

ENROLLED ACT NO. 58, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to K-12 school facilities; amending provisions governing school facility adequacy standards; amending provisions governing school facility needs assessments; amending provisions governing the prioritization of remedies for school facilities by the school facilities commission; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 9-4-1001(b)(i), 21-3-110(a)(x)(intro), 21-15-114(a)(ii), 21-15-115(a)(v) and (c), 21-15-117(a)(intro), (i), (iii), by creating a new paragraph (vi), (d) and (e)(intro), 21-15-119(a)(intro), (c) and by creating a new subsection (d) and 21-15-121(a)(i) and (iii) are amended to read:

9-4-1001. Guarantee program for school district bonds.

(b) A school district that seeks the guarantee of bonds under this program shall apply to the board on forms prescribed by the board. The board shall review the application, investigate the applicant district and determine whether to approve the application based upon:

(i) The purpose of the bond issue, the district's need for it, including information from ~~the~~any needs assessment under W.S. ~~21-15-115-21-15-117~~, whether the district would likely remain within constitutional debt limits after the issue and whether a guarantee under this section would likely result in reduced costs;

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

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

(x) Subject to review by the state construction department under W.S. ~~21-15-115~~21-15-117 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the state construction department under W.S. 21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district or a charter school operating pursuant to a contract with the district enters into an agreement to lease buildings and facilities under which the district or the charter school is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. The district shall be reimbursed for the lease payment of the district or the charter school if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

21-15-114. School facilities commission powers and duties.

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(a) The school facilities commission shall:

(ii) Adopt policies, guidelines and standards for ~~the comprehensive~~any assessment of school buildings and facilities ~~required~~ under W.S. ~~21-15-115~~21-15-117;

21-15-115. Statewide standards for school building and facility adequacy.

(a) The commission shall by rule and regulation establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for the public schools. If a building owned by a district meets the applicable standards under this subsection for use by the district to educate students and was previously used for the purpose of educating students, no municipal or county zoning requirements shall be construed or applied so as to prevent the district from using the building for the purpose of educating students, or to require the district to make any modification to the building as a condition of using the building for the purpose of educating students. The uniform standards shall at minimum include:

(v) ~~Guidelines~~Standards for ~~adequacy~~and functionality of educational space ~~for~~to allow the delivery of the required educational programs;

(c) The commission shall not less than once every four (4) years, review and evaluate the building and facility adequacy standards established under subsection (a) of this section. Review and evaluation of the standards shall include the identification of local enhancements to buildings and facilities during this review and evaluation

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period, and based upon criteria and procedures developed by the commission, a determination as to whether and how any local enhancements should be incorporated into the statewide standards. The review and evaluation under this subsection shall extend to components of the annual evaluation of school buildings, the facility remediation ~~schedule~~ schedules and the needs prioritization process established by the commission under W.S. 21-15-117. Findings and recommendations pursuant to this subsection shall be reported to the select committee on school facilities before the next convening date of the legislative session immediately following completion of the review and evaluation, and shall specifically address any need to expand ~~the~~ any needs assessment under W.S. 21-15-117, to conduct a reassessment of building and facility adequacy or to modify the needs prioritization process.

21-15-117. Annual evaluation of school buildings and facilities; remediation schedules; needs prioritization; combining facilities; implementation of remedy.

(a) ~~Through the identification of school building and facility conditions and needs provided by the assessment conducted and maintained under W.S. 21-15-115, and a comparison of the identified conditions and needs with the established statewide building adequacy standards and the district facility plans developed under W.S. 21-15-116, the commission shall, based upon reports provided by the department and in coordination and cooperation with the districts, evaluate the adequacy of school buildings and facilities within local school districts. Based upon this evaluation,~~ The commission shall annually evaluate the adequacy of school buildings and facilities and prioritize school building and facility needs in accordance with this

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subsection. The commission shall cause the department, as it deems necessary, to conduct periodic on-site visitations and inspections of school buildings and facilities and acquire other relevant needs assessment data acquired in coordination and cooperation with the districts for purposes of this evaluation and prioritization. The commission shall give due consideration to district facility plans developed under W.S. 21-15-116 in performing this evaluation and prioritization. To conduct the evaluation and prioritization, the commission shall establish ~~a schedule~~ two (2) schedules for building and facility remediation on a statewide basis using appropriate scoring systems, as described in paragraphs (i) and (iii) of this subsection. Under each of the two (2) schedules the commission shall prioritize educational building and facility needs that impede the delivery of the prescribed statewide educational program. Additionally, the commission shall establish one (1) consolidated remediation schedule as described in paragraph (vi) of this subsection. The commission shall by rule and regulation establish a process to prioritize all school building and facility needs from the most critical to the least critical with the most critical need prioritized first. Remediation undertaken under these schedules shall over time bring all buildings and facilities to ~~conditions such that over time, only routine maintenance is required to maintain building adequacy. The schedule shall identify and prioritize building and facility remedies on a statewide basis, based upon a building condition score developed by the commission subject to the following~~ the levels set by the statewide adequacy standards promulgated under W.S. 21-15-115(a). The commission shall annually develop:

(i) One (1) schedule to remedy building condition needs, which shall be based on appropriate

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~~criteria and measures for building condition, which incorporate educational suitability and technology readiness, specifically taking into consideration appropriate and up-to-date standards for air quality, illumination and appropriateness of the student environment, as established by commission rule and regulation, and compiled under the building systems condition reference guide, which over time bring statewide buildings and facilities to targeted adequate levels prescribed by the commission, reviewed annually, based upon assessment results and findings, broken down for building condition. The schedule shall be categorized~~ by educational and noneducational building~~i-category;~~

(iii) ~~One (1) schedule to remedy building capacity needs. The commission shall base the schedule on an analysis of student enrollment changes, as based upon performed in accordance with a~~ commission approved enrollment projection methodology, to determine the need for changes in building capacities for compliance with statewide adequacy standards over a five (5) year projection period commencing on the date of anticipated completion of project construction. The commission may adjust projections computed under this paragraph as necessary to reflect more precise analysis and evaluation of historical, economic, social and other data impacting the community in which the building is or is to be located~~;~~. ~~Analysis under this paragraph shall prioritize remediation for those buildings requiring additional space to comply with statewide adequacy standards;~~

~~(vi) One (1) consolidated remediation schedule of all needs identified under the two (2) schedules developed pursuant to paragraphs (i) and (iii) of this subsection.~~

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(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the school capital construction account shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this ~~paragraph~~ subsection, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in proceeding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

(e) For any building subject to paragraph (a)(iii) of this section, and when prioritizing buildings and facilities ~~based upon condition~~ remedies pursuant to subsection (a) of this section, the commission shall consider criteria for building capacity established by commission rule and regulation which include:

21-15-119. Commission budget and funding recommendations.

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(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and school capital construction financing to the governor, through the budget division of the department of administration and information and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the ~~comprehensive assessment specified in W.S. 21-15-115(b), the prioritized list~~ schedules of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

(c) Budgets submitted by the commission under subsection (a) of this section and recommended by the select committee on school facilities under W.S. 28-11-301 shall be attached to specified projects for the applicable budget period, which projects shall be referred to as planning and design phase projects and construction phase projects. With the approval of the governor, the department may transfer up to fifteen percent (15%) of the total funds appropriated between project phases. Any modification of appropriation expenditures between project phases shall be reported to the select committee in accordance with W.S. 28-11-301(c)(iv). Additionally, the commission may for any budget period specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs provided the additional costs are reported and approved in accordance with W.S. 28-11-301(c)(iv).

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(d) Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount and shall be expended by the department in accordance with facility design standards and guidelines to ensure adequate, efficient and cost effective school buildings and facilities as required by W.S. 21-15-114(a)(vii). The commission shall adopt facility design standards and guidelines that are sufficiently specific to ensure that all projects constructed using state funds, excluding major building and facility repair and replacement projects, are subject to value engineering and are reasonably uniform across the state. In establishing the facility design standards and guidelines, the commission shall incorporate reasonable input and participation for conforming an aesthetic design within the community.

21-15-121. Annual school building status report to select committee on school facilities.

(a) Not later than September 1 of each year, the commission shall submit a report to the select committee on school facilities on progress being made under the school capital facilities system established under this act. The report shall be incorporated into the proposed budget submitted to the select committee under W.S. 21-15-119 and shall include:

(i) Building and facility needs determined under W.S. ~~21-15-115~~ 21-15-117, identifying progress made in the year reported;

(iii) Use of major building and facility repair and replacement funds which have addressed buildings and facilities identified under W.S. ~~21-15-115~~ 21-15-117(a), including the impact of expenditures of these funds, as

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quantified pursuant to ~~the statewide any~~ needs assessment ~~rating scores undertaken in accordance with W.S. 21-15-115~~ under W.S. 21-15-117(a), on building condition as reported under paragraph (i) of this subsection and on the capacity, educational suitability and technology readiness of these buildings and facilities;

Section 2. W.S. 21-15-115(b) and 21-15-117(a)(iv) and (v) are repealed.

Section 3. This act is effective July 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk