

HOUSE BILL NO. HB0127

School finance recalibration.

Sponsored by: Select Committee on School Finance

A BILL

for

1 AN ACT relating to school finance; implementing 2010
2 recalibration modifications to the Wyoming education
3 resource block grant model; eliminating superfluous and
4 fully executed provisions; modifying the early reading
5 program; clarifying and modifying reimbursable
6 expenditures; imposing specified student-teacher ratios;
7 prohibiting specified district expenditures; establishing a
8 monitoring process for model cost-based resourcing;
9 imposing reporting requirements; establishing repository
10 for certified staff data and initiating process for data
11 maintenance and usage; providing an appropriation;
12 authorizing positions; and providing for effective dates.

13

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

15

16 **Section 1.** W.S. 9-1-513(b)(ix), 21-2-202(a)(xxvi),
17 (xxix), by creating a new paragraph (xxxii) and (e),

1 21-2-203(c)(viii) and by creating a new paragraph (ix),
2 21-2-802 by creating a new subsection (m),
3 21-3-110(a)(xxiii) and (xxviii), 21-3-401,
4 21-13-101(a)(xiv), (xvii) and (c), 21-13-307(a) by creating
5 a new paragraph (iv), 21-13-309(m)(iv)(B), (C), (v)(intro),
6 (C), (D)(intro), (G)(II)(intro), (o) and by creating a new
7 subsection (u), 21-13-311 by creating a new subsection (d),
8 21-13-320(b)(intro), by creating a new paragraph (iii) and
9 (f), 21-13-321(d) and 21-13-335(d)(intro), (iv) and (e) are
10 amended to read:

11

12 **9-1-513. School finance audits and management**
13 **studies.**

14

15 (b) The school finance section within the department
16 established under subsection (a) of this section shall:

17

18 (ix) As a part of the requirements under
19 paragraph (i) of this subsection, conduct periodic audits
20 of ~~vocational~~career-vocational education information and
21 computations submitted by districts as necessary for
22 implementation of W.S. 21-13-309(m)(v)(D) and include audit
23 findings in the report to the department of education
24 required under paragraph (iv) of this subsection and the

1 report to the legislature required under paragraph (viii)
2 of this subsection.

3

4 **21-2-202. Duties of the state superintendent.**

5

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

8

9 (xxvi) Establish criteria and guidelines for the
10 identification of ~~vocational~~career-vocational education
11 courses by districts, for the computation of full-time
12 equivalent (FTE) students participating in ~~vocation~~career-
13 vocational education courses and for the determination of
14 full-time equivalent (FTE) ~~vocational~~career-vocational
15 education teachers, and provide for the annual collection
16 of information necessary to implement and administer W.S.
17 21-13-309(m) (v) (D);

18

19 (xxix) By rule and regulation, provide for the
20 reporting of district ~~vocational~~career-vocational
21 education expenditures;

22

23 (xxxii) By rule and regulation and through a
24 single repository, provide for the storage, management and

1 reporting of information provided by the Wyoming
2 professional teaching standards board pursuant to W.S.
3 21-2-802(m).

4
5 (e) In addition to paragraph (a)(i) of this section,
6 the state superintendent shall promulgate rules and
7 regulations governing the administration of the Wyoming
8 education resource block grant model adopted by the Wyoming
9 legislature as defined under W.S. 21-13-309, and governing
10 the operation of the model in determining school district
11 foundation program payments in accordance with chapter 13,
12 article 3 of this title and other applicable law. The
13 block grant model, as defined under W.S. 21-13-101(a)(xiv)
14 and as maintained under this subsection, shall be made
15 available for public inspection by the state superintendent
16 in electronic format. Copies of the block grant model
17 spreadsheets as administered under department rule and
18 regulation shall be provided to school districts by the
19 state superintendent for district use in district budgeting
20 and in complying with mandatory financial reporting
21 requirements imposed under W.S. 21-13-307(b) and by other
22 provisions of law. To maintain the integrity of the block
23 grant model, copies of the model and model spreadsheets
24 made available under this subsection for public inspection

1 and school district use shall be by protected version only,
2 prohibiting the editing of model components, model data and
3 model formulas. Following adoption of any recalibration of
4 or modification to the block grant model by the Wyoming
5 legislature, and prior to computing the foundation program
6 amount for each school district under W.S. 21-13-309(p) and
7 determining the amount to be distributed to a district
8 under W.S. 21-13-311 or recaptured from a district subject
9 to W.S. 21-13-102(b), the state superintendent shall
10 certify to the legislature that the block grant model as
11 enacted by the legislature is properly incorporated into
12 the administration of the model for the appropriate school
13 year of model application and is made available for public
14 inspection. Technical corrections to model spreadsheets
15 necessary for model administration between any session of
16 the legislature shall be implemented by the state
17 superintendent, shall be in accordance with procedures
18 specified by rule and regulation filed with the secretary
19 of state, ~~and~~ shall be reported to the legislature together
20 with the associated fiscal and technical impact of the
21 correction, and shall be incorporated into the electronic
22 version of the model available for public inspection. As
23 used in this subsection, "technical corrections to model
24 spreadsheets" means corrections necessary to ensure model

1 operation and current school year district payments are in
2 accordance with law and the model is properly computing
3 school foundation program payments to school districts as
4 required by law. Notwithstanding W.S. 16-3-114(c), no
5 judicial review of rules promulgated and adopted under this
6 subsection shall hold unlawful or set aside action of the
7 state superintendent in promulgating or adopting rules
8 unless the rules are by clear and convincing evidence,
9 shown to exceed statutory authority.

10

11 **21-2-203. School district data collection and funding**
12 **model administration; duties and responsibilities**
13 **specified; data advisory committee; school district**
14 **compliance.**

15

16 (c) The duties of the department are, in accordance
17 with rules promulgated by the state superintendent, to:

18

19 (viii) Assist the state superintendent in
20 implementing W.S. 21-13-309(m)(v)(D) and assist districts
21 with computations necessary for reporting student
22 ~~vocational~~career-vocational education participation and
23 ~~vocational~~career-vocational education instruction
24 information;i-

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(ix) Pursuant to W.S. 21-2-202(e), make the education resource block grant model available for public inspection.

21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.

(m) In accordance with rules and regulations of the state superintendent of public instruction, the board shall submit data elements collected from school administrators, teachers and other school district personnel certified under this article to the department of education for housing in the department's data base repository.

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

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

(xxiii) Implement and administer the reading screening program for students in ~~grades one (1) and two~~

1 ~~(2)~~ kindergarten through grade three (3) as required by
2 W.S. 21-3-401;

3

4 (xxviii) Annually report to the state
5 superintendent on district expenditures for ~~vocational~~
6 career-vocational education programs, broken down by
7 school, and submitted in a manner and form required by rule
8 and regulation of the state superintendent;

9

10 **21-3-401. Reading assessment and intervention.**

11

12 (a) Each school district shall design and implement a
13 reading screening program that measures student reading
14 progress in ~~grades one (1) and two (2)~~ kindergarten through
15 grade three (3). The screening program shall ~~be designed~~
16 ~~by each school district~~ include a reading assessment plan
17 using screening instruments approved by the department of
18 education, which is administered to all students in
19 kindergarten through grade three (3), with standardized
20 measures providing statewide longitudinal data and
21 providing the capability for monitoring and measuring
22 reading progress. The program shall also include a plan
23 for implementation of research based core curricula aligned
24 to the statewide educational program standards and ~~shall~~

1 ~~specifically screen for student performance in reading at~~
2 ~~grades one (1) and two (2)~~ evidenced based interventions to
3 meet the needs of all students.

4
5 (b) ~~Students not screening successfully shall be~~
6 ~~assessed to identify the specific reading problem and~~
7 ~~determine its nature.~~ Students not showing appropriate
8 reading competence under this section shall be placed on an
9 individualized or group reading plan to remedy the reading
10 related difficulty utilizing an appropriate research
11 evidence based intervention program. For students under an
12 individualized education program (IEP) which addresses
13 reading difficulties, the IEP shall be deemed sufficient to
14 meet the requirements of this subsection and no additional
15 plan shall be required.

16
17 (c) ~~For school year 2002-2003 and each school year~~
18 ~~thereafter,~~ Each district shall annually report to the
19 department of education on the progress toward reaching the
20 goal of eighty-five percent (85%) of ~~identified~~ all
21 students ~~being~~ reading proficient at grade level upon
22 completion of the third grade. The report shall include
23 longitudinal data on all students in ~~grades one (1) through~~
24 ~~four (4) identified for intervention.~~ If the goal is not

1 ~~reached, the district shall report the reason the goal was~~
2 ~~not reached and the steps being taken by the district to~~
3 ~~solve the problem~~ kindergarten through grade three (3), and
4 shall include the percentage of students meeting or
5 exceeding proficiency levels for the reporting period.
6 Each district not meeting the eighty-five percent (85%)
7 goal specified under this subsection shall submit an
8 improvement plan to the department. At a minimum, the
9 improvement plan shall outline the district's general
10 strategy for increasing reading proficiency for the next
11 school year and shall specifically address the student-
12 teacher ratio, the use of certified tutors and the use of
13 instructional facilitators in kindergarten through grade
14 three (3) in all schools within the district.

15

16 **21-13-101. Definitions.**

17

18 (a) As used in this chapter:

19

20 (xiv) "Education resource block grant model"
21 means the block grant model for Wyoming school finance
22 contained within the enumeration of model components
23 summarizing and executing recommendations within the 2005
24 2010 cost of education study as referenced in paragraph

1 (xvii) of this subsection and model spreadsheets provided
2 by the consultant performing the ~~2005—~~2010 cost of
3 education study, ~~referenced in paragraph (xviii) of this~~
4 ~~subsection,~~ all of which are enacted into law, on file with
5 the secretary of state and are ~~on file with~~ maintained and
6 made available for public inspection by the ~~secretary of~~
7 ~~state—~~state superintendent under W.S. 21-2-202(e), and as
8 may be subsequently modified by the legislature prior to
9 future model recalibration required under W.S.
10 21-13-309(t);

11

12 (xvii) "Attachment A" to ~~2006 House Bill 0139~~
13 2011 House Bill 0127 consists of an enumeration of model
14 components as enacted into law, summarizing and executing
15 recommendations contained within the ~~2005—~~2010 cost of
16 education study, as modified by the legislature, and is
17 hereby incorporated into this chapter by this reference;

18

19 (c) ~~The secretary of state shall maintain and make~~
20 ~~available for public inspection in a hardcopy or electronic~~
21 ~~format, as applicable, or both, during regular business~~
22 ~~hours,~~ The education resource block grant model as defined
23 under paragraph (a)(xiv) of this section and as included in
24 "Attachment A" referenced in paragraph (a)(xvii) of this

1 section, ~~and "Attachment B" referenced in paragraph~~
2 ~~(a)(xviii) of this section,~~ as each are enacted into law,
3 and including any technical correction which may be
4 implemented by rule and regulation of the state
5 superintendent ~~and~~ under W.S. 21-2-202(e), shall be filed
6 with the secretary of state. ~~pursuant to W.S. 21-2-202(e).~~

7
8 **21-13-307. Eligibility to share in distribution of**
9 **money from foundation account; mandatory financial**
10 **reporting.**

11
12 (a) Each district which meets the following
13 requirements is eligible to share in the distribution of
14 funds from the foundation account:

15
16 (iv) The district shall provide evidence to the
17 state superintendent that the district maintains a student-
18 teacher ratio of not greater than sixteen (16) to one (1)
19 for all classes in kindergarten through grade three (3) in
20 the district. The requirement of this paragraph may be
21 waived on an annual basis by the state board if the
22 district has petitioned for and the state board has
23 approved the waiver. Waivers under this paragraph shall be
24 limited to extraordinary circumstances related to school

1 facility capacity or for other reasons related to the
2 delivery of the education program to students.

3

4 **21-13-309. Determination of amount to be included in**
5 **foundation program for each district.**

6

7 (m) In determining the amount to be included in the
8 foundation program for each district, the state
9 superintendent shall:

10

11 (iv) Based upon reports from each district on
12 schools operating within that district for the current
13 school year and on grade configurations contained within
14 each reported school during that school year, compute the
15 average daily membership (ADM) for each reported school and
16 each grade within each reported school in accordance with
17 identified grade configurations subject to the following:

18

19 (B) For each school year, ~~2006-2007,~~ the
20 configuration of grades for each school shall be based upon
21 the ADM reported for each grade in which students were
22 enrolled for the ~~2005-2006~~ immediately preceding school
23 year;

24

1 (C) ~~After the 2006-2007 school year, and~~
2 Excluding charter schools established under W.S. 21-3-301
3 through 21-3-314, any modification to the configuration of
4 grades in which students are enrolled during any school
5 year such that the configuration differs from that in which
6 students were enrolled during the ~~2005-2006~~ immediately
7 preceding school year shall be documented by the district
8 within reports submitted under this subsection and shall
9 require approval by the state superintendent. Approval by
10 the state superintendent under this subparagraph shall be
11 based upon appropriate delivery of the required educational
12 program, the cost effectiveness of the modified grade
13 configuration for the delivery of adequate educational
14 services to students and any extraordinary circumstances
15 related to the safe and efficient delivery of the education
16 program to students. This subparagraph relates only to the
17 configuration of schools for application to the education
18 resource block grant model and not to the authority of a
19 district to configure grade levels at each of its schools.

20

21 (v) Based upon ADM computations and identified
22 school configurations within each district pursuant to
23 paragraph (iv) of this subsection, compute the foundation
24 program amount for each district as prescribed by the

1 education resource block grant model adopted by the Wyoming
2 legislature as defined under W.S. ~~21-13-103(a)(xiv)~~
3 21-13-101(a)(xiv), as contained within the spreadsheets and
4 accompanying reports referenced under W.S.
5 21-13-101(a)(xvii), ~~and (xviii) and~~ on file with the
6 secretary of state and maintained by the state
7 superintendent pursuant to W.S. ~~21-13-101(c)~~ 21-2-202(e).
8 The following criteria shall be used by the state
9 superintendent in the administration of the education
10 resource block grant model:

11

12 (C) Salaries for all school and district
13 level staffing categories, including teachers, principals
14 and assistant principals, central office administrators,
15 secretarial and clerical staff, operations and maintenance
16 staff and aides and media technicians, shall be based upon
17 average statewide salary levels calibrated for school year
18 2005-2006 for each staffing category, adjusted under
19 subsection (o) of this section, including the experience,
20 education and responsibility level as appropriate and as
21 computed for each staffing category. The statewide average
22 for each staffing category shall be adjusted for each
23 district based upon the district experience, education and
24 responsibility level relative to the statewide average for

