

## **CODE OF STUDENT CONDUCT**

Pursuant to the Wyoming Education Code and in accordance with the rules and regulations of the Wyoming Department of Education, the Board of Trustees of Sweetwater County School District Number One, State of Wyoming has adopted this Code of Student Conduct to enhance student learning, to assist in creating an orderly educational environment for the students and employees of the District, and to promote the ideals of citizenship and appropriate social interaction. In attempting to achieve these goals, the District shall focus on education, including incorporating age and grade appropriate instruction, teaching students their rights and responsibilities, and when necessary imposing appropriate disciplinary measures where it has been demonstrated that the student has failed to maintain the minimal behavior expectations stated in the Code of Student Conduct.

### **I. EXPECTATIONS**

#### **A. Sweetwater County School District Number One:**

1. Students have the right to attend school in accordance with residence, age and other requirements established by law, conditioned on the student's compliance with all applicable District policies, procedures and practices.
2. The District endeavors to provide every student the opportunity to learn in a setting that supports each student's physical and emotional well-being.
3. The District strives to help students acquire the behaviors that are necessary for assuming the roles of responsible citizens, productive workers and conscientious neighbors.
4. The District recognizes that the creation of an atmosphere that models these civic values and the maintenance of such a safe and orderly environment requires preserving time to teach.
5. A student's right to attend school depends upon the student fulfilling individual responsibilities, including attendance and proper behavior in school. When a student fails, refuses, or neglects to fulfill responsibilities, the student's rights may be taken away, including the right to a public education.
6. No student will be excluded from school, except in accordance with applicable law and the requirements of the Code of Student Conduct and other applicable District policies.

**B. To these ends, Sweetwater School District Number One expects every student to:**

1. Read and follow this Code of Student Conduct.
2. Attend school regularly and make a conscientious effort in classroom work and participation.
3. Avoid any conduct, speech, or expression, in whatever form, including written, oral, or electronic communication, that materially and substantially interferes with the educational process.
4. Avoid any conduct, speech, or expression, in whatever form, including written, oral or electronic communication, that threatens immediate harm to the welfare of the school or community or to any individual.
5. Practice consideration for others and assist in maintaining a climate within the school that is conducive to wholesome learning and living.
6. Respect the individual rights of others.
7. Avoid speech or writing that constitutes liable, slander or defamation.
8. Respect the property of others, including students and school staff.
9. Volunteer information in matters relating to health, safety, and welfare of the school community and the protection of school property.
10. Cooperate with school staff in a respectful manner and assist school staff in operating a safe school environment.
11. Acknowledge and follow laws, policies, rules and procedures.
12. Contribute to a drug free school setting.
13. Refrain from participation in any illegal activities or encouraging unlawful activity.
14. Refrain from the use of foul, profane or abusive speech or writing, including lewd, vulgar, indecent or obscene content or sexual innuendo, metaphor or simile.
15. Practice conflict resolution skills as an alternative to physical violence or the use of weapons.

**II. CLASSROOM- AND BUILDING-LEVEL DISCIPLINE**

**A. Classroom- and Building-Level Discipline: Grounds**

To establish a safe and orderly school setting that supports teaching and learning, the following behaviors shall constitute violations of the Code of Student Conduct:

1. Insubordination, including a student's overt refusal to obey the directive of a school authority.
2. Disobedience, including the intentional or repeated violation of school rules.
3. Other misconduct, including classroom, school or campus behavior that materially disrupts the classroom or involves substantial disorder or invasion of the rights of others.

## **B. Classroom- and Building-Level Consequences**

1. When a student displays such insubordination, disobedience or other misconduct, the teacher, administrator, or other District personnel may apply consequences outlined in an individual classroom discipline plan approved by a building principal or designated disciplinarian and/or shall apply building level consequences subject to the limits of the Code of Student Conduct.
2. When a student displays such insubordination, disobedience or other misconduct that places the student's or another student's educational success in jeopardy, the legal parent or guardian will be notified.
3. Consequences for students receiving services through state or federal programs, including IDEA (Individuals with Disabilities Education Act) and Section 504 of the Rehabilitation Act, will be assigned in compliance with all such program regulations.

