

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

School finance-special education.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to school finance; modifying the special
2 education reimbursement computation as contained in the
3 education resource block grant model; imposing additional
4 special education reporting requirements; mandating school
5 audits of special education reporting; establishing a
6 contingency account for limited supplemental assistance;
7 providing an appropriation; and providing for effective
8 dates.

9

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

11

12 **Section 1.** W.S. 21-2-202(a)(xxiv) and 21-13-321(b),
13 (d) and (f) are amended to read:

14

1 **21-2-202. Duties of the state superintendent.**

2

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

5

6 (xxiv) Monitor school district special education
7 identification and service delivery practices, assess the
8 appropriateness of district variations in services provided
9 or the delivery of services and assist districts in
10 developing alternatives to service delivery as necessary,
11 including the establishment of regionalized programs and
12 services;

13

14 **21-13-321. Special education; amount within**
15 **foundation program formula for special education programs**
16 **and services; district reporting requirements.**

17

18 (b) The amount provided for special education within
19 the education resource block grant model pursuant to W.S.
20 21-13-309(m)(v)(E)(II) shall be equal to one hundred
21 percent (100%) of the amount actually expended by the
22 district during the previous school year for special
23 education programs and services, provided this amount does

1 not exceed the amount allocated under this subsection to
2 the district during the 2009-2010 school year based upon
3 district expenditures reported under subsection (d) of this
4 section for the period beginning July 1, 2008, and ending
5 June 30, 2009.

6
7 (d) The department of education shall adopt necessary
8 rules and regulations to implement and administer this
9 section. Districts shall report special education program
10 expenditures for the applicable reporting period as
11 required by department rule and regulation. The department
12 shall annually review and report to the joint education
13 interim committee regarding services provided to special
14 education students by school districts. The report shall
15 evaluate the extent to which services are being
16 appropriately provided and whether expenditures for
17 services are reasonable in light of charges by providers of
18 similar services in Wyoming. In addition, the department
19 shall ~~when necessary,~~ conduct audits of information
20 submitted by districts under this section, including boards
21 of cooperative educational services established under W.S.
22 21-20-104 and providing special education programs and
23 services to district students, and may, in accordance with

1 W.S. 21-13-307(b), correct the information reported by
2 districts as necessary to fairly and accurately reflect the
3 data type, classification and format required to administer
4 this section in accordance with law and department rule and
5 regulation.

6
7 (f) In addition to subsection (d) of this section,
8 the ~~state~~ department of education shall assess school
9 district special education staffing levels based upon
10 staffing guidelines established pursuant to W.S.
11 21-2-202(a)(xxiii), and report on the adequacy of staffing
12 levels to the joint education interim committee. School
13 districts shall report staffing, student identification and
14 delivery practices, student achievement measures and other
15 necessary information to the department in accordance with
16 department rules and regulations and shall provide written
17 explanation to the department justifying district special
18 education staffing levels and district special education
19 identification and service delivery practices. Districts
20 shall also report fiscal information sufficient to enable
21 department monitoring of excess and allowable costs for the
22 provision of special education programs and services.
23 Based upon information collected under this subsection and

1 following review, the department shall include within its
2 report to the joint education interim committee as required
3 under subsection (d) of this section, recommendations for
4 improving appropriate special education program and service
5 delivery within the state and shall report the extent to
6 which federal fund allocations under the Individuals with
7 Disabilities Education Act, 20 U.S.C. § 1400 et seq., have
8 been effectively used by districts in the provision of
9 special education programs and services.

10
11 **Section 2.**

12
13 (a) In addition to amounts available to school
14 districts under W.S. 21-13-321(b), as amended by section 1
15 of this act, and for the fiscal period beginning July 1,
16 2010 and ending June 30, 2011, seven million five hundred
17 thousand dollars (\$7,500,000.00) is appropriated from the
18 school foundation program account to a special education
19 contingency account within the foundation program account
20 to be available to the department of education as necessary
21 to provide supplemental assistance to any district
22 documenting insufficient district, state and federal funds
23 available to that district to cover the costs of any

1 severely mentally or physically disabled student enrolled
2 in the district during the school year of application.
3 Supplemental assistance payments to a district under this
4 subsection are in addition to the special education amount
5 contained within the education resource block grant model
6 pursuant to W.S. 21-13-309(m)(v)(E)(II). The department
7 shall by rule and regulation establish application forms,
8 timelines and other application process components required
9 of districts to apply for supplement assistance under this
10 subsection, and shall prescribe specific documentation
11 necessary to qualify for supplemental assistance. If the
12 amount appropriated under this subsection is insufficient
13 to provide supplemental assistance to qualified districts
14 during the 2011-2012 fiscal year, the department shall make
15 a pro rata reduction in assistance payments to qualified
16 districts for that year. District expenditure of
17 assistance under this subsection shall be solely for
18 covering the costs associated with special education
19 programs and services provided to identified severely
20 disabled students. In sufficient time to enable
21 consideration during the 2011 general session, the
22 department shall report to the joint education interim
23 committee supplemental assistance payments made to

1 districts under this subsection, together with any
2 recommendations for future supplemental assistance funding
3 in the 2011-2012 school year.

4

5 (b) On or before October 1, 2010, the department
6 shall report to the joint education interim committee on
7 the following:

8

9 (i) Audits of reported school district special
10 education information conducted pursuant to W.S.
11 21-13-321(d);

12

13 (ii) In addition to special education reports
14 required under W.S. 21-13-321(f), report on established
15 data collection documents to be used by the department in
16 collecting required excess and allowable cost data from
17 districts, including the components comprising excess
18 special education costs, as necessary to monitor the
19 provision of special education programs and services and to
20 use district federal special education fund allocations
21 more effectively;

22

1 (iii) Based upon monitoring of district special
2 education program and service delivery and of district
3 special education expenditures as required under W.S.
4 21-2-202(a)(xxiv) and 21-13-321(d), as amended under
5 section 1 of this act, report on the sufficiency of
6 district, state and federal special education funds
7 available to districts under W.S. 21-13-321(b), as amended
8 under section 1 of this act.

9

10 **Section 3.**

11

12 (a) Except as provided by subsection (b) of this
13 section, this act is effective July 1, 2010.

14

15 (b) Notwithstanding subsection (a) of this section,
16 W.S. 21-13-321(d), as amended by section 1 of this act, is
17 effective immediately upon completion of all acts necessary
18 for a bill to become law as provided by Article 4, Section
19 8 of the Wyoming Constitution.

20

21

(END)