1 that category. District experience, education and
2 responsibility level by appropriate staffing category shall
3 be updated each year such that district adjustments reflect
4 the prior school year staffing information. The district
5 adjusted average salary for each staffing category shall be
6 further adjusted for regional cost differences as measured
7 by the greater of the hedonic wage index or the Wyoming
8 cost-of-living index computed by the division of economic
9 analysis, department of administration and information,
10 with a minimum of one hundred (100) index value, as
11 prescribed by the education resource block grant model. For
12 purposes of the education resource block grant model, the
13 version of the Wyoming cost-of-living index used by the
14 division shall be based upon the unrecalibrated housing
15 cost index weights unless otherwise determined by the
16 legislature based upon recommendation of the joint
17 education interim committee. In addition, the version of
18 the Wyoming cost-of-living index applied under this
19 subparagraph for any school year shall be the average of
20 the six (6) consecutive semi-annual index reports completed
21 by January 1 of the immediately preceding school year;
22

1 (D) ~~Vocational~~Career-vocational education
2 computations within the education resource block grant
3 model shall be based upon:
4

5 (G) Amounts within the block grant model
6 for maintenance and operations shall be based upon actual
7 gross square footage of school buildings and facilities
8 subject to the following:
9

10 (II) Actual gross square footage of
11 education space shall be the gross square footage
12 prescribed by statewide building adequacy standards
13 promulgated pursuant to W.S. 21-15-115. Education space
14 capacity in excess of ~~the following specified maximum~~
15 ~~percentages of~~ one hundred fifteen percent (115%) of the
16 standard space level shall not be included in actual gross
17 square footage computations under this subdivision. ~~+~~
18

19 (o) To the extent specifically provided within the
20 school foundation program budget as enacted by the
21 legislature, and between periods of model recalibration
22 required under subsection (t) of this section, the amount
23 computed for each district under subsection (m) of this
24 section shall be adjusted to provide for the effects of

1 inflation, excluding those amounts specified under
2 subparagraphs (m)(v)(E) and (F) of this section, ~~shall be~~
3 ~~adjusted to provide for the effects of inflation and the~~
4 assessment component contained in paragraph (b)(xxviii) of
5 "Attachment A" as referenced in W.S. 21-13-101(a)(xvii).

6 The adjustment under this subsection shall not be applied
7 until the expiration of the school year immediately
8 following the first school year of application of the
9 recalibrated model, and shall be adjusted on a cumulative
10 basis each school year thereafter and until the first
11 school year of application of a subsequent model
12 recalibration. Following analysis of information reported
13 under subsection (u) of this section, the joint
14 appropriations committee shall submit a recommendation to
15 the legislature and the governor not later than November 1
16 of each applicable year on an external cost adjustment for
17 purposes of this subsection.

18

19 (u) To ensure model components specified under the
20 education resource block grant model defined under W.S.
21 21-13-101(a)(xiv), as enumerated and enacted by the
22 legislature and included in "Attachment A" referenced in
23 W.S. 21-13-101(a)(xvii), remain resourced at cost-based
24 levels between periods of model recalibration required

1 under subsection (t) of this section, and prior to
2 adjustment for the effects of inflation for any school year
3 under subsection (o) of this section, the joint education
4 interim committee shall annually receive and review reports
5 in accordance with this subsection and report to the joint
6 appropriations interim committee as required by this
7 subsection. The legislative service office shall assemble
8 information necessary to develop a model monitoring process
9 and other reports for the committee using data maintained
10 by the department of education and other state agencies.
11 For this purpose, the department shall annually update and
12 compile information, in a format contained within reports
13 provided during 2010 model recalibration, reported at the
14 model component level, on school district allocation of
15 model resources, as well as other information provided for
16 purposes of developing and completing the 2010 cost of
17 education studies. Each year excluding the first school
18 year of application of any model recalibration performed
19 under subsection (t) of this section, the information and
20 analysis assembled by the legislative service office under
21 this subsection shall be reported to the joint education
22 interim committee in sufficient time to allow committee
23 review of and deliberation on the report and the submission
24 of recommendations to the joint appropriations interim

1 committee by October 15 of the applicable school year.
2 Report recommendations shall be used by the joint
3 appropriations interim committee in its determination of
4 legislative recommendation on model adjustment under
5 subsection (o) of this section.

6

7 **21-13-311. Determination of amount to be distributed**
8 **to each district from foundation account; undistributed**
9 **balance; prohibition on expenditures.**

10

11 (d) Effective school year 2011-2012 and each school
12 year thereafter, no foundation program funds distributed
13 under subsection (a) of this section shall be expended by
14 any district for conducting random drug testing of students
15 within the district without prior approval of the student's
16 parents.

17

18 **21-13-320. Student transportation; amount within**
19 **school foundation program formula for transportation**
20 **maintenance and operations expenditures and school bus**
21 **purchases; district reporting requirements.**

22

23 (b) There shall be an amount computed for each school
24 district equal to the assigned percentage of the base price

1 amount for bus purchase and lease payment expenditures made
2 by the district during the previous school year pursuant to
3 subsection (g) of this section, one hundred percent (100%)
4 of the amount actually expended by the district during the
5 previous school year under subsection (c) of this section
6 and except as provided under paragraph (iii) of this
7 subsection, for:

8
9 (iii) Effective school year 2011-2012 and each
10 school year thereafter, expenditures of amounts reimbursed
11 under paragraphs (i) and (ii) of this subsection shall be
12 considered in future computations of amounts reimbursed as
13 follows:

14
15 (A) If for any school year a district
16 actually expends less than the amount reimbursed for that
17 school year, the amount reimbursed for the immediately
18 succeeding school year shall be based upon the amount
19 reimbursed for that school year regardless of expenditures;

20
21 (B) If for any school year a district
22 actually expends more than the amount reimbursed for that
23 school year, the amount reimbursed for the immediately
24 succeeding school year shall be reduced by an amount equal

1 to one-half (1/2) of the difference between the amount
2 actually expended for that school year and the amount
3 reimbursed for that school year.

