

ORIGINAL SENATE
FILE NO. 0090

ENROLLED ACT NO. 51, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

AN ACT relating to school finance; modifying the school reconfiguration requirements under the education resource block grant funding model; clarifying and defining requirements, expanding application as specified and providing an exception; providing technical corrections; clarifying methodology for computing model external cost adjustments; adjusting cost of education study components as specified; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 21-9-101(d), 21-13-309(m) by creating a new paragraph (vi) and (o) and 21-15-123(e) are amended to read:

21-9-101. Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities.

(d) In addition to subsections (b) and (c) of this section, each school district within this state shall endeavor to maintain when practicable, in kindergarten through grade three (3) within the district, an average class size of no more than ~~twenty (20)~~ sixteen (16) students per teacher, excluding children with disabilities who spend more than fifty percent (50%) of their time outside of regular classroom instruction.

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

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

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(vi) Except for charter schools established under W.S. 21-3-301 through 21-3-314, any alteration of the configuration of grades within a district, school or school facility which differs from the configuration of grades during the immediately preceding school year as reported under paragraph (iv) of this subsection shall be considered a reconfiguration and shall be documented by the district and reported to the state superintendent and the director of the school facilities department. Following review and evaluation, the state superintendent and the director shall, each acting independently, approve or deny the reconfiguration for purposes of application to the education resource block grant model and the determination of school facility needs and remedies. The following shall apply:

(A) Approval under this paragraph shall be based upon the appropriate delivery of the required educational program, the cost effectiveness of the proposed grade reconfiguration for delivery of adequate educational services to students with block grant resources, district wide capacity of school educational facilities as defined under W.S. 21-15-109(a)(ii) and any extraordinary circumstances related to the safe and efficient delivery of the education program to students;

(B) Approval under this paragraph shall be required prior to receiving state funds for adding any new school within a district;

(C) Effective for the school year commencing after July 1, 2012, and each school year thereafter, no reconfiguration of grades within any district, school or facility shall differ from the previous school year such that more than one (1) school is included

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within any one (1) school facility to be reported under paragraph (iv) of this subsection for purposes of determining the foundation program amount for that district;

(D) As used in this paragraph, "configuration" means the approved combination of grades served within a district, school or school facility as reported for purposes of determining the foundation program amount for that district under this section.

(o) To the extent specifically provided ~~within the school foundation program budget as enacted~~ by the legislature, and between periods of model recalibration required under subsection (t) of this section, the amount computed for each district under subsection (m) of this section shall be adjusted to provide for the effects of inflation, excluding those amounts specified under subparagraphs (m)(v)(E) and (F) of this section and the assessment component contained in paragraph (b)(xxviii) of "Attachment A" as referenced in W.S. 21-13-101(a)(xvii). The adjustment under this subsection shall not be applied until the expiration of the school year immediately following the first school year of application of the recalibrated model, and shall be adjusted on a cumulative basis each school year thereafter and until the first school year of application of a subsequent model recalibration. Following analysis of information reported under subsection (u) of this section, the joint appropriations interim committee shall submit a recommendation to the legislature and the governor not later than November 1 of each applicable year on an external cost adjustment for purposes of this subsection.

21-15-123. School facilities department; creation; control; director; duties and authority.

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(e) The director is the chief administrative officer of the department with general supervision and control of all activities, functions and employees of the department, under the direction and supervision of the commission. He shall devote his entire time to the performance and supervision of the duties conferred on him by the commission and by law. The director shall also review and evaluate school district requests for the alteration of grade configurations pursuant to W.S. 21-13-309(m)(vi), and shall evaluate the request in the best financial and educational interests of the state, taking into consideration the most efficient and cost effective approach in order to deliver quality educational services.

Section 2. W.S. 21-13-309(m)(iv)(C) is repealed.