## **III. ADMINISTRATIVE-LEVEL ACTION**

### **A. Suspension or Expulsion: Grounds (Wyo. Stat. § 21-4-306)**

The following behaviors and activities are prohibited in the interests of maintaining a safe and orderly school setting that supports teaching and learning. Any student who engages in any of these activities is subject to discipline, which may include suspension or expulsion. The Code of Student Conduct applies to any student who is on school property, who is in attendance at school or at a school sponsored activity, who is coming to or going from school or a school activity, or whose conduct at any time or in any place interferes with or obstructs the missions or operations of the District or the safety, welfare, or rights of students, staff or school district officials. The following behaviors and activities constitute violations of the Code of Student Conduct and are grounds for suspension or expulsion:

1. Continued willful disobedience or open defiance of the authority of school personnel. Wyo. Stat. § 21-4-306(a)(i).
2. Willful destruction, damaging, or defacing of real or personal school property during the school year or any recess or vacation. Wyo. Stat. § 21-4-306(a)(ii).
3. Any behavior that in the judgment of the board of trustees is clearly detrimental to the education, welfare, safety or morals of other pupils, including, but not limited to:

- a) defiance of the authority of a teacher, administrator, bus driver, or other school employee or official.
- b) participating in any activity that interferes with or disrupts the educational process, including gang activity or association as defined in Policy JFCK.
- c) the use of foul, profane or abusive speech or writing, including lewd, vulgar, indecent, or obscene content, sexual innuendo, metaphor, or simile, racial or ethnic slurs or epithets that are unwelcome or which are offensive, threatening or an affront to the sensibility of others.
- d) habitually disruptive behavior, defined as overt behavior willfully initiated by a student causing disruption in the classroom, on school grounds, on/in school vehicles or at school activities or events, which requires the attention of a teacher or other school personnel. Wyo. Stat. §.21-4-306(a)(iii), (b).
- e) possessing, using, being under the influence of, manufacturing, or distributing of tobacco products, alcohol, controlled substances, drugs, unauthorized medication, look-alike drugs or drug related paraphernalia in violation of Wyoming law, while on District property, in transit to or from school, at a District function, or while a participant in any activities sponsored, sanctioned or controlled by the District or the Wyoming High School Activities Association, whether on or off District property as further set out in Policy JFCI.
- f) knowingly aiding, abetting or assisting another student in concealing the possession, use, influence, manufacturing, or distribution of any tobacco products, alcohol, controlled substances, drugs, unauthorized medication, look-alike drugs or drug related paraphernalia as defined in Policy JFCI.
- g) stealing or attempting to steal convert, or conceal property of another or the District.
- h) scholastic dishonesty which includes, but is not limited to, cheating on school assignments, falsifying school documents or records, plagiarism, and collusion. Cheating on a test includes copying from another's test, using material during a test that is not authorized, collaborating with another student during a test without authority, knowingly using, buying, selling, or stealing, transporting or soliciting, in whole or in part, the contents of an unadministered test, substituting for another student or permitting another student to substitute for oneself to take a test, bribing or paying another person to obtain a test that is to be administered, or securing copies of a test or answers to the test in advance of the test. Plagiarism means the appropriation of another's work and the unacknowledged incorporation of that work in one's own written work for credit. Collusion means the unauthorized collaboration with another person in preparing work offered for credit.
- i) gambling.

- j) hazing, which means any conduct or method of initiation or association into any student team, class, program, club, organization, association, or activity, that willfully or recklessly endangers the physical or mental health of any student or other person. Examples include, but not limited to whipping, beating, exposure to weather, forced consumption of food, liquor, beverage, drug, or other substance, or any brutal treatment or forced physical activity that is likely to adversely affect the physical health or safety of the student or other person, or which subjects the student or other person to extreme mental distress, including extended deprivation of sleep, or rest or extended isolation.
  - k) harassment, bullying, violence or threats of violence, as defined in District Policies JFCB, JFCL, or ACA or any state or federal law or regulation.
  - l) physically assaulting or causing bodily injury to a District employee, visitor, or student, including nonconsensual touching, fighting, jostling, and /or horseplay.
  - m) verbally assaulting or threatening a District employee, visitor or student.
  - n) verbally abusing a District employee, administrator, visitor or student by name-calling, use of ethnic, racial, or gender slurs or derogatory statements addressed publicly to others, that may precipitate disruption of the educational environment, incite violence, or otherwise detract from the education mission of the District.
  - o) making bomb threats, making terroristic threats, or making false fire or other emergency alarms.
  - p) displaying profane or obscene gestures, wearing profane or obscene clothing or apparel, or violations of Student Dress Code as defined in Policy JFCA.
  - q) lying or giving false information either verbally or in writing including knowingly making false statements or knowingly submitting false information during any grievance process, including, but not limited to Title IX.
  - r) using, throwing, or threatening to use objects intended for other purposes to inflict bodily harm, damage property, or to intimidate as defined in Policy JFCJ.
  - s) engaging in inappropriate sexual behavior, including sexual acts or contact, in the classroom, on school grounds, on/in school vehicles, or at school activities or events.
  - t) leaving school property when not permitted to do so.
  - u) failing to comply with lawful directives or policies issued by school staff or administrators and failing to comply with District policies, rules and regulations.
  - v) violating District fundraising Policy IGDF.
  - w) committing or attempting extortion, coercion, or blackmail seeking money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force.
  - x) invasion of privacy of another or improper use of District or other technology resources as defined in Policy JFCM or Policy JFCN.
  - y) violation of any law, District Policy, Rule or Procedure, School Handbook, or Building rules or regulations.
4. Torturing, tormenting or abusing a pupil or in any way maltreating a pupil, or a teacher, with physical violence. Wyo. Stat. § 21-4-306.

