

ORIGINAL SENATE
FILE NO. SF0010

ENROLLED ACT NO. 18, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to government administration; eliminating the position of a director of the department of education; transferring specified duties to the state superintendent in accordance with Powers v. State, 2014 WY 15, 318 P.3d 300 (Wyo. 2014) and Powers v. State, No. 180-673 (1st Jud. Dist. Ct. Apr. 18, 2014); accordingly conforming law; specifying application; and providing for an effective date.

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

Section 1. W.S. 9-1-513(b)(i) and (c), 21-2-104, 21-2-105, 21-2-201(a), 21-2-202(a)(intro), (i), (ix), (x), (xix)(intro), (H), (xx), (xxx) and (b) through (e), 21-2-203(a), (c)(intro), (iv), (viii), (d)(intro) and (e)(ii)(intro), 21-2-204(c)(vii), (f)(intro), (iv) through (viii) and (j), 21-2-301(c), 21-2-304(a)(i), (v)(intro), (vi), (b)(ii) and (xvii), 21-2-306, 21-2-502(a), 21-2-701(a)(ii), 21-2-703(a)(intro), (b)(iii) and (c), 21-2-802(m), 21-3-110(a)(i), (v), (xxii), (xxviii), (xxix) and (xxxii)(intro), 21-3-117(a)(i) and (ii), 21-3-314(a)(intro), 21-3-401(d), 21-4-401(b), 21-4-601(b) and (d), 21-6-219, 21-13-101(a)(xiv), 21-13-102(e), 21-13-306(b), 21-13-307(a)(ii)(B), (iii), (iv) and (b), 21-13-309(m)(intro), (v)(intro) and (B)(III), 21-13-310(b), 21-13-312(a)(intro) and (i), 21-13-313(a) through (c) and (g), 21-15-113(a)(intro), 21-17-201, 21-18-201(c) and 31-5-118(a) are amended to read:

9-1-513. School finance audits and management studies.

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

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(i) Conduct periodic audits of each school district pertaining to data required to be submitted to the department of education under law and by rule and regulation of the ~~director of the department of education~~ state superintendent of public instruction for purposes of implementing and operating the "school finance system" as defined under W.S. 21-2-203(a). Audits under this paragraph shall include audits of systems supporting data collection and shall be performed on each school district at least once within each three (3) year period;

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

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

There shall be a separate and distinct state department designated as the state department of education which shall be under the supervision of the ~~director~~ state superintendent and consist of the ~~director~~ state superintendent and such divisions, staffed by personnel and provided with facilities the ~~director~~ state superintendent determines necessary to assist him in the proper and efficient discharge of his respective duties. ~~as approved~~

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~~by the governor. The director shall serve as the chief administrative officer of the department. All duties of the state department of education shall be under the control of the director.~~

21-2-105. Delegation of duties of state superintendent.

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

ARTICLE 2
SUPERINTENDENT OF PUBLIC INSTRUCTION AND DEPARTMENT OF
EDUCATION

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

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

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

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

(i) Make rules and regulations, consistent with this code, as may be necessary or desirable for the proper and effective administration of the state educational system and the statewide education accountability system pursuant to W.S. 21-2-204. Nothing in this section shall be construed to give the ~~director~~state superintendent

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rulemaking power in any area specifically delegated
entrusted to the state board; ~~or the state superintendent;~~

(ix) Print and distribute to local boards of trustees, local school administrators and other persons and agencies within or without the state the school laws, regulations, forms, necessary reports of the state board, state committee, state superintendent, ~~the director~~ and state department. The director state superintendent may require the payment of reasonable costs of publication, handling and postage by persons or agencies outside the state requesting publications and shall deposit all payments into the general fund;

(x) Promulgate rules for the acceptance and disbursement of federal funds apportioned to the state for school lunch, milk and other commodities distribution programs. For purposes of these programs, the director state superintendent may enter into agreements, employ personnel, direct disbursement of funds in accordance with federal law to be used by districts to operate the programs along with funds from gifts and the sale of school lunches or other commodities, assist in the training of personnel in the programs and accept gifts in connection with the programs. Districts shall maintain records and report to the director state superintendent in accordance with rules promulgated under this paragraph, but accounts and records need not be preserved more than five (5) years. The director state superintendent shall audit and conduct reviews and inspections of accounts, records and operations of programs to ensure effective administration and compliance with applicable law and rules. To the extent funds are available, the director state superintendent shall conduct studies to determine methods to improve and expand school lunch programs and to promote nutritional education in the schools, including appraising nutritive

