

SENATE FILE NO. SF0106

State education administration.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to public education; providing for a
2 process to address a 2014 Supreme Court decision relating
3 to the structure and oversight of the state's public school
4 system; requiring a legislative study; providing for the
5 delegation of powers and duties relating to the
6 administration of the state's school system; providing an
7 appropriation; and providing for an effective date.

8

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

10

11 **Section 1.**

12

13 (a) The legislature finds:

14

15 (i) In its ruling issued January 28, 2014, in
16 the case of Kerry and Clara Powers, on behalf of themselves
17 and the citizens of Wyoming, and Cindy Hill, on behalf of

1 herself and as the Superintendent of Public Instruction v.
2 State of Wyoming and Matthew H. Mead, Governor, in his
3 official capacity [Docket No. S-13-0052], the Supreme Court
4 responded to a certified question finding 2013 Wyoming
5 Session Laws, Chapter 1, violated Wyoming Constitution,
6 Article 7, Section 14;

7

8 (ii) In its ruling cited under paragraph (i) of
9 this subsection, the Supreme Court did not identify which
10 powers and duties assigned under 2013 Wyoming Session Laws,
11 Chapter 1, were improperly assigned from the state
12 superintendent of public instruction, nor did the Supreme
13 Court identify those assigned duties which could properly
14 be assigned from the state superintendent;

15

16 (iii) In its ruling cited under paragraph (i) of
17 this subsection, the Supreme Court states it was not
18 holding that the legislature may not delegate duties and
19 powers relating to public education to entities other than
20 the state superintendent;

21

22 (iv) The legislature is tasked with addressing
23 those aspects of 2013 Wyoming Session Laws, Chapter 1,
24 which are unconstitutional, and intends to determine the

1 proper assignment of powers and duties meeting
2 constitutional requirements;

3

4 (v) The legislature is required to clarify a
5 process for the technical implementation of subsequent
6 legislative actions dependent upon a structure for those
7 state statutes impacted by the ruling cited under paragraph
8 (i) of this subsection;

9

10 (vi) The legislature is required to develop a
11 process to disentangle budgeted amounts attached with the
12 several programs and services structured around an
13 assignment of powers and duties under 2013 Wyoming Session
14 Laws, Chapter 1, to a structure reflecting an assignment of
15 powers and duties responding to the ruling cited under
16 paragraph (i) of this subsection;

17

18 (vii) The legislature is required to determine
19 the reassignment of powers and duties under 2013 Wyoming
20 Session Laws, Chapter 1, necessary to meet the requirements
21 of the Wyoming Constitution, and to provide the most
22 efficient system for delivering a quality education to
23 Wyoming's children;

24

1 (viii) The legislature is committed to receiving
2 input from educators as well as public testimony prior to
3 developing a response to the Supreme Court ruling.

4
5 (b) Based upon the findings specified under
6 subsection (a) of this section and in as close conformity
7 as reasonably possible with all constitutional limitations
8 identified by the supreme court in relation to the opinion
9 cited at paragraph (a)(i) of this section, the management
10 council, together with the cochairmen of the joint
11 appropriations interim committee and the joint education
12 interim committee, shall undertake a study of the powers
13 and duties assigned under 2013 Wyoming Session Laws,
14 Chapter 1, and develop recommendations on the reassignment
15 of powers and duties necessary to implement public
16 education in Wyoming in accordance with the provisions of
17 paragraph (a)(vii) of this section. Recommendations shall
18 address current statutory accountability and assessment
19 responsibilities. The council and the committee cochairmen
20 may delegate hearing and examination of certain topics to
21 one (1) or more joint interim committees of the
22 legislature, to report back to the council for preparation
23 of the recommendations. Recommendations, including
24 proposed budgets for related programs and services and

1 including enabling legislation, shall be developed in
2 sufficient time for submission to members of the
3 legislature on or before ninety (90) days after a final
4 order has been issued by the district court in the case
5 referenced in paragraph (a)(i) of this section and the time
6 for appeal of that order has expired, or if appealed, a
7 final order or mandate of the Wyoming Supreme Court has
8 been issued confirming the district court's final order.

9

10 (c) If the management council and the cochairmen of
11 the joint appropriations interim committee and the joint
12 education interim committee, upon conclusion of the study
13 required under subsection (b) of this section, find it
14 appropriate to convene a special session of the legislature
15 to consider legislation implementing study recommendations
16 under subsection (b) of this section, the council together
17 with the committee cochairmen shall recommend a date for
18 convening the special session to the president of the
19 senate and the speaker of the house of representatives.

20

21 (d) There is appropriated fifty thousand dollars
22 (\$50,000.00) from the general fund to the legislative
23 service office for payment of salary, per diem and mileage
24 for members engaged in the study required by this section.

1

2 **Section 2.** W.S. 21-2-205 is created to read:

3

4 **21-2-205. Additional duties of the state**
5 **superintendent.**

6

7 (a) Not later than October 15 each year, the state
8 superintendent shall prepare a report on the general status
9 of all public schools for the legislature. The report shall
10 include the quality of education including any proposed
11 improvement to address any shortfalls, the relevance of
12 education, the measurement of achievement of educational
13 goals, the improvement of learning and any suggested
14 innovations in education.

15

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

18

19 (i) Adopt rules and regulations, consistent with
20 this title, as may be necessary for the proper and
21 effective general supervision of the public schools;

22

23 (ii) Administer and implement the "teacher of
24 the year program," which shall include an unbiased,

1 objective process to annually select the individual most
2 deserving of the award and capable of serving on the board
3 under W.S. 21-22-103;

4

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

17

18 (iv) To assist local school districts in
19 developing protocols under W.S. 21-3-110(a)(xxxiii) and
20 develop model protocols for addressing risks associated
21 with concussions and other head injuries resulting from
22 athletic injuries. No district shall be required to adopt
23 any part of the model protocols;

24

1 (v) In consultation with the department of
2 environmental quality and school districts, establish
3 guidelines for school districts for the proper and safe
4 storage and disposal of toxic chemicals and other hazardous
5 substances used by schools in education programs;

6
7 (vi) Identify professional development needs for
8 Wyoming schools and teachers based upon the analysis of the
9 quality indicators specified under subsection (a) of this
10 section, establish a plan to address the professional
11 development needs, contract with necessary expertise to
12 provide professional development to Wyoming certified
13 teachers and conduct up to five (5) regional workshops each
14 year providing the identified professional development
15 needs.

16

17 **Section 3.** W.S. 21-2-201(b) and (c) is repealed.

18

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

23

24

(END)