5. Torturing, tormenting, or abusing any person with physical violence.
6. Possession, use, transfer, carrying or selling a deadly weapon as defined under Wyo. Stat. §6-1-104 within any school bus as defined by Wyo. Stat. § 31-7- 102(a)(xi) or within the boundaries of real property used by the District primarily for the education of students in grades kindergarten through twelve (12). Wyo. Stat. § 21-4-306(a)(v); Policy JFCJ. The Board of Trustees shall, subject to the case-by-case modification permitted by Wyo. Stat. § 21-4-306(d), require the Superintendent to expel from school for a period of one (1) year any student determined to violate Wyo. Stat. § 21-4-306(a)(v). Upon a violation of this Wyo. Stat. § 21-4-306(a)(v), and following the notice and hearing requirements of this policy and Wyo. Stat. § 21-4-305, the Superintendent shall notify the district attorney of the violation together with the specific act in violation of Wyo. Stat. § 21-4-306(a)(v) and the name of the student violating such section.

## **B. Investigation of Suspected Violations of the Code of Student Conduct**

### **1. Generally**

In cases of suspected violations of the Code of Student Conduct, the building principal, designee or administrative official shall conduct an investigation sufficient to make a determination whether the student violated any provisions of this Code, provided that the investigation complies with law and with the rules stated in this Code. Among the investigative techniques that are approved are: investigative interviews of involved parties and witnesses, meetings, securing written statements or affidavits, conferences, review of video footage or audio recordings, informal hearings, reasonable cause searches of students and their possessions, locker searches, use of trained dogs, use of undercover police, and the like. Student possessions, including cellular phones or computers, may be seized and held as evidence. Principals and administration may obtain the assistance of law enforcement officers, as needed. Parental presence or notice is not required prior to or during investigations.

### **2. Student Searches**

Searches of students and their possessions are protected by the Fourth Amendment to the United States Constitution, which prohibits unreasonable searches and seizures. District staff may conduct a search of a student and his or her possessions where staff has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either law or this Code of Student Conduct or is in possession of contraband. The scope or extent of the search and the methods used for the search will reasonably relate to the objectives of the search and will not be excessively intrusive upon the privacy of the student in light of the age and sex of the student and the nature of the alleged infraction. Forms of searches known as “strip searches” are expressly prohibited. Prior to the search of the student’s possessions, the student will be notified and given an opportunity to be present. Where school authorities

have a reasonable suspicion that the student's possessions contain materials that pose a threat to the welfare and safety of the student or the school, student possessions may be searched without prior warning. Where law enforcement is involved, law enforcement officers may conduct a search upon probable cause. District officials and sworn law enforcement officers may conduct a search without reasonable suspicion or probable cause if the student voluntarily consents to the search. As a preventative measure, when the District has a compelling interest or special need that warrants, District officials may also conduct blanket searches.

### 3. Searches of Lockers

- a) Lockers are the sole and exclusive property of the school district and are subject to its complete control. Students have no absolute right to use lockers, but may do so only by permission of the school district.
- b) No student may place in or store in a locker any substance or object that is prohibited by law, school policies, handbooks, rules, or regulations, or that constitutes a threat to the health, safety or welfare of the occupants of the building or to the building itself.
- c) Lockers and their contents may be randomly and periodically inspected and searched by officers, agents and employees of the school district, and items may be seized and used as evidence against the student in disciplinary and other proceedings.
- d) Lockers are not places of privacy for the belongings of the student, and students shall have no basis to expect that their locker or the contents of their locker will be kept private or will not be opened, inspected and searched on whatever occasions or with whatever frequency the officers, agents and employees of the school district shall desire. The fact that student lockers have not been searched during a given semester, school year or other particular period of time does not suggest or mean that the lockers will not be searched during the next semester, school year or other particular period of time.
- e) Prior to a locker search, the student may be notified and given an opportunity to be present. Where school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare and safety of students in the school, student lockers may be searched without prior warning.

### 4. Confidential Communications

- a) Use of a student's confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding.
- b) Information received in confidence from a student may be revealed to the student's parents, the principal or other appropriate authority where the health, welfare or safety of the student or other persons is clearly in jeopardy.

### 5. Safeguarding Physical Evidence

All physical evidence secured through any investigation or search will be handled by as few individuals as possible and properly documented. Proper documentation includes a description of how the school district obtained the evidence, the circumstances under which it was obtained, the individuals who were involved, and the listing of the chain of custody of the evidence. The evidence will be properly labeled and secured.

6. Law Enforcement Involvement

- a) Suspected criminal acts shall be reported to the appropriate authorities.
- b) Except where the law provides otherwise, authorities are authorized to question the student during school hours under the provisions of District Policy JFG.
- c) As appropriate, possible evidence may be turned over to the authorities. The transfer shall be properly documented and an attempt will be made to obtain a receipt from the authorities.

**IV. RESPONSES TO STUDENT VIOLATIONS OF THE CODE OF STUDENT CONDUCT**

1. Generally

Discipline shall be imposed to reflect the seriousness of the violation, to promote respect for the rules of the school district, to provide just punishment, to afford adequate deterrence to future violations, to protect students from violations, and, when appropriate, to provide the student with needed educational programming. However, except for those matters referred to the school board for resolution by the administration, the determination of the level of discipline shall be made solely by the appropriate staff taking into consideration the above-stated purposes of discipline, the nature and extent of the harm done, the age and maturity of the child, the educational and disciplinary record of the child, the degree of culpability, and any mitigating or aggravating circumstances deemed relevant. Race, sex, national origin, creed, and socioeconomic status of the student shall not be considered in determining discipline.

2. Uniformity and Disproportionality of Discipline

It is the goal of the District School Board of Trustees to have uniformity in the imposition of discipline by staff for similar conduct by similar offenders; but it is also the goal of the board to have proportionality in discipline through a system that imposes appropriately different discipline for violations of different severity. There is a fundamental tension between these goals. Perfect uniformity destroys proportionality. Similarly, a disciplinary system tailored to fit every conceivable wrinkle will be unworkable. Therefore, in order to fulfill the twin goals of uniformity and proportionality, and to further the purposes of this Code, the following system is established noting levels of offenses and suggesting disciplinary responses. However, whenever appropriate to deviate from the guidelines in view of the relevant disciplinary factors being taken into account, the staff and board shall have that discretion.



### 3. General Levels of Offense.

- a) **Intensity Level One and Two Offenses** are minor misbehaviors on the part of the student that impede the orderly classroom environment or interferes with the orderly operation of school. These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other school support personnel. Examples include, but are not limited to, classroom disturbances, classroom tardiness, lying, abusive language or gestures, and/or non-defiant failure to complete assignments or carry out directions.
- b) **Intensity Level Three Offenses** are misbehaviors whose frequency or seriousness tend to disrupt the learning climate of the school. These infractions, which usually result from the continuation of level one and two misbehaviors, may require the intervention of personnel on the administrative level because the execution of level one and two disciplinary/intervention options have failed to correct the situation. Also included in this level are misbehaviors that include acts directed against persons or property whose consequences do not seriously endanger the health and safety of others. Although these acts may be considered criminal, they can usually be handled by the disciplinary mechanism in school. Examples include, but are not limited to, continuation of unmodified level one and two misbehavior, defacing school property, abusive language or gestures, minor fighting, stealing, and cheating.
- c) **Intensity Level Four Offenses** include acts that result in violence to another's person or property or that pose a direct threat to the safety of others. These acts are usually criminal in nature and would result in the student's immediate removal from school and/or learning environment, the intervention of law enforcement authorities and the referral to an administrator. Examples of such conduct include, but are not limited to, unmodified level three misbehavior, extortion, bomb threats, possession/use/transfer of weapons, assault and battery, vandalism, arson, or criminal acts punishable under the crimes code