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benefits of school lunch programs. For school lunch program funds, the ~~director~~state superintendent shall utilize a revolving account with a balance of at least five thousand dollars (\$5,000.00) to cover any operating expenditures incurred by the school lunch division of the department under 7 U.S.C. section 1431, the United States department of agriculture commodity program offered to the state and accepted by the participating schools and institutions. The schools and institutions shall be billed for their share pro rata of transportation and allied charges with the receipts to be used in replenishing the revolving account. If the United States department of agriculture removes all commodities from this program, the revolving account shall be discontinued and the balance shall be transferred to the general fund;

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

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

(xx) In cooperation with the state board, the Wyoming community college commission, University of Wyoming, public service commission, department of transportation, department of enterprise technology

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services, public libraries, school district boards of trustees, classroom teachers and other appropriate groups identified by the ~~director~~superintendent, develop and implement a statewide education technology plan which shall address staff training, curriculum integration and network connectivity in and between schools, communities and between the state and the world, and which shall have as its goal the provision of equal access to educational instruction and information. The statewide technology education plan may include telecommunications services provided by the department of enterprise technology services pursuant to W.S. 9-2-2906(g). Not later than January 10 of each year and with the assistance of participating agencies, an annual report on the status of the statewide education technology plan shall be prepared and issued by the ~~director~~state superintendent;

(xxx) Effective school year 2012-2013 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a standardized, curriculum based, achievement college entrance examination, computer-adaptive college placement assessment and a job skills assessment test selected by the ~~director~~state superintendent to all students in the eleventh and twelfth grades throughout the state in accordance with this paragraph. The examinations and tests selected by the ~~director~~state superintendent shall be administered throughout the United States and shall be relied upon by institutions of higher education. The college entrance examination shall at a minimum test in the areas of English, reading, writing, mathematics and science for all students in grade eleven (11). The jobs skills assessment test shall be optional for all students in grade eleven (11) and shall at a minimum test in the areas of applied math, reading for information and locating information.

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The ~~director~~state superintendent shall pay all costs associated with administering the college entrance examination, the computer-adaptive college placement assessment and the jobs skills assessment test and shall schedule a day during which examinations shall be provided. The date for administration of the college entrance examination in grade eleven (11) shall be selected so that following receipt of scores, students may timely register for senior year classes which may be necessary to allow the student to qualify for a state provided scholarship. The computer adaptive college placement assessment shall be optional and all students in grade twelve (12) shall be provided at least one (1) opportunity to take the assessment during the school year. The ~~director~~state superintendent may enter into agreements with an administrator of the college entrance examination and the computer-adaptive college placement assessment and an administrator of the jobs skills assessment test and adopt rules as necessary to ensure compliance with any requirements of an administrator, such as a secure environment. Waivers may be granted for the examinations and tests required by this paragraph for students with disabilities in accordance with the provisions of the federal No Child Left Behind Act of 2001 and the federal Individuals with Disabilities Education Act. Alternate assessments and accommodations shall be offered by the ~~director~~state superintendent in accordance with rule and regulation;

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

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(c) In addition to subsection (a) of this section, the ~~director~~state superintendent may take appropriate administrative action with the state board as necessary, including but not limited to the changing of accreditation status, against any school district or state institution failing to comply with any applicable law or with the uniform educational program standards specified under W.S. 21-9-101 and 21-9-102 and the student content and performance standards prescribed by the state board.

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

(e) In addition to paragraph (a)(i) of this section, the ~~director~~state superintendent shall promulgate rules and regulations governing the administration of the Wyoming education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-309, and governing the operation of the model in determining school district foundation program payments in accordance with chapter 13, article 3 of this title and other applicable law. The block grant model, as defined under W.S. 21-13-101(a)(xiv) and as maintained under this subsection, shall be made available for public inspection by the ~~director~~state superintendent in electronic format. Copies of the block grant model spreadsheets as administered under department rule and regulation shall be provided to school districts by the ~~director~~state superintendent for district use in district budgeting and in complying with mandatory financial reporting requirements imposed under W.S. 21-13-307(b) and by other provisions of law. To maintain the integrity of the block grant model, copies of the model and model spreadsheets made available under this subsection for public inspection and school district use shall be by

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protected version only, prohibiting the editing of model components, model data and model formulas. Following adoption of any recalibration of or modification to the block grant model by the Wyoming legislature, and prior to computing the foundation program amount for each school district under W.S. 21-13-309(p) and determining the amount to be distributed to a district under W.S. 21-13-311 or recaptured from a district subject to W.S. 21-13-102(b), the ~~director~~state superintendent shall certify to the legislature that the block grant model as enacted by the legislature is properly incorporated into the administration of the model for the appropriate school year of model application and is made available for public inspection. Technical corrections to model spreadsheets necessary for model administration between any session of the legislature shall be implemented by the ~~director~~state superintendent, shall be in accordance with procedures specified by rule and regulation filed with the secretary of state, shall be reported to the legislature together with the associated fiscal and technical impact of the correction, and shall be incorporated into the electronic version of the model available for public inspection. As used in this subsection, "technical corrections to model spreadsheets" means corrections necessary to ensure model operation and current school year district payments are in accordance with law and the model is properly computing school foundation program payments to school districts as required by law. Notwithstanding W.S. 16-3-114(c), no judicial review of rules promulgated and adopted under this subsection shall hold unlawful or set aside action of the ~~director~~state superintendent in promulgating or adopting rules unless the rules are by clear and convincing evidence, shown to exceed statutory authority.

21-2-203. School district data collection and funding model administration; duties and responsibilities

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specified; data advisory committee; school district compliance.

(a) The department shall collect data for the state's school finance system and in accordance with rule and regulation of the ~~director~~state superintendent, administer the Wyoming education resource block grant model adopted by the Wyoming legislature pursuant to W.S. 21-13-309. As used in this section, "school finance system" means all statutes related to the terms and conditions under which funds from Wyoming sources are made available under Wyoming law to the public schools for school operations. The school finance system established following a 1995 Wyoming supreme court decision, and subsequently modified and recalibrated as required under W.S. 21-13-309(t), is extremely complex and requires timely and accurate data to be administered fairly and accurately. It is essential that a single entity be established to ensure that fair and accurate administration is accomplished.

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

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

(viii) Assist the ~~director~~state superintendent in implementing W.S. 21-13-309(m)(v)(D) and assist districts with computations necessary for reporting student

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career-vocational education participation and
career-vocational education instruction information;

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

(e) The following shall apply:

(ii) If a district superintendent fails to provide data or reports in compliance with law or rules regarding timeliness, format, completeness or accuracy, without good cause, the ~~director~~state superintendent shall:

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

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

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

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

(iv) Schools designated as meeting expectations shall file an improvement plan with the school district superintendent and the department. The plan shall be based upon an evaluation of the strengths and deficiencies of specific indicator scores that identifies appropriate improvement goals with an explanation of the measures and methods chosen for improvement, the processes to be implemented to deliver the improvement measures, identification of relevant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The ~~director~~state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes,

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measures and methods as contained in the school's plan. The representative shall assist the district, if requested, in identifying and securing the necessary resources to support the goals as stated by the school and the district;

(v) Schools designated as partially meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The ~~director~~state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing the necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may require that the school be subject to paragraph (vi) of this subsection;

(vi) Schools designated as not meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The ~~director~~state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to assist in drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall be recommended by the school district superintendent and approved by the local board of trustees prior to submission to the department. The plan shall describe the

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personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may be grounds for dismissal of the school principal;

(vii) A representative shall be appointed by the ~~director~~state superintendent for all schools designated under paragraphs (iv) through (vi) of this subsection to serve as a liaison between the school district leadership and the department. The representative shall be an employee of the department, an employee of a Wyoming school district or any combination, and may require more than one (1) individual for schools requiring substantial intervention and support. Additionally, one (1) representative may be assigned to more than one (1) school. Among other duties as may be requested by the district or department, the representative shall review and approve improvement plans submitted by schools in accordance with paragraphs (iv) through (vi) of this subsection. Requested resources for improvement plan implementation, or the reallocation of existing resources for plan implementation, shall be based upon a comprehensive review of the available research. Justification for resource allocation or reallocation shall be incorporated within the written improvement plan. The representative shall possess expertise appropriate to particular strategies incorporated within improvement plans to enable necessary plan evaluation, and shall be commensurate with the level of intervention, support and consequences to be administered under this subsection. The ~~director~~state superintendent shall annually report to the state board on the progress of each school in meeting annual goals and overall improvement

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targets, fully describing the effectiveness and deficiencies of efforts to improve school performance in performance categories prescribed by this section;

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

(j) Beginning school year 2014-2015, and each school year thereafter, the state board shall through the ~~director~~ state superintendent, annually review the statewide education accountability system, including but not limited to a review of the appropriateness of the performance indicators, the measures used to demonstrate performance, the methods used to calculate school performance, the target levels and statewide, district and school attainment of those levels and the system of support, intervention and consequences. Not later than September 1, 2015, and each September 1 thereafter, the state board shall report to the joint education interim committee on the information required under this subsection and the results of the accountability system for each school in the state.

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

(c) Notwithstanding subsection (a) of this section, the superintendent of public instruction ~~and the director~~

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shall not participate in board deliberations on or vote on any matter relating to a contested case involving actions of the department of education.

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

(a) The state board of education shall:

(i) Establish policies for public education in this state consistent with the Wyoming Constitution and statutes and may promulgate rules necessary or desirable for the proper and effective implementation of this title and its responsibilities under this title. Nothing in this section shall give the state board rulemaking authority in any area specifically delegated to the state superintendent; ~~or the director;~~

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

(vi) Subject to and in accordance with W.S. 21-2-204, through the ~~director~~ state superintendent and in

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consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate achievement, growth, readiness and equity as required by W.S. 21-2-204. The state board, ~~through the director,~~ shall establish performance targets as required by W.S. 21-2-204(e), establish a progressive multi-tiered system of supports, interventions and consequences as required by W.S. 21-2-204(f) and shall establish a statewide reporting system pursuant to W.S. 21-2-204(h). The system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k). In addition and for purposes of complying with requirements under the federal No Child Left Behind Act of 2001, the board shall by rule and regulation provide for annual accountability determinations based upon adequate yearly progress measures imposed by federal law for all schools and school districts imposing a range of educational consequences and supports resulting from accountability determinations;

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

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

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

21-2-306. Reports of state superintendent and state board.

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

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

(a) Each school district of this state having any school age children residing in the district who possess any of the disabilities covered under this article shall, subject to the rules and regulations of the ~~director~~ state superintendent, provide for the appropriate diagnosis, evaluation, education or training and necessary related services and may include, but is not limited to room and board, for those children. If the school district is unable to provide the necessary and appropriate programs and services, it shall contract with another school district or agency to obtain them. If the programs and services cannot reasonably be provided by the district or by interdistrict contracts, the ~~director~~ state superintendent shall assist local boards of trustees in arranging for the appropriate educational programs and services either within or without the state pursuant to its rules and regulations and financed as provided by law.

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21-2-701. Definitions.

(a) As used in this act:

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

21-2-703. Superintendent duties; division duties.

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

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

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

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

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

(m) In accordance with criteria and guidelines established by the ~~director of the department of education~~ state superintendent of public instruction, the board shall

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submit data elements collected from school administrators, teachers and other school district personnel certified under this article to the department of education for housing in the department's data base repository.

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

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

(i) Prescribe and enforce rules, regulations and policies for its own government and for the government of the schools under its jurisdiction. Rules and regulations shall be consistent with the laws of the state and rules and regulations of the state board, ~~the director~~ and the state superintendent and shall be open to public inspection;

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

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

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

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(xxix) Beginning in school year 2012-2013, and each school year thereafter, administer a program where all students enrolled in the eleventh and twelfth grades in the district shall be required to take or be provided the opportunity to take, on a date specified by the ~~director of the department of education~~ state superintendent, a standardized, curriculum based, achievement college entrance examination, a computer-adaptive college placement assessment or a jobs skills assessment test in accordance with W.S. 21-2-202(a)(xxx). Each school district shall provide the opportunity for all home school and private school students in the eleventh and twelfth grades and residing within the district to take the examinations or the jobs skills assessment test at no cost to the student on the same date administered to all eleventh and twelfth grade public school students in the state. The results of the examinations or jobs skills assessment test taken shall be included in each student's transcript;

(xxxix) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. ~~21-2-201(e)(iii)~~ 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. ~~21-2-201(e)(iii)~~ 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

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21-3-117. Duties of clerk of school district.

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

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

(ii) Cause to be filed copies of all reports made to the ~~director~~state superintendent and all papers transmitted to him by school officers or other persons pertaining to the business of the district. After two (2) years have elapsed from the date of filing, microfilm copies may be treated as originals;

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

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

21-3-401. Reading assessment and intervention.

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(d) The ~~director~~state superintendent, in consultation with Wyoming school districts, professionals in the area of dyslexia and other reading difficulties, and other appropriate stakeholders, shall promulgate rules and regulations as necessary to administer the reading assessment and intervention program pursuant to this statute.

