

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 providing an appropriation; authorizing position; and
8 providing for an effective date.

9

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

11

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

13

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

1

2 (a) The governor shall appoint a person as the
3 director of the state department of education from a list
4 of three (3) names of qualified candidates submitted by the
5 state board of education, who shall serve at the pleasure
6 of the governor and may be removed by him as provided in
7 W.S. 9-1-202. The director shall carry out the duties
8 prescribed by W.S. 21-2-202 and other duties as may be
9 prescribed by law. The director's salary shall be
10 determined by the governor. The appointment under this
11 subsection shall be with the advice and consent of the
12 senate in accordance with W.S. 28-12-101 through 28-12-103.

13

14 (b) The director shall serve as the administrative
15 head and chief executive officer of the state department of
16 education.

17

18 **Section 2.** W.S. 9-1-513(b)(i) and (c), 21-1-103(a) by
19 creating a new paragraph (iii), 21-2-104, 21-2-105,
20 21-2-201, 21-2-202(a)(intro), (i), (ix), (x), (xix)(intro),
21 (H), (xx), (xxx) and (b) through (e), 21-2-203(a),
22 (c)(intro), (iv), (viii), (d)(intro), (e)(intro) and
23 (ii)(intro), 21-2-204(f)(intro) and (iv) through (viii),
24 21-2-301(a) and (c), 21-2-304(a)(i), (v)(intro), (vi),

1 (b) (ii) and (xvii), 21-2-306, 21-2-502(a), 21-2-701(a) (ii),
2 21-2-703(a) (intro), (b) (iii) and (c), 21-2-801(a) (intro)
3 and (b), 21-2-802(m), 21-3-110(a) (i), (v), (xxii),
4 (xxviii), (xxix) and (xxxi) (intro), 21-3-117(a) (i) and
5 (ii), 21-3-307(a) (intro) and (d), 21-3-308(d),
6 21-3-309(b) (intro), 21-3-314(a) (intro), 21-3-401(d),
7 21-4-401(b), 21-4-601(b) and (d), 21-6-210(a) (i),
8 21-6-219(a) and (b), 21-13-101(a) (xiv), 21-13-102(e),
9 21-13-306(b), 21-13-307(a) (ii) (B), (iii), (iv) and (b),
10 21-13-309(m) (intro), (v) (intro), (B) (III) and (vi) (intro),
11 21-13-310(b), 21-13-312(a) (intro) and (i), 21-13-313(a)
12 through (c) and (g), 21-15-113(a) (intro), 21-17-201,
13 21-18-201(c), 21-22-103(a) (i) (intro), (ii), (v) and (b),
14 21-22-107(h) and 31-5-118(a) are amended to read:

15

16 **9-1-513. School finance audits and management**
17 **studies.**

18

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

21

22 (i) Conduct periodic audits of each school
23 district pertaining to data required to be submitted to the
24 department of education under law and by rule and

1 regulation of the ~~state superintendent of public~~
2 ~~instruction~~ director of the department of education for
3 purposes of implementing and operating the "school finance
4 system" as defined under W.S. 21-2-203(a). Audits under
5 this paragraph shall include audits of systems supporting
6 data collection and shall be performed on each school
7 district at least once within each three (3) year period;

8
9 (c) School districts and the department of education
10 shall provide access to all data and other information and
11 shall cooperate with the school finance section as
12 necessary to implement this section and to conduct audits
13 and reports required under this section. In addition, each
14 district shall within thirty (30) days following receipt of
15 a copy of the audit or report, file a written response to
16 each audit or report conducted on that district with the
17 department. The ~~state superintendent~~ director shall on
18 behalf of the department of education and within thirty
19 (30) days following receipt of a report or audit on the
20 department, file a written response to the report with the
21 department of audit.

22

23 **21-1-103. "State superintendent", "state board" and**
24 **"director" defined.**

1

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

4

5 (iii) "Director" means the director of the state
6 department of education.

7

8 **21-2-104. State department of education established;**
9 **personnel; facilities.**

10

11 There shall be a separate and distinct state department
12 designated as the state department of education which shall
13 be under the supervision of the ~~state superintendent~~
14 director and consist of the ~~state superintendent~~ director
15 and such divisions, staffed by personnel and provided with
16 facilities the ~~state superintendent~~ director determines
17 necessary to assist him in the proper and efficient
18 discharge of his respective duties as approved by the
19 governor. The director shall serve as the chief
20 administrative officer of the department. All duties of
21 the state department of education shall be under the
22 control of the director.

23

24 **21-2-105. Delegation of duties of director.**

1

2 The ~~state superintendent~~ director may delegate ministerial
3 and nondiscretionary duties within the state department of
4 education.

5

6

ARTICLE 2

7

SUPERINTENDENT OF PUBLIC INSTRUCTION AND DIRECTOR OF THE

8

DEPARTMENT OF EDUCATION

9

10 **21-2-201. General supervision of public schools**
11 **entrusted to state superintendent.**

12

13 (a) The general supervision of the public schools
14 shall be entrusted to the state superintendent ~~who shall be~~
15 ~~the administrative head and chief executive officer of the~~
16 ~~department of education~~ as prescribed by law.

17

18 (b) Not later than October 15 each year, the state
19 superintendent shall prepare a report on the general status
20 of all public schools for the legislature. The state
21 superintendent may obtain information or data necessary for
22 completion of the report through the liaison appointed by
23 the director under W.S. 21-2-202(b). This shall include,

1 as necessary, copies of the fiscal reports submitted by
2 clerks of school districts under W.S. 21-3-117.

3
4 (c) In addition to any other duties assigned by law,
5 the state superintendent shall:

6
7 (i) Adopt rules and regulations, consistent with
8 this title, as may be necessary for the proper and
9 effective general supervision of the public schools.

10 Nothing in this section shall be construed to give the
11 state superintendent rulemaking power or authority in any
12 area specifically delegated to the state board, the state
13 department of education or the director;

14
15 (ii) Administer and implement the "teacher of
16 the year program," which shall include an unbiased,
17 objective process to annually select the individual most
18 deserving of the award and capable of serving on the board
19 under W.S. 21-22-103;

20
21 (iii) By rule and regulation establish
22 requirements for school district policies and training
23 regarding the use of seclusion and restraint in schools as
24 required under W.S. 21-3-110(a)(xxxi). The state

1 superintendent shall review the policy of each district for
2 compliance with the requirements of W.S. 21-3-110(a)(xxxi)
3 and rules and regulations promulgated pursuant to this
4 paragraph. If the state superintendent determines that the
5 policy is not in compliance under this paragraph the
6 superintendent shall direct the board of trustees to revise
7 the policy and shall, upon request, assist the board in the
8 adoption of the policy;

9
10 (iv) To assist local school districts in
11 developing protocols under W.S. 21-3-110(a)(xxxii) and
12 develop model protocols for addressing risks associated
13 with concussions and other head injuries resulting from
14 athletic injuries. No district shall be required to adopt
15 any part of the model protocols.

16
17 **21-2-202. Duties of the director.**

18
19 (a) In addition to any other duties assigned by law,
20 the ~~state superintendent~~ director shall:

21
22 (i) Make rules and regulations, consistent with
23 this code, as may be necessary or desirable for the proper
24 and effective administration of the state educational

1 system and the statewide education accountability system
2 pursuant to W.S. 21-2-204. Nothing in this section shall be
3 construed to give the ~~state superintendent~~ director
4 rulemaking power in any area specifically ~~entrusted~~
5 delegated to the state board or the state superintendent;

6

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

17

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

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

1 transportation and allied charges with the receipts to be
2 used in replenishing the revolving account. If the United
3 States department of agriculture removes all commodities
4 from this program, the revolving account shall be
5 discontinued and the balance shall be transferred to the
6 general fund;

7

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

16

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

24

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

21

22 (xxx) Effective school year 2012-2013 and each
23 school year thereafter, in consultation and coordination
24 with local school districts, by rule and regulation

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

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

18

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

24

1 (c) In addition to subsection (a) of this section,
2 the ~~state superintendent~~ director may take appropriate
3 administrative action with the state board as necessary,
4 including but not limited to the changing of accreditation
5 status, against any school district or state institution
6 failing to comply with any applicable law or with the
7 uniform educational program standards specified under W.S.
8 21-9-101 and 21-9-102 and the student content and
9 performance standards prescribed by the state board.

10

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

14

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

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

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

22

23 **21-2-203. School district data collection and funding**
24 **model administration; duties and responsibilities**

1 **specified; data advisory committee; school district**
2 **compliance.**

3

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

20

21 (c) The duties of the department are, in accordance
22 with rules promulgated by the ~~state superintendent~~
23 director, to:

24

1 (iv) Recommend to the ~~state superintendent~~
2 director proposed rules to improve the accuracy and
3 reliability of data and the general efficiency of the
4 operation of the school finance system, including requiring
5 training for district personnel with respect to accounting
6 and reporting related to the administration of the school
7 finance system;

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

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

1 call of the ~~state superintendent~~ director or his designee.

2 The duties of the advisory committee are to:

3

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

6

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

12

13 **21-2-204. Wyoming Accountability in Education Act;**
14 **statewide education accountability system created.**

15

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

1 ~~state superintendent~~ director shall take action based upon
2 system results according to the following:

3

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

23

1 (v) Schools designated as partially meeting
2 expectations shall file an improvement plan in accordance
3 with paragraph (iv) of this subsection that identifies and
4 addresses all content areas where performance is below
5 target levels. The ~~state superintendent~~director shall
6 appoint a representative from the department in accordance
7 with paragraph (vii) of this subsection to monitor the
8 school's progress towards meeting the specified goals and
9 implementation of the processes, measures and methods as
10 contained in the school's plan. The representative shall
11 assist the district in identifying and securing the
12 necessary resources to support the goals as stated by the
13 school and the district. Failure to meet improvement goals
14 as specified in the plan for two (2) consecutive years may
15 require that the school be subject to paragraph (vi) of
16 this subsection;

17

18 (vi) Schools designated as not meeting
19 expectations shall file an improvement plan in accordance
20 with paragraph (iv) of this subsection that identifies and
21 addresses all content areas where performance is below
22 target levels. The ~~state superintendent~~director shall
23 appoint a representative from the department in accordance
24 with paragraph (vii) of this subsection to assist in

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

16

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

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

23

1 (viii) To the extent permitted by law and rule
2 and regulation, plans submitted in compliance with
3 paragraphs (iii) through (vi) of this subsection shall
4 serve to comply with similar requirements administered by
5 the ~~state superintendent~~ director and the department, and
6 the state board shall ensure the plans minimize submission
7 of duplicative information, material and the administrative
8 burdens placed upon schools. All plans submitted under
9 this subsection shall be made available for public
10 inspection through internet access as defined by W.S.
11 9-2-1035(a)(iii);

12

13 **21-2-301. Appointment; qualifications, terms and**
14 **removal of members; meetings; chairman.**

15

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

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

1

2 (c) Notwithstanding subsection (a) of this section,
3 the ~~superintendent of public instruction~~ director shall not
4 participate in board deliberations on ~~or vote on~~ any matter
5 relating to a contested case involving actions of the
6 department of education.

7

8 **21-2-304. Duties of the state board of education.**

9

10 (a) The state board of education shall:

11

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

20

21 (v) Through the ~~state superintendent~~ director
22 and in consultation and coordination with local school
23 districts, implement a statewide assessment system
24 comprised of a coherent system of measures that when

1 combined, provide a reliable and valid measure of
2 individual student achievement for each public school and
3 school district within the state, and the performance of
4 the state as a whole. Statewide assessment system
5 components shall be in accordance with requirements of the
6 statewide education accountability system pursuant to W.S.
7 21-2-204. Improvement of teaching and learning in schools,
8 attaining student achievement targets for performance
9 indicators established under W.S. 21-2-204 and fostering
10 school program improvement shall be the primary purposes of
11 statewide assessment of student performance in Wyoming.
12 The statewide assessment system shall:

13

14 (vi) Subject to and in accordance with W.S.
15 21-2-204, through the ~~state superintendent~~ director and in
16 consultation and coordination with local school districts,
17 by rule and regulation implement a statewide accountability
18 system. The accountability system shall include a
19 technically defensible approach to calculate achievement,
20 growth and readiness as required by W.S. 21-2-204. The
21 state board shall establish performance targets as required
22 by W.S. 21-2-204(e), establish a progressive multi-tiered
23 system of supports, interventions and consequences as
24 required by W.S. 21-2-204(f) and shall establish a

1 statewide reporting system pursuant to W.S. 21-2-204(h).
2 The system created shall conform to the January 2012
3 education accountability report as defined by W.S.
4 21-2-204(k). In addition and for purposes of complying with
5 requirements under the federal No Child Left Behind Act of
6 2001, the board shall by rule and regulation provide for
7 annual accountability determinations based upon adequate
8 yearly progress measures imposed by federal law for all
9 schools and school districts imposing a range of
10 educational consequences and supports resulting from
11 accountability determinations;

12

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

16

17 (ii) Enforce the uniform state educational
18 program standards imposed by W.S. 21-9-101 and 21-9-102 and
19 the uniform student content and performance standards
20 established by rules and regulations adopted under
21 subsection (a) of this section, together with student
22 performance indicators established and measured pursuant to
23 W.S. 21-2-204, by taking appropriate administrative action

1 with the ~~state superintendent~~ director, including but not
2 limited to the changing of accreditation status;

3

4 (xvii) Through the ~~state superintendent~~
5 director, implement, administer and supervise education
6 programs and services for adult visually handicapped and
7 adult hearing impaired persons within the state.

8

9 **21-2-306. Reports of state superintendent, the**
10 **director and state board.**

11

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

17

18 **21-2-502. Duties of school districts; interdistrict**
19 **contracts; assistance of director; attendance beyond school**
20 **age.**

21

22 (a) Each school district of this state having any
23 school age children residing in the district who possess
24 any of the disabilities covered under this article shall,

1 subject to the rules and regulations of the ~~state~~
2 ~~superintendent~~ director, provide for the appropriate
3 diagnosis, evaluation, education or training and necessary
4 related services and may include, but is not limited to
5 room and board, for those children. If the school district
6 is unable to provide the necessary and appropriate programs
7 and services, it shall contract with another school
8 district or agency to obtain them. If the programs and
9 services cannot reasonably be provided by the district or
10 by interdistrict contracts, the ~~state~~ ~~superintendent~~
11 director shall assist local boards of trustees in arranging
12 for the appropriate educational programs and services
13 either within or without the state pursuant to its rules
14 and regulations and financed as provided by law.

15

16 **21-2-701. Definitions.**

17

18 (a) As used in this act:

19

20 (ii) "Preschool children with disabilities"
21 means any children three (3) through five (5) years of age
22 in the state of Wyoming having a mental, physical or
23 psychological disability which impairs learning, subject to

1 rules and regulations of the ~~state superintendent~~ director
2 of the department of education;

3

4 **21-2-703. Director of the department of education**
5 **duties; division duties.**

6

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

8

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

11

12 (iii) Administer the rules and regulations
13 promulgated by the ~~state superintendent~~ director under this
14 act.

15

16 (c) The ~~state superintendent~~ director and the
17 administrator of the division shall enter an interagency
18 agreement which shall define the duties of the division and
19 the ~~superintendent~~ director.

20

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

23

1 (a) The Wyoming professional teaching standards board
2 is created to consist of thirteen (13) members appointed by
3 the ~~state superintendent~~ director of the department of
4 education as follows:

5
6 (b) Board members shall be appointed to a term of
7 four (4) years. No person shall be appointed for more than
8 two (2) four (4) year terms. Vacancies shall be filled by
9 the ~~state superintendent~~ director from the appropriate
10 group pursuant to subsection (a) of this section. Any
11 board member may be removed as provided under W.S. 9-1-202.

12
13 **21-2-802. Powers and duties; teacher certification;**
14 **suspension and revocation; certification fees; disposition**
15 **of collected fees; required data submissions to department**
16 **of education.**

17
18 (m) In accordance with criteria and guidelines
19 established by the ~~state superintendent of public~~
20 ~~instruction~~ director of the department of education, the
21 board shall submit data elements collected from school
22 administrators, teachers and other school district
23 personnel certified under this article to the department of

1 education for housing in the department's data base
2 repository.

3

4 **21-3-110. Duties of boards of trustees.**

5

6 (a) The board of trustees in each school district
7 shall:

8

9 (i) Prescribe and enforce rules, regulations and
10 policies for its own government and for the government of
11 the schools under its jurisdiction. Rules and regulations
12 shall be consistent with the laws of the state and rules
13 and regulations of the state board, the director and the
14 state superintendent and shall be open to public
15 inspection;

16

17 (v) Submit reports concerning finances or any
18 other matter as the state board, state superintendent, the
19 director or state law may require;

20

21 (xxii) In accordance with guidelines established
22 by the ~~state superintendent~~ director under W.S.
23 21-2-202(a)(xxii), implement standards for the storage and
24 disposal of toxic chemicals and other hazardous substances

1 used by schools within the district for educational
2 programs;

3

4 (xxviii) Annually report to the ~~state~~
5 ~~superintendent~~ director on district expenditures for
6 career-vocational education programs, broken down by
7 school, and submitted in a manner and form required by rule
8 and regulation of the ~~state superintendent~~ director;

9

10 (xxix) Beginning in school year 2012-2013, and
11 each school year thereafter, administer a program where all
12 students enrolled in the eleventh and twelfth grades in the
13 district shall be required to take, on a date specified by
14 the ~~state superintendent~~ director, a standardized,
15 curriculum based, achievement college entrance examination,
16 a computer-adaptive college placement assessment or a jobs
17 skills assessment test in accordance with W.S.
18 21-2-202(a)(xxx). Each school district shall provide the
19 opportunity for all home school and private school students
20 in the eleventh and twelfth grades and residing within the
21 district to take the examinations or the jobs skills
22 assessment test at no cost to the student on the same date
23 administered to all eleventh and twelfth grade public
24 school students in the state. The results of the

1 examinations or jobs skills assessment test taken shall be
2 included in each student's transcript;

3

4 (xxxi) ~~Not later than December 31, 2011,~~ Adopt a
5 policy and training procedures regarding the use of
6 seclusion and restraint in schools. In addition to any
7 requirements provided by rule and regulation of the state
8 superintendent pursuant to W.S. ~~21-2-202(a)(xxxii)~~
9 21-2-201(c)(iii), the policy shall require that the parent
10 or legal guardian of the student shall be notified each
11 time that seclusion or restraint is utilized for the
12 student. The policy shall prohibit the use of locked
13 seclusion. The policy shall not be limited to any
14 specified group of students and shall apply any time that
15 seclusion or restraint is used for any student. The
16 district shall submit a copy of the policy to the state
17 superintendent for review as provided in W.S.
18 ~~21-2-202(a)(xxxii)~~ 21-2-201(c)(iii) after the initial
19 adoption of the policy and any time thereafter that the
20 policy is substantially revised. As used in this paragraph:

21

22 **21-3-117. Duties of clerk of school district.**

23

1 (a) The clerk of each school district within the
2 state shall:

3

4 (i) Within thirty (30) working days after the
5 close of each fiscal year, submit all fiscal reports to the
6 ~~state superintendent of public instruction~~ director for the
7 past fiscal year. The reports shall contain information
8 required by the ~~state superintendent~~ director. A copy of
9 the reports shall also be filed with the county clerk of
10 each county in which the school district is located;

11

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

18

19 **21-3-307. Charter application; contents; phased-in**
20 **application process.**

21

22 (a) The charter school application shall be a
23 proposed agreement, shall be on a form prescribed by the

1 ~~state superintendent~~ director pursuant to subsection (d) of
2 this section, and shall include:

3

4 (d) The ~~state superintendent~~ director shall through
5 rule and regulation prescribe a uniform charter school
6 application and renewal application form to be used by each
7 district and charter school applicant for purposes of this
8 article, and shall establish charter school application
9 review procedures, including timelines for application
10 components specified under subsection (a) of this section.
11 The phased application process prescribed by ~~state~~
12 ~~superintendent~~ director rule and regulation may provide a
13 process for mediation of disputes concerning completeness
14 of an application between the applicant and school
15 district, which would be subject to W.S. 1-43-101 through
16 1-43-104, would allow either party to initiate mediation
17 and would impose costs of mediation equally upon both
18 parties. Any mediation process prescribed by rule shall
19 specify professional requirements for the impartial third
20 party facilitating mediation. If either party refuses to
21 mediate, the dispute may be appealed to the state board as
22 provided in W.S. 21-3-310.

23

1 **21-3-308. Hearing by local board; prohibited actions**
2 **by local board; criteria; compliance with state standards;**
3 **state board review; contractual authority.**

4
5 (d) Upon the approval of any application by the
6 district board, the applicant shall provide written notice
7 of that approval including a copy of the application to the
8 ~~state superintendent~~ director. If the district board denies
9 the application, the board shall not later than forty-five
10 (45) days following the date of its decision, notify the
11 applicant of the denial in writing together with its
12 reasons for denial.

13

14 **21-3-309. Length of operation under charter; renewal;**
15 **revocation.**

16

17 (b) A charter school renewal application submitted to
18 the school district shall be on a form prescribed by the
19 ~~state superintendent~~ director pursuant to W.S. 21-3-307(d)
20 and shall contain:

21

22 **21-3-314. Students counted among district ADM;**
23 **determination of charter school funding.**

24

1 (a) Each student attending a charter school shall be
2 counted among the average daily membership of the school
3 district in which the school is located and the school
4 shall be included in the district's configuration of
5 schools reported to the ~~state superintendent~~ director under
6 W.S. 21-13-309(m)(iv). Average daily membership of the
7 charter school shall be calculated as follows:

8

9 **21-3-401. Reading assessment and intervention.**

10

11 (d) The ~~state superintendent~~ director, in
12 consultation with Wyoming school districts, professionals
13 in the area of dyslexia and other reading difficulties, and
14 other appropriate stakeholders, shall promulgate rules and
15 regulations as necessary to administer the reading
16 assessment and intervention program pursuant to this
17 statute.

18

19 **21-4-401. Transportation or maintenance for isolated**
20 **pupils.**

21

22 (b) The ~~state superintendent~~ director shall adopt
23 reasonable rules and regulations pertaining to residence
24 requirements establishing eligibility under this section

1 and for provision of tuition and transportation or
2 maintenance. No person is eligible as an isolated pupil
3 under this section unless the pupil's parents or legal
4 guardians demonstrate to the local school board that the
5 family's residing in the isolated location is necessary for
6 the family's financial well being. The burden shall be on
7 the parent or guardian to demonstrate that the family's
8 residing in the isolated location is necessary for the
9 family's financial well being. The final decision as to
10 eligibility shall be made by the district board of
11 trustees.

12

13 **21-4-601. Education programs on the Wind River Indian**
14 **Reservation.**

15

16 (b) Subject to amounts appropriated by the
17 legislature, the ~~state superintendent of public instruction~~
18 director shall enter into negotiations with the individual
19 or joint business councils of the Eastern Shoshone and
20 Northern Arapaho Indian Tribes to determine the appropriate
21 contractual arrangements for the provision of education
22 programs and services addressing Indian students at risk of
23 failure in school and other programs and services essential
24 to the success and welfare of these students as specified

1 under subsection (a) of this section. Contractual
2 arrangements entered into under this subsection shall
3 include a requirement that the expenditure of contractual
4 amounts, as verified annually in writing, is for programs
5 tied to improvement of student performance on the statewide
6 assessment. For purposes of this section, the ~~state~~
7 ~~superintendent~~director shall include an amount within his
8 biennial budget request which is computed in accordance
9 with subsection (c) of this section to provide a per
10 student amount that when nonstate funding sources are
11 considered, is comparable to per student amounts provided
12 for public schools under the Wyoming education resource
13 block grant model.

14

15 (d) The joint business council of the Eastern
16 Shoshone and the Northern Arapaho Indian Tribes shall
17 annually report to the governor, the ~~state superintendent~~
18 ~~of public instruction~~director, the joint education interim
19 committee and the select committee on tribal relations on
20 the expenditure of contractual amounts as required under
21 subsection (b) of this section.

22

23 **21-6-210. Powers and duties of state committee.**

24

1 (a) The state committee shall:

2

3 (i) Aid the district boundary boards in carrying
4 out the powers and duties vested in and imposed upon those
5 boards by this article, by furnishing assistance of the
6 employed staff of the department, as authorized by the
7 ~~state superintendent~~ director, and provide plans for
8 procedure, standards, data, maps and other information and
9 services for district boundary boards throughout the state
10 as it appears to the state committee necessary or desirable
11 to carry out the purposes of this article;

12

13 **21-6-219. Adjustment of state foundation entitlement.**

14

15 (a) When two (2) or more districts or parts of
16 districts are organized into a school district and the
17 total fiscal resources of the new school district are less
18 than the combined fiscal resources of the districts the
19 last year before organization, then the ~~state~~
20 ~~superintendent~~ director shall adjust the state foundation
21 entitlement to compensate for the differences in fiscal
22 resources. The adjustment shall be equal to one hundred
23 percent (100%) of the initial difference in each of the
24 first two (2) fiscal years after the new organization,

1 fifty percent (50%) of the initial difference in the third
2 fiscal year and twenty-five percent (25%) of the initial
3 difference in the fourth fiscal year. The adjustment shall
4 also provide reimbursement for expenses incurred by the
5 school districts involved in the new organization. Expenses
6 which are reimbursable shall be determined in accordance
7 with rules adopted by the ~~state superintendent~~ director,
8 shall not exceed one hundred thousand dollars
9 (\$100,000.00), and shall be paid in equal amounts over a
10 period not to exceed three (3) fiscal years.

11

12 (b) When any district consolidates two (2) or more
13 schools within the district and the total state aid to the
14 district would decrease because of the consolidation, the
15 ~~state superintendent~~ director shall adjust the state
16 foundation entitlement to compensate for the decrease for
17 not more than one (1) year.

18

19 **21-13-101. Definitions.**

20

21 (a) As used in this chapter:

22

23 (xiv) "Education resource block grant model"
24 means the block grant model for Wyoming school finance

1 contained within the enumeration of model components
2 summarizing and executing recommendations within the 2010
3 cost of education study as referenced in paragraph (xvii)
4 of this subsection and model spreadsheets provided by the
5 consultant performing the 2010 cost of education study, all
6 of which are enacted into law, on file with the secretary
7 of state and are maintained and made available for public
8 inspection by the ~~state superintendent~~director under W.S.
9 21-2-202(e), and as may be subsequently modified by the
10 legislature prior to future model recalibration required
11 under W.S. 21-13-309(t);

12

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

15

16 (e) Annually on or before August 15 the department
17 shall notify each district subject to recapture of the
18 estimated amount due to the state during the current fiscal
19 year, using data from the previous school year. Upon
20 receipt of the state assessed values by school districts,
21 and not later than March 1 of the current fiscal year, the
22 department shall certify to each district subject to
23 recapture the amount of recapture for the fiscal year to be
24 remitted to the state. The amount certified shall

1 supersede the estimates certified on or before August 15.
2 If a district can demonstrate financial inability to make
3 payments to the state as provided in subsection (b) of this
4 section, the ~~superintendent of public instruction~~ director
5 may adjust the schedule of payments provided by subsection
6 (b) of this section if the financial integrity of the
7 foundation program will not be jeopardized.

8

9 **21-13-306. Foundation program account established;**
10 **disposition of monies.**

11

12 (b) Within the limits of legislative appropriation,
13 if any, the resources of the public school foundation
14 account shall be paid into the state treasury and shall be
15 drawn out and distributed to the districts upon
16 certification of the ~~state superintendent~~ director and upon
17 vouchers approved by the state auditor payable to the
18 treasurer of the several districts.

19

20 **21-13-307. Eligibility to share in distribution of**
21 **money from foundation account; mandatory financial**
22 **reporting.**

23

1 (a) Each district which meets the following
2 requirements is eligible to share in the distribution of
3 funds from the foundation account:

4
5 (ii) Operated all schools for a term of at least
6 one hundred eighty-five (185) days or the number of days or
7 equivalent hours authorized under an alternative schedule
8 approved by the state board during the previous school
9 year. If the school term of any school in a district was
10 less than one hundred eighty-five (185) days or less than
11 the total number of days authorized under an alternative
12 schedule approved by the state board, the amount allotted
13 per average daily membership (ADM) under W.S. 21-13-309 for
14 the school shall be in proportion to the length of the term
15 the school actually operated, unless caused by closures of
16 schools:

17
18 (B) Whenever necessary to protect the
19 health, safety or welfare of students, teachers and other
20 employees and closures are approved by the ~~state~~
21 ~~superintendent~~director or are the result of presidential
22 or gubernatorial executive orders.

23

1 (iii) Furnishes to the ~~state—superintendent~~
2 director statistical data and information as reasonably
3 required to compute a district's entitlement to share in
4 the foundation account and the extent of the entitlement;

5
6 (iv) The district shall provide evidence to the
7 ~~state—superintendent—~~director that the district has
8 maintained an average student-teacher ratio of not greater
9 than sixteen (16) to one (1) for the aggregate of all
10 classes in kindergarten through grade three (3) in the
11 district in the preceding school year. The requirement of
12 this paragraph may be waived by the department of education
13 for any district that demonstrates insufficient school
14 facility capacity, positive school performance, positive
15 student achievement or for other reasons related to the
16 delivery of the education program to students. This
17 paragraph shall not apply to charter schools established
18 under W.S. 21-3-301 through 21-3-314 or schools designated
19 as exceeding expectations pursuant to W.S.
20 21-2-204(e)(i)(A). Schools designated as exceeding
21 expectations pursuant to W.S. 21-2-204(e)(i)(A) shall
22 notify the department annually of the student teacher
23 ratios for the aggregate of all classes in kindergarten
24 through grade three (3) in the district in the preceding

1 year. The department shall compute the student-teacher
2 ratio and report it to each district not later than March 1
3 of each year. To obtain a waiver under this paragraph, a
4 school district shall apply to the department not later
5 than March 15 of each year. The application shall be based
6 on the student-teacher ratio reported by the department of
7 education, together with any other information required by
8 the department. The department shall approve or deny an
9 application for a waiver under this paragraph not later
10 than April 10 of that year. A waiver approved under this
11 paragraph shall be effective for the school year
12 immediately following the application and approval.

13

14 (b) Each district shall provide financial reports to
15 the department on forms and in such manner required by the
16 department under W.S. 21-2-203 and by rules and regulations
17 promulgated by the ~~state superintendent of public~~
18 ~~instruction~~ director pursuant to this article. In
19 administering this article, the ~~state superintendent~~
20 director may conduct audits of information submitted by
21 districts under this article as necessary to administer and
22 perform computations pertaining to the cost components
23 within the education resource block grant model, and may,
24 after consulting and negotiating with the school district,

1 correct the information reported by districts under this
2 article to fairly and accurately reflect the data type,
3 classification and format necessary to perform computations
4 required to administer the school finance system
5 established under this article.

6

7 **21-13-309. Determination of amount to be included in**
8 **foundation program for each district.**

9

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

13

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

1 ~~superintendent~~director in the administration of the
2 education resource block grant model:

3

4 (B) Alternative schools qualifying for
5 separate consideration under the education resource block
6 grant model may be established by a school district for
7 offering educational programs to students with educational
8 needs which the district finds are not appropriately met by
9 other schools in the district, excluding charter schools
10 established under W.S. 21-3-301 through 21-3-314.
11 Alternative schools included within a district's
12 configuration of schools identified under paragraph (iv) of
13 this subsection shall for purposes of the education
14 resource block grant model:

15

16 (III) Unless otherwise authorized by
17 the ~~state superintendent~~director, be restricted to not
18 more than one (1) alternative school within any school
19 district.

20

21 (vi) Except for charter schools established
22 under W.S. 21-3-301 through 21-3-314, any alteration of the
23 configuration of grades within a district, school or school
24 facility which differs from the configuration of grades

1 during the immediately preceding school year as reported
2 under paragraph (iv) of this subsection shall be considered
3 a reconfiguration and shall be documented by the district
4 and reported to the ~~state superintendent~~director and the
5 director of the school facilities department. Following
6 review and evaluation, the ~~state superintendent~~director of
7 the department of education and the director of the school
8 facilities department shall, each acting independently,
9 approve or deny the reconfiguration for purposes of
10 application to the education resource block grant model and
11 the determination of school facility needs and remedies.
12 The following shall apply:

13

14 **21-13-310. Annual computation of district revenues.**

15

16 (b) On or before July 10 of each year the county
17 treasurer of each county shall certify to the ~~state~~
18 ~~superintendent~~director, in such form as the ~~state~~
19 ~~superintendent~~director shall provide, a report of monies
20 distributed by him to each district within the county
21 during the previous school year.

22

23 **21-13-312. Prorating payments when income from**
24 **foundation account insufficient.**

1

2 (a) To preserve the integrity of the foundation
3 account for the biennium and so that payments can be made
4 during the full school year for each year of the biennium,
5 if it appears to the ~~state superintendent~~director that the
6 income available to the foundation program account is not
7 sufficient to meet the payments as provided by law:

8

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

16

17 **21-13-313. Distribution of funds from foundation**
18 **account; property tax and cash reserve adjustment;**
19 **regulations.**

20

21 (a) For each school year the state auditor, on the
22 certification of the ~~state superintendent~~director, shall
23 draw warrants on the state treasurer for the amount of
24 money which shall be distributed to each district from the

1 foundation account as computed under W.S. 21-13-311. The
2 warrants, payable to the treasurer of the district
3 concerned, shall be delivered to the ~~state superintendent~~
4 director for distribution to the several school districts.

5
6 (b) The ~~state superintendent~~ director shall determine
7 on or before August 15 of each year the tentative allotment
8 of foundation funds to which each district is entitled
9 under this article. In making this determination, the ~~state~~
10 ~~superintendent~~ director may, if current fiscal information
11 required by law to compute the tentative allotment is not
12 available for any district by August 1 of that year, use
13 fiscal information available to the ~~state superintendent~~
14 director from the foundation program computations of the
15 previous school year for that district. The previous year's
16 fiscal information shall be adjusted to reflect current
17 fiscal changes and other information known by or available
18 to the ~~state superintendent~~ director. Upon receiving actual
19 fiscal information from a district, the ~~state~~
20 ~~superintendent~~ director shall accordingly adjust future
21 foundation program determinations for that district such
22 that foundation program payments appropriately reflect
23 current fiscal information for the applicable school year.

24

1 (c) Fifteen percent (15%) of each district's
2 entitlement shall be paid to the district on or before
3 August 15 of each year and subject to any adjustment under
4 subsections (d) and (e) of this section, ten percent (10%)
5 of each district's entitlement shall be paid on or about
6 the fifteenth day of each month through April of each year.
7 The final payment for the balance of each district's
8 entitlement shall be distributed on or before May 15 of
9 each year. If, after March 1 and before April 1, the ~~state~~
10 ~~superintendent~~director determines that the entitlement to
11 be paid to a district for that school year is not accurate,
12 the ~~state superintendent~~director shall adjust payments to
13 or payments from that district as necessary to correct the
14 inaccuracy as soon as practicable. Except as provided under
15 W.S. 21-2-202(e), after March 31 of any school year, the
16 ~~state superintendent~~director shall not adjust any
17 district's entitlement or fiscal information used to
18 compute a district's entitlement for that school year, and
19 the entitlement or fiscal information shall only be
20 adjusted thereafter in accordance with audit review
21 pursuant to W.S. 9-1-513.

22

23 (g) In addition to subsections (b) and (c) of this
24 section, the ~~state superintendent~~director shall, for any

1 district subject to W.S. 21-13-102(b) as determined by the
2 department for any school year, or for any district not
3 subject to W.S. 21-13-102(b) whose entitlement amount
4 determined under W.S. 21-13-311(a) for any school year is
5 equal to or less than twenty percent (20%) of the
6 foundation program amount computed under W.S. 21-13-309(p),
7 and upon demonstration by the district of financial need as
8 documented by cash flow analysis, provide payments from the
9 school foundation program account in an amount not to
10 exceed one-fifth (1/5) of the foundation program amount
11 computed for that district for that school year in
12 accordance with W.S. 21-13-309. The computed amount shall
13 be paid to each eligible district on or before September 1
14 based upon tentative computations under W.S. 21-13-309, for
15 which the department may use fiscal information available
16 from foundation program computations for the previous
17 school year in the manner provided under subsection (b) of
18 this section. Any district receiving a payment under this
19 subsection and repaying the foundation program account by
20 December 15 of that school year shall not be assessed
21 interest. After December 15, the district shall be
22 assessed interest at a rate equal to the rate specified by
23 W.S. 21-13-316(a) until the payment is repaid in full. In
24 no event shall an advance payment under this subsection

1 extend beyond and remain unpaid by any district, including
2 interest, on and after June 15 of that school year.

3

4 **21-15-113. School facilities commission; membership;**
5 **conflict of interest; terms; chairman; meetings;**
6 **compensation.**

7

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

17

18 **21-17-201. Composition; appointment and**
19 **qualifications of members generally; members ex officio;**
20 **quorum.**

21

22 The government of the university is vested in a board of
23 twelve (12) trustees appointed by the governor, no two (2)
24 of whom may be residents of the same county of the state.

1 At least one (1) trustee shall be appointed from each
2 appointment district pursuant to W.S. 9-1-218. Not more
3 than seven (7) members of the board shall be registered in
4 the same political party. The governor, the president of
5 the university, the state superintendent of public
6 instruction, the director of the department of education
7 and the president of the associated students of the
8 university are members ex officio, having the right to
9 speak, but not to vote. A majority of the board is a
10 quorum.

11

12 **21-18-201. Community college commission; created;**
13 **composition; removal.**

14

15 (c) The governor, the director of the department of
16 education and the state superintendent of public
17 instruction are ex officio nonvoting members of the
18 commission.

19

20 **21-22-103. State advisory council for innovative**
21 **education; established; membership; terms; compensation;**
22 **initial terms.**

23

1 (a) The state advisory council for innovative
2 education is established, to consist of the following
3 members:

4
5 (i) Four (4) members appointed by the ~~state~~
6 ~~superintendent of public instruction~~ director of the state
7 department of education as follows, provided the ~~state~~
8 ~~superintendent~~ director shall review but need not appoint
9 members from the list of nominees submitted by the
10 designated entities:

11
12 (ii) The Wyoming public school teacher holding
13 the state ~~department of education~~ superintendent's Wyoming
14 teacher of the year award as required under W.S.
15 21-2-201(c)(ii);

16
17 (v) The state superintendent of public
18 instruction and the director of the state department of
19 education serving as ~~an~~ ex officio ~~member~~ members;

20
21 (b) ~~Except for initial terms pursuant to subsection~~
22 ~~(d) of this section,~~ Terms of voting members shall be for
23 one (1) year. Annual appointments shall be made and
24 reported to the ~~state superintendent~~ director of the

1 department of education by January 1 of each year. Any
2 vacancy shall be filled by the designated appointing
3 authority for the remainder of the unexpired term within
4 not more than thirty (30) days following the date on which
5 the vacancy occurred. Any voting member may serve not more
6 than three (3) terms. The ~~state superintendent~~ director
7 shall coordinate appointments and notify each designated
8 appointing authority of the requirements imposed under this
9 section.

