

HOUSE BILL NO. HB0269

School finance-at-risk funding.

Sponsored by: Representative(s) Harshman, Cohee, Hammons,
Jaggi, McOmie and Teeters and Senator(s) Coe

A BILL

for

1 AN ACT relating to school finance; providing supplemental
2 financial assistance to school districts for at-risk
3 programs outside the block grant funding model; specifying
4 funding requirements and purposes; imposing qualification
5 criteria; imposing reporting requirements and providing for
6 use of generated information in model recalibration;
7 requiring payment of post secondary remedial coursework by
8 school districts under specified conditions; providing an
9 appropriation; and providing for effective dates.

10

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

12

13 **Section. 1.**

14

15 (a) For school years 2009-2010 and 2010-2011 and to
16 address the needs of at-risk students, supplemental

1 financial assistance shall be available to school districts
2 to augment resources within the education resource block
3 grant model. Assistance available under this section shall
4 supplement district resources for the provision of an
5 integrated and sequenced set of programs aligned with at-
6 risk strategies employed within the 2005 cost of education
7 study. No school district shall be eligible for funding
8 under this section unless the district implements a reading
9 assessment and intervention program in grades one (1) and
10 two (2) in accordance with W.S. 21-3-401. Expenditure of
11 financial assistance under this section shall be limited to
12 one-on-one instruction by certified teachers for struggling
13 students, sheltered English or English as a second language
14 instruction for English language learning (ELL) students,
15 and to augment other district at-risk strategies included
16 within its continuum of learning support services
17 addressing at-risk children and aligned with strategies
18 identified within the 2005 cost of education study.

19

20 (b) Each school district may apply to the department
21 of education for financial assistance under this section on
22 or before April 15 of the school year immediately preceding
23 that school year for which financial assistance is
24 requested. Application shall be on a form and in a manner

1 prescribed by the department and application review and
2 approval shall be in accordance with a process established
3 by department rule and regulation. At minimum, the
4 application shall include documentation of the following:

5

6 (i) Evidence of implementation of a reading
7 assessment and intervention program in grades one (1) and
8 two (2) which is designed in accordance with W.S. 21-3-401;

9

10 (ii) Evidence of employment of certified
11 teachers as tutors at the school level for provision of
12 one-on-one student instruction;

13

14 (iii) Evidence of employment of certified
15 teachers for sheltered English or limited English speaking
16 instruction at the school level;

17

18 (iv) Evidence of a research-based approach to
19 the use of tutors, instruction under paragraph (iii) of
20 this subsection and other strategies employed by the
21 district and funded through assistance under this section;

22

1 (v) The district's overall at-risk plan and
2 continuum of learning support programs and services
3 targeted for at-risk students;

4

5 (vi) Evidence of alignment of district employed
6 at-risk strategies to those prescribed by the 2005 cost of
7 education study.

8

9 (c) On or before May 1 of the school year immediately
10 preceding the school year for which financial assistance is
11 requested, the department shall notify each district of its
12 eligibility to participate under this section, together
13 with the estimated amount to be made available to that
14 district for the applicable school year. Distributions
15 under this section shall be in accordance with the schedule
16 established for foundation program payments under W.S.
17 21-13-313(c).

18

19 (d) Financial assistance under this section shall be
20 based upon prior year school level attendance and
21 configuration reports submitted by each eligible school
22 district under W.S. 21-13-309(m)(iv). Amounts shall be
23 computed by the department for each eligible applicant
24 district as if the education resource block grant model

1 contained the following components for tutors, ELL students
2 and for pupil support, prorated up and down from the
3 applicable FTE position levels specified under this
4 subsection, similar to computational operation of other
5 components within the block grant model:

6

7 (i) One (1) FTE certified teacher tutor position
8 for every one hundred (100) at-risk students, subject to a
9 minimum of one (1) FTE certified teacher tutor position for
10 each prototypical elementary, middle and high school within
11 the qualifying district;

12

13 (ii) One (1) FTE certified teacher ELL
14 instruction position for every one hundred (100) ELL
15 students;

16

17 (iii) One (1) FTE certified teacher pupil
18 support position for every one hundred (100) at-risk
19 students, subject to a minimum of one (1) FTE certified
20 teacher pupil support position for each prototypical
21 elementary, middle and high school within the qualifying
22 district;

23

1 (iv) "FTE" and "ADM" as used in this section
2 shall be as defined in ATTACHMENT "A" to 2006 Wyoming
3 Session Laws, Chapter 37, as amended and as referenced in
4 W.S. 21-13-101(a)(vii);

5

6 (v) "At-risk" students, for purposes of
7 computations under this section, shall include students
8 identified under W.S. 21-13-309(m)(v)(A).

9

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

1 district documentation submitted under subsection (b) of
2 this section. The department may withhold a portion or the
3 entire amount to be distributed to any district under this
4 section for noncompliance with program documentation
5 submitted by the 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 of education on at-risk strategies employed
11 by the district, the impact of the district's continuum of
12 at-risk programs and services on student performance and an
13 evaluation of the effectiveness of at-risk programs and
14 services employed by the district, together with
15 identification of any differences between the district's
16 at-risk strategies and those contained within the 2005 cost
17 of education study. The department shall compile the
18 information reported under this subsection and shall
19 include this information as a component of its at-risk
20 study effort assigned under 2008 Wyoming Session Laws,
21 Chapter 95, Section 401. The information compiled under
22 this subsection shall be contained in subsequent at-risk
23 study findings, shall be coordinated with the allocation
24 and use study effort initiated under 2006 Wyoming Session

1 Laws, Chapter 37, Section 8, and continued under 2008
2 Wyoming Session Laws, Chapter 95, Section 801, and shall be
3 of a form and substance to assist the 2010 recalibration of
4 the education resource block grant model.

5

6 (g) The department shall establish the application
7 process for assistance under this section and shall notify
8 school districts of the supplemental assistance program
9 established under this section in sufficient time to enable
10 district application for school year 2009-2010 assistance
11 by not later than April 15, 2009.

12

13 (h) Commencing with academic year 2010-2011, and each
14 academic year thereafter, any resident student, following
15 graduation from a Wyoming high school within a school
16 district receiving financial assistance under this section
17 and holding an advanced or comprehensive endorsement under
18 W.S. 21-2-304(a)(iv)(A) or (B), who subsequently requires
19 remediation of high school level courses during or prior to
20 entry into a post secondary education program offered by a
21 Wyoming community college or the University of Wyoming,
22 shall receive remedial education at no cost for tuition
23 until such time as the student is prepared for enrollment
24 in post secondary education level courses and approved for

1 enrollment in such course work by the appropriate community
2 college or the university, or until the expiration of two
3 (2) academic years following the year of graduation,
4 whichever first occurs. The school district from which the
5 student graduated shall, on behalf of the student, pay to
6 the appropriate college or the university, the cost of
7 tuition for enrollment in the remedial courses. Payment by
8 a district shall be made under this subsection solely from
9 that portion of the foundation program amount computed
10 under W.S. 21-13-309 which is attributable to components
11 within the education resource block grant model in excess
12 of the cost-based level recommended within the 2005 cost of
13 education study as prescribed and computed in accordance
14 with department rule and regulation. The university and
15 colleges shall report the number of Wyoming high school
16 graduates requiring remedial course work to the department
17 of education, and the department shall notify the
18 university or college if the student's school district of
19 graduation is subject to this subsection. The department
20 shall pay the costs of tuition for remedial course work to
21 the appropriate college or the University on behalf of the
22 school district from the excess amounts computed under this
23 subsection through amounts withheld from that district's
24 October or February foundation payment under W.S.

1 21-13-313(c), as appropriate, or through amounts added to
2 the amount recaptured under W.S. 21-13-102(b). In
3 addition, the department shall notify each school district,
4 each Wyoming community college and the university of the
5 provisions of this subsection. A student shall enroll in a
6 remedial education program offered by a Wyoming community
7 college or the university within the first two (2) academic
8 years following high school graduation to be eligible for
9 tuition payments by the district under this subsection.

10

11 **Section 2.** 2006 Wyoming Session Laws, Chapter 37,
12 Attachment "A(b)", as amended by 2007 Wyoming Session Laws,
13 Chapter 147, Section 401 and 2008 Wyoming Session Laws,
14 Chapter 95, Section 701, is amended to read:

15

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

21

22 **SUMMARY OF WYOMING RECALIBRATION RECOMMENDATIONS:**

23

24 For purposes of this attachment:

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

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

30

31 (b) To implement this act and notwithstanding
32 subsection (a) of this attachment, the Wyoming education

1 resource block grant model components and the resourcing
 2 for those components shall be as follows:
 3
 4 Full-Day Kindergarten: Funded for all elementary schools.
 5
 6 Class Size: 16 for grades Kindergarten through 5;
 7 21 for grades 6 through 12.
 8
 9 Core teachers: Elementary school ADM divided by 16;
 10 Middle school ADM divided by 21;
 11 High school ADM divided by 21.
 12
 13 Specialist teachers: Elementary schools: 20 percent of core
 14 teachers;
 15 Middle and high schools: 33 percent of
 16 core teachers.
 17
 18 Minimum teachers: 6.0 for elementary schools with greater
 19 than 49 ADM;
 20 8.0 for middle schools with greater
 21 than 49 ADM;
 22 10.0 for high schools with greater than
 23 49 ADM.
 24
 25 Instructional facilitators: 0.
 26
 27 Tutors: ~~1 FTE teacher position for every 100~~
 28 ~~at risk students with a minimum of 1~~
 29 ~~FTE teacher position for prototypical~~
 30 ~~elementary, middle and high schools 0.~~
 31
 32 ELL: ~~1 FTE teacher position for every 100~~
 33 ~~ELL students 0.~~
 34
 35 Extended day: 0.
 36
 37 Summer school: 0.
 38
 39 Alternative schools: 1 assistant principal position plus 1
 40 FTE teacher position for every 7
 41 students.
 42
 43 Substitutes: Additional 5 percent of ADM generated
 44 teacher positions at \$88.40/day plus
 45 7.65% for benefits.
 46

1 Supervisory aides: 2 for 288 ADM prototypical elementary
 2 school;
 3 2 for 315 ADM prototypical middle
 4 school;
 5 5 for 630 ADM prototypical high school.
 6

7 Pupil support: ~~1 FTE teacher position for every 100~~
 8 ~~at risk students with a minimum of 1~~
 9 ~~FTE teacher position for prototypical~~
 10 ~~elementary, middle and secondary~~
 11 ~~schools; PLUS~~
 12 1 FTE position for every 250 students
 13 in secondary schools.
 14

15 Librarian: 1.0 for each prototypical elementary,
 16 middle and high school.
 17

18 Library media tech: 1.0 for each prototypical middle and
 19 high school.
 20

21 Principal: 1.0 for all schools down to 96 ADM
 22 elementary and 105 ADM middle and high,
 23 prorated by ADM below these ADM levels.
 24

25 Assistant principal: Begin phasing in 1 assistant
 26 principal for every 315 students at 316
 27 ADM middle and high school.
 28

29 Secretary: 1.0 for 288 ADM prototypical
 30 elementary;
 31 1.0 for 315 ADM prototypical middle
 32 school;
 33 1.0 for 315 ADM and 630 ADM
 34 prototypical high school.
 35

36 Clerical: 1.0 for 288 ADM prototypical elementary
 37 school;
 38 1.0 for 315 ADM prototypical middle
 39 school;
 40 2.0 for 315 ADM prototypical high
 41 school.
 42

43 Books/Ins. Materials: \$296.99/elementary and middle school
 44 ADM;
 45 \$363.65/high school ADM.
 46

47 Computers, equipment: \$260/ADM.

1
2 Special education: 100 percent state reimbursement of
3 prior year actual expenditures.
4
5 Gifted: \$26/ADM.
6
7 Vocational education: 0.29 times FTE vocational education
8 ADM;
9 \$8040.74/FTE vocational education
10 teacher for equipment and supplies.
11
12 Student activities: Resource under the following school
13 configurations:
14 K-5 elementary school: \$21.63/ADM;
15 6-8 middle school: From \$711.69/ADM at
16 1 ADM school to \$183.88/ADM for 1260
17 ADM school;
18 9-12 high school: From \$1834.60/ADM for
19 1 ADM school to \$540.80/ADM for 1260
20 ADM school.
21
22 Professional development: In addition to the above
23 instructional facilitators/coaches:
24 5 extra days in teacher yearly
25 contract, at statewide average of \$238
26 per day, which will vary by district
27 average salary levels;
28 Plus \$104/ADM for trainers.
29
30 Assessment: In addition to all other professional
31 development resources:
32 \$33.58/ADM.
33
34 Central office staff: District ADM 500 and below:
35 3 administrative and 3 secretarial;
36
37 District ADM from 500 to 1000:
38 Proration of an additional
39 administrative and secretarial
40 position;
41
42 District ADM at 1000:
43 4 administrative and 4 secretarial;
44 adjusted upwards to 3500 ADM.
45
46 District ADM at 3500:
47 8 administrative and 10 secretarial,

1 prorated up for districts with ADM
2 greater than 3500.
3
4 Central office nonpersonnel expenses: \$312/ADM.
5
6 Transportation: 100 percent state reimbursement of
7 prior year actual expenditures.
8
9 Food services: Assumed to be self supporting program.
10
11 Maintenance and operations: Based on ADM, gross square
12 footage and number of buildings and
13 rooms for custodians, facilities
14 maintenance and groundskeepers.
15 Groundskeeper FTE computations shall be
16 based upon the lesser of the actual
17 site acreage on which the facility is
18 situated as defined by department rule
19 and regulation, or the school facility
20 guidelines and site acreages
21 established by the school facilities
22 commission under W.S. 21-15-114. The
23 state superintendent shall grant
24 exceptions to the groundskeeper FTE
25 computation limitations for acreages
26 acquired on or prior to July 1, 1997,
27 and for acreages acquired after July 1,
28 1997 through an exchange with another
29 governmental entity if the acreages
30 involved in the exchange were
31 originally acquired by the district and
32 the governmental entity on or prior to
33 July 1, 1997.
34
35 M & O supplies: \$0.57 per 110 percent of gross square
36 feet of authorized education space.
37
38 Utilities: Actual 2004-2005 expenditures by
39 district inflated up in subsequent
40 years by inflation factor.
41
42 School adjustments: For all schools with 49 or fewer ADM,
43 resource with 1 assistant principal
44 position plus 1 FTE teacher position
45 for every 7 students for all staff;
46

1 For all schools with 49 or fewer ADM
 2 within a district comprised solely of
 3 schools with 49 or fewer ADM, resource
 4 with 1 assistant principal position
 5 plus 1.5 FTE teacher positions for
 6 every 7 students for all staff;
 7
 8 Minimum 6 teachers in elementary schools greater than 49
 9 ADM;
 10
 11 For a K-5 or K-6 school, resource as
 12 elementary school;
 13
 14 For a K-7, K-8 or K-9 school, resource
 15 K-5 as elementary school and remainder
 16 as middle school;
 17
 18 For K-12 school, resource as K-5
 19 elementary, 6-8 middle and 9-12 high
 20 school;
 21
 22 For 6/7-12 school, resource as 6-8
 23 middle and 9-12 high school.
 24
 25 Average Salaries: Teachers \$ 43,938.00
 26 Teachers with 5 extra days \$ 45,126.00
 27 Principals \$ 73,994.00
 28 Assistant principals \$ 62,085.00
 29 Superintendents \$ 95,211.00
 30 Assistant superintendents \$ 76,168.80
 31 Business managers \$ 64,202.00
 32 Aides \$ 16,430.00
 33 Media technicians \$ 38,747.00
 34 Central office secretaries \$ 31,073.00
 35 School secretaries \$ 28,868.00
 36 School clerical staff \$ 22,206.00
 37 Maintenance and operations:
 38 Maintenance/groundskeepers \$ 31,866.00
 39 Custodians \$ 26,582.00
 40
 41
 42 Benefits: 19.66 percent plus health as computed
 43 under W.S. 21-13-309 (m) (v) (F).
 44
 45 Regional cost adjustment: As provided by W.S.
 46 21-13-309 (m) (v) (C).
 47

1 External cost adjustment: As provided by W.S.
2 21-13-309(o).
3

4 **Section 3.** For the period commencing July 1, 2009,
5 and ending June 30, 2011, one hundred five million dollars
6 (\$105,000,000.00) is appropriated from the public school
7 foundation program account to the department of education
8 for purposes of implementing this act.

9

10 **Section 4.**

11

12 (a) Except as provided by subsection (b) of this
13 section, this act is effective July 1, 2009.

14

15 (b) Notwithstanding subsection (a) of this section,
16 section 1 of this act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20

21 (END)