

ENROLLED ACT NO. 23, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

AN ACT relating to school finance; implementing 2005 recalibration modifications to the Wyoming education resource block grant model; imposing, modifying and clarifying duties of the secretary of state, state superintendent, department of education, school districts and the school facilities commission and specifying model recalibration parameters; eliminating superseded, superfluous and fully executed statutes; expanding mandatory school day of operation; providing for a summer school grant program; providing for instructional facilitators; providing reimbursements to districts for payments to national board certified teachers; implementing a hold harmless provision; requiring additional education studies and reports; providing for a review of school finance ruling; imposing district reporting requirements for litigation expenditures; providing for a report on bureau of Indian affairs schools; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 9-1-513(b)(ii), (ix) and (d), 21-2-202(a)(xxvi), (xxvii), (xxix) and by creating a new subsection (e), 21-2-203(a), (c)(intro), (ii)(intro), (B), (viii), (d)(intro) and (e)(i), 21-3-110(a)(xxviii), 21-3-314(a)(intro), (i), (iii), (iv) and (c)(i)(intro), 21-12-105(a), 21-13-101(a)(viii), (xiv), (xvi), by creating new paragraphs (xvii) and (xviii) and by creating a new subsection (c), 21-13-102(a)(i)(A) and (ii)(A), 21-13-307(a)(ii)(intro) and (b), 21-13-309(m)(intro), by creating new paragraphs (iv) and (v), (o)(intro), (p) and (t), 21-13-313(c), 21-13-320(a) and (b)(intro), 21-13-321(b) and (g), 21-13-324(a)(iii) and (b), 21-15-109(c)(ii)(C) and (iii)(intro) and 21-20-201(f) are amended to read:

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9-1-513. School finance audits and management studies.

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

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

(ix) ~~In addition to~~ As a part of the requirements under paragraph (i) of this subsection, conduct periodic audits of vocational education information and computations submitted by districts ~~in accordance with W.S. 21-13-329 as necessary for implementation of W.S. 21-13-309(m)(v)(D)~~ and include audit findings in the report to the department of education required under paragraph (iv) of this subsection and the report to the legislature required under paragraph (viii) of this subsection. Each district shall be audited for purposes of this paragraph not less than once every three (3) years.

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

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

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

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(xxvi) Establish criteria and guidelines for the identification of vocational education courses by districts, for the computation of full-time equivalent (FTE) students participating in vocation education courses and for the determination of full-time equivalent (FTE) vocational education teachers, and provide for the annual collection of information necessary to implement and administer W.S. ~~21-13-329~~ 21-13-309(m)(v)(D);

(xxvii) Develop a process and procedures necessary for consideration of district waivers ~~authorized under W.S. 21-13-329 for~~ from specified instructional and career-vocational education program requirements ~~specified under W.S. 21-13-309(m)(v)(D)~~, including incentives encouraging teacher certification and program course sequencing compliance, + subject to district submission of the following:

(A) Verification of the alignment of the proposed course or program with the state content and performance standards for career-vocational education programs;

(B) Documentation of the additional costs associated with the proposed course or program including class size and specialized equipment needs; and

(C) If applicable, documentation of experiences and education of a noncertified teacher that would otherwise qualify the teacher to instruct the proposed course.

(xxix) By rule and regulation, provide for the reporting of district vocational education expenditures ~~of amounts distributed under W.S. 21-13-329.~~

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(e) In addition to paragraph (a)(i) of this section, the state superintendent shall promulgate rules and regulations governing the administration of the Wyoming education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-309, and governing the operation of the model in determining school district foundation program payments in accordance with chapter 13, article 3 of this title and other applicable law. Copies of the block grant model spreadsheets as administered under department rule and regulation shall be provided to school districts by the state superintendent for district use in district budgeting and in complying with mandatory financial reporting requirements imposed under W.S. 21-13-307(b) and by other provisions of law. Following adoption of any recalibration of or modification to the block grant model by the Wyoming legislature, and prior to computing the foundation program amount for each school district under W.S. 21-13-309(p) and determining the amount to be distributed to a district under W.S. 21-13-311 or recaptured from a district subject to W.S. 21-13-102(b), the state superintendent shall certify to the legislature that the block grant model as enacted by the legislature is properly incorporated into the administration of the model for the appropriate school year of model application. Technical corrections to model spreadsheets necessary for model administration between any session of the legislature shall be implemented by the state superintendent, shall be in accordance with procedures specified by rule and regulation filed with the secretary of state and shall be reported to the legislature together with the associated fiscal and technical impact of the correction. As used in this subsection, "technical corrections to model spreadsheets" means corrections necessary to ensure model operation and current school year district payments are in accordance with law and the model is properly computing school foundation program payments to school districts as

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required by law. Notwithstanding W.S. 16-3-114(c), no judicial review of rules promulgated and adopted under this subsection shall hold unlawful or set aside action of the state superintendent in promulgating or adopting rules unless the rules are by clear and convincing evidence, shown to exceed statutory authority.

21-2-203. School district data collection and funding model administration; duties and responsibilities specified; data advisory committee; school district compliance.

(a) The ~~purpose of this section is to consolidate responsibility for collection of~~ department shall collect data for the state's school finance system and in a single entity within the department of education accordance with rule and regulation of the state superintendent, administer the Wyoming education resource block grant model adopted by the Wyoming legislature pursuant to W.S. 21-13-309. As used in this section, "school finance system" means all statutes related to the terms and conditions under which funds from Wyoming sources are made available under Wyoming law to the public schools for school operations. ~~or for school facilities.~~ The ~~new~~ school finance system established following a 1995 Wyoming supreme court decision, and subsequently modified and recalibrated as required under W.S. 21-13-309(t), is extremely complex and requires timely and accurate data to be administered fairly and accurately. It is essential that a single entity be established to ensure that fair and accurate administration is accomplished.

(c) The duties of the ~~division~~ department are, in accordance with rules promulgated by the state superintendent, to:

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(ii) Collect data from school districts necessary for the department to administer the school finance system. In accomplishing this, the ~~division~~ department shall:

(B) Consult with the ~~division's~~ advisory committee created under subsection (d) of this section with respect to the type and format of data to be reported and the administration of the system generally.

(viii) Assist the state superintendent in implementing W.S. ~~21-13-329~~ 21-13-309(m)(v)(D) and assist districts with computations necessary for reporting student vocational education participation and vocational education instruction information.

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

(e) On and after July 1, 2005, the following shall apply:

(i) All data or reports required to be submitted to the ~~division~~ department by school districts in accordance with law or rules shall include a statement by

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the superintendent of the district certifying that the data submitted is complete, accurate and conform with all reporting requirements;

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

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

(xxviii) Annually report to the state superintendent on ~~the expenditure of amounts distributed to the district under W.S. 21-13-329~~ expenditures for vocational education programs, broken down by school, and submitted in a manner and form required by rule and regulation of the state superintendent.

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

(a) Each student attending a charter school shall be counted among the average daily membership of the school district in which the school is located and the school shall be included in the district's configuration of schools reported to the state superintendent under W.S. 21-13-309(m)(iv). Average daily membership of the charter school district shall ~~for purposes of charter school membership,~~ be calculated as follows:

(i) Notwithstanding W.S. 21-13-309(m)(iv)(A), in the first year of operation, the average daily membership for the charter school shall be multiplied by two (2) ~~subject to~~ based on the following:

(A) Initial average daily membership shall be calculated based upon the March 1 list of students who

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intend to enroll in the charter school as required under subsection (b) of this section;

(B) The average daily membership of the charter school computed under subparagraph (i)(A) of this subsection shall be adjusted at the sixty (60) day recalculation date in accordance with W.S. 21-13-309(q)(i) by the enrollment count taken on October 1 of the first year of operation.