Section 3. 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(a)(ii) and by creating new paragraphs (iii) through (vi) and (b)(xxii) and (xl) is amended to read:

ATTACHMENT "A"

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

(a) For purposes of this attachment:

(ii) "FTE" means the full time equivalency basis as computed in accordance with guidelines prescribed by rule and regulation of the department of education;i

(iii) "Educational materials category of model components" includes the following:

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(A) Books/instructional materials component resourced under paragraph (b)(xxi) of this attachment;

(B) Computers, equipment component resourced under paragraph (b)(xxii) of this attachment;

(C) Gifted component resourced under paragraph (b)(xxiv) of this attachment;

(D) Vocational education component resourced under paragraph (b)(xxv) of this attachment;

(E) Student activities component resourced under paragraph (b)(xxvi) of this attachment;

(F) Professional development component resourced under paragraph (b)(xxvii) of this attachment;

(G) Central office nonpersonnel expenses component resourced under paragraph (b)(xxx) of this attachment;

(H) M & O supplies component resourced under paragraph (b)(xxxiv) of this attachment.

(iv) "Energy category of model components" includes the utility component resourced under paragraph (b)(xxxv) of this attachment;

(v) "Nonprofessional labor category of model components" includes aides, central office secretaries, school secretaries, school clerical staff, maintenance workers/groundskeepers and custodians resourced under paragraph (b)(xxxvii) of this attachment;

(vi) "Professional labor category of model

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components" includes teachers, principals, assistant principals, superintendents, assistant superintendents, business managers and library media technicians resourced under paragraph (b) (xxxvii) of this attachment.

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

(xxii) Computers, equipment: ~~\$333.43/ADM~~
\$291.90/ADM.

(xl) External cost adjustment: Applied to four (4) major resource categories of block grant model components based upon an analysis of: ~~appropriate cost indices~~

(A) Market pressures for professional and nonprofessional labor, model components in accordance with W.S. 21-13-309(u);

(B) The BLS Producer Price Index for Commercial Electric Power weighted at 44.1% and the BLS Producer Price Index for Natural Gas weighted at 55.9% for energy model components; and

(C) The BLS Producer Price Index for Office Supplies and Accessories for educational materials model components.

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Section 4. Notwithstanding W.S. 21-13-309(m)(vi) as amended under section 1 of this act, any request for a reconfiguration of grades within a school district anticipating the construction of new educational buildings that was approved by the state superintendent during the school year ending prior to the effective date of this act, and the request was also approved by the director of the school facilities department as not adversely impacting the cost effectiveness of the district's facility plan, shall not be considered a reconfiguration for purposes of W.S. 21-13-309(m)(vi), as amended by section 1 of this act.

Section 5.

(a) For school year 2012-2013, the model components specified within the 2010 cost of education study, as accepted by the legislature but prior to modification by the legislature under 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(b), shall be adjusted for the effects of inflation in accordance with recommendations of the 2011 report on the external cost adjustment. The August 2011 report contains recommendations by consultants to the legislature and is on file with the legislative service office. Adjustments shall be as follows:

(i) For the educational materials category of model components as defined by 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(a)(iii), as amended by section 2 of this act, two and eighteen hundredths percent (2.18%) reflecting the annual change measured by the BLS Producer Price Index for Office Supplies and Accessories;

(ii) For the energy category of model components as defined by 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(a)(iv), as amended by section 2 of this act, twenty-seven hundredths percent (0.27%) reflecting the

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annual change measured by the BLS Producer Price Index for Commercial Electric Power weighted at 44.1% and the BLS Producer Price Index for Natural Gas weighted at 55.9%.

Section 6. For the period commencing upon the effective date of this section and ending June 30, 2014, unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii), shall be available for expenditure by the legislative service office. Additionally and notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated monies appropriated from the school foundation program account to the attorney general under 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 015, for purposes of the school finance litigation law office, shall not revert on June 30, 2012 and shall be reappropriated for expenditure by the legislative service office for the period beginning July 1, 2012 and ending June 30, 2014. Expenditures of amounts appropriated and reappropriated under this section shall be for professional consulting expertise and other support necessary for analysis and evaluation of the data used within the education resource block grant funding model monitoring process established under W.S. 21-13-309(u) and other reports for use by the joint appropriations interim committee and the joint education interim committee pertaining to model adjustment and maintaining model integrity. Professional consulting expertise may be retained by the legislative service office only upon approval of the management council, and the unexpended, unobligated amounts may be expended for contractual agreements between the council and professional consultants.

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Section 7.

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2012.

(b) Notwithstanding subsection (a) of this act, W.S. 21-9-101(d), as amended under section 1 of this act, 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(b)(xxii), as amended in section 3 of this act, and section 6 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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