

HOUSE BILL NO. HB0236

School finance-omnibus education funding.

Sponsored by: House Education Committee

A BILL

for

1 AN ACT relating to school finance; an omnibus bill
 2 addressing education funding through revisions of the
 3 existing education funding formula, providing additional
 4 revenue and transferring existing revenues; establishing a
 5 joint select committee on education funding; requiring
 6 reports; providing appropriations; providing sunset dates;
 7 and providing for effective dates.

8

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

10

11 **Section 1.** W.S. 9-4-219, 9-4-601(a)(ii) and (d)(iii),
 12 9-4-719(f), 21-13-101(a)(i), (xiv) and (xvii), 21-13-306 by
 13 creating a new subsection (d), 21-13-307(a)(ii)(intro),
 14 21-13-309(m)(v)(intro), (B)(IV)(intro), by creating a new
 15 subdivision (V) and (C), 21-13-315(b), 21-13-320(a),
 16 21-13-321(b), 21-15-111(a)(i), 39-14-801(b)(intro) and by

1 creating a new paragraph (iii), 39-15-104 by creating a new
2 subsection (h), 39-15-111(b)(intro) and by creating a new
3 subsection (p), 39-16-104 by creating a new subsection (g)
4 and 39-16-111(b)(intro) and by creating a new subsection
5 (p) are amended to read:

6

7 **9-4-219. Legislative stabilization reserve account**
8 **created; purposes.**

9

10 (a) The legislative stabilization reserve account
11 created by 2005 Wyoming Session Laws, Chapter 191, Section
12 4, Section 301(d) is continued and codified. Funds within
13 the account shall only be expended by legislative
14 appropriation. All funds within the account shall be
15 invested by the state treasurer and all investment earnings
16 from the account shall be credited to the general fund.

17

18 (b) To the extent funds are available, an amount
19 necessary to restore the balance within the public school
20 foundation program account created in W.S. 21-13-306(a) to
21 one hundred million dollars (\$100,000,000.00) on June 30 of
22 each fiscal year shall be transferred from the legislative
23 stabilization reserve account into the public school

1 foundation program account. This subsection is repealed the
2 month immediately following the date that the state auditor
3 and the state treasurer first certify to the governor and
4 the department of revenue that the amount in the
5 legislative stabilization reserve account is less than five
6 hundred million dollars (\$500,000,000.00).

7
8 **9-4-601. Distribution and use; funds, accounts,**
9 **cities and towns benefited; exception for bonus payments.**

10
11 (a) All monies received by the state of Wyoming from
12 the secretary of the treasury of the United States under
13 the provisions of the act of congress of February 25, 1920
14 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or
15 from lessees or authorized mine operators and all monies
16 received by the state from its sale of production from
17 federal mineral leases subject to the act of congress of
18 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,
19 191) as amended, except as provided by subsection (b) of
20 this section, shall be deposited into an account and the
21 first two hundred million dollars (\$200,000,000.00) of
22 revenues received in any fiscal year shall be distributed
23 by the state treasurer as provided in this subsection. One

1 percent (1%) of these revenues shall be credited to the
2 general fund as an administrative fee, and the remainder
3 shall be distributed as follows:

4

5 (ii) ~~Subject to paragraph (xi) of this section,~~
6 Forty-four and eight-tenths percent (44.8%) to the public
7 school foundation program account subject to allocations
8 under W.S. 9-4-605;

9

10 (d) Any revenue received under subsection (a) of this
11 section in excess of two hundred million dollars
12 (\$200,000,000.00) shall be distributed as follows:

13

14 (iii) Subject to paragraphs (v), and (vi) and
15 ~~(viii)~~ of this subsection, one-third (1/3) to the school
16 foundation program account;

17

18 **9-4-719. Investment earnings spending policy**
19 **permanent funds.**

20

21 (f) There is created the common school permanent fund
22 reserve account. ~~Beginning July 1, 2015 for fiscal year~~
23 ~~2016 and~~ On July 1 of each fiscal year ~~thereafter,~~ the

1 state treasurer shall transfer unobligated funds from this
2 account to the common school account within the permanent
3 land income fund as necessary to ensure that an amount
4 equal to ~~two and one-half percent (2.5%)~~ five percent (5%)
5 of the previous five (5) year average market value of the
6 common school account within the permanent land fund,
7 calculated from the first day of the fiscal year is
8 available for expenditure annually during the fiscal year.
9 ~~As soon as possible after the end of each of the fiscal~~
10 ~~years beginning on and after July 1, 2000, revenues in this~~
11 ~~account in excess of ninety percent (90%) of the spending~~
12 ~~policy amount shall be credited to the common school~~
13 ~~account within the permanent land fund.~~

14

15 **21-13-101. Definitions.**

16

17 (a) As used in this chapter:

18

19 (i) "Average daily membership" or "ADM" means
20 the aggregate number of pupils present on an hourly basis
21 plus the aggregate number of pupils absent on an hourly
22 basis, divided by the actual number of ~~days~~ hours the
23 school is in session for the year. If the school operates

1 using class periods, "ADM" means the ratio of class periods
2 pupils are present to the actual number of class periods in
3 a school for the number of days pupils are counted as
4 members. Pupils who have withdrawn from school or who have
5 been absent for more than ten (10) consecutive calendar
6 days shall not be counted as members;

7
8 (xiv) "Education resource block grant model"
9 means the block grant model for Wyoming school finance
10 contained within the enumeration of model components
11 summarizing and executing recommendations within the ~~2010~~
12 2015 cost of education study as modified by the legislature
13 and as referenced in paragraph (xvii) of this subsection.
14 ~~and~~ "Education resource block grant model" or "model"
15 includes model spreadsheets ~~provided by the consultant~~
16 ~~performing the 2010 cost of education study~~ updated with
17 technical corrections, all of which are enacted into law,
18 on file with the secretary of state and are maintained and
19 made available for public inspection by the state
20 superintendent under W.S. 21-2-202(e), and as may be
21 subsequently modified by the legislature prior to future
22 model recalibration required under W.S. 21-13-309(t);

23

1 (xvii) "Attachment A" to ~~2011 House Bill 0127~~
2 2017 House Bill 0236 consists of an enumeration of model
3 components as enacted into law, summarizing and executing
4 recommendations contained within the ~~2010—2015~~ cost of
5 education study, as modified by the legislature, and is
6 hereby incorporated into this chapter by this reference;

7
8 **21-13-306. Foundation program account established;**
9 **disposition of monies.**

10
11 (d) On July 1, 2018 and each year thereafter, the
12 state treasurer shall certify the amount deposited under
13 W.S. 39-14-801(b)(iii). An amount equal to the amount
14 certified by the state treasurer under this subsection is
15 appropriated and shall be transferred from the general fund
16 into the public school foundation program account created
17 in W.S. 21-13-306(a). This subsection is repealed June 30,
18 2023.

19
20 **21-13-307. Eligibility to share in distribution of**
21 **money from foundation account; mandatory financial**
22 **reporting.**

23

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

4
5 (ii) Operated all schools for a term of at least
6 ~~one hundred eighty-five (185)~~ one hundred eighty (180) days
7 or the number of days or equivalent hours authorized under
8 an alternative schedule approved by the state board during
9 the previous school year. If the school term of any school
10 in a district was less than ~~one hundred eighty-five (185)~~
11 one hundred eighty (180) days or less than the total number
12 of days authorized under an alternative schedule approved
13 by the state board, the amount allotted per average daily
14 membership (ADM) under W.S. 21-13-309 for the school shall
15 be in proportion to the length of the term the school
16 actually operated, unless caused by closures of schools:

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

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

1

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

14

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

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

3
4 (IV) Except as otherwise provided in
5 subdivision (V) of this subparagraph, on and after July 1,
6 2014, and if not qualifying under subdivision (I) of this
7 subparagraph, be approved by the state superintendent
8 subject to the following:

9
10 (V) No new alternative school shall be
11 approved under this subparagraph during the period
12 beginning March 15, 2017 and ending June 30, 2019.

13
14 (C) Salaries for all school and district
15 level staffing categories, including teachers, principals
16 and assistant principals, central office administrators,
17 secretarial and clerical staff, operations and maintenance
18 staff and aides and media technicians, shall be based upon
19 average statewide salary levels calibrated ~~for school year~~
20 ~~2005-2006~~ under "Attachment A" for each staffing category,
21 adjusted under subsection (o) of this section, including
22 the experience, education and responsibility level as
23 appropriate and as computed for each staffing category.

1 The statewide average for each staffing category shall be
2 adjusted for each district based upon the district
3 experience, education and responsibility level relative to
4 the statewide average for that category. District
5 experience, education and responsibility level by
6 appropriate staffing category shall be updated each year
7 such that district adjustments reflect the prior school
8 year staffing information. The district adjusted average
9 salary for each staffing category shall be further adjusted
10 for regional cost differences as measured by the greater of
11 the hedonic wage index or the Wyoming cost-of-living index
12 computed by the division of economic analysis, department
13 of administration and information, with a minimum of one
14 hundred (100) index value, as prescribed by the education
15 resource block grant model. For purposes of the education
16 resource block grant model, the version of the Wyoming
17 cost-of-living index used by the division shall be based
18 upon the unrecalibrated housing cost index weights unless
19 otherwise determined by the legislature based upon
20 recommendation of the joint education interim committee.
21 In addition, the version of the Wyoming cost-of-living
22 index applied under this subparagraph for any school year
23 shall be the average of the six (6) consecutive semi-annual

1 index reports completed by January 1 of the immediately
2 preceding school year;

3

4 **21-13-315. Costs of court ordered placement of**
5 **children in private residential treatment facilities, group**
6 **homes, day treatment programs and juvenile detention**
7 **facilities.**

8

9 (b) Except to the extent costs are covered under
10 subsection (n) of this section, the department of education
11 using federal or foundation funds, or both, shall pay for
12 the allowable education costs of juvenile and district
13 court ordered placements of children residing in private
14 treatment facilities and group homes where a fee is
15 charged, including court ordered placements in programs for
16 children with disabilities provided by a board of
17 cooperative educational services. No district shall receive
18 funds, either directly or indirectly, from any facility or
19 home receiving payment under this section for providing
20 education programs and services to children placed and
21 residing in the facility or home, but the district may
22 count the children among its average daily membership if
23 the district provides education services directly to the

1 children or contracts with another district to provide
2 education services to the children. The department of
3 education shall adopt reasonable rules and regulations
4 prescribing standards and allowable costs for educational
5 program services funded under this section. Standards shall
6 be subject to W.S. 21-9-101 and 21-9-102 and rules and
7 regulations of the state board and shall be designed to fit
8 the unique populations of residential centers, group homes,
9 programs and services provided by boards of cooperative
10 educational services and out of state placement facilities.

