ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

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AN ACT relating to school finance; providing assistance to districts for reading assessment and intervention programs; implementing the adjustment to the education resource block grant model for experience and longevity of school district classified staff; modifying the at-risk adjustment include mobile students; modifying the small adjustment; providing a foundation program hold harmless through school year 2005-2006; clarifying Wyoming cost-ofindex computations; imposing duties upon of education; providing for school department finance studies and reporting; providing assistance to school districts for provision of full-day kindergarten programs; clarifying and modifying charter school school grant program; providing establishing a summer appropriations; and providing for effective dates.

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

[SECTION 1. READING ASSESSMENT & INTERVENTION]

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

# 21-13-333. Reading assessment and intervention program payments.

(a) To provide financial assistance to school districts for reading assessment and intervention programs established within the district pursuant to W.S. 21-3-401, each school district shall effective school year 2004-2005 and each school year thereafter, receive an amount payable from the school foundation program account determined in accordance with subsection (b) of this section. This payment shall be made from amounts within the foundation program account appropriated by the legislature for purposes of this section and shall be in addition to the

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

- (b) Reading assessment and intervention program payments to school districts shall be computed by the department of education based upon the greater of the following:
- (i) The kindergarten through grade two (2) average daily membership (ADM) of the district for the immediately preceding school year multiplied by one hundred sixty-seven dollars (\$167.00); or
- (ii) Forty-five thousand four hundred sixty-three dollars (\$45,463.00).
- (c) For purposes of computations under subsection (b) of this section:
- (i) Notwithstanding W.S. 21-13-309(s), each kindergarten average daily membership (ADM) shall equal one (1) full ADM;
- (ii) Kindergarten through grade two (2) average daily membership (ADM) shall be computed based upon the prior year ADM and not the averaged ADM counts specified under W.S. 21-13-309(q).
- (d) Each district shall, in addition to reporting information required under W.S. 21-3-401, annually report to the department expenditures of amounts made available under this section for the prior school year.

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#### [SECTION 2. CLASSIFIED STAFF SALARIES]

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

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

- (m) In determining the amount to be included in the foundation program for each district, the state superintendent shall first compute for each district a district model amount per average daily membership (ADM) as follows:
- (ii) Multiply the district's average daily membership (ADM) for each school level identified under paragraph (m)(i) of this section by the following amount for the appropriate prototypical school model level:
- (A) Elementary school kindergarten through grade five (5), six thousand two hundred thirty-eight dollars (\$6,238.00) six thousand two hundred thirty dollars (\$6,230.00);
- (B) Middle school grades six (6) through eight (8), six thousand two hundred twenty-three dollars (\$6,223.00) six thousand two hundred one dollars (\$6,201.00);
- (C) High school grades nine (9) through twelve (12), six thousand four hundred fifty-four dollars (\$6,454.00) six thousand five hundred twenty-four dollars (\$6,524.00).

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- 21-13-323. Teacher seniority; administrator responsibility, education and experience; classified personnel experience; adjustment to foundation program formula.
  - (a) As used in this section:
- (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:

#### (C) Operations and maintenance.

- (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 <a href="mailto:special">special</a> education staff and certified and noncertified administrative staff.
- 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 classification shall be compared to the statewide average district experience profile for that employment classification during the 2001-2002 school year, and any net increase or decrease for that classification shall result in an adjustment in accordance with the adjustment

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factor prescribed within the education resource block grant model.

[SECTION 3. AT-RISK STUDENTS]

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

# 21-13-332. At-risk students; adjustment to foundation program formula.

- The adjustment for at-risk students as provided under W.S. 21-13-309(n) (xi) shall be based upon the number students within a district who are eligible for participation in the free or reduced price lunch under the national school lunch program established under 42 U.S.C. 1751 et seq., and the number of students within a district who are eligible for participation in programs serving students with limited English proficiency as defined by rule and regulation of the state department and the number of mobile students as defined by rule and regulation of the department. This section only applies to the determination of concentration levels of at-risk students for purposes of computing the adjustment prescribed under this section and shall not apply to any method or procedure implemented by districts to identify at-risk students for purposes of providing programs addressing student needs.
- (b) The adjustment under this section shall be computed for each district that has a significant concentration level of at-risk students at any school within the district determined as follows:
- (ii) A student shall be counted in the computation of the at-risk adjustment if during the applicable school year, that student is eligible to

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participate in the free or reduced price lunch program, or is eligible to participate in programs serving students with limited English proficiency or is a mobile student as defined by department rule and regulation and is enrolled in grades six (6) through twelve (12) within any school in a district for the applicable school year. A student shall be counted only once for purposes of computing concentration levels under this section, even though that student may simultaneously be eligible to participate in the free or reduced price lunch program, and in programs serving students with limited English proficiency and is defined as a mobile student;

- (iii) For each school within a district and subject to paragraph (b)(ii) of this section, the student count component of the at-risk adjustment shall be computed by dividing the number of free or reduced price lunch eligible students, and the number of students with limited English proficiency and the number of mobile students enrolled in the school during the previous school year by the total number of students enrolled in that school for that year;
- (v) For purposes of this section and except as provided by rule and regulation of the department for mobile students, student enrollment for any school year shall be the student enrollment count for the school, district or state, as appropriate, taken during October of the applicable school year.

#### Section 302.

(a) On or before November 1, 2004, the department of education shall report to the joint education interim committee on the implementation of the administration of the mobility component within the at-risk adjustment to the

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education resource block grant model, as provided under  $W.S.\ 21-13-332$ , as amended under section 301 of this act.

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

#### [SECTION 4. SMALL SCHOOLS]

Section 401. W.S. 21-13-318(a)(i), (g)(i), (ii), (iii) by creating a new paragraph (iv) and (h) is amended to read:

# 21-13-318. Small schools; qualifications and limitations on necessity; adjustment to foundation program formula.

- (a) For the purposes of this section:
- (i) "Alternative school" means any school established by a school district for the purpose of offering separate educational programs to students with educational needs which the district finds are not

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appropriately met by programs offered by other schools in the district, but excluding charter schools established under W.S. 21-3-301 through 21-3-314. The state superintendent shall determine in accordance with rules whether a school is an alternative school. To qualify for a necessary small school adjustment under this section, an alternative school shall in addition to requirements imposed under subsections (f) and (g) of this section:

- (A) Be accredited by an accrediting association recognized by the United States department of education;
- (B) Be approved as an alternative school by the department of education subject to criteria prescribed by department rule and regulation;
- (D) Through teachers and accompanying staff employed within the alternative school facility and except as authorized under paragraph (h)(ii) of this section, provide the required statewide educational program prescribed under W.S. 21-9-101 and 21-9-102 and secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii).
- (g) A school is a necessary small school if it is qualified under subsection (f) of this section or if it meets the following qualifications:
  - (i) If an elementary school:

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- (A) The <u>kindergarten through grade five (5)</u>
  ADM for the prior school year is two hundred sixty-three (263) or less; and
- (B) The school is configured to provide the required statewide educational program in kindergarten through grade five (5) or in kindergarten through grade eight (8) if the kindergarten through grade five (5) ADM comprises fifty percent (50%) or more of the total ADM of the school.
  - (ii) If a middle school:
- (A) Configured separate from an elementary school:
- ADM for the prior school year is two hundred ninety-nine (299) or less; and
- provide the required statewide educational program in grades six (6) through eight (8) or grades seven (7) through nine (9).
- (B) Configured as part of an elementary school:
- (8) ADM for the prior school year is two hundred ninetynine (299) or less; and
- configured for providing the required statewide educational program in grades kindergarten through eight (8) and the grade six (6)

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through eight (8) ADM comprises fifty percent (50%) or more of the total ADM of the school.

(iii) If a high school:

ADM for the prior school year is five hundred ninety-nine (599) or less; and

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

(iv) If a middle school and high school
configuration:

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

(h) As provided by W.S. 21-13-309(n)(iii), there shall be an adjustment for necessary small schools qualifying under subsection (f) or (g) of this section. The adjustment shall be computed as prescribed based upon the prototype established by the education resource block grant model, which provides adjustments for teacher compensation, utility costs and student activities. for the appropriate school level and school average daily membership (ADM), subject to the following:

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- guaranteed to each necessary small school within the education resource block grant model small school prototypes regardless of ADM, at the levels specified as follows:
- (A) One (1) teacher for a necessary small elementary school;
- small middle school configured under subparagraph
  (g)(ii)(A) of this section;
- (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.

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

#### Section 402.

- (a) The department of education with the assistance of the data advisory committee established under W.S. 21-2-203(d), shall collect school level data on utility costs in a manner which precisely reflects costs incurred on a school-by-school basis. Necessary collection instruments shall be developed in consultation with the data advisory committee to facilitate this data collection effort. A compilation of the collected information shall be submitted to the joint education interim committee on or before November 1, 2004.
- (b) On or before November 1, 2004, the department of education shall report to the joint education interim committee on policies and procedures established by the department to ensure alternative schools are established for valid, beneficial educational purposes, not solely for the purposes of increasing revenues, and to ensure that alternative schools comply with criteria established under W.S. 21-13-318(a)(i) as amended by section 401 of this act.
- (c) The select committee on school facilities shall conduct a study of the treatment of collocated schools under the small school adjustment established under section 401 of this act and under statewide school building and facility adequacy standards established by the school facilities commission under W.S. 21-15-115 and local district facility planning and review under W.S. 21-15-116.

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For purposes of this subsection, collocated schools exist when any combination of grade levels in one (1) building or in adjacent buildings are reported as more than one (1) school. Findings and recommendations of the select committee shall be finalized, together with any necessary enabling legislation, in sufficient time for consideration by the joint education interim committee prior to commencement of the 2005 general session of the legislature.

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

[SECTION 5. HOLD-HARMLESS]

#### Section 501.

(a) Notwithstanding W.S. 21-13-309(p), using computations of district foundation program amounts by the

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department of education based upon reports from districts required by the department, the foundation program amount computed under W.S. 21-13-309(p) for school years 2004-2005 and 2005-2006 and until model reevaluation pursuant to W.S. 21-13-309(t), less amounts reimbursed under W.S. 21-4-401for transportation or maintenance of isolated students, W.S. 21-4-501 through 21-4-506 for tuition payments, W.S. 21-13-320 for transportation, W.S. 21-13-321 for special education and W.S. 21-13-324 for teacher compensation, shall be not less than one hundred percent (100%) of the foundation program amount available to that district during the 2001-2002 school year, as computed W.S. 21-13-309(p) addition of under prior to reimbursement amounts for transportation or maintenance of students, tuition payments, transportation, special education and teacher extra compensation for that school year.

- (b) A school district is not entitled to additional funding under this section if, but for a decrease in ADM as compared to the 2001-2002 school year, that district would not have a foundation program amount that is less than one hundred percent (100%) of the school year 2001-2002 foundation program amount.
- (c) Notwithstanding subsection (a) of this section, this section shall not apply to any district subject to recapture under W.S. 21-13-102(b) whose recapture revenues exceed limitations imposed under W.S. 21-13-102(c), as established by the department of education for that district.

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

Section 601. Notwithstanding W.S. 21-13-309(o)(ii), the Wyoming cost-of-living index used for computing the

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regional cost adjustment shall for any school district for which a new sample site has been established, use only the new sample site value for that district until sufficient semi-annual reports are compiled to compute an average of the six (6) consecutive semi-annual reports.

[SECTION 7. STATEWIDE EDUCATION PROGRAM]

Section 701. In accordance with W.S. 21-2-304(c), the state board of education shall evaluate and review the uniformity and quality of the educational program standards imposed under W.S. 21-9-101 and 21-9-102 and the student content and performance standards promulgated under W.S. 21-2-304(a)(iii) to ensure the statewide education program provides a proper education appropriate for the times as required by the Wyoming supreme court. The state board shall report its findings and recommendations based upon the required evaluation and review to be reported to the joint education interim committee on or before December 1, 2004.

[SECTION 8. FULL-DAY KINDERGARTEN PROGRAMS]

#### Section 801.

(a) To provide financial assistance to school districts for the provision of full-day kindergarten programs, each school district shall for school year 2004-2005, receive an amount payable from the school foundation program account determined in accordance with subsection (b) of this section. This payment shall be made by the department of education from amounts within the foundation program account appropriated by the legislature for purposes of this section and shall be in addition to the foundation program amount determined for each district under W.S. 21-13-309(p). If there is an insufficient

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amount within the foundation program account for payments under this section, the department shall make a pro rata reduction in the payments to districts for each kindergarten student.