(iii) For purposes of W.S. 21-13-309(q), school district membership shall not include the 21-13-309(m)(iv)(A), and upon charter school operation for three (3) consecutive school years, charter school average daily membership computed under paragraph (i) of this subsection in shall be divided by two (2) prior to computing the district's school's ADM averaged over the three (3) immediately preceding school years;

(iv) Notwithstanding W.S. 21-13-309(m)(iv)(A), in the second and third year of charter school operation, any increase in the average daily membership of a charter school resulting from the sixty (60) day recalculation for that school on the date specified by W.S. 21-13-309(q)(i) shall be multiplied by the foundation amount for that district as computed under W.S. 21-13-309(p). The increase in foundation funds received by the district under this paragraph shall be applied by the district to that charter school in determining funding under subsections (c) and (d) of this section shall be based upon the prior school year average daily membership adjusted by the enrollment count taken on October 1 of the applicable school year.

(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%)~~ one hundred percent (100%) of the foundation program amount computed under W.S. ~~21-13-309(p)~~ 21-13-309(m) based upon the average daily membership of the charter school, less ~~any district level amounts generated by the charter school's membership under W.S. 21-13-309(m) and less amounts specified under W.S. 21-13-309(m)(v)(E).~~

21-12-105. Career-vocational education program grants; application; criteria; limitations; expiration.

(a) A school district may apply to the state department of education for state assistance to fund expenses associated with the planning, development and implementation of a new or the expansion of an existing career-vocational education program within any high school in the district. As used in this section, "career-vocational education program" shall be as ~~defined by specified in~~ W.S. ~~21-13-329(a)(i)~~ 21-13-309(m)(v)(D)(II). Amounts awarded under this section shall be used to fund curricular development and program design costs, employ certified teachers to provide course instruction during the introductory year and to fund initial purchases of equipment and supplies necessary for program delivery. Any amount awarded to a district under this section shall be in addition to and not be considered in determining the ~~vocational education adjustment to school foundation program amount under~~ the education resource block grant model ~~under pursuant to~~ W.S. ~~21-13-329~~ 21-13-309. No grant awarded under this section shall exceed fifty thousand dollars (\$50,000.00) for the expansion of any existing

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program nor more than one hundred thousand dollars (\$100,000.00) for the implementation of any new program, and no one (1) district is eligible for a grant within two (2) years after receiving a grant award under this section.

21-13-101. Definitions.

(a) As used in this article:

(viii) "Kindergarten" means a class of pre-first-grade students; ~~attending classes in half day sessions or the equivalent amount of time;~~

(xiv) "Education resource block grant model" means the block grant model for Wyoming school finance ~~as contained within the January 2002 cost of education studies and the accompanying spreadsheet~~ enumeration of model components summarizing and executing recommendations within the 2005 cost of education study as referenced in paragraph (xvii) of this subsection and model spreadsheets provided by the consultant performing the ~~studies, 2005 cost of education study referenced in paragraph (xviii) of this subsection,~~ all of which are enacted into law and are on file with the secretary of state, and as may be subsequently modified by the legislature prior to future model recalibration required under W.S. 21-13-309(t);

(xvi) "Prototypical school model" means ~~the a~~ school level, comprised of cost, resource and enrollment parameters, as ~~based upon~~ described within the education resource block grant model. The ~~three (3) separate~~ school levels identified with the model are as follows:

(A) Elementary school - kindergarten through grade five (5) ~~+~~ modeled at cost and resource levels for:

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(I) Greater than forty-nine (49) ADM;

(II) Ninety-six (96) ADM;

(III) One hundred ninety-two (192)
ADM; and

(IV) Two hundred eighty-eight (288)
ADM.

(B) Middle school - grades six (6) through
eight (8) ~~and~~ modeled at cost and resource levels for:

(I) Greater than forty-nine (49) ADM;

(II) One hundred five (105) ADM;

(III) Two hundred ten (210) ADM; and

(IV) Three hundred fifteen (315) ADM.

(C) High school - grades nine (9) through
twelve (12) ~~and~~ modeled at cost and resource levels for:

(I) Greater than forty-nine (49) ADM;

(II) One hundred five (105) ADM;

(III) Two hundred ten (210) ADM;

(IV) Three hundred fifteen (315) ADM;
and

(V) Six hundred thirty (630) ADM.

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(xvii) "Attachment A" to 2006 House Bill 0139 consists of an enumeration of model components as enacted into law, summarizing and executing recommendations contained within the 2005 cost of education study, as modified by the legislature, and is hereby incorporated into this chapter by this reference;

(xviii) "Attachment B" to 2006 House Bill 0139 consists of the model spreadsheets, as enacted into law and as may from time to time be modified by the legislature, implementing the 2005 cost of education study and the enumeration of model components at Attachment A referenced in paragraph (xvii) of this subsection, and is hereby incorporated into this chapter by this reference.

(c) The secretary of state shall maintain and make available for public inspection in a hardcopy or electronic format, as applicable, or both, during regular business hours, the education resource block grant model as defined under paragraph (a)(xiv) of this section and as included in "Attachment A" referenced in paragraph (a)(xvii) of this section and "Attachment B" referenced in paragraph (a)(xviii) of this section, as each are enacted into law, and including any technical correction which may be implemented by rule and regulation of the state superintendent and filed with the secretary of state pursuant to W.S. 21-2-202(e).

21-13-102. Maximum rate of school district tax; recapture of excess; equalization of permissive levies.

(a) Except as otherwise provided by law, the maximum rate of school district tax that may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each dollar

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of assessed valuation within the school district is as follows:

(i) In a unified school district:

(A) Twenty-five (25) mills shall be levied for combined elementary, junior high and high school purposes. ~~;~~ ~~and~~

(ii) In any nonunified school district consisting of kindergarten through grade eight (8):

(A) Twenty-five (25) mills shall be levied for school purposes. ~~;~~ ~~and~~

21-13-307. Eligibility to share in distribution of money from foundation account; mandatory financial reporting.

(a) Each district which meets the following requirements is eligible to share in the distribution of funds from the foundation account:

(ii) Operated all schools for a term of at least ~~one hundred eighty (180)~~ one hundred eighty-five (185) days or the number of days or equivalent hours authorized under an alternative schedule approved by the state board during the previous school year. If the school term of any school in a district was less than ~~one hundred eighty (180)~~ one hundred eighty-five (185) days or less than the total number of days authorized under an alternative schedule approved by the state board, the amount allotted per average daily membership (ADM) under W.S. 21-13-309 for the school shall be in proportion to the length of the term the school actually operated, unless caused by closures of schools:

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(b) Each district shall provide financial reports to the ~~state~~ department on forms and in such manner required by the ~~division of data management and reporting~~ department under W.S. 21-2-203 and by rules and regulations promulgated by the state superintendent of public instruction pursuant to this article. In administering this article, the state superintendent may conduct audits of information submitted by districts under this article as necessary to administer and perform computations pertaining to the cost components within the education resource block grant model, and may, after consulting and negotiating with the school district, correct the information reported by districts under this article to fairly and accurately reflect the data type, classification and format necessary to perform computations required to administer the school finance system established under this article.