4
5 (f) The department of education shall adopt necessary
6 rules and regulations to implement and enforce state
7 standards established under this section and to administer
8 this section. District expenditures computed under
9 subsection (b) of this section shall not include
10 expenditures for employee contributions to the Wyoming
11 retirement system exceeding five and fifty-seven hundredths
12 percent (5.57%). In addition, the department shall, in
13 accordance with procedures prescribed by department rule
14 and regulation, establish a base price for each school bus
15 type or other student transportation vehicle type for the
16 applicable fiscal period that complies with minimum state
17 standards for vehicle specifications and equipment. The
18 department shall also establish a process including
19 competitive bidding which guarantees the acquisition of
20 school buses and other student transportation vehicles
21 approved for reimbursement and complying with state minimum
22 standards and district fleet size restrictions at the
23 established base price for the applicable fiscal year. In
24 addition and for purposes of reimbursement under subsection

1 (g) of this section, the department shall in consultation
2 with the pupil transportation committee, establish a
3 minimum, average and optimal replacement schedule for each
4 school bus type or other student transportation vehicle
5 type. School districts shall notify the department of
6 school bus and other student transportation vehicle needs
7 and requirements for the appropriate fiscal year in the
8 manner and within the times prescribed by department rule
9 and regulation, and shall report expenditures, purchases
10 and lease arrangements for the applicable reporting period,
11 including vehicles replaced by purchases and leases, as
12 required by department rule and regulation. The department
13 shall annually review and conduct audits as necessary of
14 information submitted under this section. As authorized
15 under W.S. 21-13-307(b), the department may correct the
16 information reported by districts under this section as
17 necessary to fairly and accurately reflect the data type,
18 classification and format required to administer this
19 section in accordance with law and department rules and
20 regulations.

21

22 **21-13-321. Special education; amount within**
23 **foundation program formula for special education programs**
24 **and services; district reporting requirements.**

1

2 (d) The department of education shall adopt necessary
3 rules and regulations to implement and administer this
4 section. Districts shall report special education program
5 expenditures for the applicable reporting period as
6 required by department rule and regulation. District

7 expenditures computed under subsection (b) of this section
8 shall not include expenditures for employee contributions
9 to the Wyoming retirement system exceeding five and fifty-
10 seven hundredths percent (5.57%). The department shall

11 annually review and report to the joint education interim
12 committee regarding services provided to special education
13 students by school districts. The report shall evaluate the
14 extent to which services are being appropriately provided
15 and whether expenditures for services are reasonable in
16 light of charges by providers of similar services in
17 Wyoming. In addition, the department shall when necessary,
18 conduct audits of information submitted by districts under
19 this section and may, in accordance with W.S. 21-13-307(b),
20 correct the information reported by districts as necessary
21 to fairly and accurately reflect the data type,
22 classification and format required to administer this
23 section in accordance with law and department rule and
24 regulation.

1

2 **21-13-335. Supplemental financial assistance program**
3 **for instructional facilitators and instructional coaches.**

4

5 (d) Financial assistance under this section shall be
6 based upon prior year school level attendance and
7 configuration reports submitted by each eligible school
8 district pursuant to W.S. 21-13-309(m)(iv). Grant amounts
9 shall be computed by the department for the eligible
10 applicant district as if the education resource block grant
11 model contained the following component for instructional
12 facilitators, funded at an amount equal to sixty percent
13 (60%) for each full-time equivalent position, prorated up
14 and down from the FTE position level specified for each
15 prototype similar to computational operation of other
16 components within the block grant model:

17

18 (iv) "FTE" and "ADM" as used in this section
19 shall be as defined in ATTACHMENT "A", ~~to 2006 Wyoming~~
20 ~~Session Laws, Chapter 37,~~ as referenced in W.S.
21 21-13-101(a)(xvii).

22

23 (e) Financial assistance to each qualifying applicant
24 school district shall be made by the department from

1 amounts appropriated by the legislature to the foundation
2 program account for purposes of the program established by
3 this section and shall be in addition to the foundation
4 program amount computed for that district under W.S.
5 21-13-309(p). If there is an insufficient amount within
6 the foundation program account from amounts appropriated by
7 the legislature for financial assistance under this section
8 for any school year, the department shall make a pro rata
9 reduction in financial assistance payments among all
10 qualifying districts for that school year. District
11 expenditures of amounts distributed under this section
12 shall be solely for district instructional facilitator and
13 instructional coaching programs in accordance with the
14 program documentation submitted by the district under
15 subsection (b) of this section. The department may
16 withhold a portion or the entire amount to be distributed
17 to any district under this section for noncompliance with
18 program documentation required to be submitted by the
19 applicant district. Any appropriated amounts not expended
20 or encumbered under this subsection as of July 1 of that
21 school year immediately following the school year for which
22 the appropriation applies, shall revert to the foundation
23 program account.

24

1 **Section 2.** 2006 Wyoming Session Laws, Chapter 37,
2 ATTACHMENTS "A" and "B", W.S. 21-13-101(a)(xviii) and
3 21-13-309(m)(v)(G)(II)(1) and (2) are repealed.

4
5 **Section 3.** On or before November 1, 2011, the
6 legislative service office shall report to the joint
7 education interim committee and the joint appropriations
8 interim committee on the implementation of required
9 reporting mechanisms under W.S. 21-13-309(u), as created
10 under section 1 of this act. This report shall specify
11 cost of system indicators designed to identify possible
12 cost pressures on the Wyoming education resource block
13 grant funding model in categories and model components
14 specified under the 2010 cost of education study. The
15 report shall also prescribe a model monitoring process and
16 methodology such that when triggered, the need for
17 additional in-depth examination of cost integrity is
18 required. Further, the report shall identify necessary
19 data collections for proper analysis of system indicators.
20 The department of education, school districts, the
21 professional teaching standards board and other state
22 agencies shall assist the legislative service office as
23 necessary to carry out this section.

24

1 **Section 4.**

2

3 (a) For the period commencing upon the effective date
4 of this section and ending June 30, 2012, three hundred
5 fifty thousand dollars (\$350,000.00) is appropriated from
6 the public school foundation program account to the
7 department of education to carry out duties imposed upon
8 the state superintendent under W.S. 21-2-202(a)(xxxii), as
9 amended by section 1 of this act. In addition, the state
10 superintendent is authorized an additional two (2) full-
11 time positions, together with position support costs,
12 originally funded as at-will positions under 2010 Wyoming
13 Session Laws, Chapter 39, Section 334(f)(i). These full-
14 time positions and the amounts appropriated under this
15 subsection shall be expended only for implementation of
16 W.S. 21-2-202(a)(xxxii), as amended under section 1 of this
17 act.

18

19 (b) On or before October 1, 2011, the department of
20 education shall report to the joint education interim
21 committee and the joint appropriations interim committee on
22 the expansion of the data repository required under W.S.
23 21-2-202(a)(xxxii), as amended under section 1 of this act.
24 The report shall include action plans and funding necessary

1 to implement completion of system transition of
2 certificated personnel records from the professional
3 teaching standards board to the department, including
4 implementation of an on-line certification and
5 certification renewal system and the completion of data
6 migration to the department's data repository.

7

8 **Section 5.**

9

10 (a) Except as provided under subsection (b) of this
11 section, this act is effective July 1, 2011.

12

13 (b) Notwithstanding subsection (a) of this section,
14 section 4 of this act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19

ATTACHMENT "A"

20 ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION
21 RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND
22 EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF
23 EDUCATION STUDY AS FOLLOWS:

24

25 (a) For purposes of this attachment:

26

27 (i) "ADM" means as defined under W.S.
28 21-13-101(a)(i) and reflects a per student computation;

1
2 (ii) "FTE" means the full time equivalency basis
3 as computed in accordance with guidelines prescribed by
4 rule and regulation of the department of education.

5
6 (b) Notwithstanding components specified in the 2010
7 cost of education study accepted by the legislature, the
8 Wyoming education resource block grant model components and
9 the resourcing for those components, as enacted by the
10 legislature, shall be as follows:

11
12 (i) Full-day kindergarten: Funded for all
13 elementary schools.

14
15 (ii) Class size: 16 for grades Kindergarten
16 through 5;
17 21 for grades 6 through 12.

18
19 (iii) Core teachers: Elementary school ADM
20 divided by 16;
21 Middle school ADM divided by
22 21;
23 High school ADM divided by
24 21.

25
26 (iv) Specialist teachers: Elementary schools:
27 20% of core teachers;
28 Middle and high schools: 33%
29 of core teachers.

30
31 (v) Minimum teachers: 6.0 for elementary
32 schools with greater than 49
33 ADM;
34 8.0 for middle schools with
35 greater than 49 ADM;
36 10.0 for high schools with
37 greater than 49 ADM.

38
39 (vi) Instructional facilitators: Computed in
40 accordance with W.S.
41 21-13-335.