### 4. Available Disciplinary/Intervention Responses

The school district may impose, but are not limited to, the following kinds of discipline and/or interventions in response to violations of the responsibilities, prohibitions and rules set forth in this Code:

- a) Classroom discipline;
- b) Verbal or written reprimand;
- c) Special assignment;
- d) Detention (parents will be notified before students are kept after school)
- e) Counseling;
- f) Strict supervised study;
- g) Behavior contract;
- h) Teacher or schedule change;
- i) Extra school;
- j) Student probation status under Policy.
- k) In-school suspension, including Friday and/or Saturday school;

- l) Out-of-school suspension;
- m) Expulsion;
- n) Assignment to an alternative placement and/or a student assistance program;
- o) Temporary, permanent, partial or total deprivation of one or more of the following or other privileges:
  - i. Participation in extracurricular activities, such as, but not limited to intramural or interscholastic sports and activities;
  - ii. Participation in graduation ceremonies, or any part of the same;
  - iii. Participation in student government or the affairs of same;
  - iv. Participation in student plays;
  - v. Attendance on school trips; and/or
  - vi. Bus riding privileges.

## 5. Prohibited Discipline

- a) Corporal punishment. Corporal punishment shall not be used as a disciplinary measure. Policy JGA.
- b) The use of reasonable force, as set forth in Policy GBED, is permissible only under the following circumstances:
  - i. For the purpose of self-defense.
  - ii. To prevent physical injury to a student or any other person.
  - iii. To restrain temporarily or remove a student or any other person whose behavior is disrupting the orderly exercise and performance of school district functions, and who refuses, upon request, to refrain from doing so.

## 6. Student Disciplinary Response Structure

Except as otherwise stated in this Code, or where circumstances justify deviation from the following principles, the student disciplinary response structure is governed according to the following:

- a. Purpose.

Effective instruction in school requires a safe and orderly learning environment. It is the inherent responsibility of all members of the professional staff to contribute to the establishment and maintenance of such an environment. This environment requires that students maintain behavior that is free from risks to themselves and others, is free from activities that detract from their own or other student's learning, is respectful of property and contributes to their own learning.
- b. Methods.

The achievement of this safe and orderly environment is the direct result of clear statements, modeling, and teaching of specific expectations, and the consistent monitoring of student behaviors and application of intervention strategies.

- c. Interventions (professional responses to inappropriate behaviors).  
Actions should be designed to motivate children to return to appropriate behaviors. They should be administered in a timely manner, with the least disruption of the student's educational program necessary to re-establish appropriate behavior. They must match both the degree of the infraction and the developmental growth stage of the child.
- d. Examples of Tier 1 or 2 interventions that may be applied to minor disruptions include, but are not limited to: Clarification of expectations;
  - i. Parental contact;
  - ii. Verbal reprimand;
  - iii. Time-out;
  - iv. Student-teacher conference;
  - v. Change of position of desk, in line, etc.;
  - vi. Isolation within room;
  - vii. Modelled practice, watching or practicing proper behavior;
  - viii. Behavior correction assignment (related directly to rule infraction and desire modification); and/or
  - ix. Removal of privileges.
- e. Examples of Tier 2 or 3 interventions that may be applied to continued unmodified minor disruptions and behaviors that impact negatively on the learning, safety or property of others include, but are not limited to:
  - i. Referral to counselor;
  - ii. Behavior modification plan;
  - iii. Parental contact;
  - iv. Home/school plan;
  - v. Detention (parents will be notified before students are kept after school);
  - vi. ISS, OSS, Friday or Saturday School);
  - vii. Removal from classroom, subject to Policy GBEE, Seclusion and Restraint in Schools;
  - viii. Referral to principal;
  - ix. Referral to outside support agency;
  - x. Repair, clean or replace property; and or
  - xi. Subject to Policy GBEE, Seclusion and Restraint in Schools, and Policy GBED, Use of Force, personal physical intervention(physically stopping a behavior), restraint (physically preventing a behavior) or removal may be exercised by appropriately- trained professional employees.
- f. Tier 4 interventions that may be applied to continued unmodified or extreme learning disruptions, safety violations, property violations or dangerous acts include, but are not limited to:
  - i. In-school suspension;
  - ii. Out-of-school suspension;
  - iii. Assignment to an alternative placement and/or a student assistance

