

SENATE FILE NO. SF0104

Education-state administration.

Sponsored by: Senator(s) Coe, Anderson, J.D. (SD02),
Barnard, Bebout, Landen, Nicholas, P., Ross,
Rothfuss, Schiffer and Von Flatern and
Representative(s) Brown, Harshman, Lubnau,
Madden, Stubson, Teeters and Throne

A BILL

for

1 AN ACT relating to government administration; establishing
2 the position of director of the department of education by
3 statute; providing duties of the director of the department
4 of education; transferring duties from the state
5 superintendent to the director of the state department of
6 education; requiring reporting; providing for transition;
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 21-1-104 is created to read:

12

13 **21-1-104. Director of department of education;**
14 **appointment.**

15

1 (a) The governor shall appoint a person as the
2 director of the state department of education from a list
3 of three (3) names of qualified candidates submitted by the
4 state board of education, who shall serve at the pleasure
5 of the governor and may be removed by him as provided in
6 W.S. 9-1-202. The director shall at minimum, hold a
7 master's degree in business, public or education
8 administration, or other relevant advanced degree from an
9 accredited higher education institution, have a minimum of
10 ten (10) years of management or administrative experience
11 in education, government or business, provide credentials
12 demonstrating exceptional accomplishment in previous
13 employment, and provide evidence of problem solving skills,
14 organizational skills, education assessment and
15 accountability experience and knowledge of statistical
16 analysis, data management, school finance and possess
17 effective communication skills. The director shall carry
18 out the duties prescribed by W.S. 21-2-202 and other duties
19 as may be prescribed by law. The director's salary shall
20 be determined by the governor. The appointment under this
21 subsection shall be with the advice and consent of the
22 senate in accordance with W.S. 28-12-101 through 28-12-103.

23

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. 9-1-513(b)(i) and (c), 21-1-103(a) by
6 creating a new paragraph (iii), 21-2-104, 21-2-105,
7 21-2-201, 21-2-202(a)(intro), (i), (ix), (x), (xix)(intro),
8 (H), (xx), (xxx) and (b) through (e), 21-2-203(a),
9 (c)(intro), (iv), (viii), (d)(intro), (e)(intro) and
10 (ii)(intro), 21-2-204(f)(intro) and (iv) through (viii),
11 21-2-301(a) and (c), 21-2-304(a)(i), (v)(intro), (vi),
12 (b)(ii) and (xvii), 21-2-306, 21-2-502(a), 21-2-701(a)(ii),
13 21-2-703(a)(intro), (b)(iii) and (c), 21-2-801(a)(intro)
14 and (b), 21-2-802(m), 21-3-110(a)(i), (v), (xxii),
15 (xxviii), (xxix) and (xxxi)(intro), 21-3-117(a)(i) and
16 (ii), 21-3-314(a)(intro), 21-3-401(d), 21-4-401(b),
17 21-4-601(b) and (d), 21-6-210(a)(i), 21-6-219(a) and (b),
18 21-13-101(a)(xiv), 21-13-102(e), 21-13-306(b),
19 21-13-307(a)(ii)(B), (iii), (iv) and (b),
20 21-13-309(m)(intro), (v)(intro), (B)(III) and (vi)(intro),
21 21-13-310(b), 21-13-312(a)(intro) and (i), 21-13-313(a)
22 through (c) and (g), 21-15-113(a)(intro), 21-17-201,
23 21-18-201(c), 21-22-103(a)(i)(intro), (ii), (v) and (b) and
24 31-5-118(a) are amended to read:

1

2 **9-1-513. School finance audits and management**
3 **studies.**

4

5 (b) The school finance section within the department
6 established under subsection (a) of this section shall:

7

8 (i) Conduct periodic audits of each school
9 district pertaining to data required to be submitted to the
10 department of education under law and by rule and
11 regulation of the ~~state superintendent of public~~
12 ~~instruction~~ director of the department of education for
13 purposes of implementing and operating the "school finance
14 system" as defined under W.S. 21-2-203(a). Audits under
15 this paragraph shall include audits of systems supporting
16 data collection and shall be performed on each school
17 district at least once within each three (3) year period;

18

19 (c) School districts and the department of education
20 shall provide access to all data and other information and
21 shall cooperate with the school finance section as
22 necessary to implement this section and to conduct audits
23 and reports required under this section. In addition, each
24 district shall within thirty (30) days following receipt of

1 a copy of the audit or report, file a written response to
2 each audit or report conducted on that district with the
3 department. The ~~state superintendent~~director shall on
4 behalf of the department of education and within thirty
5 (30) days following receipt of a report or audit on the
6 department, file a written response to the report with the
7 department of audit.

8

9 **21-1-103. "State superintendent", "state board" and**
10 **"director" defined.**

11

12 (a) As used in this act, unless the context otherwise
13 requires or unless otherwise specifically noted:

14

15 (iii) "Director" means the director of the state
16 department of education.

17

18 **21-2-104. State department of education established;**
19 **personnel; facilities.**

20

21 There shall be a separate and distinct state department
22 designated as the state department of education which shall
23 be under the supervision of the ~~state superintendent~~
24 director and consist of the ~~state superintendent~~director

1 and such divisions, staffed by personnel and provided with
2 facilities the ~~state superintendent~~ director determines
3 necessary to assist him in the proper and efficient
4 discharge of his respective duties as approved by the
5 governor. The director shall serve as the chief
6 administrative officer of the department. All duties of
7 the state department of education shall be under the
8 control of the director.

9
10 **21-2-105. Delegation of duties of director.**

11
12 The ~~state superintendent~~ director may delegate ministerial
13 and nondiscretionary duties within the state department of
14 education.

15

16

ARTICLE 2

17

SUPERINTENDENT OF PUBLIC INSTRUCTION AND DIRECTOR OF THE

18

DEPARTMENT OF EDUCATION

19

20 **21-2-201. General supervision of public schools**
21 **entrusted to state superintendent.**

22

23 (a) The general supervision of the public schools
24 shall be entrusted to the state superintendent ~~who shall be~~

1 ~~the administrative head and chief executive officer of the~~
2 ~~department of education~~ as prescribed by law.

3
4 (b) Not later than October 15 each year, the state
5 superintendent shall prepare a report on the general status
6 of all public schools for the legislature. The report shall
7 include the quality of education including any proposed
8 improvement to address any shortfalls, the relevance of
9 education, the measurement of achievement of educational
10 goals, the improvement of learning and any suggested
11 innovations in education. The state superintendent may
12 obtain information or data necessary for completion of the
13 report through the liaison appointed by the director under
14 W.S. 21-2-202(b). This shall include, as necessary, copies
15 of the fiscal reports submitted by clerks of school
16 districts under W.S. 21-3-117.

17
18 (c) In addition to any other duties assigned by law,
19 the state superintendent shall:

20
21 (i) Adopt rules and regulations, consistent with
22 this title, as may be necessary for the proper and
23 effective general supervision of the public schools.
24 Nothing in this section shall be construed to give the

1 state superintendent rulemaking power or authority in any
2 area specifically delegated to the state board, the state
3 department of education or the director;

4
5 (ii) Administer and implement the "teacher of
6 the year program," which shall include an unbiased,
7 objective process to annually select the individual most
8 deserving of the award and capable of serving on the board
9 under W.S. 21-22-103;

10
11 (iii) By rule and regulation establish
12 requirements for school district policies and training
13 regarding the use of seclusion and restraint in schools as
14 required under W.S. 21-3-110(a)(xxxi). The state
15 superintendent shall review the policy of each district for
16 compliance with the requirements of W.S. 21-3-110(a)(xxxi)
17 and rules and regulations promulgated pursuant to this
18 paragraph. If the state superintendent determines that the
19 policy is not in compliance under this paragraph the
20 superintendent shall direct the board of trustees to revise
21 the policy and shall, upon request, assist the board in the
22 adoption of the policy;

23

1 (iv) To assist local school districts in
2 developing protocols under W.S. 21-3-110(a)(xxxii) and
3 develop model protocols for addressing risks associated
4 with concussions and other head injuries resulting from
5 athletic injuries. No district shall be required to adopt
6 any part of the model protocols;

7
8 (v) In consultation with the department of
9 environmental quality and school districts, establish
10 guidelines for school districts for the proper and safe
11 storage and disposal of toxic chemicals and other hazardous
12 substances used by schools in education programs.

13
14 **21-2-202. Duties of the director.**

15
16 (a) In addition to any other duties assigned by law,
17 the ~~state superintendent~~ director shall:

18
19 (i) Make rules and regulations, consistent with
20 this code, as may be necessary or desirable for the proper
21 and effective administration of the state educational
22 system and the statewide education accountability system
23 pursuant to W.S. 21-2-204. Nothing in this section shall be
24 construed to give the ~~state superintendent~~ director

1 rulemaking power in any area specifically entrusted
2 delegated to the state board or the state superintendent;

3

4 (ix) Print and distribute to local boards of
5 trustees, local school administrators and other persons and
6 agencies within or without the state the school laws,
7 regulations, forms, necessary reports of the state board,
8 state committee, state superintendent, the director and
9 state department. The ~~state superintendent~~ director may
10 require the payment of reasonable costs of publication,
11 handling and postage by persons or agencies outside the
12 state requesting publications and shall deposit all
13 payments into the general fund;

14

15 (x) Promulgate rules for the acceptance and
16 disbursement of federal funds apportioned to the state for
17 school lunch, milk and other commodities distribution
18 programs. For purposes of these programs, the ~~state~~
19 ~~superintendent~~ director may enter into agreements, employ
20 personnel, direct disbursement of funds in accordance with
21 federal law to be used by districts to operate the programs
22 along with funds from gifts and the sale of school lunches
23 or other commodities, assist in the training of personnel
24 in the programs and accept gifts in connection with the

1 programs. Districts shall maintain records and report to
2 the ~~state superintendent~~ director in accordance with rules
3 promulgated under this paragraph, but accounts and records
4 need not be preserved more than five (5) years. The ~~state~~
5 ~~superintendent~~ director shall audit and conduct reviews and
6 inspections of accounts, records and operations of programs
7 to ensure effective administration and compliance with
8 applicable law and rules. To the extent funds are
9 available, the ~~state superintendent~~ director shall conduct
10 studies to determine methods to improve and expand school
11 lunch programs and to promote nutritional education in the
12 schools, including appraising nutritive benefits of school
13 lunch programs. For school lunch program funds, the ~~state~~
14 ~~superintendent~~ director shall utilize a revolving account
15 with a balance of at least five thousand dollars
16 (\$5,000.00) to cover any operating expenditures incurred by
17 the school lunch division of the department under 7 U.S.C.
18 section 1431, the United States department of agriculture
19 commodity program offered to the state and accepted by the
20 participating schools and institutions. The schools and
21 institutions shall be billed for their share pro rata of
22 transportation and allied charges with the receipts to be
23 used in replenishing the revolving account. If the United
24 States department of agriculture removes all commodities

1 from this program, the revolving account shall be
2 discontinued and the balance shall be transferred to the
3 general fund;

4
5 (xix) Serve as the director of the state agency
6 to accept all federal funds for aid to education, except as
7 provided in W.S. 21-2-307 and 21-2-601, and as the agency
8 to administer or supervise the administration of any state
9 plan established or federal funds subject to federal
10 requirements. Each acceptance is restricted in its effect
11 to the specific situation involved. The state
12 superintendent~~director~~ may:

13
14 (H) Take any other action as may be
15 necessary to secure the benefits of the federal statute to
16 the schools of this state. Nothing in this paragraph shall
17 be construed as conferring any authority to the state
18 superintendent~~director~~ with respect to the University of
19 Wyoming or the various community colleges of the state.
20 and

21
22 (xx) In cooperation with the state board, the
23 Wyoming community college commission, University of
24 Wyoming, public service commission, department of

1 transportation, department of enterprise technology
2 services, public libraries, school district boards of
3 trustees, classroom teachers and other appropriate groups
4 identified by the ~~superintendent~~director, develop and
5 implement a statewide education technology plan which shall
6 address staff training, curriculum integration and network
7 connectivity in and between schools, communities and
8 between the state and the world, and which shall have as
9 its goal the provision of equal access to educational
10 instruction and information. The statewide technology
11 education plan may include telecommunications services
12 provided by the department of enterprise technology
13 services pursuant to W.S. 9-2-2906(g). Not later than
14 January 10 of each year and with the assistance of
15 participating agencies, an annual report on the status of
16 the statewide education technology plan shall be prepared
17 and issued by the ~~state superintendent~~director;

18

19 (xxx) Effective school year 2012-2013 and each
20 school year thereafter, in consultation and coordination
21 with local school districts, by rule and regulation
22 establish a program of administering a standardized,
23 curriculum based, achievement college entrance examination,
24 computer-adaptive college placement assessment and a job

1 skills assessment test selected by the ~~state superintendent~~
2 director to all students in the eleventh and twelfth grades
3 throughout the state in accordance with this paragraph. The
4 examinations and tests selected by the ~~state superintendent~~
5 director, shall be administered throughout the United
6 States and shall be relied upon by institutions of higher
7 education. The college entrance examination shall at a
8 minimum test in the areas of English, reading, writing,
9 mathematics and science for grade eleven (11). The jobs
10 skills assessment test shall at a minimum test in the areas
11 of applied math, reading for information and locating
12 information. The ~~state superintendent~~director shall pay
13 all costs associated with administering the college
14 entrance examination, the computer-adaptive college
15 placement assessment and the jobs skills assessment test
16 and shall schedule a day during which examinations shall be
17 provided and one (1) shall be administered to all eleventh
18 and twelfth grade students throughout the state. The date
19 for administration in grade eleven (11) shall be selected
20 so that following receipt of scores, students may timely
21 register for senior year classes which may be necessary to
22 allow the student to qualify for a state provided
23 scholarship. All students in grade twelve (12) shall take
24 the computer-adaptive college placement assessment in the

1 spring. The ~~state superintendent~~director may enter into
2 agreements with an administrator of the college entrance
3 examination and the computer-adaptive college placement
4 assessment and an administrator of the jobs skills
5 assessment test and adopt rules as necessary to ensure
6 compliance with any requirements of an administrator, such
7 as a secure environment. Waivers may be granted for the
8 examinations and tests required by this paragraph for
9 students with disabilities in accordance with the
10 provisions of the federal No Child Left Behind Act of 2001
11 and the federal Individuals with Disabilities Education
12 Act. Alternative assessments and accommodations may be
13 offered by the ~~state superintendent~~director in accordance
14 with rule and regulation;

15

16 (b) The ~~state superintendent~~director shall designate
17 an employee of the department of education to serve as
18 liaison to the state board and the state superintendent
19 through which requests for staff assistance shall be
20 directed.

21

22 (c) In addition to subsection (a) of this section,
23 the ~~state superintendent~~director may take appropriate
24 administrative action with the state board as necessary,

1 including but not limited to the changing of accreditation
2 status, against any school district or state institution
3 failing to comply with any applicable law or with the
4 uniform educational program standards specified under W.S.
5 21-9-101 and 21-9-102 and the student content and
6 performance standards prescribed by the state board.

7

8 (d) Any school district aggrieved by an act of the
9 ~~state superintendent~~ director may seek review in accordance
10 with the Wyoming Administrative Procedure Act.

11

12 (e) In addition to paragraph (a)(i) of this section,
13 the ~~state superintendent~~ director shall promulgate rules
14 and regulations governing the administration of the Wyoming
15 education resource block grant model adopted by the Wyoming
16 legislature as defined under W.S. 21-13-309, and governing
17 the operation of the model in determining school district
18 foundation program payments in accordance with chapter 13,
19 article 3 of this title and other applicable law. The
20 block grant model, as defined under W.S. 21-13-101(a)(xiv)
21 and as maintained under this subsection, shall be made
22 available for public inspection by the ~~state superintendent~~
23 director in electronic format. Copies of the block grant
24 model spreadsheets as administered under department rule

1 and regulation shall be provided to school districts by the
2 ~~state superintendent~~ director for district use in district
3 budgeting and in complying with mandatory financial
4 reporting requirements imposed under W.S. 21-13-307(b) and
5 by other provisions of law. To maintain the integrity of
6 the block grant model, copies of the model and model
7 spreadsheets made available under this subsection for
8 public inspection and school district use shall be by
9 protected version only, prohibiting the editing of model
10 components, model data and model formulas. Following
11 adoption of any recalibration of or modification to the
12 block grant model by the Wyoming legislature, and prior to
13 computing the foundation program amount for each school
14 district under W.S. 21-13-309(p) and determining the amount
15 to be distributed to a district under W.S. 21-13-311 or
16 recaptured from a district subject to W.S. 21-13-102(b),
17 the ~~state superintendent~~ director shall certify to the
18 legislature that the block grant model as enacted by the
19 legislature is properly incorporated into the
20 administration of the model for the appropriate school year
21 of model application and is made available for public
22 inspection. Technical corrections to model spreadsheets
23 necessary for model administration between any session of
24 the legislature shall be implemented by the ~~state~~

1 ~~superintendent~~director, shall be in accordance with
2 procedures specified by rule and regulation filed with the
3 secretary of state, shall be reported to the legislature
4 together with the associated fiscal and technical impact of
5 the correction, and shall be incorporated into the
6 electronic version of the model available for public
7 inspection. As used in this subsection, "technical
8 corrections to model spreadsheets" means corrections
9 necessary to ensure model operation and current school year
10 district payments are in accordance with law and the model
11 is properly computing school foundation program payments to
12 school districts as required by law. Notwithstanding W.S.
13 16-3-114(c), no judicial review of rules promulgated and
14 adopted under this subsection shall hold unlawful or set
15 aside action of the ~~state superintendent~~director in
16 promulgating or adopting rules unless the rules are by
17 clear and convincing evidence, shown to exceed statutory
18 authority.

19

20 **21-2-203. School district data collection and funding**
21 **model administration; duties and responsibilities**
22 **specified; data advisory committee; school district**
23 **compliance.**

24

1 (a) The department shall collect data for the state's
2 school finance system and in accordance with rule and
3 regulation of the ~~state superintendent~~director, administer
4 the Wyoming education resource block grant model adopted by
5 the Wyoming legislature pursuant to W.S. 21-13-309. As used
6 in this section, "school finance system" means all statutes
7 related to the terms and conditions under which funds from
8 Wyoming sources are made available under Wyoming law to the
9 public schools for school operations. The school finance
10 system established following a 1995 Wyoming supreme court
11 decision, and subsequently modified and recalibrated as
12 required under W.S. 21-13-309(t), is extremely complex and
13 requires timely and accurate data to be administered fairly
14 and accurately. It is essential that a single entity be
15 established to ensure that fair and accurate administration
16 is accomplished.

17

18 (c) The duties of the department are, in accordance
19 with rules promulgated by the ~~state superintendent~~
20 director, to:

21

22 (iv) Recommend to the ~~state superintendent~~
23 director proposed rules to improve the accuracy and
24 reliability of data and the general efficiency of the

1 operation of the school finance system, including requiring
2 training for district personnel with respect to accounting
3 and reporting related to the administration of the school
4 finance system;

5

6 (viii) Assist the ~~state superintendent~~ director
7 in implementing W.S. 21-13-309(m)(v)(D) and assist
8 districts with computations necessary for reporting student
9 career-vocational education participation and career-
10 vocational education instruction information;

11

12 (d) The ~~state superintendent of public instruction~~
13 director shall establish an advisory committee consisting
14 of not less than seven (7) members. This advisory committee
15 shall have representatives from among Wyoming school
16 districts, other state agencies involved in the
17 administration of the school finance system, shall include
18 the director of the department of audit or his designee,
19 and shall include at least one (1) representative from the
20 independent auditor community within the state. The
21 committee shall meet at least twice annually and at the
22 call of the ~~state superintendent~~ director or his designee.
23 The duties of the advisory committee are to:

24

1 (e) ~~On and after July 1, 2005,~~ The following shall
2 apply:

3

4 (ii) If a district superintendent fails to
5 provide data or reports in compliance with law or rules
6 regarding timeliness, format, completeness or accuracy,
7 without good cause, the ~~state superintendent~~ director
8 shall:

9

10 **21-2-204. Wyoming Accountability in Education Act;**
11 **statewide education accountability system created.**

12

13 (f) A progressive multi-tiered system of support,
14 intervention and consequences to assist schools shall be
15 established by the state board, and shall conform to the
16 January 2012 education accountability report as defined by
17 subsection (k) of this section. The system shall clearly
18 identify and prescribe the actions for each level of
19 support, intervention and consequence. Commencing with
20 school year 2013-2014, and each school year thereafter, the
21 ~~state superintendent~~ director shall take action based upon
22 system results according to the following:

23

1 (iv) Schools designated as meeting expectations
2 shall file an improvement plan with the school district
3 superintendent and the department. The plan shall be based
4 upon an evaluation of the strengths and deficiencies of
5 specific indicator scores that identifies appropriate
6 improvement goals with an explanation of the measures and
7 methods chosen for improvement, the processes to be
8 implemented to deliver the improvement measures,
9 identification of relevant timelines and benchmarks and an
10 articulation of the process for measuring success of the
11 methods chosen to increase performance. The ~~state~~
12 ~~superintendent~~director shall appoint a representative from
13 the department in accordance with paragraph (vii) of this
14 subsection to monitor the school's progress towards meeting
15 the specified goals and implementation of the processes,
16 measures and methods as contained in the school's plan.
17 The representative shall assist the district, if requested,
18 in identifying and securing the necessary resources to
19 support the goals as stated by the school and the district;

20

21 (v) Schools designated as partially meeting
22 expectations shall file an improvement plan in accordance
23 with paragraph (iv) of this subsection that identifies and
24 addresses all content areas where performance is below

1 target levels. The ~~state superintendent~~director shall
2 appoint a representative from the department in accordance
3 with paragraph (vii) of this subsection to monitor the
4 school's progress towards meeting the specified goals and
5 implementation of the processes, measures and methods as
6 contained in the school's plan. The representative shall
7 assist the district in identifying and securing the
8 necessary resources to support the goals as stated by the
9 school and the district. Failure to meet improvement goals
10 as specified in the plan for two (2) consecutive years may
11 require that the school be subject to paragraph (vi) of
12 this subsection;

13

14 (vi) Schools designated as not meeting
15 expectations shall file an improvement plan in accordance
16 with paragraph (iv) of this subsection that identifies and
17 addresses all content areas where performance is below
18 target levels. The ~~state superintendent~~director shall
19 appoint a representative from the department in accordance
20 with paragraph (vii) of this subsection to assist in
21 drafting the improvement plan, including the selection of
22 programs and interventions to improve student performance.
23 The representative shall perform duties as required by
24 paragraph (v) of this subsection. The plan shall be

1 approved by the local board of trustees and submitted to
2 the school district superintendent prior to submission to
3 the department. The plan shall describe the personnel and
4 financial resources within the education resource block
5 grant model as defined by W.S. 21-13-101(a)(xiv) necessary
6 for implementation of the measures and methods chosen for
7 improvement and shall specify how resources shall be
8 reallocated, if necessary, to improve student performance.
9 Failure to meet improvement goals as specified in the plan
10 for two (2) consecutive years may be grounds for dismissal
11 of the school principal;

12

13 (vii) A representative shall be appointed by the
14 ~~state superintendent~~ director for all schools designated
15 under paragraphs (iv) through (vi) of this subsection to
16 serve as a liaison between the school district leadership
17 and the department. The representative shall be an
18 employee of the department, an employee of a Wyoming school
19 district or any combination, and may require more than one
20 (1) individual for schools requiring substantial
21 intervention and support. Additionally, one (1)
22 representative may be assigned to more than one (1) school.
23 Among other duties as may be requested by the district or
24 department, the representative shall review and approve

1 improvement plans submitted by schools in accordance with
2 paragraphs (iv) through (vi) of this subsection. Requested
3 resources for improvement plan implementation, or the
4 reallocation of existing resources for plan implementation,
5 shall be based upon a comprehensive review of the available
6 research. Justification for resource allocation or
7 reallocation shall be incorporated within the written
8 improvement plan. The representative shall possess
9 expertise appropriate to particular strategies incorporated
10 within improvement plans to enable necessary plan
11 evaluation, and shall be commensurate with the level of
12 intervention, support and consequences to be administered
13 under this subsection. The ~~state superintendent~~ director
14 shall annually report to the state board on the progress of
15 each school in meeting annual goals and overall improvement
16 targets, fully describing the effectiveness and
17 deficiencies of efforts to improve school performance in
18 performance categories prescribed by this section;

19

20 (viii) To the extent permitted by law and rule
21 and regulation, plans submitted in compliance with
22 paragraphs (iii) through (vi) of this subsection shall
23 serve to comply with similar requirements administered by
24 the ~~state superintendent~~ director and the department, and

1 the state board shall ensure the plans minimize submission
2 of duplicative information, material and the administrative
3 burdens placed upon schools. All plans submitted under
4 this subsection shall be made available for public
5 inspection through internet access as defined by W.S.
6 9-2-1035(a)(iii);

7

8 **21-2-301. Appointment; qualifications, terms and**
9 **removal of members; meetings; chairman.**

10

11 (a) There is created a state board of education
12 composed of ~~twelve (12) voting~~ thirteen (13) members,
13 ~~eleven (11)~~ twelve (12) of whom shall be voting appointed
14 members with at least one (1) member appointed from each
15 appointment district pursuant to W.S. 9-1-218. The
16 remaining voting member of the board shall be the state
17 superintendent of public instruction. The director of the
18 state department of education shall be an ex officio member
19 and shall not have the right to vote. One (1) appointed
20 member shall be appointed at large and shall be a certified
21 classroom teacher at the time of appointment. One (1)
22 appointed member shall also be appointed at large and shall
23 be a certified school administrator at the time of
24 appointment. Two (2) appointed members shall be appointed

1 at large and shall be representative of private business or
2 industry in Wyoming. The remaining seven (7) appointed
3 members of the board shall be appointed from among the lay
4 citizens of the state who are electors of the state, known
5 for their public spirit, business or professional ability
6 and interest in education. Not more than six (6) appointed
7 members of the board shall be from one (1) political party.
8 Members shall be appointed for six (6) year terms, except
9 those who may be appointed to fill unexpired terms. Members
10 shall be appointed by the governor with the approval of the
11 senate. Vacancies shall be filled by the governor without
12 senate approval until the next session of the legislature.
13 No 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 (c) Notwithstanding subsection (a) of this section,
21 the ~~superintendent of public instruction~~ director shall not
22 participate in board deliberations on ~~or vote on~~ any matter
23 relating to a contested case involving actions of the
24 department of education.

1

2

21-2-304. Duties of the state board of education.

3

4

(a) The state board of education shall:

5

6

(i) Establish policies for public education in this state consistent with the Wyoming Constitution and statutes and may promulgate rules necessary or desirable for the proper and effective implementation of this title and its responsibilities under this title. Nothing in this section shall give the state board rulemaking authority in any area specifically delegated to the state superintendent or the director;

14

15

(v) Through the ~~state superintendent~~ director and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S.

1 21-2-204. Improvement of teaching and learning in schools,
2 attaining student achievement targets for performance
3 indicators established under W.S. 21-2-204 and fostering
4 school program improvement shall be the primary purposes of
5 statewide assessment of student performance in Wyoming.
6 The statewide assessment system shall:

7

8 (vi) Subject to and in accordance with W.S.
9 21-2-204, through the ~~state superintendent~~ director and in
10 consultation and coordination with local school districts,
11 by rule and regulation implement a statewide accountability
12 system. The accountability system shall include a
13 technically defensible approach to calculate achievement,
14 growth and readiness as required by W.S. 21-2-204. The
15 state board shall establish performance targets as required
16 by W.S. 21-2-204(e), establish a progressive multi-tiered
17 system of supports, interventions and consequences as
18 required by W.S. 21-2-204(f) and shall establish a
19 statewide reporting system pursuant to W.S. 21-2-204(h).
20 The system created shall conform to the January 2012
21 education accountability report as defined by W.S.
22 21-2-204(k). In addition and for purposes of complying with
23 requirements under the federal No Child Left Behind Act of
24 2001, the board shall by rule and regulation provide for

1 annual accountability determinations based upon adequate
2 yearly progress measures imposed by federal law for all
3 schools and school districts imposing a range of
4 educational consequences and supports resulting from
5 accountability determinations;

6

7 (b) In addition to subsection (a) of this section and
8 any other duties assigned to it by law, the state board
9 shall:

10

11 (ii) Enforce the uniform state educational
12 program standards imposed by W.S. 21-9-101 and 21-9-102 and
13 the uniform student content and performance standards
14 established by rules and regulations adopted under
15 subsection (a) of this section, together with student
16 performance indicators established and measured pursuant to
17 W.S. 21-2-204, by taking appropriate administrative action
18 with the ~~state superintendent~~ director, including but not
19 limited to the changing of accreditation status;

20

21 (xvii) Through the ~~state superintendent~~
22 director, implement, administer and supervise education
23 programs and services for adult visually handicapped and
24 adult hearing impaired persons within the state.

1

2 **21-2-306. Reports of state superintendent, the**
3 **director and state board.**

4

5 The state superintendent, the director and the state board
6 shall, in accordance with W.S. 9-2-1014, report to the
7 governor and recommend such legislation concerning
8 education and appropriations for educational activities as
9 they may deem appropriate.

10

11 **21-2-502. Duties of school districts; interdistrict**
12 **contracts; assistance of director; attendance beyond school**
13 **age.**

14

15 (a) Each school district of this state having any
16 school age children residing in the district who possess
17 any of the disabilities covered under this article shall,
18 subject to the rules and regulations of the state
19 ~~superintendent~~ director, provide for the appropriate
20 diagnosis, evaluation, education or training and necessary
21 related services and may include, but is not limited to
22 room and board, for those children. If the school district
23 is unable to provide the necessary and appropriate programs
24 and services, it shall contract with another school

1 district or agency to obtain them. If the programs and
2 services cannot reasonably be provided by the district or
3 by interdistrict contracts, the ~~state superintendent~~
4 director shall assist local boards of trustees in arranging
5 for the appropriate educational programs and services
6 either within or without the state pursuant to its rules
7 and regulations and financed as provided by law.

