

SENATE FILE NO. SF0051

School finance-amendments.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to school finance; modifying the education
2 resource block grant model in response to the supreme court
3 decision in State of Wyoming, et al., v. Campbell County
4 School District, et al., 2001 WY 19, 19 P.3d 518, (Wyo.
5 2001) (Campbell II), as specified; implementing
6 recalibration of cost based prototypical school models;
7 modifying requirements for out-of-state tuition payments;
8 sunseting specified provisions; transferring and modifying
9 school finance audits; providing for additional studies;
10 providing for appropriations and funds transfer;
11 authorizing additional personnel; and providing for
12 effective dates.

13

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

15

16 **Section 1.** W.S. 9-1-513, 21-13-332 and 21-13-333 are
17 created to read:

1

2 **9-1-513. School finance audits and management**
3 **studies.**

4

5 (a) In addition to other duties prescribed under this
6 article, the director of the department of audit shall
7 establish a school finance section within the department to
8 carry out duties prescribed by this section.

9

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

12

13 (i) Conduct periodic audits of each school
14 district pertaining to data required to be submitted to the
15 department of education under law and by rule and
16 regulation of the state superintendent of public
17 instruction for purposes of implementing and operating the
18 "school finance system" as defined under W.S. 21-2-203(a).
19 Audits under this paragraph shall include audits of systems
20 supporting data collection and shall be performed on each
21 school district at least once within each three (3) year
22 period;

23

1 (ii) Conduct management studies of school
2 districts including program evaluations and performance
3 audits, on issues identified by the advisory committee to
4 the division of data management and reporting of the
5 department of education, as established under W.S.
6 21-2-203(d);

7

8 (iii) Conduct compliance and effectiveness and
9 efficiency audits of the state department of education with
10 respect to data used in the school finance system,
11 implementation and computations under the school finance
12 system and the allocation of funds to school districts
13 through the school finance system;

14

15 (iv) Report findings and recommendations to the
16 department of education resulting from audits and studies
17 conducted on school districts pursuant to this subsection,
18 including recommendations for remedies to identified
19 problems and issues and including the identification and
20 quantification of amounts involved in audit report and
21 study findings;

22

23 (v) In addition to paragraph (b)(iv) of this
24 section, provide a written report of each audit or study to

1 the school district for which the audit or report was
2 conducted;

3

4 (vi) Maintain a written report of each audit and
5 study conducted under this section;

6

7 (vii) Establish a process to ensure school
8 districts and the department of education address and
9 resolve any problems identified within audit and report
10 findings and recommendations and establish the
11 determination of the materiality levels for findings;

12

13 (viii) Provide an annual report to the
14 legislature on audits and studies conducted by the
15 department under this section and on district and
16 department of education efforts to resolve identified
17 problems within the audits and reports. Reports under this
18 paragraph shall include written responses by the districts
19 and the department of education submitted in accordance
20 with subsection (c) of this section.

21

22 (c) School districts and the department of education
23 shall provide access to all data and other information and
24 shall cooperate with the school finance section as

1 necessary to implement this section and to conduct audits
2 and reports required under this section. In addition, each
3 district shall within thirty (30) days following receipt of
4 a copy of the audit or report, file a written response to
5 each audit or report conducted on that district with the
6 department. The state superintendent shall on behalf of the
7 department of education and within thirty (30) days
8 following receipt of a report or audit on the department,
9 file a written response to the report with the department
10 of audit.

11

12 (d) The director or his designee shall participate in
13 the advisory committee to the division of data management
14 and reporting of the department of education, as required
15 under W.S. 21-2-203(d).

16

17 **21-13-332. At-risk students; adjustment to foundation**
18 **program formula.**

19

20 (a) The adjustment for at-risk students as provided
21 under W.S. 21-13-309(n)(xi) shall be based upon the number
22 of students within a district who are eligible for
23 participation in the free or reduced price lunch under the
24 national school lunch program established under 42 U.S.C.

1 1751 et seq. and in programs serving students with limited
2 English proficiency as defined by rule and regulation of
3 the state department. This section only applies to the
4 determination of concentration levels of at-risk students
5 for purposes of computing the adjustment prescribed under
6 this section and shall not apply to any method or procedure
7 implemented by districts to identify at-risk students for
8 purposes of providing programs addressing student needs.

9
10 (b) The adjustment under this section shall be
11 computed for each district that has a significant
12 concentration level of at-risk students at any school
13 within the district determined as follows:

14
15 (i) Subject to paragraph (b)(ii) of this
16 section, a significant concentration level of at-risk
17 students shall be any level above the statewide average
18 concentration of at-risk students determined by dividing
19 the number of free or reduced price eligible students and
20 the number of students with limited English proficiency
21 enrolled in all schools within the state for the 2001-2002
22 school year by the total state enrollment for school year
23 2001-2002;

24

1 (ii) A student shall be counted in the
2 computation of the at-risk adjustment if during the
3 applicable school year, that student is eligible to
4 participate in the free or reduced price lunch program or
5 in programs serving students with limited English
6 proficiency. A student shall be counted only once for
7 purposes of computing concentration levels under this
8 section, even though that student may simultaneously be
9 eligible to participate in the free or reduced price lunch
10 program and in programs serving students with limited
11 English proficiency;

12

13 (iii) For each school within a district and
14 subject to paragraph (b)(ii) of this section, the student
15 count component of the at-risk adjustment shall be computed
16 by dividing the number of free or reduced price lunch
17 eligible students and the number of students with limited
18 English proficiency enrolled in the school during the
19 previous school year by the total number of students
20 enrolled in that school for that year;

21

22 (iv) If the student count component of the at-
23 risk adjustment computed under paragraph (b)(iii) of this
24 section for any school within a district is above the

1 statewide average as determined under paragraph (b)(i) of
2 this section, the proportionate percentage student count
3 above the statewide average shall be multiplied by the
4 corresponding factor weight assigned to that concentration
5 level under the education resource block grant model. The
6 factor weight for the highest concentration level of at-
7 risk students in any school for any school year shall not
8 exceed twenty-five percent (25%) of the statewide
9 consolidated dollar per ADM amount for that school year as
10 computed in accordance with the education resource block
11 grant model;

12

13 (v) For purposes of this section, student
14 enrollment for any school year shall be the student
15 enrollment count for the school, district or state, as
16 appropriate, taken during October of the applicable school
17 year.

18

19 **21-13-333. Utility cost reimbursement contingency**
20 **account; assistance to districts.**

21

22 (a) The utility cost reimbursement contingency
23 account within the foundation program account is
24 established. The contingency account shall be administered

1 by the state superintendent in accordance with this
2 section.

3

4 (b) Expenditures from the contingency account
5 established under subsection (a) of this section shall be
6 limited to assistance to school districts experiencing
7 unusually large and unexpected increases in utility costs.
8 For purposes of this section, "utility costs" shall include
9 the costs for electricity and natural gas, propane or any
10 other power source used to provide heating to a school
11 building. Assistance under this section shall be based upon
12 utility costs for the immediately preceding school year.
13 The expenditure of any amount distributed to and received
14 by a district under this section shall be limited to
15 payment of utility costs. To receive assistance under this
16 section, districts shall apply to the state superintendent
17 documenting the utility cost increase and the inability of
18 the district to pay the documented increased cost from the
19 district's general operating balance and cash reserves as
20 defined under W.S. 21-13-313(e). Application shall be in a
21 form and manner and submitted within the scheduled time
22 period prescribed by rule and regulation of the state
23 superintendent.

24

1 (c) Criteria for assistance under this section shall
2 at minimum require districts to demonstrate the need for
3 assistance as evidenced by a substantial and unexpected
4 increase in utility costs. Substantial and unexpected
5 increase in utility costs shall be based upon costs
6 incurred in the previous school year and shall be defined
7 by rule and regulation of the state superintendent.
8 Districts receiving assistance under this section shall
9 report to the state superintendent on expenditures of
10 amounts received during any school year. Reports shall be
11 submitted in accordance with requirements imposed by rule
12 and regulation of the state superintendent.

13

14 (d) The state superintendent shall promulgate rules
15 and regulations necessary to implement this section.

16

17 **Section 2.** W.S. 21-2-203(d)(intro), 21-3-110(a) by
18 creating a new paragraph (xxiv), 21-4-501(a) and (d),
19 21-13-101(a)(xiv), 21-13-309(m)(intro), (ii)(A)(intro),
20 (B)(intro), (C)(intro), (n)(intro), (iii), (vii), by
21 creating a new paragraph (xi), (o), (q)(intro), (r) and
22 (s), 21-13-318(a)(intro), (f)(i) and by creating new
23 subsections (g) and (h), 21-13-320(b)(intro) and (ii),
24 21-13-321(b)(ii)(intro), 21-13-323(a), (b)(intro) and by

1 creating new subsections (c) and (d), 21-13-326,
2 21-13-328(a) and by creating a new subsection (e) and
3 28-8-107(b) (intro) are amended to read:

4

5 **21-2-203. School district data collection; division**
6 **established; duties and responsibilities specified.**

7

8 (d) The state superintendent of public instruction
9 shall establish an advisory committee to the division
10 consisting of not less than seven (7) members. This
11 advisory committee shall have representatives from among
12 Wyoming school districts, other state agencies involved in
13 the administration of the school finance system, shall
14 include the director of the department of audit or his
15 designee, and shall include at least one (1) representative
16 from the independent auditor community within the state.
17 The committee shall meet at least twice annually and at the
18 call of the administrator of the division. The duties of
19 the advisory committee are to:

20

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

22

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

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(xxiv) Provide access to district records and other information by the department of audit as necessary to conduct audits and studies under W.S. 9-1-513 and otherwise cooperate with the department of audit when conducting audits and studies of the district pursuant to W.S. 9-1-513. The board shall also submit a written response to the department of audit on each audit and report conducted on the district in accordance with W.S. 9-1-513.

21-4-501. Payment of tuition for children resident in districts which maintain no high school; admission of children to high schools in other districts; state board approval for out-of-state placements; duties of admitting districts; tuition amount.

(a) Any district which does not maintain a high school shall pay tuition, in addition to transportation or maintenance, for any child resident therein who has successfully completed the course offered therein and desires to attend high school, at any public school within or subject to the approval of the state board of education, without the state, which the district board may designate

1 in the best ~~interests~~interest, welfare and convenience of
2 the child. Application for attendance at a high school
3 outside the state shall be filed by the nonunified district
4 board with the state department of education. If the
5 nonunified district provides evidence that the amount of
6 tuition assessed by the out-of-state district for the out-
7 of-state placement shall not exceed one hundred twenty-five
8 percent (125%) of the actual per pupil cost as determined
9 under subsection (c) of this section, state board approval
10 shall be waived under this subsection.

11

12 (d) Subject to state board approval if an out-of-
13 state placement as required under subsection (a) of this
14 section, nonunified school districts shall be reimbursed
15 from the school foundation program account for tuition paid
16 under subsection (a) of this section as if the district's
17 total foundation program amount for that year as computed
18 under W.S. 21-13-309(p) was increased by the amount of the
19 tuition paid during the preceding year.

20

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

22

23 (a) As used in this article:

24

1 (xiv) "Education resource block grant model"
2 means the block grant model for Wyoming school finance as
3 contained within ~~a~~ the January 2002 cost of education
4 ~~study, dated April 1997,~~ studies and the accompanying
5 spreadsheet provided by the consultant performing the
6 studies, all of which are on file with the ~~legislative~~
7 ~~service office~~ secretary of state;

8

9 **21-13-309. Determination of amount to be included in**
10 **foundation program for each district.**

11

12 (m) In determining the amount to be included in the
13 foundation program for each district, ~~for the 1999-2000~~
14 ~~school year, for the 2000-2001 school year and for the~~
15 ~~2001-2002 school year,~~ the state superintendent shall first
16 compute for each district a district model amount per
17 average daily membership (ADM) as follows:

18

19 (ii) Multiply the district's average daily
20 membership (ADM) for each school level identified under
21 paragraph (m)(i) of this section by the following amount
22 for the appropriate prototypical school model level:

23

1 (A) Elementary school - kindergarten
2 through grade five (5), ~~six thousand one hundred~~
3 ~~eighty-seven dollars (\$6,187.00):~~ six thousand two hundred
4 thirty-eight dollars (\$6,238.00);

5

6 (B) Middle school - grades six (6) through
7 eight (8), ~~six thousand one hundred seventy-four dollars~~
8 ~~(\$6,174.00):~~ six thousand two hundred twenty-three dollars
9 (\$6,223.00);

10

11 (C) High school - grades nine (9) through
12 twelve (12), ~~six thousand four hundred five dollars~~
13 ~~(\$6,405.00):~~ six thousand four hundred fifty-four dollars
14 (\$6,454.00).

15

16 (n) For each district, the district total amount per
17 ADM computed under subsection (m) of this section shall be
18 adjusted as follows to result in a revised amount per ADM
19 for each district. Unless otherwise specified in this
20 subsection, the adjustments under this subsection shall be
21 determined as specified in the ~~cost of education study,~~
22 ~~dated April 1997, and the spreadsheet provided by the~~
23 ~~consultant performing the study related thereto, both of~~

1 ~~which are on file in the legislative service office~~
2 education resource block grant model:

3
4 (iii) The amount shall be adjusted for necessary
5 small schools in each district subject to W.S. ~~21-13-319~~
6 21-13-318. For the purpose of this paragraph, a "necessary
7 small school" shall be as ~~defined in~~ determined under W.S.
8 21-13-318;

9
10 (vii) The amount shall be adjusted for the
11 responsibility, education and experience level of
12 administrators, the experience level of classified
13 personnel and the seniority level of teachers in each
14 district as provided in W.S. 21-13-323;

15
16 (xi) The amount shall be adjusted for at-risk
17 students in each district as provided in W.S. 21-13-332.

18
19 (o) The revised model amount per ADM for each
20 district computed under subsection (n) of this section
21 shall be further adjusted for the following. Unless
22 otherwise specified in this subsection, the adjustments
23 under this subsection shall be determined as specified in
24 the ~~cost of education study, dated April 1997, and the~~

1 ~~spreadsheet provided by the consultant performing the study~~
2 ~~related thereto, both of which are on file in the~~
3 ~~legislative service office~~ education resource block grant
4 model:

5
6 (i) To the extent specifically provided within
7 the school foundation program budget as enacted by the
8 legislature, the amount shall be adjusted to provide for
9 the effects of inflation ~~for the 2001-2002 school year by~~
10 ~~increasing the amount computed under subsection (n) of this~~
11 ~~section by nine and forty-four hundredths percent (9.44%)~~
12 beginning with school year 2003-2004 and adjusted on a
13 cumulative basis each school year thereafter;

14
15 (ii) The amount, after the adjustment under
16 paragraph (o)(i) of this subsection has been made, shall be
17 further adjusted for regional cost of living differences.
18 The adjustment for regional cost of living differences
19 shall be based upon the following:

20
21 (A) The adjustment shall be computed under
22 subdivisions (o)(i)(A)(I) and (II) of this section for each
23 district and the larger computed adjustment shall be

1 applied to the revised model amount per ADM for that
2 district:

3
4 (I) The Wyoming cost-of-living index,
5 based upon a value averaged for Albany and Laramie
6 counties, with the medical component omitted and with the
7 housing component included but modified by excluding the
8 price for rental of shelter subcomponent, as computed by
9 the division of economic analysis, department of
10 administration and information under rules promulgated by
11 it with respect to the methodology under which the index
12 shall be computed; and

13
14 (II) The Wyoming cost-of-living index,
15 based upon state average value, as computed by the division
16 of economic analysis with the medical component and the
17 housing component with the price for rental of shelter
18 subcomponent included.

19
20 (B) The version of the index used shall be
21 the average of the six (6) consecutive semi-annual index
22 reports completed by January 1 prior to the school year for
23 which it is to be used.

24

1 (q) Computations under ~~this section, W.S. 21-13-318~~
2 ~~and 21-13-319 and 1997 Special Session Laws, Chapter 3,~~
3 ~~Section 306~~ the education resource block grant model,
4 excluding computations under W.S. 21-13-323(c) and
5 21-13-332, shall be made on the average daily membership
6 (ADM) computed by averaging the ADM counts completed at the
7 end of the three (3) immediately preceding school years,
8 except:

9
10 (r) The joint appropriations interim committee shall
11 submit a recommendation to the legislature and governor,
12 not later than November 1 of each year, ~~regarding whether~~
13 ~~an external cost adjustment should be made, and if so, the~~
14 ~~amount of the adjustment~~ on the external cost adjustment in
15 accordance with paragraph (o)(i) of this section.

16
17 (s) For the purpose of all calculations required to
18 be made under ~~this section~~ the education resource block
19 grant model and W.S. 21-15-109, ~~including calculations~~
20 ~~required under statutes referenced in this section or~~
21 ~~otherwise applicable in making computations under this~~
22 ~~section~~ excluding calculations required under W.S.
23 21-13-323(c) and 21-13-332, the average daily membership
24 for each district's kindergarten students shall be divided

1 by two (2). ~~This includes calculations required to be made~~
2 ~~in this section in accordance with the cost of education~~
3 ~~study, dated April 1997, and the spreadsheet provided by~~
4 ~~the consultant performing the study related thereto, both~~
5 ~~of which are on file in the legislative service office.~~

6
7 **21-13-318. Small schools; qualifications and**
8 **limitations on necessity; adjustment to foundation program**
9 **formula.**

10
11 (a) For the purposes of this section: ~~and W.S.~~
12 ~~21-13-319:~~

13
14 (f) No school established on or after July 1, 1998,
15 shall qualify as a necessary small school unless, upon
16 application of the school district, the state
17 superintendent finds that the school meets the criteria to
18 be qualified as a necessary small school. The state
19 superintendent shall promulgate rules regarding the form of
20 applications and application procedures. To be qualified as
21 a necessary small school, a school established on or after
22 July 1, 1998, shall meet the following criteria:

23

1 (i) The school meets the criteria listed under
2 ~~paragraphs (b)(i) through (iv) or (c)(i) through (iv)~~
3 subsection (g) of this section;

4
5 (g) A school is a necessary small school if it is
6 qualified under subsection (f) of this section or if it
7 meets the following qualifications:

8
9 (i) If an elementary school, the ADM for
10 the prior school year is two hundred sixty-three (263) or
11 less;

12
13 (ii) If a middle school, the ADM for the prior
14 school year is two hundred ninety-nine (299) or less;

15
16 (iii) If a high school, the ADM for the prior
17 school year is five hundred ninety-nine (599) or less.