11

12 **21-13-320. Student transportation; amount within**
13 **school foundation program formula for transportation**
14 **maintenance and operations expenditures and school bus**
15 **purchases; district reporting requirements.**

16

17 (a) The amount provided for the transportation of
18 school children within the education resource block grant
19 model pursuant to W.S. 21-13-309(m)(v)(E)(I) shall be
20 computed in accordance with this section. Notwithstanding
21 subsections (b) through (f) of this section, effective for
22 school year 2018-2019 and each year thereafter, the amount
23 computed for each school district under this section shall

1 equal the amount the district expended under this section
2 in school year 2016-2017 plus any amounts provided under
3 subsection (f) of this section for buses purchased or
4 leased prior to the effective date of this section. On or
5 after the effective date of this subsection, no school
6 district shall purchase or lease a new bus unless the
7 district applies to the department of education and the
8 department determines that an emergency exists
9 necessitating the purchase or lease of a new bus.

10
11 **21-13-321. Special education; amount within**
12 **foundation program formula for special education programs**
13 **and services; district reporting requirements.**

14
15 (b) Except as otherwise provided in this subsection,
16 the amount provided for special education within the
17 education resource block grant model pursuant to W.S.
18 21-13-309(m) (v) (E) (II) shall be equal to one hundred
19 percent (100%) of the amount actually expended by the
20 district during the previous school year for special
21 education programs and services. Notwithstanding
22 subsections (d) through (g) of this section, effective for
23 school year 2018-2019 and each year thereafter, the amount

1 computed for each school district under this section shall
2 equal the amount the district expended under this section
3 in school year 2016-2017 plus one hundred percent (100%) of
4 the amount actually expended by the district during the
5 previous school year for tuition for special education
6 programs and services provided outside of the district.

7
8 **21-15-111. Definitions.**

9
10 (a) As used in this act, unless the context requires
11 otherwise:

12
13 (i) "Capital construction account" or "school
14 capital construction account" means the account into which
15 revenues are deposited pursuant to W.S. 9-4-305(b), and
16 9-4-601(a)(vii), (b)(i) and (iv), and ~~21-13-306(c),~~ into
17 which the proceeds from any revenue bonds are credited
18 under W.S. 21-15-108, and into which any other funds are
19 appropriated to the account for purposes of this act. Funds
20 within the account shall be expended only for purposes of
21 and in the manner prescribed by this act;

22

1 **39-14-801. Severance tax distributions; distribution**
2 **account created; formula.**

3
4 (b) Before making distributions from the severance
5 tax distribution account under subsections (c) through (e)
6 of this section, an amount equal to two-thirds (2/3) of the
7 amount of tax collected under W.S. 39-14-104(a)(i) and
8 (b)(i) and 39-14-204(a)(i) for the same period shall be
9 deposited into the permanent Wyoming mineral trust fund,
10 except for the period from March 15, 2016 through June 30,
11 ~~2018-2022~~ these funds shall be deposited as follows:

12
13 (iii) For fiscal years 2019 through 2022, these
14 funds shall be deposited to the general fund.

15
16 **39-15-104. Taxation rate.**

17
18 (h) Effective on the date specified in this
19 subsection, in addition to the sales tax under subsections
20 (a) and (b) of this section there is imposed an additional
21 sales tax of one-half of one percent (0.5%) which shall be
22 administered as if the sales tax rate under subsection (b)
23 of this section was increased from four percent (4%) to

1 four and one-half percent (4.5%). The revenue from the
2 additional one-half of one percent (0.5%) shall be
3 distributed as provided in W.S. 39-15-111(p). This
4 paragraph is effective beginning the month immediately
5 following the date that the state treasurer first certifies
6 to the governor and the department of revenue that the
7 amount in the legislative stabilization reserve account is
8 less than five hundred million dollars (\$500,000,000.00).
9 This paragraph is repealed on July 1 of the year
10 immediately following the year that the state
11 superintendent certifies to the governor and the department
12 of revenue that amounts received from W.S.
13 39-13-104(a)(iv), (b)(ii) and (d)(i) for that year account
14 for at least sixty-five percent (65%) of the funds required
15 for the total school foundation amount under W.S.
16 21-13-309(p) plus any additional amounts distributed to
17 school districts in excess of W.S. 21-13-309(p), not
18 including any amounts distributed under W.S. 21-15-109,
19 21-15-118 and 21-15-120.

20

21 **39-15-111. Distribution.**

22

1 (b) Revenues earned under W.S. 39-15-104 during each
2 fiscal year shall be recognized as revenue during that
3 fiscal year for accounting purposes. Except for revenue
4 collected through the tax under W.S. 39-15-104(h) as
5 provided in subsection (p) of this section, for all revenue
6 collected by the department under W.S. 39-15-104 the
7 department shall:

8
9 (p) For all revenue collected by the department under
10 W.S. 39-15-104(h), the department shall credit one hundred
11 percent (100%) to the public school foundation program
12 account created under W.S. 21-13-306(a).

13
14 **39-16-104. Taxation rate.**

15
16 (g) Effective on the date specified in this
17 subsection, in addition to the use tax under subsections
18 (a) and (b) of this section there is imposed an additional
19 use tax of one-half of one percent (0.5%) which shall be
20 administered as if the use tax rate under subsection (b) of
21 this section was increased from four percent (4%) to four
22 and one-half percent (4.5%). The revenue from the
23 additional one-half of one percent (0.5%) shall be

1 distributed as provided in W.S. 39-16-111(p). This
2 paragraph is effective beginning the month immediately
3 following the date that the state auditor and state
4 treasurer first certify to the governor and the department
5 of revenue that the amount in the legislative stabilization
6 reserve account is less than five hundred million dollars
7 (\$500,000,000.00). This paragraph is repealed on July 1 of
8 the year immediately following the year that the state
9 superintendent certifies to the governor and the department
10 of revenue that amounts received from W.S.
11 39-13-104(a)(iv), (b)(ii) and (d)(i) for that year account
12 for at least sixty-five percent (65%) of the funds required
13 for the total school foundation amount under W.S.
14 21-13-309(p) plus any additional amounts distributed to
15 school districts in excess of W.S. 21-13-309(p), not
16 including any amounts distributed under W.S. 21-15-109,
17 21-15-118 and 21-15-120.

18

19 **39-16-111. Distribution.**

20

21 (b) Revenues earned under this article during each
22 fiscal year shall be recognized as revenue during that
23 fiscal year for accounting purposes. Except for revenue

1 collected through the tax under W.S. 39-16-104(g) as
2 provided in subsection (p) of this section, revenue
3 collected by the department from the taxes imposed by this
4 article shall be transferred to the state treasurer who
5 shall, as specified by the department:
6

7 (p) For all revenue collected by the department under
8 W.S. 39-15-104(g), the department shall credit one hundred
9 percent (100%) to the public school foundation program
10 account created under W.S. 21-13-306(a).
11

12 **Section 2.** W.S. 9-4-601(a)(xi) and (d)(viii),
13 9-4-719(r), 21-13-306(c), 21-13-306.1, 21-13-307(a)(iv),
14 21-13-334, 21-13-335, 21-15-122 and 2011 Wyoming Session
15 Laws, Chapter 185, ATTACHMENT "A" are repealed.
16

17 **Section 3.**
18

19 (a) During the 2017 interim, the joint education
20 interim committee shall review and determine a cost-based
21 amount to include within the education resource block grant
22 model for transportation funding and special education
23 funding pursuant to W.S. 21-13-309(t). The calibration of

1 transportation funding and special education funding shall
2 include a review of W.S. 21-13-320 and 21-13-321 and shall
3 recommend any necessary revisions to those sections. The
4 joint education interim committee shall sponsor legislation
5 it deems necessary related to calibration of those
6 components in sufficient time for consideration in the 2018
7 budget session of the Wyoming legislature.

8

9 (b) The joint education interim committee may seek
10 out expert opinions related to the issues specified in
11 subsection (a) of this section and may hire consultants as
12 necessary to complete the study and recommendations
13 required under this section. The department of education
14 and school districts shall provide any necessary data as
15 requested by the joint education interim committee.

16

17 (c) The legislative service office is authorized to
18 contract with consultants for the joint education interim
19 committee for the purposes of subsection (b) of this
20 section at the direction of management council.

21

22 **Section 4.**

23

1 (a) As provided in W.S. 21-13-309(m) (v) (B) (V), no new
2 alternative school shall be approved by any school district
3 or the state superintendent on or after the effective date
4 of this act until June 30, 2019 or thereafter. If any
5 alternative school is approved under W.S.
6 21-13-309(m) (v) (B) prior to the effective date of this act
7 but the school facilities for that alternative school have
8 not been constructed prior to the effective date of this
9 act, no design or construction funds shall be expended by
10 the school facilities division of the state construction
11 department to construct the facilities for that alternative
12 school until July 1, 2019 or thereafter. Nothing in this
13 section shall be deemed to prohibit expenditures related to
14 major maintenance for existing alternative school
15 facilities or to prohibit the completion of existing
16 construction projects if physical construction of the
17 project was commenced prior to the effective date of this
18 act.

19

20 (b) The joint education interim committee shall
21 conduct a study related to alternative schools and report
22 the results of the study along with any recommended
23 legislation to the legislature not later than November 30,

1 2018. The study under this subsection shall include a
2 review of existing alternative schools, other alternative
3 student placement options available to school districts and
4 outcome statistics available for students who are placed in
5 alternative schools.

6

7 **Section 5.**

8

9 (a) There is created a joint select committee on
10 education funding beginning on March 1, 2018 consisting of
11 sixteen (16) members as follows:

12

13 (i) Two (2) members of the house education
14 committee;

15

16 (ii) Two (2) members of the senate education
17 committee;

18

19 (iii) Two (2) members of the house revenue
20 committee;

21

22 (iv) Two (2) members of the senate revenue
23 committee;

1

2 (v) Two (2) members of the house appropriations
3 committee;

4

5 (vi) Two (2) members of the senate
6 appropriations committee;

7

8 (vii) Two (2) at-large members of the house of
9 representatives;

10

11 (viii) Two (2) at-large members of the senate.

12

13 (b) The speaker of the house of representatives shall
14 appoint the house members of the select committee not later
15 than March 1, 2018, one (1) of whom the speaker shall
16 designate as cochairman. Not more than six (6) members from
17 the house of representatives shall be from the same
18 political party. The president of the senate shall appoint
19 the senate members of the select committee not later than
20 March 1, 2018, one (1) of whom the president shall
21 designate as cochairman. Not more than six (6) members from
22 the senate shall be from the same political party.

23

1 (c) The select committee shall review the educational
2 program under W.S. 21-9-101 and complete a recalibration of
3 the education resource block grant model pursuant to W.S.
4 21-13-309(t) to determine if modifications are necessary to
5 ensure it remains cost-based in light of changing
6 conditions and modifications to law.

7

8 (d) The select committee shall also study and
9 recommend solutions to the projected budget shortfall for
10 funding related to public education in the state of
11 Wyoming. The select committee shall focus on three (3)
12 major issues related to school funding as follows:

13

14 (i) Options for use of savings;

15

16 (ii) Consideration of use of diversions of
17 existing revenue streams and investment income;

18

19 (iii) Options to increase revenues.

20

21 (e) The select committee shall also study and
22 recommend options for permanent funding solutions for
23 school capital construction and major maintenance.

1

2 (f) The cochairmen of the select committee shall
3 direct the formation of three (3) subcommittees of the
4 select committee to consider the issues specified in
5 subsection (d) of this section and report findings and
6 recommendations back to the full committee. The cochairmen
7 shall designate a chairman of each subcommittee formed
8 under this subsection.

9

10 (g) The select committee shall solicit input and
11 recommendations from the school finance data advisory
12 committee established under W.S. 21-2-203(d) related to the
13 issues specified in this section. The school finance data
14 advisory committee shall report to the select committee
15 within the timelines specified by the cochairmen in order
16 for the report of the school finance data advisory
17 committee to be considered prior to the date specified in
18 subsection (o) of this section.

19

20 (h) The governor shall appoint three (3) advisory
21 groups to provide input and recommendations to the three
22 (3) subcommittees of the select committee. The advisory
23 groups shall consist of not more than four (4) members

1 each. The governor shall ensure that the members of the
2 advisory groups include stakeholders representing school
3 districts, teachers, parents of students, taxpayers and the
4 general public, provided that no one (1) advisory group
5 shall be required to include representatives of all
6 stakeholders. Each member of an advisory group who is not a
7 state employee may receive per diem and mileage for
8 attending and traveling to and from select committee or
9 subcommittee meetings in the same manner and amount as
10 members of the Wyoming legislature.

11

12 (j) The select committee shall be staffed by the
13 legislative service office. The department of education,
14 the department of revenue, the department of workforce
15 services, the school facilities division of the state
16 construction department, the school facilities commission
17 and the state budget office shall serve in an advisory
18 capacity to the select committee and shall provide
19 technical and other information to the select committee
20 upon request.

21

22 (k) The select committee shall introduce legislation
23 consistent with its recommendations to the legislature for

1 consideration during the 2019 general session of the
2 legislature.

3

4 (m) The select committee may seek out expert opinions
5 related to the issues specified in subsections (c), (d) and
6 (e) of this section and may hire consultants as necessary
7 to complete the study and recommendations required under
8 this section. The legislative service office is authorized,
9 subject to the approval of management council, to contract
10 with consultants for the purposes of this subsection in
11 sufficient time for the select committee to complete
12 recalibration of the education resource block grant model
13 during the 2018 interim.

14

15 (n) The select committee, including meetings of
16 subcommittees, shall meet not less than seven (7) times
17 during the 2018 interim throughout the state in locations
18 as determined by the cochairmen. To the extent practical,
19 the select committee or a subcommittee of the select
20 committee shall meet at least once in each of the seven (7)
21 appointment districts as provided in W.S. 9-1-218(b).

22

1 (o) The select committee shall complete its work and
2 recommendations not later than December 31, 2018.

3

4 (p) The select committee created by this section
5 shall exist until December 31, 2018.

6

7 **Section 6.**

8

9 (a) There is appropriated one hundred twenty-two
10 thousand five hundred dollars (\$122,500.00) from the
11 legislative stabilization reserve account to the
12 legislative service office. This appropriation shall be for
13 the period beginning with the effective date of this act
14 and ending June 30, 2019. This appropriation shall only be
15 expended for the purposes of the joint select committee on
16 education funding as provided in section 5 of this act. Any
17 unexpended, unobligated funds remaining from this
18 appropriation shall revert as provided by law on June 30,
19 2019.

20

21 (b) There is appropriated forty-six thousand dollars
22 (\$46,000.00) from the legislative stabilization reserve
23 account to the governor's office. This appropriation shall

1 be for the period beginning with the effective date of this
2 act and ending June 30, 2019. This appropriation shall only
3 be expended for the purpose of providing reimbursement for
4 advisory group members under subsection (h) of section 5 of
5 this act. Notwithstanding any other provision of law, this
6 appropriation shall not be transferred or expended for any
7 other purpose and any unexpended, unobligated funds
8 remaining from this appropriation shall revert as provided
9 by law on June 30, 2019.

10

11 **Section 7.** On the effective date of this act, the
12 state treasurer shall transfer any unexpended and
13 unencumbered amounts from the school foundation program
14 reserve account to the common school spending policy
15 reserve account under W.S. 9-4-719(f).

16

17 **Section 8.**

18

19 (a) Except as otherwise provided in subsection (b) of
20 this section, this act is effective July 1, 2017.

21

22 (b) W.S. 21-13-320(a) as amended by section 1 of this
23 act and section 3 of this act are effective immediately

1 upon completion of all acts necessary for a bill to become
2 law as provided by Article 4, Section 8 of the Wyoming
3 Constitution.

4

5

ATTACHMENT "A"

6

ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION
7 RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND
8 EXECUTING RECOMMENDATIONS CONTAINED IN THE 2015 COST OF
9 EDUCATION STUDY, AS AMENDED BY THE LEGISLATURE, AS FOLLOWS:

10

11

(a) For purposes of this attachment:

12

13

(i) "ADM" means as defined under W.S.
14 21-13-101(a)(i) and reflects a per student computation;

15

16

(ii) "Educational materials category of model
17 components" includes the following:

18

19

(A) Instructional materials resourced under
20 paragraph (b)(xxii) of this attachment;

21

22

(B) Technology equipment resourced under
23 paragraph (b)(xxiii) of this attachment;

1

2 (C) The gifted component resourced under
3 paragraph (b) (xxiv) of this attachment;

4

5 (D) Vocational education as resourced under
6 paragraph (b) (xxv) of this attachment;

7

8 (E) Student activities as resourced under
9 paragraph (b) (xxvi) of this attachment;

10

11 (F) Professional development as resourced
12 under paragraph (b) (xxvii) of this attachment;

13

14 (G) Central office nonpersonnel expenses as
15 resourced under paragraph (b) (xxi) of this attachment;

16

17 (H) Assessment as resourced under paragraph
18 (b) (xxviii) of this attachment;

19

20 (J) Maintenance and operation supplies as
21 resourced under paragraph (b) (xxxiii) of this attachment.

22

1 (iii) "Energy category of model components"
2 includes the utility component as resourced under paragraph
3 (b)(xxxiv) of this attachment;

4

5 (iv) "FTE" means the full-time equivalency basis
6 as computed in accordance with guidelines prescribed by
7 rule and regulation of the department of education;

8

9 (v) "Nonprofessional labor category of model
10 components" includes aides, central office classified
11 staff, school secretaries, school clerical staff,
12 maintenance workers, groundskeepers and custodians
13 resourced under paragraph (b)(xxxv) of this attachment;

14

15 (vi) "Professional labor category of model
16 components" includes teachers, principals, assistant
17 principals, superintendents, assistant superintendents,
18 business managers and computer technicians resourced under
19 paragraph (b)(xxxv) of this attachment and substitute
20 teachers resourced under paragraph (b)(x) of this
21 attachment.

22

1 (b) Notwithstanding components specified in the 2015
2 cost of education study accepted by the legislature, the
3 Wyoming education resource block grant model components and
4 the resourcing for those components, as enacted by the
5 legislature, shall be as follows:

6

7 (i) Full-day kindergarten: Funded for all
8 elementary schools;

9

10 (ii) Class size:

11

12 (A) 16 for grades kindergarten through 5;

13

14 (B) 21 for grades 6 through 12.

15

16 (iii) Core teachers:

17

18 (A) Elementary school ADM divided by 16;

19

20 (B) Middle school ADM divided by 21;

21

22 (C) High school ADM divided by 21.

23

1 (iv) Elective/specialist teachers:

2

3 (A) Elementary schools: 20% of core
4 teachers;

5

6 (B) Middle schools: 33% of core teachers;

7

8 (C) High schools: 33% of core teachers.

9

10 (v) Minimum teachers:

11

12 (A) 6.0 FTE teacher positions for
13 elementary school grade bands with greater than 49 ADM;

14

15 (B) 8.0 FTE teacher positions for middle
16 school grade bands with greater than 49 ADM;

17

18 (C) 10.0 FTE teacher positions for high
19 school grade bands with greater than 49 ADM;

20

21 (D) For grade bands of 49 ADM or below,
22 provide 1.0 FTE teacher position for every 7 ADM with a
23 minimum of 1.0 FTE teacher position.

1

2

(vi) Instructional facilitators:

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22

(A) 0.90 FTE teacher position for 288 ADM prototypical elementary school for school year 2017-2018. 0.45 FTE teacher position for 288 ADM prototypical elementary school for school year 2018-2019 and each year thereafter;

(B) 0.90 FTE teacher position for 315 ADM prototypical middle or high school for school year 2017-2018. 0.45 FTE teacher position for 315 ADM prototypical middle or high school for school year 2018-2019 and each year thereafter;

(C) Resourced at the highest grade prototype using the total school ADM.

(vii) Core tutors:

(A) 1.0 teacher position for every 100 at-risk students as identified under W.S.

1 21-13-309(m) (v) (A) with a minimum of 1.0 FTE teacher
2 position for a 288 ADM prototypical elementary school;

3

4 (B) 1.0 teacher position for every 100
5 at-risk students as identified under W.S.

6 21-13-309(m) (v) (A) with a minimum of 1.0 FTE teacher
7 position for a 315 ADM prototypical middle or high school;

8

9 (C) Resourced at the highest grade
10 prototype using the total school ADM.

11

12 (viii) ELL teachers: 1.0 FTE teacher position
13 for every 100 ELL students as identified under W.S.
14 21-13-309(m) (v) (A);

15

16 (ix) Extended day and summer school:

17

18 (A) 0.15 FTE teacher position for every 30
19 at-risk students as identified under W.S.

20 21-13-309(m) (v) (A);

21

22 (B) Minimum of 0.5 FTE teacher position for
23 each district.

1

2 (x) Substitutes: Additional 5% of ADM generated
3 core teachers, specialist/elective teachers, core tutors,
4 at-risk tutors, instructional facilitators, ELL teachers,
5 and minimum teachers, at \$100.70/day plus 7.65% for
6 benefits;

7

8 (xi) Supervisory aides:

9

10 (A) 2.0 FTE aide positions for 288 ADM
11 prototypical elementary school;

12

13 (B) 2.0 FTE aide positions for 315 ADM
14 prototypical middle school;

15

16 (C) 5.0 FTE aide positions for 630 ADM
17 prototypical high school;

18

19 (D) Resourced at the highest grade
20 prototype using total school ADM.

21

22 (xii) Pupil support:

23

1 (A) 1.0 teacher position for every 100
2 at-risk students as identified under W.S.
3 21-13-309(m) (v) (A) with a minimum of 1.0 FTE teacher
4 position for a 288 ADM prototypical elementary school;

5

6 (B) 1.0 teacher position for every 100
7 at-risk students as identified under W.S.
8 21-13-309(m) (v) (A) with a minimum of 1.0 FTE teacher
9 position for a 315 ADM prototypical middle or high school;

10

11 (C) Resourced at the highest grade
12 prototype using the total school ADM.

