

[BUDGET AFFECTED]

Budget(s): Addition to 300 Sections

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Page 145-after line 5 Insert the following new section and
renumber as necessary:

"[SCHOOL FINANCE AMENDMENTS]

Section 333.

(a) W.S. 21-3-110(a) by creating a new paragraph (xxxvi),
21-13-309(m)(iv)(A), (v)(F), by creating a new subparagraph (H)
and by creating a new paragraph (vii), 21-13-313(e),
21-13-320(f) and (j)(i), 21-13-321(d) and 27-14-108(d)(xvi) and
(f) by creating a new paragraph (x) are amended to read:

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

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

(xxxvi) Effective school years 2018-2019
and 2019-2020 only, participate in programs of the
department of workforce services necessary to receive
premium discounts for the state workers' compensation
program.

**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:

(iv) Based upon reports from each district
on schools operating within that district for the
current school year and on grade configurations
contained within each reported school during that
school year, compute the average daily membership
(ADM) for each reported school and each grade within

each reported school in accordance with identified grade configurations subject to the following:

(A) Effective school years 2018-2019 and 2019-2020 only, the ADM for each reported school shall be computed based upon the school's ADM for the previous school year. Effective school year 2020-2021 and each school year thereafter, the ADM for each reported school shall be computed based upon the average of the school's ADM counts completed at the end of the three (3) immediately preceding school years or the school's ADM for the previous school year, whichever is greater;

(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). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

(F) Amounts provided within the model for health insurance shall be based upon:

(I) Effective school years 2018-2019 and 2019-2020 only, a reimbursement basis only for individuals actually employed by the district and paid with funds received pursuant to the foundation program amount under subsection (p) of this section. Amounts reimbursed for each employee shall not exceed the amounts in subdivision (III) of this subparagraph, as applied to the coverage of each district employee participating in district health insurance plans;

~~(I)~~ (II) Effective school year 2020-2021 and each school year thereafter, prior year statewide average district weighted actual participation in district health insurance plans as to the proportion of employee only, split contracts, employee plus spouse or children and family coverage; and

1
2 ~~(II)~~ (III) The annualized state
3 contribution rate as of January 1 of the preceding
4 school year, on behalf of each employee and official
5 enrolled in the state group health insurance plan, for
6 employee only, split contracts, employee plus spouse
7 or children and family coverage.
8

9 (H) An amount for retirement benefits shall
10 be calculated on a reimbursement basis only for
11 individuals actually employed by the district and paid
12 with funds received pursuant to the foundation program
13 amount under subsection (p) of this section based upon
14 the number of district employees and the prior year
15 actual contributions to the Wyoming retirement system.
16 The amount per employee shall not exceed the
17 percentage of the employee's salary paid by the
18 employer under W.S. 9-3-412(c)(iii) for the employee
19 portion of the contribution plus an amount not to
20 exceed the percentage of the employee's salary paid by
21 the employee provided under W.S. 9-3-413 for the
22 employer portion of the contribution. This paragraph
23 shall be repealed July 1, 2020.
24

25 (vii) For purposes of determining the
26 foundation program amount for a district and not
27 including any alternative school authorized under W.S.
28 21-13-309(m)(v)(B), calculate any school facility that
29 contains more than one (1) school as if that school
30 facility contains only one (1) school, comprised of
31 each of the schools contained in that school facility.
32 This paragraph shall be repealed July 1, 2020.
33

34 **21-13-313. Distribution of funds from**
35 **foundation account; property tax and cash reserve**
36 **adjustment; regulations.**
37

38 (e) Not later than January 31 of each
39 fiscal year, the department shall compute the amount
40 by which each district's operating balance and cash
41 reserves at the end of the preceding fiscal year
42 exceed fifteen percent (15%) of the total foundation
43 program amount computed under W.S. 21-13-309 for the
44 preceding fiscal year. In making this calculation, the
45 entire operating balance and cash reserves for each
46 district for the fiscal year ending June 30, 1997, as
47 computed by the department, shall be separately

1 accounted for and excluded, until it has been
2 completely expended by the district. Revenues from
3 settlements of protested amounts attributable to
4 levies assessed under W.S. 21-13-102(a)(i)(A) and
5 (ii)(A) and 21-13-201, regardless of the assessment
6 year, shall be accounted for and excluded from the
7 calculation under this subsection for a period of not
8 more than one (1) year following that fiscal year in
9 which the revenue was received by a district, as
10 verified in writing by the district and certified by
11 the county treasurer. Except as otherwise provided in
12 1997 Special Session Laws, chapter 3, section 306(e),
13 as amended, and except as excluded under this
14 subsection, that excess shall be deemed to be a state
15 revenue under W.S. 21-13-310(a) for the purpose of
16 determining distributions under W.S. 21-13-311 and
17 amounts to be rebated under W.S. 21-13-102. The
18 department shall promulgate rules, including reporting
19 requirements and procedures for districts, to
20 implement this subsection. As used in this section,
21 "operating balance and cash reserves" means those
22 financial resources of the district which are not
23 encumbered by the district board of trustees for
24 expenditure to meet an existing legal obligation or
25 otherwise restricted by law or regulation for
26 expenditure on specific educational programs and for
27 school years 2018-2019 and 2019-2020 only, shall
28 include any monies within a capital improvements
29 reserve fund established pursuant to W.S. 16-4-105(b)
30 or special reserve fund established pursuant to W.S.
31 21-13-504. For purposes of this subsection, any
32 balance within a district's separate account
33 established under W.S. 21-15-109(e) for major building
34 and facility repair and replacement shall be deemed
35 restricted by law for expenditure as provided by W.S.
36 21-15-109(e) and shall not be considered an operating
37 balance and cash reserve under this section.

38
39 **21-13-320. Student transportation; amount**
40 **within school foundation program formula for**
41 **transportation maintenance and operations expenditures**
42 **and school bus purchases; district reporting**
43 **requirements.**
44

45 (f) The department of education shall adopt
46 necessary rules and regulations to implement and
47 enforce state standards established under this section

1 and to administer this section. Effective school years
2 2018-2019 and 2019-2020 only, district expenditures
3 computed under subsection (b) of this section shall
4 not include expenditures for employee or employer
5 contributions to the Wyoming retirement system
6 exceeding the limitation provided in W.S. 21-13-
7 309(m)(v)(H). Effective school year 2020-2021 and each
8 school year thereafter, district expenditures computed
9 under subsection (b) of this section shall not include
10 expenditures for employee contributions to the Wyoming
11 retirement system exceeding five and fifty-seven
12 hundredths percent (5.57%) of any member employee's
13 salary. In addition, the department shall, in
14 accordance with procedures prescribed by department
15 rule and regulation, establish a base price for each
16 school bus type or other student transportation
17 vehicle type for the applicable fiscal period that
18 complies with minimum state standards for vehicle
19 specifications and equipment. The department shall
20 also establish a process including competitive bidding
21 which guarantees the acquisition of school buses and
22 other student transportation vehicles approved for
23 reimbursement and complying with state minimum
24 standards and district fleet size restrictions at the
25 established base price for the applicable fiscal year.
26 In addition and for purposes of reimbursement under
27 subsection (g) of this section, the department shall
28 in consultation with the pupil transportation
29 committee, establish a minimum, average and optimal
30 replacement schedule for each school bus type or other
31 student transportation vehicle type. School districts
32 shall notify the department of school bus and other
33 student transportation vehicle needs and requirements
34 for the appropriate fiscal year in the manner and
35 within the times prescribed by department rule and
36 regulation, and shall report expenditures, purchases
37 and lease arrangements for the applicable reporting
38 period, including vehicles replaced by purchases and
39 leases, as required by department rule and regulation.
40 The department shall annually review and conduct
41 audits as necessary of information submitted under
42 this section. As authorized under W.S. 21-13-307(b),
43 the department may correct the information reported by
44 districts under this section as necessary to fairly
45 and accurately reflect the data type, classification
46 and format required to administer this section in

1 accordance with law and department rules and
2 regulations.
3

4 (j) Effective for the school year ~~2018-2019~~
5 2020-2021 and each school year thereafter the amount
6 computed under this section shall be in accordance
7 with the provisions of this subsection. Each district
8 shall receive:
9

10 (k) For the 2018-2019 school year and each
11 school year thereafter, the provisions of subsections
12 (b), (c) and (f) of this section shall not be used to
13 compute the amount a school district receives pursuant
14 to this section, but the remaining requirements of
15 those subsections shall be effective. As of July 1,
16 2018, subsection (g) of this section shall be
17 applicable only as necessary to determine ~~an amount~~
18 amounts under ~~subsection~~ subsections (j) ~~and (n)~~ of
19 this section.
20

21 (n) Effective for school years 2018-2019
22 and 2019-2020 only, the amount computed under this
23 section shall be in accordance with the provisions of
24 this subsection. Each district shall receive:
25

26 (i) An amount equal to an average of the
27 amounts the district received for school years
28 2014-2015, 2015-2016 and 2016-2017 pursuant to
29 paragraphs (i) and (ii) of subsection (b) of this
30 section not including amounts received for employee
31 health insurance; plus
32

33 (ii) The amount authorized by and computed
34 in accordance with subsection (g) of this section for
35 each school bus purchased or initially leased prior to
36 March 15, 2017; plus
37

38 (iii) An amount calculated in accordance
39 with subsection (g) of this section for each school
40 bus purchased or initially leased on or after March
41 15, 2017, if the school district first applied to the
42 department and the department determined the purchase
43 or lease was necessary to alleviate an emergency.
44

45 **21-13-321. Special education; amount within**
46 **foundation program formula for special education**

1 **programs and services; district reporting**
2 **requirements.**

3
4 (d) The department of education shall adopt
5 necessary rules and regulations to implement and
6 administer this section. Districts shall report
7 special education program expenditures for the
8 applicable reporting period as required by department
9 rule and regulation. Effective school years 2018-2019
10 and 2019-2020 only, district expenditures computed
11 under subsection (b) of this section shall not include
12 expenditures for employee or employer contributions to
13 the Wyoming retirement system exceeding the limitation
14 provided in W.S. 21-13-309(m) (v) (H). Effective school
15 year 2020-2021 and each school year thereafter,
16 district expenditures computed under subsection (b) of
17 this section shall not include expenditures for
18 employee contributions to the Wyoming retirement
19 system exceeding five and fifty-seven hundredths
20 percent (5.57%) of any member employee's salary. The
21 department shall annually review and report to the
22 joint education interim committee regarding services
23 provided to special education students by school
24 districts. The report shall evaluate the extent to
25 which services are being appropriately provided and
26 whether expenditures for services are reasonable in
27 light of charges by providers of similar services in
28 Wyoming. In addition, the department shall when
29 necessary, conduct audits of information submitted by
30 districts under this section and may, in accordance
31 with W.S. 21-13-307(b), correct the information
32 reported by districts as necessary to fairly and
33 accurately reflect the data type, classification and
34 format required to administer this section in
35 accordance with law and department rule and
36 regulation.

37
38 **27-14-108. Extrahazardous industries,**
39 **employments, occupations; enumeration; definitions;**
40 **optional coverage.**

41
42 (d) This act applies to governmental
43 entities engaged in an industrial classification
44 listed under subsection (a) of this section and to
45 employees of governmental entities engaged in or
46 employed as the following:

(xvi) Effective July 1, 2018 through June 30, 2020, public school educational assistants who provide services to special education students while working directly with special education students and certified special education teachers and related services providers as defined by 34 C.F.R. 300.18 and 300.156 and W.S. 21-2-802 and 21-7-303 who provide services to eligible students with behavioral, emotional, cognitive, learning, physical or health disabilities that require educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot be achieved satisfactorily in the regular classroom while working directly with eligible students. Effective July 1, 2020, public school educational assistants who provide services to special education students and certified special education teachers and related services providers as defined by 34 C.F.R. 300.18 and 300.156 and W.S. 21-2-802 and 21-7-303 who provide services to eligible students with behavioral, emotional, cognitive, learning, physical or health disabilities that require educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot be achieved satisfactorily in the regular classroom;

- (b) 2011 Wyoming Session Laws, Chapter 185, Attachment "A"
(b)(ii), (iii), (xxiii) and (xxviii) is amended to read:

ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS FOLLOWS:

(b) Notwithstanding components specified in the 2010 cost of education study accepted by the legislature, the Wyoming education resource block grant model components and the resourcing for those components, as enacted by the legislature, shall be as follows:

- (ii) Class size: Effective for school years 2018-2019: 16 for grades Kindergarten

through 3; 17 for grades
4 through 5; 22 for
grades 6 through 12;

Effective for school
years 2019-2020: 16 for
grades Kindergarten
through 3; 17 for grades
4 through 5; 23 for
grades 6 through 12;

Effective for school
years 2020-2021 and each
school year thereafter
16 for grades
Kindergarten through 5;
21 for grades 6 through
12.

(iii) Core teachers: Effective for school
years 2018-2019 and
2019-2020: Elementary
school ADM divided by
class size as provided
by paragraph (b)(ii) of
this Attachment A;
Middle school ADM
divided by class size as
provided by paragraph
(b)(ii) of this
Attachment A;
High school ADM divided
by class size as
provided by paragraph
(b)(ii) of this
Attachment A

Effective for school
years 2020-2021 and each
school year thereafter
Elementary school ADM
divided by 16;
Middle school ADM
divided by 21;

High school ADM divided
by 21.

(xxxiii) Maintenance and operations:

Effective for school
years 2018-2019 and
2019-2020 only, based on
ADM, gross square
footage, number of
buildings and
classrooms, and age of
buildings for custodians
and maintenance workers,
computed in accordance
with the 2010 cost of
education study. Any
building without
allowable gross square
footage for purposes of
major maintenance
computations under W.S.
21-15-109 shall use the
actual educational gross
square footage as
approved by the school
facilities commission.
Groundskeeper FTE
computations for
elementary, middle and
high schools shall be
computed in accordance
with the 2010 cost of
education study, subject
to the following. The
site acreage shall be
based upon the lesser of
the actual site acreage
on which the facility is
situated as defined by
department rule and
regulation, or the
school facility
guidelines and site
acreages established by
the school facilities
commission under W.S.
21-15-114. Acreages

1 acquired on or prior to
2 July 1, 1997, and
3 acreages acquired after
4 July 1, 1997 through an
5 exchange with another
6 governmental entity if
7 the acreages involved in
8 the exchange were
9 originally acquired by
10 the district and the
11 governmental entity on
12 or prior to July 1,
13 1997, shall not be
14 subject to groundskeeper
15 FTE computation
16 limitations, except as
17 follows. Groundskeeper
18 FTE computations for
19 district level sites
20 shall be equal to 10% of
21 the groundskeeper FTEs
22 for elementary, middle
23 and high schools.

24
25 Effective school year
26 2020-2021 and each
27 school year thereafter,
28 based on ADM, gross
29 square footage, number
30 of buildings and
31 classrooms, age of
32 buildings and site
33 acreage for custodians,
34 maintenance workers and
35 groundskeepers, computed
36 in accordance with the
37 2010 cost of education
38 study. Any building
39 without allowable gross
40 square footage for
41 purposes of major
42 maintenance computations
43 under W.S. 21-15-109
44 shall use the actual
45 educational gross square
46 footage as approved by
47 the school facilities

commission.
Groundskeeper FTE
computations shall be
based upon the lesser of
the actual site acreage
on which the facility is
situated as defined by
department rule and
regulation, or the
school facility
guidelines and site
acreages established by
the school facilities
commission under W.S.
21-15-114. Acreages
acquired on or prior to
July 1, 1997, and
acreages acquired after
July 1, 1997 through an
exchange with another
governmental entity if
the acreages involved in
the exchange were
originally acquired by
the district and the
governmental entity on
or prior to July 1,
1997, shall not be
subject to groundskeeper
FTE computation
limitations.

(xxxviii) Benefits: Effective for school
years 2018-2019 and
2019-2020 only, 8.41%
plus health as computed
under W.S. 21-13-
309(m) (v) (H). Effective
for school year 2020-
2021 and each school
year thereafter, 21.10%
plus health as computed
under W.S. 21-13-
309(m) (v) (F) .

1 (c) 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT "A"
2 (b)(xxviii), as amended by 2017 Wyoming Session Laws, Chapter
3 205, ATTACHMENT "A" (b)(xxviii) is amended as follows:

4
5 (xxviii) Assessment: Effective for school
6 years 2018-2019 and
7 2019-2020 only,
8 \$0.00/ADM. Effective for
9 school year 2020-2021
10 and each school year
11 thereafter, 25.00/ADM,
12 which amount is not
13 subject to any
14 adjustment made pursuant
15 to W.S. 21-13-309(o).
16

17 (d) For school years 2018-2019 and 2019-2020, the foundation
18 program amount computed under W.S. 21-13-309(p) for a school
19 district with fewer than two hundred forty-three (243) ADM, less
20 amounts reimbursed under W.S. 21-13-309(m)(v)(E) and amounts
21 reimbursed for health insurance and retirement, shall not be
22 less than one hundred percent (100%) of the foundation program
23 amount available to that school district during the 2017-2018
24 school year, as computed under W.S. 21-13-309(p) prior to the
25 addition of reimbursement amounts for that school year. A school
26 district is not entitled to additional funding under this
27 subsection if, but for a decrease in ADM as compared with the
28 2017-2018 school year, that school district would not have a
29 foundation program amount that is less than one hundred percent
30 (100%) of the school year 2017-2018 foundation program amount.
31 To the extent necessary to implement this subsection, this
32 subsection shall supersede W.S. 21-13-309(p).
33

34 (e) Fifteen million dollars (\$15,000,000.00) is appropriated
35 from the school foundation program account to the department of
36 education. In school year 2018-2019, the department shall
37 distribute ten million dollars (\$10,000,000.00) of this
38 appropriation to the school districts of the state in proportion
39 to their school foundation guarantee. In school year 2019-2020,
40 the department shall disperse five million dollars
41 (\$5,000,000.00) of this appropriation to the school districts of
42 the state in proportion to their school foundation guarantee.
43 Notwithstanding any other provision of law, this appropriation
44 shall not be transferred or expended for any other purpose and
45 any unexpended, unobligated funds remaining from this
46 appropriation shall revert to the school foundation program
47 account on June 30, 2020. No school district that is held

1 harmless under subsection (d) of this section for a school year
2 shall receive additional funding under this subsection for that
3 school year.

4
5
6 (f) The department of education shall review state statutes
7 relating to special education and school district transportation
8 and its rules relating to special education and transportation
9 for any possible fiscal efficiencies. On or before June 1, 2018,
10 the department of education shall report its initial findings
11 and recommendations to the joint education interim committee. On
12 or before September 1, 2018, the department shall report its
13 final findings and recommendations to the joint education
14 interim committee. The department shall use the recommendations
15 of the legislature's 2017 recalibration consultant to guide its
16 review.

17
18 (g) On or before January 1, 2019, the state superintendent of
19 public instruction shall establish statewide guidelines for
20 adequate special education staffing levels as required by W.S.
21 21-2-202(a)(xxiii). The statewide special education staffing
22 guidelines shall be made effective for the 2019-2020 school
23 year. KINSKEY, BEBOUT