

ENROLLED ACT NO. 86, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2007 GENERAL SESSION

AN ACT relating to school finance; requiring the state superintendent of public instruction to review at-risk program strategies funded under the block grant model; specifically including alternative schools and imposing a moratorium on new alternative schools recognized under the model during the review period; continuing the summer school-extended day programs during school year 2007-2008; clarifying the enrichment program component and requiring recommendations on future program continuation; requiring the state superintendent to study and develop recommendations on distance education programs; establishing a task force for this purpose; correcting the activities component within the education resource block grant model; clarifying the health insurance component; directing the department of education to adjust school year 2006-2007 school district entitlement payments and recapture amounts accordingly; imposing reporting requirements; providing appropriations; and providing for an effective date.

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

[SECTION 1. AT-RISK PROGRAMS]

**Section 101.** W.S. 21-13-309(m)(v)(B)(intro) is amended to read:

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

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

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(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 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:

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

**Section 102.** W.S. 21-13-309(m)(v)(B)(II) is repealed.

**Section 103.**

(a) In continuation of the study assigned under 2006 Wyoming Session Laws, Chapter 37, Section 7(c), and subject to subsection (b) of this section, the state superintendent of public instruction shall through the department of education, review the at-risk resources provided under the

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Wyoming education resource block grant model and the at-risk strategies associated with these resources, and based upon this review and information collected from school districts on at-risk program structure, content and delivery and program effectiveness as measured by program entrance and exit performance indicators, provide recommendations to the joint education interim committee on refining model components supporting at-risk students. The review shall be conducted in coordination with the study on the allocation and use of education resources by schools and school districts undertaken by the joint education interim committee pursuant to 2006 Wyoming Session Laws, Chapter 37, Section 8, and shall to the extent possible, coordinate and share information and findings gathered and assembled under both this section and the allocation and use study effort.

(b) Refinement recommendations under subsection (a) of this section shall include the provision of alternative schools as one (1) component of a total district at-risk program strategy subject to approval by the state superintendent, compliance with alternative learning environment program components specified within the 2005 cost of education study on the recalibration of the education resource block grant model and subject to additional criteria pertaining to student participation and program components as recommended by the state superintendent to ensure proper provision as a component of overall district at-risk program strategy. The study shall also include recommendations for funding alternative schools within the education resource block grant model which target funds in accordance with established program criteria.

(c) On or before October 1, 2007, the state superintendent shall report recommendations under this

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section to the joint education interim committee. Recommendations shall be aligned to findings and recommendations under the study on the allocation and use of education resources by schools and school districts conducted pursuant to 2006 Wyoming Session Laws, Chapter 37, Section 8.

[SECTION 2. SUMMER SCHOOL/EXTENDED DAY/ENRICHMENT PROGRAMS]

**Section 201.** 2006 Wyoming Session Laws, Chapter 37, Section 3(a)(intro), (ii), (b), (c)(intro) and (f) is amended to read:

**Section 3.** [SUMMER SCHOOL/EXTENDED DAY/ENRICHMENT PROGRAMS]

(a) The summer school grant program is established for the 2006 and 2007 summer session sessions 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

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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:

(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;

(b) In addition to subsection (a) of this section, programs providing enrichment instruction to students and 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 Before-school, after-school and Saturday school~~ programs for student mastery of state standards 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

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department shall be filed within the time specifications imposed upon the applicant district for summer school grants and shall be subject to program requirements and criteria established by the department.

(c) To receive grant assistance under this section, a district shall apply to the department of education on or before April 15, 2006, and by April 15, 2007 for the 2007 summer school session and the 2007-2008 school year, as applicable. Application review by the department shall be completed by May 1, ~~2006~~ of the appropriate year. On or before May 1, 2006, and May 1, 2007, as applicable, districts shall be notified by the department of any estimated grant amount to be made available to the district during the ~~2006~~ appropriate summer school session and school year. Application to the department shall be in a manner and form prescribed by the department and shall include:

(f) As soon as reasonably possible following the effective date of this section as amended by the 2007 Wyoming legislature, 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.

**Section 202.**

(a) The joint education interim committee shall, based upon information provided by the department of education and findings reported under the allocation and

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use study conducted pursuant to 2006 Wyoming Session Laws, Chapter 37, Section 8, review the mechanisms, manner and level for continuation of:

(i) The summer school remediation, intervention and enrichment programs provided by 2006 Wyoming Session Laws, Chapter 37, Section 3, as amended under section 1 of this act, as a portion of the total at-risk and gifted student program resources provided to school districts under the education resource block grant model; and

(ii) The instructional facilitator program provided under 2006 Wyoming Session Laws, Chapter 37, Section 4, as a portion of the total professional development resources available to school districts under the education resource block grant model.

(b) The joint education interim committee shall develop and report recommendations on the programs specified under subsection (a) of this section to the Wyoming legislature in sufficient time for consideration during the 2008 budget session.

[SECTION 3. DISTANCE EDUCATION PROGRAMS]

**Section 301.**

(a) The state superintendent of public instruction shall in consultation with a task force established for this purpose, develop recommendations on state oversight, assistance and guidance for the development, operation and funding of distance education programs by school districts as extensions to or a component of public school education programs. For purposes of this section, virtual school programs for grades kindergarten through twelve (12) shall be included as a distance education program.

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(b) The distance education task force is created and shall consist of seven (7) members appointed by the state superintendent as follows:

- (i) A member of the state board of education;
- (ii) A representative of Wyoming school districts;
- (iii) A representative of home schools;
- (iv) A representative of charter schools;
- (v) A parent of a school age child;
- (vi) A representative of distance education service providers;
- (vii) A Wyoming teacher with experience in distance education programs.

(c) The state superintendent, in consultation with the task force assembled under subsection (b) of this section, shall in the review of distance education program oversight, development and funding, develop recommendations on the following:

- (i) The assignment of responsibility for distance education program content and student performance, and accountability measures which are attached to the assigned responsibility;
- (ii) A process which:

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(A) Assures distance education programs provide the required statewide educational program prescribed by W.S. 21-9-101 and 21-9-102(b) in accordance with statewide program standards developed under W.S. 21-2-304(a)(iii);

(B) Delegates appropriate supervision of student progress; and

(C) Addresses student performance requirements under W.S. 21-2-304(a)(v) and the federal No Child Left Behind Act of 2001.

(iii) The identification of eligible providers of distance education programs and specifically, virtual education programs;

(iv) A process for the integration of distance education programs into the regular public school education program which equates the relationship to traditional education program delivery and the weight toward achieving student learning goals and statewide educational requirements;

(v) A funding mechanism which incorporates distance education programs within the Wyoming education resource block grant model.

(d) On or before October 1, 2007, the state superintendent shall report his findings and recommendations developed under this section to the joint education interim committee. The recommendations shall include an assessment of the feasibility of offering quality kindergarten through grade twelve (12) distance education programs that meet state education program standards in all subject areas. Following its review and



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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~~  
\$711.69/ADM at 1 ADM school  
to ~~\$176.80/ADM~~ \$183.88/ADM  
for 1260 ADM school;

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9-12 high school: From ~~\$1764.01/ADM~~  
\$1834.60/ADM for 1 ADM school  
to ~~\$520.00/ADM~~ \$540.80/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 as computed under W.S. 21-13-309(m)(v)(F).

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).

**Section 402.** Notwithstanding W.S. 21-13-309(m)(v)(F)(II) and for computations applicable for school year 2007-2008 only, the health insurance component within the education resource block grant model computed under W.S. 21-13-309(m)(v)(F)(II) shall be based upon the annualized state contribution rate as of April 1, 2007, 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.

**Section 403.** The department of education shall adjust the 2006-2007 school year entitlements for each district in accordance with section 401 of this act pertaining to the student activities component, and shall make necessary payment adjustments to districts before April 1, 2007, as provided under W.S. 21-13-313(c). In addition, the department shall accordingly and as necessary adjust the amount recaptured from any district under W.S. 21-13-102(b).

[SECTION 5. APPROPRIATIONS]

**Section 501.**

(a) For the period commencing on the effective date of this act and extending through June 30, 2008, two hundred thousand dollars (\$200,000.00) is appropriated from the school foundation program account to the state superintendent of public instruction to cover expenses associated with the conduct of the study required under

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section 103 of this act, including acquisition of necessary consulting expertise.

(b) For the period beginning on the effective date of this act and ending on June 30, 2008, fifty thousand dollars (\$50,000.00) is appropriated from the school foundation program account to the state superintendent of public instruction to pay the expenses of necessary staff support, task force members' travel and per diem expenses, meeting expenses and any consulting expertise required to conduct the study required under section 301 of this act.

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[SECTION 6. EFFECTIVE DATE]

**Section 601.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk