

HOUSE BILL NO. HB0093

School finance-amendments.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to school finance; providing assistance to
2 districts for reading assessment and intervention programs;
3 implementing the adjustment to the education resource block
4 grant model for experience and longevity of school district
5 classified staff; modifying the at-risk adjustment to
6 include mobile students; modifying the small school
7 adjustment; providing a foundation program hold harmless
8 through school year 2005-2006; clarifying Wyoming cost-of-
9 living index computations; imposing duties upon the
10 department of education; providing for school finance
11 studies and reporting; providing assistance to school
12 districts for provision of full-day kindergarten programs;
13 providing appropriations; and providing for effective
14 dates.

15

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

17

1 [SECTION 1. READING ASSESSMENT & INTERVENTION]

2

3 **Section 101.** W.S. 21-13-333 is created to read:

4

5 **21-13-333. Reading assessment and intervention**
6 **program payments.**

7

8 (a) To provide financial assistance to school
9 districts for reading assessment and intervention programs
10 established within the district pursuant to W.S. 21-3-401,
11 each school district shall effective school year 2004-2005
12 and each school year thereafter, receive an amount payable
13 from the school foundation program account determined in
14 accordance with subsection (b) of this section. This
15 payment shall be made from amounts within the foundation
16 program account appropriated by the legislature for
17 purposes of this section and shall be in addition to the
18 foundation program amount determined for each district
19 under W.S. 21-13-309(p). If there is an insufficient
20 amount within the foundation program account for payments
21 under this section, the department of education shall make
22 a pro rata reduction in the payments to districts for each
23 qualifying student.

24

1 (b) Reading assessment and intervention program
2 payments to school districts shall be computed by the
3 department of education based upon the greater of the
4 following:

5

6 (i) The kindergarten through grade two (2)
7 average daily membership (ADM) of the district for the
8 immediately preceding school year multiplied by one hundred
9 sixty-seven dollars (\$167.00); or

10

11 (ii) Forty-five thousand four hundred sixty-
12 three dollars (\$45,463.00).

13

14 (c) For purposes of computations under subsection (b)
15 of this section:

16

17 (i) Notwithstanding W.S. 21-13-309(s), each
18 kindergarten average daily membership (ADM) shall equal one
19 (1) full ADM;

20

21 (ii) Kindergarten through grade two (2) average
22 daily membership (ADM) shall be computed based upon the
23 prior year ADM and not the averaged ADM counts specified
24 under W.S. 21-13-309(q).

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2 (d) Each district shall, in addition to reporting
3 information required under W.S. 21-3-401, annually report
4 to the department expenditures of amounts made available
5 under this section for the prior school year.

6

7 [SECTION 2. CLASSIFIED STAFF SALARIES]

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9 **Section 201.** W.S. 21-13-309(m)(ii)(A) through (C) and
10 21-13-323(a)(iii) by creating a new subparagraph (C), (v)
11 and (d) are amended to read:

12

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

15

16 (m) In determining the amount to be included in the
17 foundation program for each district, the state
18 superintendent shall first compute for each district a
19 district model amount per average daily membership (ADM) as
20 follows:

21

22 (ii) Multiply the district's average daily
23 membership (ADM) for each school level identified under

1 paragraph (m)(i) of this section by the following amount
 2 for the appropriate prototypical school model level:

3

4 (A) Elementary school - kindergarten
 5 through grade five (5), ~~six thousand two hundred thirty-~~
 6 ~~eight dollars (\$6,238.00)~~ six thousand two hundred thirty
 7 dollars (\$6,230.00);

8

9 (B) Middle school - grades six (6) through
 10 eight (8), ~~six thousand two hundred twenty-three dollars~~
 11 ~~(\$6,223.00)~~ six thousand two hundred one dollars
 12 (\$6,201.00);

13

14 (C) High school - grades nine (9) through
 15 twelve (12), ~~six thousand four hundred fifty-four dollars~~
 16 ~~(\$6,454.00)~~ six thousand five hundred twenty-four dollars
 17 (\$6,524.00).

18

19 **21-13-323. Teacher seniority; administrator**
 20 **responsibility, education and experience; classified**
 21 **personnel experience; adjustment to foundation program**
 22 **formula.**

23

24 (a) As used in this section:

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(C) Operations and maintenance.

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

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

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

1 ~~classification~~ shall be compared to the statewide average
2 ~~district~~ experience profile for that employment
3 classification during the 2001-2002 school year, and any
4 net increase or decrease for that classification shall
5 result in an adjustment in accordance with the adjustment
6 factor prescribed within the education resource block grant
7 model.

8

9

[SECTION 3. AT-RISK STUDENTS]

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11 **Section 301.** W.S. 21-13-332(a), (b)(ii), (iii) and
12 (v) is amended to read:

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14 **21-13-332. At-risk students; adjustment to foundation**
15 **program formula.**

16

17 (a) The adjustment for at-risk students as provided
18 under W.S. 21-13-309(n)(xi) shall be based upon the number
19 of students within a district who are eligible for
20 participation in the free or reduced price lunch under the
21 national school lunch program established under 42 U.S.C.
22 1751 et seq., ~~and~~ the number of students within a district
23 who are eligible for participation in programs serving
24 students with limited English proficiency as defined by

1 rule and regulation of the ~~state~~ department and the number
2 of mobile students as defined by rule and regulation of the
3 department. This section only applies to the determination
4 of concentration levels of at-risk students for purposes of
5 computing the adjustment prescribed under this section and
6 shall not apply to any method or procedure implemented by
7 districts to identify at-risk students for purposes of
8 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 (ii) A student shall be counted in the
16 computation of the at-risk adjustment if during the
17 applicable school year, that student is eligible to
18 participate in the free or reduced price lunch program, ~~or~~
19 is eligible to participate in programs serving students
20 with limited English proficiency or is a mobile student as
21 defined by department rule and regulation and is enrolled
22 in grades six (6) through twelve (12) within any school in
23 a district for the applicable school year. A student shall
24 be counted only once for purposes of computing

1 concentration levels under this section, even though that
2 student may simultaneously be eligible to participate in
3 the free or reduced price lunch program, ~~and~~ in programs
4 serving students with limited English proficiency and is
5 defined as a mobile student;

6
7 (iii) For each school within a district and
8 subject to paragraph (b)(ii) of this section, the student
9 count component of the at-risk adjustment shall be computed
10 by dividing the number of free or reduced price lunch
11 eligible students, ~~and~~ the number of students with limited
12 English proficiency and the number of mobile students
13 enrolled in the school during the previous school year by
14 the total number of students enrolled in that school for
15 that year;

16
17 (v) For purposes of this section and except as
18 provided by rule and regulation of the department for
19 mobile students, student enrollment for any school year
20 shall be the student enrollment count for the school,
21 district or state, as appropriate, taken during October of
22 the applicable school year.

23
24 **Section 302.**

1

2 (a) On or before November 1, 2004, the department of
3 education shall report to the joint education interim
4 committee on the implementation of the administration of
5 the mobility component within the at-risk adjustment to the
6 education resource block grant model, as provided under
7 W.S. 21-13-332, as amended under section 301 of this act.

8

9 (b) In addition to subsection (a) of this section,
10 the department shall monitor intervention programs
11 addressing proficiency of limited English speaking
12 children, collect necessary information on the performance
13 of children attending these programs and in consultation
14 with the data advisory committee established under W.S.
15 21-2-203(d), collect necessary information on program
16 expenditures. Program expenditures shall be reported on a
17 school-by-school basis. Based upon this information, the
18 department shall prepare a compilation and description of
19 all programs provided within the state which address the
20 proficiency needs of this student population and on program
21 expenditures. Information assembled under this subsection
22 shall be reported to the joint education interim committee
23 on or before November 1, 2004, together with the report
24 submitted under subsection (a) of this section.

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[SECTION 4. SMALL SCHOOLS]

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Section 401. W.S. 21-13-318(a)(i), (g)(i), (ii),

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(iii) by creating a new paragraph (iv) and (h) is amended

6

to read:

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8

21-13-318. Small schools; qualifications and

9

limitations on necessity; adjustment to foundation program

10

formula.

11

12

(a) For the purposes of this section:

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14

(i) "Alternative school" means any school

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established by a school district for the purpose of

16

offering separate educational programs to students with

17

educational needs which the district finds are not

18

appropriately met by programs offered by other schools in

19

the district, but excluding charter schools established

20

under W.S. 21-3-301 through 21-3-314. The state

21

superintendent shall determine in accordance with rules

22

whether a school is an alternative school. To qualify for

23

a necessary small school adjustment under this section, an

1 alternative school shall in addition to requirements
2 imposed under subsections (f) and (g) of this section:

3

4 (A) Be accredited by an accrediting
5 association recognized by the United States department of
6 education;

7

8 (B) Be approved as an alternative school by
9 the department of education subject to criteria prescribed
10 by department rule and regulation;

11

12 (C) Issue a high school diploma complying
13 with W.S. 21-2-304(a)(iv);

14

15 (D) Through teachers and accompanying staff
16 employed within the alternative school facility and except
17 as authorized under paragraph (h)(ii) of this section,
18 provide the required statewide educational program
19 prescribed under W.S. 21-9-101 and 21-9-102 and secure
20 state board accreditation of educational programs under
21 W.S. 21-2-304(a)(ii).

22

1 (g) A school is a necessary small school if it is
2 qualified under subsection (f) of this section or if it
3 meets the following qualifications:

4

5 (i) If an elementary school:T

6

7 (A) The kindergarten through grade five (5)
8 ADM for the prior school year is two hundred sixty-three
9 (263) or less; and

10

11 (B) The school is configured to provide the
12 required statewide educational program in kindergarten
13 through grade five (5) or in kindergarten through grade
14 eight (8) if the kindergarten through grade five (5) ADM
15 comprises fifty percent (50%) or more of the total ADM of
16 the school.

17

18 (ii) If a middle school:T

19

20 (A) Configured separate from an elementary
21 school:

22

1 (I) The grade six (6) through eight (8)
2 ADM for the prior school year is two hundred ninety-nine
3 (299) or less; and

4
5 (II) The school is configured to
6 provide the required statewide educational program in
7 grades six (6) through eight (8) or grades seven (7)
8 through nine (9).

9
10 (B) Configured as part of an elementary
11 school:

12
13 (I) The grade six (6) through eight
14 (8) ADM for the prior school year is two hundred ninety-
15 nine (299) or less; and

16
17 (II) The school is configured for
18 providing the required statewide educational program in
19 grades kindergarten through eight (8) and the grade six (6)
20 through eight (8) ADM comprises fifty percent (50%) or more
21 of the total ADM of the school.

22
23 (iii) If a high school: 7

24

1 (A) The grade nine (9) through twelve (12)
2 ADM for the prior school year is five hundred ninety-nine
3 (599) or less; ~~and~~ and

4
5 (B) The school is configured to provide the
6 required statewide educational program in grades nine (9)
7 through twelve (12).

8
9 (iv) If a middle school and high school
10 configuration:

11
12 (A) The prior school year ADM for grades
13 six (6) through eight (8) is two hundred ninety-nine (299)
14 or less, the prior school year ADM for grades nine (9)
15 through twelve (12) is five hundred ninety-nine (599) or
16 less and the prior school year ADM for the school is five
17 hundred ninety-nine (599) or less; and

18
19 (B) The school is configured to provide the
20 statewide educational program in grades six (6) through
21 twelve (12).

22
23 (h) As provided by W.S. 21-13-309(n)(iii), there
24 shall be an adjustment for necessary small schools

1 qualifying under subsection (f) or (g) of this section. The
2 adjustment shall be computed ~~as prescribed~~ based upon the
3 prototype established by the education resource block grant
4 model, ~~which provides adjustments for teacher compensation,~~
5 ~~utility costs and student activities.~~ for the appropriate
6 school level and school average daily membership (ADM),
7 subject to the following:

8
9 (i) Minimum teacher allocations shall be
10 guaranteed to each necessary small school within the
11 education resource block grant model small school
12 prototypes regardless of ADM, at the levels specified as
13 follows:

14
15 (A) One (1) teacher for a necessary small
16 elementary school;

17
18 (B) Three (3) teachers for a necessary
19 small middle school configured under subparagraph
20 (g)(ii)(A) of this section;

21
22 (C) One (1) teacher for a necessary small
23 middle school configured under subparagraph (g)(ii)(B) of
24 this section;

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(D) Six (6) teachers for a necessary small high school;

(E) Nine (9) teachers for a necessary middle school and a necessary high school configured under paragraph (g)(iv) of this section.

(ii) Alternative school ADM qualifying under paragraph (a)(i) of this section shall for purposes of this section, be counted as high school level ADM enrolled in grades nine (9) through twelve (12) regardless of the actual grade level the student is enrolled. Notwithstanding subparagraph (h)(i)(D) of this section, the necessary small school adjustment for any alternative school employing less than six (6) full-time equivalent (FTE) teachers within the alternative school facility and for purposes of this section, not providing the entire statewide educational program prescribed under W.S. 21-9-101 and 21-9-102, shall be reduced in proportion to the actual number of full-time equivalent (FTE) teachers employed at the school and providing services to students enrolled in the school. Full-time equivalency shall be

1 computed in accordance with guidelines established by the
2 department of education.

3

4 **Section 402.**

5

6 (a) The department of education with the assistance
7 of the data advisory committee established under W.S.
8 21-2-203(d), shall collect school level data on utility
9 costs in a manner which precisely reflects costs incurred
10 on a school-by-school basis. Necessary collection
11 instruments shall be developed in consultation with the
12 data advisory committee to facilitate this data collection
13 effort. A compilation of the collected information shall
14 be submitted to the joint education interim committee on or
15 before November 1, 2004.

16

17 (b) On or before November 1, 2004, the department of
18 education shall report to the joint education interim
19 committee on policies and procedures established by the
20 department to ensure alternative schools are established
21 for valid, beneficial educational purposes, not solely for
22 the purposes of increasing revenues, and to ensure that
23 alternative schools comply with criteria established under
24 W.S. 21-13-318(a)(i) as amended by section 401 of this act.

1

2 (c) The joint education interim committee recognizes
3 the need to investigate discrepancies created by collocated
4 schools operating as separate schools and those schools
5 similarly configured but operating as a single unit. Due
6 to the possibility of resulting inequities and the
7 implications of collocated schools for school facilities,
8 the select committee on school facilities shall conduct a
9 study of the treatment of collocated schools under the
10 small school adjustment established under section 401 of
11 this act and under statewide school building and facility
12 adequacy standards established by the school facilities
13 commission under W.S. 21-15-115 and local district facility
14 planning and review under W.S. 21-15-116. For purposes of
15 this subsection, collocated schools exist when any
16 combination of grade levels in one (1) building or in
17 adjacent buildings are reported as more than one (1)
18 school. Findings and recommendations of the select
19 committee shall be finalized, together with any necessary
20 enabling legislation, in sufficient time for consideration
21 by the joint education interim committee prior to
22 commencement of the 2005 general session of the
23 legislature.

24

1 (d) W.S. 21-13-318, as amended under section 401 of
2 this act, provides for a refined adjustment within the
3 education resource block grant model for necessary small
4 schools. This adjustment is based upon findings by
5 consultants to the legislature that reflect more precise
6 school level data. For purposes of additional refinement
7 to the adjustment and based upon study observations that
8 small schools in small districts, on average, cost more to
9 operate than small schools in larger districts, the joint
10 education interim committee shall through consultants to
11 the legislature, conduct a study on the distinction between
12 small schools in large districts and small schools in small
13 districts. The study shall investigate cost differences
14 based upon data collected by and reported to the state
15 department of education and shall provide recommendations
16 on the treatment of cost differences within the small
17 school adjustment. Study findings shall be assembled in
18 sufficient time to report recommendations to the
19 legislature during the 2005 general session.

20

21 [SECTION 5. HOLD-HARMLESS]

22

23 **Section 501.**

24

1 (a) Notwithstanding W.S. 21-13-309(p), using
2 computations of district foundation program amounts by the
3 department of education based upon reports from districts
4 required by the department, the foundation program amount
5 computed under W.S. 21-13-309(p) for school years 2004-2005
6 and 2005-2006 and until model reevaluation pursuant to W.S.
7 21-13-309(t), less amounts reimbursed under W.S. 21-4-401
8 for transportation or maintenance of isolated students,
9 W.S. 21-4-501 through 21-4-506 for tuition payments, W.S.
10 21-13-320 for transportation, W.S. 21-13-321 for special
11 education and W.S. 21-13-324 for teacher extra
12 compensation, shall be not less than one hundred percent
13 (100%) of the foundation program amount available to that
14 district during the 2001-2002 school year, as computed
15 under W.S. 21-13-309(p) prior to addition of the
16 reimbursement amounts for transportation or maintenance of
17 isolated students, tuition payments, transportation,
18 special education and teacher extra compensation for that
19 school year.

20

21 (b) A school district is not entitled to additional
22 funding under this section if, but for a decrease in ADM as
23 compared to the 2001-2002 school year, that district would
24 not have a foundation program amount that is less than one

1 hundred percent (100%) of the school year 2001-2002
2 foundation program amount.

3

4 (c) Notwithstanding subsection (a) of this section,
5 this section shall not apply to any district subject to
6 recapture under W.S. 21-13-102(b) whose recapture revenues
7 exceed limitations imposed under W.S. 21-13-102(c), as
8 established by the department of education for that
9 district.

10

11 [SECTION 6. WYOMING COST-OF-LIVING INDEX]

12

13 **Section 601.** Notwithstanding W.S. 21-13-309(o)(ii),
14 the Wyoming cost-of-living index used for computing the
15 regional cost adjustment shall for any school district for
16 which a new sample site has been established, use only the
17 new sample site value for that district until sufficient
18 semi-annual reports are compiled to compute an average of
19 the six (6) consecutive semi-annual reports.

20

21 [SECTION 7. STATEWIDE EDUCATION PROGRAM]

22

23 **Section 701.** In accordance with W.S. 21-2-304(c), the
24 state board of education shall evaluate and review the

1 uniformity and quality of the educational program standards
2 imposed under W.S. 21-9-101 and 21-9-102 and the student
3 content and performance standards promulgated under W.S.
4 21-2-304(a)(iii) to ensure the statewide education program
5 provides a proper education appropriate for the times as
6 required by the Wyoming supreme court. The state board
7 shall report its findings and recommendations based upon
8 the required evaluation and review to be reported to the
9 joint education interim committee on or before December 1,
10 2004.

11

12 [SECTION 8. FULL-DAY KINDERGARTEN PROGRAMS]

13

14 **Section 801.**

15

16 (a) To provide financial assistance to school
17 districts for the provision of full-day kindergarten
18 programs, each school district shall for school year 2004-
19 2005, receive an amount payable from the school foundation
20 program account determined in accordance with subsection
21 (b) of this section. This payment shall be made by the
22 department of education from amounts within the foundation
23 program account appropriated by the legislature for
24 purposes of this section and shall be in addition to the

1 foundation program amount determined for each district
2 under W.S. 21-13-309(p). If there is an insufficient
3 amount within the foundation program account for payments
4 under this section, the department shall make a pro rata
5 reduction in the payments to districts for each
6 kindergarten student.

7

8 (b) Payments to school districts for full-day
9 kindergarten programs shall be computed by multiplying the
10 number of students enrolled in full-day kindergarten
11 programs within each district during school year 2004-2005
12 by one thousand dollars (\$1,000.00), and shall be
13 distributed to districts on February 15 together with
14 foundation program distributions for school year 2004-2005
15 under W.S. 21-13-313. For purposes of computations under
16 this subsection, the kindergarten enrollment count for each
17 district shall be the enrollment taken during October,
18 2004.

19

20 (c) Each district shall report expenditures of
21 amounts distributed under subsection (b) of this section to
22 the department in the manner and at the time specified by
23 the department. Not later than September 1, 2005, the
24 department shall provide a report of expenditures broken

1 down by district and expenditure category to the joint
2 education interim committee.

3

4 [SECTION 9. APPROPRIATIONS]

5

6 **Section 901.**

7

8 (a) Thirty thousand dollars (\$30,000.00) is
9 appropriated from the school foundation program account to
10 the legislative service office to fund the study of
11 collocated schools as directed under section 402(c) of this
12 act. Funds appropriated under this subsection shall
13 include funding staff support and consultants to the
14 legislature necessary to conduct the study, as approved by
15 the management council.

16

17 (b) Thirty-five thousand dollars (\$35,000.00) is
18 appropriated from the school foundation program account to
19 the legislative service office to fund the study of small
20 schools in small districts and small schools in large
21 districts as directed under section 402(d) of this act, to
22 fund implementation of studies and reports submitted to the
23 joint education interim committee pertaining to school-
24 level utility costs, school-level limited English speaking

1 costs and other reports impacting the education resource
2 block grant model, and to fund model reevaluation
3 activities conducted pursuant to W.S. 21-13-309(t).
4 Expenditures shall fund necessary committee staff support
5 and consultants to the legislature, as approved by the
6 management council.

7

8 (c) Six million dollars (\$6,000,000.00) is
9 appropriated from the school foundation program account to
10 the department of education for distributions to school
11 districts for full-day kindergarten programs pursuant to
12 section 801 of this act.

13

14 [SECTION 10. EFFECTIVE DATES]

15

16 **Section 1001.**

17

18 (a) Except as provided by subsection (b) of this
19 section, this act is effective July 1, 2004.

20

1 (b) Notwithstanding subsection (a) of this section,
2 sections 302(b), 402(a), (c) and (d), 601 and 901(a) and
3 (b) of this act are effective immediately upon completion
4 of all acts necessary for a bill to become law as provided
5 by Article 4, Section 8 of the Wyoming Constitution.

6

7

(END)