

HOUSE BILL NO. HB0082

Alternative schools-2.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to school finance; eliminating the
2 moratorium imposed upon alternative schools included within
3 a district's configuration of schools under the block grant
4 funding model, subject to specified conditions; addressing
5 educational space for alternative schools as specified;
6 granting rulemaking authority; and providing for effective
7 dates.

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

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11 **Section 1.** W.S. 21-13-309(m)(v)(B) by creating a new
12 subparagraph (IV), as amended by 2013 Wyoming Session Laws,
13 Chapter 1, is amended to read:

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15 **21-13-309. Determination of amount to be included in**
16 **foundation program for each district.**

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

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

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17 (B) Alternative schools qualifying for
18 separate consideration under the education resource block
19 grant model may be established by a school district for
20 offering educational programs to students with educational
21 needs which the district finds are not appropriately met by
22 other schools in the district, excluding charter schools
23 established under W.S. 21-3-301 through 21-3-314.
24 Alternative schools included within a district's

1 configuration of schools identified under paragraph (iv) of
2 this subsection shall for purposes of the education
3 resource block grant model:

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5 (IV) On and after July 1, 2014, and if
6 not qualifying under subdivision (I) of this subparagraph,
7 be approved by the director subject to the following:

8
9 (1) Completion of a formal
10 evaluation of the school district's at-risk programs to
11 ensure provision of a continuum of learning supports and
12 classroom interventions addressing the needs of at-risk
13 children within the district which is comprised of the
14 following:

15
16 a. Criteria for identifying
17 at-risk students in accordance with and subject to
18 research-based indicators;

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20 b. Use of individual
21 learning plans for each identified at-risk student or an
22 equivalent school-wide plan that defines interventions,
23 programs and services required to address special needs.
24 The plans shall be continuously monitored by the district;

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c. Use of quality learning supports and classroom interventions based upon the special needs of the student population served by the district and the supports and interventions are supported by and based upon research-based practices and strategies;

d. Data based predictors to identify students at-risk of dropping out of school after reaching the age of compulsory attendance pursuant to W.S. 21-4-102 and learning supports and classroom strategies to address this student population.

(2) A formal evaluation is conducted by the district not less than once every two (2) years of the school's programs, comprised of the continuum of learning supports and classroom interventions specified under subdivision (IV)(1) of this subparagraph. The evaluation shall measure the effectiveness of the school's programs in meeting the needs of those student populations attending the school. Formal evaluations conducted under this subparagraph shall be reported to and approved by the district board and reported to the director together with action plans addressing necessary program improvements;

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(3) Student achievement within the school is reported annually by the district to the director, as measured by quality indicators specified by rule and regulation of the department which reflect the components of the continuum of learning supports and classroom interventions specified under subdivision (IV) (1) of this subparagraph;

(4) Educational space for the school is provided through facilities operated and maintained by the district and approved by the school facilities department as meeting statewide adequacy standards. After two (2) evaluations by the director under subdivision (IV) (3) of this subparagraph that demonstrate academic progress or success of an alternative school's educational program, the alternative school shall be included in the district's five (5) year plan under W.S. 21-15-116 and the school's long-term facility needs shall be evaluated by the school facilities department. Notwithstanding subparagraph (m) (vi) (C) of this section, the school facilities department shall not approve any district plan which includes educational space for the alternative school within a separate facility unless the

district provides sufficient documentation and evidence that the school cannot be collocated within a facility containing educational space for another school with similar grade configurations operated by the district.

Section 2. W.S. 21-13-309(m)(v)(B) by creating a new subparagraph (IV), as in effect prior to the enactment of 2013 Wyoming Session Laws, Chapter 1, is amended to read:

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

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

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii), on file with the

1 secretary of state and maintained by the state
2 superintendent pursuant to W.S. 21-2-202(e). The following
3 criteria shall be used by the state superintendent in the
4 administration of the education resource block grant model:
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6 (B) Alternative schools qualifying for
7 separate consideration under the education resource block
8 grant model may be established by a school district for
9 offering educational programs to students with educational
10 needs which the district finds are not appropriately met by
11 other schools in the district, excluding charter schools
12 established under W.S. 21-3-301 through 21-3-314.
13 Alternative schools included within a district's
14 configuration of schools identified under paragraph (iv) of
15 this subsection shall for purposes of the education
16 resource block grant model:
17

18 (IV) On and after July 1, 2014, and if
19 not qualifying under subdivision (I) of this subparagraph,
20 be approved by the state superintendent subject to the
21 following:
22

23 (1) Completion of a formal
24 evaluation of the school district's at-risk programs to

1 ensure provision of a continuum of learning supports and
2 classroom interventions addressing the needs of at-risk
3 children within the district which is comprised of the
4 following:

5
6 a. Criteria for identifying
7 at-risk students in accordance with and subject to
8 research-based indicators;

9
10 b. Use of individual
11 learning plans for each identified at-risk student or an
12 equivalent school-wide plan that defines interventions,
13 programs and services required to address special needs.
14 The plans shall be continuously monitored by the district;

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16 c. Use of quality learning
17 supports and classroom interventions based upon the special
18 needs of the student population served by the district and
19 the supports and interventions are supported by and based
20 upon research-based practices and strategies;

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22 d. Data based predictors to
23 identify students at-risk of dropping out of school after
24 reaching the age of compulsory attendance pursuant to W.S.

1 21-4-102 and learning supports and classroom strategies to
2 address this student population.

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4 (2) A formal evaluation is
5 conducted by the district not less than once every two (2)
6 years of the school's programs, comprised of the continuum
7 of learning supports and classroom interventions specified
8 under subdivision (IV)(1) of this subparagraph. The
9 evaluation shall measure the effectiveness of the school's
10 programs in meeting the needs of those student populations
11 attending the school. Formal evaluations conducted under
12 this subparagraph shall be reported to and approved by the
13 district board and reported to the state superintendent
14 together with action plans addressing necessary program
15 improvements;

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17 (3) Student achievement within
18 the school is reported annually by the district to the
19 state superintendent, as measured by quality indicators
20 specified by rule and regulation of the department which
21 reflect the components of the continuum of learning
22 supports and classroom interventions specified under
23 subdivision (IV)(1) of this subparagraph;

1 (4) Educational space for the
2 school is provided through facilities operated and
3 maintained by the district and approved by the school
4 facilities department as meeting statewide adequacy
5 standards. After two (2) evaluations by the state
6 superintendent under subdivision (IV) (3) of this
7 subparagraph that demonstrate academic progress or success
8 of an alternative school's educational program, the
9 alternative school shall be included in the district's five
10 (5) year plan under W.S. 21-15-116 and the school's long-
11 term facility needs shall be evaluated by the school
12 facilities department. Notwithstanding subparagraph
13 (m) (vi) (C) of this section, the school facilities
14 department shall not approve any district plan which
15 includes educational space for the alternative school
16 within a separate facility unless the district provides
17 sufficient documentation and evidence that the school
18 cannot be collocated within a facility containing
19 educational space for another school with similar grade
20 configurations operated by the district.

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22 **Section 3.**

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1 (a) Section 1 of this act is effective July 1, 2014,
2 only if section 2 of this act is not effective as provided
3 by subsection (b) of this section.

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5 (b) If a final order by the district court of Laramie
6 County, Wyoming, is issued implementing without change the
7 final ruling of the Wyoming Supreme Court issued January
8 28, 2014, in the case of Kerry and Clara Powers, on behalf
9 of themselves and the citizens of Wyoming, and Cindy Hill,
10 on behalf of herself and as the Superintendent of Public
11 Instruction v. State of Wyoming and Matthew H. Mead,
12 Governor, in his official capacity [Docket No. S-13-0052],
13 then upon expiration of time for appeal of that order, or
14 if appealed, upon issuance of a final order or mandate of
15 the Wyoming Supreme Court confirming the district court
16 final order, the Governor shall certify the entry of the
17 district court final order. The Governor shall immediately
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1 file any certification under this section together with the
2 final order with the secretary of state. If the
3 certification is filed with the secretary of state after
4 July 1, 2014, section 2 of this act is effective upon
5 filing and shall supersede section 1 of this act. If the
6 certification is filed with the secretary of state before
7 July 1, 2014, section 2 of this act is effective July 1,
8 2014 and shall supersede section 1 of this act.

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10 (END)