

HOUSE BILL NO. HB0244

State board of education.

Sponsored by: Representative(s) Teeters, Sommers and
Winters and Senator(s) Coe

A BILL

for

1 AN ACT relating to the state board of education; creating a
2 director of the department of education appointed by the
3 state board; specifying duties; providing for the election
4 of members; modifying the appointment of members; providing
5 conforming amendments; prescribing the transition for the
6 department and director; and providing for an effective
7 date.

8

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

10

11 **Section 1.** W.S. 21-1-105 is created to read:

12

13 **21-1-105. Director of department of education;**
14 **appointment.**

15

1 (a) The state board of education shall appoint a
2 person as the director of the state department of
3 education, who shall serve at the pleasure of the governor
4 and may be removed by him as provided in W.S. 9-1-202 or
5 with a vote of no confidence by the state board. The
6 director shall at minimum, hold a master's degree in
7 business, public or education administration, or other
8 relevant advanced degree from an accredited higher
9 education institution, have a minimum of ten (10) years of
10 management or administrative experience in education,
11 government or business, provide credentials demonstrating
12 exceptional accomplishment in previous employment, and
13 provide evidence of problem solving skills, organizational
14 skills, education assessment and accountability experience
15 and knowledge of statistical analysis, data management,
16 school finance and possess effective communication skills.
17 The director shall carry out the duties prescribed by W.S.
18 21-2-202 and other duties as may be prescribed by law. The
19 director's salary shall be determined by the governor. The
20 appointment under this subsection shall be with the advice
21 and consent of the senate in accordance with W.S. 28-12-101
22 through 28-12-103, except the duties of the governor under
23 those provisions shall be carried out by the state board.

24

1 (b) The director shall serve as the administrative
2 head and chief executive officer of the state department of
3 education.

4

5 **Section 2.** W.S. 21-2-301, 22-2-105(a)(ii)(intro),
6 22-6-125(a) by creating a new paragraph (ix) and by
7 renumbering paragraphs (ix) through (xiv) as (x) through
8 (xv) and 22-6-126(b) are amended to read:

9

10 **21-2-301. Appointment; qualifications, terms and**
11 **removal of members; meetings; chairman.**

12

13 (a) There is created a state board of education
14 composed of ~~twelve (12)~~ ten (10) voting members, ~~eleven~~
15 ~~(11)~~ four (4) of whom shall be appointed members. ~~with at~~
16 ~~least one (1) member appointed from each appointment~~
17 ~~district pursuant to W.S. 9-1-218. The remaining voting~~
18 ~~member of the board shall be the state superintendent of~~
19 ~~public instruction.~~ One (1) appointed member shall be
20 appointed at large and shall be a certified classroom
21 teacher at the time of appointment. One (1) appointed
22 member shall also be appointed at large and shall be a
23 certified school administrator at the time of appointment.
24 Two (2) appointed members shall be appointed at large and

1 shall be representative of private business or industry in
2 Wyoming. ~~The remaining seven (7) appointed members of the~~
3 ~~board shall be appointed from among the lay citizens of the~~
4 ~~state who are electors of the state, known for their public~~
5 ~~spirit, business or professional ability and interest in~~
6 ~~education. Not more than six (6) appointed members of the~~
7 ~~board shall be from one (1) political party.~~ Members shall
8 be appointed for six (6) year terms, except those who may
9 be appointed to fill unexpired terms. Members shall be
10 appointed by the governor with the approval of the senate.
11 Vacancies shall be filled by the governor without senate
12 approval until the next session of the legislature. No
13 member is eligible to reappointment, except any member
14 appointed to fill an unexpired term of less than six (6)
15 years and the term expires on or after January 1, 1996, may
16 be reappointed for one (1) additional six (6) year term.
17 Appointed members of the board may be removed by the
18 governor as provided in W.S. 9-1-202.

19

20 (b) The remaining six (6) voting members of the state
21 board shall be elected by nonpartisan ballot at each
22 general election for a term of four (4) years pursuant to
23 the provisions of this section and title 22 of the Wyoming
24 statutes. One (1) member shall be elected from among the

1 qualified elector residents of each of the following six
2 (6) election districts:

3

4 (i) Board of education district 1 which shall
5 consist of senate legislative districts 4, 5, 6, 7 and 8;

6

7 (ii) Board of education district 2 which shall
8 consist of senate legislative districts 9, 10, 11, 12 and
9 13;

10

11 (iii) Board of education district 3 which shall
12 consist of senate legislative districts 14, 15, 16, 25 and
13 26;

14

15 (iv) Board of education district 4 which shall
16 consist of senate legislative districts 17, 18, 19, 20 and
17 21;

18

19 (v) Board of education district 5 which shall
20 consist of senate legislative districts 22, 27, 28, 29 and
21 30;

22

23 (vi) Board of education district 6 which shall
24 consist of senate legislative districts 1, 2, 3, 23 and 24.