- (b) Payments to school districts for full-day kindergarten programs shall be computed by multiplying the number of students enrolled in full-day kindergarten programs within each district during school year 2004-2005 by one thousand dollars (\$1,000.00), and shall be distributed to districts on February 15 together with foundation program distributions for school year 2004-2005 under W.S. 21-13-313. For purposes of computations under this subsection, the kindergarten enrollment count for each district shall be the enrollment taken during October, 2004.
- (c) Each district shall report expenditures of amounts distributed under subsection (b) of this section to the department in the manner and at the time specified by the department. Not later than September 1, 2005, the department shall provide a report of expenditures broken down by district and expenditure category to the joint education interim committee.

[SECTION 9. CHARTER SCHOOLS]

**Section 901.** W.S. 21-3-314(c)(i)(intro) and (d) is amended to read:

# 21-3-314. Students counted amount district ADM; determination of charter school funding.

(c) As part of the charter school contract, the charter school and the school district shall agree on funding and any services to be provided by the school

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district to the charter school. The charter school and the school district shall begin discussions on the contract using the following revenue assumptions:

- (i) The charter school shall be entitled to the benefit of ninety-five percent (95%) of the <u>foundation</u> <u>program</u> amount computed under <u>the appropriate prototypical</u> <u>school model level specified under W.S. 21-13-309(m)(ii)</u> <u>for 21-13-309(p) based upon</u> the average daily membership of the charter school, less:
- (d) In addition to subsection (c) of this section, the charter school, at its discretion, may negotiate with the school district for funding under the adjustments to the appropriate prototypical school model levels under W.S. 21-13-309(n). The charter school may also contract with the school district for centralized services provided by the district including custodial services, routine maintenance, curriculum, media services, libraries and federally required educational services such as special education.

Section **902.** In the absence of any contractual agreement between a charter school and a school district specifying otherwise, the computation of the minimum school foundation program entitlement for charter schools commencing school year 2004-2005 and each school year thereafter. shall except for special education and transportation, include all adjustments to the appropriate prototypical dollar per ADM value as provided by section 901 of this act.

[SECTION 10. SUMMER SCHOOL GRANT PROGRAM]

Section 1001.

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- (a) The summer school grant program is established for the 2004 summer session to provide financial assistance for the provision of intervention districts remediation instruction to students beyond the required school year specified by law under W.S. 21-4-301 21-13-307(a)(ii). Assistance made available under grant program shall supplement district intervention and remediation programs and shall be made available students requiring additional instruction to master statewide content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii) or otherwise seeking credit recovery for promotion to the subsequent grade level. Summer school programs eligible for assistance under this section shall also:
- (i) At minimum, provide each participating student the opportunity to receive remediation and intervention instruction in mathematics and reading and language arts;
- (ii) Provide a minimum of sixty (60) instructional hours to each elementary school student during the summer school session, and a minimum of sixty (60) instructional hours per subject to each middle and high school student unless the middle or high school student otherwise demonstrates proficiency prior to receiving the full sixty (60) hours of instruction;
- (iii) To the extent practical and reasonable, limit class size to not more than ten (10) students for elementary level programs and to not more than fifteen (15) students for middle and high school level programs;
- (iv) Require the development of an individual student learning plan for each participating student;

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- (v) Require program instructors to receive training in research-based strategies focusing on individualized instruction at the level, duration and content specified by rule and regulation of the department of education;
- (vi) To assure effectiveness of teaching and program quality, provide for program monitoring by a school principal or superintendent trained in research-based instructional strategies for at-risk students as prescribed by rule and regulation of the department of education.
- In addition to subsection (a) of this section, programs providing before-school, after-school and Saturday school enhanced instruction for student mastery of the state content and performance standards are eligible for assistance under this section. To receive eligibility under this subsection, a district shall file program plans with the department of education requesting use of a portion of summer school program funds otherwise available under this section, not to exceed a maximum level established by rule and regulation of the department. Plans submitted to the department shall be filed within the time specifications imposed upon the applicant district for summer school grants and shall be subject to program requirements and criteria established by the department.
- (c) To receive grant assistance under this section, a district shall apply to the department of education on or before May 1, 2004. Application review by the department shall be completed by June 1, 2004. On or before June 1, 2004, districts shall be notified by the department of any estimated grant amount to be made available to the district during the 2004 summer school session. Application to the department shall be in a manner and form prescribed by the department and shall include:

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- (i) An estimate of the number of students to be enrolled in the summer school intervention and remediation program for which a grant is requested, broken down by grade level;
- (ii) A description of program content including subjects offered and additional information depicting compliance with program requirements specified under subsection (a) of this section;
- (iii) Evidence of specific professional development and training for each summer school instructor;
- $% \left( \frac{1}{2}\right) =0$  (iv) Other information determined necessary to implement this section as may be required by the department.
- (d) Grant payments shall be determined for each recipient district under this section based upon the larger of the following amounts:
- (i) Multiply the number of students within the district participating in the summer school program by five hundred dollars (\$500.00), subject to a per district maximum amount computed by multiplying five hundred dollars (\$500.00) times a number equal to ten percent (10%) of the district's elementary or secondary school enrollment, as applicable, for the school year immediately preceding the summer school session for which the grant is requested; or
- (ii) One (1) of the following minimum amounts, as applicable:
- (A) Five thousand five hundred thirty dollars (\$5,530.00) if an elementary summer school program;

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- (B) Seven thousand nine hundred thirty dollars (\$7,930.00) if a secondary summer school program;
- (C) Twelve thousand ten dollars (\$12,010.00) if a combined elementary and secondary summer school program.
- (iii) Notwithstanding paragraphs (i) and (ii) of this subsection, an intersession intervention and remediation program for school districts operating schools on a year-round basis for purposes of qualifying for a grant under this section shall be awarded an amount in accordance with criteria and guidelines prescribed by rule and regulation of the department of education, which in no event shall exceed the amounts prescribed under paragraphs (i) and (ii) of this subsection.
- (e) The department may request additional information prior to awarding a grant under this section to ascertain programs comply with the requirements of this section. Upon completion of the summer school program, each recipient district shall report to the department any statistical, expenditure and program evaluation information as may be required by the department prior to receiving grant amounts computed under this section.
- (f) As soon as reasonably possible following the effective date of this act, the department of education shall notify school districts of the availability of assistance under the summer school grant program established under this section and of the requirements imposed upon districts to obtain a grant award.
- (g) On or before December 1, 2004, the department shall review and report to the joint education interim

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committee on summer school remediation and intervention programs funded under this section, evaluate program effectiveness and provide recommendations for program improvement and continuation.

[SECTION 11. APPROPRIATIONS]

#### Section 1101.

- (a) Thirty thousand dollars (\$30,000.00) is appropriated from the school foundation program account to the legislative service office to fund the study of collocated schools as directed under section 402(c) of this act. Funds appropriated under this subsection shall include funding staff support and consultants to the legislature necessary to conduct the study, as approved by the management council.
- Thirty-five thousand dollars (\$35,000.00) appropriated from the school foundation program account to the legislative service office to fund the study of small schools in small districts and small schools in large districts as directed under section 402(d) of this act, to fund implementation of studies and reports submitted to the joint education interim committee pertaining to schoollevel utility costs, school-level limited English speaking costs and other reports impacting the education resource grant model, and to fund model reevaluation pursuant activities conducted to W.S. 21-13-309(t). Expenditures shall fund necessary committee staff support and consultants to the legislature, as approved by the management council.
- (c) Six million dollars (\$6,000,000.00) is appropriated from the school foundation program account to the department of education for distributions to school

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districts for full-day kindergarten programs pursuant to section 801 of this act.

(d) Four million five hundred thousand dollars (\$4,500,000.00) is appropriated from the school foundation program account to the department of education to fund the summer school grant program established under section 1001 of this act for the period beginning on the effective date of this act and ending June 30, 2005.

[SECTION 12. EFFECTIVE DATES]

#### Section 1201.

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

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(b) Notwithstanding subsection (a) of this section, sections 302(b), 402(a), (c) and (d), 601, 1001 and 1101(a), (b) and (d) of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House	President of the Senate
Governor	
TIME APPROVED:	
DATE APPROVED:	
I hereby certify that this act	originated in the House.
Chief Clerk	
Curer Crerk	