- program;
- iv. Temporary, permanent, partial or total deprivation of one or more of the following or other privileges:
  - a. Participation in extracurricular activities, such as, but not limited to intramural or interscholastic sports and activities;
  - b. Participation in graduation ceremonies, or any part of the same;
  - c. Participation in student government or the affairs of same;
  - d. Participation in student plays;
  - e. Attendance on school trips; and/or
  - f. Bus riding privileges.
- v. Recommendation for Expulsion;

7. Additional Consequences.

- a. The privilege to participate in extracurricular activities and interscholastic athletics is reserved for those students who are making satisfactory progress in their academic subjects and are showing proper respect for school rules and regulations. This privilege may be denied for the following reasons:
  - i. Any serious violation of school rules, District policies, or State or Federal law as determined by the building principal or designee.
  - ii. Failure to meet applicable curriculum requirements.
- b. A student declared ineligible for academic reasons or violations of the Code of Student Conduct may be excluded from practice and participation in all activities and athletics until the deficiency has been removed. Eligibility shall be cumulative from the beginning of a grading period and be reported on a weekly basis.
- c. Students who are absent from school may not participate in practices for extracurricular activities or athletics on the same date as the absence, unless with prior approval it is medically excused or there is an extenuating circumstance.
- d. On the date of an extracurricular activity or athletic event, a student must attend all of their registered classes to be eligible to participate in an event unless with prior approval it is medically excused or there is an extenuating circumstance.
- e. Suspension (either in-school or out-of-school) from school will include suspension from school-sponsored activities that occur during the time of suspension and may include the suspension of the privilege to participate in school-sponsored activities/athletics according to secondary activities/athletic handbook guidelines or established elementary school guidelines, in accordance with this Code of Student Conduct.
- f. Any pupil involved in an act of misconduct on a school bus under the Code of Student Conduct or which is detrimental to the health or safety of other pupils, bus driver, vehicle, or persons outside the school bus may have their bus riding privileges

suspended, or be removed permanently from the privilege of riding a school bus.

- g. Special education students, as defined under federal and state law and students with disabilities as defined in the Individuals with Disabilities Education Act (IDEA) or Section 504 are clothed with substantive and procedural rights which may restrict or prohibit the District from implementing some or all of the disciplinary responses described in this Code of Student Conduct or through the procedures set forth in this Code. Staff is prohibited from making any change with respect to or imposing any discipline upon any handicapped or disabled student which would constitute a change of placement or a violation of the child's Individualized Education Plan (IEP) or 504 Plan without first satisfying the procedural and substantive prerequisites established by or pursuant to federal and state law.
- h. In addition to school consequences, students may also be subject to consequences of local, state and federal law.
- i. In accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 (20 USCA § 1243g), disciplinary records pertaining to suspension or expulsion of students from school shall be transferred, along with other educational records, to any private or public elementary school or secondary school for any student seeking to or intending to enroll in the school.

## **V. PROBATION OF STUDENTS (Elementary and Secondary)**

The principal or designee may, at their discretion, place a student on probationary status in lieu of suspension. The intent of probation is to provide the student with an opportunity to continue to attend school and allow the student a period to appropriately adjust their behavior.

The length of the probationary period will not be less than 10 school days nor more than one calendar month. A student on probation may not be permitted to attend or participate in activities before or after school.

In all cases of probation parental notification will be required. The student's failure to appropriately adjust their behavior during the period of probation will result in suspension or other appropriate consequences.

## **VI. PROCEDURES FOR SUSPENSION OR EXPULSION (Wyo. Stat. § 21-4-305)**

### **A. Generally.**

- 1. Authority. A principal or other board-designated disciplinarian may suspend or expel a student subject to the requirements to provide notice and an opportunity to be heard as set forth herein. Wyo. Stat. § 21-4-305(a).
- 2. In School Suspensions. In-school suspensions may be imposed only by the building principal or other board-designated disciplinarian, members of the administration, or the school board. All other staff are prohibited from imposing an in-school suspension of any child or excluding any child from school.

