in Schools overlap with other state or federal rules or regulations, compliance with the regulation or rule offering greater student protection shall be deemed compliance with this rule. To the extent that these rules governing Seclusion and Restraint in Schools exceed the requirements of other state or federal rules or regulations, school districts must comply with the requirements of this rule. In the event of conflict with another state agency's rules or federal rules or regulations, school districts must ensure compliance with this rule.

Chapter 042. §3. Purpose.

Schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. Each student has a right to be free from seclusion or restraint used as a means of coercion, punishment, convenience, or retaliation. Seclusion and restraint are not instructional tools for the development of prosocial behavior. Proactive and preventative behavioral interventions should be initiated and ongoing to diffuse disruptive and volatile situations.

Chapter 042. §4. Applicability; No Civil Liability Created; Immunity.

(a) This rule shall not be interpreted to prevent a party from seeking redress pursuant to any other applicable civil or criminal law. This rule does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this rule.

Chapter 042. §5. Promulgation, Amendment, or Repeal of Rules.

Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. §§ 16-3-101 through 16-3-115).

Chapter 042. §6. Definitions.

(a) "Appropriate Disciplinary Measures" includes classroom, school-wide, and/or district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. § 21-4-308 or other appropriate authority.

(b) "Appropriately Trained Professional" or "Professional Team" includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers' instructions.

(c) "Assistive or Protective Device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(d) "Behavior Intervention" is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student's behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.

(e) "Emergency" means a situation constituting an imminent risk to health or safety.

(f) "Escort" includes guiding a student by touching his/her back, arm, or hand, or holding the student's arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

(g) "Evidence-Based Training Program" includes programs that are externally developed and have a record of successful implementation in a variety of settings, that at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive, and the specific techniques to encourage the safe reentry of the student back in to the educational environment.

(h) "Imminent Risk" means an immediate and impending threat of a person causing substantial physical injury to self or others.

(i) "Isolating" means visually, auditorally, or physically separating a student from the learning environment, school activity, or peers.

(j) "Prohibited Practices" means that certain activities or objects are prohibited from being utilized with students under any circumstances. Prohibited elements include:

(i) "Aversives" means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

(ii) "Locked Seclusion" means a seclusion room with a locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact, which upon release immediately permits the door to be opened from the inside.

(iii) "Mechanical Restraints" include devices or equipment designed or utilized to restrict the free movement of all or a portion of a student's body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which such devices or equipment were designed and prescribed.

(iv) "Prone Restraints" include holding a student in a face down position or in any position that will:

(A) Obstruct a student's airway or otherwise impair the ability to breathe;

(B) Obstruct a staff member's view of a student's face;

(C) Restrict a student's ability to communicate distress;

(D) Place pressure on a student's head, neck, or torso; or

(E) Straddle a student's torso.

(k) "Restraint" means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student's body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team. The term does not encompass any of the prohibited practices described in this rule.

(l) "School" includes a school district as defined in W.S. §§ 21-3-102 through 21-3-104.

(m) "School Activity" means any activity taking place at school, on school premises, or to or at a school function under the jurisdiction of the state or school district.

(n) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. There are two distinct

categories: i) Seclusion from the Learning Environment, and ii) Isolation Room. The term does not include a student requested break or in-school-suspension, detention or other appropriate disciplinary measure.

(i) "Seclusion from the Learning Environment" means visually or auditorally isolating the student from the classroom or other school activity, away from peers in an area that obstructs the student's ability to participate in regular classroom or school activities. The student is prevented from rejoining the learning environment or school activity until directed by staff.

(ii) "Isolation Room" means purposefully placing the student in an enclosed room built in compliance with all relevant health and safety codes. The student is not released from the Isolation Room and permitted to rejoin the learning environment or school activity until directed by staff. An Isolation Room is not the same as locked seclusion, which is a prohibited practice.

(o) "Time-out" means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment, and the student is not physically prevented from leaving the time-out area. The use of time-out without seclusion is not regulated by these rules.

Chapter 042. §7. Policy Requirements.

(a) Staff Training and Professional Development. School district policies must, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and nonclassified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district's policy on the safe use of seclusion and restraint shall be incorporated into each school's annual professional development programming.

(b) Procedures. School policies must, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to utilize restraint as part of a planned behavior intervention unless a bona fide emergency situation constituting an imminent risk to health or safety exists.

(B) Schools shall not utilize aversive interventions, mechanical restraints, or prone restraints at any time.

(C) Restraint shall be utilized for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) Schools must develop restraint duration guidelines including a release strategy based on the student's ability to regain control and staff's ability to reestablish safety.

- (E) Restraints exceeding the durational limits set forth in the school's guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.
- (F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.
- (G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.
- (ii) Seclusion: There are two distinct seclusion categories: Seclusion from the Learning Environment and Isolation Room.
- (A) School staff must be able to see and hear the student in seclusion at all times.
- (B) Students placed in seclusion must be permitted access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.
- (C) Schools must document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in paragraph (c) below.
- (D) The use of timeout without seclusion is not regulated by these rules.
- (E) Seclusion from the Learning Environment:
- (1.) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.
 - (2.) Schools must develop Seclusion from the Learning Environment duration guidelines.
 - (3.) Completion of an incident report is not required for use of Seclusion from the Learning Environment.
- (F) Isolation Room:
- (1.) An Isolation Room may be used in a bona fide emergency.
 - (2.) Schools must develop Isolation Room duration guidelines, including a reentry strategy based on the student's ability to regain control and staff's ability to reestablish safety.
 - (3.) Isolation Room seclusion exceeding the durational limits set forth in the school's guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.
 - (4.) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.
 - (5.) Physical Space Requirements for Isolation Rooms:
 - a. The room must provide a means of continuous visual and auditory monitoring of the student.
 - b. The room must be adequately lighted, with switches to control lighting located outside the room.
 - c. The room must be adequately ventilated, with switches to control fans or other ventilation devices located outside the room.
 - d. The room must maintain a temperature within the normal comfort range and consistent with the rest of the building, with temperature controls located outside of the room.
 - e. The room must be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.
 - f. The room must be constructed of materials safe for the intended use, including wall and floor coverings designed to prevent injury to the student.
 - g. The room must be able to be opened from the inside immediately upon the release of the security mechanism held in place by constant human contact.

h. The dimensions of the room must be of adequate width, length and height to allow the student to move about and recline comfortably.

(c) Mandatory Documentation. Schools must complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report must include:

- (A) Antecedents, interventions, and other relevant factors;
- (B) Description of the regulated intervention utilized;
- (C) Time and duration;
- (D) Student's response;
- (E) Administrative review, if necessary;
- (F) Status assessment;
- (G) Release or reentry factors;
- (H) Injuries, if any;
- (I) Debriefing

(ii) The parent shall receive copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) Parent Notification. The school shall develop a parent notification procedure to include, at a minimum, written notification within 24 hours of the use of a regulated procedure, or other timeframe as agreed upon by the school and parent. Written notification shall be complete upon mailing, personal delivery, or electronic transmission of the written notice.

Chapter 042. §8. Enforcement of Policy.

Schools shall specify a procedure for the lodging and investigation of complaints regarding misuse of the school district's policy on seclusion and restraint.

Chapter 042. §9. Publication of Policy.

Schools shall provide for the manner in which the policy is to be publicized within the school community.

Chapter 042. §10. Data Collection Requirements.

Schools shall collect and report annually to the Wyoming Department of Education the WISER ID for each student involved in the use of a regulated intervention, the number of incidents of seclusion and restraint for each student, and the type of regulated intervention utilized for each student.

Alternative Placements

LAWS

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

(a) [...] Nothing in this subsection prohibits a district from providing educational services to the expelled student in an alternative setting.

REGULATIONS

No relevant regulations found.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

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

(a) The board of trustees of any school district may delegate authority 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.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

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

(a) The board of trustees of any school district may delegate authority 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.

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

(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:

- v) Possession, use, transfer, carrying or selling 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).

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

§ 21-4-101. Definitions.

(a) For the purposes of this article:

- (i) "Unexcused absence" means the absence, as defined in the policies of the local board of trustees, of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child;
- (ii) "Habitual truant" means any child with five (5) or more unexcused absences in any one (1) school year;

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

(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:

- (i) Continued willful disobedience or open defiance of the authority of school personnel;
- (ii) Willful destruction or defacing of school property during the school year or any recess or vacation;
- (iii) Any behavior which in the judgment of the local board of trustees is clearly detrimental to the education, welfare, safety or morals of other pupils, including the use of foul, profane or abusive language or habitually disruptive behavior as defined by subsection (b) of this section;
- (iv) Torturing, tormenting, or abusing a pupil or in any way maltreating a pupil or a teacher with physical violence;
- (v) Possession, use, transfer, carrying or selling 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).

(b) As used in paragraph (a)(iii) of this section, "habitually disruptive behavior" means overt behavior willfully initiated by a student causing disruption in the classroom, on school grounds, on school vehicles or at school activities or events, which requires the attention of a teacher or other school personnel.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

§ 21-4-101. Definitions.

(a) For the purposes of this article:

- (i) "Unexcused absence" means the absence, as defined in the policies of the local board of trustees, of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child;
- (ii) "Habitual truant" means any child with five (5) or more unexcused absences in any one (1) school year;
- (iii) "Private school" is any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs;

(iv) "Parochial, church or religious school" is one operated under the auspices or control of a local church or religious congregation or a denomination established to promote and promulgate the commonly held religious doctrines of the group though it may also include basic academic subjects in its curriculum. Nothing contained in W.S. 21-4-102(b), 21-2-401 or 21-2-406 grants to the state of Wyoming or any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestions as to the control, management or supervision of any parochial, church or religious school which meets the requirements of W.S. 21-2-406(a);

(v) A home-based educational program means a program of educational instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian. An instructional program provided to more than one (1) family unit does not constitute a home-based educational program;

(vi) "Basic academic educational program" is one that provides a sequentially progressive curriculum of fundamental instruction in reading, writing, mathematics, civics, history, literature and science. These curriculum requirements do not require any private school or home-based educational program to include in its curriculum any concept, topic or practice in conflict with its religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with its religious doctrines.

§ 21-4-102. When attendance required; exemptions; withdrawal.

(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before September 15 of any year and who has not yet attained his sixteenth birthday or completed the tenth grade shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

(i) The board believes that compulsory attendance in school would be detrimental to the mental or physical health of such child or the other children in the school; provided, the board may designate at the expense of the district a medical doctor of its choice to guide it and support it in its decision;

(ii) The board feels that compulsory school attendance might work undue hardship. The board may conduct a hearing on issues pursuant to this paragraph by executive session; or

(iii) The child has been legally excluded from the regular schools pursuant to the provisions of W.S. 21-4-306.

(b) A home-based educational program shall meet the requirements of a basic academic educational program pursuant to W.S. 21-4-101(a)(vi). It shall be the responsibility of every person administering a home-based educational program to submit a curriculum to the local board of trustees each year showing that the program complies with the requirements of this subsection. Failure to submit a curriculum showing compliance is prima facie evidence that the home-based educational program does not meet the requirements of this article.

(c) In addition to subsection (a) of this section, the parent, guardian or other person having control or charge of any child under the age of eighteen (18), who has not otherwise notified the district of enrolling that child in a different school district or in a private school or home-based educational program, shall meet in person with a school district counselor or administrator to provide the school district with written consent to the withdrawal of that child from school attendance.

§ 21-4-105. Penalty for failure of parent, guardian or custodian to comply with article.

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects, or refuses to comply with the provisions of this article shall be guilty of a misdemeanor and shall be

punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or by imprisonment in the county jail not more than ten (10) days or by both such fine and imprisonment.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§ 21-4-311. Safe school climate act; short title.

This act shall be known and may be cited as the "Safe School Climate Act".

§ 21-4-312. Definitions.

(a) As used in this act:

(i) "Harassment, intimidation or bullying" means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of:

(A) Harming a student physically or emotionally, damaging a student's property or placing a student in reasonable fear of personal harm or property damage;

(B) Insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or

(C) Creating an intimidating, threatening or abusive educational environment for a student or group of students through sufficiently severe, persistent or pervasive behavior.

(ii) "School" includes a classroom or other location on school premises, a school bus or other school-related vehicle, a school bus stop, an activity or event sponsored by a school, whether or not it is held on school premises, and any other program or function where the school is responsible for the child;

(iii) "This act" means W.S. 21-4-311 through 21-4-315.

§ 21-4-313. Prohibition against harassment, intimidation or bullying; reporting to school officials.

(a) No person shall engage in:

(i) Harassment, intimidation or bullying; or

(ii) Reprisal or retaliation against a victim, witness or person who reports information about an act of harassment, intimidation or bullying.

§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school

employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(b) The policy prohibiting harassment, intimidation or bullying shall include, without limitation:

- (i) A statement prohibiting harassment, intimidation or bullying of a student;
- (ii) A definition of "harassment, intimidation or bullying" which includes at minimum the definition as provided in W.S. 21-4-312(a)(i);
- (iii) Consequences and appropriate remedial actions for persons committing acts of harassment, intimidation or bullying or engaging in reprisal or retaliation;
- (iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely on the basis of an anonymous report. The procedures shall identify the appropriate school personnel responsible for receiving a report and investigating a complaint;
- (v) Procedures for prompt investigation of reports or complaints of serious violations;
- (vi) A statement that prohibits reprisal or retaliation against a person who reports or makes a complaint of harassment, intimidation or bullying;
- (vii) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;
- (viii) Consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint;
- (ix) A process for discussing the district's harassment, intimidation or bullying policy with students; and
- (x) A statement of how the policy is to be publicized, including notice that the policy applies to participation in functions sponsored by the school.

(c) To assist local school districts in developing a policy under subsection (b) of this section, the department of education shall not later than September 1, 2009, develop model policies applicable to grades kindergarten through twelve (12) and teacher preparation program standards on the identification and prevention of bullying. In addition, the department shall provide necessary training programs and technical assistance to districts in carrying out this act.

(d) Each local school board shall include the policy adopted by a school district pursuant to this section in a publication of the comprehensive rules, procedures and standards of conduct for schools of a school district and in each school's student's handbook.

(e) Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students.

(f) School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.

§ 21-4-315. Applicability; no civil liability created; immunity.

This article shall not be interpreted to prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This article does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this act.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

No relevant laws found.

REGULATIONS

Chapter 042. §3. Purpose.

Schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. Each student has a right to be free from seclusion or restraint used as a means of coercion, punishment, convenience, or retaliation. Seclusion and restraint are not instructional tools for the development of prosocial behavior. Proactive and preventative behavioral interventions should be initiated and ongoing to diffuse disruptive and volatile situations.

Behavioral interventions and student support services

LAWS

No relevant laws found.

REGULATIONS

Chapter 042. §3. Purpose.

Schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. Each student has a right to be free from seclusion or restraint used as a means of coercion, punishment, convenience, or retaliation. Seclusion and restraint are not instructional tools for the development of prosocial behavior. Proactive and preventative behavioral interventions should be initiated and ongoing to diffuse disruptive and volatile situations.

Chapter 042. §6. Definitions.

(d) "Behavior Intervention" is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student's behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.

Professional development

LAWS

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

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

(xxxiii) Commencing with school year 2014-2015 and each school year thereafter, with funds made available to the district under the Wyoming education resource block grant model as defined under

W.S. 21-13-101(a)(xiv), require each teacher and school administrator within the district to receive at least eight (8) hours of suicide prevention education every four (4) school years using suitable materials reviewed and recommended by the state superintendent under W.S. 21-2-202(a)(xxxv). Any teacher or school administrator shall receive at least two (2) hours of suicide prevention education during the initial school year of employment with the district if the teacher or school administrator has not received suicide prevention training complying with this paragraph prior to employment. Suicide prevention education may consist of self-review of approved suitable materials. The board shall make all suicide prevention education materials and classes available to interested community members;

REGULATIONS

Chapter 042. §6. Definitions.

(g) "Evidence-Based Training Program" includes programs that are externally developed and have a record of successful implementation in a variety of settings, that at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive, and the specific techniques to encourage the safe reentry of the student back in to the educational environment.

Chapter 042. §7. Policy Requirements.

(a) Staff Training and Professional Development. School district policies must, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and nonclassified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district's policy on the safe use of seclusion and restraint shall be incorporated into each school's annual professional development programming.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(b) The policy prohibiting harassment, intimidation or bullying shall include, without limitation:

(iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely on the basis of an anonymous report. The procedures shall identify the appropriate school personnel responsible for receiving a report and investigating a complaint;

(vi) A statement that prohibits reprisal or retaliation against a person who reports or makes a complaint of harassment, intimidation or bullying;

(vii) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;

(viii) Consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint;

REGULATIONS

Chapter 042. §7. Policy Requirements.

(c) Mandatory Documentation. Schools must complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report must include:

(A) Antecedents, interventions, and other relevant factors;

(B) Description of the regulated intervention utilized;

(C) Time and duration;

(D) Student's response;

(E) Administrative review, if necessary;

(F) Status assessment;

(G) Release or reentry factors;

(H) Injuries, if any;

(I) Debriefing

Chapter 042. §10. Data Collection Requirements.

Schools shall collect and report annually to the Wyoming Department of Education the WISER ID for each student involved in the use of a regulated intervention, the number of incidents of seclusion and restraint for each student, and the type of regulated intervention utilized for each student.

Parental notification

LAWS

§ 21-3-110. Duties of boards of trustees.

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

(xxxi) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(A) "Restraint" means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student's body. "Restraint" does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. "Seclusion" does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

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

(c) The disciplinarian shall give the student to be suspended the opportunity to be heard as soon as practicable after the misconduct, 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.

REGULATIONS

Chapter 042. §7. Policy requirements.

(c) Mandatory Documentation. Schools must complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(ii) The parent shall receive copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) Parent Notification. The school shall develop a parent notification procedure to include, at a minimum, written notification within 24 hours of the use of a regulated procedure, or other timeframe as agreed upon by the school and parent. Written notification shall be complete upon mailing, personal delivery, or electronic transmission of the written notice.

Reporting and referrals between schools and law enforcement

LAWS

§ 9-1-603. Duties generally; retention of qualified practicing attorneys; matters in which county or state is party or has interest; assistance to county and district attorneys in felony trials.

(a) The attorney general shall:

(ix) Establish a call center to accept information related to school and student safety issues and assist in the delivery of that information as necessary to allow for the coordination of local law enforcement, emergency response personnel and school district officials. To the extent possible, the identity of parties reporting information via the call center shall remain unknown to all persons and entities. The attorney general may enact rules as necessary to administer the duties required under this paragraph.

§ 21-4-107. Notice to district attorney of habitual truancy; duty of district attorney.

When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the Juvenile Court Act.

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

(a) The board of trustees of any school district may delegate authority 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[...]. 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 [...]

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxxiv) With the department of enterprise technology services, establish criteria for the collection, storage, management and reporting of department of education data related to teacher certification, statewide education accountability and assessment and the administration of the school finance system. In carrying out this paragraph, the state superintendent and the department of enterprise technology services shall develop a data security plan that includes:

- (A) Guidelines for authorizing access to student data, including authentication of authorized access;
- (B) Privacy compliance standards;
- (C) Privacy and security audits;
- (D) Breach planning, notification and procedures pertaining thereto;
- (E) Data retention and disposition policies;
- (F) Data security policies including electronic, physical and administrative safeguards such as data encryption and employee training;

- (G) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (FERPA) and other privacy laws and policies;
- (H) Prohibition of the sale of student data to private entities or organizations; and
- (J) All personally identifiable student information being reported to the department of education or the department of enterprise technology by a student's Wyoming student record identification and locator number as issued by the department of education.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

§ 21-3-110. Duties of boards of trustees.

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

(xxxi) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(A) "Restraint" means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student's body. "Restraint" does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. "Seclusion" does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

REGULATIONS

Chapter 042. §2. Scope.

