

SENATE FILE NO. SF0070

School finance-amendments.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to school finance; establishing school
2 district financial assistance for specified purposes
3 outside of and in addition to the education resource block
4 grant school finance funding model; modifying the career-
5 vocational education grant program as specified and
6 establishing a statewide career-technical education
7 steering committee; funding school district distance
8 education programs and eliminating distance learning
9 incentive payments; imposing duties and reporting
10 requirements upon the department of education; granting
11 rulemaking authority; imposing school district reporting
12 requirements; providing appropriations; authorizing
13 positions; and providing for effective dates.

14

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

16

17 [SECTION 1. SUMMER SCHOOL/EXTENDED DAY]

1

2 **Section 101.** W.S. 21-13-334 is created to read:

3

4 **21-13-334. Supplemental at-risk financial assistance**
5 **program for summer school and extended day intervention and**
6 **remediation programs.**

7

8 (a) The supplemental at-risk financial assistance
9 program for summer school and extended day intervention and
10 remediation programs is established to augment resources
11 contained within the education resource block grant model
12 for addressing the needs of students who are not performing
13 at proficient levels and shall provide financial assistance
14 to districts for the provision of intervention and
15 remediation instruction to academically at-risk students
16 beyond the required school year specified by law under W.S.
17 21-4-301 and 21-13-307(a)(ii). Financial assistance under
18 this section shall:

19

20 (i) Be in addition to and shall not be
21 considered in determining the school foundation program
22 amount under the education resource block grant model
23 pursuant to W.S. 21-13-309;

24

1 (ii) Supplement district intervention and
2 remediation programs; and

3

4 (iii) At minimum, be made available to students
5 requiring additional instruction utilizing enriched
6 learning strategies to master statewide content and
7 performance standards prescribed by the state board of
8 education under W.S. 21-2-304(a)(iii) or otherwise seeking
9 credit recovery for promotion to the subsequent grade
10 level.

11

12 (b) In addition to subsection (a) of this section,
13 summer school programs eligible for financial assistance
14 under this section shall:

15

16 (i) At minimum, provide each participating
17 student the opportunity to receive remediation and
18 intervention instruction utilizing enriched learning
19 strategies in mathematics, reading and language arts;

20

21 (ii) Provide a minimum of sixty (60)
22 instructional hours over a period of at least fifteen (15)
23 school days to each participating elementary and middle
24 school student and a minimum of sixty (60) instructional

1 hours per subject to each participating high school
2 student. High school students may demonstrate proficiency
3 prior to receiving the full sixty (60) hours of
4 instruction;

5

6 (iii) Require the development of an individual
7 student learning plan for each participating student;

8

9 (iv) Require program instructors to receive
10 training in research-based enriched learning strategies
11 focused on individualized instruction at the level,
12 duration and content specified by rule and regulation of
13 the department of education;

14

15 (v) To assure effectiveness of teaching and
16 program quality, provide for program monitoring by a school
17 principal or superintendent trained in instruction
18 utilizing research-based enriched learning strategies for
19 at-risk students as prescribed by rule and regulation of
20 the department of education.

21

22 (c) To be eligible for financial assistance under
23 this section, intervention programs providing before-
24 school, after-school and Saturday school supplemental

1 extended day instruction utilizing enriched learning
2 methodologies shall in addition to subsection (a) of this
3 section:

4
5 (i) Require the district to file a program plan
6 with the department of education as part of the application
7 filed under subsection (e) of this section, requesting use
8 of a portion of financial assistance otherwise available
9 under this section subject to a maximum level established
10 by rule and regulation of the department of education.
11 Program plans shall be prepared in accordance with program
12 requirements and criteria established by rule and
13 regulation of the department;

14
15 (ii) Be subject to the requirements specified
16 under paragraphs (b)(i) and (iii) through (v) of this
17 section.

18
19 (d) To receive financial assistance under this
20 section, a district shall apply to the department of
21 education on or before April 15 of any school year to
22 receive financial assistance during the immediately
23 succeeding summer school session and subsequent school

1 year. Application to the department shall be in a manner
2 and form prescribed by the department and shall include:

3

4 (i) An estimate of the number of students to be
5 enrolled in the intervention and remediation program for
6 which financial assistance is requested, broken down by
7 grade level;

8

9 (ii) A description of program content including
10 subjects offered and additional information depicting
11 compliance with program requirements otherwise specified
12 under this section;

13

14 (iii) Evidence of specific professional
15 development and training for each program instructor;

16

17 (iv) Other information determined necessary to
18 implement this section as may be required by the
19 department.

20

21 (e) Department review of applications filed under
22 subsection (d) of this section shall be completed each year
23 by not later than May 1. On or before May 1, each
24 applicant district shall be notified by the department of

1 any estimated financial assistance to be made available to
2 the district for the applicable summer school session and
3 school year, as appropriate.

