

SENATE FILE NO. SF0165

School finance-education funding reductions.

Sponsored by: Senator(s) Landen, Burns, Coe, Dockstader,
Driskill, Pappas and Perkins

A BILL

for

1 AN ACT relating to school finance; making temporary and
2 permanent reductions and contingent further modifications
3 to education funding; creating a select committee on school
4 finance recalibration as specified; limiting transportation
5 expenditures; authorizing Medicaid reimbursement for
6 special education purposes as specified; providing
7 appropriations; modifying previous appropriations;
8 providing rulemaking authority; providing applicability;
9 and providing for effective dates.

10

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

12

13 **Section** 1. W.S. 21-13-101(a) (i),
14 21-13-309(m) (v) (F) (I), (II), by creating a new subdivision
15 (III), by creating a new subparagraph (H), (p) and by

1 creating new subsections (w) and (y), 21-13-320 by creating
2 new subsections (j) through (m), 21-13-321(b) and by
3 creating a new subsection (h), 21-13-335(d) (intro) and
4 42-4-103(a) by creating a new paragraph (xxxii) are amended
5 to read:

6

7 **21-13-101. Definitions.**

8

9 (a) As used in this chapter:

10

11 (i) "Average daily membership" or "ADM" means
12 the aggregate number of pupils present plus the aggregate
13 number of pupils absent, divided by the actual number of
14 days the school is in session for the year. Pupils who
15 attend at least eighty percent (80%) of a full-time
16 equivalency basis shall be considered full-time. For pupils
17 enrolled in school on less than a full-time equivalency
18 basis, the school district shall calculate the pupil's
19 contribution to the ADM on a prorated basis with the hours
20 or class periods of enrollment being the numerator and the
21 hours or class periods of full-time equivalency being the
22 denominator. Pupils who have withdrawn from school or who

1 have been absent for more than ten (10) consecutive
2 calendar days shall not be counted as members;

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

23

1 (F) Amounts provided within the model for
2 health insurance shall be based upon:

3
4 (I) Except as provided in subdivision
5 (III) of this subparagraph, prior year statewide average
6 district weighted actual participation in district health
7 insurance plans as to the proportion of employee only,
8 split contracts, employee plus spouse or children and
9 family coverage;~~and~~

10
11 (II) Except as provided in subdivision
12 (III) of this subparagraph, the annualized state
13 contribution rate as of January 1 of the preceding school
14 year, on behalf of each employee and official enrolled in
15 the state group health insurance plan, for employee only,
16 split contracts, employee plus spouse or children and
17 family coverage;~~and~~ and

18
19 (III) For school year 2017-2018 only:

20
21 (1) The amount for health
22 insurance shall be calculated on a reimbursement basis only
23 for individuals actually employed by the district and shall

1 not be paid with funds received pursuant to the foundation
2 program amount under W.S. 21-13-309(p) or funds received
3 under W.S. 21-13-334 or 21-13-335. The amount calculated
4 shall be based upon actual participation in district health
5 insurance plans and shall be based on the district's
6 employer paid premium cost not to exceed the annualized
7 state contribution rate as of January 1, 2017, on behalf of
8 each employee and official enrolled in the state group
9 health insurance plan, for employee only, split contracts,
10 employee plus spouse or children and family coverage, as
11 applies to the coverage of each district employee
12 participating in district health insurance plans;

13
14 (2) This subparagraph shall not
15 apply to health insurance amounts generated for employees
16 funded as special education employees, transportation
17 employees, food service employees or employees who are
18 funded one hundred percent (100%) with federal funds;

19
20 (3) Employees funded with less
21 than one hundred percent (100%) federal funds shall be
22 calculated based on the pro rata amount that the salary of
23 each employee is paid with foundation program funds or

1 funds received under W.S. 21-13-334 or 21-13-335 and
2 calculated as provided in this subdivision.

3
4 (H) For school year 2018-2019 only, the
5 amount within the block grant model for core teachers and
6 specialist teachers as defined in "Attachment A" shall be
7 reduced based upon the actual number of core and specialist
8 teachers employed by the school district in school year
9 2016-2017 so that no district shall receive funding for
10 more core and specialist teachers than were actually
11 employed by the district in the 2016-2017 school year. This
12 subparagraph shall not apply to minimum teachers or any
13 calculation for alternative schools or small schools.

14
15 (p) Subject to subsections (w) and (y) of this
16 section and except as otherwise provided by law and
17 following the computation and application of any adjustment
18 under subsection (o) of this section, the amount computed
19 for each school within each district shall be combined with
20 the amount computed and provided on a district level for
21 that district, as prescribed by the education resource
22 block grant model, to determine the foundation program
23 amount for each district.

1

2 (w) For school year 2018-2019, and subject to
3 recalibration under subsection (t) of this section or
4 development of an alternative K-12 education funding model
5 occurring after March 1, 2017 and enacted into law prior to
6 the 2018-2019 school year, the foundation program amount
7 for each district, excluding any amounts provided under
8 W.S. 21-13-320 and 21-13-321, shall be ninety-seven and
9 one-half percent (97.5%) of the amount determined under
10 subsections (m) and (p) of this section.

11

12 (y) For school year 2019-2020, and subject to
13 recalibration under subsection (t) of this section or
14 development of an alternative K-12 education funding model
15 occurring after March 1, 2017 and enacted into law prior to
16 the 2019-2020 school year, the foundation program amount
17 for each district, excluding any amounts provided under
18 W.S. 21-13-320 and 21-13-321, shall be ninety-five percent
19 (95%) of the amount determined under subsections (m) and
20 (p) of this section.

21

22 **21-13-320. Student transportation; amount within**
23 **school foundation program formula for transportation**

1 maintenance and operations expenditures and school bus
2 purchases; district reporting requirements.

3
4 (j) Effective for the school year 2018-2019 and each
5 school year thereafter the amount computed under this
6 section shall be in accordance with the provisions of this
7 subsection. Each district shall receive:

8
9 (i) An amount equal to an average of the amounts
10 the district received for school year 2011-2012 pursuant to
11 paragraphs (b) (i) and (ii) of this section; plus

12
13 (ii) The amount authorized by and computed in
14 accordance with subsection (g) of this section for each
15 school bus purchased or initially leased prior to March 15,
16 2017; plus

17
18 (iii) An amount calculated in accordance with
19 subsection (g) of this section for each school bus
20 purchased or initially leased on or after March 15, 2017,
21 if the school district first applied to the department and
22 the department determined the purchase or lease was
23 necessary to alleviate an emergency.

1

2 (k) For the 2018-2019 school year and each school
3 year thereafter, the provisions of subsections (b), (c) and
4 (f) of this section shall not be used to compute the amount
5 a school district receives pursuant to this section, but
6 the remaining requirements of those subsections shall be
7 effective. As of July 1, 2018, subsection (g) of this
8 section shall be applicable only as necessary to determine
9 an amount under subsection (j) of this section.

10

11 (m) No district shall purchase a school bus or enter
12 into a new lease for a school bus on or after March 15,
13 2017 unless it first applies to the department and the
14 department determines that an emergency exists
15 necessitating the purchase or lease of the bus.

16

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

20

21 (b) The amount provided for special education within
22 the 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~~ not exceed the amount actually expended
2 by the district during the ~~previous~~ 2015-2016 school year
3 for special education programs and services, subject to
4 adjustment as provided by rule and regulation of the state
5 superintendent pursuant to the limits of subsection (h) of
6 this section.

7
8 (h) The amount provided for special education may be
9 adjusted by the state superintendent as necessary to meet
10 maintenance of effort requirements of federal law for the
11 special education program.

12
13 **21-13-335. Supplemental financial assistance program**
14 **for instructional facilitators and instructional coaches.**

15
16 (d) Financial assistance under this section shall be
17 based upon prior year school level attendance and
18 configuration reports submitted by each eligible school
19 district pursuant to W.S. 21-13-309(m)(iv). Grant amounts
20 shall be computed by the department for the eligible
21 applicant district as if the education resource block grant
22 model contained the following component for instructional
23 facilitators, funded at an amount equal to ~~sixty percent~~

1 ~~(60%)~~ forty-five percent (45%) for the 2017-2018 school
2 year and thirty percent (30%) for each school year
3 thereafter for each full-time equivalent position, prorated
4 up and down from the FTE position level specified for each
5 prototype similar to computational operation of other
6 components within the block grant model:

7

8 **42-4-103. Authorized services and supplies.**

9

10 (a) Services and supplies authorized for medical
11 assistance under this chapter include:

12

13 (xxxii) Services administered by public schools
14 necessary for medical, social, educational, special
15 educational, occupational, speech, physical therapy and
16 audiology needs and related services. Funds shall be
17 provided pursuant to this paragraph to the state department
18 of education for reimbursement to school districts in
19 accordance with rules and regulations of the department of
20 education and the department of health.

21

1 **Section 2.** 2011 Wyoming Session Laws, Chapter 185,
 2 ATTACHMENT "A" (b) (xxi), (xxiii), (xxiv) through (xxviii),
 3 (xxx), (xxxi), (xxxiv) and (xxxv) is amended to read:

4

5

ATTACHMENT "A"

6

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

10

11

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

17

18

(xxi) ~~Books/Ins. Materials~~ Instructional

19

materials:

20

~~\$333.43/elementary and~~

21

~~middle school ADM;~~

1 ~~\$408.26/~~ \$191.37 per
 2 elementary, middle and
 3 high school ADM.

5 (xxiii) Special education: ~~100%~~ state
 6 reimbursement of prior
 7 year actual expenditures
 8 Computed in accordance
 9 with W.S. 21-13-321.

11 (xxiv) Gifted: ~~\$29.19~~ \$40.29/ADM.

13 (xxv) Vocational education: 0.29 times FTE
 14 vocational education
 15 ADM;
 16 ~~\$9,027.27~~ \$9,428.77/FTE
 17 vocational education
 18 teacher for equipment
 19 and supplies.

21 (xxvi) Student activities: Resource under
 22 the following school
 23 configurations:

1 (xxvii) Professional development: 10 pupil
2 free days as resourced
3 in teacher salary under
4 paragraph (xxxvii) of
5 this subsection;
6 Plus ~~\$116.76~~ \$125.90/ADM
7 for trainers.

8
9 (xxviii) Assessment: ~~\$37.70~~ \$25.00/ADM,
10 which amount is not
11 subject to any
12 adjustment made pursuant
13 to W.S. 21-13-309(o).

14
15 (xxx) Central office nonpersonnel expenses:
16 ~~\$350.28~~ \$365.86/ADM.

17
18 (xxxi) Transportation: ~~100% state~~
19 ~~reimbursement of prior~~
20 ~~year actual expenditures~~
21 Computed in accordance
22 with W.S. 21-13-320.

23

1 (xxxiv) M & O supplies: ~~\$0.64~~ \$0.67 per
 2 110% of gross square
 3 feet of authorized
 4 education space.

5
 6 (xxxv) Utilities: Actual 2009-2010
 7 expenditures by district
 8 as adjusted by 2015
 9 Wyoming Session Laws,
 10 Chapter 142, Section 2,
 11 Section 205 footnote
 12 2(a)(i)(D) and (ii)(D)
 13 and further adjusted by
 14 negative ten and seven
 15 hundred sixty-two
 16 thousandths percent
 17 (-10.762%). For
 18 additional school
 19 buildings added to
 20 district building
 21 inventories after
 22 2009-2010, 100% of
 23 2009-2010 district

1 average utility
 2 expenditures per gross
 3 square foot for district
 4 school buildings
 5 multiplied by the
 6 additional authorized
 7 educational square
 8 footage.

9
 10 **Section 3.** 2011 Wyoming Session Laws, Chapter 185,
 11 ATTACHMENT "A" (b)(xxii) as amended by 2012 Wyoming Session
 12 Laws, Chapter 99, ATTACHMENT "A" (b)(xxii) is amended to
 13 read:

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

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

1 grant model components and the resourcing for
2 those components, as enacted by the legislature,
3 shall be as follows:
4

5 (xxii) ~~Computers,~~ Technology equipment:
6 ~~\$291.90~~ \$250.00/ADM,
7 which amount is not
8 subject to any
9 adjustment made pursuant
10 to W.S. 21-13-309 (o).
11

12 **Section 4.** 2016 Wyoming Session Laws, Chapter 31,
13 Section 2, Section 205 is amended to read:
14

15 **Section 205. EDUCATION-SCHOOL FINANCE** ².

16	PROGRAM				
17	School Foundation Program ¹ .			1,677,514,609 \$5	1,677,514,609
18				1,723,465,604 \$5	1,723,465,604
19	Court Ordered Placements			19,433,639	\$5 19,433,639
20	Foundation-Specials ¹ .			79,765,894 \$5	79,765,894
21				78,742,048 \$5	78,742,048
22	Education Reform			9,654,900	\$5 9,654,900
23	Student Performance Data			6,351,539	\$5 6,351,539
24	TOTALS	0	0	1,792,720,581	1,792,720,581
25				1,837,647,730	1,837,647,730
26					
27	AUTHORIZED EMPLOYEES				
28	Full Time		3		
29	Part Time		0		
30	TOTAL		3		

31
32
33 1. (a) This other funds appropriation includes funding for an external cost
34 adjustment to the education resource block grant model computed as follows:
35

36 (i) Effective for school year 2016-2017 only:
37

1 (A) For the "professional labor" category of model
2 components inclusive of those components defined by 2012 Wyoming Session Laws,
3 Chapter 99, Section 3 [Attachment "A"(a)(vi)], two and one hundred forty-eight
4 thousandths percent (2.148%);
5

