

## HOUSE BILL NO. HB0287

School finance amendments.

Sponsored by: Representative(s) Laursen and Lindholm and  
Senator(s) Driskill and Peterson

A BILL

for

1 AN ACT relating to school finance; reducing education  
2 resource block grant model funding; including instructional  
3 facilitators, summer school and extended day programs  
4 within the education resource block grant model; modifying  
5 reimbursement for school district transportation and  
6 special education costs; establishing a select committee to  
7 recalibrate education costs; providing additional revenue  
8 for schools; providing an appropriation; and providing for  
9 an effective date.

10

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

12

13 **Section 1.** W.S. 21-13-309 by creating a new  
14 subsection (w), 21-13-320(a), 21-13-321(b), 39-15-104 by  
15 creating a new subsection (h), 39-15-111(b)(intro) and by

1 creating a new subsection (p), 39-16-104 by creating a new  
2 subsection (g) and 39-16-111(b)(intro) and by creating a  
3 new subsection (p) are amended to read:

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

7  
8 (w) Notwithstanding any other provision of this  
9 section and for the 2017-2018 and 2018-2019 school years  
10 only, the state superintendent shall reduce funding to each  
11 district provided under this section by eight percent (8%).  
12 This section shall not apply to funding for transportation  
13 costs provided under W.S. 21-13-320 or special education  
14 costs provided under W.S. 21-13-321.

15  
16 **21-13-320. Student transportation; amount within**  
17 **school foundation program formula for transportation**  
18 **maintenance and operations expenditures and school bus**  
19 **purchases; district reporting requirements.**

20  
21 (a) The amount provided for the transportation of  
22 school children within the education resource block grant  
23 model pursuant to W.S. 21-13-309(m)(v)(E)(I) shall be

1 computed in accordance with this section. Notwithstanding  
2 subsections (b) through (f) of this section, effective for  
3 school year 2018-2019 and each year thereafter, the amount  
4 computed for each school district under this section shall  
5 equal the amount the district expended under this section  
6 in school year 2016-2017 plus any amounts provided under  
7 subsection (f) of this section for buses purchased or  
8 leased prior to the effective date of this section. On or  
9 after the effective date of this subsection, no school  
10 district shall purchase or lease a new bus with funding  
11 provided by the state unless the district applies to the  
12 department of education and the department determines that  
13 an emergency exists necessitating the purchase or lease of  
14 a new bus.

15  
16 **21-13-321. Special education; amount within**  
17 **foundation program formula for special education programs**  
18 **and services; district reporting requirements.**

19  
20 (b) Except as otherwise provided in this subsection,  
21 the amount provided for special education within the  
22 education resource block grant model pursuant to W.S.  
23 21-13-309(m) (v) (E) (II) shall be equal to one hundred

1 percent (100%) of the amount actually expended by the  
2 district during the previous school year for special  
3 education programs and services. Notwithstanding  
4 subsections (d) through (g) of this section, effective for  
5 school year 2018-2019 and each year thereafter, the amount  
6 computed for each school district under this section shall  
7 equal the amount the district expended under this section  
8 in school year 2016-2017 plus one hundred percent (100%) of  
9 the amount actually expended by the district during the  
10 previous school year for tuition for special education  
11 programs and services provided outside of the district.

12

13 **39-15-104. Taxation rate.**

14

15 (h) Effective on the date specified in this  
16 subsection, in addition to the sales tax under subsections  
17 (a) and (b) of this section there is imposed an additional  
18 sales tax of one-half of one percent (0.5%) which shall be  
19 administered as if the sales tax rate under subsection (b)  
20 of this section was increased from four percent (4%) to  
21 four and one-half percent (4.5%). The revenue from the  
22 additional one-half of one percent (0.5%) shall be  
23 distributed as provided in W.S. 39-15-111(p). This

1 paragraph is effective beginning the month immediately  
2 following the date that the state treasurer first certifies  
3 to the governor and the department of revenue that the  
4 amount in the legislative stabilization reserve account is  
5 less than five hundred million dollars (\$500,000,000.00).  
6 This paragraph is repealed on July 1 of the year  
7 immediately following the year that the state  
8 superintendent certifies to the governor and the department  
9 of revenue that amounts received from W.S.  
10 39-13-104(a)(iv), (b)(ii) and (d)(i) for that year account  
11 for at least sixty-five percent (65%) of the funds required  
12 for the total school foundation amount under W.S.  
13 21-13-309(p) plus any additional amounts distributed to  
14 school districts in excess of W.S. 21-13-309(p), not  
15 including any amounts distributed under W.S. 21-15-109,  
16 21-15-118 and 21-15-120.

17

18 **39-15-111. Distribution.**

19

20 (b) Revenues earned under W.S. 39-15-104 during each  
21 fiscal year shall be recognized as revenue during that  
22 fiscal year for accounting purposes. Except for revenue  
23 collected through the tax under W.S. 39-15-104(h) as

1 provided in subsection (p) of this section, for all revenue  
2 collected by the department under W.S. 39-15-104 the  
3 department shall:

4

5 (p) For all revenue collected by the department under  
6 W.S. 39-15-104(h), the department shall credit one hundred  
7 percent (100%) to the public school foundation program  
8 account created under W.S. 21-13-306(a).

9

10 **39-16-104. Taxation rate.**

11

12 (g) Effective on the date specified in this  
13 subsection, in addition to the use tax under subsections  
14 (a) and (b) of this section there is imposed an additional  
15 use tax of one-half of one percent (0.5%) which shall be  
16 administered as if the use tax rate under subsection (b) of  
17 this section was increased from four percent (4%) to four  
18 and one-half percent (4.5%). The revenue from the  
19 additional one-half of one percent (0.5%) shall be  
20 distributed as provided in W.S. 39-16-111(p). This  
21 paragraph is effective beginning the month immediately  
22 following the date that the state auditor and state  
23 treasurer first certify to the governor and the department

1 of revenue that the amount in the legislative stabilization  
2 reserve account is less than five hundred million dollars  
3 (\$500,000,000.00). This paragraph is repealed on July 1 of  
4 the year immediately following the year that the state  
5 superintendent certifies to the governor and the department  
6 of revenue that amounts received from W.S.  
7 39-13-104(a)(iv), (b)(ii) and (d)(i) for that year account  
8 for at least sixty-five percent (65%) of the funds required  
9 for the total school foundation amount under W.S.  
10 21-13-309(p) plus any additional amounts distributed to  
11 school districts in excess of W.S. 21-13-309(p), not  
12 including any amounts distributed under W.S. 21-15-109,  
13 21-15-118 and 21-15-120.

14

15 **39-16-111. Distribution.**

16

17 (b) Revenues earned under this article during each  
18 fiscal year shall be recognized as revenue during that  
19 fiscal year for accounting purposes. Except for revenue  
20 collected through the tax under W.S. 39-16-104(g) as  
21 provided in subsection (p) of this section, revenue  
22 collected by the department from the taxes imposed by this

1 article shall be transferred to the state treasurer who  
2 shall, as specified by the department:

3  
4 (p) For all revenue collected by the department under  
5 W.S. 39-15-104(g), the department shall credit one hundred  
6 percent (100%) to the public school foundation program  
7 account created under W.S. 21-13-306(a).

8  
9 **Section 2.** 2011 Wyoming Session Laws, Chapter 185,  
10 Attachment "A" (b) (vi) and (ix) is amended to read:

11  
12 ATTACHMENT "A"

13  
14 ATTACHMENT "A" CONTAINS AN ENUMERATION OF  
15 EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS  
16 SUMMARIZING AND EXECUTING RECOMMENDATIONS  
17 CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS  
18 FOLLOWS:

19  
20 (b) Notwithstanding components specified in  
21 the 2010 cost of education study accepted by the  
22 legislature, the Wyoming education resource block  
23 grant model components and the resourcing for



1 those components, as enacted by the legislature,  
2 shall be as follows:

3

4 (vi) Instructional facilitators:

5 ~~Computed in~~  
6 ~~accordance~~  
7 ~~with W.S.~~  
8 ~~21-13-335.~~

9

10 (A) 0.90 FTE teacher position for  
11 288 ADM prototypical elementary school;

12

13 (B) 0.90 FTE teacher position for  
14 315 ADM prototypical middle or high school;

15

16 (C) Resourced at the  
17 highest-grade prototype using the total school  
18 ADM.

19

20 (ix) Extended day and summer school:

21 ~~Computed in~~  
22 ~~accordance~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

~~with W.S.  
21-13-334.~~

(A) 0.15 FTE teacher position for every 30 at-risk students as identified under W.S. 21-13-309(m) (v) (A);

(B) Minimum of 0.5 FTE teacher position for each district.

**Section 3.** W.S. 21-13-334, 21-13-335 and 2011 Wyoming Session Laws, Chapter 185, Attachment "A" (b) (x) are repealed.

**Section 4.**

(a) The select committee on school finance recalibration is created consisting of the following members:

(i) Not more than five (5) members of the Wyoming senate appointed by the president of the senate of which one (1) member shall be the chairman of the senate

1 education committee and one (1) member shall be the  
2 chairman of the senate appropriations committee;

3

4 (ii) A number of members of the Wyoming house of  
5 representatives equal to the number of Wyoming senators  
6 appointed under paragraph (i) of this subsection not to  
7 exceed a total of five (5) house members appointed by the  
8 speaker of the house of representatives, of which one (1)  
9 member shall be the chairman of the house education  
10 committee and one (1) member shall be the chairman of the  
11 house appropriations committee;

12

13 (iii) Not less than one (1) and not more than  
14 two (2) members from each house shall be from the minority  
15 party;

16

17 (iv) The cochairmen of the select committee  
18 shall be appointed by the president of the senate and the  
19 speaker of the house, respectively.

20

21 (b) The select committee shall undertake a study to  
22 recalibrate the education resource block grant model as  
23 required under W.S. 21-13-309(t) to determine if

1 modifications are necessary to ensure the model remains  
2 effective and cost based in light of changing conditions  
3 and modifications to law. The department of education,  
4 department of workforce services, school districts and the  
5 school finance data advisory committee established under  
6 W.S. 21-2-203 shall collect and provide the information  
7 requested by the select committee.

8

9 (c) The select committee shall report its  
10 recommendations and any associated legislation to the  
11 legislature in time for consideration during the 2019  
12 general session and may, through the approval of the  
13 management council of the legislature, contract for  
14 necessary consulting expertise. The select committee may  
15 develop and introduce legislation as necessary to  
16 effectuate the purposes of this section.

17

18 (d) Appointments shall be made under this section not  
19 later than March 15, 2017. The select committee shall exist  
20 until March 31, 2019. Any vacancy occurring on the select  
21 committee shall be filled by the president of the senate or  
22 speaker of the house of representatives, as appropriate,  
23 immediately upon the vacancy occurring.

1

2 (e) For the period beginning on the effective date of  
3 this section and ending June 30, 2019, there is  
4 appropriated from the school foundation program account to  
5 the legislative service office one hundred twenty thousand  
6 dollars (\$120,000.00) to provide salary, per diem and  
7 mileage for members of the select committee and to fund  
8 other expenses of the select committee as necessary to  
9 carry out this section.

10

11 **Section 5.**

12

13 (a) Except as provided in subsection (b) of this  
14 section, this act is effective July 1, 2017.

15

16 (b) Amendments to W.S. 21-13-320 contained in section  
17 1 of this act and section 4 of this act are effective  
18 immediately upon completion of all acts necessary for a  
19 bill to become law as provided by Article 4, Section 8 of  
20 the Wyoming Constitution.

21

22

(END)