

HOUSE BILL NO. HB0110

Superintendent of public instruction duties.

Sponsored by: Representative(s) Gay, Davison, Halverson
and Piiparinen

A BILL

for

1 AN ACT relating to government administration; eliminating
2 the position of a director of the department of education;
3 amending and transferring specified duties to the state
4 superintendent; requiring reporting; providing for
5 transition; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 9-1-513(b)(i) and (c), 21-2-104,
10 21-2-105, 21-2-201(a), 21-2-202(a)(intro), (i), (ix), (x),
11 (xix)(intro), (H), (xx), (xxx) and (b) through (e),
12 21-2-203(a), (c)(intro), (iv), (viii), (d)(intro) and
13 (e)(ii)(intro), 21-2-204(c)(vii), (f)(intro), (iv) through
14 (viii) and (j), 21-2-301(a) and (c), 21-2-304(a)(i),
15 (v)(intro), (vi), (b)(ii) and (xvii), 21-2-306,
16 21-2-502(a), 21-2-701(a)(ii), 21-2-703(a)(intro), (b)(iii)

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

12

13 **9-1-513. School finance audits and management**
14 **studies.**

15

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

18

19 (i) Conduct periodic audits of each school
20 district pertaining to data required to be submitted to the
21 department of education under law and by rule and
22 regulation of the ~~director~~state superintendent of the
23 department of education for purposes of implementing and
24 operating the "school finance system" as defined under W.S.

1 21-2-203(a). Audits under this paragraph shall include
2 audits of systems supporting data collection and shall be
3 performed on each school district at least once within each
4 three (3) year period;

5
6 (c) School districts and the department of education
7 shall provide access to all data and other information and
8 shall cooperate with the school finance section as
9 necessary to implement this section and to conduct audits
10 and reports required under this section. In addition, each
11 district shall within thirty (30) days following receipt of
12 a copy of the audit or report, file a written response to
13 each audit or report conducted on that district with the
14 department. The ~~director~~state superintendent shall on
15 behalf of the department of education and within thirty
16 (30) days following receipt of a report or audit on the
17 department, file a written response to the report with the
18 department of audit.

19
20 **21-2-104. State department of education established;**
21 **personnel; facilities.**

22
23 There shall be a separate and distinct state department
24 designated as the state department of education which shall

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

11

12 **21-2-105. Delegation of duties of state**
13 **superintendent.**

14

15 The ~~director~~ state superintendent may delegate ministerial
16 and nondiscretionary duties within the ~~state~~ department of
17 education.

18

19 ARTICLE 2

20 SUPERINTENDENT OF PUBLIC INSTRUCTION AND DEPARTMENT OF

21 EDUCATION

22

23 **21-2-201. General supervision of public schools**
24 **entrusted to state superintendent.**

1

2 (a) The general supervision of the public schools
3 shall be entrusted to the state superintendent ~~as~~
4 ~~prescribed by law~~ who shall be the administrative head and
5 chief executive officer of the department of education.

6

7 **21-2-202. Duties of the state superintendent.**

8

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

11

12 (i) Make rules and regulations, consistent with
13 this code, as may be necessary or desirable for the proper
14 and effective administration of the state educational
15 system and the statewide education accountability system
16 pursuant to W.S. 21-2-204. Nothing in this section shall be
17 construed to give the ~~director~~ state superintendent
18 rulemaking power in any area specifically ~~delegated~~
19 entrusted to the state board; ~~or the state superintendent,~~

20

21 (ix) Print and distribute to local boards of
22 trustees, local school administrators and other persons and
23 agencies within or without the state the school laws,
24 regulations, forms, necessary reports of the state board,

1 state committee, state superintendent, ~~the director~~ and
2 state department. The ~~director~~ state superintendent may
3 require the payment of reasonable costs of publication,
4 handling and postage by persons or agencies outside the
5 state requesting publications and shall deposit all
6 payments into the general fund;

7
8 (x) Promulgate rules for the acceptance and
9 disbursement of federal funds apportioned to the state for
10 school lunch, milk and other commodities distribution
11 programs. For purposes of these programs, the ~~director~~
12 state superintendent may enter into agreements, employ
13 personnel, direct disbursement of funds in accordance with
14 federal law to be used by districts to operate the programs
15 along with funds from gifts and the sale of school lunches
16 or other commodities, assist in the training of personnel
17 in the programs and accept gifts in connection with the
18 programs. Districts shall maintain records and report to
19 the ~~director~~ state superintendent in accordance with rules
20 promulgated under this paragraph, but accounts and records
21 need not be preserved more than five (5) years. The
22 ~~director~~ state superintendent shall audit and conduct
23 reviews and inspections of accounts, records and operations
24 of programs to ensure effective administration and

1 compliance with applicable law and rules. To the extent
2 funds are available, the ~~director~~ state superintendent
3 shall conduct studies to determine methods to improve and
4 expand school lunch programs and to promote nutritional
5 education in the schools, including appraising nutritive
6 benefits of school lunch programs. For school lunch
7 program funds, the ~~director~~ state superintendent shall
8 utilize a revolving account with a balance of at least five
9 thousand dollars (\$5,000.00) to cover any operating
10 expenditures incurred by the school lunch division of the
11 department under 7 U.S.C. section 1431, the United States
12 department of agriculture commodity program offered to the
13 state and accepted by the participating schools and
14 institutions. The schools and institutions shall be billed
15 for their share pro rata of transportation and allied
16 charges with the receipts to be used in replenishing the
17 revolving account. If the United States department of
18 agriculture removes all commodities from this program, the
19 revolving account shall be discontinued and the balance
20 shall be transferred to the general fund;

21

22 (xix) Serve as ~~the director of~~ the state agency
23 to accept all federal funds for aid to education, except as
24 provided in W.S. 21-2-307 and 21-2-601, and as the agency

1 to administer or supervise the administration of any state
2 plan established or federal funds subject to federal
3 requirements. Each acceptance is restricted in its effect
4 to the specific situation involved. The ~~director~~ state
5 superintendent may:

6

7 (H) Take any other action as may be
8 necessary to secure the benefits of the federal statute to
9 the schools of this state. Nothing in this paragraph shall
10 be construed as conferring any authority to the ~~director~~
11 state superintendent with respect to the University of
12 Wyoming or the various community colleges of the state;.

13

14 (xx) In cooperation with the state board, the
15 Wyoming community college commission, University of
16 Wyoming, public service commission, department of
17 transportation, department of enterprise technology
18 services, public libraries, school district boards of
19 trustees, classroom teachers and other appropriate groups
20 identified by the ~~director~~ state superintendent, develop
21 and implement a statewide education technology plan which
22 shall address staff training, curriculum integration and
23 network connectivity in and between schools, communities
24 and between the state and the world, and which shall have

1 as its goal the provision of equal access to educational
2 instruction and information. The statewide technology
3 education plan may include telecommunications services
4 provided by the department of enterprise technology
5 services pursuant to W.S. 9-2-2906(g). Not later than
6 January 10 of each year and with the assistance of
7 participating agencies, an annual report on the status of
8 the statewide education technology plan shall be prepared
9 and issued by the ~~director~~state superintendent;

10
11 (xxx) Effective school year 2012-2013 and each
12 school year thereafter, in consultation and coordination
13 with local school districts, by rule and regulation
14 establish a program of administering a standardized,
15 curriculum based, achievement college entrance examination,
16 computer-adaptive college placement assessment and a job
17 skills assessment test selected by the ~~director~~state
18 superintendent to all students in the eleventh and twelfth
19 grades throughout the state in accordance with this
20 paragraph. The examinations and tests selected by the
21 ~~director~~state superintendent shall be administered
22 throughout the United States and shall be relied upon by
23 institutions of higher education. The college entrance
24 examination shall at a minimum test in the areas of

1 English, reading, writing, mathematics and science for all
2 students in grade eleven (11). The jobs skills assessment
3 test shall be optional for all students in grade eleven
4 (11) and shall at a minimum test in the areas of applied
5 math, reading for information and locating information.
6 The ~~director~~state superintendent shall pay all costs
7 associated with administering the college entrance
8 examination, the computer-adaptive college placement
9 assessment and the jobs skills assessment test and shall
10 schedule a day during which examinations shall be provided.
11 The date for administration of the college entrance
12 examination in grade eleven (11) shall be selected so that
13 following receipt of scores, students may timely register
14 for senior year classes which may be necessary to allow the
15 student to qualify for a state provided scholarship. The
16 computer adaptive college placement assessment shall be
17 optional and all students in grade twelve (12) shall be
18 provided at least one (1) opportunity to take the
19 assessment during the school year. The ~~director~~state
20 superintendent may enter into agreements with an
21 administrator of the college entrance examination and the
22 computer-adaptive college placement assessment and an
23 administrator of the jobs skills assessment test and adopt
24 rules as necessary to ensure compliance with any

1 requirements of an administrator, such as a secure
2 environment. Waivers may be granted for the examinations
3 and tests required by this paragraph for students with
4 disabilities in accordance with the provisions of the
5 federal No Child Left Behind Act of 2001 and the federal
6 Individuals with Disabilities Education Act. Alternate
7 assessments and accommodations shall be offered by the
8 ~~director~~ state superintendent in accordance with rule and
9 regulation;

10
11 (b) The ~~director~~ state superintendent shall designate
12 an employee of the department of education to serve as
13 liaison to the state board ~~and the state superintendent~~
14 through which requests for staff assistance shall be
15 directed. ~~The state department of education shall provide~~
16 ~~information or data requested by the state board that is~~
17 ~~necessary to perform duties under W.S. 21-2-304.~~

18
19 (c) In addition to subsection (a) of this section,
20 the ~~director~~ state superintendent may take appropriate
21 administrative action with the state board as necessary,
22 including but not limited to the changing of accreditation
23 status, against any school district or state institution
24 failing to comply with any applicable law or with the

1 uniform educational program standards specified under W.S.
2 21-9-101 and 21-9-102 and the student content and
3 performance standards prescribed by the state board.

4
5 (d) Any school district aggrieved by an act of the
6 ~~director~~state superintendent may seek review in accordance
7 with the Wyoming Administrative Procedure Act.

8
9 (e) In addition to paragraph (a)(i) of this section,
10 the ~~director~~state superintendent shall promulgate rules
11 and regulations governing the administration of the Wyoming
12 education resource block grant model adopted by the Wyoming
13 legislature as defined under W.S. 21-13-309, and governing
14 the operation of the model in determining school district
15 foundation program payments in accordance with chapter 13,
16 article 3 of this title and other applicable law. The
17 block grant model, as defined under W.S. 21-13-101(a)(xiv)
18 and as maintained under this subsection, shall be made
19 available for public inspection by the ~~director~~state
20 superintendent in electronic format. Copies of the block
21 grant model spreadsheets as administered under department
22 rule and regulation shall be provided to school districts
23 by the ~~director~~state superintendent for district use in
24 district budgeting and in complying with mandatory

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

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

15

16 **21-2-203. School district data collection and funding**
17 **model administration; duties and responsibilities**
18 **specified; data advisory committee; school district**
19 **compliance.**

20

21 (a) The department shall collect data for the state's
22 school finance system and in accordance with rule and
23 regulation of the ~~director~~state superintendent, administer
24 the Wyoming education resource block grant model adopted by

1 the Wyoming legislature pursuant to W.S. 21-13-309. As used
2 in this section, "school finance system" means all statutes
3 related to the terms and conditions under which funds from
4 Wyoming sources are made available under Wyoming law to the
5 public schools for school operations. The school finance
6 system established following a 1995 Wyoming supreme court
7 decision, and subsequently modified and recalibrated as
8 required under W.S. 21-13-309(t), is extremely complex and
9 requires timely and accurate data to be administered fairly
10 and accurately. It is essential that a single entity be
11 established to ensure that fair and accurate administration
12 is accomplished.

13

14 (c) The duties of the department are, in accordance
15 with rules promulgated by the ~~director~~state
16 superintendent, to:

17

18 (iv) Recommend to the ~~director~~state
19 superintendent proposed rules to improve the accuracy and
20 reliability of data and the general efficiency of the
21 operation of the school finance system, including requiring
22 training for district personnel with respect to accounting
23 and reporting related to the administration of the school
24 finance system;

1

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

7

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

20

21 (e) The following shall apply:

22

23 (ii) If a district superintendent fails to
24 provide data or reports in compliance with law or rules

1 regarding timeliness, format, completeness or accuracy,
2 without good cause, the ~~director~~ state superintendent
3 shall:

4

5 **21-2-204. Wyoming Accountability in Education Act;**
6 **statewide education accountability system created.**

7

8 (c) School level performance shall be determined by
9 measurement of performance indicators and attainment of
10 student performance as specified by this section. To the
11 extent applicable, each measure shall be aggregated to the
12 school level based upon those grades served inclusive to
13 each school as reported by the respective school district
14 to the department of education. The indicators of school
15 level performance shall be:

16

17 (vii) Equity as defined by a measure of academic
18 student growth for nonproficient students in reading and
19 mathematics, subject to a standard for academic progress
20 that is linked to attainment of proficiency within a
21 reasonable period of time. If a school is without a
22 sufficient sequence of assessment scores to support growth
23 computations, another approach to equity may be used
24 subject to approval of the ~~director~~ state superintendent.

1

2 (f) A progressive multi-tiered system of support,
3 intervention and consequences to assist schools shall be
4 established by the ~~director~~state board, and shall conform
5 to the January 2012 education accountability report as
6 defined by subsection (k) of this section. The system
7 shall clearly identify and prescribe the actions for each
8 level of support, intervention and consequence. Commencing
9 with school year 2014-2015, and each school year
10 thereafter, the ~~director~~state superintendent shall take
11 action based upon system results according to the
12 following:

13

14 (iv) Schools designated as meeting expectations
15 shall file an improvement plan with the school district
16 superintendent and the department. The plan shall be based
17 upon an evaluation of the strengths and deficiencies of
18 specific indicator scores that identifies appropriate
19 improvement goals with an explanation of the measures and
20 methods chosen for improvement, the processes to be
21 implemented to deliver the improvement measures,
22 identification of relevant timelines and benchmarks and an
23 articulation of the process for measuring success of the
24 methods chosen to increase performance. The ~~director~~state

1 superintendent shall appoint a representative from the
2 department in accordance with paragraph (vii) of this
3 subsection to monitor the school's progress towards meeting
4 the specified goals and implementation of the processes,
5 measures and methods as contained in the school's plan.
6 The representative shall assist the district, if requested,
7 in identifying and securing the necessary resources to
8 support the goals as stated by the school and the district;

9
10 (v) Schools designated as partially meeting
11 expectations shall file an improvement plan in accordance
12 with paragraph (iv) of this subsection that identifies and
13 addresses all content and indicator areas where performance
14 is below target levels. The ~~director~~state superintendent
15 shall appoint a representative from the department in
16 accordance with paragraph (vii) of this subsection to
17 monitor the school's progress towards meeting the specified
18 goals and implementation of the processes, measures and
19 methods as contained in the school's plan. The
20 representative shall assist the district in identifying and
21 securing the necessary resources to support the goals as
22 stated by the school and the district. Failure to meet
23 improvement goals as specified in the plan for two (2)

1 consecutive years may require that the school be subject to
2 paragraph (vi) of this subsection;

3

4 (vi) Schools designated as not meeting
5 expectations shall file an improvement plan in accordance
6 with paragraph (iv) of this subsection that identifies and
7 addresses all content and indicator areas where performance
8 is below target levels. The ~~director~~state superintendent
9 shall appoint a representative from the department in
10 accordance with paragraph (vii) of this subsection to
11 assist in drafting the improvement plan, including the
12 selection of programs and interventions to improve student
13 performance. The representative shall perform duties as
14 required by paragraph (v) of this subsection. The plan
15 shall be recommended by the school district superintendent
16 and approved by the local board of trustees prior to
17 submission to the department. The plan shall describe the
18 personnel and financial resources within the education
19 resource block grant model as defined by W.S.
20 21-13-101(a)(xiv) necessary for implementation of the
21 measures and methods chosen for improvement and shall
22 specify how resources shall be reallocated, if necessary,
23 to improve student performance. Failure to meet improvement

1 goals as specified in the plan for two (2) consecutive
2 years may be grounds for dismissal of the school principal;

3
4 (vii) A representative shall be appointed by the
5 ~~director~~state superintendent for all schools designated
6 under paragraphs (iv) through (vi) of this subsection to
7 serve as a liaison between the school district leadership
8 and the department. The representative shall be an
9 employee of the department, an employee of a Wyoming school
10 district or any combination, and may require more than one

11 (1) individual for schools requiring substantial
12 intervention and support. Additionally, one (1)
13 representative may be assigned to more than one (1) school.
14 Among other duties as may be requested by the district or
15 department, the representative shall review and approve
16 improvement plans submitted by schools in accordance with
17 paragraphs (iv) through (vi) of this subsection. Requested
18 resources for improvement plan implementation, or the
19 reallocation of existing resources for plan implementation,
20 shall be based upon a comprehensive review of the available
21 research. Justification for resource allocation or
22 reallocation shall be incorporated within the written
23 improvement plan. The representative shall possess
24 expertise appropriate to particular strategies incorporated

1 within improvement plans to enable necessary plan
2 evaluation, and shall be commensurate with the level of
3 intervention, support and consequences to be administered
4 under this subsection. The ~~director~~state superintendent
5 shall annually report to the state board on the progress of
6 each school in meeting annual goals and overall improvement
7 targets, fully describing the effectiveness and
8 deficiencies of efforts to improve school performance in
9 performance categories prescribed by this section;

10
11 (viii) To the extent permitted by law and rule
12 and regulation, plans submitted in compliance with
13 paragraphs (iii) through (vi) of this subsection shall
14 serve to comply with similar requirements administered by
15 the ~~director~~state superintendent and the department, and
16 the state board shall ensure the plans minimize submission
17 of duplicative information, material and the administrative
18 burdens placed upon schools. All plans submitted under
19 this subsection shall be made available for public
20 inspection through internet access as defined by W.S.
21 9-2-1035(a)(iii);

22
23 (j) Beginning school year 2014-2015, and each school
24 year thereafter, the state board shall through the ~~director~~

1 state superintendent, annually review the statewide
2 education accountability system, including but not limited
3 to a review of the appropriateness of the performance
4 indicators, the measures used to demonstrate performance,
5 the methods used to calculate school performance, the
6 target levels and statewide, district and school attainment
7 of those levels and the system of support, intervention and
8 consequences. Not later than September 1, 2015, and each
9 September 1 thereafter, the state board shall report to the
10 joint education interim committee on the information
11 required under this subsection and the results of the
12 accountability system for each school in the state.

13

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

16

17 (a) There is created a state board of education
18 composed of ~~thirteen (13)~~ twelve (12) members, eleven (11)
19 of whom shall be ~~voting~~ appointed members with at least one
20 (1) member appointed from each appointment district
21 pursuant to W.S. 9-1-218. Appointments from each
22 appointment district shall be rotated among the several
23 counties comprising the district. The remaining ~~members~~
24 voting member of the board shall be the state

1 superintendent of public instruction. ~~and the director of~~
2 ~~the state department of education. The state superintendent~~
3 ~~and the director shall be ex officio members and shall not~~
4 ~~have the right to vote.~~ One (1) appointed member shall be
5 appointed at large and shall be a certified classroom
6 teacher at the time of appointment. One (1) appointed
7 member shall also be appointed at large and shall be a
8 certified school administrator at the time of appointment.
9 Two (2) appointed members shall be appointed at large and
10 shall be representative of private business or industry in
11 Wyoming. On and after March 1, 2013 and upon expiration of
12 their respective terms, the appointments of the two (2)
13 members previously designated to be representative of
14 business or industry shall be at large, one (1) a
15 representative of Wyoming private business or industry and
16 one (1) a member of a school district board of trustees at
17 the time of appointment. The first appointment to the term
18 of such member which expires on or after March 1, 2013,
19 shall be a school district board member at the time of
20 appointment. The remaining seven (7) appointed members of
21 the board shall be appointed from among the lay citizens of
22 the state who are electors of the state, known for their
23 public spirit, business or professional ability and
24 interest in education. Not more than six (6) appointed

1 members of the board shall be from one (1) political party.
2 Members shall be appointed for six (6) year terms, except
3 those who may be appointed to fill unexpired terms. Members
4 shall be appointed by the governor with the approval of the
5 senate. Vacancies shall be filled by the governor without
6 senate approval until the next session of the legislature.
7 No member is eligible to reappointment, except any member
8 appointed to fill an unexpired term of less than six (6)
9 years may be reappointed for one (1) additional six (6)
10 year term. Appointed members of the board may be removed
11 by the governor as provided in W.S. 9-1-202.

12

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

18

19 **21-2-304. Duties of the state board of education.**

20

21 (a) The state board of education shall:

22

23 (i) Establish policies for public education in
24 this state consistent with the Wyoming Constitution and

1 statutes and may promulgate rules necessary or desirable
2 for the proper and effective implementation of this title
3 and its responsibilities under this title. Nothing in this
4 section shall give the state board rulemaking authority in
5 any area specifically delegated to the state
6 superintendent; ~~or the director,~~

7
8 (v) Through the ~~director~~ state superintendent
9 and in consultation and coordination with local school
10 districts, implement a statewide assessment system
11 comprised of a coherent system of measures that when
12 combined, provide a reliable and valid measure of
13 individual student achievement for each public school and
14 school district within the state, and the performance of
15 the state as a whole. Statewide assessment system
16 components shall be in accordance with requirements of the
17 statewide education accountability system pursuant to W.S.
18 21-2-204. Improvement of teaching and learning in schools,
19 attaining student achievement targets for performance
20 indicators established under W.S. 21-2-204 and fostering
21 school program improvement shall be the primary purposes of
22 statewide assessment of student performance in Wyoming.
23 The statewide assessment system shall:

24

1 (vi) Subject to and in accordance with W.S.
2 21-2-204, through the ~~director~~ state superintendent and in
3 consultation and coordination with local school districts,
4 by rule and regulation implement a statewide accountability
5 system. The accountability system shall include a
6 technically defensible approach to calculate achievement,
7 growth, readiness and equity as required by W.S. 21-2-204.
8 The state board, ~~through the director,~~ shall establish
9 performance targets as required by W.S. 21-2-204(e),
10 establish a progressive multi-tiered system of supports,
11 interventions and consequences as required by W.S.
12 21-2-204(f) and shall establish a statewide reporting
13 system pursuant to W.S. 21-2-204(h). The system created
14 shall conform to the January 2012 education accountability
15 report as defined by W.S. 21-2-204(k). In addition and for
16 purposes of complying with requirements under the federal
17 No Child Left Behind Act of 2001, the board shall by rule
18 and regulation provide for annual accountability
19 determinations based upon adequate yearly progress measures
20 imposed by federal law for all schools and school districts
21 imposing a range of educational consequences and supports
22 resulting from accountability determinations;
23

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

4
5 (ii) Enforce the uniform state educational
6 program standards imposed by W.S. 21-9-101 and 21-9-102 and
7 the uniform student content and performance standards
8 established by rules and regulations adopted under
9 subsection (a) of this section, together with student
10 performance indicators established and measured pursuant to
11 W.S. 21-2-204, by taking appropriate administrative action
12 with the ~~director~~state superintendent, including but not
13 limited to the changing of accreditation status;

14
15 (xvii) Through the ~~director~~state
16 superintendent, implement, administer and supervise
17 education programs and services for adult visually
18 handicapped and adult hearing impaired persons within the
19 state.

20
21 **21-2-306. Reports of state superintendent and state**
22 **board.**

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

6

7 **21-2-502. Duties of school districts; interdistrict**
8 **contracts; assistance of state superintendent; attendance**
9 **beyond school age.**

10

11 (a) Each school district of this state having any
12 school age children residing in the district who possess
13 any of the disabilities covered under this article shall,
14 subject to the rules and regulations of the ~~director~~ state
15 superintendent, provide for the appropriate diagnosis,
16 evaluation, education or training and necessary related
17 services and may include, but is not limited to room and
18 board, for those children. If the school district is unable
19 to provide the necessary and appropriate programs and
20 services, it shall contract with another school district or
21 agency to obtain them. If the programs and services cannot
22 reasonably be provided by the district or by interdistrict
23 contracts, the ~~director~~ state superintendent shall assist
24 local boards of trustees in arranging for the appropriate

1 educational programs and services either within or without
2 the state pursuant to its rules and regulations and
3 financed as provided by law.

4
5 **21-2-701. Definitions.**

6
7 (a) As used in this act:

8
9 (ii) "Preschool children with disabilities"
10 means any children three (3) through five (5) years of age
11 in the state of Wyoming having a mental, physical or
12 psychological disability which impairs learning, subject to
13 rules and regulations of the ~~director of the department of~~
14 ~~education~~ state superintendent;

15
16 **21-2-703. Superintendent duties; division duties.**

17
18 (a) The ~~director~~ state superintendent shall:

19
20 (b) The division in carrying out its duties as an
21 intermediate educational unit, shall:

1 (iii) Administer the rules and regulations
2 promulgated by the ~~director~~ state superintendent under this
3 act.

4
5 (c) The ~~director~~ state superintendent and the
6 administrator of the division shall enter an interagency
7 agreement which shall define the duties of the division and
8 the ~~director~~ state superintendent.

9
10 **21-2-801. Creation of board; appointment and**
11 **composition; terms; vacancies; expense reimbursement.**

12
13 (a) The Wyoming professional teaching standards board
14 is created to consist of thirteen (13) members appointed by
15 the state superintendent ~~and the governor~~ as follows:

16
17 (b) Board members shall be appointed to a term of
18 four (4) years. No person shall be appointed for more than
19 two (2) four (4) year terms. Vacancies shall be filled by
20 the state superintendent ~~and the governor on a rotating~~
21 ~~basis~~ from the appropriate group pursuant to subsection (a)
22 of this section. Any board member may be removed as
23 provided under W.S. 9-1-202.

24

1 **21-2-802. Powers and duties; teacher certification;**
2 **suspension and revocation; certification fees; disposition**
3 **of collected fees; required data submissions to department**
4 **of education.**

5
6 (m) In accordance with criteria and guidelines
7 established by the ~~director of the department of education~~
8 state superintendent of public instruction, the board shall
9 submit data elements collected from school administrators,
10 teachers and other school district personnel certified
11 under this article to the department of education for
12 housing in the department's data base repository.

13
14 **21-3-110. Duties of boards of trustees.**

15
16 (a) The board of trustees in each school district
17 shall:

18
19 (i) Prescribe and enforce rules, regulations and
20 policies for its own government and for the government of
21 the schools under its jurisdiction. Rules and regulations
22 shall be consistent with the laws of the state and rules
23 and regulations of the state board, ~~the director~~ and the

1 state superintendent and shall be open to public
2 inspection;

3

4 (v) Submit reports concerning finances or any
5 other matter as the state board, state superintendent, ~~the~~
6 ~~director~~ or state law may require;

7

8 (xxii) In accordance with guidelines established
9 by the state superintendent under W.S. ~~21-2-201(c)(v)~~
10 21-2-202(a)(xxii), implement standards for the storage and
11 disposal of toxic chemicals and other hazardous substances
12 used by schools within the district for educational
13 programs;

14

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

20

21 (xxix) Beginning in school year 2012-2013, and
22 each school year thereafter, administer a program where all
23 students enrolled in the eleventh and twelfth grades in the
24 district shall be required to take or be provided the

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

15

16 (xxxi) Adopt a policy and training procedures
17 regarding the use of seclusion and restraint in schools.
18 In addition to any requirements provided by rule and
19 regulation of the state superintendent pursuant to W.S.
20 ~~21-2-201(c)(iii)~~ 21-2-202(a)(xxxii), the policy shall
21 require that the parent or legal guardian of the student
22 shall be notified each time that seclusion or restraint is
23 utilized for the student. The policy shall prohibit the use
24 of locked seclusion. The policy shall not be limited to

1 any specified group of students and shall apply any time
2 that seclusion or restraint is used for any student. The
3 district shall submit a copy of the policy to the state
4 superintendent for review as provided in W.S.
5 ~~21-2-201(c)(iii)~~ 21-2-202(a)(xxxii), after the initial
6 adoption of the policy and any time thereafter that the
7 policy is substantially revised. As used in this paragraph:

8
9 **21-3-117. Duties of clerk of school district.**

10
11 (a) The clerk of each school district within the
12 state shall:

13
14 (i) Within thirty (30) working days after the
15 close of each fiscal year, submit all fiscal reports to the
16 ~~director~~ state superintendent of public instruction for the
17 past fiscal year. The reports shall contain information
18 required by the ~~director~~ state superintendent. A copy of
19 the reports shall also be filed with the county clerk of
20 each county in which the school district is located;

21
22 (ii) Cause to be filed copies of all reports
23 made to the ~~director~~ state superintendent and all papers
24 transmitted to him by school officers or other persons

1 pertaining to the business of the district. After two (2)
2 years have elapsed from the date of filing, microfilm
3 copies may be treated as originals;

4
5 **21-3-314. Students counted among district ADM;**
6 **determination of charter school funding.**

7
8 (a) ~~The director of the state department of education~~
9 ~~shall administer the education resource block grant model~~
10 ~~and perform the duties prescribed under this statute.~~ Each
11 student attending a charter school shall be counted among
12 the average daily membership of the school district in
13 which the school is located and the school shall be
14 included in the district's configuration of schools
15 reported to the ~~director~~ state superintendent under W.S.
16 21-13-309(m)(iv). Average daily membership of the charter
17 school shall be calculated as follows:

18
19 **21-3-401. Reading assessment and intervention.**

20
21 (d) The ~~director~~ state superintendent, in
22 consultation with Wyoming school districts, professionals
23 in the area of dyslexia and other reading difficulties, and
24 other appropriate stakeholders, shall promulgate rules and

1 regulations as necessary to administer the reading
2 assessment and intervention program pursuant to this
3 statute.

4

5 **21-4-401. Transportation or maintenance for isolated**
6 **pupils.**

7

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

22

23 **21-4-601. Education programs on the Wind River Indian**
24 **Reservation.**

1

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

24

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

8
9 **21-6-210. Powers and duties of state committee.**

10
11 (a) The state committee shall:

12
13 (i) Aid the district boundary boards in carrying
14 out the powers and duties vested in and imposed upon those
15 boards by this article, by furnishing assistance of the
16 employed staff of the department, as authorized by the
17 state superintendent, and provide plans for procedure,
18 standards, data, maps and other information and services
19 for district boundary boards throughout the state as it
20 appears to the state committee necessary or desirable to
21 carry out the purposes of this article;

22
23 **21-6-219. Adjustment of state foundation entitlement.**

1 (a) When two (2) or more districts or parts of
2 districts are organized into a school district and the
3 total fiscal resources of the new school district are less
4 than the combined fiscal resources of the districts the
5 last year before organization, then the ~~director~~state
6 superintendent shall adjust the state foundation
7 entitlement to compensate for the differences in fiscal
8 resources. The adjustment shall be equal to one hundred
9 percent (100%) of the initial difference in each of the
10 first two (2) fiscal years after the new organization,
11 fifty percent (50%) of the initial difference in the third
12 fiscal year and twenty-five percent (25%) of the initial
13 difference in the fourth fiscal year. The adjustment shall
14 also provide reimbursement for expenses incurred by the
15 school districts involved in the new organization. Expenses
16 which are reimbursable shall be determined in accordance
17 with rules adopted by the ~~director~~state superintendent,
18 shall not exceed one hundred thousand dollars
19 (\$100,000.00), and shall be paid in equal amounts over a
20 period not to exceed three (3) fiscal years.

21

22 (b) When any district consolidates two (2) or more
23 schools within the district and the total state aid to the
24 district would decrease because of the consolidation, the

1 ~~director~~state superintendent shall adjust the state
2 foundation entitlement to compensate for the decrease for
3 not more than one (1) year.

4

5 **21-13-101. Definitions.**

6

7 (a) As used in this chapter:

8

9 (xiv) "Education resource block grant model"
10 means the block grant model for Wyoming school finance
11 contained within the enumeration of model components
12 summarizing and executing recommendations within the 2010
13 cost of education study as referenced in paragraph (xvii)
14 of this subsection and model spreadsheets provided by the
15 consultant performing the 2010 cost of education study, all
16 of which are enacted into law, on file with the secretary
17 of state and are maintained and made available for public
18 inspection by the ~~director~~state superintendent under W.S.
19 21-2-202(e), and as may be subsequently modified by the
20 legislature prior to future model recalibration required
21 under W.S. 21-13-309(t);

22

23 **21-13-102. Maximum rate of school district tax;**
24 **recapture of excess; equalization of permissive levies.**

1

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

18

19 **21-13-306. Foundation program account established;**
20 **disposition of monies.**

21

22 (b) Within the limits of legislative appropriation,
23 if any, the resources of the public school foundation
24 account shall be paid into the state treasury and shall be

1 drawn out and distributed to the districts upon
2 certification of the ~~director~~ state superintendent and upon
3 vouchers approved by the state auditor payable to the
4 treasurer of the several districts.

5

6 **21-13-307. Eligibility to share in distribution of**
7 **money from foundation account; mandatory financial**
8 **reporting.**

9

10 (a) Each district which meets the following
11 requirements is eligible to share in the distribution of
12 funds from the foundation account:

13

14 (ii) Operated all schools for a term of at least
15 one hundred eighty-five (185) days or the number of days or
16 equivalent hours authorized under an alternative schedule
17 approved by the state board during the previous school
18 year. If the school term of any school in a district was
19 less than one hundred eighty-five (185) days or less than
20 the total number of days authorized under an alternative
21 schedule approved by the state board, the amount allotted
22 per average daily membership (ADM) under W.S. 21-13-309 for
23 the school shall be in proportion to the length of the term

1 the school actually operated, unless caused by closures of
2 schools:

3

4 (B) Whenever necessary to protect the
5 health, safety or welfare of students, teachers and other
6 employees and closures are approved by the ~~director~~state
7 superintendent or are the result of presidential or
8 gubernatorial executive orders.

9

10 (iii) Furnishes to the ~~director~~state
11 superintendent statistical data and information as
12 reasonably required to compute a district's entitlement to
13 share in the foundation account and the extent of the
14 entitlement;

15

16 (iv) The district shall provide evidence to the
17 ~~director~~state superintendent that the district has
18 maintained an average student-teacher ratio of not greater
19 than sixteen (16) to one (1) for the aggregate of all
20 classes in kindergarten through grade three (3) in the
21 district in the preceding school year. The requirement of
22 this paragraph may be waived by the department of education
23 for any district that demonstrates insufficient school
24 facility capacity, positive school performance, positive

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

23

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

17
18 **21-13-309. Determination of amount to be included in**
19 **foundation program for each district.**

20
21 (m) In determining the amount to be included in the
22 foundation program for each district, the ~~director~~ state
23 superintendent shall:

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

14
15 (B) Alternative schools qualifying for
16 separate consideration under the education resource block
17 grant model may be established by a school district for
18 offering educational programs to students with educational
19 needs which the district finds are not appropriately met by
20 other schools in the district, excluding charter schools
21 established under W.S. 21-3-301 through 21-3-314.
22 Alternative schools included within a district's
23 configuration of schools identified under paragraph (iv) of

1 this subsection shall for purposes of the education
2 resource block grant model:

3

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

8

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

1

2 **21-13-310. Annual computation of district revenues.**

3

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

10

11 **21-13-312. Prorating payments when income from**
12 **foundation account insufficient.**

13

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

20

21 (i) The ~~director~~ state superintendent shall
22 determine a uniform percentage by which the amount
23 guaranteed to each district under W.S. 21-13-309 shall be
24 reduced so that available revenues in the foundation

1 program account for that school year are as nearly as
2 possible equal to the amount necessary to fund payments to
3 districts under W.S. 21-13-313; and

4

5 **21-13-313. Distribution of funds from foundation**
6 **account; property tax and cash reserve adjustment;**
7 **regulations.**

8

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

18

19 (b) The ~~director~~state superintendent shall determine
20 on or before August 15 of each year the tentative allotment
21 of foundation funds to which each district is entitled
22 under this article. In making this determination, the
23 ~~director~~state superintendent may, if current fiscal
24 information required by law to compute the tentative

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

13

14 (c) Fifteen percent (15%) of each district's
15 entitlement shall be paid to the district on or before
16 August 15 of each year and subject to any adjustment under
17 subsections (d) and (e) of this section, ten percent (10%)
18 of each district's entitlement shall be paid on or about
19 the fifteenth day of each month through April of each year.
20 The final payment for the balance of each district's
21 entitlement shall be distributed on or before May 15 of
22 each year. If, after March 1 and before April 1, the
23 ~~director~~state superintendent determines that the
24 entitlement to be paid to a district for that school year

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

11

12 (g) In addition to subsections (b) and (c) of this
13 section, the ~~director~~state superintendent shall, for any
14 district subject to W.S. 21-13-102(b) as determined by the
15 department for any school year, or for any district not
16 subject to W.S. 21-13-102(b) whose entitlement amount
17 determined under W.S. 21-13-311(a) for any school year is
18 equal to or less than twenty percent (20%) of the
19 foundation program amount computed under W.S. 21-13-309(p),
20 and upon demonstration by the district of financial need as
21 documented by cash flow analysis, provide payments from the
22 school foundation program account in an amount not to
23 exceed one-fifth (1/5) of the foundation program amount
24 computed for that district for that school year in

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

16

17 **21-15-113. School facilities commission; membership;**
18 **conflict of interest; terms; chairman; meetings;**
19 **compensation.**

20

21 (a) The school facilities commission is established
22 to consist of ~~nine (9)~~ eight (8) members comprised of the
23 state superintendent of public instruction, ~~and the~~
24 ~~director of the department of education,~~ who shall serve in

1 an ex-officio, nonvoting capacity, and seven (7) members
2 who are Wyoming residents appointed by the governor with
3 one (1) member appointed from each of the seven (7)
4 appointment districts designated in W.S. 9-1-218(b). Four
5 (4) of the appointees shall have knowledge and experience
6 in the following areas:

7
8 **21-17-201. Composition; appointment and**
9 **qualifications of members generally; members ex officio;**
10 **quorum.**

11
12 The government of the university is vested in a board of
13 twelve (12) trustees appointed by the governor, no two (2)
14 of whom may be residents of the same county of the state.
15 At least one (1) trustee shall be appointed from each
16 appointment district pursuant to W.S. 9-1-218. Not more
17 than seven (7) members of the board shall be registered in
18 the same political party. The governor, the president of
19 the university, the state superintendent of public
20 instruction, ~~the director of the department of education~~
21 and the president of the associated students of the
22 university are members ex officio, having the right to
23 speak, but not to vote. A majority of the board is a
24 quorum.

1

2 **21-18-201. Community college commission; created;**
3 **composition; removal.**

4

5 (c) The governor, ~~the director of the department of~~
6 ~~education~~ and the state superintendent of public
7 instruction are ex officio nonvoting members of the
8 commission.

9

10 **21-22-103. State advisory council for innovative**
11 **education; established; membership; terms; compensation;**
12 **initial terms.**

13

14 (a) The state advisory council for innovative
15 education is established, to consist of the following
16 members:

17

18 (i) ~~Two (2)~~ Four (4) members appointed by the
19 state superintendent of public instruction ~~and two (2)~~
20 ~~members appointed by the director of the state department~~
21 ~~of education~~ as follows, provided the state superintendent
22 ~~and the director~~ shall review but need not appoint members
23 from the list of nominees submitted by the designated
24 entities:

1

2 (ii) The Wyoming public school teacher holding
3 the state ~~superintendent's~~ department of education Wyoming
4 teacher of the year award; ~~as required under W.S.~~
5 ~~21-2-201(c)(ii);~~

6

7 (v) The state superintendent of public
8 instruction ~~and the director of the state department of~~
9 ~~education~~ serving as an ex officio ~~members~~ member;

10

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

24

1 **31-5-118. Regulations relative to school buses.**

2

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

15

16 **Section 2.** W.S. 21-2-202(a)(xix)(J), (xxii), (xxxii)
17 and (xxxiii) as repealed by 2013 Wyoming Session Laws,
18 Chapter 1, Section 3 are recreated to read:

19

20 **21-2-202. Duties of the state superintendent.**

21

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

24

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

9
10 (J) Employ legal counsel to review
11 contracts entered into by the state superintendent in his
12 official capacity and perform other duties as assigned by
13 the state superintendent. Nothing in this subparagraph
14 prohibits the state superintendent from using the services
15 of the attorney general's office.

16
17 (xxii) In consultation with the department of
18 environmental quality and school districts, establish
19 guidelines for school districts for the proper and safe
20 storage and disposal of toxic chemicals and other hazardous
21 substances used by schools in educational programs;

22
23 (xxxii) By rule and regulation, establish
24 requirements for school district policies and training

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

11
12 (xxxiii) To assist local school districts in
13 developing protocols under W.S. 21-3-110(a)(xxxii) and in
14 sufficient time to enable school districts to adopt and
15 implement protocols commencing school year 2011-2012,
16 develop model protocols for addressing risks associated
17 with concussions and other head injuries resulting from
18 athletic injuries. No district shall be required to adopt
19 any part of the model protocols.

20
21 **Section 3.** W.S. 21-17-201, as amended by 2013 Wyoming
22 Session Laws, Chapter 42 and only if the electors adopt the
23 constitutional amendment as proposed by 2013 Senate Joint
24 Resolution 1, is amended to read:

1

2 **21-17-201. Composition; appointment and**
3 **qualifications of members generally; members ex officio;**
4 **quorum.**

5

6 The government of the university is vested in a board of
7 thirteen (13) trustees appointed by the governor, no two
8 (2) of whom may be residents of the same county of the
9 state. No more than two (2) appointed trustees shall be
10 residents of a state other than Wyoming. Any person
11 appointed as trustee who is not a resident of Wyoming shall
12 possess verifiable and demonstrable interest in and past
13 interactions with the university which are reflective of
14 commitment to the educational mission of the university. At
15 least one (1) trustee shall be appointed from each
16 appointment district pursuant to W.S. 9-1-218. Not more
17 than seven (7) members of the board shall be registered in
18 the same political party. The governor, the president of
19 the university, the state superintendent of public
20 instruction, ~~the director of the department of education~~
21 and the president of the associated students of the
22 university are members ex officio, having the right to
23 speak, but not to vote. A majority of the board is a
24 quorum.

1

2 **Section 4.** W.S. 21-1-103(a)(iii), 21-1-104,
3 21-2-201(b) and (c) are repealed.

4

5 **Section 5.** 2011 Wyoming Session Laws, Chapter 184,
6 Section 4(d)(vii) as amended by 2013 Wyoming Session Laws,
7 Chapter 195, Section 3 is amended to read:

8

9 **Section 4.**

10

11 (d) The select committee on statewide
12 education accountability shall be assisted by an
13 advisory committee to provide information to the
14 select committee as it deems necessary to carry
15 out this section. The advisory committee shall
16 consist of the following members:

17

18 (vii) A representative of the
19 department of education designated by the
20 ~~director of the department~~ state superintendent
21 of public instruction;

22

23 **Section 6.**

24

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

3

4 (i) All divisions, agencies, programs,
5 positions, personnel, property, appropriated funds and
6 functions of the department of education transferred to the
7 director by 2013 Wyoming Session Laws, Chapter 1 shall
8 transfer immediately to the state superintendent of public
9 instruction as required by this act;

10

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

17

18 (iii) Any lawful policy adopted by the director
19 or the department of education shall remain in effect
20 unaltered as policy of the state superintendent until
21 amended or repealed by the state superintendent;

22

23 (iv) There is to be as little disruption as
24 possible to the everyday duties and activities of the staff

1 of the department of education. The governor and the state
2 superintendent shall review all personnel decisions,
3 including but not limited to any transfers, change of job
4 duties, or terminations, within sixty (60) days prior to
5 the effective date of this act. In addition, if the state
6 superintendent determines changes to personnel are required
7 after the effective date of this act, such changes shall be
8 submitted to the governor for notification prior to any
9 transfers, change of job duties, or termination of any
10 employee.

11

12 (b) All department of education divisions, agencies,
13 programs, positions, personnel, property, appropriated
14 funds and functions shall immediately transfer to the
15 office of the state superintendent. Any statute or legal
16 or other document which refers to the director of the
17 department of education shall mean the state superintendent
18 which is the successor chief executive officer of the
19 department of education.

20

21 (c) Nothing in this act authorizes funds to be
22 expended for any purpose other than that for which the
23 funds were appropriated.

24

(d) Not later than June 30, 2014, the state superintendent, in consultation with the department of administration and information, shall review all existing authorized positions and appropriated funds for the office of the state superintendent and the department of education and submit a report to the joint appropriations interim committee and the joint education interim committee on the proposed consolidated budget of the department of education agency budget of 206 into the office of the state superintendent budget of 005.

11

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

16

17 (END)