4

5 (f) Maximum financial assistance under this section
6 shall be determined for each applicant district as if the
7 education resource block grant model contained a component
8 equal to fifteen percent (15%) of one (1) full-time
9 equivalent teacher position for every thirty (30) at-risk
10 students within the district as determined under W.S.
11 21-13-309(m)(v)(A), subject to a minimum per district
12 amount equal to fifty percent (50%) of one (1) full-time
13 equivalent teacher position. Computation of full-time
14 equivalency shall be in accordance with guidelines
15 prescribed by rule and regulation of the department.
16 Distributions to each district shall be equal to one
17 hundred percent (100%) of amounts actually expended by the
18 district for intervention and remediation programs approved
19 under this section for the applicable summer session or
20 school year, subject to the minimum and maximum per
21 district amounts computed under this subsection, updated to
22 reflect the most current at-risk student count for the
23 applicable reporting period.

24

1 (g) Notwithstanding subsection (f) of this section,
2 an intersession intervention and remediation program for
3 school districts operating schools on a year-round basis
4 for purposes of qualifying for financial assistance under
5 this section shall be an amount determined in accordance
6 with criteria and guidelines prescribed by rule and
7 regulation of the department, which shall not exceed the
8 amounts prescribed under subsection (f) of this section.

9

10 (h) The department may request additional information
11 prior to payment of financial assistance under this section
12 to ensure compliance with the requirements of this section
13 and may withhold final payment to any district for
14 noncompliance. Upon completion of the intervention and
15 remediation program, each recipient district shall report
16 to the department any statistical, expenditure and program
17 evaluation information as may be required by the department
18 prior to receiving financial assistance computed under this
19 section. In administering this program, the department
20 shall:

21

22 (i) Monitor programs for compliance with this
23 section and department rules and regulations governing
24 programs receiving financial assistance under this section;

1

2 (ii) Provide assistance to districts as
3 necessary to comply with this section and department rules
4 and regulations;

5

6 (iii) Provide training to district personnel on
7 research-based strategies effective in delivering
8 instruction to academically at-risk students;

9

10 (iv) Implement a structured common assessment
11 evaluation of program effectiveness.

12

13 (j) Annually on or before December 1, the department
14 shall report to the joint education interim committee on
15 remediation and intervention programs receiving financial
16 assistance under this section during the immediately
17 preceding school year, evaluate program effectiveness and
18 provide recommendations for program improvement.

19

20 **Section 102.** There is appropriated two million
21 dollars (\$2,000,000.00) from the public school foundation
22 program account to the department of education that shall
23 only be expended as necessary to augment amounts within the
24 department's budget to carry out Section 101 of this act.

1 This appropriation shall be for the period beginning with
2 the effective date of this section and ending June 30,
3 2010. This appropriation shall only be expended for the
4 purpose of the summer school and extended day intervention
5 and remediation program established under Section 101 of
6 this act.

7

8 [SECTION 2. CAREER-TECHNICAL EDUCATION]

9

10 **Section 201.** W.S. 21-2-202(a)(xxviii) and 21-12-105
11 are amended to read:

12

13 **21-2-202. Duties of the state superintendent.**

14

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

17

18 (xxviii) Establish necessary procedural and
19 monitoring requirements for implementation of the
20 ~~vocational~~career-technical education demonstration project
21 grant program authorized under W.S. 21-12-105, including
22 ~~consideration of prior funds generated by any vocational~~
23 ~~education programs terminated by the district~~ coordination

1 with Wyoming post secondary education institutions and
2 industry in developing program procedures and components;

3
4 **21-12-105. Career-technical education demonstration**
5 **project grants; application; criteria; limitations.**

6
7 (a) A school district may apply to the state
8 department of education for state assistance to fund
9 expenses associated with the planning, development and
10 implementation of a ~~new or the expansion of an existing~~
11 ~~career-vocational~~ career-technical education ~~program within~~
12 demonstration project as a new or an expansion to any
13 existing high school career-vocational education program in
14 the district. As used in this section, "career-vocational
15 education program" shall be as specified in W.S.
16 21-13-309(m)(v)(D)(II). Amounts awarded under this section
17 shall be used to fund curricular development and ~~program~~
18 project design costs, employ certified teachers to provide
19 course instruction during the ~~introductory year~~ two (2)
20 years of project implementation and to fund initial
21 purchases of equipment and supplies, ~~necessary for program~~
22 delivery. all incurred for demonstration projects which:

23

1 (i) Prepare high school students for a full
2 range of post secondary options, including two (2) year and
3 four (4) year college, apprenticeship, military and formal
4 employment training;

5
6 (ii) Connect academic and technical curriculum
7 grounded in academic and industry standards;

8
9 (iii) Provide innovative strategies for ensuring
10 student access to career choices, as well as opportunities
11 for work-based learning and dual enrollment in related post
12 secondary education courses;

13
14 (iv) Support workforce, education and economic
15 needs of Wyoming.

