

HOUSE BILL NO. HB0078

School finance-amendments.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to public schools; continuing special
2 education reimbursement-based funding subject to specified
3 modifications; imposing additional subject and grade level
4 requirements upon statewide student assessments;
5 establishing a statewide design team for education
6 accountability; continuing funding model component studies
7 for regional cost, at-risk students and small schools;
8 modifying reading assessment and intervention program
9 funding; delaying implementation of classified staff
10 adjustment; providing specified technical modifications;
11 imposing related duties upon the state superintendent of
12 public instruction and establishing advisory groups to
13 assist with education information and reporting; providing
14 appropriations and authorizing positions; and providing for
15 effective dates.

16

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

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[SECTION 1. SPECIAL EDUCATION]

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21-2-202. Duties of the state superintendent.

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Section 101. W.S. 21-2-202(a) by creating a new paragraphs (xxiii) through (xv) and 21-13-321(c) and by creating a new subsection (f) are amended to read:

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxiii) Establish statewide guidelines for adequate special education staffing levels, to be used in assessing special education programs and services provided by school districts;

(xxiv) Monitor school district special education identification and service delivery practices, assess the appropriateness of district variations in services provided or the delivery of services and assist districts in developing alternatives to service delivery as necessary;

1 (xxv) Measure and track district special
2 education programs based upon student performance and
3 develop procedures to monitor student progress over time.

4
5 **21-13-321. Special education; adjustment to**
6 **foundation program formula.**

7
8 (c) The adjustment provided under this section shall
9 apply to school years 1999-2000, 2000-2001, 2001-2002, and
10 2002-2003, 2003-2004 and 2004-2005 only.

11
12 (f) In addition to subsection (d) of this section,
13 the state department of education shall assess school
14 district special education staffing levels based upon
15 staffing guidelines established pursuant to W.S.
16 21-2-202(a)(xxiii), and report on the adequacy of staffing
17 levels to the joint education interim committee. School
18 districts shall report staffing and other necessary
19 information to the department in accordance with department
20 rules and regulations and shall provide written explanation
21 to the department justifying district special education
22 staffing levels. Based upon information collected under
23 this subsection and following review, the department shall
24 include within its report to the joint education interim

1 committee as required under subsection (d) of this section,
2 recommendations for improving appropriate special education
3 program and service delivery within the state.

4
5 **Section 102.**

6
7 (a) At least once every five (5) years, the state
8 department of education shall establish a process to review
9 the adequacy of the staffing guidelines established under
10 W.S. 21-2-202(a)(xxiii), as created under section 101 of
11 this act. The schedule for the review process shall as
12 nearly as possible coincide with the periodic
13 reconfiguration of the education resource block grant
14 model.

15
16 (b) The state department shall conduct a study to
17 implement a regionalized approach for the provision of
18 special education programs and services as recommended by
19 consultants performing the November 2002 special education
20 studies, specifically identifying a feasible structure to
21 ensure the provision of adequate services to special needs
22 student populations as required by the statewide uniform
23 educational program under W.S. 21-9-101. Special emphasis
24 shall be given to the unique circumstances faced by school

1 districts in locating, acquiring and retaining special
2 education service providers. On or before November 1,
3 2003, the department shall report findings and
4 recommendations developed under this subsection to the
5 joint education interim committee.

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7 [SECTION 2. STUDENT ASSESSMENT/EDUCATION ACCOUNTABILITY]

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9 **Section 201.** W.S. 21-2-304(a)(v) and by creating a
10 new paragraph (vi) is amended to read:

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12 **21-2-304. Duties of the state board of education.**

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14 (a) The state board of education shall:

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16 (v) Through the state superintendent and in
17 consultation and coordination with local school districts,
18 implement a statewide assessment system for measuring
19 student progress based upon uniform educational program and
20 student content and performance standards imposed by law
21 and by board rule and regulation. The assessment system
22 shall be designed primarily to improve teaching and
23 learning in schools within the state and shall foster
24 school program improvement. The assessment system shall be

1 administered at appropriate levels at specified grades and
2 at appropriate intervals aligned to the standards. The
3 assessment system shall be aligned to the statewide
4 educational program standards, shall specifically assess
5 student performance in ~~reading, writing and mathematics at~~
6 ~~grades four (4), eight (8) and eleven (11)~~ subjects and at
7 grade levels specified by paragraph (vi) of this
8 subsection, and may measure the other common core of
9 knowledge and skills established under W.S. 21-9-101(b)
10 which can be quantified. The assessment system shall
11 measure year-to-year changes in student achievement in the
12 subjects specified under paragraph (vi) of this subsection
13 for students assessed in grades four (4) through eight (8).
14 The assessment shall derive not less than fifty percent
15 (50%) of student and school assessment scores from open-
16 ended testing such as constructed-response, extended-
17 response and performance-based tasks to ensure alignment to
18 the student content and performance standards as required
19 by the federal No Child Left Behind Act of 2001. The
20 assessment results will be used in conjunction with a
21 school district's annual assessment to design educational
22 strategies for improvement and enhancement of student
23 performance. This design for improvement shall be part of
24 each district's school improvement plan. In consultation

1 and coordination with school districts, the board shall
2 review and evaluate the assessment system regularly and
3 based upon uniform statewide reports from each district,
4 annually report to the legislature on student performance
5 at specified grade levels and on school improvement plans;~~;~~

6

7 (vi) Require the statewide assessment system
8 implemented under paragraph (v) of this subsection to:

9

10 (A) Assess student performance in reading,
11 writing and mathematics at grades four (4), eight (8) and
12 eleven (11);

13

14 (B) Effective school year 2004-2005 and
15 each school year thereafter, assess student performance in
16 reading, writing and mathematics at grades three (3)
17 through eight (8) and at grade eleven (11);

18

19 (C) Effective school year 2005-2006 and
20 each school year thereafter, assess student performance in
21 reading, writing and mathematics at grades three (3)
22 through eight (8) and at grade eleven (11), and assess
23 student performance in science not less than once within
24 each grade band for grades three (3) through five (5),

1 grades six (6) through nine (9) and grades ten (10) through
2 twelve (12).

3

4 **Section 202.**

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6 (a) A statewide task force is created to assist the
7 state department of education in carrying out the
8 requirements of this section. The department in
9 consultation with the task force, shall investigate,
10 assemble and recommend necessary accountability processes
11 and systems to assist state efforts in addressing education
12 accountability requirements of the federal No Child Left
13 Behind Act of 2001 (NCLB), while maintaining uniformity and
14 quality of the statewide education program standards and
15 state student content and performance standards as required
16 under W.S. 21-2-304. Recommendations under this subsection
17 shall specify a plan to implement sufficient accountability
18 processes and systems to enable the implementation of
19 rewards and sanctions as specified by the federal NCLB Act
20 based on the educational performance and progress of each
21 school district and each school within a district.

22

23 (b) The state superintendent of public instruction
24 shall not later than April 1, 2003, appoint members to the

1 task force providing for representation by the following
2 participants in the education process:

3

4 (i) School district administration personnel;

5

6 (ii) Classroom teachers;

7

8 (iii) Special education program and service
9 instructors and providers for children with disabilities;

10

11 (iv) School board members;

12

13 (v) Business and industry;

14

15 (vi) Taxpayers;

16

17 (vii) Parents;

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19 (viii) Legislators.

20

21 (c) Recommendations developed under subsection (a) of
22 this section shall:

23

1 (i) Integrate federal and state accountability
2 requirements which shall be based upon the statewide
3 student assessment system established under W.S.
4 21-2-304(a)(v), statewide education program standards and
5 student content and performance standards;

6
7 (ii) Develop a system of rewards and sanctions
8 applicable to all schools and school districts which is
9 consistent with school accountability and school
10 improvement provisions specified by the federal NCLB Act
11 and which requires corrective action for those schools not
12 meeting established progress levels;

13
14 (iii) Specify a level for and measure annual
15 progress of schools and school districts, including all
16 schools receiving state assistance;

17
18 (iv) Be developed in sufficient time for
19 implementation in the 2004-2005 school year.

20
21 (d) On or before August 1, 2003, the state department
22 shall report its findings and recommendations developed
23 under this section to the joint education interim
24 committee. Following its review and approval, the

1 committee shall present recommendations including any
2 necessary enabling legislation, to the legislature at the
3 2004 budget session.

4

5 (e) For school year 2003-2004 and prior to
6 implementation of the recommendations developed under this
7 section for implementation during school year 2004-2005,
8 and as necessary to comply with the federal NCLB Act, the
9 state department shall, in consultation with the task force
10 established by this section, establish a transitional plan
11 to provide a temporary system of rewards and sanctions for
12 all schools and school districts. Prior to implementation,
13 the transitional plan shall be presented to the joint
14 education interim committee on or before November 1, 2003.
15 The transitional plan shall terminate upon expiration of
16 the 2003-2004 school year.

17

18 **Section 203.** Rewards and sanctions imposed under the
19 federal No Child Left Behind Act of 2001 shall apply only
20 to those schools receiving federal Title I funds until the
21 processes and systems developed under section 202 of this
22 act are implemented and operational.

23

24 [SECTION 3. REGIONAL COST ADJUSTMENT]

1

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Section 301.

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4 (a) Based upon study findings contained within the
5 November 2002 report on the regional cost adjustment to the
6 education resource block grant model, a copy of which is on
7 file with the legislative service office, and conducted in
8 accordance with 2002 Wyoming Session Laws, Chapter 76,
9 Section 13, the division of economic analysis, department
10 of administration and information, shall report to the
11 joint education interim committee on final recommendations
12 for an instrument to measure regional cost differences in
13 Wyoming. Recommendations shall define a rigorous
14 statistical adjustment that considers and accounts for
15 salary demands in all regions of the state and shall
16 minimize incentives for discretionary actions by school
17 districts to impact adjustment estimations. The report
18 shall be submitted to the joint education interim committee
19 on or before November 1, 2003.

20

21 (b) Following receipt of the report required under
22 subsection (a) of this section, the joint education interim
23 committee shall submit recommendations and enabling
24 legislation to the legislature which implement a regional

1 cost adjustment to the education resource block grant model
2 for school year 2004-2005 and each school year thereafter.
3 Recommendations shall be submitted under this subsection in
4 sufficient time for consideration by the legislature during
5 the 2004 budget session.

6

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[SECTION 4. AT-RISK ADJUSTMENT]

8

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Section 401.

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11 (a) For purposes of refining the identification and
12 funding of services to students at risk as reflected in the
13 at-risk adjustment to the education resource block grant
14 model under W.S. 21-13-332, the state department of
15 education shall collect and analyze information necessary
16 to accurately reflect mobility or other similar or
17 equivalent measure as a refinement to the use of the
18 unduplicated count of student participation in the free or
19 reduced-price lunch program and limited English speaking
20 program as current statutory proxies for at-risk student
21 identification under the adjustment. Following the
22 collection and analysis of data, recommendations shall be
23 developed on the use of mobility or other similar or
24 equivalent measure in supplementing or weighting the

1 existing statutory at-risk adjustment proxies. On or
2 before November 1, 2003, the department shall report
3 findings and recommendations developed under this
4 subsection to the joint education interim committee.

5
6 (b) In addition to subsection (a) of this section,
7 the state department shall design a grant program to be
8 made available to districts for funding costs associated
9 with summer school intervention and remediation programs
10 for children at-risk. The grant program shall be separate
11 from funds received by districts under the education
12 resource block grant model, shall be available to districts
13 upon application to and review by the department and shall
14 be implemented in sufficient time to provide funds for
15 programs offered during the 2004 summer session.
16 Application procedures, program criteria, eligibility
17 requirements and grant limitations shall be specified in
18 the submitted program design. The department shall report
19 to the joint education interim committee on the established
20 program design and recommended program funding levels by
21 November 1, 2003.

22

23 [SECTION 5. SMALL SCHOOL ADJUSTMENT]

24

1 **Section 501.**

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3 (a) In accordance with 2002 Wyoming Session Laws,
4 Chapter 76, Section 10, the joint education interim
5 committee shall continue the comprehensive study of the
6 small school adjustment to the education resource block
7 grant model. Based upon school level data, site
8 visitations and discussions with educational
9 representatives of small schools located in small districts
10 and small schools located in districts not qualifying as a
11 small district, the study shall establish model prototypes
12 for small schools. In addition, the study shall:

13

14 (i) Include in model prototype development use
15 of expert groups knowledgeable in education program
16 requirements and economy of scale and remoteness issues
17 faced by small schools, as assembled by consultants to
18 determine necessary model components and resources for
19 provision of the required uniform educational program
20 within small schools;

21

22 (ii) Review the educational resource block grant
23 model to ensure adjustments, components and other
24 considerations within the model pertaining to or addressing

1 small school economy of scale and remoteness issues are
2 considered in prototype development and are not duplicated;

3

4 (iii) Address collocation issues pertaining to
5 the identification of small schools and the determination
6 of resources necessary to provide education programs.

7

8 (b) Based upon information and findings generated by
9 the study required by subsection (a) of this section, the
10 joint education interim committee shall develop and submit
11 recommendations on the small school adjustment to the 2004
12 budget session of the legislature. Recommendations shall
13 include necessary enabling legislation and necessary
14 modifications to the education resource block grant model.

15

16 [SECTION 6. READING ASSESSMENT AND INTERVENTION PROGRAM]

17

18 **Section 601.**

19

20 (a) Prior to implementation of a cost-based
21 adjustment to the education resource block grant model
22 required under 2002 Wyoming Session Laws, Chapter 76,
23 Section 7, additional funding is provided under subsection
24 (b) of this section for the reading assessment and

1 intervention program established under W.S. 21-3-401. The
2 joint education interim committee shall continue necessary
3 study for development of a cost-based adjustment to the
4 model for consideration by the 2004 legislature.

5

6 (b) School year 2003-2004 distributions by the state
7 department of education from the general fund to school
8 districts for reading assessment and intervention programs
9 under W.S. 21-3-401 shall be the greater of the following:

10

11 (i) The kindergarten through grade two (2)
12 average daily membership (ADM) for school year 2002-2003
13 for each district multiplied by one hundred sixty-seven
14 dollars (\$167.00), with each kindergarten ADM equal to one
15 (1) full ADM; or

16

17 (ii) Forty-five thousand dollars (\$45,000.00).

18

19 [SECTION 7. ADMINISTRATIVE/TECHNICAL PROVISIONS]

20

21 **Section 701.** W.S. 21-13-309 by creating a new
22 subsection (t), 21-13-323(d) and 21-13-332(b)(iv) are
23 amended to read:

24

1 **21-13-309. Determination of amount to be included in**
2 **foundation program for each district.**

3
4 (t) Not less than once every five (5) years, the
5 legislature shall provide for the reevaluation of the
6 education resource block grant model to determine if
7 modifications are necessary to ensure it remains cost-based
8 in light of changing conditions and modifications to law.

9
10 **21-13-323. Teacher seniority; administrator**
11 **responsibility, education and experience; classified**
12 **personnel experience; adjustment to foundation program**
13 **formula.**

14
15 (d) Commencing with school year ~~2003-2004~~2004-2005,
16 the experience level of classified personnel shall pursuant
17 to W.S. 21-13-309(n)(vii), be adjusted for each district
18 based upon any net increase or decrease in the average
19 experience profile for each classification of classified
20 personnel as defined under paragraph (a)(iii) of this
21 section. For school year ~~2003-2004~~2004-2005 and each
22 school year thereafter, the average experience profile for
23 each classified employee classification shall be compared
24 to the average district experience profile for that

1 employment classification during the 2001-2002 school year,
2 and any net increase or decrease for that classification
3 shall result in an adjustment in accordance with the
4 adjustment factor prescribed within the education resource
5 block grant model.

6

7 **21-13-332. At-risk students; adjustment to foundation**
8 **program formula.**

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 (iv) If the student count component of the at-
16 risk adjustment computed under paragraph (b)(iii) of this
17 section for any school within a district is above the
18 statewide average as determined under paragraph (b)(i) of
19 this section, the proportionate percentage student count
20 above the statewide average shall be multiplied by the
21 corresponding factor weight assigned to that concentration
22 level under the education resource block grant model. The
23 factor weight for the highest concentration level of at-
24 risk students in any school for any school year shall not

1 exceed twenty-five percent (25%) of the statewide
2 consolidated dollar per ADM amount for ~~that~~the prior
3 school year as computed in accordance with the education
4 resource block grant model;

5

6 **Section 702.**

7

8 (a) The state superintendent of public instruction
9 shall appoint necessary advisory groups to assist the state
10 department of education with establishing policies and
11 procedures governing education information reporting and
12 collection, including the development of data collection
13 instruments, use and description of data within education
14 reports, and other data needs, requirements and issues.
15 The advisory groups required under subsection (b) of this
16 section shall be established not later than April 1, 2003.
17 On or before November 30, 2003, the state superintendent
18 shall report to the joint education interim committee on
19 education information policies and procedures and on
20 recommendations for future education information reporting
21 and the use of advisory groups in this process.

22

1 (b) In addition to the school data advisory group
2 established under W.S. 21-2-203(d), advisory groups shall
3 be established in the following data areas:

4

5 (i) Student data/demographics;

6

7 (ii) Certified and classified personnel;

8

9 (iii) Technology.

10

11 **Section 703.** In codifying the law, the legislative
12 service office shall aggregate increases and decreases to
13 the dollar amount per average daily membership (ADM) in
14 W.S. 21-13-309(m)(ii) contained in any bill enacted into
15 law during the 2003 legislative session, so that W.S.
16 21-13-309(m)(ii) reflects a single dollar amount per ADM
17 for each school level.

18

19 [SECTION 8. APPROPRIATIONS]

20

21 **Section 801.**

22

23 (a) Eight hundred eighty-eight thousand three hundred
24 eighty-two dollars (\$888,382.00) is appropriated from the

1 general fund to the state superintendent of public
2 instruction to implement the special education duties and
3 responsibilities imposed under sections 101 and 102 of this
4 act. In addition, the state superintendent is authorized
5 an additional four (4) full-time positions and five (5)
6 part-time positions for purposes of these additional
7 special education duties and responsibilities. The state
8 superintendent shall include within the report to the joint
9 appropriations interim committee and the joint education
10 interim committee required by 2002 Wyoming Session Laws,
11 Chapter 76, Section 18(c), the expenditure of funds
12 appropriated under this section, the positions filled and
13 the status of these positions.

14

15 (b) One hundred thousand dollars (\$100,000.00) is
16 appropriated from the general fund to the state
17 superintendent of public instruction to fund expenses
18 associated with the statewide task force established under
19 section 202 of this act.

20

21 (c) Twenty-four thousand dollars (\$24,000.00) is
22 appropriated from the general fund to the division of
23 economic analysis, department of administration and
24 information, to conduct the analysis and study necessary

1 for development of recommendations pertaining to the
2 regional cost adjustment required under section 301 of this
3 act.

4

5 (d) Fifty thousand dollars (\$50,000.00) is
6 appropriated from the general fund to the state
7 superintendent of public instruction to conduct necessary
8 study for the development of at-risk identification under
9 the at-risk adjustment and the summer school intervention
10 and remediation program design, as required under section
11 401 of this act.

12

13 (e) Three hundred twenty-five thousand dollars
14 (\$325,000.00) is appropriated from the general fund to the
15 legislative service office to fund the continuation of the
16 small school study specified under section 501 of this act.
17 Funds appropriated under this subsection shall include
18 funding necessary committee staff support and consultants
19 to the legislature and shall be expended only upon the
20 approval of the management council.

21

22 (f) Thirty thousand dollars (\$30,000.00) is
23 appropriated from the general fund to the legislative
24 service office to fund implementation of studies and

1 reports submitted to the joint education interim committee
2 impacting the education resource block grant model.
3 Expenditures shall fund necessary committee staff support
4 and consultants to the legislature, as approved by the
5 management council.

6

7 (g) One hundred fifty thousand dollars (\$150,000.00)
8 is appropriated from the general fund to the state
9 superintendent of public instruction as necessary to carry
10 out duties and perform activities necessary to implement
11 this act, including maintenance of the education resource
12 block grant model and training districts on the operation
13 of the model. The state superintendent shall include in
14 the report to the joint education interim committee and the
15 joint appropriations interim committee required under 2002
16 Wyoming Session Laws, Chapter 76, Section 18(c), the
17 expenditure of funds appropriated under this section.

18

19 (h) Six hundred thousand dollars (\$600,000.00) is
20 appropriated from the general fund to the state
21 superintendent of public instruction for distribution of
22 additional funds to school districts for reading assessment
23 and intervention programs as authorized under section
24 601(b) of this act.

1

2 (j) Thirty-six thousand dollars (\$36,000.00) is
3 appropriated from the general fund to the state
4 superintendent of public instruction to pay the expenses of
5 necessary staff support, meeting expenses and any
6 consulting expertise required by the advisory groups to
7 carry out assigned responsibilities imposed under section
8 702 of this act.

9

10 [SECTION 9. EFFECTIVE DATES]

11

12 **Section 901.**

13

14 (a) Except as provided by subsection (b) of this
15 section, this act is effective July 1, 2003.

16

17 (b) Notwithstanding subsection (a) of this section,
18 sections 102(b), 202, 203, 301 through 501, 702, 703 and
19 801 of this act are effective immediately upon completion
20 of all acts necessary for a bill to become law as provided
21 by Article 4, Section 8 of the Wyoming Constitution.

22

23

(END)