13

14 (xiii) Guidance counselor: 1.0 FTE guidance
15 counselor position for every 250 middle and high school
16 ADM;

17

18 (xiv) Librarian:

19

20 (A) For elementary schools, 1.0 FTE
21 librarian position for a 288 ADM prototypical elementary
22 school, prorated above and below 288 ADM;

23

1 (B) For middle and high schools with less
2 than 105 ADM prorate a 1.0 FTE librarian position down.
3 For middle and high schools with ADM of 105 to 630 ADM
4 provide 1.0 FTE librarian position. For middle and high
5 schools with ADM greater than 630 ADM, prorate an
6 additional 1.0 FTE library position for every 630 ADM;

7

8 (C) Resourced at highest grade prototype
9 using total school ADM.

10

11 (xv) School computer technician: 1.0 FTE school
12 computer technician position for every 315 middle and high
13 school ADM, prorated up and down;

14

15 (xvi) Principal:

16

17 (A) 1.0 FTE principal position for all
18 schools down to 96 ADM for elementary schools, prorated by
19 ADM below 96 ADM;

20

21 (B) 1.0 FTE principal position for all
22 schools down to 105 ADM for a middle or high school,
23 prorated by ADM below 105 ADM;

1

2 (C) Resourced at highest grade prototype
3 using total school ADM.

4

5 (xvii) Assistant principal:

6

7 (A) 1.0 FTE assistant principal position
8 for an elementary school with 576 ADM, prorated down to 288
9 ADM. For elementary schools with more than 576 ADM an
10 additional 1.0 FTE assistant principal position for every
11 288 ADM;

12

13 (B) 1.0 FTE assistant principal position
14 for a middle or high school with 630 ADM, prorated down to
15 315 ADM. For middle or high schools with more than 630 ADM
16 an additional 1.0 FTE assistant principal position for
17 every 315 ADM;

18

19 (C) Resource at the highest grade prototype
20 using total school ADM.

21

22 (xviii) Secretary:

23

1 (A) 1.0 FTE secretary position for all
2 schools down to 96 elementary ADM and 105 middle and high
3 school ADM, prorated by ADM below these ADM levels;

4

5 (B) Additional 1.0 FTE secretary position
6 for every 288 elementary ADM starting at 288 elementary
7 ADM;

8

9 (C) Additional 1.0 FTE secretary position
10 for every 315 middle school ADM starting at 315 ADM;

11

12 (D) Additional 1.0 FTE secretary position
13 for every 630 high school ADM starting at 630;

14

15 (E) Resource at the highest grade prototype
16 using total school ADM.

17

18 (xix) Clerical:

19

20 (A) 1.0 FTE clerical position for 288
21 elementary school ADM, prorated by ADM below and above
22 prototypical level;

23

1 (B) 1.0 FTE clerical position for 315
2 middle school ADM, prorated by ADM below and above
3 prototypical level;

4

5 (C) 1.0 FTE clerical position for 315 high
6 school ADM, prorated by ADM below and above prototypical
7 level;

8

9 (D) Resource at the highest grade prototype
10 using total school ADM.

11

12 (xx) Central office staff:

13

14 (A) District ADM 500 and below: 3.0 FTE
15 administrative positions and 3.0 FTE classified positions;

16

17 (B) District ADM from 500 to 1,000:
18 Proration of 4.0 FTE administrative positions and 4.0 FTE
19 classified positions, prorated down linearly between 1,000
20 and 500 ADM;

21

22 (C) District ADM from 1,000 to 3,500: 8
23 FTE administrative positions and 10 FTE classified

1 positions, prorated down linearly between 3,500 and 1,000
2 ADM. Position counts prorated up linearly above 3,500 ADM.

3

4 (xxi) Central office nonpersonnel expenses:
5 \$365.86/ADM;

6

7 (xxii) Instructional materials: \$191.37 per
8 elementary, middle and high school ADM;

9

10 (xxiii) Technology equipment: \$250.00/ADM,
11 which amount is not subject to any adjustment made pursuant
12 to W.S. 21-13-309(o);

13

14 (xxiv) Gifted: \$40.29/ADM;

15

16 (xxv) Vocational education: \$9,428.77/FTE
17 vocational education teacher for equipment and supplies;

18

19 (xxvi) Student activities:

20

21 (A) Resource under the following school
22 configurations:

23

1 (I) Elementary school: \$23.79/ADM;

2

3 (II) Middle school: Declining linearly
4 from \$782.54/ADM at 1 ADM school to \$202.18/ADM for 1,260
5 ADM school;

6

7 (III) High school: Declining linearly
8 from \$2,017.22/ADM for 1 ADM school to \$594.63/ADM for
9 1,260 ADM school;

10

11 (IV) Ninth grade ADM in a middle
12 school resourced at the high school amount for the school
13 students would normally attend.

14

15 (xxvii) Professional development:

16

17 (A) 5 pupil free days as resourced in
18 teacher salary under paragraph (xxxv) of this subsection;

19

20 (B) Plus \$125.90/ADM for trainers.

21

1 (xxviii) Assessment: \$25.00/ADM, which amount
2 is not subject to any adjustment made pursuant to W.S.
3 21-13-309(o);

4

5 (xxix) Special education: Computed in
6 accordance with W.S. 21-13-321;

7

8 (xxx) Transportation: Computed in accordance
9 with W.S. 21-13-320;

10

11 (xxxi) Food services: Assumed to be self
12 supporting program;

13

14 (xxxii) Maintenance and operations: Based on
15 ADM, gross square footage, number of buildings and
16 classrooms, age of buildings and site acreage for
17 custodians, maintenance workers and groundskeepers,
18 computed in accordance with the 2015 cost of education
19 study. Any building without allowable gross square footage
20 for purposes of major maintenance computations under W.S.
21 21-15-109 shall use the actual educational gross square
22 footage as approved by the school facilities commission.
23 Groundskeeper FTE computations shall be based upon the

1 lesser of the actual site acreage on which the facility is
2 situated as defined by department rule and regulation, or
3 the school facility guidelines and site acreages
4 established by the school facilities commission under W.S.
5 21-15-114. Acreages acquired on or prior to July 1, 1997,
6 and acreages acquired after July 1, 1997 through an
7 exchange with another governmental entity if the acreages
8 involved in the exchange were originally acquired by the
9 district and the governmental entity on or prior to July 1,
10 1997, shall not be subject to groundskeeper FTE computation
11 limitations;

12

13 (xxxiii) Maintenance and operation supplies:
14 \$0.68 per 110% of gross square feet of authorized education
15 space;

16

17 (xxxiv) Utilities: Actual 2009-2010 expenditures
18 by district as adjusted by the legislature pursuant to W.S.
19 21-13-309(o) as provided in the 2015 cost of education
20 study. For additional school buildings added to district
21 building inventories after 2009-2010, 100% of 2009-2010
22 district average utility expenditures per gross square foot

1 for district school buildings multiplied by the additional
2 authorized educational square footage;

3

4 (xxxv) Base Salaries for 2017-2018*:

5

6 Teachers** (includes 5 pupil free days) \$36,935.04

7 Principals \$72,692.59

8 Assistant principals \$59,126.99

9 Superintendents \$78,389.32

10 Assistant superintendents \$62,711.46

11 Business managers \$43,066.81

12 Aides \$17,205.28

13 School computer technicians \$38,994.29

14 Central office classified \$31,683.38

15 School secretaries \$29,175.02

16 School clerical staff \$22,445.33

17 Maintenance workers/groundskeepers \$31,943.66

18 Custodians \$25,932.69

19

20 Base Salaries for 2018-2019 and thereafter:

21

22 Teachers** (includes 5 pupil free days) \$36,935.04

23 Principals \$72,692.59

1	Assistant principals	\$59,126.99
2	Superintendents	\$70,550.39
3	Assistant superintendents	\$56,440.31
4	Business managers	\$38,760.31
5	Aides	\$17,205.28
6	School computer technicians	\$38,994.29
7	Central office classified	\$31,683.38
8	School secretaries	\$29,175.02
9	School clerical staff	\$22,445.33
10	Maintenance workers/groundskeepers	\$31,943.66
11	Custodians	\$25,932.69

12

13 * Salary amounts under this paragraph are further
 14 adjusted for education, experience and responsibility
 15 level, where appropriate, pursuant to W.S.
 16 21-13-309(m) (v) (C) .

17

18 ** "Teachers" under this paragraph include core and
 19 specialist/elective teachers, instructional facilitators,
 20 tutors, ELL teachers, extended day teachers, summer school
 21 teachers, pupil support staff, guidance counselors and
 22 librarians.

23

1 (xxxvi) Benefits:

2

3 (A) Workers compensation: 0.70% of salary;

4

5 (B) Unemployment insurance: 0.06% of
6 salary;

7

8 (C) Retirement employer share: 7.12% of
9 salary as provided under W.S. 9-3-413;

10

11 (D) Retirement employee share: Percentage
12 of salary for the employee share paid by the employer as
13 provided under W.S. 9-3-412(c)(iii);

14

15 (E) Medicare: 1.45% of salary;

16

17 (F) Social security: 6.20% of salary;

18

19 (G) Plus health insurance as provided under
20 W.S. 21-13-309(m)(v)(F).

21

1 (xxxvii) Regional cost adjustment: Salary
2 levels adjusted by amount computed under W.S.
3 21-13-309(m) (v) (C);
4

5 (xxxviii) External cost adjustment: Reviewed
6 annually by the legislature in accordance with W.S.
7 21-13-309(o) and applied to major resource categories of
8 block grant model components based upon an analysis in
9 accordance with W.S. 21-13-309(u) of:

10

11 (A) Market pressures for professional and
12 nonprofessional labor model components;
13

13

14 (B) The BLS Producer Price Index for
15 Commercial Electric Power weighted at 29.1%, the BLS
16 Producer Price Index for Gasoline weighted at 12.36% and
17 the BLS Producer Price Index for Natural Gas weighted at
18 58.54% for energy model components; and
19

19

20 (C) The BLS Producer Price Index for Office
21 Supplies and Accessories for educational materials model
22 components.
23

23

1 (xxxix) School adjustments:

2

3 (A) For all schools with 49 or fewer ADM,
4 resource with 1.0 FTE assistant principal position plus 1.0
5 FTE position for every 7 ADM for all staff;

6

7 (B) For all schools within a district
8 comprised of less than 243 total K-12 ADM and
9 notwithstanding all other teacher resources, resource each
10 school with a minimum of 1.0 core teacher at every grade
11 with reported ADM, plus 20% of core teachers for elementary
12 elective/specialist teachers and 33% of core teachers or
13 middle and high school elective/specialist teachers;

14

15 (C) For a K-6 school, resource as
16 elementary school;

17

18 (D) For a 5-8 or 6/7-9 school, resource as
19 middle school;

20

21 (E) For a K-7, K-8 or K-9 school, resource
22 K-5 teachers as elementary school and remaining teachers as

1 middle school, and resource all other staff resources at
2 the highest grade prototype;

3

4 (F) For K-12 school, resource K-5 teachers
5 as elementary, 6-8 teachers as middle and 9-12 as high
6 school, and resource all other staff resources at the
7 highest grade prototype;

8

9 (G) For 6/7-12 school, resource 6-8
10 teachers middle school and 9-12 teachers as high school,
11 and resource all other staff resources at the highest grade
12 prototype.

13

14 (END)