

HOUSE BILL NO. HB0003

Alternative schools.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to school finance; eliminating the
2 moratorium imposed upon alternative schools included within
3 a district's configuration of schools under the block grant
4 funding model, subject to specified conditions; addressing
5 educational space for alternative schools as specified;
6 granting rulemaking authority; and providing for effective
7 dates.

8

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

10

11 **Section 1.** W.S. 21-13-309(m) (v) (B) by creating a new
12 subparagraph (IV), as amended by 2013 Wyoming Session Laws,
13 Chapter 1, is amended to read:

14

15 **21-13-309. Determination of amount to be included in**
16 **foundation program for each district.**

1

2 (m) In determining the amount to be included in the
3 foundation program for each district, the director shall:

4

5 (v) Based upon ADM computations and identified
6 school configurations within each district pursuant to
7 paragraph (iv) of this subsection, compute the foundation
8 program amount for each district as prescribed by the
9 education resource block grant model adopted by the Wyoming
10 legislature as defined under W.S. 21-13-101(a)(xiv), as
11 contained within the spreadsheets and accompanying reports
12 referenced under W.S. 21-13-101(a)(xvii), on file with the
13 secretary of state and maintained by the director pursuant
14 to W.S. 21-2-202(e). The following criteria shall be used
15 by the director in the administration of the education
16 resource block grant model:

17

18 (B) Alternative schools qualifying for
19 separate consideration under the education resource block
20 grant model may be established by a school district for
21 offering educational programs to students with educational
22 needs which the district finds are not appropriately met by
23 other schools in the district, excluding charter schools
24 established under W.S. 21-3-301 through 21-3-314.

1 Alternative schools included within a district's
2 configuration of schools identified under paragraph (iv) of
3 this subsection shall for purposes of the education
4 resource block grant model:

5

6 (IV) On and after July 1, 2014, and if
7 not qualifying under subdivision (I) of this subparagraph,
8 be approved by the director subject to the following:

9

10 (1) Completion of a formal
11 evaluation of the school district's at-risk programs to
12 ensure provision of a continuum of learning supports and
13 classroom interventions addressing the needs of at-risk
14 children within the district which is comprised of the
15 following:

16

17 a. Criteria for identifying
18 at-risk students in accordance with and subject to
19 research-based indicators;

20

21 b. Use of individual
22 learning plans for each identified at-risk student or an
23 equivalent school-wide plan that defines interventions,

1 programs and services required to address special needs.

2 The plans shall be continuously monitored by the district;

3

4 c. Use of quality learning

5 supports and classroom interventions based upon the special

6 needs of the student population served by the district and

7 the supports and interventions are supported by and based

8 upon research-based practices and strategies;

9

10 d. Data based predictors to

11 identify students at-risk of dropping out of school after

12 reaching the age of compulsory attendance pursuant to W.S.

13 21-4-102 and learning supports and classroom strategies to

14 address this student population.

15

16 (2) A formal evaluation is

17 conducted by the district not less than once every two (2)

18 years of the school's programs, comprised of the continuum

19 of learning supports and classroom interventions specified

20 under subdivision (IV)(1) of this subparagraph. The

21 evaluation shall measure the effectiveness of the school's

22 programs in meeting the needs of those student populations

23 attending the school. Formal evaluations conducted under

24 this subparagraph shall be reported to and approved by the

1 district board and reported to the director together with
2 action plans addressing necessary program improvements;

3
4 (3) Student achievement within
5 the school is reported annually by the district to the
6 director, as measured by quality indicators specified by
7 rule and regulation of the department which reflect the
8 components of the continuum of learning supports and
9 classroom interventions specified under subdivision (IV) (1)
10 of this subparagraph;

11
12 (4) Educational space for the
13 school is provided through facilities operated and
14 maintained by the district and approved by the school
15 facilities department as meeting statewide adequacy
16 standards. After two (2) evaluations by the director under
17 subdivision (IV) (3) of this subparagraph that demonstrate
18 academic progress or success of an alternative school's
19 educational program, the alternative school shall be
20 included in the district's five (5) year plan under W.S.
21 21-15-116 and the school's long-term facility needs shall
22 be evaluated by the school facilities department.
23 Notwithstanding subparagraph (m) (vi) (C) of this section,
24 the school facilities department shall not approve any

1 district plan which includes educational space for the
2 alternative school within a separate facility unless the
3 district provides sufficient documentation and evidence
4 that the school cannot be collocated within a facility
5 containing educational space for another school with
6 similar grade configurations operated by the district.