1

2 ~~(b)~~(c) During the first quarter of the calendar year
3 a meeting shall be held at which a chairman shall be
4 elected. Meetings may be held at regular intervals as
5 often as the duties of the board require and the board
6 shall meet at the call of the state superintendent of
7 public instruction or the governor or the chairman whenever
8 in the opinion of these officials, or any of them, the need
9 for such meeting exists.

10

11 ~~(c)~~(d) ~~Notwithstanding subsection (a) of this~~
12 ~~section,~~ The superintendent of public instruction shall not
13 participate in board deliberations on ~~or vote on~~ any matter
14 relating to a contested case involving actions of the
15 department of education.

16

17 **22-2-105. Terms of office and offices voted on at**
18 **general elections.**

19

20 (a) The terms of office and offices voted on at
21 general elections are as follows:

22

23 (ii) Four Year Term. - At the general election
24 in 1974 and in every fourth (4th) year thereafter, there

1 shall be elected the following officers: one (1) governor,
2 one (1) secretary of state, one (1) state treasurer, one
3 (1) state auditor, one (1) superintendent of public
4 instruction, county clerks, county treasurers, county
5 assessors, county coroners, county and prosecuting
6 attorneys, district attorneys, sheriffs, clerks of the
7 district court and members of the state school board. At
8 every general election there shall be elected the necessary
9 member or members of the Wyoming senate and county
10 commissioners. The question of retention of a circuit court
11 judge or a magistrate of the circuit court shall be
12 submitted:

13

14 **22-6-125. Order of offices and ballot propositions on**
15 **nonpartisan ballots.**

16

17 (a) The nonpartisan ballot shall contain the offices
18 and ballot propositions to be voted on in the following
19 order:

20

21 (ix) Candidates for state school board;

22

23 ~~(ix)~~ (x) Candidates for special district
24 directors;

1

2 ~~(x)~~(xi) Candidates for other offices of county
3 subdivisions;

4

5 ~~(xi)~~(xii) Constitutional amendments;

6

7 ~~(xii)~~(xiii) Initiative propositions;

8

9 ~~(xiii)~~(xiv) Referendum propositions;

10

11 ~~(xiv)~~(xv) Other ballot propositions.

12

13 **22-6-126. Form of nonpartisan ballots.**

14

15 (b) The official nonpartisan ballot for a primary
16 election shall be so identified in the title and shall omit
17 all references to justices of the supreme court, judges of
18 the district court, ~~and~~ circuit court judges and members of
19 the state school board but otherwise shall be in the same
20 form as the general election nonpartisan ballot.

21

22 **Section 3.** W.S. 21-1-104 and Sections 4(a) and 5(a)
23 as enacted by Senate File 104 by the 2013 Wyoming
24 legislature are repealed.

1

2

Section 4.

3

4 (a) The service of the seven (7) members appointed at
5 large to the state board to represent the lay citizens of
6 the state who are electors of the state, known for their
7 public spirit, business or professional ability and
8 interest in education and who were not appointed to fulfill
9 the requirements for a certified classroom teacher, a
10 certified school administrator and two (2) representatives
11 of private business or industry in Wyoming as required by
12 W.S. 21-2-301, shall terminate on January 5, 2015.

13

14 (b) The election of six (6) state board members as
15 required by W.S. 21-2-301(a) as amended by this act, shall
16 commence with the 2014 general election by nonpartisan
17 ballot. The service of the members elected shall enter
18 upon their respective duties on January 5, 2015.
19 Notwithstanding W.S. 21-2-301(b), the initial term of the
20 elected state board members from board of education
21 election districts 1, 3 and 5 shall be for a term of two
22 (2) years.

23

1 (c) The provisions of W.S. 21-2-301(a) as amended by
2 this act, shall not be implemented in a manner to affect
3 the term of the state board members appointed at large that
4 represent a certified classroom teacher, a certified school
5 administrator and two (2) representatives of private
6 business or industry in Wyoming prior to the effective date
7 of this act. Any member appointed prior to the effective
8 date of this act and serving on the effective date of this
9 act may be reappointed if otherwise qualified for
10 reappointment under W.S. 21-2-301(a).

11

12 **Section 5.**

13

14 (a) It is the intention and direction of the
15 legislature that all divisions, agencies, programs,
16 positions, personnel, property, appropriated funds and
17 functions of the department of education shall transfer
18 immediately to the interim director of the department of
19 education as appointed by the state board of education as
20 required by this act.

21

22 (b) The state board shall immediately appoint a
23 person to serve as the interim director of the Wyoming
24 department of education upon the effective date of this

1 act. Not later than December 1, 2013, the state board
2 shall appoint a permanent director of the state department
3 of education as required by this act.

4

5 **Section 6.** This act is effective immediately upon
6 completion of all acts necessary for a bill to become law
7 as provided by Article 4, Section 8 of the Wyoming
8 Constitution.

9

10

(END)