16
17 (b) Any amount awarded to a district under this
18 section shall be in addition to and not be considered in
19 determining the school foundation program amount under the
20 education resource block grant model pursuant to W.S.
21 21-13-309. ~~No~~ A grant awarded under this section shall be
22 for a period of two (2) years and shall not exceed ~~fifty~~
23 ~~thousand dollars (\$50,000.00) for the expansion of any~~
24 ~~existing program nor more than one hundred thousand dollars~~

1 ~~(\$100,000.00)~~ one hundred fifty thousand dollars
2 (\$150,000.00) for the ~~implementation~~ first year of ~~any new~~
3 ~~program~~ demonstration project planning, and ~~no one~~ (1)
4 ~~district is eligible for a grant within two (2) years after~~
5 ~~receiving a grant award under this section~~ not more than
6 two hundred thousand dollars (\$200,000.00) for project
7 implementation in year two (2) of the project grant.
8 Thereafter, state assistance for the project shall be
9 limited to funds distributed to the district within its
10 foundation program amount as determined under the education
11 resource block grant model.

12

13 ~~(b)~~ (c) Application for a grant under this section
14 shall be on a form and in a manner specified by rule and
15 regulation of the department, shall be filed with the
16 department on or before June 30 to secure a grant during
17 the immediately succeeding school year, and shall at
18 minimum include:

19

20 (i) A proposal ~~documenting~~ based upon an
21 existing partnership between the applicant district, the
22 Wyoming post secondary education institution and industry,
23 which clearly documents the need for ~~introducing~~

1 establishing the proposed ~~career-vocational~~ career-
2 technical education ~~program~~ demonstration project;

3

4 (ii) ~~Labor market information detailing the need~~
5 ~~for instruction in~~ Documentation of integration of industry
6 standards, school redesign and curriculum alignment between
7 high school and post secondary education within the
8 proposed ~~program~~ project;

9

10 (iii) The purposes, ~~and~~ plan and timeline for
11 expenditure of grant amounts;

12

13 (iv) ~~An outline of the course curriculum for~~
14 Assurance that school facilities appropriately accommodate
15 the proposed ~~program~~ demonstration project; and

16

17 (v) Other necessary information required by the
18 state department.

19

20 ~~(e)~~ (d) Not later than August 15 of the applicable
21 school year and following review of applications submitted
22 under this section, the department shall notify applicant
23 districts of its decision and shall provide each applicant
24 district a written statement of reasons for approving or

1 denying the application. ~~In determining and establishing an~~
2 ~~amount for any grant award to an applicant district under~~
3 ~~this section, the department shall consider funds available~~
4 ~~to the district from the termination of any career-~~
5 ~~vocational education program by the district prior to the~~
6 ~~application filing date.~~ If the application is approved,
7 the department shall award the grant from amounts made
8 available by legislative appropriation within the school
9 foundation program account for purposes of this section.

10
11 ~~(d)~~(e) Each recipient district shall report to the
12 department on the expenditure of amounts awarded under this
13 section, shall in consultation with representatives of
14 partnership post secondary education programs and industry,
15 provide the department an evaluation of project results and
16 shall provide other information as required by rule and
17 regulation of the department to implement this section.

18
19 (f) Repealed By Laws 2006, Chapter 37, § 2.

20
21 ~~(e)~~(g) The department shall promulgate rules and
22 regulations necessary to carry out this section and shall
23 work with Wyoming post secondary education institutions and
24 industry in establishing prerequisite school district and

1 post secondary education and industry agreement
2 requirements.

3

4 **Section 202.**

5

6 (a) Eight hundred thousand dollars (\$800,000.00) is
7 appropriated from the public school foundation program
8 account to the department of education that shall be
9 expended only as necessary to augment amounts within the
10 department's budget for career-technical education
11 demonstration project grants authorized under W.S.
12 21-12-105, as amended by Section 201 of this act. This
13 appropriation shall be for the period beginning July 1,
14 2008, and ending June 30, 2010.

15

16 (b) The department of education is authorized one (1)
17 additional full-time position to administer the career-
18 technical education demonstration project grant program
19 authorized under W.S. 21-12-105 as amended by Section 201
20 of this act, to coordinate and staff the career-technical
21 education steering committee established under subsection

22 (c) of this section, to implement the department's career-
23 technical education strategic plan developed in accordance
24 with subsection (d) of this section and to coordinate

1 department staff dedicated to strengthening core career-
2 technical education programs. For purposes of this
3 subsection, one hundred seventy-six thousand three hundred
4 seventy-four dollars (\$176,374.00) is appropriated from the
5 public school foundation program account to the department
6 of education for the period commencing with the effective
7 date of this subsection and ending June 30, 2010. This
8 appropriation shall be expended for the costs of this
9 additional position only.

10

11 (c) One hundred fifty thousand dollars (\$150,000.00)
12 is appropriated from the public school foundation program
13 account to the department of education to fund costs for
14 creating and convening a career-technical education
15 steering committee to assist the department in developing
16 parameters comprising the career-technical education
17 demonstration project grant program authorized under W.S.
18 21-12-105 as amended by Section 201 of this act, in
19 developing and guiding the evolving statewide career-
20 technical education program and in designing and
21 implementing the statewide strategic plan for Wyoming
22 career-technical education. Steering committee membership
23 shall be appointed by the state superintendent from among
24 members of the Wyoming legislature as forwarded by the

1 president of the Wyoming senate and the speaker of the
2 Wyoming house of representatives, and the state board of
3 education, together with representatives of Wyoming post
4 secondary education institutions, secondary schools, state
5 agencies involved with workforce training, business and
6 industry and other related stakeholders identified by the
7 department. This appropriation shall be for the period
8 beginning on the effective date of this subsection and
9 ending June 30, 2010, and shall be expended only for
10 necessary expenses incurred for the statewide steering
11 committee established under this subsection. Steering
12 committee members shall be reimbursed only for per diem and
13 travel expenses incurred while attending official committee
14 business, at rates prescribed by law for members of the
15 Wyoming legislature. In addition, the department shall
16 transfer funds to the legislative service office for
17 payment of per diem and expenses incurred by legislator
18 steering committee members. The steering committee shall
19 terminate on June 30, 2010, unless extended by the state
20 superintendent and funded by appropriation of the
21 legislature.

22

23 (d) Five hundred sixty thousand dollars (\$560,000.00)
24 is appropriated from the public school foundation program

1 account to the department of education for Wyoming career-
2 technical education development, including coordination of
3 statewide career-technical education activities,
4 implementation of steering committee recommendations,
5 development of core career-technical education programs and
6 curriculum, development of a comprehensive statewide model
7 for career-technical education based upon demonstration
8 projects awarded grants under W.S. 21-12-105 as amended by
9 Section 201 of this act, provision of technical assistance
10 to Wyoming school districts pertaining to curriculum
11 planning and development, strengthening of professional
12 development and teacher preparation programs and the
13 evaluation of improvements to career and technical
14 education instruction and delivery. This appropriation is
15 for the period beginning July 1, 2008, and ending June 30,
16 2010, and shall be expended for purposes specified in this
17 subsection and may be used for contractual services as
18 necessary to obtain required analytical expertise in
19 carrying out duties imposed under this subsection.

20

21 **Section 203.** On or before December 1, 2009, the
22 department shall report to the joint education interim
23 committee on career-technical education demonstration
24 project grants awarded under W.S. 21-12-105 as amended by

1 Section 201 of this act, the impact of the grant program,
2 steering committee activities and the statewide career-
3 technical education strategic plan on improvements to
4 career-technical education delivery in Wyoming, the related
5 impact of these programs on the career-vocational education
6 component contained within the education resource block
7 grant school funding model, together with recommendations
8 for continuing development and implementation of career-
9 technical education in Wyoming.

10

11 [SECTION 3. INSTRUCTIONAL FACILITATORS]

12

13 **Section 301.** W.S. 21-13-335 is created to read:

14

15 **21-13-335. Supplemental financial assistance program**
16 **for instructional facilitators and instructional coaches.**

17

18 (a) The supplemental financial assistance program for
19 instructional facilitators and instructional coaches is
20 established to augment resources within the education
21 resource block grant model available to districts for
22 professional development. Supplemental assistance under
23 this section shall be for school-based instructional
24 facilitators and instructional coaches to assist schools

1 with providing ongoing instructional coaching and
2 instructional mentoring.

3

4 (b) Each school district may apply to the department
5 of education for financial assistance under this section on
6 or before April 15 of the school year immediately preceding
7 the school year for which financial assistance is
8 requested. Application shall be on a form and in a manner
9 prescribed by the department and application review and
10 selection shall be in accordance with the process
11 established by department rule and regulation. At minimum,
12 the application shall include documentation of the
13 following program components:

14

15 (i) Evidence of a research-based approach to
16 instructional facilitator program implementation;

17

18 (ii) A plan for evaluation of the instructional
19 facilitator program over time.

20

21 (c) The department shall notify each district of its
22 eligibility to participate in the financial assistance
23 program on or before May 1 of the school year preceding the
24 school year for which application is made, together with

1 any estimated amount to be made available to the district
2 for the applicable school year. The department shall
3 distribute assistance to each eligible district on or
4 before August 15 of the applicable school year for which
5 assistance is requested.

6
7 (d) Financial assistance under this section shall be
8 based upon prior year school level attendance and
9 configuration reports submitted by each eligible school
10 district pursuant to W.S. 21-13-309(m)(iv). Grant amounts
11 shall be computed by the department for the eligible
12 applicant district as if the education resource block grant
13 model contained the following component for instructional
14 facilitators, prorated up and down from the FTE position
15 level specified for each prototype similar to computational
16 operation of other components within the block grant model:

17
18 (i) One and one-half (1.5) FTE position in each
19 288 ADM prototypical elementary school within the
20 qualifying district;

21
22 (ii) One and one-half (1.5) FTE position in each
23 315 ADM prototypical middle school within the district;

24

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

3

4 (iv) "FTE" and "ADM" as used in this section
5 shall be as defined in ATTACHMENT "A" to 2006 Wyoming
6 Session Laws, Chapter 37, as referenced in W.S.
7 21-13-101(a)(xvii).

8

9 (e) Financial assistance to each qualifying applicant
10 school district shall be made by the department from
11 amounts appropriated by the legislature to the foundation
12 program account for purposes of the program established by
13 this section and shall be in addition to the foundation
14 program amount computed for that district under W.S.
15 21-13-309(p). If there is an insufficient amount within
16 the foundation program account from amounts appropriated by
17 the legislature for financial assistance under this section
18 for any school year, the department shall make a pro rata
19 reduction in financial assistance payments among all
20 qualifying districts for that school year. District
21 expenditures of amounts distributed under this section
22 shall be solely for district instructional facilitator and
23 instructional coaching programs in accordance with the
24 program documentation submitted by the district under

1 subsection (b) of this section. The department may
2 withhold a portion or the entire amount to be distributed
3 to any district under this section for noncompliance with
4 program documentation required to be submitted by the
5 applicant district.

6
7 (f) Each district shall report to the department of
8 education on expenditures of amounts distributed under this
9 section together with additional information required by
10 the department on instructional facilitation strategies
11 employed by the district, the impact of facilitation on
12 student performance and an evaluation of the effectiveness
13 of the facilitation strategies employed by the recipient
14 district. The department shall compile the information
15 reported by districts under this subsection and report the
16 compilation to the joint education interim committee.

17
18 **Section 302.** Five million eight hundred ninety-four
19 thousand three hundred six dollars (\$5,894,306.00) is
20 appropriated from the public school foundation program
21 account to the department of education, to be expended only
22 to augment amounts within the department's budget for the
23 supplemental funding program for instructional facilitators
24 and instructional coaches pursuant to W.S. 21-13-335, as

1 created under Section 301 of this act. This appropriation
2 shall be for the period beginning July 1, 2008, and ending
3 June 30, 2009.

4

5

[SECTION 4. AT-RISK STUDENTS]

6

7

Section 401.

8

9 (a) To continue study efforts assigned to the state
10 superintendent of public instruction by 2006 Wyoming
11 Session Laws, Chapter 37, Section 7(c), and further
12 directed under 2007 Wyoming Session Laws, Chapter 147,
13 Section 103, the state superintendent shall through the
14 department of education establish a study committee to
15 continue the review, analysis and evaluation of at-risk
16 resources and strategies for refinement of block grant
17 model components supporting at-risk students. This effort
18 shall be in coordination and consultation with the
19 allocation and use study effort initiated under 2006
20 Wyoming Session Laws, Chapter 37, Section 8, and continued
21 under Section 7 of this act.

22

23 (b) The state superintendent's study committee shall
24 be appointed by the state superintendent from among

1 representatives of school districts, community programs and
2 state governmental agencies which are engaged in and have a
3 designated responsibility for developing, implementing and
4 administering programs and services addressing the needs of
5 at-risk student populations. Study committee members shall
6 be reimbursed only for per diem and travel expenses
7 incurred while attending official committee business, at
8 rates prescribed by law for members of the Wyoming
9 legislature. The study committee shall expire on June 30,
10 2010, unless extended by the state superintendent and
11 funded by legislative appropriation.

12

13 (c) Duties of the state superintendent's study
14 commission shall at minimum include the evaluation of at-
15 risk prevention and intervention programs and providing
16 guidance to the state superintendent on necessary program
17 and policy changes for effective and equitable at-risk
18 program delivery. In undertaking these assigned duties,
19 the study committee shall:

20

21 (i) Develop an operational definition of at-
22 risk, using definitions at local, state and federal
23 program-levels as guidance in establishing definitional
24 components;

1

2 (ii) Following the evaluation of at-risk
3 programs including the identification of consistent and
4 reliable measures of program effectiveness and the
5 implementation of research-based strategy models, determine
6 an equitable and effective standard for a continuum of
7 learning support services for school districts in
8 addressing at-risk student needs;

9

10 (iii) Evaluate the role of alternative schools
11 and programs and the expected student outcomes from this
12 at-risk strategy, including the identification of entry and
13 exit criteria and program effectiveness indicators;

14

15 (iv) Identify different programs appropriately
16 provided through court ordered and institutionalized
17 placements and develop standardized individual learning
18 plans for each identified program as appropriate;

19

20 (v) Within the court ordered and
21 institutionalized placement policy, establish school
22 district and institutional responsibilities tied to each
23 placement as well as the responsibilities for the effective
24 transition of each placement.