3. **Out-of-School Suspension.** Out-of-school suspensions may be imposed only by the building principal or other board-designated disciplinarian, members of the administration or school board. All other staff are prohibited from suspending any student or excluding any student from school. Out-of-school suspensions may not be made to run consecutively beyond ten (10) days. Students have the responsibility to make up examinations and work missed while being disciplined by way of out-of-school suspension and shall be permitted to complete their assignments in compliance with administrative practice.
4. **Expulsion.** Only the Board of Trustees is permitted to expel a student for more than ten (10) days. Expulsion is exclusion from school for a period exceeding ten (10) days up to one calendar year.
5. **Notice.** No student shall be suspended or expelled from school without notice. To provide notice, the disciplinarian shall:
  - a) Give the student to be suspended or expelled oral or written notice of the charges against him and an explanation of the evidence. Wyo. Stat. § 21-4-305(b)(i).
  - b) In good faith, attempt to notify the student's parents, guardians or custodians within twenty-four (24) hours of the student's suspension or expulsion and the reasons for the suspension or expulsion, using contact information on record with the school or district. The disciplinarian shall keep record of the efforts to provide notice and whether notice was provided successfully. Wyo. Stat. § 21-4-305(b)(ii).
6. **Opportunity to Be Heard / Hearings.**

The District must also provide a student to be suspended or expelled an opportunity to be heard and to present his version of the charges against him. Wyo. Stat. § 21-4-305(b)(iii). An opportunity to be heard does not require a formal hearing in accordance with the provisions of the Wyoming Administrative Procedure Act, except as provided in subsection (b) below. Wyo. Stat. § 21-4-305(g).

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

- A. Suspension for 10 Days or Less:** For a suspension of ten (10) school days or less, a student shall be provided an opportunity to be heard before the student is removed. Wyo. Stat. § 21-4-305(c)(i). For a suspension of ten (10) school days or less, an "opportunity to be heard" means at a minimum, a meeting in which the disciplinarian or his designee provides the substantive information regarding the suspension or expulsion to the student to be suspended or expelled, and the

student may dispute the substantive information provided. Wyo. Stat. § 21-4-305(g).

- i. *Cause for Immediate Removal:* If the student's presence endangers persons or property, or threatens disruption of the academic process, his immediate removal from school may be justified. In that case, an opportunity to be heard shall follow as soon as practicable, but no later than seventy-two (72) hours after his removal, not counting Saturdays and Sundays. Wyo. Stat. § 21-4-305(c)(i).
- B. **Suspension or Expulsion Longer Than 10 Days:** For a suspension or expulsion longer than ten (10) school days, a hearing shall be held in accordance with the Wyoming Administrative Procedure Act. Unless the student requests an extension and the board or disciplinarian approves an extension, the hearing shall be held within ten (10) business days, or as soon thereafter as is reasonably practicable, after the suspension or expulsion is recommended. The student's suspension shall continue until the hearing is held. Wyo. Stat. § 21-4-305(c)(ii).
- C. **Prior to an Expulsion Hearing.** During the period prior to the hearing and decision of the Board of Trustees in a suspension or expulsion case longer than ten (10) school days, the student shall be placed in out-of-school suspension imposed in accordance with this Code of Student Conduct. The student's suspension shall continue until the hearing is held. Wyo. Stat. § 21-4-305(c)(ii).

**B. Guidelines for Determining the Length of Suspension or Expulsion:**

1. The determination of the length of suspension will include, but not be limited to, the following factors:
  - a) The extent to which the violation interferes with other student's opportunity to learn.
  - b) The extent to which the violation jeopardizes a safe and orderly environment, placing others at physical or emotional risk.
  - c) The extent to which the violation interferes with any personnel's performance of duty and the frequency or reoccurrence of the behavior.
2. **Case-by-Case Modification under Wyo. Stat. § 21-4-306(d):** The Superintendent, with the approval of the Board of Trustees may modify the period of any expulsion on a case-by-case basis based upon the circumstances of the violation.
3. **Consequences for students receiving services through state or federal programs, including IDEA and Section 504 of the Rehabilitation Act,** will be assigned in compliance with all such program regulations.

**V. NOTICE AND IMPLEMENTATION**

In accordance with Wyoming Statutes and Local Board Policy, the Code of Student Conduct will be implemented by:

1. Communication of the Code of Student Conduct to students and parents/guardians through its publication in each school's handbook and publication on District websites. All students and parents are expected to be knowledgeable of and follow the guidelines in this Code of Student Conduct.
2. Enforcement of student expectations through the application of consequences as outlined in state statutes and Board policy.
3. Staff development designed to and support the Code of Student Conduct-for teachers, administrators and other district personnel.