21-4-401. Transportation or maintenance for isolated pupils.

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

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

(b) Subject to amounts appropriated by the legislature, the ~~director~~state superintendent of public instruction shall enter into negotiations with the individual or joint business councils of the Eastern Shoshone and Northern Arapaho Indian Tribes to determine the appropriate contractual arrangements for the provision

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of education programs and services addressing Indian students at risk of failure in school and other programs and services essential to the success and welfare of these students as specified under subsection (a) of this section. Contractual arrangements entered into under this subsection shall include a requirement that the expenditure of contractual amounts, as verified annually in writing, is for programs tied to improvement of student performance on the statewide assessment. For purposes of this section, the ~~director~~state superintendent shall include an amount within his biennial budget request which is computed in accordance with subsection (c) of this section to provide a per student amount that when nonstate funding sources are considered, is comparable to per student amounts provided for public schools under the Wyoming education resource block grant model.

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

21-6-219. Adjustment of state foundation entitlement.

(a) When two (2) or more districts or parts of districts are organized into a school district and the total fiscal resources of the new school district are less than the combined fiscal resources of the districts the last year before organization, then the ~~director~~state superintendent shall adjust the state foundation entitlement to compensate for the differences in fiscal resources. The adjustment shall be equal to one hundred percent (100%) of the initial difference in each of the

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first two (2) fiscal years after the new organization, fifty percent (50%) of the initial difference in the third fiscal year and twenty-five percent (25%) of the initial difference in the fourth fiscal year. The adjustment shall also provide reimbursement for expenses incurred by the school districts involved in the new organization. Expenses which are reimbursable shall be determined in accordance with rules adopted by the ~~director~~state superintendent, shall not exceed one hundred thousand dollars (\$100,000.00), and shall be paid in equal amounts over a period not to exceed three (3) fiscal years.

(b) When any district consolidates two (2) or more schools within the district and the total state aid to the district would decrease because of the consolidation, the ~~director~~state superintendent shall adjust the state foundation entitlement to compensate for the decrease for not more than one (1) year.

21-13-101. Definitions.

(a) As used in this chapter:

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

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

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

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

(b) Within the limits of legislative appropriation, if any, the resources of the public school foundation account shall be paid into the state treasury and shall be drawn out and distributed to the districts upon certification of the ~~director~~state superintendent and upon vouchers approved by the state auditor payable to the treasurer of the several districts.

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

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

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

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

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

(iv) The district shall provide evidence to the ~~director~~state superintendent that the district has maintained an average student-teacher ratio of not greater than sixteen (16) to one (1) for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding school year. The requirement of this paragraph may be waived by the department of education

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

(b) Each district shall provide financial reports to the department on forms and in such manner required by the department under W.S. 21-2-203 and by rules and regulations promulgated by the ~~director~~state superintendent of public instruction pursuant to this article. In administering this article, the ~~director~~state superintendent may conduct audits of information submitted by districts under this article as necessary to administer and perform computations pertaining to the cost components within the education resource block grant model, and may, after consulting and negotiating with the school district, correct the

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information reported by districts under this article to fairly and accurately reflect the data type, classification and format necessary to perform computations required to administer the school finance system established under this article.

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 ~~director~~state superintendent shall:

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

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

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

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

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

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

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

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

(i) The ~~director~~state superintendent shall determine a uniform percentage by which the amount guaranteed to each district under W.S. 21-13-309 shall be reduced so that available revenues in the foundation program account for that school year are as nearly as possible equal to the amount necessary to fund payments to districts under W.S. 21-13-313; and

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

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

(b) The ~~director~~state superintendent shall determine on or before August 15 of each year the tentative allotment of foundation funds to which each district is entitled under this article. In making this determination, the ~~director~~state superintendent may, if current fiscal information required by law to compute the tentative allotment is not available for any district by August 1 of that year, use fiscal information available to the ~~director~~state superintendent from the foundation program computations of the previous school year for that district. The previous year's fiscal information shall be adjusted to reflect current fiscal changes and other information known by or available to the ~~director~~state superintendent. Upon receiving actual fiscal information from a district, the ~~director~~state superintendent shall accordingly adjust future foundation program determinations for that district such that foundation program payments appropriately reflect current fiscal information for the applicable school year.

(c) Fifteen percent (15%) of each district's entitlement shall be paid to the district on or before August 15 of each year and subject to any adjustment under

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subsections (d) and (e) of this section, ten percent (10%) of each district's entitlement shall be paid on or about the fifteenth day of each month through April of each year. The final payment for the balance of each district's entitlement shall be distributed on or before May 15 of each year. If, after March 1 and before April 1, the ~~director~~state superintendent determines that the entitlement to be paid to a district for that school year is not accurate, the ~~director~~state superintendent shall adjust payments to or payments from that district as necessary to correct the inaccuracy as soon as practicable. Except as provided under W.S. 21-2-202(e), after March 31 of any school year, the ~~director~~state superintendent shall not adjust any district's entitlement or fiscal information used to compute a district's entitlement for that school year, and the entitlement or fiscal information shall only be adjusted thereafter in accordance with audit review pursuant to W.S. 9-1-513.

(g) In addition to subsections (b) and (c) of this section, the ~~director~~state superintendent shall, for any district subject to W.S. 21-13-102(b) as determined by the department for any school year, or for any district not subject to W.S. 21-13-102(b) whose entitlement amount determined under W.S. 21-13-311(a) for any school year is equal to or less than twenty percent (20%) of the foundation program amount computed under W.S. 21-13-309(p), and upon demonstration by the district of financial need as documented by cash flow analysis, provide payments from the school foundation program account in an amount not to exceed one-fifth (1/5) of the foundation program amount computed for that district for that school year in accordance with W.S. 21-13-309. The computed amount shall be paid to each eligible district on or before September 1 based upon tentative computations under W.S. 21-13-309, for which the department may use fiscal information available

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from foundation program computations for the previous school year in the manner provided under subsection (b) of this section. Any district receiving a payment under this subsection and repaying the foundation program account by December 15 of that school year shall not be assessed interest. After December 15, the district shall be assessed interest at a rate equal to the rate specified by W.S. 21-13-316(a) until the payment is repaid in full. In no event shall an advance payment under this subsection extend beyond and remain unpaid by any district, including interest, on and after June 15 of that school year.

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

(a) The school facilities commission is established to consist of ~~nine (9)~~ eight (8) members comprised of the state superintendent of public instruction, ~~and the director of the department of education,~~ who shall serve in an ex-officio, nonvoting capacity, and seven (7) members who are Wyoming residents appointed by the governor with one (1) member appointed from each of the seven (7) appointment districts designated in W.S. 9-1-218(b). Four (4) of the appointees shall have knowledge and experience in the following areas:

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

The government of the university is vested in a board of twelve (12) trustees appointed by the governor, no two (2) of whom may be residents of the same county of the state. At least one (1) trustee shall be appointed from each appointment district pursuant to W.S. 9-1-218. Not more

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than seven (7) members of the board shall be registered in the same political party. The governor, the president of the university, the state superintendent of public instruction, ~~the director of the department of education~~ and the president of the associated students of the university are members ex officio, having the right to speak, but not to vote. A majority of the board is a quorum.

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

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

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

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

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

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

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

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

(xxxii) By rule and regulation, establish requirements for school district policies and training regarding the use of seclusion and restraint in schools as required under W.S. 21-3-110(a)(xxxi). The state superintendent shall review the policy of each district for compliance with the requirements of W.S. 21-3-110(a)(xxxi) and rules and regulations promulgated pursuant to this paragraph. If the state superintendent determines that the policy is not in compliance under this paragraph the superintendent shall direct the board of trustees to revise the policy and shall, upon request, assist the board in the adoption of the policy;

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

Section 3. W.S. 21-2-201(b) and (c)(vi) is renumbered as 21-2-202(f) and further amended to read:

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

(f) Not later than October 15 each year, the state superintendent shall prepare a report on the general status of all public schools for the legislature. The report shall include the quality of education including any proposed improvement to address any shortfalls, the relevance of education, the measurement of achievement of educational goals, the improvement of learning and any suggested innovations in education. The state superintendent shall identify professional development needs for Wyoming schools and teachers based upon the analysis of the quality indicators specified under this subsection, establish a plan to address the professional development needs, contract with necessary expertise to provide professional development to Wyoming certified teachers and conduct up to five (5) regional workshops each year providing the identified professional development needs.

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

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

Section 4.

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

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

Section 6. To the extent the provisions of this act conflict with provisions enacted prior to the effective date of this act and relate to the charge of the state superintendent of public instruction to generally supervise education as provided herein, the provisions of existing law are superseded by this act as enacted into law and this act shall prevail.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk