

HOUSE BILL NO. HB0179

Education-state board membership.

Sponsored by: Representative(s) Patton, Freeman and Northrup and Senator(s) Coe

A BILL

for

1 AN ACT relating to the membership of the state board of
2 education; making the state superintendent an ex-officio
3 nonvoting member of the state board of education; and
4 providing for an effective date.

5

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

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8 **Section 1.** W.S. 21-2-301(c), as amended by 15LSO-0001
9 conforming Wyoming Statute to Powers v. State, 2014 WY 15,
10 318 P.3d 300 and Powers v. State, No. 180-673 (1st Jud.
11 Dist. Ct. Apr. 18, 2014), is amended to read:

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13 **21-2-301. Appointment; qualifications, terms and**
14 **removal of members; meetings; chairman.**

15

1 (c) Notwithstanding subsection (a) of this section,
2 the superintendent of public instruction shall not
3 participate in board deliberations on ~~or vote on~~ any matter
4 relating to a contested case involving actions of the
5 department of education.

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7 **Section 2.** W.S. 21-2-301(a) is amended to read:

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9 **21-2-301. Appointment; qualifications, terms and**
10 **removal of members; meetings; chairman.**

11

12 (a) There is created a state board of education
13 composed of thirteen (13) members, eleven (11) of whom
14 shall be voting appointed members with at least one (1)
15 member appointed from each appointment district pursuant to
16 W.S. 9-1-218. Appointments from each appointment district
17 shall be rotated among the several counties comprising the
18 district. The remaining ~~voting member~~ members of the board
19 shall be the state superintendent of public instruction-
20 and the executive director of the Wyoming community college
21 commission. The state superintendent and the executive
22 director of the Wyoming community college commission shall
23 be ~~an~~-ex-officio ~~member~~ members and shall not have the

1 right to vote. One (1) appointed member shall be appointed
2 at large and shall be a certified classroom teacher at the
3 time of appointment. One (1) appointed member shall also be
4 appointed at large and shall be a certified school
5 administrator at the time of appointment. Two (2)
6 appointed members shall be appointed at large and shall be
7 representative of private business or industry in Wyoming.
8 On and after March 1, 2013 and upon expiration of their
9 respective terms, the appointments of the two (2) members
10 previously designated to be representative of business or
11 industry shall be at large, one (1) a representative of
12 Wyoming private business or industry and one (1) a member
13 of a school district board of trustees at the time of
14 appointment. The first appointment to the term of such
15 member which expires on or after March 1, 2013, shall be a
16 school district board member at the time of appointment.
17 The remaining seven (7) appointed members of the board
18 shall be appointed from among the lay citizens of the state
19 who are electors of the state, known for their public
20 spirit, business or professional ability and interest in
21 education. Not more than six (6) appointed members of the
22 board shall be from one (1) political party. Members shall
23 be appointed for six (6) year terms, except those who may

1 be appointed to fill unexpired terms. Members shall be
2 appointed by the governor with the approval of the senate.
3 Vacancies shall be filled by the governor without senate
4 approval until the next session of the legislature. No
5 member is eligible to reappointment, except any member
6 appointed to fill an unexpired term of less than six (6)
7 years may be reappointed for one (1) additional six (6)
8 year term. Appointed members of the board may be removed
9 by the governor as provided in W.S. 9-1-202.

10

11 **Section 3.** This act is effective July 1, 2015.

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(END)