

Hearing Procedures for Suspension and Dismissal of Professional Staff Members

Note: "Teacher" as used below refers to any person employed under contract as a certified employee.

- (a) The Board may suspend or dismiss any teacher or terminate any continuing contract teacher for incompetency, neglect of duty, immorality, insubordination, unsatisfactory performance or any other good of just cause.

- (b) **Written notice** – Suspension or dismissal proceedings shall be initiated by:

- (1) the superintendent; or
 - (2) any member of the Board designed by the superintendent; or
 - (3) any Board member designated by the Board pursuant to a majority vote of the Board

delivering to the teacher a written notice of suspension or dismissal together with written reason.

- (c) **Hearing** – Any continuing contract teacher receiving notice of a recommendation of termination or against whom dismissal or suspension proceedings are institute is entitled to a hearing before an independent hearing officer upon submission of a written request to the superintendent. The request for a hearing shall be given within seven (7) days after receipt of written notice of suspension or dismissal.

The independent hearing officer shall, insofar as possible, be impartial, experienced in education, labor and employment matters and in the conduct of hearing.

Within five (5) days following the receipt of the hearing request, the superintendent and the teacher shall jointly select a hearing officer. If they fail to agree upon selection, the district judge of the judicial district in which the school district is located shall upon request select a hearing officer.

Expenses of the hearing officer shall be paid jointly by the school district and the teacher.

- (1) Within five (5) days after selection, the hearing officer shall set the date for hearing and notify the teacher and superintendent of the hearing date, time and location. In no event shall the hearing commence on a date later than forty-five (45) days after written notice of termination.

The hearing shall be conducted in accordance with the Wyoming Administrative Procedure Act and the hearing officer may accordingly receive or reject evidence and testimony, administer oaths and if necessary, subpoena witnesses. All school district records pertaining to the teacher shall be made available to the hearing officer.

- (2) At the hearing the teacher has the right to appear in person with or without counsel, to be heard, to present testimony or witnesses and all evidence bearing upon proposed termination, dismissal or suspension and to cross-examine witnesses. The superintendent shall have the burden of proving that the recommendation for termination is based upon reasons provided in the notice of termination or that suspension or dismissal is based upon reasons specified in the notice given.
- (3) The hearing officer shall review the evidence and testimony, render written findings of fact and recommend the teacher be terminated, suspended or dismissed, or that the teacher be retained. The findings and recommendations shall be forwarded to the teacher, the superintendent and members of the Board within twenty (2) days following conclusion of the hearing.
- (d) The Board shall review the findings of fact and recommendation submitted by the hearing officer and within twenty (20) days after receipt, issue a written order to either terminate, suspend or dismiss the teacher, or to retain the teacher. If the Board terminates, suspends or dismisses the teacher's employment over a recommendation by the hearing officer for retention, the written order of the Board shall include a conclusion together with reasons supported by the record. A copy of the order shall be provided to the teacher and a copy shall be entered into the school district records pertaining to the teacher. Any action by the Board pursuant to this subsection shall be approved by a majority of the duly elected members of the Board.
- (e) Appeals may be taken from the order of the Board to the district court as provided by the Wyoming Administrative Procedure Act. An electronic recording of hearing proceedings may serve as the official transcript but upon appeal, the district court may request a written transcript of the proceedings or any portion of the proceedings. The cost of transcribing the record shall be borne equally by the teacher and the school district.

Adopted: December 11, 1973

Revised: July 19, 1989

Revised: March 9, 1999

LEGAL REFS.: W.S. 21-7-110
W.S. 21-7-106
Wyoming Education Policies Manual, code GCPD

CROSS REFS.: BDE, Special Procedures for Conducting Hearings
GCP, Professional Staff Termination of Employment