7

8 **Section 2.** W.S. 21-13-309(m)(v)(B) by creating a new
9 subparagraph (IV), as in effect prior to the enactment of
10 2013 Wyoming Session Laws, Chapter 1, is amended to read:

11

12 **21-13-309. Determination of amount to be included in**
13 **foundation program for each district.**

14

15 (m) In determining the amount to be included in the
16 foundation program for each district, the state
17 superintendent shall:

18

19 (v) Based upon ADM computations and identified
20 school configurations within each district pursuant to
21 paragraph (iv) of this subsection, compute the foundation
22 program amount for each district as prescribed by the
23 education resource block grant model adopted by the Wyoming
24 legislature as defined under W.S. 21-13-101(a)(xiv), as

1 contained within the spreadsheets and accompanying reports
2 referenced under W.S. 21-13-101(a)(xvii), on file with the
3 secretary of state and maintained by the state
4 superintendent pursuant to W.S. 21-2-202(e). The following
5 criteria shall be used by the state superintendent in the
6 administration of the education resource block grant model:

7

8 (B) Alternative schools qualifying for
9 separate consideration under the education resource block
10 grant model may be established by a school district for
11 offering educational programs to students with educational
12 needs which the district finds are not appropriately met by
13 other schools in the district, excluding charter schools
14 established under W.S. 21-3-301 through 21-3-314.
15 Alternative schools included within a district's
16 configuration of schools identified under paragraph (iv) of
17 this subsection shall for purposes of the education
18 resource block grant model:

19

20 (IV) On and after July 1, 2014, and if
21 not qualifying under subdivision (I) of this subparagraph,
22 be approved by the state superintendent subject to the
23 following:

24

1 (1) Completion of a formal
2 evaluation of the school district's at-risk programs to
3 ensure provision of a continuum of learning supports and
4 classroom interventions addressing the needs of at-risk
5 children within the district which is comprised of the
6 following:

7
8 a. Criteria for identifying
9 at-risk students in accordance with and subject to
10 research-based indicators;

11
12 b. Use of individual
13 learning plans for each identified at-risk student or an
14 equivalent school-wide plan that defines interventions,
15 programs and services required to address special needs.
16 The plans shall be continuously monitored by the district;

17
18 c. Use of quality learning
19 supports and classroom interventions based upon the special
20 needs of the student population served by the district and
21 the supports and interventions are supported by and based
22 upon research-based practices and strategies;

23

1 d. Data based predictors to
2 identify students at-risk of dropping out of school after
3 reaching the age of compulsory attendance pursuant to W.S.
4 21-4-102 and learning supports and classroom strategies to
5 address this student population.

6
7 (2) A formal evaluation is
8 conducted by the district not less than once every two (2)
9 years of the school's programs, comprised of the continuum
10 of learning supports and classroom interventions specified
11 under subdivision (IV)(1) of this subparagraph. The
12 evaluation shall measure the effectiveness of the school's
13 programs in meeting the needs of those student populations
14 attending the school. Formal evaluations conducted under
15 this subparagraph shall be reported to and approved by the
16 district board and reported to the state superintendent
17 together with action plans addressing necessary program
18 improvements;

19
20 (3) Student achievement within
21 the school is reported annually by the district to the
22 state superintendent, as measured by quality indicators
23 specified by rule and regulation of the department which
24 reflect the components of the continuum of learning

1 supports and classroom interventions specified under
2 subdivision (IV) (1) of this subparagraph;

3
4 (4) Educational space for the
5 school is provided through facilities operated and
6 maintained by the district and approved by the school
7 facilities department as meeting statewide adequacy
8 standards. After two (2) evaluations by the state
9 superintendent under subdivision (IV) (3) of this
10 subparagraph that demonstrate academic progress or success
11 of an alternative school's educational program, the
12 alternative school shall be included in the district's five
13 (5) year plan under W.S. 21-15-116 and the school's long-
14 term facility needs shall be evaluated by the school
15 facilities department. Notwithstanding subparagraph
16 (m) (vi) (C) of this section, the school facilities
17 department shall not approve any district plan which
18 includes educational space for the alternative school
19 within a separate facility unless the district provides
20 sufficient documentation and evidence that the school
21 cannot be collocated within a facility containing
22 educational space for another school with similar grade
23 configurations operated by the district.

24

1 **Section 3.**

2

3 (a) Section 1 of this act is effective immediately
4 upon completion of all acts necessary for a bill to become
5 a law as provided by Article 4, Section 8 of the Wyoming
6 Constitution, only if section 2 of this act is not
7 effective as provided by subsection (b) of this section.

8

9 (b) If a final order by the district court of Laramie
10 County, Wyoming, is issued implementing without change the
11 final ruling of the Wyoming Supreme Court issued January
12 28, 2014, in the case of Kerry and Clara Powers, on behalf
13 of themselves and the citizens of Wyoming, and Cindy Hill,
14 on behalf of herself and as the Superintendent of Public
15 Instruction v. State of Wyoming and Matthew H. Mead,
16 Governor, in his official capacity [Docket No. S-13-0052],
17 then upon expiration of time for appeal of that order, or
18 if appealed, upon issuance of a final order or mandate of
19 the Wyoming Supreme Court confirming the district court
20 final order, the Governor shall certify the entry of the
21 district court final order. The Governor shall immediately

22

1 file any certification under this section together with the
2 final order with the secretary of state. If the
3 certification is filed with the secretary of state after
4 the effective date of this act, section 2 of this act is
5 effective upon filing and shall supersede section 1 of this
6 act.

7

(END)