6 (B) For the "nonprofessional labor" category of model
7 components inclusive of those components defined by 2012 Wyoming Session Laws,
8 Chapter 99, Section 3 [Attachment "A"(a)(v)], one and nine hundred forty-seven
9 thousandths percent (1.947%);
10

11 (C) For the "energy" category of model components
12 inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99,
13 Section 3 [Attachment "A"(a)(iv)], two and four hundred forty-five thousandths
14 percent (2.445%);
15

16 (D) For the "educational materials" category of model
17 components inclusive of those components defined by 2012 Wyoming Session Laws,
18 Chapter 99, Section 3 [Attachment "A"(a)(iii)], two and one hundred twenty-six
19 thousandths percent (2.126%).
20

21 ~~(ii) Effective for school year 2017-2018 only:~~
22

23 ~~(A) For the "professional labor" category of model~~
24 ~~components inclusive of those components defined by 2012 Wyoming Session Laws,~~
25 ~~Chapter 99, Section 3 [Attachment "A"(a)(vi)], one and four hundred sixty-two~~
26 ~~thousandths percent (1.462%);~~
27

28 ~~(B) For the "nonprofessional labor" category of model~~
29 ~~components inclusive of those components defined by 2012 Wyoming Session Laws,~~
30 ~~Chapter 99, Section 3 [Attachment "A"(a)(v)], one and three hundred twenty-six~~
31 ~~thousandths percent (1.326%);~~
32

33 ~~(C) For the "energy" category of model components~~
34 ~~inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99,~~
35 ~~Section 3 [Attachment "A"(a)(iv)], one and six hundred sixty-five thousandths~~
36 ~~percent (1.665%);~~
37

38 ~~(D) For the "educational materials" category of model~~
39 ~~components inclusive of those components defined by 2012 Wyoming Session Laws,~~
40 ~~Chapter 99, Section 3 [Attachment "A"(a)(iii)], one and four hundred forty~~
41 ~~seven thousandths percent (1.447%).~~
42

43 2. Not later than November 1, 2016, pursuant to W.S. 21-13-309(o) and
44 (u), the joint education interim committee and the joint appropriations
45 committee shall review information prepared for the model monitoring process,
46 including school year 2015-2016 average daily membership data, to inform
47 recommendations made to the governor and the legislature pursuant to law to
48 modify the external cost adjustment contained in footnote 1(a)(ii) of this
49 section. Not later than January 1, 2017, the department of education shall
50 provide preliminary student enrollment data for school year 2016-2017 to the
51 joint appropriations committee. The joint appropriations committee shall report
52 any recommendation to revise the external cost adjustment as a result of the
53 review of the preliminary student enrollment data to the governor and the
54 legislature.
55

1 **Section 5.** The amendments to 2016 Wyoming Session
2 Laws, Chapter 31, Section 2, Section 205, Footnote 1(a)(ii)
3 enacted pursuant to section 4 of this act shall be given
4 precedence and shall prevail over any amendments to 2016
5 Wyoming Session Laws, Chapter 31, Section 2, Section 205,
6 Footnote 1(a)(ii) in 2017 House Bill 0001 to the extent
7 that 2017 House Bill 0001 is in conflict with this act. To
8 the extent required by this section, adjust totals and
9 renumber as necessary.

10
11 **Section 6.** The department of education and department
12 of health shall promulgate rules by July 1, 2017 to comply
13 with amendments to W.S. 21-13-321 and 42-4-103 in section 1
14 of this act. If the Medicaid state plan is amended to allow
15 reimbursement for special education services, school
16 districts may seek reimbursement for allowable
17 expenditures. The Medicaid program may seek and receive
18 reimbursement from the appropriation under this section for
19 the state share of these Medicaid expenses. On the
20 effective date of this section there is appropriated up to
21 five million dollars (\$5,000,000.00) from the school
22 foundation program account to the department of education.
23 This amount shall only be expended on a district by

1 district basis as determined necessary by the state
2 superintendent to ensure all maintenance of effort
3 requirements of federal law are being met by each district
4 and to provide matching funds required for reimbursement by
5 the Medicaid program. Any unexpended, unencumbered amounts
6 appropriated under this section shall revert as provided by
7 law on June 30, 2018.

