

## HOUSE BILL NO. HB0140

School finance amendments-4.

Sponsored by: Representative(s) Northrup, Brown, Harshman  
and Kinner and Senator(s) Coe

A BILL

for

1 AN ACT relating to school finance; modifying provisions of  
2 the state's school district funding system; requiring  
3 school districts to comply with department of workforce  
4 services programs as specified; requiring the average daily  
5 membership calculation within the school district funding  
6 model to be calculated at the school district level;  
7 revising workers' compensation provisions for special  
8 education professionals; prohibiting school districts from  
9 leasing buses; amending provisions regarding school bus  
10 purchase reimbursements; amending school district funding  
11 for groundskeepers; repealing funding to school districts  
12 for assessments; requiring a report; requiring the  
13 department of education to establish special education  
14 staffing guidelines as required by law; providing for

1 additional distributions to school districts; and providing  
2 for effective dates.

3  
4 *Be It Enacted by the Legislature of the State of Wyoming:*

5  
6 **Section 1.** W.S. 21-3-110(a) by creating a new  
7 paragraph (xxxvi), 21-13-309(m)(iv)(A), 21-13-320(j)(iii),  
8 by creating new paragraphs (iv) and (v) and (m) and  
9 27-14-108(d)(xvi) and (f) by creating a new paragraph (x)  
10 are amended to read:

11  
12 **21-3-110. Duties of boards of trustees.**

13  
14 (a) The board of trustees in each school district  
15 shall:

16  
17 (xxxvi) Participate in programs of the  
18 department of workforce services necessary to receive  
19 premium discounts for the state workers' compensation  
20 program.

21  
22 **21-13-309. Determination of amount to be included in**  
23 **foundation program for each district.**

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2 (m) In determining the amount to be included in the  
3 foundation program for each district, the state  
4 superintendent shall:

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

13

14 (A) If the district's average ~~daily~~  
15 ~~membership (ADM) ADM~~ for the three (3) immediately  
16 preceding school years is greater than the district's ADM  
17 from the previous school year, each reported school shall  
18 be computed based upon the average of the school's ADM  
19 counts completed at the end of the three (3) immediately  
20 preceding school years, or otherwise each reported school  
21 within the district shall be computed based on the school's  
22 ADM for the previous school year; ~~whichever is greater;~~

23

1           21-13-320. Student transportation; amount within  
2 school foundation program formula for transportation  
3 maintenance and operations expenditures and school bus  
4 purchases; district reporting requirements.

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

10  
11           (iii) An amount calculated in accordance with  
12 subsection (g) of this section for each school bus  
13 purchased or initially leased on or after March 15, 2017  
14 but before July 1, 2018, if the school district first  
15 applied to the department and the department determined the  
16 purchase or lease was necessary to alleviate an emergency;

17 plus

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19           (iv) One hundred percent (100%) reimbursement  
20 for each school bus purchased on or after July 1, 2018, if  
21 the school district first applied to the department and the  
22 department determined the purchase was necessary to  
23 alleviate an emergency; plus

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(v) One hundred percent (100%) reimbursement for a bus purchase that will be fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program minus the amount that will be paid for or rebated under the applicable program.

(m) No district shall purchase a school bus ~~or enter into a new lease for a school bus~~ on or after March 15, 2017 unless it first applies to the department and the department determines that an emergency exists necessitating the purchase or lease of the bus, except that, beginning July 1, 2018, a district may purchase a bus that will be fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program as confirmed by a letter of assurance from the state or federal government. No district shall enter into a new lease for a school bus on or after July 1, 2018.

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

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2 (d) This act applies to governmental entities engaged  
3 in an industrial classification listed under subsection (a)  
4 of this section and to employees of governmental entities  
5 engaged in or employed as the following:

6

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

19

20 (f) As used in this section:

21

22 (x) "Eligible student" means a student with  
23 behavioral, emotional, cognitive, learning, physical or

1 health disabilities who requires educational services to be  
2 provided outside of the regular classroom because the use  
3 of supplementary aids and services cannot be achieved  
4 satisfactorily in the regular classroom.