(b) Wyoming statute requires the State Superintendent of Public Instruction to ensure the requirements of law, regulation, rule, and educational standards are met in all education programs administered, approved, and/or accredited by the state. Pursuant to W.S. § 21-2-202(a), the State Superintendent shall review the policy of each school district for compliance with the state statute governing Seclusion and Restraint in Schools, and approve those policies only after a determination that compliance has been achieved.

Chapter 042. §7. Policy Requirements.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization and/or funding

LAWS

§ 21-4-103. Enforcement of article: appointment and compensation of attendance officers.

The primary responsibility for the enforcement of this article shall be upon the board of trustees of the school district, which shall appoint an attendance officer or officers to carry out the provisions of this article. Said officer shall be paid out of the district treasury such sum as may be provided in the order of appointment.

§ 21-4-104. Duties of attendance officers.

- (a) Subject to the policy of the board of trustees, it shall be the duty of each attendance officer to:
 - (i) Counsel with students, parents, guardians or custodians and teachers; and to investigate the causes of unexcused absences;
 - (ii) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law. If after such notice has been given, the child has a second unexcused absence, which the attendance officer reasonably believes was due to the willful neglect or failure of the parent, guardian, or custodian of the child, then he shall make and file a complaint against such parent, guardian, or custodian of such child before the district court for the violation of W.S. 21-4-102.

§ 21-4-106. List of children of school age to be furnished; notice of unexcused absences.

At the beginning of each school year, the board of trustees shall furnish each district attendance officer a list of the names of the children of compulsory school age within the district who are enumerated on the regular enumeration lists. The person in charge of each school within the district shall notify each district

attendance officer promptly in writing of all cases of unexcused absence so that the attendance officer may proceed according to the provisions of this article.

§ 21-4-107. Notice to district attorney of habitual truancy; duty of district attorney.

When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the Juvenile Court Act.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(c) To assist local school districts in developing a policy under subsection (b) of this section, the department of education shall not later than September 1, 2009, develop model policies applicable to grades kindergarten through twelve (12) and teacher preparation program standards on the identification and prevention of bullying. In addition, the department shall provide necessary training programs and technical assistance to districts in carrying out this act.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

For general information on educational funding, see Chapter 13 School Finance.

Other or Uncategorized

Professional immunity or liability

LAWS

§ 21-3-128. Protection or insurance of board members, teachers and other personnel against personal liability.

The board of trustees of each school district within the state may save harmless and protect all board members, teachers, and other personnel from financial loss arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental bodily injury or death to any person within or without the school building; provided, such board member, teacher, or other personnel at the time of the accident was acting in the discharge of his duties within the scope of his employment. Each board of trustees may procure appropriate policies of insurance to maintain this protection, or it may elect in its discretion to act as a self-insurer. This section shall not be construed as creating or tending to create a liability of the school district so protecting or insuring board members, teachers, or other personnel, nor shall the failure to procure such insurance as is authorized by this section be construed as creating any liability of the school district.

§ 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.

§ 21-4-315. Applicability; no civil liability created; immunity.

This article shall not be interpreted to prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This article does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this act.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

§ 21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(f) School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.

REGULATIONS

No relevant regulations found.

Other or uncategorized**LAWS**

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Wyoming provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
Website		
Wyoming Department of Education - Student and Facility Safety	Office responsible for providing technical assistance and resources regarding school safety.	http://edu.wyoming.gov/in-the-classroom/health-safety/facilities-safety
Positive Behavioral Interventions & Supports	Provides information on integrating the PBIS into schools as well as links to resources.	http://edu.wyoming.gov/in-the-classroom/special-programs/pbis
Documents		
Anti Bullying Model Policy I	This model policy provides a template to assist each school district is in compliance with all expectations of the Safe School Climate Act (W.S. 21-4-311 through 21-4-315).	http://edu.wyoming.gov/downloads/safety/Anti_Bullying_Model_Policy_I.docx
Anti Bullying Model Policy II	This model policy is adapted from the "Bully Police USA Model Policy Reference" www.bullypolice.com .	http://edu.wyoming.gov/downloads/safety/Anti_Bullying_Model_Policy_II.docx
Other Resources		
No relevant resources found		