10

11 **21-22-107. Innovative program grants; application;**
12 **selection by advisory council; classification of districts;**
13 **distribution; report on grants awarded; initial grants.**

14

15 (h) The ~~state superintendent~~ director of the
16 department of education shall coordinate and assist
17 applicants and the advisory council to effectuate
18 scheduling.

19

20 **31-5-118. Regulations relative to school buses.**

21

22 (a) The ~~state superintendent of public instruction~~
23 director of the department of education shall adopt and
24 enforce regulations not inconsistent with this act to

1 govern the design and operation of all school buses used
2 for the transportation of school children when owned and
3 operated by any school district or privately owned and
4 operated under contract with any school district in this
5 state and the regulations shall by reference be made a part
6 of any contract with a school district. Every school
7 district, its officers and employees, and every person
8 employed under contract by a school district shall be
9 subject to the regulations.

10

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

13

14 **Section 4.**

15

16 (a) It is the intention and direction of the
17 legislature that:

18

19 (i) All divisions, agencies, programs,
20 positions, personnel, property, appropriated funds and
21 functions of the department of education shall transfer
22 immediately to the interim director of the department of
23 education as appointed by the governor as required by this
24 act;

1

2 (ii) Any contract, agreement or obligation
3 entered into or assumed by the director of the Wyoming
4 department of education in relation to the duties
5 transferred by this act, if the execution or assumption was
6 within the lawful powers of the state superintendent or the
7 Wyoming department of education, be assumed by the director
8 of the Wyoming department of education as established by
9 this act;

10

11 (iii) Any lawful policy adopted by the state
12 superintendent or the Wyoming department of education shall
13 remain in effect unaltered as policy of the director until
14 amended or repealed by the director.

15

16 **Section 5.**

17

18 (a) The governor shall immediately appoint a person
19 to serve as the interim director of the Wyoming department
20 of education upon the effective date of this act. Not
21 later than December 1, 2013, the governor shall appoint a
22 director of the state department of education by temporary
23 appointment as provided in W.S. 28-12-101(b).

24

1 (b) The interim director shall plan for the immediate
2 transfer of all department of education divisions,
3 agencies, programs, positions, personnel, property,
4 appropriated funds and functions to the director as
5 required by this act. The interim director shall
6 periodically report to the joint education interim
7 committee on the status of the transfer. The transfer
8 shall be effective upon approval of the governor. Nothing
9 in this subsection authorizes funds to be expended for any
10 purpose other than that for which the funds were
11 appropriated.

12

13 (c) The department of administration and information,
14 in consultation with the interim director, shall review all
15 existing authorized positions and appropriated funds for
16 the Wyoming department of education. The department of
17 administration and information, in consultation with the
18 interim director, shall submit to the governor a list of
19 all such positions and appropriated funds which provide
20 services related to the duties transferred to the director
21 as required by this act. Not later than November 1, 2013,
22 the governor shall submit a list to the joint
23 appropriations interim committee of those positions
24 identified and appropriated funds approved by the governor

1 that were transferred to the director of the department of
2 education under this act and those that should be
3 transferred to the state superintendent's office in order
4 to effectuate the provisions of this act. The listing
5 shall include for each position the source of funding and
6 for positions not wholly funded by state general funds,
7 whether the funding source would be affected by the
8 transfer of the position. The governor shall also
9 separately identify any positions that were eliminated or
10 which should be eliminated.

11

12 (d) The joint appropriations interim committee shall
13 review the lists provided and sponsor legislation in the
14 2014 budget session as it determines appropriate to
15 transfer positions and associated equipment and funding
16 from the department of education to the state
17 superintendent's budget to effectuate the changes as
18 required by this act.

19

20 (e) Not later than December 1, 2013, the interim
21 director of the department of education shall prepare a
22 status report on the transfer of divisions, agencies,
23 programs, positions, personnel, property, appropriated
24 funds and functions to the director. The report shall be

1 submitted to the governor, the joint education interim
2 committee, the joint appropriations interim committee and
3 the select committee on statewide education accountability
4 and made available to the public. The report shall include
5 further recommendations, including recommended legislation
6 if necessary, to effectuate the transfer of duties as
7 required by this act.

8

9 (f) For the period commencing on the effective date
10 of this section and ending June 30, 2014, up to five
11 hundred thousand dollars (\$500,000.00) from the school
12 foundation program account is appropriated to the office of
13 the governor to be expended by the interim director to
14 accomplish the transfer of duties as required by this act.
15 This appropriation may be expended for acquisition of
16 necessary professional consultation expertise. Not later
17 than December 1, 2013, the governor and the interim
18 director shall report expenditures of amounts appropriated
19 by this subsection to members of the joint appropriations
20 interim committee. For purposes of this subsection, the
21 governor's office is authorized one (1) additional full-
22 time position.

23

1 (g) Positions and funds as determined appropriate
2 under subsection (c) of this section remaining with the
3 office of the state superintendent of public instruction
4 shall fund and staff the state superintendent for the
5 remainder of the fiscal biennium through June 30, 2014.
6 For the fiscal biennium commencing July 1, 2014, the state
7 superintendent shall submit an estimated budget in
8 accordance with W.S. 9-2-1011.

9

10 (h) Nothing in this section shall be construed to
11 limit the authority of the governor to effect voluntary
12 transfers of positions between agencies as otherwise
13 authorized by law.

14

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

19

20

(END)