42
43 (vii) Tutors: 1.0 FTE teacher position for
44 every 100 at-risk students
45 with a minimum of 1.0 FTE
46 teacher position for
47 prototypical elementary,

- 1 middle and high schools,
 2 resourced at the highest-
 3 grade prototype using the
 4 total school ADM.
 5
- 6 (viii) ELL: 1.0 FTE teacher position for
 7 every 100 ELL students.
 8
- 9 (ix) Extended day: Computed in accordance with
 10 W.S. 21-13-334.
 11
- 12 (x) Summer school: Computed in accordance with
 13 W.S. 21-13-334.
 14
- 15 (xi) Alternative schools: 1.0 assistant
 16 principal position plus 1.0
 17 FTE teacher position for
 18 every 7 ADM.
 19
- 20 (xii) Substitutes: Additional 5% of ADM
 21 generated core, specialist,
 22 tutor, instructional
 23 facilitator, summer school
 24 and extended day teacher
 25 positions at \$99.25/day plus
 26 7.65% for benefits.
 27
- 28 (xiii) Supervisory aides: 2.0 for 288 ADM
 29 prototypical elementary
 30 school;
 31 2.0 for 315 ADM prototypical
 32 middle school;
 33 5.0 for 630 ADM prototypical
 34 high school;
 35 Resourced at the highest-
 36 grade prototype using total
 37 school ADM.
 38
- 39 (xiv) Pupil support: 1.0 FTE teacher position
 40 for every 100 at-risk
 41 students with a minimum of
 42 1.0 FTE teacher position for
 43 prototypical elementary,
 44 middle and secondary schools
 45 resourced at highest-grade
 46 prototype using total school
 47 ADM;

- 1
2 1.0 FTE guidance counselor
3 position for every 250
4 secondary ADM.
5
- 6 (xv) Librarian: 1.0 for each prototypical
7 elementary;
8 1.0 for 105 to 630 ADM
9 prototypical middle and high
10 school, prorated down below
11 105 ADM and prorated up for
12 631 ADM and above, resourced
13 at highest-grade prototype
14 using total school ADM.
15
- 16 (xvi) Library media tech: 1.0 for each 315
17 ADM prototypical middle and
18 high school, prorated up and
19 down.
20
- 21 (xvii) Principal: 1.0 for all schools down to
22 96 ADM elementary and 105 ADM
23 middle and high, prorated by
24 ADM below these ADM levels.
25
- 26 (xviii) Assistant principal: Begin phasing in
27 1.0 assistant principal
28 position for every 288
29 elementary school ADM
30 beginning at 289 ADM;
31 Begin phasing in 1.0
32 assistant principal position
33 for every 315 middle and high
34 school ADM beginning at 316
35 ADM;
36 Resource at the highest-grade
37 prototype using total school
38 ADM.
39
- 40 (xix) Secretary: 1.0 for all schools down to
41 96 ADM elementary and 105 ADM
42 middle and high, prorated by
43 ADM below these ADM levels;
44 1.0 for 105 to 315 ADM
45 prototypical middle school,
46 prorated down below 105 ADM

1 and prorated up for 316 ADM
 2 and above;
 3 1.0 for 105 to 630
 4 prototypical high school ADM,
 5 prorated down below 105 ADM
 6 and prorated up for 631 ADM
 7 and above;
 8 Resource at the highest-grade
 9 prototype using total school
 10 ADM.

11

12 (xx) Clerical: 1.0 for 288 ADM prototypical
 13 elementary school;
 14 1.0 for 315 ADM prototypical
 15 middle school;
 16 2.0 for 315 ADM prototypical
 17 high school;
 18 All FTE positions prorated up
 19 and down from prototypical
 20 level, resourced at the
 21 highest-grade prototype using
 22 total school ADM.

23

24 (xxi) Books/Ins. Materials: \$333.43/elementary
 25 and middle school ADM;
 26 \$408.26/high school ADM.

27

28 (xxii) Computers, equipment: \$333.43/ADM.

29

30 (xxiii) Special education: 100% state
 31 reimbursement of prior year
 32 actual expenditures computed
 33 in accordance with W.S.
 34 21-13-321.

35

36 (xxiv) Gifted: \$29.19/ADM.

37

38 (xxv) Vocational education: 0.29 times FTE
 39 vocational education ADM;
 40 \$9,027.27/FTE vocational
 41 education teacher for
 42 equipment and supplies.

43

44 (xxvi) Student activities: Resource under the
 45 following school
 46 configurations:

1 K-5 elementary school:
 2 \$24.05/ADM;
 3 6-8 middle school: From
 4 \$791.02/ADM at 1 ADM school
 5 to \$204.38/ADM for 1,260 ADM
 6 school;
 7 9-12 high school: From
 8 \$2,039.09/ADM for 1 ADM
 9 school to \$601.08/ADM for
 10 1,260 ADM school;
 11 Alternative school:
 12 \$288.98/ADM.
 13
 14 (xxvii) Professional development: 10 pupil free
 15 days as resourced in teacher
 16 salary under paragraph
 17 (xxxvii) of this subsection;
 18 Plus \$116.76/ADM for
 19 trainers.
 20
 21 (xxviii) Assessment: \$37.70/ADM, which amount
 22 is not subject to any
 23 adjustment made pursuant to
 24 W.S. 21-13-309(o).
 25
 26 (xxix) Central office staff: District ADM 500
 27 and below:
 28 3 administrative and 3
 29 secretarial;
 30
 31 District ADM from 500 to
 32 1,000:
 33 Proration of an additional
 34 administrative and
 35 secretarial position;
 36 District ADM at 1,000:
 37 4 administrative and 4
 38 secretarial;
 39 adjusted upwards to 3,500
 40 ADM.
 41 District ADM from 1,000 to
 42 3,500 ADM:
 43 Proration of additional
 44 administrative and
 45 secretarial positions;
 46 District ADM at 3,500:

1 8 administrative and 10
2 secretarial;
3 prorated up for districts
4 with ADM greater than 3,500.
5
6 (xxx) Central office nonpersonnel expenses:
7 \$350.28/ADM.
8
9 (xxxi) Transportation: 100% state reimbursement
10 of prior year actual
11 expenditures computed in
12 accordance with W.S.
13 21-13-320.
14
15 (xxxii) Food services: Assumed to be self
16 supporting program.
17
18 (xxxiii) Maintenance and operations: Based on
19 ADM, gross square footage,
20 number of buildings and
21 classrooms, age of buildings
22 and site acreage for
23 custodians, maintenance
24 workers and groundskeepers,
25 computed in accordance with
26 the 2010 cost of education
27 study. Any building without
28 allowable gross square
29 footage for purposes of major
30 maintenance computations
31 under W.S. 21-15-109 shall
32 use the actual educational
33 gross square footage as
34 approved by the school
35 facilities commission.
36 Groundskeeper FTE
37 computations shall be based
38 upon the lesser of the actual
39 site acreage on which the
40 facility is situated as
41 defined by department rule
42 and regulation, or the school
43 facility guidelines and site
44 acreages established by the
45 school facilities commission
46 under W.S. 21-15-114.
47 Acreages acquired on or prior

1 to July 1, 1997, and acreages
2 acquired after July 1, 1997
3 through an exchange with
4 another governmental entity
5 if the acreages involved in
6 the exchange were originally
7 acquired by the district and
8 the governmental entity on or
9 prior to July 1, 1997, shall
10 not be subject to
11 groundskeeper FTE computation
12 limitations.
13

14 (xxxiv) M & O supplies: \$0.64 per 110% of gross
15 square feet of authorized
16 education space.
17

18 (xxxv) Utilities: Actual 2009-2010 expenditures
19 by district. For additional
20 school buildings added to
21 district building inventories
22 after 2009-2010, 100% of
23 2009-2010 district average
24 utility expenditures per
25 gross square foot for
26 district school buildings
27 multiplied by the additional
28 authorized educational square
29 footage.
30

31 (xxxvi) School adjustments: For all schools
32 with 49 or fewer ADM,
33 resource with 1.0 assistant
34 principal position plus 1.0
35 FTE teacher position for
36 every 7 students for all
37 staff;
38 For all schools within a
39 district comprised of less than
40 243 total K-12 ADM and
41 notwithstanding all other
42 teacher resources, resource
43 each school with a minimum of
44 1.0 core teacher at every grade
45 with reported ADM, plus 20% of
46 core teachers for elementary
47 specialist teachers and 33% of

1 core teachers for middle and
 2 high school specialist
 3 teachers;
 4 For a K-6 school, resource as
 5 elementary school;
 6 For a 5-8 or 6/7-9 school,
 7 resource as middle school;
 8 For a K-7, K-8 or K-9 school,
 9 resource K-5 teachers as
 10 elementary school and
 11 remaining teachers as middle
 12 school, and resource all
 13 other staff resources at the
 14 highest-grade prototype;
 15 For K-12 school, resource K-5
 16 teachers as elementary, 6-8
 17 teachers as middle and 9-12
 18 as high school, and resource
 19 all other staff resources at
 20 the highest-grade prototype;
 21 For 6/7-12 school, resource
 22 6-8 teachers middle school
 23 and 9-12 teachers as high
 24 school, and resource all
 25 other staff resources at the
 26 highest-grade prototype.

27
 28 (xxxvii) Average Salaries:
 29 Teachers* (includes 10 pupil free days) \$ 50,662.03
 30 Principals \$ 83,072.43
 31 Assistant principals \$ 69,702.30
 32 Superintendents \$106,892.58
 33 Assistant superintendents \$ 85,514.06
 34 Business managers \$ 72,079.04
 35 Aides \$ 18,445.82
 36 Library media technicians \$ 43,500.93
 37 Central office secretaries \$ 34,885.39
 38 School secretaries \$ 32,409.86
 39 School clerical staff \$ 24,930.49
 40 Maintenance and operations:
 41 Maintenance workers/groundskeepers \$ 35,775.69
 42 Custodians \$ 29,843.38

43
 44 *"Teachers" under this paragraph include core and
 45 specialist teachers, instructional facilitators, tutors,
 46 ELL teachers, extended day teachers, summer school

1 teachers, pupil support staff, secondary school guidance
2 counselors and librarians.

3

4 (xxxviii) Benefits: 21.10% plus health as
5 computed under W.S.
6 21-13-309(m) (v) (F).

7

8 (xxxix) Regional cost adjustment: As computed
9 under W.S. 21-13-309(m) (v) (C).

10

11 (xl) External cost adjustment: Analysis of
12 appropriate cost indices for
13 professional and
14 nonprofessional labor, energy
15 and materials.

16

17

(END)