18
19 (h) As provided by W.S. 21-13-309(n)(iii), there
20 shall be an adjustment for necessary small schools
21 qualifying under subsection (f) or (g) of this section. The
22 adjustment shall be computed as prescribed by the education
23 resource block grant model, which provides adjustments for
24 teacher compensation, utility costs and student activities.

1

2 **21-13-320. Student transportation; adjustment to**
3 **school foundation program formula for transportation**
4 **maintenance and operations expenditures and school bus**
5 **purchases; district reporting requirements.**

6

7 (b) The amount computed under W.S. 21-13-309(m)(iii)
8 for each district shall be reduced by the total statewide
9 expenditure for transportation, including capital outlay
10 for school buses, per ADM during the 1996-1997 school year.
11 ~~Subject to subsection (c) of this section,~~ There shall be
12 an addition to the amount computed under W.S. 21-13-309(p)
13 for each school district equal to one hundred percent
14 (100%) of the amount actually expended by the district
15 during the previous school year under subsection (c) of
16 this section and for:

17

18 (ii) The transportation of students to and from
19 student activities authorized by department of education
20 rules. For the purpose of this paragraph, student
21 activities means ~~as defined in W.S. 21-13-319(b)(iv)(B)(I)~~
22 athletic and nonathletic activities sanctioned by the
23 Wyoming high school activities association and school
24 sponsored athletic and nonathletic activities in grades

1 preceding high school which directly correspond to those
2 high school activities sanctioned by the Wyoming high
3 school activities association. No reimbursement shall be
4 made for transportation expenses for student activities for
5 expenses for transportation in excess of one hundred fifty
6 (150) miles from the Wyoming border into another state.

7
8 **21-13-321. Special education; adjustment to**
9 **foundation program formula.**

10
11 (b) The adjustment for special education pursuant to
12 W.S. 21-13-309(n)(ii) shall be computed as follows:

13
14 (ii) The adjustment shall be an addition to the
15 amount computed under W.S. 21-13-309(p) equal to one
16 hundred percent (100%) of the amount actually expended by
17 the district during the previous school year for special
18 education programs and services. ~~7, subject to the following~~
19 ~~computations by the state department:~~

20
21 **21-13-323. Teacher seniority; administrator**
22 **responsibility, education and experience; classified**
23 **personnel experience; adjustment to foundation program**
24 **formula.**

1

2 (a) As used in this section:7

3

4 (i) "Administrators" means central office staff
5 and school principals employed by a school district,
6 excluding district curriculum directors;

7

8 (ii) "Central office staff" means employees of a
9 school district employed in each of the following
10 employment categories:

11

12 (A) District superintendent;

13

14 (B) District assistant superintendent;

15

16 (C) Business manager;

17

18 (D) Personnel director.

19

20 (iii) "Classified personnel" means any person
21 employed by a school district for which certification is
22 not required as a condition of employment, and is employed
23 in one (1) of the following employment classifications:

24

1 (A) Instructional aides;

2

3 (B) Clerical and data entry personnel.

4

5 (iv) "School principal" means the principal for
6 each school level employed by a school district, including
7 each principal employed by the district for the same school
8 level but at different buildings within the district, and
9 including assistant principals, intern principals and
10 department chairs employed by a district;

11

12 (v) "Teacher" means any person employed by a
13 school district as part of its teaching or professional
14 staff for whom certification is required as a condition of
15 employment as a certified professional employee, including
16 district curriculum directors but excluding certified and
17 noncertified administrative staff.

18

19 (b) The adjustment for the seniority level of
20 teachers pursuant to W.S. 21-13-309(n)(vii) shall be
21 computed for each district by multiplying the total number
22 of years of service of all teachers employed by the
23 district during the prior school year by the statewide
24 value for one (1) year of seniority, determined as

1 specified in the ~~spreadsheets accompanying the February~~
2 ~~1998 teacher seniority adjustment report provided by the~~
3 ~~consultant performing the cost of education study, which is~~
4 ~~on file with the legislative service office. The same~~
5 ~~computation shall be made for each of the preceding two (2)~~
6 ~~years and the average of the three (3) years shall be used~~
7 ~~in making the computation~~ education resource block grant
8 model. The adjustment computation under this subsection
9 shall be subject to the following:

10
11 (c) The adjustment for the responsibility level of
12 administrators as provided by W.S. 21-13-309(n)(vii) shall
13 be computed for each district as follows:

14
15 (i) For central office staff, the salary level
16 for each central office staff category as defined under
17 paragraph (a)(ii) of this section shall be adjusted during
18 any school year for each one hundred (100) students
19 enrolled within the district that exceeds or is below the
20 district weighted average enrollment. For purposes of this
21 paragraph, district weighted average enrollment shall be as
22 computed in the block grant model for school year 2001-
23 2002. Any increase or decrease from the district weighted
24 average enrollment, or proportion thereof, as appropriate,

1 shall be adjusted based upon the responsibility value level
2 for the applicable school year as prescribed by the
3 education resource block grant model;

4
5 (ii) For school principals, the salary level for
6 each principal category of employment as identified within
7 the education resource block grant model shall be adjusted
8 based upon the number of students enrolled in that school
9 for which the school principal is employed. If a school
10 principal is employed for more than one (1) school level
11 within a district, the responsibility level for that school
12 principal shall be proportionately assigned to each school
13 level for which the principal is employed. Each school
14 year, the salary level for each principal category shall be
15 adjusted based upon the number of students enrolled in the
16 applicable principal's school which is above or below four
17 hundred thirty-nine (439), at intervals prescribed by the
18 education resource block grant model. The increase or
19 decrease shall be adjusted in accordance with a
20 responsibility level established by the block grant model;

21
22 (iii) As used in this subsection, "student
23 enrollment" means the student enrollment count for the

1 district or school, as appropriate, taken during October of
2 the applicable school year.

3
4 (d) Commencing with school year 2003-2004, the
5 experience level of classified personnel shall pursuant to
6 W.S. 21-13-309(n)(vii), be adjusted for each district based
7 upon any net increase or decrease in the average experience
8 profile for each classification of classified personnel as
9 defined under paragraph (a)(iii) of this section. For
10 school year 2003-2004 and each school year thereafter, the
11 average experience profile for each classified employee
12 classification shall be compared to the average district
13 experience profile for that employment classification
14 during the 2001-2002 school year, and any net increase or
15 decrease for that classification shall result in an
16 adjustment in accordance with the adjustment factor
17 prescribed within the education resource block grant model.

18
19 **21-13-326. Routine maintenance; adjustment to**
20 **foundation program formula.**

21
22 ~~(a) For the 1999-2000 school year, there shall be no~~
23 ~~adjustment to the amount in W.S. 21-13-309(m)(iii) for~~
24 ~~routine maintenance.~~ The adjustment for routine maintenance

1 under W.S. 21-13-309(n)(vi), following reduction of the
2 operations and maintenance component contained within each
3 school level within the prototypical school model, as
4 prescribed by the education resource block grant model,
5 shall be computed for each district on a dollar per average
6 daily membership basis under the block grant model, subject
7 to the following:

8
9 (i) Actual gross square feet of school buildings
10 and facilities within each district shall be separated into
11 education and noneducation categories with the square
12 footage of any building or facility not used for district
13 purposes excluded;

14
15 (ii) For purposes of computations for the
16 adjustment to the block grant model under this section,
17 actual square footage of education space shall be reported
18 and computed for each district by school level. The gross
19 square footage of education space for each school level
20 shall be subject to the computations prescribed under
21 paragraphs (a)(iv) through (vi) of this section. The
22 standard education space capacity for each school level
23 shall be the gross square footage prescribed by the

1 statewide building adequacy standards promulgated under
2 W.S. 21-15-107;

3
4 (iii) Subject to paragraph (a)(vii) of this
5 section, actual gross square footage of noneducation space
6 shall be reported and computed under this section for each
7 district, with the standard noneducation space for each
8 district equal to the greater of ten percent (10%) of the
9 total education space allotted to the district under
10 statewide building adequacy standards, or ten percent (10%)
11 of the district's total actual education space;

12
13 (iv) Education space capacity at less than one
14 hundred percent (100%) of the standard space level shall
15 receive an increase in the base dollar amount per square
16 foot in increments specified by the block grant model;

17
18 (v) For school years 2002-2003 through 2006-
19 2007, education space capacity greater than one hundred
20 twenty-five percent (125%) of the standard space level and
21 up to two hundred percent (200%) of the standard space
22 level, shall in accordance with the block grant model,
23 receive a decrease in the base dollar amount per square
24 foot for the square footage exceeding the one hundred

1 twenty-five percent (125%) level. Educational space in
2 excess of two hundred percent (200%) of the standard space
3 level shall not be included in computations under this
4 section;

5
6 (vi) For school year 2007-2008 and each school
7 year thereafter, education space capacity greater than one
8 hundred fifteen percent (115%) of the standard space level
9 and up to two hundred percent (200%) of the standard space,
10 shall as prescribed by the block grant model, receive a
11 decrease in the base dollar amount per square foot for the
12 square footage exceeding one hundred fifteen percent (115%)
13 of the standard level. Education space in excess of two
14 hundred percent (200%) of the standard space level shall
15 not be included in computations under this section;

16
17 (vii) Noneducation space capacity greater than
18 the standard level for noneducation space as prescribed
19 under paragraph (a)(iii) of this section, but not to exceed
20 the greater of twenty percent (20%) of the total education
21 space allotted to the district under statewide building
22 adequacy standards or twenty percent (20%) of the
23 district's total actual education space, shall receive a
24 decrease in the base dollar amount per square foot as

1 provided under the block grant model. Noneducation space
2 capacity greater than twenty percent (20%) of the total
3 educational space allotted to the district under state
4 standards or actual district educational space, whichever
5 is greater, shall not be included in computations under
6 this section;

7
8 (viii) The base dollar amount per square foot
9 for routine maintenance shall be two dollars and forty-four
10 cents (\$2.44), subject to paragraphs (a)(iv) through (vii)
11 of this section.

12
13 **21-13-328. Small school district adjustment.**

14
15 (a) Pursuant to W.S. 21-13-309(n)(x), there shall be
16 an adjustment for small school districts as provided in
17 subsection (e) of this section. ~~For the purpose of this~~
18 ~~adjustment for any school year, a small school district is~~
19 ~~a school district with not more than one thousand three~~
20 ~~hundred fifty (1350) ADM. W.S. 21-13-309(s) applies to~~
21 ~~this section. The amount of the adjustment under W.S.~~
22 ~~21-13-309(n)(x) shall be the sum of the amounts computed~~
23 ~~under subsections (b) through (d) of this section divided~~
24 ~~by the ADM of the district.~~ The adjustment shall apply to

1 any district for any school year in which the adjustment
2 computed in accordance with subsection (e) of this section
3 for the district for that school year was less than the
4 central district administration component amount contained
5 within the appropriate prototypical school model level
6 under the education resource block grant model.

7
8 (e) The adjustment for small school districts shall
9 be subject to the following:

10
11 (i) The adjustment shall be based upon
12 additional costs incurred by small districts for central
13 office staff, including superintendents, business managers,
14 curriculum and instruction coordinators, technology
15 coordinators and clerical staff;

16
17 (ii) District central office staffing levels
18 shall be funded at amounts prescribed by the education
19 resource block grant model based upon the following:

20
21 (A) Level I configured at two hundred fifty
22 (250) ADM with six (6) central office staff positions;

23

1 (B) Level II configured at five hundred
2 fifty (550) ADM with seven (7) central office staff
3 positions;

4
5 (C) Level III configured at one thousand
6 (1,000) ADM with nine (9) central office staff positions.