1

2 (d) Preliminary study recommendations shall be
3 provided by the study committee to the state superintendent
4 in sufficient time for submission of an initial report to
5 the joint education interim committee on or before November
6 1, 2008. Final study committee recommendations shall be
7 completed and reported to the state superintendent by
8 October 1, 2009, and the state superintendent shall submit
9 a final report to the joint education interim committee on
10 or before November 1, 2009. Findings shall be coordinated
11 with the allocation and use study effort initiated under
12 2006 Wyoming Session Laws, Chapter 37, Section 8, and
13 continued under Section 7 of this act, and shall be in a
14 form and of a substance to assist the 2010 recalibration of
15 the education resource block grant model.

16

17 **Section 402.**

18

19 (a) One hundred thousand dollars (\$100,000.00) is
20 appropriated from the public school foundation program
21 account to the department of education to fund the costs of
22 the study committee established under Section 401 of this
23 act. This appropriation shall be for the period beginning
24 on the effective date of this section and ending June 30,

1 2010, and shall be expended only for necessary expenses
2 incurred for the study committee and for necessary
3 contractual services to obtain required analytical
4 expertise in carrying out duties imposed under Section 401
5 of this act.

6
7 (b) Two hundred thousand dollars (\$200,000.00) is
8 appropriated from the public school foundation program
9 account to the department of education for an at-will
10 employee position in accordance with W.S.
11 9-2-1022(a)(xi)(F) to coordinate at-risk programs and
12 services statewide, as well as to assist the study
13 committee established under Section 401 of this act. This
14 appropriation shall be for the period beginning with the
15 effective date of this section and ending June 30, 2010.

16

17 [SECTION 5. DISTANCE EDUCATION]

18

19 **Section 501.** W.S. 21-2-202(a) by creating a new
20 paragraph (xxxi) and 21-13-330 by creating new subsections
21 (f) through (h) are amended to read:

22

23 **21-2-202. Duties of the state superintendent.**

24

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

3

4 (xxxi) By rule and regulation and in
5 consultation with the state board of education and the
6 Wyoming professional teaching standards board, provide
7 guidance and oversight of distance education by:

8

9 (A) Establishing, approving, facilitating
10 and monitoring a state network of distance education
11 courses that meet state standards for course content and
12 delivery by Wyoming certified teachers;

13

14 (B) Providing training and technical
15 assistance to school districts for the delivery of distance
16 education;

17

18 (C) Monitoring the design, content,
19 delivery and the accreditation of distance education
20 programs provided by school districts under W.S. 21-13-330;

21

22 (D) Establishing criteria and necessary
23 components of individual student distance learning plans
24 required by W.S. 21-13-330;

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(E) Implementing a comprehensive reporting process as necessary for federal and state funding requirements and establishing necessary data collection instruments and systems to monitor and improve distance education programs statewide.

21-13-330. Distance education; program content; distance learning plan required; students within ADM of resident district; agreements with districts authorized.

(f) As used in this section:

(i) "Distance education" means instruction in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the state board under W.S. 21-2-304(a)(ii), whereby the teacher and student, physically separated by time or space, are connected by means of a communications source used to provide synchronous or asynchronous instruction;

(ii) "Distance learning plan" means an agreement between the school district or districts, a student and his parents or guardian outlining the distance education

1 program requested by the student and his parents or
2 guardian, together with expectations and achievable
3 performance benchmarks required for completion of the
4 program in accordance with content and performance
5 standards promulgated by the state board under W.S.
6 21-2-304(a)(iii);

7

8 (iii) "Nonresident district" means the school
9 district in which a participating student does not reside
10 but which employs the distance education program teacher
11 and which sponsors, approves, facilitates and supervises
12 the distance education program course material provided to
13 the participating student;

14

15 (iv) "Resident district" means the school
16 district in which the participating student resides,
17 receives distance education program instruction and where
18 the student's distance education learning plan is filed.

19

20 (g) A resident school district providing distance
21 education for any student shall:

22

23 (i) Complete a distance learning plan
24 appropriate to the learning capabilities of the

1 participating student and ensure the plan is in compliance
2 with criteria established by the department of education;

3
4 (ii) Assign the participating student to a
5 school within the district offering appropriate grade level
6 instruction if the student is not physically attending a
7 school within the resident district and the district has
8 not entered into an agreement with a nonresident district
9 pursuant to subsection (h) of this section for that
10 student;

11
12 (iii) Monitor the participating student's
13 progress as measured by his distance learning plan and in
14 accordance with the district's assessment policies,
15 administer or ensure his participation in required student
16 performance evaluations and assessments at the same
17 intervals required of other students at the participating
18 student's grade level;

19
20 (iv) Facilitate necessary instructional support
21 for the student and notify and assist any student not
22 performing satisfactorily or failing to achieve performance
23 benchmarks established within his distance learning plan;

