

ENROLLED ACT NO. 63, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to school finance; establishing a cost-based adjustment to the education resource block grant model for vocational education; providing for grants to districts to assist with initiating and expanding vocational education programs; defining terms; imposing funding conditions and criteria; delegating rulemaking authority to and imposing specified duties upon the state department of education and the school audit section of the department of audit; imposing reporting requirements upon school districts; providing for recognition of program delivery; providing for data collection of post-secondary education program data; providing appropriations and authorizing position; and providing for effective dates.

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

Section 1. W.S. 21-12-105 and 21-13-329 are created to read:

21-12-105. Career-vocational education program grants; application; criteria; limitations; expiration.

(a) A school district may apply to the state department of education for state assistance to fund expenses associated with the planning, development and implementation of a new or the expansion of an existing career-vocational education program within any high school in the district. As used in this section, "career-vocational education program" shall be as defined by W.S. 21-13-329(a)(i). Amounts awarded under this section shall be used to fund curricular development and program design costs, employ certified teachers to provide course instruction during the introductory year and to fund initial purchases of equipment and supplies necessary for program delivery. Any amount awarded to a district under

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this section shall be in addition to and not be considered in determining the vocational education adjustment to the education resource block grant model under W.S. 21-13-329. No grant awarded under this section shall exceed fifty thousand dollars (\$50,000.00) for the expansion of any existing program nor more than one hundred thousand dollars (\$100,000.00) for the implementation of any new program, and no one (1) district is eligible for a grant within two (2) years after receiving a grant award under this section.

(b) Application for a grant under this section shall be on a form and in a manner specified by rule and regulation of the department, shall be filed with the department on or before June 30 to secure a grant during the immediately succeeding school year, and shall at minimum include:

(i) A proposal documenting the need for introducing the proposed career-vocational education program;

(ii) Labor market information detailing the need for instruction in the proposed program;

(iii) The purposes and plan for expenditure of grant amounts;

(iv) An outline of the course curriculum for the proposed program; and

(v) Other necessary information required by the state department.

(c) Not later than August 15 of the applicable school year and following review of applications submitted under this section, the department shall notify applicant

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districts of its decision and shall provide each applicant district a written statement of reasons for approving or denying the application. In determining and establishing an amount for any grant award to an applicant district under this section, the department shall consider funds available to the district from the termination of any career-vocational education program by the district prior to the application filing date. If the application is approved, the department shall award the grant from amounts made available by legislative appropriation within the school foundation program account for purposes of this section.

(d) Each recipient district shall report to the department on the expenditure of amounts awarded under this section and shall provide other information as required by rule and regulation of the department to implement this section.

(e) The department shall promulgate rules and regulations necessary to carry out this section.

(f) The grant program established under this section shall terminate June 30, 2008.

21-13-329. Vocational education; qualification and limitations on funding eligibility; adjustment to foundation program formula.

(a) As used in this section:

(i) "Career-vocational education program" means a program offered in grades nine (9) through twelve (12) consisting of a sequence of three (3) or more vocational courses in an occupational area or career cluster that provides the student with the technical knowledge, skills

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or proficiencies necessary to obtain employment in current or emerging occupations or to pursue advanced skill training;

(ii) "Vocational course" means instruction in career-vocational education programs offered in grades nine (9) through twelve (12) by districts pursuant to W.S. 21-9-101(b)(i)(J) that is aligned with state content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii), and is provided by a teacher certified by the Wyoming professional teaching standards board for the vocational subject area associated with the course;

(iii) "Vocational education student" means a student enrolled in grade nine (9), ten (10), eleven (11) or twelve (12) and participating in career-vocational education programs on a full-time equivalency (FTE) basis, as computed in accordance with guidelines established by the state department of education;

(iv) "Vocational education teacher" means a teacher certified by the Wyoming professional teaching standards board to provide instruction at the high school level for vocational education courses comprising career-vocational education programs and is employed by a Wyoming school district for high school career-vocational education program instruction on a full-time equivalency basis (FTE) as computed in accordance with guidelines prescribed by the department of education. Nothing in this paragraph shall require a district to employ teachers certified for high school vocational education instruction on a full-time basis or to require teachers to teach only high school vocational education courses on a full-time basis.

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(b) The adjustment for vocational education pursuant to W.S. 21-13-309(n)(xii) shall be computed as prescribed by this section.

(c) The prototypical school model amount for grades nine (9) through twelve (12) computed under W.S. 21-13-309(m)(ii)(C) shall be reduced for each district by the following amounts:

(i) The vocational education amount within the teacher salaries and benefits component, as recalibrated for the 2001-2002 school year; and

(ii) The vocational education amount within the equipment and supplies component, as recalibrated for the 2001-2002 school year.

(d) An amount shall be computed for each high school within each school district in accordance with the following:

(i) Any high school in the school district that is located within a five (5) mile radius of another high school in that district shall for purposes of computations under this subsection, be combined and considered as one (1) high school;

(ii) A weight factor of one and twenty-nine hundredths (1.29) shall be multiplied by each full-time equivalent (FTE) vocational education student for that school for the immediately preceding school year, as computed in accordance with guidelines prescribed by the department;

(iii) The amount computed under paragraph (ii) of this subsection shall be multiplied by the vocational

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education amount contained within the teacher salaries and benefits component of the prototypical school model for grades nine (9) through twelve (12), as specified under W.S. 21-13-309(m)(ii)(C), as recalibrated for the 2001-2002 school year, subject to reallocation limitations imposed by the education resource block grant model for school year 2001-2002;

(iv) In addition to the amount computed under paragraph (iii) of this subsection for a school, the number of full-time equivalent (FTE) vocational education teachers computed for that school for the immediately preceding school year, as computed pursuant to guidelines prescribed by the department, shall be multiplied by the vocational education amount contained within the equipment and supplies component of the prototypical school model for grades nine (9) through twelve (12), as prescribed by W.S. 21-13-309(m)(ii)(C), as recalibrated for the 2001-2002 school year;

(v) In addition to the amount computed under paragraph (iv) of this subsection for vocational education equipment and supplies, an amount shall be computed for that school for vocational education equipment replacement and enhancement by multiplying the number of full-time equivalent (FTE) teachers computed for that school for the preceding school year under guidelines prescribed by the department, by an amount within the education resource block grant model which is based upon an adjustment factor for vocational education equipment replacement and enhancement;

(vi) Notwithstanding paragraphs (iii) and (iv) of this subsection, the one and twenty-nine hundredths (1.29) weight factor specified under paragraph (ii) of this subsection and the number computed for full-time equivalent

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(FTE) vocational education teachers under paragraph (iv) of this subsection for any school shall be increased to the level specified by the education resource block grant model to fund the additional costs necessary to provide a minimum program quality standard of two (2) career-vocational education programs within that school. The minimum program quality standard of two (2) shall be applied to each school to the extent prior student participation rates in career-vocational education programs and vocational education equipment and supply amounts provided that school support the two (2) program minimum standard.

(e) The amount computed for each high school within each school district for the vocational education adjustment under paragraphs (d)(iii) and (iv) or (vi) of this section, as applicable, and the amount computed under paragraph (d)(v) of this section, shall be added for that district and divided by the district's total average daily membership (ADM) for the applicable school year as computed under W.S. 21-13-309(q).

(f) Upon written application filed by a school district, the department of education may exempt a vocational course from the certified teacher requirements imposed under paragraph (a)(i) of this section, or a career-vocational education program from the sequential course or cluster course requirements imposed under paragraph (a)(ii) of this section, if the district verifies the alignment of the proposed course or program with the state content and performance standards for career-vocational education programs, documents the additional costs associated with the proposed course or program including class size and specialized equipment needs and if applicable, clearly states the experiences and education of the noncertified teacher that would otherwise qualify the teacher to instruct the proposed course. Application shall

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be in a manner and form and subject to a schedule established by rule and regulation of the department. An exemption granted under this subsection shall allow students participating in the course or program to be included in the full-time equivalency (FTE) computations under this section.

Section 2. W.S. 9-1-513(b) by creating a new paragraph (ix), 21-2-202(a) by creating new paragraphs (xxiii) through (xxvi), 21-2-203(c) by creating a new paragraph (viii), 21-2-307, 21-3-110(a) by creating a new (xxviii) and 21-13-309(n) by creating a new paragraph (xii) 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:

(ix) In addition to paragraph (i) of this subsection, conduct periodic audits of vocational education information and computations submitted by districts in accordance with W.S. 21-13-329 and include audit findings in the report to the department of education required under paragraph (iv) of this subsection and the report to the legislature required under paragraph (viii) of this subsection. Each district shall be audited for purposes of this paragraph not less than once every three (3) years.

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

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

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(xxiii) Establish criteria and guidelines for the identification of vocational education courses by districts, for the computation of full-time equivalent (FTE) students participating in vocation education courses and for the determination of full-time equivalent (FTE) vocational education teachers, and provide for the annual collection of information necessary to implement and administer W.S. 21-13-329;

(xxiv) Develop a process and procedures necessary for consideration of district waivers authorized under W.S. 21-13-329 for specified instructional and career-vocational education program requirements, including incentives encouraging teacher certification and program course sequencing compliance;

(xxv) Establish necessary procedural and monitoring requirements for implementation of the vocational education grant program authorized under W.S. 21-12-105, including consideration of prior funds generated by any vocational education programs terminated by the district;

(xxvi) By rule and regulation, provide for the reporting of district vocational education expenditures of amounts distributed under W.S. 21-13-329.

21-2-203. School district data collection; division established; duties and responsibilities specified.

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

(viii) Assist the state superintendent in implementing W.S. 21-13-329 and assist districts with computations necessary for reporting student vocational

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education participation and vocational education
instruction information.

**21-2-307. State board of vocational education;
duties.**

(a) The state board of education acts as the state board of vocational education and may promulgate rules necessary to implement this section. The executive director of the community college commission is designated an ex officio member of the state board of vocational education.

(b) In addition to other duties assigned under W.S. 21-2-304, the state board shall review career-vocational education programs offered by school districts to ensure the programs satisfactorily serve the needs of students within the state and are aligned with state content and performance standards prescribed in accordance with W.S. 21-2-304(a)(iii).

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

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

(xxviii) Annually report to the state superintendent on the expenditure of amounts distributed to the district under W.S. 21-13-329, broken down by school, and submitted in a manner and form required by rule and regulation of the state superintendent.

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

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(n) For each district, the district total amount per ADM computed under subsection (m) of this section shall be adjusted as follows to result in a revised amount per ADM for each district. Unless otherwise specified in this subsection, the adjustments under this subsection shall be determined as specified in the education resource block grant model:

(xii) The amount shall be adjusted for vocational education students in each district as provided by W.S. 21-13-329.

Section 3.

(a) Notwithstanding W.S. 21-13-329(d)(iii) and (iv) or (vi) as created under section 1 of this act and for school years 2003-2004 through 2007-2008 only, the following computations shall be made for each district:

(i) The teacher salary and benefits component and the equipment and supply component of the prototypical school model for grades nine (9) through twelve (12) as prescribed under W.S. 21-13-309(m)(ii)(C), adjusted under W.S. 21-13-329(d)(iii) and (iv) or (vi), shall be multiplied by the district's ADM in grades nine (9) through twelve (12) for the applicable school year;

(ii) The teacher salary and benefits component and the equipment and supply component of the prototypical school model for grades nine (9) through twelve (12) as prescribed under W.S. 21-13-309(m)(ii)(C) and as recalibrated for the 2001-2002 school year, shall be multiplied by the district's ADM in grades nine (9) through twelve (12) for the 2001-2002 school year.

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(b) If for any school year subject to this section, the amount computed under paragraph (a)(ii) of this section is greater than the amount computed under paragraph (a)(i) of this section, the amount computed under paragraph (a)(ii) of this section shall be used in lieu of the amount computed under W.S. 21-13-329(d)(iii) and (iv) or (vi) for purposes of the vocational education adjustment computation under W.S. 21-13-329(e).

Section 4.

(a) The state department of education shall provide recognition of best practices for delivering quality vocational education programs in the state. This recognition shall be for programs offered during school year 2003-2004, shall recognize career awareness and development activities commencing with grade eight (8) and shall recognize programs providing for and encouraging district cooperative efforts in delivering vocational education programs and opportunities.

(b) The state department shall report on activities conducted under subsection (a) of this section to the joint education interim committee following completion of school year 2003-2004, but in any event prior to November 1, 2004.

Section 5.

(a) The state department of education, with the assistance of the school finance section of the department of audit, shall review the data used in establishing the components of the vocational education adjustment provided by this act and ensure that the data accurately reflects career-vocational education program requirements, student participation levels and other criteria imposed under this act for the proper implementation of the adjustment.

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(b) On or before November 1, 2003, and based upon the review undertaken pursuant to subsection (a) of this section, the state department of education shall report to the joint education interim committee on findings regarding the accuracy of the vocational education data used in developing the vocational education adjustment, and present any recommended modifications to the adjustment based upon its review of the data.

Section 6.

(a) The Wyoming community college commission shall compile information on vocational education programs provided in Wyoming community colleges, including community college programs open to enrollment by high school students, and shall compile information on vocational education programs provided by boards of cooperative educational services. Information collected under this section shall include student participation data, program content and program expenditure information.

(b) The community college commission, with the assistance of the state department of education, shall develop and conduct information collection efforts under subsection (a) of this section in such a manner that information relates to and may be used in conjunction with information collected and compiled pursuant to 2002 Wyoming Session Laws, Chapter 76, Section 4.

(c) On or before November 1, 2003, results of this effort shall be summarized and reported to the joint education interim committee and the joint appropriations interim committee.

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(d) Boards of cooperative educational services shall assist the community college commission with data collection efforts required under subsection (a) of this section.

Section 7.

(a) Two hundred fifty thousand dollars (\$250,000.00) is appropriated from within the public school foundation program account for distribution by the state department of education to school districts as career-vocational education grants authorized under W.S. 21-12-105 as created under section 1 of this act.

(b) Seventy-nine thousand three hundred fifty-two dollars (\$79,352.00) is appropriated from the general fund to the state superintendent of public instruction for one (1) full-time permanent position for purposes of implementing the career-vocational education grant program established under this act. On or before July 1, 2004, the state superintendent shall report to the joint education interim committee and the joint appropriations committee on the expenditure of funds appropriated under this section, the position filled and the status of this position. The position and associated funding shall expire upon termination of the grant program.

(c) The state superintendent shall as soon as reasonably possible, notify school districts of the reporting and informational requirements imposed under W.S. 21-13-329.

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Section 8.

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2003.

(b) Notwithstanding subsection (a) of this section, W.S. 21-12-105 as created under section 1 of this act and sections 5, 6 and 7 of this act are 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