7
8 **28-8-107. Auditing of state agencies; management**
9 **audit committee; factors to be considered in audit reports.**

10
11 (b) ~~Except as otherwise provided under W.S. 28-8-115,~~
12 The legislative service office, at the direction of the
13 management audit committee, subject to management council
14 budget priorities, and subject to general policies
15 established by the legislature when in regular or special
16 session, shall:

17
18 **Section 3.**

19
20 (a) 1998 Special Session Laws, Chapter 2, Section
21 1101, W.S. 21-13-309(m) (ii) (A) (I), (B) (I), (C) (I), (n) (iv)
22 and (v), 21-13-318(a) (ii) through (iv), (b) and (c),
23 21-13-319, 21-13-320(e), 21-13-321(b) (ii) (A) through (D),

1 21-13-322, 21-13-323(b) (iv), 21-13-325, 21-13-327,
2 21-13-328(b) through (d) and 28-8-115 are repealed.

3

4 (b) Effective July 1, 2003, W.S. 21-13-309(m) (ii) and
5 21-13-332 are repealed.

6

7 **Section 4.** [VOCATIONAL EDUCATION STUDY]

8

9 (a) Program Criteria and Guidelines. The state
10 superintendent of public instruction shall, in consultation
11 with the state board of education, develop statewide
12 minimum program criteria and guidelines prescribing
13 qualification for public school vocational education
14 programs for purposes of state funding under the education
15 resource block grant model. The criteria and guidelines
16 shall describe programs constituting vocational education
17 in sufficient detail to determine educational programs and
18 courses qualifying as vocational education content. As part
19 of this study, the state superintendent shall review
20 program delivery and structure to the extent necessary to
21 identify and prescribe criteria and mechanisms for the most
22 cost-effective use of resources in the provision of
23 vocational education programs within schools, districts and
24 the state.

1

2 (b) Data Collection. In addition to subsection (a)
3 of this section, the state superintendent of public
4 instruction shall develop a vocational education cost data
5 collection instrument and shall subsequently collect data
6 from school districts on student participation in
7 vocational education programs and on district expenditures
8 for vocational education programs, specifically on
9 expenditures for vocational education program instruction.
10 The collected data shall be of sufficient detail to enable
11 the development of a mechanism within the education
12 resource block grant model that would provide for the
13 distribution of vocational education resources based upon
14 the number of students participating in vocational
15 education programs which meet or comply with state criteria
16 and guidelines established under subsection (a) of this
17 section.

18

19 (c) Report to Legislature. Information, findings and
20 recommendations developed under subsections (a) and (b) of
21 this section shall be reported by the state superintendent
22 to the joint education interim committee on or before
23 November 1, 2002. Information collected and other
24 analytical material created for purposes of subsections (a)

1 and (b) of this section shall be filed with the legislative
2 service office. The state superintendent may contract with
3 appropriate experts and professionals as necessary to carry
4 out subsections (a) and (b) of this section.

5

6 (d) Vocational Education Funding Adjustment
7 Study. Based upon information collected by the state
8 superintendent under this section, and in conjunction with
9 study and data collection efforts of the state
10 superintendent, the joint education interim committee shall
11 conduct a study to establish an adjustment to the education
12 resource block grant model for vocational education. Study
13 findings and recommendations together with necessary
14 enabling legislation, shall be completed in sufficient time
15 to enable consideration by the Wyoming legislature in the
16 2003 general session.

17

18 **Section 5.** [VOCATIONAL EDUCATION GRANTS]

19

20 (a) Vocational Education Program Grants. For the
21 2002-2003 school year, the state superintendent shall
22 provide grants to school districts from the school
23 foundation program account to fund district vocational
24 education programs for the purpose of continuing programs

1 until such time as statewide vocational education criteria
2 and guidelines are developed in accordance with section 4
3 of this act and a separate vocational education funding
4 mechanism within the education resource block grant model
5 is established. Grants issued under this section shall:

6

7 (i) Supplement and not supplant existing
8 vocational education program expenditures by a district;

9

10 (ii) Emphasize vocational education program
11 opportunities not accessible or available within another
12 school or community college program located within a
13 reasonable distance;

14

15 (iii) Be limited to the following:

16

17 (A) The purchase of equipment for
18 vocational education programs preparing students for high
19 skill occupations in fields where employment is in high
20 demand as established by rule and regulation of the state
21 superintendent and for which there is sufficient student
22 participation, as defined by rule and regulation of the
23 state superintendent;

24

1 (B) The payment of tuition or other
2 expenses incurred by districts to enable attendance by
3 students within the district at vocational education
4 programs offered by other districts or community colleges.

5
6 (b) Vocational Education Grant Program Applications.
7 Any school district may on or before June 30, 2002, apply
8 to the state superintendent for a grant under subsection
9 (a) of this section. Application shall be on a form and in
10 a manner specified by rule and regulation of the state
11 superintendent and shall at minimum specify the planned
12 expenditure of requested funding and provide an inventory
13 of existing vocational education program equipment and
14 proposed future equipment needs. Following review of
15 district applications and not later than August 15, 2002,
16 the state superintendent shall notify districts if a grant
17 will be awarded under subsection (a) of this section, and
18 if so, shall issue the grant to the district.

19
20 (c) Grant Recipient Reports. Each district shall
21 report to the state superintendent on the expenditure of
22 grants awarded under subsection (a) of this section, and
23 shall provide other information as may be required by the
24 state superintendent to carry out this program.

1

2 (d) Program Administration. The state superintendent
3 shall promulgate rules and regulations to implement the
4 grant program established under this section and shall as
5 soon as reasonably possible, notify districts of the
6 availability of vocational education program grants
7 authorized under this section and of the requirements
8 imposed upon districts to obtain a grant award.

9

10 **Section 6.** [ADMINISTRATION]

11

12 (a) In addition to other duties specifically
13 prescribed under this act, the state department of
14 education shall develop necessary procedures and reporting
15 instruments to assemble information required to implement
16 modifications and adjustments to the education resource
17 block grant model as provided by this act, including but
18 not limited to:

19

20 (i) District utility cost data as necessary to
21 implement W.S. 21-13-333, as created under section 1 of
22 this act;

23

1 (ii) District classified personnel data to
2 develop necessary experience profile information and other
3 requirements under W.S. 21-13-323(d), as amended under
4 section 2 of this act;

5

6 (iii) District information on administrative
7 experience and education of supervisory personnel as
8 required to implement and administer W.S. 21-13-323(c), as
9 amended under section 2 of this act.

10

11 (b) For purposes of information required under this
12 section, school districts shall cooperate with the state
13 department. Information collected and other analytical
14 material created for purposes of this section shall be
15 filed with the legislative service office.

16

17 **Section 7.** [READING ASSESSMENT AND INTERVENTION
18 PROGRAM STUDY]

19

20 The joint education interim committee shall, through
21 qualified contract assistance, conduct a study of the
22 reading assessment and intervention program established
23 under W.S. 21-3-301. The study shall establish a cost-based
24 method of funding the program through the education

1 resource block grant model, subject to remediation and
2 reporting requirements established by W.S. 21-3-301. The
3 study shall be conducted and structured to enable
4 development of enabling legislation for consideration by
5 the Wyoming legislature in the 2003 general session.

6

7 **Section 8.** [STUDENT TRANSPORTATION]

8

9 The state department of education shall, to the extent it
10 determines any excess expenditures by a district were
11 necessary to provide transportation operations and
12 maintenance for school year 2000-2001, increase the school
13 year 2002-2003 guarantee of that district under W.S.
14 21-13-309(p) by the amount of any reduction made to the
15 2001-2002 transportation adjustment for that district under
16 W.S. 21-13-320(e)(iii).

17

18 **Section 9.** [SPECIAL EDUCATION]

19

20 (a) Transition. The state department of education
21 shall, to the extent it determines any excess expenditures
22 by a district were necessary to provide essential special
23 education programs and services for school year 2000-2001,
24 increase the school year 2002-2003 guarantee of that

1 district under W.S. 21-13-309(p) by the amount of any
2 reduction made to the 2001-2002 special education
3 adjustment for that district under W.S.
4 21-13-321(b) (ii) (C).

5
6 (b) Study. The joint education interim committee
7 shall conduct a comprehensive review of school district
8 expenditures for special education programs and services,
9 as defined by W.S. 21-13-321(a) (ii). The study shall be
10 undertaken in conjunction with the state department of
11 education and shall be used as a basis for establishing a
12 cost-based method of funding special education programs and
13 services, which would provide incentives to school
14 districts to provide cost effective programs and services.
15 The study shall be completed in sufficient time to enable
16 development of recommendations and necessary enabling
17 legislation for consideration by the Wyoming legislature in
18 the 2003 general session.

19

20 **Section 10.** [SMALL SCHOOL STUDY]

21

22 (a) The state superintendent shall develop necessary
23 information and procedures for the establishment and
24 application of criteria for defining small schools for

1 purposes of the small school adjustment prescribed by law
2 under W.S. 21-13-318, as amended by section 1 of this act.
3 The state superintendent shall give consideration to
4 recommendations provided by the consultant performing the
5 January 2002 cost of education studies pertaining to small
6 schools, specifically the recommendation for basing a
7 definition upon buildings and facilities comprising a
8 school. The state superintendent shall assemble a report on
9 information and findings developed under this section and
10 on or before November 1, 2002, submit the report together
11 with recommendations to the joint education interim
12 committee.

13

14 (b) Based upon information and recommendations
15 reported by the state superintendent under subsection (a)
16 this section, the joint education interim committee shall
17 study the small school adjustment contained within the
18 education resource block grant model and submit
19 recommendations together with necessary enabling
20 legislation to the Wyoming legislature for consideration in
21 the 2003 general session.

22

23 (c) The joint education interim committee shall
24 include in the study of the necessary small school

1 adjustment conducted in accordance with subsection (b) of
2 this section, further analysis and review of the components
3 comprising the small school adjustment. The analysis and
4 review shall include consideration of the ability of the
5 adjustment components to provide students attending Wyoming
6 public schools with the educational program required by
7 law. Economy-of-scale issues and funding implications
8 related to the analysis and review undertaken under this
9 subsection shall involve Wyoming school districts and their
10 data.

11

12 **Section 11.** [TRANSFER OF SCHOOL AUDIT FUNCTION]

13

14 All records and other information pertaining to the school
15 finance audit section within the legislative service
16 office, together with all standards and procedures for
17 auditing school district data, shall be transferred to the
18 department of audit as necessary to implement W.S. 9-1-513
19 as created under section 1 of this act.

20

21 **Section 12.** [HOLD HARMLESS OF FOUNDATION PROGRAM
22 AMOUNT]

23

1 Notwithstanding W.S. 21-13-309(p), using computations of
2 district foundation program amounts by the state department
3 of education based upon reports from districts required by
4 the department, the foundation program amount computed for
5 a district under W.S. 21-13-309(p) for school years 2002-
6 2003 and 2003-2004 shall not be less than one hundred
7 percent (100%) of the foundation program amount available
8 to that district during the 2001-2002 school year. A
9 district is not entitled to additional funding under this
10 section if, but for a decrease in ADM as compared with the
11 2001-2002 school year, that district would not have a
12 foundation program amount that is less than one hundred
13 percent (100%) of the school year 2001-2002 foundation
14 program amount.

15

16 **Section 13.** [CERTIFIED STAFF AND RELATED ISSUES AND
17 AT-RISK STUDIES]

18

19 (a) The joint education interim committee shall
20 study:

21

22 (i) The certified staff component within the
23 education resource block grant model, including competitive
24 salary levels, fringe benefits, health insurance, seniority

1 and the education adjustment, and issues related thereto;
2 and

3

4 (ii) The definition of at-risk students and for
5 the at-risk students, the funding component within the
6 education resource block grant model.

7

8 (b) The committee shall report study results,
9 together with necessary implementing legislation, to the
10 Wyoming legislature for consideration in the 2003 general
11 session.

12

13 **Section 14.** [REGIONAL COST ADJUSTMENT STUDY]

14

15 (a) The division of economic analysis, department of
16 administration and information, shall undertake a study for
17 the development of an instrument capable of measuring
18 differences in regional costs for purposes of the education
19 resource block grant model. The recommended instrument
20 shall replace the Wyoming cost-of-living index as a measure
21 of regional cost differences in computing the adjustment
22 under W.S. 21-13-309(o)(ii), as amended under section 2 of
23 this act. The department through the division may contract
24 with appropriate expertise and professionals as necessary

1 to develop the instrument. Information, methodology
2 documentation and all other analytical material created for
3 purposes of this subsection shall be filed with the
4 legislative service office.

5

6 (b) The division shall report recommendations
7 developed under subsection (a) of this section to the joint
8 education interim committee not later than November 1,
9 2002.

10

11 (c) The joint education interim committee shall,
12 following receipt of information and recommendations
13 reported by the division of economic analysis under this
14 section, review the report and forward any recommendations,
15 together with any necessary enabling legislation, to the
16 Wyoming legislature for consideration in the 2003 general
17 session.

18

19 **Section 15.** [DATA FACILITATION AND RESOLUTION]

20

21 The joint education interim committee shall provide a forum
22 for facilitated discussion of data requirements, data
23 composition, data quality and data quantity issues
24 pertaining to the operation of the education resource block

1 grant model, school prototypes contained within the model
2 and the adjustments to the model prototypes. The forum
3 shall be facilitated by group facilitation professionals
4 who shall assemble appropriate expertise in school finance
5 data issues, including representatives of school districts,
6 both large and small, urban and rural, and representatives
7 of the division of economic analysis of the department of
8 administration and information, state department of
9 education, the department of audit, the department of
10 employment and consultants to the legislature performing
11 the cost of education studies. The facilitator shall
12 provide a report on the forum to the joint education
13 interim committee on or before June 15, 2002.

14

15 **Section 16.** [FILING OF COST OF EDUCATION STUDIES
16 AND SPREADSHEET WITH SECRETARY OF STATE]

17

18 The legislative service office shall file with the
19 secretary of state the January 2002 cost of education
20 studies and the accompanying spreadsheet provided by the
21 consultants to the legislature performing the cost of
22 education study. The secretary of state shall maintain the
23 studies and spreadsheet on file and shall make the studies

1 and spreadsheet available for public inspection during
2 reasonable business hours.

3

4 **Section 17.** [APPROPRIATIONS]

5

6 (a) Five hundred thousand dollars (\$500,000.00) is
7 appropriated from the general fund for the period ending
8 June 30, 2003, to the state superintendent to implement and
9 conduct the vocational education study required under
10 section 4 of this act.

11

12 (b) One million five hundred thousand dollars
13 (\$1,500,000.00) is available to the state superintendent of
14 public instruction within the school foundation program
15 account during the period ending June 30, 2003, for
16 purposes of the vocational education grant program
17 authorized under section 5 of this act.

18

19 (c) Six hundred eight thousand nine hundred twenty-
20 five dollars (\$608,925.00) is appropriated from the general
21 fund to the state superintendent of public instruction as
22 necessary to carry out duties and perform activities
23 necessary to implement this act. In addition, the state
24 superintendent is authorized an additional two (2) full-

1 time positions for purposes of implementing this act. The
2 amount appropriated under this subsection shall be for the
3 period ending June 30, 2004. On or before July 1, 2004, the
4 state superintendent shall report to the joint education
5 interim committee and the joint appropriations committee on
6 the expenditure of funds appropriated under this
7 subsection, the positions filled and the status of these
8 positions.

9

10 (d) Three hundred ninety-nine thousand five hundred
11 fifty dollars (\$399,550.00) is appropriated from the
12 general fund to the department of audit as necessary to
13 implement and administer W.S. 9-1-513, as created under
14 section 1 of this act, for the period ending June 30, 2004,
15 and four hundred forty-three thousand thirty-six dollars
16 (\$443,036.00) of the general fund appropriation to the
17 legislative service office in 2002 SF0001 if enacted is
18 transferred to the department of audit. In addition, the
19 department is authorized five (5) additional full-time
20 positions as necessary to administer W.S. 9-1-513. On or
21 before July 1, 2004, the department shall report to the
22 joint education interim committee and the joint
23 appropriations committee on the expenditure of funds

1 appropriated under this subsection, the positions filled
2 and the status of these positions.

3

4 (e) Thirty thousand dollars (\$30,000.00) is
5 appropriated from the general fund for the period ending
6 June 30, 2003, to the division of economic analysis,
7 department of administration and information, to perform
8 necessary data collection and analysis for the development
9 of recommendations for an instrument measuring regional
10 cost differences, as required under section 14 of this act.

11

12 (f) The amounts specified in this subsection are
13 appropriated from the general fund to the legislative
14 service office to fund the identified studies required
15 under this act. Funds appropriated under this subsection
16 shall include funding necessary committee meetings, staff
17 support and consultants to the legislature and shall be
18 expended only upon approval of the management council.
19 Specific general fund appropriations are as follows:

20

21 (i) Twenty thousand dollars (\$20,000.00) for the
22 study of adjustments to the education resource block grant
23 model for vocational education programs required under
24 section 4(d) of this act;

1

2 (ii) Twenty thousand dollars (\$20,000.00) for
3 the study to establish a cost-based reading assessment and
4 intervention adjustment as required under section 7 of this
5 act;

6

7 (iii) Two hundred seventy thousand dollars
8 (\$270,000.00) to supplement funding made available by the
9 state department of education in undertaking the
10 comprehensive review of special education costs and to
11 develop a cost-based adjustment to the education resource
12 block grant model as required under section 9(b) of this
13 act;

14

15 (iv) Twenty thousand dollars (\$20,000.00) for a
16 study of the small school adjustment to the education
17 resource block grant model as provided under section 10 of
18 this act;

19

20 (v) One hundred thousand dollars (\$100,000.00)
21 for a study of the certified staff and at-risk components
22 and issues related thereto as provided under section 13 of
23 this act.

24

1 **Section 18.** [ADMINISTRATIVE IMPLEMENTATION]

2

3 In codifying the law, the legislative service office shall
4 aggregate increases and decreases to the dollar amount per
5 average daily membership (ADM) in W.S. 21-13-309(m)(ii)
6 contained in any bill enacted into law during the 2002
7 legislative session, so that W.S. 21-13-309(m)(ii) reflects
8 a single dollar amount per ADM for each school level.

9

10 **Section 19.** [EFFECTIVE DATES]

11

12 (a) Except as provided by subsection (b) of this
13 section, this act is effective July 1, 2002.

14

15 (b) Notwithstanding subsection (a) of this section,
16 W.S. 9-1-513 as created under section 1 of this act and
17 sections 4 through 18 of this act are effective immediately
18 upon completion of all acts necessary for a bill to become
19 law as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22

(END)