24

1 (v) Maintain the student's records within the
2 district's permanent student data system including his
3 district learning plan, equivalent attendance as specified
4 by his plan, assessment and other performance evaluation
5 data, immunization and other information required by the
6 district;

7
8 (vi) Verify the distance education program
9 received by the participating student complies with and
10 fulfills the state education program established by W.S.
11 21-9-101 and 21-9-102 and rule and regulation of the state
12 board under W.S. 21-2-202(a)(xxxi) and that the program
13 otherwise meets district program standards;

14
15 (vii) Restrict the student's distance education
16 to programs approved by the department of education
17 pursuant to W.S. 21-2-202(a)(xxxi) and accredited by the
18 state board.

19
20 (h) Each student participating in distance education
21 offered by the school district of residence shall be
22 included within the average daily membership (ADM) of the
23 resident district as computed under the education resource
24 block grant model pursuant to W.S. 21-13-309(m)(iv),

1 regardless of the origination of the district providing the
2 distance education program for the student. The membership
3 for a distance education student shall be prorated at less
4 than one (1.0) ADM if the number of distance education
5 courses in which enrolled are less than the regularly
6 scheduled courses for that school, but the distance
7 education program membership may be combined with any
8 nondistance education membership to result in a larger
9 fractional ADM of not to exceed one (1.0) ADM. A resident
10 district may through agreement provide for a student to
11 participate full time in distance education offered by a
12 nonresident school district whereby the student is counted
13 among the membership of the nonresident district if the
14 nonresident district complies with the requirements
15 specified in subsection (g) of this section and the
16 resident district removes the participating student from
17 its membership for the period of time the student
18 participates full time in the distance education program of
19 the nonresident district.

20

21 **Section 502.** W.S. 21-13-330(a) through (e) is
22 repealed.

23

1 **Section 503.** Two hundred seventy-five thousand
2 dollars (\$275,000.00) is appropriated from the public
3 school foundation program account to the department of
4 education that shall be expended only for the
5 implementation and administration of distance education as
6 authorized under W.S. 21-2-202(a)(xxxi) and 21-13-330, as
7 amended under Section 501 of this act, and for an at-will
8 employee position in accordance with W.S.
9 9-2-1022(a)(xi)(F). This appropriation shall be for the
10 period commencing on the effective date of this section and
11 ending June 30, 2010.

12

13 [SECTION 6. FOOD SERVICE]

14

15 **Section 601.**

16

17 (a) The education resource block grant model,
18 executing recommendations contained within the 2005 cost of
19 education study, was premised upon report findings and
20 recommendations that school district food service programs
21 were financially self-supporting in that revenues from
22 student fees and other available state and federal funds
23 are adequate to cover program costs. In adopting 2005
24 study recommendations and for purposes of refining study

1 recommendations based upon more precise information, the
2 legislature, under 2006 Wyoming Session Laws, Chapter 37,
3 Section 7(e), directed and funded a data collection effort
4 and data analysis study by the department of education on
5 district revenues and expenditures for food service
6 programs. Under this provision, the department was
7 directed to identify and determine if districts experience
8 deficits in operating food service programs and if so,
9 determine the basis for program deficits.

10

11 (b) Based upon data analysis and recommendations
12 compiled under subsection (a) of this section, and to
13 augment amounts available to school districts within the
14 education resource block grant model for operation of its
15 public schools during the period preceding 2010 model
16 recalibration and development of a cost-based model
17 component for food service programs, and to assist
18 districts with covering costs of food service program
19 deficits, financial assistance is available to school
20 districts in accordance with this section. Financial
21 assistance under this section shall be in addition to and
22 not considered in determining school foundation program
23 payments under the education resource block grant model

1 pursuant to W.S. 21-13-309. To qualify for financial
2 assistance, a school district shall:

3

4 (i) Obtain department approval of its strategic
5 plan for food service operations, including operating
6 guidelines and standards for food safety, required food
7 service training, food production procedures and standards,
8 staffing requirements, supervisory structure, comprehensive
9 performance measures, benchmarks and program budget review
10 procedures and equipment maintenance and replacement plans;

11

12 (ii) Be in compliance with federal, state and
13 district regulations and policies;

14

15 (iii) Conduct periodic program evaluations
16 reviewing program quality and performance as measured by
17 quality review instruments provided by the department;

18

19 (iv) Implement financial management policies and
20 procedures including procurement, wage scales comparable
21 with other district employees, collection policies and
22 accounting policies; and

23

1 (v) Provide a meal counting system in compliance
2 with department rules and regulations for reporting
3 purposes under this section.

4

5 (c) Any qualifying school district may apply for
6 financial assistance under this section with the department
7 of education at the same time the district reports actual
8 revenue collections for the purpose of reconciliation under
9 W.S. 21-13-313(d). Application shall be in a form and
10 manner specified by rule and regulation of the department
11 and shall include:

12

13 (i) The number of qualifying meals served by the
14 district's food service program during the school year
15 immediately preceding the year of application, based upon
16 meals qualifying for reimbursement under the National
17 School Lunch Act, 42 U.S.C. 1751 et seq.;

18

19 (ii) The total amount of the funding deficit
20 experienced by the district's food service program during
21 the same school year, as documented and computed in
22 accordance with department rule and regulation. For
23 purposes of this paragraph, the state match paid for each
24 district under the National School Lunch Act, 42 U.S.C.

1 1751 et seq., shall be considered a revenue and shall be
2 subtracted from any funding deficit reported under this
3 paragraph.

4

5 (d) Assistance for each qualifying district shall be
6 based upon a statewide per meal reimbursement computed each
7 year by the department as follows:

8

9 (i) Compute the statewide food service program
10 deficit for the applicable school year based upon each
11 school district's reported deficit for the immediately
12 preceding school year in accordance with guidelines
13 prescribed under subsection (c) of this section;

14

15 (ii) From the amount computed under paragraph
16 (i) of this subsection, subtract an amount equal to ten
17 percent (10%) of the computed statewide deficit under
18 paragraph (i) of this subsection;

19

20 (iii) Divide the amount determined under
21 paragraph (ii) of this subsection by the number of
22 qualifying meals reported by all districts for the prior
23 school year as required under subsection (c) of this
24 section.

1

2 (e) The amount of assistance for each qualifying
3 applicant district under this section shall be determined
4 by multiplying the per meal reimbursement computed for the
5 school year of application under subsection (d) of this
6 section times the number of qualifying meals reported by
7 the applicant district under subsection (c) of this
8 section. Payments for each qualifying district shall be
9 made by the department not later than October 15 of the
10 school year of application.

11

12 (f) Each district shall report annually to the
13 department of education on food service program revenues,
14 expenses, program operations and program policies and
15 procedures in a manner and level of detail required by
16 department rule and regulation. The department shall
17 compile reported information and submit the compilation to
18 the joint education interim committee not later than
19 December 1 of each school year. In addition, information
20 compiled under this subsection shall be maintained by the
21 department for use in 2010 model recalibration and
22 development of a cost-based model component for food
23 service programs.

24

1 **Section 602.** The department of education shall
2 promulgate rules and regulations necessary to implement
3 Section 601 of this act and establish necessary program
4 evaluation instrumentation, food service strategic plan
5 guidelines and meal counting methodology required under
6 paragraph 601(b)(v) of this act, and program deficit
7 computation instructions required under paragraph
8 601(c)(ii) of this act, all within sufficient time to
9 enable implementation of the financial assistance program
10 established by Section 601 of this act during school year
11 2008-2009. In addition, the department shall provide
12 necessary technical assistance to school districts as
13 required to meet qualification requirements imposed under
14 Section 601 of this act.

15

16 **Section 603.** Four million five hundred thousand
17 dollars (\$4,500,000.00) is appropriated from the public
18 school foundation program account to the department of
19 education to be expended only for financial assistance to
20 school districts for food service programs as provided by
21 Section 601 of this act. This appropriation is for the
22 period commencing July 1, 2008, and ending June 30, 2009.

23

24 [SECTION 7. MODEL ADMINISTRATION]

1

2

Section 701.

3

4 (a) The state superintendent shall continue the
5 review of school and school district implementation and
6 delivery of education programs with state resources, the
7 alignment of school and school district programs with
8 education strategies recommended by the 2005 cost of
9 education study and on which the education resource block
10 grant model is based, the collection of data necessary to
11 determine district program alignment, the impact of state
12 resources on education programs and the impact of district
13 expenditures on student performance. This review shall
14 continue the allocation and use study and data collection
15 efforts initiated under 2006 Wyoming Session Laws, Chapter
16 37, Section 8, and shall be periodically reported to the
17 joint education interim committee. A comprehensive report
18 of data and resulting findings shall be provided to the
19 committee on or before November 1, 2009, to be in a form
20 and of a substance to assist the 2010 recalibration of the
21 education resource block grant model.

22

23 (b) In addition and for purposes of carrying out
24 duties assigned by W.S. 21-2-202(e) pertaining to

1 administration of the education resource block grant model,
2 the state superintendent shall continue the development of
3 a resource document necessary to provide descriptive and
4 technical information on model components, component
5 operations and functionality within model spreadsheets and
6 the relationship of components to the 2005 cost of
7 education study, updated periodically to reflect
8 legislative modifications.

9

10 [SECTION 8. EFFECTIVE DATES]

11

12 **Section 801.**

13

14 (a) Except as provided in subsection (b) of this
15 section, this act is effective July 1, 2008.

16

17 (b) Sections 101, 102, 202(b) and (c), 301, 401, 402,
18 503, 602 and 701 of this act are effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23

(END)