

HOUSE BILL NO. HB0093

School finance-amendments.

Sponsored by: Joint Education Interim Committee

A BILL

for

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

13

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

15

16 [SECTION 1. READING ASSESSMENT & INTERVENTION]

17

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

2

3 **21-13-333. Reading assessment and intervention**
4 **program payments.**

5

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

22

23 (b) Reading assessment and intervention program
24 payments to school districts shall be computed by the

1 department of education based upon the greater of the
2 following:

3

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

8

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

11

12 (c) For purposes of computations under subsection (b)
13 of this section:

14

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

18

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

23

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

5

6 [SECTION 2. CLASSIFIED STAFF SALARIES]

7

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

11

12 **21-13-309. Determination of amount to be included in**
13 **foundation program for each district.**

14

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

20

21 (ii) Multiply the district's average daily
22 membership (ADM) for each school level identified under
23 paragraph (m)(i) of this section by the following amount
24 for the appropriate prototypical school model level:

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

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

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

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

(a) As used in this section:

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

5

6 (C) Operations and maintenance.

7

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

15

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

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

7

8 [SECTION 3. AT-RISK STUDENTS]

9

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

12

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

15

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

1 of mobile students as defined by rule and regulation of the
2 department. This section only applies to the determination
3 of concentration levels of at-risk students for purposes of
4 computing the adjustment prescribed under this section and
5 shall not apply to any method or procedure implemented by
6 districts to identify at-risk students for purposes of
7 providing programs addressing student needs.

8
9 (b) The adjustment under this section shall be
10 computed for each district that has a significant
11 concentration level of at-risk students at any school
12 within the district determined as follows:

13
14 (ii) A student shall be counted in the
15 computation of the at-risk adjustment if during the
16 applicable school year, that student is eligible to
17 participate in the free or reduced price lunch program, ~~or~~
18 is eligible to participate in programs serving students
19 with limited English proficiency or is a mobile student as
20 defined by department rule and regulation and is enrolled
21 in grades six (6) through twelve (12) within any school in
22 a district for the applicable school year. A student shall
23 be counted only once for purposes of computing
24 concentration levels under this section, even though that

1 student may simultaneously be eligible to participate in
2 the free or reduced price lunch program, ~~and~~ in programs
3 serving students with limited English proficiency and is
4 defined as a mobile student;

5
6 (iii) For each school within a district and
7 subject to paragraph (b)(ii) of this section, the student
8 count component of the at-risk adjustment shall be computed
9 by dividing the number of free or reduced price lunch
10 eligible students, ~~and~~ the number of students with limited
11 English proficiency and the number of mobile students
12 enrolled in the school during the previous school year by
13 the total number of students enrolled in that school for
14 that year;

15
16 (v) For purposes of this section and except as
17 provided by rule and regulation of the department for
18 mobile students, student enrollment for any school year
19 shall be the student enrollment count for the school,
20 district or state, as appropriate, taken during October of
21 the applicable school year.

22

23 **Section 302.**

24

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

7

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

24

1 [SECTION 4. SMALL SCHOOLS]

2

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

6

7 **21-13-318. Small schools; qualifications and**
8 **limitations on necessity; adjustment to foundation program**
9 **formula.**

10

11 (a) For the purposes of this section:

12

13 (i) "Alternative school" means any school
14 established by a school district for the purpose of
15 offering separate educational programs to students with
16 educational needs which the district finds are not
17 appropriately met by programs offered by other schools in
18 the district, but excluding charter schools established
19 under W.S. 21-3-301 through 21-3-314. The state
20 superintendent shall determine in accordance with rules
21 whether a school is an alternative school. To qualify for
22 a necessary small school adjustment under this section, an
23 alternative school shall in addition to requirements
24 imposed under subsections (f) and (g) of this section:

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

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

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

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

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

1 (i) If an elementary school:

2

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

6

7 (B) The school is configured to provide the
8 required statewide educational program in kindergarten
9 through grade five (5) or in kindergarten through grade
10 eight (8) if the kindergarten through grade five (5) ADM
11 comprises fifty percent (50%) or more of the total ADM of
12 the school; and

13

14 (C) Except as provided by subparagraph (D)
15 of this paragraph, the school has students enrolled in at
16 least three (3) consecutive grades within kindergarten
17 through grade five (5);

18

19 (D) Subparagraph (C) of this paragraph does
20 not apply to any school configured to provide the required
21 educational program in kindergarten through grade five (5)
22 which qualified for an adjustment under this section during
23 the prior school year and whose kindergarten through grade

1 five (5) ADM for the prior school year is less than twelve
2 (12).

3

4 (ii) If a middle school:

5

6 (A) Configured separate from an elementary
7 school:

8

9 (I) The grade six (6) through eight (8)

10 ADM for the prior school year is two hundred ninety-nine
11 (299) or less;

12

13 (II) The school is configured to
14 provide the required statewide educational program in
15 grades six (6) through eight (8) or grades seven (7)
16 through nine (9); and

17

18 (III) The school has students enrolled
19 in at least two (2) consecutive grades within grades six
20 (6) through nine (9).

21

22 (B) Configured as part of an elementary
23 school:

24

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

4
5 (II) The school is configured for
6 providing the required statewide educational program in
7 grades kindergarten through eight (8) and the grade six (6)
8 through eight (8) ADM comprises fifty percent (50%) or more
9 of the total ADM of the school; and

10
11 (III) The school has students enrolled
12 in at least two (2) consecutive grades within grades six
13 (6) through nine (9).

14
15 (iii) If a high school: T

16
17 (A) The grade nine (9) through twelve (12)
18 ADM for the prior school year is five hundred ninety-nine
19 (599) or less; T

20
21 (B) The school is configured to provide the
22 required statewide educational program in grades nine (9)
23 through twelve (12); and

24

1 (C) The school has students enrolled in at
2 least three (3) consecutive grades within grades nine (9)
3 through twelve (12).

4
5 (iv) If a middle school and high school
6 configuration:

7
8 (A) The prior school year ADM for grades
9 six (6) through eight (8) is two hundred ninety-nine (299)
10 or less, the prior school year ADM for grades nine (9)
11 through twelve (12) is five hundred ninety-nine (599) or
12 less and the prior school year ADM for the school is five
13 hundred ninety-nine (599) or less;

14
15 (B) The school is configured to provide the
16 statewide educational program in grades six (6) through
17 twelve (12); and

18
19 (C) The school has students enrolled in at
20 least two (2) consecutive grades within grades six (6)
21 through eight (8) and in at least three (3) consecutive
22 grades within grades nine (9) through twelve (12).

23

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

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

16
17 (A) One (1) teacher for a necessary small
18 elementary school;

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

23

1 (C) One (1) teacher for a necessary small
2 middle school configured under subparagraph (g)(ii)(B) of
3 this section;

4
5 (D) Six (6) teachers for a necessary small
6 high school;

7
8 (E) Nine (9) teachers for a necessary
9 middle school and a necessary high school configured under
10 paragraph (g)(iv) of this section.

11
12 (ii) Alternative school ADM qualifying under
13 paragraph (a)(i) of this section shall for purposes of this
14 section, be counted as high school level ADM enrolled in
15 grades nine (9) through twelve (12) regardless of the
16 actual grade level the student is enrolled.

17 Notwithstanding subparagraph (h)(i)(D) of this section, the
18 necessary small school adjustment for any alternative
19 school employing less than six (6) full-time equivalent
20 (FTE) teachers within the alternative school facility and
21 for purposes of this section, not providing the entire
22 statewide educational program prescribed under W.S.
23 21-9-101 and 21-9-102, shall be reduced in proportion to
24 the actual number of full-time equivalent (FTE) teachers

1 employed at the school and providing services to students
2 enrolled in the school. Full-time equivalency shall be
3 computed in accordance with guidelines established by the
4 department of education.

5

6 **Section 402.**

7

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

18

19 (b) On or before November 1, 2004, the department of
20 education shall report to the joint education interim
21 committee on policies and procedures established by the
22 department to ensure alternative schools are established
23 for valid, beneficial educational purposes, not solely for
24 the purposes of increasing revenues, and to ensure that

1 alternative schools comply with criteria established under
2 W.S. 21-13-318(a)(i) as amended by section 401 of this act.

3

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

1 commencement of the 2005 general session of the
2 legislature.

3

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

23

24

[SECTION 5. HOLD-HARMLESS]

1

2

Section 501.

3

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

23

1 (b) A school district is not entitled to additional
2 funding under this section if, but for a decrease in ADM as
3 compared to the 2001-2002 school year, that district would
4 not have a foundation program amount that is less than one
5 hundred percent (100%) of the school year 2001-2002
6 foundation program amount.

7

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

14

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

16

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

24

1 [SECTION 7. STATEWIDE EDUCATION PROGRAM]

2

3 **Section 701.** In accordance with W.S. 21-2-304(c), the
4 state board of education shall evaluate and review the
5 uniformity and quality of the educational program standards
6 imposed under W.S. 21-9-101 and 21-9-102 and the student
7 content and performance standards promulgated under W.S.
8 21-2-304(a)(iii) to ensure the statewide education program
9 provides a proper education appropriate for the times as
10 required by the Wyoming supreme court. The state board
11 shall report its findings and recommendations based upon
12 the required evaluation and review to be reported to the
13 joint education interim committee on or before December 1,
14 2004.

15

16 [SECTION 8. APPROPRIATIONS]

17

18 **Section 801.**

19

20 (a) Thirty thousand dollars (\$30,000.00) is
21 appropriated from the school foundation program account to
22 the legislative service office to fund the study of
23 collocated schools as directed under section 402(c) of this
24 act. Funds appropriated under this subsection shall

1 include funding staff support and consultants to the
2 legislature necessary to conduct the study, as approved by
3 the management council.

4

5 (b) Thirty-five thousand dollars (\$35,000.00) is
6 appropriated from the school foundation program account to
7 the legislative service office to fund the study of small
8 schools in small districts and small schools in large
9 districts as directed under section 402(d) of this act, to
10 fund implementation of studies and reports submitted to the
11 joint education interim committee pertaining to school-
12 level utility costs, school-level limited English speaking
13 costs and other reports impacting the education resource
14 block grant model, and to fund model reevaluation
15 activities conducted pursuant to W.S. 21-13-309(t).
16 Expenditures shall fund necessary committee staff support
17 and consultants to the legislature, as approved by the
18 management council.

19

20 [SECTION 9. EFFECTIVE DATES]

21

22 **Section 901.**

23

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

3

4 (b) Notwithstanding subsection (a) of this section,
5 sections 302(b), 402(a), (c) and (d), 601 and 801 of this
6 act are effective immediately upon completion of all acts
7 necessary for a bill to become law as provided by Article
8 4, Section 8 of the Wyoming Constitution.

9

10

(END)