

SENATE FILE NO. SF0002

School facilities-project prioritization.

Sponsored by: Select Committee on School Facilities

A BILL

for

1 AN ACT relating to K-12 school facilities; amending
 2 provisions governing school facility adequacy standards;
 3 amending provisions governing school facility needs
 4 assessments; amending provisions governing the
 5 prioritization of remedies for school facilities by the
 6 school facilities commission; conforming provisions; and
 7 providing for an effective date.

8

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

10

11 **Section** 1. W.S. 9-4-1001(b)(i),
 12 21-3-110(a)(x)(intro), 21-15-114(a)(ii), 21-15-115(a)(v)
 13 and (c), 21-15-117(a)(intro), (i), (iii), by creating new
 14 paragraphs (vi) and (vii), (d) and (e)(intro),
 15 21-15-119(a)(intro), (c) and by creating a new subsection
 16 (d) and 21-15-121(a)(i) and (iii) are amended to read:

1

2 **9-4-1001. Guarantee program for school district**
3 **bonds.**

4

5 (b) A school district that seeks the guarantee of
6 bonds under this program shall apply to the board on forms
7 prescribed by the board. The board shall review the
8 application, investigate the applicant district and
9 determine whether to approve the application based upon:

10

11 (i) The purpose of the bond issue, the
12 district's need for it, including information from ~~the~~any
13 needs assessment under W.S. ~~21-15-115~~21-15-117, whether
14 the district would likely remain within constitutional debt
15 limits after the issue and whether a guarantee under this
16 section would likely result in reduced costs;

17

18 **21-3-110. Duties of boards of trustees.**

19

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

22

1 (x) Subject to review by the state construction
2 department under W.S. ~~21-15-115~~21-15-117 for any project
3 involving state capital construction assistance, fix the
4 site of each school building and facility considering the
5 needs of the people of each portion of the district. If
6 the district enters into an agreement to lease buildings
7 and facilities owned by the district and the buildings and
8 facilities are included within the statewide database
9 maintained by the state construction department under W.S.
10 21-15-123(f)(iv), the district shall, except as provided
11 under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure
12 the lease agreement requires sufficient payment from the
13 lessee to cover expenses necessary to adequately maintain
14 the facility or building in accordance with statewide
15 adequacy standards prescribed by the commission. If the
16 district or a charter school operating pursuant to a
17 contract with the district enters into an agreement to
18 lease buildings and facilities under which the district or
19 the charter school is the lessee and the building is to be
20 used for the provision of the required educational program
21 within the district, the lease agreement shall require the
22 lessor to adequately maintain the buildings and facilities
23 in accordance with standards prescribed by the commission.

1 The district shall be reimbursed for the lease payment of
2 the district or the charter school if the square footage of
3 the leased facility is not included within the district's
4 total square footage for purposes of major maintenance
5 computations under W.S. 21-15-109, subject to the
6 following:

7

8 **21-15-114. School facilities commission powers and**
9 **duties.**

10

11 (a) The school facilities commission shall:

12

13 (ii) Adopt policies, guidelines and standards
14 for ~~the comprehensive~~ any assessment of school buildings
15 and facilities ~~required~~ under W.S. ~~21-15-115~~ 21-15-117;

16

17 **21-15-115. Statewide standards for school building**
18 **and facility adequacy.**

19

20 (a) The commission shall by rule and regulation
21 establish and maintain uniform statewide standards for the
22 adequacy of school buildings and facilities necessary for
23 providing educational programs prescribed by law for the

1 public schools. If a building owned by a district meets the
2 applicable standards under this subsection for use by the
3 district to educate students and was previously used for
4 the purpose of educating students, no municipal or county
5 zoning requirements shall be construed or applied so as to
6 prevent the district from using the building for the
7 purpose of educating students, or to require the district
8 to make any modification to the building as a condition of
9 using the building for the purpose of educating students.
10 The uniform standards shall at minimum include:

11

12 (v) ~~Guidelines~~ Standards for ~~adequacy and~~
13 ~~functionality of~~ educational space ~~for~~ to allow the
14 delivery of the required educational programs;

15

16 (c) The commission shall not less than once every
17 four (4) years, review and evaluate the building and
18 facility adequacy standards established under subsection
19 (a) of this section. Review and evaluation of the standards
20 shall include the identification of local enhancements to
21 buildings and facilities during this review and evaluation
22 period, and based upon criteria and procedures developed by
23 the commission, a determination as to whether and how any

1 local enhancements should be incorporated into the
2 statewide standards. The review and evaluation under this
3 subsection shall extend to components of the annual
4 evaluation of school buildings, the facility remediation
5 ~~schedule~~schedules and the needs prioritization process
6 established by the commission under W.S. 21-15-117.
7 Findings and recommendations pursuant to this subsection
8 shall be reported to the select committee on school
9 facilities before the next convening date of the
10 legislative session immediately following completion of the
11 review and evaluation, and shall specifically address any
12 need to expand ~~the~~any needs assessment under W.S.
13 21-15-117, to conduct a reassessment of building and
14 facility adequacy or to modify the needs prioritization
15 process.

16

17 **21-15-117. Annual evaluation of school buildings and**
18 **facilities; remediation schedules; needs prioritization;**
19 **combining facilities; implementation of remedy.**

20

21 (a) ~~Through the identification of school building and~~
22 ~~facility conditions and needs provided by the assessment~~
23 ~~conducted and maintained under W.S. 21-15-115, and a~~

1 ~~comparison of the identified conditions and needs with the~~
2 ~~established statewide building adequacy standards and the~~
3 ~~district facility plans developed under W.S. 21-15-116, the~~
4 ~~commission shall, based upon reports provided by the~~
5 ~~department and in coordination and cooperation with the~~
6 ~~districts, evaluate the adequacy of school buildings and~~
7 ~~facilities within local school districts. Based upon this~~
8 ~~evaluation,~~ The commission shall annually evaluate the
9 adequacy of school buildings and facilities and prioritize
10 school building and facility needs in accordance with this
11 subsection. The commission shall cause the department, as
12 it deems necessary, to conduct periodic on-site visitations
13 and inspections of school buildings and facilities and
14 acquire other relevant needs assessment data acquired in
15 coordination and cooperation with the districts for
16 purposes of this evaluation and prioritization. The
17 commission shall give due consideration to district
18 facility plans developed under W.S. 21-15-116 in performing
19 this evaluation and prioritization. To conduct the
20 evaluation and prioritization, the commission shall
21 establish ~~a schedule~~ three (3) schedules for building and
22 facility remediation on a statewide basis using appropriate
23 scoring systems, as described in paragraphs (i), (iii) and

1 (vi) of this subsection. Under each of the three (3)
2 schedules the commission shall prioritize educational
3 building and facility needs that impede the delivery of the
4 prescribed statewide educational program. Additionally,
5 the commission shall establish one (1) consolidated
6 remediation schedule as described in paragraph (vii) of
7 this subsection. The commission shall by rule and
8 regulation establish a process to prioritize all school
9 building and facility needs from the most critical to the
10 least critical with the most critical need prioritized
11 first. Remediation undertaken under these schedules shall
12 over time bring all buildings and facilities to ~~conditions~~
13 ~~such that over time, only routine maintenance is required~~
14 ~~to maintain building adequacy. The schedule shall identify~~
15 ~~and prioritize building and facility remedies on a~~
16 ~~statewide basis, based upon a building condition score~~
17 ~~developed by the commission subject to the following~~ the
18 levels set by the statewide adequacy standards promulgated
19 under W.S. 21-15-115(a). The commission shall annually
20 develop:

21

22 (i) One (1) schedule to remedy building
23 condition needs, which shall be based on appropriate

1 criteria and measures for building condition, which
2 ~~incorporate educational suitability and technology~~
3 ~~readiness, specifically taking into consideration~~
4 ~~appropriate and up to date standards for air quality,~~
5 ~~illumination and appropriateness of the student~~
6 ~~environment,~~ as established by commission rule and
7 regulation, and compiled under the building systems
8 condition reference guide, ~~which over time bring statewide~~
9 ~~buildings and facilities to targeted adequate levels~~
10 ~~prescribed by the commission, reviewed annually, based upon~~
11 ~~assessment results and findings, broken down~~ for building
12 condition. The schedule shall be categorized by educational
13 and noneducational building; ~~category;~~

14
15 (iii) One (1) schedule to remedy building
16 capacity needs. The commission shall base the schedule on
17 an analysis of student enrollment changes, ~~as based upon~~
18 performed in accordance with a commission approved
19 enrollment projection methodology, to determine the need
20 for changes in building capacities for compliance with
21 statewide adequacy standards over a five (5) year
22 projection period commencing on the date of anticipated
23 completion of project construction. The commission may

1 adjust projections computed under this paragraph as
2 necessary to reflect more precise analysis and evaluation
3 of historical, economic, social and other data impacting
4 the community in which the building is or is to be
5 located~~;~~. ~~Analysis under this paragraph shall prioritize~~
6 ~~remediation for those buildings requiring additional space~~
7 ~~to comply with statewide adequacy standards;~~

8
9 (vi) One (1) schedule to remedy educational
10 suitability needs for educational buildings. The schedule
11 shall be based on criteria and measures as established by
12 commission rule and regulation, which shall include
13 appropriate and up-to-date criteria and measures for
14 technology readiness, air quality, illumination and
15 appropriateness of the student environment;

16
17 (vii) One (1) consolidated remediation schedule
18 of all needs identified under the three (3) schedules
19 developed pursuant to paragraphs (i), (iii) and (vi) of
20 this subsection.

21
22 (d) In determining building and facility remedies
23 under subsection (b) of this section, in developing

1 criteria and procedures for site analysis under W.S.
2 21-15-114(a)(xii) and in approving district facility plans
3 under W.S. 21-15-116 and otherwise administering this act,
4 the commission shall adopt the remedy that is in the best
5 financial and educational interests of the state, taking
6 into consideration the recommendations of the department
7 and the most efficient and cost effective approach in order
8 to deliver quality educational services and address
9 building and facility need. Expenditures from the school
10 capital construction account shall be for necessary and
11 related costs to implement efficient and cost effective
12 building and facility remedies required to deliver quality
13 educational services. In making determinations under this
14 ~~paragraph~~subsection, the commission shall take into
15 consideration the effects of the proposed activity on the
16 local community. The commission shall implement this
17 subsection in carrying out building and facility remedies
18 and shall, giving proper consideration to the prevention of
19 unnecessary delays in proceeding with a remedy, establish a
20 process to work with other political subdivisions of the
21 state in implementing this subsection.

22

1 (e) For any building subject to paragraph (a)(iii) of
2 this section, and when prioritizing buildings and
3 facilities ~~based upon condition~~ remedies pursuant to
4 subsection (a) of this section, the commission shall
5 consider criteria for building capacity established by
6 commission rule and regulation which include:

7

8 **21-15-119. Commission budget and funding**
9 **recommendations.**

10

11 (a) Notwithstanding W.S. 9-2-1012, the commission
12 shall annually, not later than September 1, develop and
13 submit a recommended budget for projects and school capital
14 construction financing to the governor, through the budget
15 division of the department of administration and
16 information and to the select committee on school
17 facilities. The department shall prepare and provide
18 information as requested by the commission. The commission
19 shall include with its recommended budget to the select
20 committee the ~~comprehensive assessment specified in W.S.~~
21 ~~21-15-115(b), the~~ prioritized ~~list~~ schedules of projects
22 specified in W.S. 21-15-117 including the amounts allocated
23 to each project and the annual building status report

1 specified under W.S. 21-15-121. The recommended budget
2 submitted by the commission shall include:

3

4 (c) Budgets submitted by the commission under
5 subsection (a) of this section and recommended by the
6 select committee on school facilities under W.S. 28-11-301
7 shall be attached to specified projects for the applicable
8 budget period, which projects shall be referred to as
9 planning and design phase projects and construction phase
10 projects. With the approval of the governor, the
11 department may transfer up to fifteen percent (15%) of the
12 total funds appropriated between project phases. Any
13 modification of appropriation expenditures between project
14 phases shall be reported to the select committee in
15 accordance with W.S. 28-11-301(c)(iv). Additionally, the
16 commission may for any budget period specify amounts within
17 its budget which are recommended to cover inflation,
18 unanticipated costs, off-site infrastructure costs and
19 other such contingency or special project costs provided
20 the additional costs are reported and approved in
21 accordance with W.S. 28-11-301(c)(iv).

22

1 (d) Amounts appropriated by the legislature shall not
2 be construed to be an entitlement or guaranteed amount and
3 shall be expended by the department in accordance with
4 facility design standards and guidelines to ensure
5 adequate, efficient and cost effective school buildings and
6 facilities as required by W.S. 21-15-114(a)(vii). The
7 commission shall adopt facility design standards and
8 guidelines that are sufficiently specific to ensure that
9 all projects constructed using state funds, excluding major
10 building and facility repair replacement projects, are
11 subject to value engineering and are reasonably uniform
12 across the state.

13

14 **21-15-121. Annual school building status report to**
15 **select committee on school facilities.**

16

17 (a) Not later than September 1 of each year, the
18 commission shall submit a report to the select committee on
19 school facilities on progress being made under the school
20 capital facilities system established under this act. The
21 report shall be incorporated into the proposed budget
22 submitted to the select committee under W.S. 21-15-119 and
23 shall include:

1

2 (i) Building and facility needs determined under
3 W.S. ~~21-15-115~~21-15-117, identifying progress made in the
4 year reported;

5

6 (iii) Use of major building and facility repair
7 and replacement funds which have addressed buildings and
8 facilities identified under W.S. ~~21-15-115~~21-15-117(a),
9 including the impact of expenditures of these funds, as
10 quantified pursuant to ~~the statewide~~any needs assessment
11 ~~rating scores undertaken in accordance with W.S. 21-15-115~~
12 under W.S. 21-15-117(a), on building condition as reported
13 under paragraph (i) of this subsection and on the capacity,
14 educational suitability and technology readiness of these
15 buildings and facilities;

16

17 **Section 2.** W.S. 21-15-115(b) and 21-15-117(a)(iv) and
18 (v) are repealed.

19

20 **Section 3.** This act is effective July 1, 2021.

21

22

(END)