8

9 **21-2-701. Definitions.**

10

11 (a) As used in this act:

12

13 (ii) "Preschool children with disabilities"
14 means any children three (3) through five (5) years of age
15 in the state of Wyoming having a mental, physical or
16 psychological disability which impairs learning, subject to
17 rules and regulations of the ~~state superintendent~~ director
18 of the department of education;

19

20 **21-2-703. Director of the department of education**
21 **duties; division duties.**

22

23 (a) The ~~state superintendent~~ director shall:

24

1 (b) The division in carrying out its duties as an
2 intermediate educational unit, shall:

3
4 (iii) Administer the rules and regulations
5 promulgated by the ~~state superintendent~~director under this
6 act.

7
8 (c) The ~~state superintendent~~director and the
9 administrator of the division shall enter an interagency
10 agreement which shall define the duties of the division and
11 the ~~superintendent~~director.

12
13 **21-2-801. Creation of board; appointment and**
14 **composition; terms; vacancies; expense reimbursement.**

15
16 (a) The Wyoming professional teaching standards board
17 is created to consist of thirteen (13) members appointed by
18 the state superintendent and the governor as follows:

19
20 (b) Board members shall be appointed to a term of
21 four (4) years. No person shall be appointed for more than
22 two (2) four (4) year terms. Vacancies shall be filled by
23 the state superintendent and the governor on a rotating
24 basis from the appropriate group pursuant to subsection (a)

1 of this section. Any board member may be removed as
2 provided under W.S. 9-1-202.

3

4 **21-2-802. Powers and duties; teacher certification;**
5 **suspension and revocation; certification fees; disposition**
6 **of collected fees; required data submissions to department**
7 **of education.**

8

9 (m) In accordance with criteria and guidelines
10 established by the ~~state superintendent of public~~
11 ~~instruction~~ director of the department of education, the
12 board shall submit data elements collected from school
13 administrators, teachers and other school district
14 personnel certified under this article to the department of
15 education for housing in the department's data base
16 repository.

17

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

19

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

22

23 (i) Prescribe and enforce rules, regulations and
24 policies for its own government and for the government of

1 the schools under its jurisdiction. Rules and regulations
2 shall be consistent with the laws of the state and rules
3 and regulations of the state board, the director and the
4 state superintendent and shall be open to public
5 inspection;

6

7 (v) Submit reports concerning finances or any
8 other matter as the state board, state superintendent, the
9 director or state law may require;

10

11 (xxii) In accordance with guidelines established
12 by the state superintendent under W.S. ~~21-2-202(a)(xxii)~~
13 21-2-201(c)(v), implement standards for the storage and
14 disposal of toxic chemicals and other hazardous substances
15 used by schools within the district for educational
16 programs;

17

18 (xxviii) Annually report to the ~~state~~
19 ~~superintendent~~ director on district expenditures for
20 career-vocational education programs, broken down by
21 school, and submitted in a manner and form required by rule
22 and regulation of the ~~state superintendent~~ director;

23

1 (xxix) Beginning in school year 2012-2013, and
2 each school year thereafter, administer a program where all
3 students enrolled in the eleventh and twelfth grades in the
4 district shall be required to take, on a date specified by
5 the ~~state superintendent~~ director, a standardized,
6 curriculum based, achievement college entrance examination,
7 a computer-adaptive college placement assessment or a jobs
8 skills assessment test in accordance with W.S.
9 21-2-202(a)(xxx). Each school district shall provide the
10 opportunity for all home school and private school students
11 in the eleventh and twelfth grades and residing within the
12 district to take the examinations or the jobs skills
13 assessment test at no cost to the student on the same date
14 administered to all eleventh and twelfth grade public
15 school students in the state. The results of the
16 examinations or jobs skills assessment test taken shall be
17 included in each student's transcript;

18

19 (xxxi) ~~Not later than December 31, 2011,~~ Adopt a
20 policy and training procedures regarding the use of
21 seclusion and restraint in schools. In addition to any
22 requirements provided by rule and regulation of the state
23 superintendent pursuant to W.S. ~~21-2-202(a)(xxxii)~~
24 21-2-201(c)(iii), the policy shall require that the parent

1 or legal guardian of the student shall be notified each
2 time that seclusion or restraint is utilized for the
3 student. The policy shall prohibit the use of locked
4 seclusion. The policy shall not be limited to any
5 specified group of students and shall apply any time that
6 seclusion or restraint is used for any student. The
7 district shall submit a copy of the policy to the state
8 superintendent for review as provided in W.S.
9 ~~21-2-202(a)(xxxii)~~ 21-2-201(c)(iii) after the initial
10 adoption of the policy and any time thereafter that the
11 policy is substantially revised. As used in this paragraph:

12

13 **21-3-117. Duties of clerk of school district.**

14

15 (a) The clerk of each school district within the
16 state shall:

17

18 (i) Within thirty (30) working days after the
19 close of each fiscal year, submit all fiscal reports to the
20 ~~state superintendent of public instruction~~ director for the
21 past fiscal year. The reports shall contain information
22 required by the ~~state superintendent~~ director. A copy of
23 the reports shall also be filed with the county clerk of
24 each county in which the school district is located;

1

2 (ii) Cause to be filed copies of all reports
3 made to the ~~state superintendent~~ director and all papers
4 transmitted to him by school officers or other persons
5 pertaining to the business of the district. After two (2)
6 years have elapsed from the date of filing, microfilm
7 copies may be treated as originals;

8

9 **21-3-314. Students counted among district ADM;**
10 **determination of charter school funding.**

11

12 (a) The director of the state department of education
13 shall administer the education resource block grant model
14 and perform the duties prescribed under this statute. Each
15 student attending a charter school shall be counted among
16 the average daily membership of the school district in
17 which the school is located and the school shall be
18 included in the district's configuration of schools
19 reported to the ~~state superintendent~~ director under W.S.
20 21-13-309(m)(iv). Average daily membership of the charter
21 school shall be calculated as follows:

22

23 **21-3-401. Reading assessment and intervention.**

24

1 (d) The ~~state superintendent~~ director, in
2 consultation with Wyoming school districts, professionals
3 in the area of dyslexia and other reading difficulties, and
4 other appropriate stakeholders, shall promulgate rules and
5 regulations as necessary to administer the reading
6 assessment and intervention program pursuant to this
7 statute.

8

9 **21-4-401. Transportation or maintenance for isolated**
10 **pupils.**

11

12 (b) The ~~state superintendent~~ director shall adopt
13 reasonable rules and regulations pertaining to residence
14 requirements establishing eligibility under this section
15 and for provision of tuition and transportation or
16 maintenance. No person is eligible as an isolated pupil
17 under this section unless the pupil's parents or legal
18 guardians demonstrate to the local school board that the
19 family's residing in the isolated location is necessary for
20 the family's financial well being. The burden shall be on
21 the parent or guardian to demonstrate that the family's
22 residing in the isolated location is necessary for the
23 family's financial well being. The final decision as to

1 eligibility shall be made by the district board of
2 trustees.

3

4 **21-4-601. Education programs on the Wind River Indian**
5 **Reservation.**

6

7 (b) Subject to amounts appropriated by the
8 legislature, the ~~state superintendent of public instruction~~
9 ~~director~~ shall enter into negotiations with the individual
10 or joint business councils of the Eastern Shoshone and
11 Northern Arapaho Indian Tribes to determine the appropriate
12 contractual arrangements for the provision of education
13 programs and services addressing Indian students at risk of
14 failure in school and other programs and services essential
15 to the success and welfare of these students as specified
16 under subsection (a) of this section. Contractual
17 arrangements entered into under this subsection shall
18 include a requirement that the expenditure of contractual
19 amounts, as verified annually in writing, is for programs
20 tied to improvement of student performance on the statewide
21 assessment. For purposes of this section, the ~~state~~
22 ~~superintendent~~ ~~director~~ shall include an amount within his
23 biennial budget request which is computed in accordance
24 with subsection (c) of this section to provide a per

1 student amount that when nonstate funding sources are
2 considered, is comparable to per student amounts provided
3 for public schools under the Wyoming education resource
4 block grant model.

5

6 (d) The joint business council of the Eastern
7 Shoshone and the Northern Arapaho Indian Tribes shall
8 annually report to the governor, the ~~state superintendent~~
9 ~~of public instruction~~ director, the joint education interim
10 committee and the select committee on tribal relations on
11 the expenditure of contractual amounts as required under
12 subsection (b) of this section.

13

14 **21-6-210. Powers and duties of state committee.**

15

16 (a) The state committee shall:

17

18 (i) Aid the district boundary boards in carrying
19 out the powers and duties vested in and imposed upon those
20 boards by this article, ~~by furnishing assistance of the~~
21 ~~employed staff of the department,~~ as authorized by the
22 state superintendent, and provide plans for procedure,
23 standards, data, maps and other information and services
24 for district boundary boards throughout the state as it

1 appears to the state committee necessary or desirable to
2 carry out the purposes of this article;

3

4 **21-6-219. Adjustment of state foundation entitlement.**

5

6 (a) When two (2) or more districts or parts of
7 districts are organized into a school district and the
8 total fiscal resources of the new school district are less
9 than the combined fiscal resources of the districts the
10 last year before organization, then the ~~state~~
11 ~~superintendent~~director shall adjust the state foundation
12 entitlement to compensate for the differences in fiscal
13 resources. The adjustment shall be equal to one hundred
14 percent (100%) of the initial difference in each of the
15 first two (2) fiscal years after the new organization,
16 fifty percent (50%) of the initial difference in the third
17 fiscal year and twenty-five percent (25%) of the initial
18 difference in the fourth fiscal year. The adjustment shall
19 also provide reimbursement for expenses incurred by the
20 school districts involved in the new organization. Expenses
21 which are reimbursable shall be determined in accordance
22 with rules adopted by the ~~state superintendent~~director,
23 shall not exceed one hundred thousand dollars

1 (\$100,000.00), and shall be paid in equal amounts over a
2 period not to exceed three (3) fiscal years.

3

4 (b) When any district consolidates two (2) or more
5 schools within the district and the total state aid to the
6 district would decrease because of the consolidation, the
7 ~~state superintendent~~ director shall adjust the state
8 foundation entitlement to compensate for the decrease for
9 not more than one (1) year.

10

11 **21-13-101. Definitions.**

12

13 (a) As used in this chapter:

14

15 (xiv) "Education resource block grant model"
16 means the block grant model for Wyoming school finance
17 contained within the enumeration of model components
18 summarizing and executing recommendations within the 2010
19 cost of education study as referenced in paragraph (xvii)
20 of this subsection and model spreadsheets provided by the
21 consultant performing the 2010 cost of education study, all
22 of which are enacted into law, on file with the secretary
23 of state and are maintained and made available for public
24 inspection by the ~~state superintendent~~ director under W.S.

1 21-2-202(e), and as may be subsequently modified by the
2 legislature prior to future model recalibration required
3 under W.S. 21-13-309(t);

4

5 **21-13-102. Maximum rate of school district tax;**
6 **recapture of excess; equalization of permissive levies.**

7

8 (e) Annually on or before August 15 the department
9 shall notify each district subject to recapture of the
10 estimated amount due to the state during the current fiscal
11 year, using data from the previous school year. Upon
12 receipt of the state assessed values by school districts,
13 and not later than March 1 of the current fiscal year, the
14 department shall certify to each district subject to
15 recapture the amount of recapture for the fiscal year to be
16 remitted to the state. The amount certified shall
17 supersede the estimates certified on or before August 15.
18 If a district can demonstrate financial inability to make
19 payments to the state as provided in subsection (b) of this
20 section, the ~~superintendent of public instruction~~director
21 may adjust the schedule of payments provided by subsection
22 (b) of this section if the financial integrity of the
23 foundation program will not be jeopardized.

24

1 **21-13-306. Foundation program account established;**
2 **disposition of monies.**

3

4 (b) Within the limits of legislative appropriation,
5 if any, the resources of the public school foundation
6 account shall be paid into the state treasury and shall be
7 drawn out and distributed to the districts upon
8 certification of the ~~state superintendent~~director and upon
9 vouchers approved by the state auditor payable to the
10 treasurer of the several districts.

11

12 **21-13-307. Eligibility to share in distribution of**
13 **money from foundation account; mandatory financial**
14 **reporting.**

15

16 (a) Each district which meets the following
17 requirements is eligible to share in the distribution of
18 funds from the foundation account:

19

20 (ii) Operated all schools for a term of at least
21 one hundred eighty-five (185) days or the number of days or
22 equivalent hours authorized under an alternative schedule
23 approved by the state board during the previous school
24 year. If the school term of any school in a district was

1 less than one hundred eighty-five (185) days or less than
2 the total number of days authorized under an alternative
3 schedule approved by the state board, the amount allotted
4 per average daily membership (ADM) under W.S. 21-13-309 for
5 the school shall be in proportion to the length of the term
6 the school actually operated, unless caused by closures of
7 schools:

8

9 (B) Whenever necessary to protect the
10 health, safety or welfare of students, teachers and other
11 employees and closures are approved by the ~~state~~
12 ~~superintendent~~director or are the result of presidential
13 or gubernatorial executive orders.

14

15 (iii) Furnishes to the ~~state~~superintendent
16 director statistical data and information as reasonably
17 required to compute a district's entitlement to share in
18 the foundation account and the extent of the entitlement;

19

20 (iv) The district shall provide evidence to the
21 ~~state~~superintendentdirector that the district has
22 maintained an average student-teacher ratio of not greater
23 than sixteen (16) to one (1) for the aggregate of all
24 classes in kindergarten through grade three (3) in the

1 district in the preceding school year. The requirement of
2 this paragraph may be waived by the department of education
3 for any district that demonstrates insufficient school
4 facility capacity, positive school performance, positive
5 student achievement or for other reasons related to the
6 delivery of the education program to students. This
7 paragraph shall not apply to charter schools established
8 under W.S. 21-3-301 through 21-3-314 or schools designated
9 as exceeding expectations pursuant to W.S.
10 21-2-204(e)(i)(A). Schools designated as exceeding
11 expectations pursuant to W.S. 21-2-204(e)(i)(A) shall
12 notify the department annually of the student teacher
13 ratios for the aggregate of all classes in kindergarten
14 through grade three (3) in the district in the preceding
15 year. The department shall compute the student-teacher
16 ratio and report it to each district not later than March 1
17 of each year. To obtain a waiver under this paragraph, a
18 school district shall apply to the department not later
19 than March 15 of each year. The application shall be based
20 on the student-teacher ratio reported by the department of
21 education, together with any other information required by
22 the department. The department shall approve or deny an
23 application for a waiver under this paragraph not later
24 than April 10 of that year. A waiver approved under this

1 paragraph shall be effective for the school year
2 immediately following the application and approval.

3

4 (b) Each district shall provide financial reports to
5 the department on forms and in such manner required by the
6 department under W.S. 21-2-203 and by rules and regulations
7 promulgated by the ~~state superintendent of public~~
8 ~~instruction~~ director pursuant to this article. In
9 administering this article, the ~~state superintendent~~
10 director may conduct audits of information submitted by
11 districts under this article as necessary to administer and
12 perform computations pertaining to the cost components
13 within the education resource block grant model, and may,
14 after consulting and negotiating with the school district,
15 correct the information reported by districts under this
16 article to fairly and accurately reflect the data type,
17 classification and format necessary to perform computations
18 required to administer the school finance system
19 established under this article.

20

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

23

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

4
5 (v) Based upon ADM computations and identified
6 school configurations within each district pursuant to
7 paragraph (iv) of this subsection, compute the foundation
8 program amount for each district as prescribed by the
9 education resource block grant model adopted by the Wyoming
10 legislature as defined under W.S. 21-13-101(a)(xiv), as
11 contained within the spreadsheets and accompanying reports
12 referenced under W.S. 21-13-101(a)(xvii), on file with the
13 secretary of state and maintained by the ~~state~~
14 ~~superintendent~~director pursuant to W.S. 21-2-202(e). The
15 following criteria shall be used by the ~~state~~
16 ~~superintendent~~director in the administration of the
17 education resource block grant model:

18
19 (B) Alternative schools qualifying for
20 separate consideration under the education resource block
21 grant model may be established by a school district for
22 offering educational programs to students with educational
23 needs which the district finds are not appropriately met by
24 other schools in the district, excluding charter schools

1 established under W.S. 21-3-301 through 21-3-314.
2 Alternative schools included within a district's
3 configuration of schools identified under paragraph (iv) of
4 this subsection shall for purposes of the education
5 resource block grant model:

6

7 (III) Unless otherwise authorized by
8 the ~~state superintendent~~director, be restricted to not
9 more than one (1) alternative school within any school
10 district.

11

12 (vi) Except for charter schools established
13 under W.S. 21-3-301 through 21-3-314, any alteration of the
14 configuration of grades within a district, school or school
15 facility which differs from the configuration of grades
16 during the immediately preceding school year as reported
17 under paragraph (iv) of this subsection shall be considered
18 a reconfiguration and shall be documented by the district
19 and reported to the ~~state superintendent~~director and the
20 director of the school facilities department. Following
21 review and evaluation, the ~~state superintendent~~director of
22 the department of education and the director of the school
23 facilities department shall, each acting independently,
24 approve or deny the reconfiguration for purposes of

1 application to the education resource block grant model and
2 the determination of school facility needs and remedies.
3 The following shall apply:

4

5 **21-13-310. Annual computation of district revenues.**

6

7 (b) On or before July 10 of each year the county
8 treasurer of each county shall certify to the ~~state~~
9 ~~superintendent~~director, in such form as the ~~state~~
10 ~~superintendent~~director shall provide, a report of monies
11 distributed by him to each district within the county
12 during the previous school year.

13

14 **21-13-312. Prorating payments when income from**
15 **foundation account insufficient.**

16

17 (a) To preserve the integrity of the foundation
18 account for the biennium and so that payments can be made
19 during the full school year for each year of the biennium,
20 if it appears to the ~~state superintendent~~director that the
21 income available to the foundation program account is not
22 sufficient to meet the payments as provided by law:

23

1 (i) The ~~state superintendent~~director shall
2 determine a uniform percentage by which the amount
3 guaranteed to each district under W.S. 21-13-309 shall be
4 reduced so that available revenues in the foundation
5 program account for that school year are as nearly as
6 possible equal to the amount necessary to fund payments to
7 districts under W.S. 21-13-313; and

8

9 **21-13-313. Distribution of funds from foundation**
10 **account; property tax and cash reserve adjustment;**
11 **regulations.**

12

13 (a) For each school year the state auditor, on the
14 certification of the ~~state superintendent~~director, shall
15 draw warrants on the state treasurer for the amount of
16 money which shall be distributed to each district from the
17 foundation account as computed under W.S. 21-13-311. The
18 warrants, payable to the treasurer of the district
19 concerned, shall be delivered to the ~~state superintendent~~
20 director for distribution to the several school districts.

21

22 (b) The ~~state superintendent~~director shall determine
23 on or before August 15 of each year the tentative allotment
24 of foundation funds to which each district is entitled

1 under this article. In making this determination, the ~~state~~
2 ~~superintendent~~director may, if current fiscal information
3 required by law to compute the tentative allotment is not
4 available for any district by August 1 of that year, use
5 fiscal information available to the ~~state superintendent~~
6 director from the foundation program computations of the
7 previous school year for that district. The previous year's
8 fiscal information shall be adjusted to reflect current
9 fiscal changes and other information known by or available
10 to the ~~state superintendent~~director. Upon receiving actual
11 fiscal information from a district, the ~~state~~
12 ~~superintendent~~director shall accordingly adjust future
13 foundation program determinations for that district such
14 that foundation program payments appropriately reflect
15 current fiscal information for the applicable school year.

16

17 (c) Fifteen percent (15%) of each district's
18 entitlement shall be paid to the district on or before
19 August 15 of each year and subject to any adjustment under
20 subsections (d) and (e) of this section, ten percent (10%)
21 of each district's entitlement shall be paid on or about
22 the fifteenth day of each month through April of each year.
23 The final payment for the balance of each district's
24 entitlement shall be distributed on or before May 15 of

1 each year. If, after March 1 and before April 1, the ~~state~~
2 ~~superintendent~~director determines that the entitlement to
3 be paid to a district for that school year is not accurate,
4 the ~~state superintendent~~director shall adjust payments to
5 or payments from that district as necessary to correct the
6 inaccuracy as soon as practicable. Except as provided under
7 W.S. 21-2-202(e), after March 31 of any school year, the
8 ~~state superintendent~~director shall not adjust any
9 district's entitlement or fiscal information used to
10 compute a district's entitlement for that school year, and
11 the entitlement or fiscal information shall only be
12 adjusted thereafter in accordance with audit review
13 pursuant to W.S. 9-1-513.

14

15 (g) In addition to subsections (b) and (c) of this
16 section, the ~~state superintendent~~director shall, for any
17 district subject to W.S. 21-13-102(b) as determined by the
18 department for any school year, or for any district not
19 subject to W.S. 21-13-102(b) whose entitlement amount
20 determined under W.S. 21-13-311(a) for any school year is
21 equal to or less than twenty percent (20%) of the
22 foundation program amount computed under W.S. 21-13-309(p),
23 and upon demonstration by the district of financial need as
24 documented by cash flow analysis, provide payments from the

1 school foundation program account in an amount not to
2 exceed one-fifth (1/5) of the foundation program amount
3 computed for that district for that school year in
4 accordance with W.S. 21-13-309. The computed amount shall
5 be paid to each eligible district on or before September 1
6 based upon tentative computations under W.S. 21-13-309, for
7 which the department may use fiscal information available
8 from foundation program computations for the previous
9 school year in the manner provided under subsection (b) of
10 this section. Any district receiving a payment under this
11 subsection and repaying the foundation program account by
12 December 15 of that school year shall not be assessed
13 interest. After December 15, the district shall be
14 assessed interest at a rate equal to the rate specified by
15 W.S. 21-13-316(a) until the payment is repaid in full. In
16 no event shall an advance payment under this subsection
17 extend beyond and remain unpaid by any district, including
18 interest, on and after June 15 of that school year.

19

20 **21-15-113. School facilities commission; membership;**
21 **conflict of interest; terms; chairman; meetings;**
22 **compensation.**

23

1 (a) The school facilities commission is established
2 to consist of ~~eight (8)~~ nine (9) members comprised of the
3 state superintendent of public instruction and the director
4 of the department of education, who shall serve in an ex-
5 officio, nonvoting capacity, and seven (7) members who are
6 Wyoming residents appointed by the governor with one (1)
7 member appointed from each of the seven (7) appointment
8 districts designated in W.S. 9-1-218(b). Four (4) of the
9 appointees shall have knowledge and experience in the
10 following areas:

11

12 **21-17-201. Composition; appointment and**
13 **qualifications of members generally; members ex officio;**
14 **quorum.**

15

16 The government of the university is vested in a board of
17 twelve (12) trustees appointed by the governor, no two (2)
18 of whom may be residents of the same county of the state.
19 At least one (1) trustee shall be appointed from each
20 appointment district pursuant to W.S. 9-1-218. Not more
21 than seven (7) members of the board shall be registered in
22 the same political party. The governor, the president of
23 the university, the state superintendent of public
24 instruction, the director of the department of education

1 and the president of the associated students of the
2 university are members ex officio, having the right to
3 speak, but not to vote. A majority of the board is a
4 quorum.

5

6 **21-18-201. Community college commission; created;**
7 **composition; removal.**

8

9 (c) The governor, the director of the department of
10 education and the state superintendent of public
11 instruction are ex officio nonvoting members of the
12 commission.

13

14 **21-22-103. State advisory council for innovative**
15 **education; established; membership; terms; compensation;**
16 **initial terms.**

17

18 (a) The state advisory council for innovative
19 education is established, to consist of the following
20 members:

21

22 (i) ~~Four (4)~~ Two (2) members appointed by the
23 state superintendent of public instruction and two (2)
24 members appointed by the director of the state department

1 of education as follows, provided the state superintendent
2 and the director shall review but need not appoint members
3 from the list of nominees submitted by the designated
4 entities:

5

6 (ii) The Wyoming public school teacher holding
7 the state ~~department of education~~ superintendent's Wyoming
8 teacher of the year award as required under W.S.
9 21-2-201(c)(ii);

10

11 (v) The state superintendent of public
12 instruction and the director of the state department of
13 education serving as ~~an~~ ex officio ~~member~~ members;

14

15 (b) ~~Except for initial terms pursuant to subsection~~
16 ~~(d) of this section,~~ Terms of voting members shall be for
17 one (1) year. Annual appointments shall be made and
18 reported to the state superintendent and the director of
19 the department of education by January 1 of each year. Any
20 vacancy shall be filled by the designated appointing
21 authority for the remainder of the unexpired term within
22 not more than thirty (30) days following the date on which
23 the vacancy occurred. Any voting member may serve not more
24 than three (3) terms. The ~~state superintendent~~ director

1 shall coordinate appointments and notify each designated
2 appointing authority of the requirements imposed under this
3 section.

4

5 **31-5-118. Regulations relative to school buses.**

6

7 (a) The ~~state superintendent of public instruction~~
8 director of the department of education shall adopt and
9 enforce regulations not inconsistent with this act to
10 govern the design and operation of all school buses used
11 for the transportation of school children when owned and
12 operated by any school district or privately owned and
13 operated under contract with any school district in this
14 state and the regulations shall by reference be made a part
15 of any contract with a school district. Every school
16 district, its officers and employees, and every person
17 employed under contract by a school district shall be
18 subject to the regulations.

19

20 **Section 3.** W.S. 21-2-202(a)(xix)(J), (xxii), (xxxii)
21 and (xxxiii) and 21-22-103(d) are repealed.

22

23 **Section 4.**

24

1 (a) It is the intention and direction of the
2 legislature that:

3

4 (i) All divisions, agencies, programs,
5 positions, personnel, property, appropriated funds and
6 functions of the department of education shall transfer
7 immediately to the interim director of the department of
8 education as appointed by the governor as required by this
9 act;

10

11 (ii) Any contract, agreement or obligation
12 entered into or assumed by the director of the Wyoming
13 department of education in relation to the duties
14 transferred by this act, if the execution or assumption was
15 within the lawful powers of the state superintendent or the
16 Wyoming department of education, be assumed by the director
17 of the Wyoming department of education as established by
18 this act;

19

20 (iii) Any lawful policy adopted by the state
21 superintendent or the Wyoming department of education shall
22 remain in effect unaltered as policy of the director until
23 amended or repealed by the director.

24

1 **Section 5.**

2

3 (a) The governor shall immediately appoint a person
4 to serve as the interim director of the Wyoming department
5 of education upon the effective date of this act. Not
6 later than December 1, 2013, the governor shall appoint a
7 director of the state department of education by temporary
8 appointment as provided in W.S. 28-12-101(b).

9

10 (b) The interim director shall plan for the immediate
11 transfer of all department of education divisions,
12 agencies, programs, positions, personnel, property,
13 appropriated funds and functions to the director as
14 required by this act. The interim director shall
15 periodically report to the joint education interim
16 committee on the status of the transfer. The transfer
17 shall be effective upon approval of the governor. Nothing
18 in this subsection authorizes funds to be expended for any
19 purpose other than that for which the funds were
20 appropriated.

21

22 (c) The department of administration and information,
23 in consultation with the interim director, shall review all
24 existing authorized positions and appropriated funds for

1 the Wyoming department of education. The department of
2 administration and information, in consultation with the
3 interim director, shall submit to the governor a list of
4 all such positions and appropriated funds which provide
5 services related to the duties transferred to the director
6 as required by this act. Not later than November 1, 2013,
7 the governor shall submit a list to the joint
8 appropriations interim committee of those positions
9 identified and appropriated funds approved by the governor
10 that were transferred to the director of the department of
11 education under this act and those that should be
12 transferred to the state superintendent's office in order
13 to effectuate the provisions of this act. The listing
14 shall include for each position the source of funding and
15 for positions not wholly funded by state general funds,
16 whether the funding source would be affected by the
17 transfer of the position. The governor shall also
18 separately identify any positions that were eliminated or
19 which should be eliminated.

20

21 (d) The joint appropriations interim committee shall
22 review the lists provided and sponsor legislation in the
23 2014 budget session as it determines appropriate to
24 transfer positions and associated equipment and funding

1 from the department of education to the state
2 superintendent's budget to effectuate the changes as
3 required by this act.

4

5 (e) Not later than December 1, 2013, the interim
6 director of the department of education shall prepare a
7 status report on the transfer of divisions, agencies,
8 programs, positions, personnel, property, appropriated
9 funds and functions to the director. The report shall be
10 submitted to the governor, the joint education interim
11 committee, the joint appropriations interim committee and
12 the select committee on statewide education accountability
13 and made available to the public. The report shall include
14 further recommendations, including recommended legislation
15 if necessary, to effectuate the transfer of duties as
16 required by this act.

17

18 (f) Positions and funds as determined appropriate
19 under subsection (c) of this section remaining with the
20 office of the state superintendent of public instruction
21 shall fund and staff the state superintendent for the
22 remainder of the fiscal biennium through June 30, 2014.
23 For the fiscal biennium commencing July 1, 2014, the state

1 superintendent shall submit an estimated budget in
2 accordance with W.S. 9-2-1011.

3

4 (g) Nothing in this section shall be construed to
5 limit the authority of the governor to effect voluntary
6 transfers of positions between agencies as otherwise
7 authorized by law.

8

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

13

14

(END)