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:~~

(iv) Based upon reports from each district on schools operating within that district for the current school year and on grade configurations contained within each reported school during that school year, compute the average daily membership (ADM) for each reported school and each grade within each reported school in accordance with identified grade configurations subject to the following:

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(A) The average daily membership (ADM) for each reported school shall be computed based upon the average of the school's ADM counts completed at the end of the three (3) immediately preceding school years or the school's ADM for the previous school year, whichever is greater;

(B) For school year 2006-2007, the configuration of grades for each school shall be based upon the ADM reported for each grade in which students were enrolled for the 2005-2006 school year;

(C) After the 2006-2007 school year, and excluding charter schools established under W.S. 21-3-301 through 21-3-314, any modification to the configuration of grades in which students are enrolled during any school year such that the configuration differs from that in which students were enrolled during the 2005-2006 school year shall be documented by the district within reports submitted under this subsection and shall require approval by the state superintendent. Approval by the state superintendent under this subparagraph shall be based upon appropriate delivery of the required educational program, the cost effectiveness of the modified grade configuration for the delivery of adequate educational services to students and any extraordinary circumstances related to the safe and efficient delivery of the education program to students. This subparagraph relates only to the configuration of schools for application to the education resource block grant model and not to the authority of a district to configure grade levels at each of its schools.

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the

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education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-103(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-103(a)(xvii) and (xviii) and on file with the secretary of state pursuant to W.S. 21-13-103(c). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

(A) At-risk students, for purposes of model computations, shall include students within a school who are eligible for participation in the free and reduced price lunch program under the national school lunch program established by 42 U.S.C. 1751 et seq., who are identified as limited English proficiency in accordance with rules and regulations of the department of education or who are mobile students as defined by department rule and regulation and enrolled in grades six (6) through twelve (12) for the applicable school year. A student shall be counted only once for purposes of computing school at-risk student populations even though that student may simultaneously be eligible to participate in the free and reduced price lunch program, in programs serving students with limited English proficiency or is defined as a mobile student;

(B) Alternative schools qualifying for separate consideration under the education resource block grant model may be established by a school district for offering educational programs to students with educational needs which the district finds are not appropriately met by other schools in the district, excluding charter schools established under W.S. 21-3-301 through 21-3-314. Alternative schools included within a district's configuration of schools identified under paragraph (iv) of this subsection shall for purposes of the education

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resource block grant model be subject to subdivision (III) of this subparagraph and meet either subdivision (I) or (II) of this subparagraph:

(I) Be approved as an alternative school by the department of education prior to July 1, 2006;

(II) After July 1, 2006, through teachers and accompanying staff within the alternative school facility, provide a program in an alternative learning environment that complies with criteria established by rule and regulation of the department, provide the required statewide educational program prescribed under W.S. 21-9-101 and 21-9-102 and secure state board accreditation under W.S. 21-2-204(a)(ii);

(III) Unless otherwise authorized by the state superintendent, be restricted to not more than one (1) alternative school within any school district.

(C) Salaries for all school and district level staffing categories, including teachers, principals and assistant principals, central office administrators, secretarial and clerical staff, operations and maintenance staff and aides and media technicians, shall be based upon average statewide salary levels calibrated for school year 2005-2006 for each staffing category including the experience, education and responsibility level as appropriate and as computed for each staffing category. The statewide average for each staffing category shall be adjusted for each district based upon the district experience, education and responsibility level relative to the statewide average for that category. District experience, education and responsibility level by appropriate staffing category shall be updated each year

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such that district adjustments reflect the prior school year staffing information. The district adjusted average salary for each staffing category shall be further adjusted for regional cost differences as measured by the greater of the hedonic wage index or the Wyoming cost-of-living index computed by the division of economic analysis, department of administration and information, with a minimum of one hundred (100) index value, as prescribed by the education resource block grant model. For purposes of the education resource block grant model, the version of the Wyoming cost-of-living index used by the division shall be based upon the unrecalibrated housing cost index weights unless otherwise determined by the legislature based upon recommendation of the joint education interim committee. In addition, the version of the Wyoming cost-of-living index applied under this subparagraph for any school year shall be the average of the six (6) consecutive semi-annual index reports completed by January 1 of the immediately preceding school year;

(D) Vocational education computations within the education resource block grant model shall be based upon:

(I) The number of students enrolled in grades nine (9) through twelve (12) participating in career-vocational education programs on a full-time equivalency (FTE) basis, as computed in accordance with guidelines established by the department of education;

(II) Career-vocational education programs offered in grades nine (9) through twelve (12) consisting of a sequence of three (3) or more vocational courses in an occupational area or career cluster that provides students with the technical knowledge, skills or proficiencies necessary to obtain employment in current or

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emerging occupations or to pursue advanced skill training. To qualify under this subdivision, a vocational course shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and aligned with state content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii), and except as provided under W.S. 21-2-202(a)(xxvii), shall be provided by a teacher certified by the Wyoming professional teaching standards board for the vocational subject area associated with the course;

(III) The number of full-time equivalent (FTE) vocational education teachers within the school, as computed in accordance with guidelines prescribed by the department, providing career-vocational education instruction in grades nine (9) through twelve (12) and except as provided under W.S. 21-2-202(a)(xxvii), certified by the Wyoming professional teaching standards board to provide instruction at the high school level for vocational education courses comprising career-vocational education programs. Nothing in this subdivision shall require a district to employ teachers certified for high school vocational education instruction on a full-time basis or to require teachers to teach only high school vocational education courses on a full-time basis.

(E) Amounts computed under the education resource block grant model for each school district based upon amounts generated by each school within the district and based upon amounts generated at the district level for that district within the block grant model, shall be adjusted by adding the following amounts:

(I) An amount for district transportation of school children as provided under W.S. 21-13-320;

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(II) An amount for district special education programs and services as provided under W.S. 21-13-321;

(III) An amount for any extra compensation payments to district teachers as provided under W.S. 21-13-324;

(IV) An amount for any isolation and maintenance payments by the district as provided under W.S. 21-4-401;

(V) An amount for any tuition and maintenance payments made by the district pursuant to W.S. 21-4-501(d), 21-4-504 and 21-4-505(a).

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

(I) Prior year statewide average district weighted actual participation in district health insurance plans as to the proportion of employee only, split contracts, employee plus spouse or children and family coverage; and

(II) The annualized state contribution rate as of January 1 of the preceding school year, on behalf of each employee and official enrolled in the state group health insurance plan, for employee only, split contracts, employee plus spouse or children and family coverage.

(G) Amounts within the block grant model for maintenance and operations shall be based upon actual

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gross square footage of school buildings and facilities subject to the following:

(I) Actual gross square footage of school buildings and facilities shall be separated into education and noneducation space categories by school and by district, including leased square footage but excluding square footage not used for delivering the required educational program and the square footage of any building or facility closed and not operational as provided under W.S. 21-15-109(c)(iv);

(II) Actual gross square footage of education space shall be the gross square footage prescribed by statewide building adequacy standards promulgated pursuant to W.S. 21-15-115. Education space capacity in excess of the following specified maximum percentages of the standard space level shall not be included in actual gross square footage computations under this subdivision:

(1) For school years 2006-2007 through 2008-2009, one hundred twenty-five percent (125%) of the standard space level;

(2) For school year 2009-2010 and each school year thereafter, one hundred fifteen percent (115%) of the standard space level.

(III) Actual square footage of noneducation space shall not exceed ten percent (10%) of total gross square footage of education space as prescribed by the statewide building adequacy standards.

~~(o) The revised model amount per ADM for each district computed under subsection (n) of this section~~

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~~shall be further adjusted for the following. Unless otherwise specified in this subsection, the adjustments under this subsection shall be determined as specified in the education resource block grant model:~~ To the extent specifically provided within the school foundation program budget as enacted by the legislature, and between periods of model recalibration required under subsection (t) of this section, the amount computed for each district under subsection (m) of this section excluding those amounts specified under subparagraphs (m)(v)(E) and (F) of this section, shall be adjusted to provide for the effects of inflation. The adjustment under this subsection shall not be applied until the expiration of the school year immediately following the first school year of application of the recalibrated model, and shall be and adjusted on a cumulative basis each school year thereafter and until the first school year of application of a subsequent model recalibration. The joint appropriations committee shall submit a recommendation to the legislature and the governor not later than November 1 of each applicable year on an external cost adjustment for purposes of this subsection.

(p) ~~After all adjustments~~ Except as otherwise provided by law and following the computation and application of any adjustment under subsection (o) of this section, ~~have been made, this adjusted, revised model ADM~~ the amount computed for each school within each district shall be combined with the amount computed and provided on a district level for each that district, shall be multiplied by the ADM for each district as prescribed by the education resource block grant model, to determine the foundation program amount for each district, ~~except as otherwise provided by law. For the purposes of this subsection, the average daily membership (ADM) for each district's kindergarten students shall be divided by two (2).~~

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

21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.

(c) One-third (1/3) of each district's entitlement shall be paid to the district on August 15 of each year. Subject to any ~~recalculation under W.S. 21-13-309(q)~~ and adjustment under subsections (d) and (e) of this section, on or about the fifteenth day of October and February, the balance of the entitlements shall be distributed in equal payments. If, after March 1 and before April 1, the state superintendent determines that the entitlement paid to a district for that school year is not accurate, the state superintendent shall make additional payments to or require payments from that district as necessary to correct the inaccuracy as soon as practicable. Except as provided under W.S. 21-2-202(e), after March 31 of any school year, the state superintendent shall not adjust any district's entitlement or fiscal information used to compute a district's entitlement for that school year, and the entitlement or fiscal information shall only be adjusted thereafter in accordance with audit review pursuant to W.S. 9-1-513.

21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.

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(a) The ~~adjustment~~ amount provided for the transportation of school children within the education resource block grant model pursuant to W.S. ~~21-13-309(n)(i)~~ 21-13-309(m)(v)(E)(I) shall be computed in accordance with this section.

(b) ~~The amount computed under W.S. 21-13-309(m)(iii) for each district shall be reduced by the total statewide expenditure for transportation, including capital outlay for school buses, per ADM during the 1996-1997 school year. There shall be an addition to the amount computed under W.S. 21-13-309(p) for each school district equal to the assigned percentage of the base price amount for bus purchase and lease payment expenditures made by the district during the previous school year pursuant to subsection (g) of this section, one hundred percent (100%) of the amount actually expended by the district during the previous school year under subsection (c) of this section and for:~~

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

(b) The ~~adjustment~~ amount provided for special education within the education resource block grant model pursuant to W.S. ~~21-13-309(n)(ii)~~ 21-13-309(m)(v)(E)(II) shall be ~~computed as follows:~~ equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services.

(g) Assistive technology equipment included within district expenditures for special education programs and services and reported under ~~paragraph (b)(ii)~~ subsection

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(b) of this section, which was acquired to assist a student with a specific disability, shall to the extent practicable, transfer with that student if the student transfers to another school district within the state. Within the report required under subsection (d) of this section, districts shall separately document assistive technology equipment including an inventory of assistive technology equipment and the status of the usage levels of the equipment and shall report to the department equipment which is accordingly transferred to another school district or which is currently unused by the district. The provisions of this subsection requiring transfer of assistive technology equipment apply only if no other student within the district currently uses the equipment and the equipment is capable of transfer to another district.

21-13-324. Teacher extra compensation adjustment to district total amount per ADM.

(a) A district may pay extra compensation to a teacher as necessary to employ teachers for providing educational programs at locations which because of their unique circumstances require additional pay. Extra compensation under this section:

(iii) May be in the form of ~~subsidized rent or other~~ subsidized expenses other than rent or housing allowances, a cash bonus or a combination.

(b) If compensation is paid to the teacher for ~~rental or other~~ costs other than rent or housing allowances, the school district shall provide information to the state department describing the difference in the amount paid by the teacher and the average comparable market rate within the county for ~~rent or other~~ the subsidized cost.

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21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.

(c) To compute the major building and facility repair and replacement payment for each district, the commission shall:

(ii) Of the total gross square feet for all school buildings and facilities computed under paragraph (c)(i) of this section, determine the total gross square feet for each of the following building categories:

(C) Educational buildings, including portable buildings provided portable buildings do not exceed more than ten percent (10%) of the total gross square feet computed for all school buildings and facilities under paragraph (c)(i) of this section, and excluding teacherages; ~~unless the teacherage is used in support of a necessary small school as defined by W.S. 21-13-318;~~

(iii) The total amount of gross square footage determined for educational buildings under subparagraph (c)(ii)(C) of this section shall be adjusted by excluding from computations under this section the square footage for those educational buildings closed and not operational as provided for under paragraph (c)(iv) of this section and any amount including the gross square footage of portable buildings, which exceeds capacity levels specified by this paragraph which are above the statewide minimum gross square footage criteria as prescribed by the statewide building and facility adequacy standards promulgated under W.S. 21-15-115(a). For purposes of this section, per

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student gross square footage criteria prescribed by the statewide building adequacy standards shall be based upon an average daily membership (ADM) computed as defined under W.S. 21-13-101(a)(i) for the prior school year, ~~with the district's kindergarten ADM divided by two (2).~~ For purposes of computations under this section, the allowable capacity in educational building gross square footage for each district including portable buildings, shall be as follows:

21-20-201. Agreement between districts and postsecondary education institutions authorized; student participation; credits; financial arrangements; transportation; accessibility.

(f) If the postsecondary education options program is offered at a facility operated by the university or participating community college which is located at a reasonable distance from the high school at which the participating student is enrolled, the district may provide for the transportation of the student between the high school and the location at which the program is offered. Costs incurred by the district under this subsection shall be included as part of the district transportation expenses as used in computing the district foundation program amount ~~per average daily membership (ADM)~~ under W.S. 21-13-309.

Section 2. W.S. 21-2-203(b), 21-3-314(c)(i)(A) and (B), 21-12-105(f), 21-13-101(a)(xv), 21-13-102(a)(i)(D), (E), (ii)(E), (F), (f), (h) and (j), 21-13-309(m)(i) through (iii), (n), (o)(i) and (ii), (q), (r) and (s), 21-13-318, 21-13-321(b)(i) and (ii), 21-13-323, 21-13-326, 21-13-328, 21-13-329, 21-13-332 and 21-13-333 are repealed.

Section 3. [SUMMER SCHOOL/EXTENDED DAY PROGRAMS]

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(a) The summer school grant program is established for the 2006 summer session to provide financial assistance to districts for the provision of intervention, remediation and enrichment instruction to students beyond the required school year specified by law under W.S. 21-4-301 and 21-13-307(a)(ii). The grant program shall augment amounts within the education resource block grant model for addressing at-risk student needs over a transitional period during which full cost-based funding will be implemented and total at-risk program resources are being reviewed. Assistance made available under the grant program shall supplement district intervention, remediation and enrichment programs and shall at minimum, be made available to 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, intervention and enrichment instruction in mathematics and reading and language arts;

(ii) Provide a minimum of sixty (60) instructional hours to each elementary school student and a minimum of sixty (60) instructional hours per subject to each middle and high school student. High school students may demonstrate 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;

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(iv) Require the development of an individual student learning plan for each participating student;

(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.

(b) 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. These programs shall augment amounts within the education resource block grant model for addressing at-risk student needs over a transitional period during which full cost-based funding will be implemented and total at-risk program resources are being reviewed. To receive funding 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.

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(c) To receive grant assistance under this section, a district shall apply to the department of education on or before April 15, 2006. Application review by the department shall be completed by May 1, 2006. On or before May 1, 2006, districts shall be notified by the department of any estimated grant amount to be made available to the district during the 2006 summer school session. Application to the department shall be in a manner and form prescribed by the department and shall include:

(i) An estimate of the number of students to be enrolled in the summer school intervention, remediation and enrichment 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;

(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 one thousand dollars (\$1,000.00), subject to a per district maximum amount computed by multiplying one thousand dollars (\$1,000.00) times a number equal to ten percent (10%) of

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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) Eleven thousand sixty dollars (\$11,060.00) if an elementary summer school program;

(B) Fifteen thousand eight hundred sixty dollars (\$15,860.00) if a secondary summer school program;

(C) Twenty-four thousand twenty dollars (\$24,020.00) if a combined elementary and secondary summer school program.

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, an intersession intervention, remediation and enrichment 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.

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(f) As soon as reasonably possible following the effective date of this section, 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, 2006, the department shall review and report to the joint education interim committee on summer school remediation, intervention and enrichment programs funded under this section, evaluate program effectiveness and provide recommendations for program improvement and continuation.

(h) Nine million dollars (\$9,000,000.00) is appropriated from the school foundation program account to the department of education to fund the grant program established under this section for the period beginning on the effective date of this section and ending June 30, 2007.

Section 4. [INSTRUCTIONAL FACILITATORS]

(a) To augment amounts within the education resource block grant model available to districts for school-based instructional facilitators and instructional coaches during a transitional period during which full cost-based funding will be implemented and total professional development resources are being reviewed, and to assist schools with providing ongoing instructional coaching and instructional mentoring, a school district may apply to the department of education for a grant under this section on or before April 15, 2006, for school year 2006-2007, and on or before April 15, 2007, for school year 2007-2008. Application shall be on a form and in a manner prescribed by the department and

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application review and selection shall be in accordance with department rule and regulation. The department shall notify each district of its eligibility to participate in the grant program on or before May 1 of the school year preceding the school year for which application is made, together with any estimated amount to be made available to the district for the applicable school. The department shall distribute grant amounts to each eligible district on or before August 15, 2006, for the first school year of the grant program, and again on or before August 15, 2007, for the second school year of the grant program.

(b) Grant amounts for school year 2006-2007 shall be based upon school level attendance and configuration reports submitted by each eligible school district pursuant to W.S. 21-13-309(m)(iv) for school year 2005-2006, as amended by section 1 of this act. Grant amounts for school year 2007-2008 shall be based upon school year 2006-2007 attendance and configuration reports. Grant amounts shall be computed by the department for the eligible applicant district as if the education resource block grant model contained the following component for instructional facilitators, prorated up and down from the FTE position level specified for each prototype similar to computational operation of other components within the block grant model:

(i) One and one-half (1.5) FTE position in each 288 ADM prototypical elementary school within the qualifying district;

(ii) One and one-half (1.5) FTE position in each 315 ADM prototypical middle school within the district; and

(iii) One and one-half (1.5) FTE position in each 315 prototypical high school within the district;

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(iv) "FTE" and "ADM" as used in this section shall be as defined in ATTACHMENT "A" to this act, as referenced in W.S. 21-13-101(a)(xvii), as amended by section 1 of this act.

(c) Grant payments to qualifying applicant school districts shall be made by the department from amounts within the foundation program account appropriated under subsection (e) of this section, and shall be in addition to the school year 2006-2007 and the school year 2007-2008 foundation program amount computed for that district under W.S. 21-13-309(p), as amended by section 1 of this act, as applicable. If there is an insufficient amount within the foundation program account from amounts appropriated under subsection (e) of this section for grant payments awarded under this section for any school year for which the grant program is authorized and funded by the legislature, the department shall make a pro rata reduction in district grant payments. District expenditures of amounts distributed under this section shall be solely for district instructional facilitation programs in accordance with the program documentation submitted by the district under subsection (a) of this section.

(d) Each district shall report expenditures of amounts distributed under this section together with additional information required by the department on instructional facilitation strategies employed by the district, the impact of facilitation on student performance and an evaluation of the effectiveness of the facilitation strategies employed by the district. The department shall compile the information reported by districts under this subsection and on or before December 1, 2007, report the compilation to the joint education interim committee together with recommendations for future instructional facilitation funding.

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(e) Sixteen million dollars (\$16,000,000.00) is appropriated from the school foundation program account to the department of education to fund payments under this section for school years 2006-2007 and 2007-2008.

Section 5. [NATIONAL BOARD CERTIFIED TEACHER PAYMENT REIMBURSEMENT]

(a) For school years 2006-2007 and 2007-2008, each school district shall be reimbursed from the school foundation program account for payments provided to teachers employed by the district holding certification by the national board for professional teaching standards. Reimbursement under this section shall be paid by the department of education to each school district submitting a report to the department documenting the number of national board certified teachers employed by the district and receiving a payment from the district. To qualify for reimbursement under this section, the payment shall be paid by the district in a lump sum amount equal to four thousand dollars (\$4,000.00) during the period beginning December 1 and ending December 15 of the school year for which reimbursement is requested. The report shall be made in a manner and on a form specified by the department and shall be filed with the department on or before December 31 of the applicable school year.

(b) Amounts reimbursed to a school district under this section shall be computed by the department based upon the number of qualified teachers within the district receiving a payment, as documented in the district's report submitted under subsection (a) of this section, multiplied by four thousand dollars (\$4,000.00). The department shall not later than February 15, of the appropriate school year, distribute payments to each district employing and paying

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qualified teachers in accordance with this section. The department shall report distributions made during both school year in accordance with this section to the joint education interim committee on or before January 31, 2008.

(c) Six hundred thousand dollars (\$600,000.00) is appropriated from the school foundation program account to the department of education for purposes of making payments under this section during school years 2006-2007 and 2007-2008.

Section 6. [HOLD HARMLESS]

(a) Notwithstanding W.S. 21-13-309(p), as amended by section 1 of this act, using computations of district foundation program amounts by the department of education based upon reports from districts required by the department, the foundation program amount computed for a district under W.S. 21-13-309(p) for school year 2006-2007 and each school year thereafter through the next recalibration of the education resource block grant model pursuant to W.S. 21-13-309(t), less amounts reimbursed under W.S. 21-13-309(m)(v)(E), shall not be less than one hundred percent (100%) of the foundation program amount available to that district during the 2005-2006 school year, as computed under W.S. 21-13-309(p) prior to the addition of the reimbursement amounts under W.S. 21-13-309(m)(v)(E) for that school year. A district is not entitled to additional funding under this section if, but for a decrease in ADM as compared with the 2005-2006 school year, that district would not have a foundation program amount that is less than one hundred percent (100%) of the school year 2005-2006 foundation program amount.

(b) Notwithstanding subsection (a) of this section, this section shall not apply to any district subject to

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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 for that district.

Section 7. [EDUCATION STUDIES]

(a) For purposes of carrying out the requirements of W.S. 21-13-309(m)(iv)(C), as amended under section 1 of this act, the state superintendent of public instruction shall in consultation with the Wyoming school facilities commission, develop statewide guidelines on the configuration of schools for computations under the education resource block grant model and determination of school foundation program amounts under law, for recommendation to the joint education interim committee. Guidelines developed under this subsection shall address school configuration on the basis of the adequate delivery of the required statewide educational program in a cost-efficient and educationally effective manner. The purpose of this subsection is to address the appropriate school configuration for application to the education resource block grant model and not the authority of districts to configure school grade levels. On or before November 1, 2008, recommendations shall be reported to the joint education interim committee together with an analysis of the impact of recommendations on existing school configurations established by school districts.

(b) The Wyoming school facilities commission shall report to the joint education interim committee and the select school facilities committee on modifications to the statewide adequacy standards for school buildings and facilities established under W.S. 21-15-115, as necessary to accommodate full day kindergarten programs in Wyoming schools. The report shall be made on or before August 1, 2006.

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(c) For purposes of refining components within the education resource block grant model resourcing education programs supporting at-risk students, the department of education shall:

(i) Develop a standard, accurate procedure for the identification of mobile students as used within the model to resource at-risk programs;

(ii) Through reporting requirements imposed upon school districts by rule and regulation of the department, compile district information on at-risk program effectiveness as measured by student program entrance and exit performance indicators and by district at-risk program structure, content and delivery information.

(d) The department of education shall annually report progress on activities conducted under paragraph (c)(ii) of this section to the joint education interim committee by December 1, with findings and recommendations reported to the committee on necessary remedial legislative action, if any, on or before November 1, 2008. Recommendations under paragraph (c)(i) of this section shall be submitted to the committee on or before December 1, 2006.

(e) The department of education shall conduct a detailed analysis of district revenues and expenditures for food service programs, clearly identifying and describing the basis for program deficits experienced by school districts. Findings from this analysis shall be reported to the joint education interim committee on or before December 1, 2006, together with recommendations addressing program revenue shortfalls.

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(f) In addition to subsection (e) of this section, the department of education shall review district expenditures for student activity programs. The department may impose additional data reporting requirements upon districts as necessary to undertake this review and shall identify factors resulting in variations in district expenditures. Findings under this subsection shall be reported to the joint education interim committee on or before December 1, 2006.

(g) The department of education shall review school district safety and security needs including a review of safety and security issues facing public schools, proposed statewide guidelines and standards addressing district safety and security of schools, a review of revenues available to districts for addressing safety and security needs and recommendations for state assistance to districts necessary to address safety and security issues. The department shall consult with the Wyoming school facilities commission in undertaking the review required under this subsection. Study findings and recommendations shall be reported to the joint education interim committee on or before December 1, 2006.

(h) On or before December 1, 2006, the department shall also report to the joint education interim committee and to the joint appropriations interim committee on the following based upon school year 2005-2006 actual data and to the extent possible, upon school year 2006-2007 actual and estimated data:

(i) The methodology used to distribute federal special education funds and the amount distributed to each school district and to each developmental pre-school;

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(ii) The amount of state funds reimbursed to school districts under the Wyoming education resource block grant model pursuant to W.S. 21-13-309(m)(v)(E)(II) and 21-13-321, as amended under section 1 of this act;

(iii) The amount of unexpended federal special education funds for each school district;

(iv) The length of time school districts may keep federal special education funds and a description of the process by which these funds revert to the state and federal government;

(v) If federal special education funds supplant or supplement state funds distributed through the Wyoming education resource block grant model or other providers through either the department of education or the department of health;

(vi) The extent to which future federal funds may offset state special education expenditures.

(j) Three hundred fifty thousand dollars (\$350,000.00) is appropriated from the school foundation program account to the department of education as necessary to implement subsections (a) and (c) through (h) of this section and to administer this act. On or before July 1, 2007, the department shall report to the joint appropriations interim committee and the joint education interim committee on the expenditure of funds appropriated under this section.

Section 8. [ALLOCATION-EXPENDITURE STUDY]

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(a) The joint education interim committee shall conduct a study of the allocation and use of education resources by schools and school districts including:

(i) A quantitative analysis of changes in school and school district expenditures using school year 2005-2006 expenditures as the base year;

(ii) A quantitative analysis of the impacts of education program strategies contained within cost studies supporting the recalibrated block grant funding model enacted by the legislature under this act and the resources made available to school districts under this act, on the education programs provided by schools and school districts;

(iii) A quantitative analysis of programmatic uses of resources made available under the recalibrated funding model enacted under this act by schools and school districts.

(b) Based upon the analysis conducted under subsection (a) of this section, the study shall identify and address the effectiveness of school and school district implementation of education programs with state resources, the alignment of school and school district programs with education strategies provided within the recalibration cost of education study as enacted into law by the legislature, and the impact of the additional resources provided to schools and school districts under this act on respective education programs. Final recommendations based upon the analysis and study conducted under this section shall be finalized in sufficient time to report recommendations to the legislature during the 2008 budget session.

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(c) Five hundred thousand dollars (\$500,000.00) is appropriated from the school foundation program account to the legislative service office to fund the study required under this section. Funds appropriated under this subsection shall continue through the biennial period ending June 30, 2008, and shall include funding staff support and consultants to the legislature necessary to conduct the study, as approved and in accordance with a budget adopted by the management council.

Section 9. [DISTRICT COURT DECISION REVIEW]

(a) The management council shall through the joint education interim committee and the select school facilities committee, review the January 31, 2006, district court ruling resulting from litigation on school finance and school capital construction. The review required under this section shall include a response to the following points referenced by the district court, to be presented in sufficient time for the development and submission of legislative recommendations, if necessary, for consideration by the legislature in the 2007 general session:

(i) The at-risk proxies used in triggering at-risk program resources;

(ii) Use of a twenty (20) year limitation on computing teacher seniority for resourcing teacher salaries;

(iii) Use of the WCLI as the index for a regional cost adjustment to personnel resources;

(iv) The method of incorporating an inflation factor within the external cost adjustment;

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(v) Resources funding school district utility costs;

(vi) Resources provided for vocational education programs;

(vii) Expansion of school facility adequacy standards to include cocurricular programs, long-distance learning rooms and computer rooms;

(viii) Funding for utility lines to school sites as well as road construction to school sites if required by local ordinance;

(ix) Review of excess capacity limitations imposed upon routine and major maintenance payments and ability of facility retrofitting to reduce excess capacity.

Section 10. Fifty thousand dollars (\$50,000.00) is appropriated from the school foundation program account to the legislative service office as necessary to cover expenses of consulting services necessary to implement studies and reports submitted to the joint education interim committee impacting the education resource block grant model and to incorporate data necessary to update model components in accordance with this act. Expenditures shall be as approved by the management council.

Section 11. [REPORTING OF LITIGATION EXPENDITURES]

(a) As a condition of receiving funds from the state under the Wyoming education resource block grant model enacted pursuant to this act, and of receiving funds from the state under W.S. 21-15-109 through 21-15-121 including state funds for major maintenance, each school district

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shall report to the department of education not later than the last business day of each month, the amount expended during the preceding calendar month for litigation against the state related to the school finance funding system and the system for school capital construction under the Campbell cases. Commencing April 30, 2006, the reports shall be submitted by each district not later than the last business day of each month on the amount expended for litigation during the previous calendar month. In addition, each district shall provide a report of school finance and capital construction litigation expenses incurred prior to March 31, 2006, covering the period of time beginning with the preparation for filing of the initial petition in district court resulting in the January 31, 2006, district court order. This initial report shall be filed with the department on or before April 15, 2006.

(b) The department shall compile district reports submitted under subsection (a) of this section and report the compilation to the joint education interim committee and the joint appropriations interim committee listing total district expenditures for litigation expenses related to the Campbell cases during the respective reporting period. The initial report shall be made on or before May 1, 2006, followed by a report on November 1, 2006, and each November 1 thereafter.

(c) For purposes of this section, amounts expended in litigation include but are not limited to attorney's fees, consultant's fees, travel expenses of attorneys, consultants and district board members or personnel related to such litigation, the cost of services of district personnel and administrative and support expenses related to such litigation, including printing, copying and communications charges. In addition, districts shall

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include association fees and assessments paid by district funds which are related to such litigation.

(d) The department shall specify the format and contents of the reports required under this section. School districts shall provide information to the department in a timely manner necessary to conform with this section.

Section 12.

(a) Notwithstanding 2006 House Bill 0001, all appropriations within that bill to the department of education for contracting with bureau of Indian affairs (BIA) schools addressing the special educational needs of Indian students shall be for the fiscal year commencing July 1, 2006, and ending June 30, 2007.

(b) On or before December 1, 2006, the state superintendent of public instruction shall in consultation with the bureau of Indian affairs (BIA) school board of directors, provide a report on the feasibility of incorporating BIA schools into the Wyoming system of public school finance. The report shall contain an analysis of existing funding sources and fund expenditures, the necessary steps to incorporate BIA schools into the state system of school finance and recommendations as to the advisability and methodology for including BIA schools within the system of school finance. The report shall be submitted to the joint appropriations interim committee, the joint education interim committee and the select committee on tribal relations.

(c) As part of the contract under which funds are provided by the department of education to the bureau of Indian affairs (BIA) schools, the joint business council

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shall agree to report to the joint appropriations interim committee, the joint education interim committee and the select committee on tribal relations on the expenditure of funds under subsection (a) of this section, provide information required to meet the purposes of the report required under subsection (b) of this section, and report on the impact of the expenditures on student performance. A preliminary report on fund expenditures shall be made not later than December 1, 2006 and the final report shall be made not later than June 30, 2007.

Section 13. Twenty-nine million six hundred sixty-nine thousand sixty-nine dollars (\$29,669,069.00) is appropriated from the public school foundation program account to the department of education for payments to school districts in accordance with W.S. 21-13-311 and 21-13-313(b), (c) and (g), to supplement amounts otherwise appropriated by the 2006 legislature in 2006 House Bill 0001 for the school foundation program.

Section 14.

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2006.

(b) Sections 3, 4, 7, 8, 9, 10 and 11 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.

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ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED WITHIN THE 2005 COST OF EDUCATION STUDY ON THE RECALIBRATION OF THE EDUCATION RESOURCE BLOCK GRANT MODEL AS FOLLOWS:

SUMMARY OF WYOMING RECALIBRATION RECOMMENDATIONS:

For purposes of this attachment:

"ADM" means as defined under W.S. 21-13-101(a)(i) and reflects a per student computation;

"FTE" means full time equivalency basis as computed in accordance with guidelines prescribed by rule and regulation of the department of education.

(a) The Wyoming education resource block grant model as contained in the 2005 cost of education study is comprised of the components resourced in accordance with this subsection:

Full-Day Kindergarten Funded for all elementary schools.

Class Size: 16 for grades Kindergarten through 5;
 21 for grades 6 through 12.

Core teachers: Elementary school ADM divided by 16;
 Middle school ADM divided by 21;
 High school ADM divided by 21.

Specialist teachers: 20 percent of core teachers.

Minimum teachers: 6.0 for elementary schools with greater than 49 ADM;

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9.0 for secondary schools with greater than 49 ADM;
7.0 for middle schools with greater than 49 ADM;
9.0 for high schools with greater than 49 ADM.

Instructional facilitators:

1.5 in 288 ADM prototypical elementary school;
1.5 in 315 ADM prototypical middle and high school.

Tutors:

1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and high schools.

ELL:

1 FTE teacher position for every 100 ELL students.

Extended day:

0.25 FTE teacher position for every 30 at-risk students.

Summer school:

0.25 FTE teacher position for every 30 at-risk students.

Alternative schools:

1 assistant principal position plus 1 FTE teacher position for every 7 students.

Substitutes:

Additional 5 percent of ADM generated teacher positions at \$88.40/day plus 7.65% for benefits.

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Supervisory aides: 2 for 288 ADM prototypical elementary school;
2 for 315 ADM prototypical middle school;
5 for 630 ADM prototypical high school.

Pupil support: 1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and secondary schools; PLUS
1 FTE position for every 250 students in secondary schools.

Librarian: 1.0 for each prototypical elementary, middle and high school.

Library media tech: 1.0 for each prototypical middle and high school.

Principal: 1.0 for all schools down to 96 ADM elementary and 105 ADM middle and high, prorated by ADM below these ADM levels.

Assistant principal: Begin phasing in 1 assistant principal for every 315 students at 316 ADM middle and high school.

Secretary: 1.0 for 288 ADM prototypical elementary;
1.0 for 315 ADM prototypical middle school;
1.0 for 315 ADM and 630 ADM prototypical high school.

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Clerical: 1.0 for 288 ADM prototypical elementary school;
1.0 for 315 ADM prototypical middle school;
2.0 for 315 ADM prototypical high school.

Books/Ins. Materials: \$296.99/elementary and middle school ADM;
\$363.65/high school ADM.

Computers, equipment: \$260/ADM.

Special education: 100 percent state reimbursement of prior year actual expenditures.

Gifted: \$26/ADM.

Vocational education: 0.29 times FTE vocational education ADM;
\$8040.74/FTE vocational education teacher for equipment and supplies.

Student activities: \$260/ADM.

Professional development:

In addition to the above instructional facilitators/coaches:
5 extra days in teacher yearly contract, at statewide average of \$218 per day, which will vary by district average salary levels;
Plus \$104/ADM for trainers.

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Assessment: In addition to all other professional
development resources:
\$33.58/ADM.

Central office staff: District ADM 500 and below:
3 administrative and 3 secretarial;

District ADM from 500 to 1000:
Proration of an additional
administrative and secretarial
position;

District ADM at 1000:
4 administrative and 4 secretarial;
adjusted upwards to 3500 ADM.

District ADM at 3500:
8 administrative and 10 secretarial,
prorated up for districts with ADM
greater than 3500.

Central office nonpersonnel expenses:
\$312/ADM

Transportation: 100 percent state reimbursement of
prior year actual expenditures.

Food services: Assumed to be self supporting program.

Maintenance and operations: Based on ADM, gross square
footage and number of buildings and
rooms for custodians, facilities
maintenance and groundskeepers.

M & O supplies: \$0.57 per 110 percent of gross square
feet of authorized education space.

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Utilities: Actual 2004-2005 expenditures by district inflated up in subsequent years by inflation factor.

School adjustments: For all schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1 FTE teacher position for every 7 students for all staff;

Minimum 6 teachers in elementary schools greater than 49 ADM;

Minimum of 9 core and specialist teachers in secondary schools with more than 49 ADM;

For a K-5 or K-6 school, resource as elementary school;

For a K-7, K-8 or K-9 school, resource K-5 as elementary school and remainder as middle school;

For K-12 school, resource K-5 as elementary, 6-12 as secondary school for all teachers and pupil support staff, and by elementary, middle and high school for other resources;

For 6/7-12 school, resource as secondary school for all teachers and pupil support staff, and as middle or high school for other resources.

Average Salaries:

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Teachers	\$ 43,938.00
Teachers with 5 extra days	\$ 45,036.00
Principals	\$ 73,994.00
Assistant principals	\$ 62,085.00
Superintendents	\$ 95,211.00
Assistant superintendents	\$ 76,168.80
Business managers	\$ 64,202.00
Aides	\$ 16,430.00
Media technicians	\$ 38,747.00
Central office secretaries	\$ 31,073.00
School secretaries	\$ 28,868.00
School clerical staff	\$ 22,206.00
Maintenance and operations:	
Maintenance/groundskeepers	\$ 31,866.00
Custodians	\$ 26,582.00

Benefits: 19.66 percent plus \$8,169 for health.

Regional cost adjustment: As provided by W.S.
21-13-309(m)(v)(C).

External cost adjustment:
As provided by W.S. 21-13-309(o).

(b) To implement this act and notwithstanding subsection (a) of this attachment, the Wyoming education resource block grant model components and the resourcing for those components shall be as follows:

Full-Day Kindergarten Funded for all elementary schools.

Class Size: 16 for grades Kindergarten through 5;
21 for grades 6 through 12.

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Core teachers: Elementary school ADM divided by 16;
Middle school ADM divided by 21;
High school ADM divided by 21.

Specialist teachers: Elementary schools: 20 percent of core
teachers;
Middle and high schools: 33 percent of
core teachers.

Minimum teachers: 6.0 for elementary schools with greater than
49 ADM;
8.0 for middle schools with greater than
49 ADM;
10.0 for high schools with greater than 49
ADM.

Instructional facilitators: 0.

Tutors: 1 FTE teacher position for every 100
at-risk students with a minimum of 1
FTE teacher position for prototypical
elementary, middle and high schools.

ELL: 1 FTE teacher position for every 100
ELL students.

Extended day: 0.

Summer school: 0.

Alternative schools: 1 assistant principal position plus 1
FTE teacher position for every 7
students.

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Substitutes: Additional 5 percent of ADM generated teacher positions at \$88.40/day plus 7.65% for benefits.

Supervisory aides: 2 for 288 ADM prototypical elementary school;
2 for 315 ADM prototypical middle school;
5 for 630 ADM prototypical high school.

Pupil support: 1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and secondary schools; PLUS
1 FTE position for every 250 students in secondary schools.

Librarian: 1.0 for each prototypical elementary, middle and high school.

Library media tech: 1.0 for each prototypical middle and high school.

Principal: 1.0 for all schools down to 96 ADM elementary and 105 ADM middle and high, prorated by ADM below these ADM levels.

Assistant principal: Begin phasing in 1 assistant principal for every 315 students at 316 ADM middle and high school.

Secretary: 1.0 for 288 ADM prototypical elementary;

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1.0 for 315 ADM prototypical middle school;
1.0 for 315 ADM and 630 ADM prototypical high school.

Clerical: 1.0 for 288 ADM prototypical elementary school;
1.0 for 315 ADM prototypical middle school;
2.0 for 315 ADM prototypical high school.

Books/Ins. Materials: \$296.99/elementary and middle school ADM;
\$363.65/high school ADM.

Computers, equipment: \$260/ADM.

Special education: 100 percent state reimbursement of prior year actual expenditures.

Gifted: \$26/ADM.

Vocational education: 0.29 times FTE vocational education ADM;
\$8040.74/FTE vocational education teacher for equipment and supplies.

Student activities: Resource under the following school configurations:
K-5 elementary school: \$21.63/ADM;
6-8 middle school: From \$684.32/ADM at 1 ADM school to \$176.80/ADM for 1260 ADM school;

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9-12 high school: From \$1764.01/ADM
for 1 ADM school to
\$520.00/ADM for 1260 ADM
school.

Professional development:

In addition to the above instructional
facilitators/coaches:
5 extra days in teacher yearly
contract, at statewide average of \$238
per day, which will vary by district
average salary levels;
Plus \$104/ADM for trainers.

Assessment:

In addition to all other professional
development resources:
\$33.58/ADM.

Central office staff: District ADM 500 and below:

3 administrative and 3 secretarial;

District ADM from 500 to 1000:

Proration of an additional
administrative and secretarial
position;

District ADM at 1000:

4 administrative and 4 secretarial;
adjusted upwards to 3500 ADM.

District ADM at 3500:

8 administrative and 10 secretarial,
prorated up for districts with ADM
greater than 3500.

Central office nonpersonnel expenses:

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\$312/ADM

Transportation: 100 percent state reimbursement of prior year actual expenditures.

Food services: Assumed to be self supporting program.

Maintenance and operations: Based on ADM, gross square footage and number of buildings and rooms for custodians, facilities maintenance and groundskeepers.

M & O supplies: \$0.57 per 110 percent of gross square feet of authorized education space.

Utilities: Actual 2004-2005 expenditures by district inflated up in subsequent years by inflation factor.

School adjustments: For all schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1 FTE teacher position for every 7 students for all staff;

For all schools with 49 or fewer ADM within a district comprised solely of schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1.5 FTE teacher positions for every 7 students for all staff;

Minimum 6 teachers in elementary schools greater than 49 ADM;

For a K-5 or K-6 school, resource as elementary school;

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For a K-7, K-8 or K-9 school, resource
K-5 as elementary school and remainder
as middle school;

For K-12 school, resource as K-5
elementary, 6-8 middle and 9-12 high
school;

For 6/7-12 school, resource as 6-8
middle and 9-12 high school.

Average Salaries:

Teachers	\$ 43,938.00
Teachers with 5 extra days	\$ 45,126.00
Principals	\$ 73,994.00
Assistant principals	\$ 62,085.00
Superintendents	\$ 95,211.00
Assistant superintendents	\$ 76,168.80
Business managers	\$ 64,202.00
Aides	\$ 16,430.00
Media technicians	\$ 38,747.00
Central office secretaries	\$ 31,073.00
School secretaries	\$ 28,868.00
School clerical staff	\$ 22,206.00
Maintenance and operations:	
Maintenance/groundskeepers	\$ 31,866.00
Custodians	\$ 26,582.00

Benefits: 19.66 percent plus \$8,169 for health.

Regional cost adjustment: As provided by W.S.
21-13-309(m) (v) (C).

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External cost adjustment:

As provided by W.S. 21-13-309(o).

ATTACHMENT "B"

ATTACHMENT "B" CONTAINS VERSION 1 OF MODEL SPREADSHEETS PROVIDED BY CONSULTANTS PERFORMING THE COST OF EDUCATION STUDY REFERENCED IN ATTACHMENT "A" AND IMPLEMENTING THE RECOMMENDATIONS WITHIN THE STUDY, AS ENACTED INTO LAW UNDER THIS ACT. ATTACHMENT "B" IS NOT REPRODUCED IN THE 2006 SESSIONS LAWS BUT IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE WYOMING SECRETARY OF STATE PURSUANT TO W.S. 21-13-101(c).

(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

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