

SENATE FILE NO. SF0117

School finance amendments-3.

Sponsored by: Senator(s) Peterson, Bebout, Coe, Hicks,
Kinskey and Von Flatern and
Representative(s) Clem and Lone

A BILL

for

1 AN ACT relating to school finance; modifying the education
2 resource block grant model; modifying other provisions
3 relating to school finance; amending worker's compensation
4 provisions relating to school finance; providing for a hold
5 harmless provision; requiring reports and other
6 administrative action; and providing for effective dates.

7

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

9

10 **Section 1.** W.S. 21-3-110(a) by creating new
11 paragraphs (xxxvi) and (xxxvii), 21-13-309(m)(iv)(A) and
12 27-14-108(d)(xvi) and (f) by creating a new paragraph (x)
13 are amended to read:

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15 **21-3-110. Duties of boards of trustees.**

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

(xxxvi) Participate in programs of the department of workforce services necessary to receive premium discounts for the state workers' compensation program;

(xxxvii) Annually report to the department of education on school district monies within a capital improvements reserve fund established pursuant to W.S. 16-4-105(b) or special reserve fund established pursuant to W.S. 21-13-504.

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:

1 (iv) Based upon reports from each district on
2 schools operating within that district for the current
3 school year and on grade configurations contained within
4 each reported school during that school year, compute the
5 average daily membership (ADM) for each reported school and
6 each grade within each reported school in accordance with
7 identified grade configurations subject to the following:

8
9 (A) The average daily membership (ADM) for
10 each reported school shall be computed based upon the
11 ~~average of the school's ADM counts completed at the end of~~
12 ~~the three (3) immediately preceding school years or the~~
13 school's ADM for the previous school year; ~~whichever is~~
14 ~~greater;~~

15
16 **27-14-108. Extrahazardous industries, employments,**
17 **occupations; enumeration; definitions; optional coverage.**

18
19 (d) This act applies to governmental entities engaged
20 in an industrial classification listed under subsection (a)
21 of this section and to employees of governmental entities
22 engaged in or employed as the following:

23

1 (xvi) Public school educational assistants who
2 provide services to special education students while
3 working directly with special education students and
4 certified special education teachers and related services
5 providers as defined by 34 C.F.R. 300.18 and 300.156 and
6 W.S. 21-2-802 and 21-7-303 who provide services to eligible
7 students ~~with behavioral, emotional, cognitive, learning,~~
8 ~~physical or health disabilities that require educational~~
9 ~~services to be provided outside of the regular classroom~~
10 ~~because the use of supplementary aids and services cannot~~
11 ~~be achieved satisfactorily in the regular classroom~~ while
12 working directly with eligible students;

13

14 (f) As used in this section:

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16 (x) "Eligible student" means a student with
17 behavioral, emotional, cognitive, learning, physical or
18 health disabilities who requires educational services to be
19 provided outside of the regular classroom because the use
20 of supplementary aids and services cannot be achieved
21 satisfactorily in the regular classroom.

22

1 school years
2 2018-2019 through
3 2020-2021 and 18
4 for school year
5 2021-2022 and each
6 school year
7 thereafter;
8 ~~21~~—For grades 6
9 through 12, 22 for
10 school year
11 2018-2019, 23 for
12 school years
13 2019-2020 and
14 2020-2021 and 24
15 for school year
16 2021-2022 and each
17 school year
18 thereafter.

19
20 (iii) Core teachers: Elementary school
21 ADM divided by ~~16~~
22 class size as
23 provided by

1 paragraph (b) (ii)
 2 of this Attachment
 3 A;
 4 Middle school ADM
 5 divided by ~~21~~class
 6 size as provided by
 7 paragraph (b) (ii)
 8 of this Attachment
 9 A;
 10 High school ADM
 11 divided by ~~21~~class
 12 size as provided by
 13 paragraph (b) (ii)
 14 of this Attachment
 15 A.

16
 17 (xxxiii) Maintenance and operations:
 18 Based on ADM, gross
 19 square footage,
 20 number of buildings
 21 and classrooms, and
 22 age of buildings
 23 ~~and site acreage~~

1 for custodians, and
2 maintenance
3 workers, and
4 ~~groundskeepers,~~
5 computed in
6 accordance with the
7 2010 cost of
8 education study.
9 Any building
10 without allowable
11 gross square
12 footage for
13 purposes of major
14 maintenance
15 computations under
16 W.S. 21-15-109
17 shall use the
18 actual educational
19 gross square
20 footage as approved
21 by the school
22 facilities
23 commission.

1 Groundskeeper FTE
 2 computations for
 3 elementary, middle
 4 and high schools
 5 shall be computed
 6 in accordance with
 7 the 2010 cost of
 8 education study,
 9 subject to the
 10 following.
 11 Elementary, middle
 12 and high school
 13 site acreage shall
 14 be based upon the
 15 lesser of the
 16 actual site acreage
 17 on which the
 18 facility is
 19 situated as defined
 20 by department rule
 21 and regulation, or
 22 the school facility
 23 guidelines and site

1 acreages
2 established by the
3 school facilities
4 commission under
5 W.S. 21-15-114.
6 Acreages acquired
7 on or prior to July
8 1, 1997, and
9 acreages acquired
10 after July 1, 1997
11 through an exchange
12 with another
13 governmental entity
14 if the acreages
15 involved in the
16 exchange were
17 originally acquired
18 by the district and
19 the governmental
20 entity on or prior
21 to July 1, 1997,
22 shall not be
23 subject to

1 groundskeeper FTE
 2 computation
 3 limitations.
 4 Groundskeeper FTE
 5 computations for
 6 district level
 7 sites shall be
 8 equal to 10% of the
 9 groundskeeper FTEs
 10 for elementary,
 11 middle and high
 12 schools.

13 (xxxviii) Benefits: ~~21.10%~~8.41% plus
 14 health as computed
 15 under W.S.
 16 21-13-309(m) (v) (F)
 17 and retirement as
 18 computed under W.S.
 19 21-13-309(m) (v) (H).

21 **Section 3.** 2011 Wyoming Session Laws, Chapter 185,
 22 ATTACHMENT "A" (b) (xxviii), as amended by 2017 Wyoming

1 Session Laws, Chapter 205, ATTACHMENT "A" (b) (xxviii) is
2 repealed.

3

4 **Section 4.** For school year 2018-2019 and each school
5 year thereafter through the next recalibration of the
6 education resource block grant model pursuant to W.S. 21-
7 13-309(t), the foundation program amount computed under
8 W.S. 21-13-309(p) for a school district with fewer than two
9 hundred forty three (243) ADM, less amounts reimbursed
10 under W.S. 21-13-309(m) (v) (E), shall not be less than
11 ninety-seven and one-half percent (97.5%) of the foundation
12 program amount available to that school district during
13 previous school year, as computed under W.S. 21-13-309(p)
14 prior to the addition of reimbursement amounts for that
15 school year. To the extent necessary to implement this
16 section, this section shall supersede W.S. 21-13-309(p).

17

18 **Section 5.**

19

20 (a) The department of education shall review state
21 statutes relating to special education and school district
22 transportation and its rules relating to special education
23 and transportation for any possible fiscal efficiencies. On

1 or before June 1, 2018, the department of education shall
2 report its initial findings and recommendations to the
3 joint education interim committee. On or before September
4 1, 2018, the department shall report its final findings and
5 recommendations to the joint education interim committee.
6 The department shall use the recommendations of the
7 legislature's 2017 recalibration consultant to guide its
8 review.

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10 (b) On or before January 1, 2019, the state
11 superintendent of public instruction shall establish
12 statewide guidelines for adequate special education
13 staffing levels as required by W.S. 21-2-202(a)(xxiii). The
14 statewide special education staffing guidelines shall be
15 made effective for the 2019-2020 school year.

16

17 (c) Not later than August 1, 2018, each school
18 district of the state shall report to the department of
19 education a five (5) year historical accounting of any
20 school district capital improvements reserve fund
21 established pursuant to W.S. 16-4-105(b) or special reserve
22 fund established pursuant to W.S. 21-13-504. School
23 districts shall provide the department with information

1 regarding deposits to each fund and expenditures from each
2 fund. Each district shall provide the department with the
3 district's purposes for the monies within each fund. The
4 department shall compile these reports and transmit the
5 reports to the joint education interim committee, the joint
6 revenue interim committee and the joint appropriations
7 committee by September 1, 2018. By June 1, 2018, the
8 department shall develop appropriate forms for school
9 districts to use when reporting to the department in
10 accordance with this subsection.

11

12 (d) Not later than August 1, 2018 each school
13 district shall report to the department of education a five
14 (5) year historical accounting of amounts actually expended
15 on health insurance and retirement by the school district.
16 The reports shall include the number of employees enrolled,
17 the types of plans employees are enrolled in, the
18 deductible amounts being used, the share paid by the school
19 district and any other information required by the
20 department to determine the actual costs of those programs.
21 The department shall compile these reports and transmit the
22 reports to the joint education interim committee by
23 September 1, 2018. By June 1, 2018 the department shall

1 develop the appropriate forms for school districts to use
2 when reporting to the department in accordance with this
3 subsection.

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5 **Section 6.**

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7 (a) Except as provided in subsection (b) of this
8 section, this act is effective July 1, 2018.

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10 (b) Section 5 of this act is effective immediately
11 upon completion of all acts necessary for a bill to become
12 law as provided by Article 4, Section 8 of the Wyoming
13 Constitution.

14

15 (END)