8

9 **Section 7.**

10

11 (a) The reductions implemented by this act are
12 intended to be temporary pending a recalibration of the
13 education resource block grant model. The select committee
14 on school finance recalibration is created consisting of
15 the following members:

16

17 (i) Five (5) members of the Wyoming senate
18 appointed by the president of the senate of which one (1)
19 member shall be the chairman of the senate education
20 committee and one (1) member shall be the chairman of the
21 senate appropriations committee;

22

1 (ii) Five (5) members of the Wyoming house of
2 representatives appointed by the speaker of the house of
3 representatives, of which one (1) member shall be the
4 chairman of the house education committee and one (1)
5 member shall be the chairman of the house appropriations
6 committee;

7

8 (iii) Not more than four (4) members from each
9 house shall be from the same political party;

10

11 (iv) The cochairmen of the select committee
12 shall be appointed by the president of the senate and the
13 speaker of the house, respectively.

14

15 (b) The select committee shall undertake a study to
16 review the state educational program under W.S. 21-9-101
17 and to recalibrate the education resource block grant model
18 as provided under W.S. 21-13-309(t) to determine if
19 modifications are necessary to ensure the model remains
20 effective and cost-based in light of changing conditions
21 and modifications to law. If the committee determines an
22 alternative to the education resource block grant model
23 should be reviewed and developed to more efficiently meet

1 the constitutional duties of the legislature in providing
2 K-12 education funding the committee shall not limit its
3 study to a recalibration of the existing cost-based model.

4

5 (c) The select committee shall be staffed by the
6 legislative service office. The department of education,
7 department of workforce services, school districts and the
8 school finance data advisory committee established under
9 W.S. 21-2-203 shall collect and provide the information
10 requested by the select committee.

11

12 (d) The select committee may seek out expert opinions
13 and may hire consultants as necessary to complete the study
14 and recommendations required under this section. The
15 legislative service office is authorized, subject to the
16 approval of management council, to contract with
17 consultants for the purposes of this subsection to complete
18 recalibration of the education resource block grant model.

19

20 (e) The select committee shall report its
21 recommendations and any associated legislation to the
22 legislature not later than January 31, 2018. The select
23 committee may develop and introduce legislation as

1 necessary to effectuate the purposes of this section,
2 provided that no legislation shall be introduced by the
3 committee unless it is approved by a majority of the
4 members of the select committee from each house.

5

6 (f) Appointments shall be made under this section not
7 later than March 15, 2017. The select committee shall exist
8 until March 31, 2018. Any vacancy occurring on the select
9 committee shall be filled by the president of the senate or
10 speaker of the house of representatives, as appropriate,
11 immediately upon the vacancy occurring.

12

13 (g) For the period beginning on the effective date of
14 this section and ending June 30, 2018, there is
15 appropriated from the school foundation program account to
16 the legislative service office eighty thousand dollars
17 (\$80,000.00) to provide salary, per diem and mileage for
18 members of the select committee and to fund other expenses
19 of the select committee as necessary to carry out this
20 section.

21

22 **Section 8.**

23

1 (a) W.S. 21-13-309(w) created by section 1 of this
2 act is effective only if the secretary of state certifies
3 to the department of education that the legislature has not
4 enacted legislation providing for recalibration of
5 education resource block grant model as provided under W.S.
6 21-13-309(t) and section 5 of this act following the
7 effective date of this section and prior to July 1, 2018.

8
9 (b) W.S. 21-13-309(y) created by section 1 of this
10 act is effective only if the secretary of state certifies
11 to the department of education that the legislature has not
12 enacted legislation providing for recalibration of
13 education resource block grant model as provided under W.S.
14 21-13-309(t) and section 5 of this act following the
15 effective date of this section and prior to July 1, 2019.

16
17 **Section 9.**

18
19 (a) There is appropriated two hundred six million
20 dollars (\$206,000,000.00) from the school foundation
21 program account to the department of education. This
22 appropriation shall be for the period beginning with the
23 effective date of this section and ending June 30, 2018.

1 This appropriation shall only be expended for the purpose
2 of providing health insurance funding to school districts
3 as provided in W.S. 21-13-309(m)(v)(F)(III).
4 Notwithstanding any other provision of law, this
5 appropriation shall not be transferred or expended for any
6 other purpose and any unexpended, unobligated funds
7 remaining from this appropriation shall revert as provided
8 by law on June 30, 2018.

9

10 (b) The department of education shall adopt rules and
11 regulations for reimbursement of health insurance to school
12 districts as provided in W.S. 21-13-309(m)(v)(F)(III) not
13 later than July 1, 2017.

14

15 **Section 10.**

16

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

19

1 (b) W.S. 21-13-320 as amended by section 1 of this
2 act and sections 6 through 9 of this act are effective
3 immediately upon completion of all acts necessary for a
4 bill to become law as provided by Article 4, Section 8 of
5 the Wyoming Constitution.

6

7

(END)