5  
6 **Section 2.** 2011 Wyoming Session Laws, Chapter 185,  
7 ATTACHMENT "A" (b)(xxxiii) is amended to read:

8  
9 ATTACHMENT "A"

10  
11 ATTACHMENT "A" CONTAINS AN ENUMERATION OF  
12 EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS  
13 SUMMARIZING AND EXECUTING RECOMMENDATIONS  
14 CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS  
15 FOLLOWS:

16  
17 (b) Notwithstanding components specified in  
18 the 2010 cost of education study accepted by the  
19 legislature, the Wyoming education resource block  
20 grant model components and the resourcing for  
21 those components, as enacted by the legislature,  
22 shall be as follows:

1 (xxxiii) Maintenance and operations:  
2 Based on ADM, gross square  
3 footage, number of buildings  
4 and classrooms, and age of  
5 buildings ~~and site acreage~~  
6 for custodians, and  
7 maintenance workers, and  
8 ~~groundskeepers,~~ computed in  
9 accordance with the 2010 cost  
10 of education study. Any  
11 building without allowable  
12 gross square footage for  
13 purposes of major maintenance  
14 computations under W.S.  
15 21-15-109 shall use the  
16 actual educational gross  
17 square footage as approved by  
18 the school facilities  
19 commission. Groundskeeper FTE  
20 computations for elementary,  
21 middle and high schools shall  
22 be computed in accordance  
23 with the 2010 cost of



1                   education study, subject to  
2                   the following. The site  
3                   acreage shall be based upon  
4                   the lesser of the actual site  
5                   acreage on which the facility  
6                   is situated as defined by  
7                   department rule and  
8                   regulation, or the school  
9                   facility guidelines and site  
10                  acreages established by the  
11                  school facilities commission  
12                  under W.S. 21-15-114.  
13                  Acreages acquired on or prior  
14                  to July 1, 1997, and acreages  
15                  acquired after July 1, 1997  
16                  through an exchange with  
17                  another governmental entity  
18                  if the acreages involved in  
19                  the exchange were originally  
20                  acquired by the district and  
21                  the governmental entity on or  
22                  prior to July 1, 1997, shall  
23                  not be subject to

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

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10 **Section 3.** 2011 Wyoming Session Laws, Chapter 185,  
11 ATTACHMENT "A" (b)(xxviii), as amended by 2017 Wyoming  
12 Session Laws, Chapter 205, ATTACHMENT "A" (b)(xxviii) is  
13 repealed.

14

15 **Section 4.**

16

17 (a) The department of education shall review state  
18 statutes relating to special education and school district  
19 transportation and its rules relating to special education  
20 and transportation for any possible fiscal efficiencies. By  
21 June 1, 2018, the department of education shall report to  
22 the joint education interim committee on its review and

1 shall include suggested changes to statute or rule and any  
2 rulemaking conducted as a result of its review.

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4 (b) On or before January 1, 2019, the state  
5 superintendent of public instruction shall establish  
6 statewide guidelines for adequate special education  
7 staffing levels as required by W.S. 21-2-202(a)(xxiii).

8  
9 **Section 5.**

10  
11 (a) The department of education shall determine, for  
12 school years 2018-2019 and 2019-2020, the reduction caused  
13 by amendments to W.S. 21-13-309(m)(iv)(A) contained in this  
14 act to each school district's foundation program amount  
15 calculated pursuant to W.S. 21-13-309(p).

16  
17 (b) The department of education shall increase a  
18 school district's total foundation program amount  
19 calculated under W.S. 21-13-309 for the 2018-2019 school  
20 year by an amount equal to two-thirds (2/3) of the  
21 reduction calculated for that school district under  
22 subsection (a) of this section for that school year.

(c) The department of education shall increase a school district's total foundation program amount calculated under W.S. 21-13-309 for the 2019-2020 school year by an amount equal to one-third (1/3) of the reduction calculated for that school district under subsection (a) of this section for that school year.

## 7

8                   Section 6.

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

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

17

18 (END)