

ENROLLED ACT NO. 45, SENATE

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AN ACT relating to school finance; establishing school district financial assistance for specified purposes outside of and in addition to the education resource block grant school finance funding model; modifying the career-vocational education grant program as specified and establishing a statewide career-technical education steering committee; funding school district distance education programs, eliminating distance learning incentive payments and establishing a distance education grant program; clarifying the maintenance and operations component within the education resource block grant model; establishing a pilot project for student enrichment programs offered by districts in summer school sessions as specified; imposing duties and reporting requirements upon the department of education; granting rulemaking authority; imposing school district reporting requirements; providing appropriations; authorizing positions; and providing for effective dates.

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

[SECTION 1. SUMMER SCHOOL/EXTENDED DAY]

**Section 101.** W.S. 21-13-334 is created to read:

**21-13-334. Supplemental at-risk financial assistance program for summer school and extended day intervention and remediation programs.**

(a) The supplemental at-risk financial assistance program for summer school and extended day intervention and remediation programs is established to augment resources contained within the education resource block grant model for addressing the needs of students who are not performing at proficient levels and shall provide financial assistance

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to districts for the provision of intervention and remediation instruction to academically at-risk students beyond the required school year specified by law under W.S. 21-4-301 and 21-13-307(a)(ii). Financial assistance under this section shall:

(i) Be in addition to and shall not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309;

(ii) Supplement district intervention and remediation programs; and

(iii) At minimum, be made available to students requiring additional instruction utilizing enriched learning strategies or other remedial methods to master statewide content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii) or otherwise seeking credit recovery for promotion to the subsequent grade level.

(b) In addition to subsection (a) of this section, summer school programs eligible for financial assistance under this section shall:

(i) At minimum, provide each participating student the opportunity to receive remediation and intervention instruction utilizing enriched learning strategies or other remedial methods in mathematics, reading and language arts;

(ii) Provide a minimum of sixty (60) instructional hours over a period of at least fifteen (15) school days to each participating elementary and middle school student and a minimum of sixty (60) instructional

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hours per subject to each participating high school student. High school students may demonstrate proficiency prior to receiving the full sixty (60) hours of instruction;

(iii) Require the development of an individual student learning plan for each participating student;

(iv) Require program instructors to receive training in research-based enriched learning strategies or other remedial methods focused on individualized instruction at the level, duration and content specified by rule and regulation of the department of education;

(v) To assure effectiveness of teaching and program quality, provide for program monitoring by a school principal or superintendent trained in instruction utilizing research-based enriched learning strategies or other remedial methods for at-risk students as prescribed by rule and regulation of the department of education.

(c) To be eligible for financial assistance under this section, intervention programs providing before-school, after-school and Saturday school supplemental extended day instruction utilizing enriched learning methodologies or other remedial methods shall in addition to subsection (a) of this section:

(i) Require the district to file a program plan with the department of education as part of the application filed under subsection (e) of this section, requesting use of a portion of financial assistance otherwise available under this section subject to a maximum level established by rule and regulation of the department of education. Program plans shall be prepared in accordance with program

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requirements and criteria established by rule and regulation of the department;

(ii) Be subject to the requirements specified under paragraphs (b)(i) and (iii) through (v) of this section.

(d) To receive financial assistance under this section, a district shall apply to the department of education on or before April 15 of any school year to receive financial assistance during the immediately succeeding summer school session and subsequent school year. Application to the department shall be in a manner and form prescribed by the department and shall include:

(i) An estimate of the number of students to be enrolled in the intervention and remediation program for which financial assistance is requested, broken down by grade level;

(ii) A description of program content including subjects offered and additional information depicting compliance with program requirements otherwise specified under this section;

(iii) Evidence of specific professional development and training for each program instructor;

(iv) Other information determined necessary to implement this section as may be required by the department.

(e) Department review of applications filed under subsection (d) of this section shall be completed each year by not later than May 1. On or before May 1, each applicant district shall be notified by the department of

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any estimated financial assistance to be made available to the district for the applicable summer school session and school year, as appropriate.

(f) Maximum financial assistance under this section shall be determined for each applicant district as if the education resource block grant model contained a component equal to fifteen percent (15%) of one (1) full-time equivalent teacher position for every thirty (30) at-risk students within the district as determined under W.S. 21-13-309(m)(v)(A), subject to a minimum per district amount equal to fifty percent (50%) of one (1) full-time equivalent teacher position. Computation of full-time equivalency shall be in accordance with guidelines prescribed by rule and regulation of the department. Distributions to each district shall be equal to one hundred percent (100%) of amounts actually expended by the district for intervention and remediation programs approved under this section for the applicable summer session or school year, subject to the minimum and maximum per district amounts computed under this subsection, updated to reflect the most current at-risk student count for the applicable reporting period.

(g) Notwithstanding subsection (f) of this section, an intersession intervention and remediation program for school districts operating schools on a year-round basis for purposes of qualifying for financial assistance under this section shall be an amount determined in accordance with criteria and guidelines prescribed by rule and regulation of the department, which shall not exceed the amounts prescribed under subsection (f) of this section.

(h) The department may request additional information prior to payment of financial assistance under this section to ensure compliance with the requirements of this section

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and may withhold final payment to any district for noncompliance. Upon completion of the intervention and remediation program, each recipient district shall report to the department any statistical, expenditure and program evaluation information as may be required by the department prior to receiving financial assistance computed under this section. In administering this program, the department shall:

(i) Monitor programs for compliance with this section and department rules and regulations governing programs receiving financial assistance under this section;

(ii) Provide assistance to districts as necessary to comply with this section and department rules and regulations;

(iii) Provide training to district personnel on research-based strategies effective in delivering instruction to academically at-risk students;

(iv) Implement a structured common assessment evaluation of program effectiveness.

(j) Annually on or before December 1, the department shall report to the joint education interim committee on remediation and intervention programs receiving financial assistance under this section during the immediately preceding school year, evaluate program effectiveness and provide recommendations for program improvement.

**Section 102.** There is appropriated two million dollars (\$2,000,000.00) from the public school foundation program account to the department of education that shall only be expended as necessary to augment amounts within the department's budget to carry out Section 101 of this act.

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This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2010. This appropriation shall only be expended for the purpose of the summer school and extended day intervention and remediation program established under Section 101 of this act.

[SECTION 2. CAREER-TECHNICAL EDUCATION]

**Section 201.** W.S. 21-2-202(a)(xxviii) and 21-12-105 are amended to read:

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

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

(xxviii) Establish necessary procedural and monitoring requirements for implementation of the vocational-career-technical education demonstration project grant program authorized under W.S. 21-12-105, including consideration of prior funds generated by any vocational education programs terminated by the district coordination with Wyoming post secondary education institutions and industry in developing program procedures and components;

**21-12-105. Career-technical education demonstration project grants; application; criteria; limitations.**

(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-career-technical education program within demonstration project as a new or an expansion to any existing high school career-vocational education program in

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the district. As used in this section, "career-vocational education program" shall be as specified in W.S. 21-13-309(m)(v)(D)(II). Amounts awarded under this section shall be used to fund curricular development and program project design costs, employ certified teachers to provide course instruction during the introductory year two (2) years of project implementation and to fund initial purchases of equipment and supplies, necessary for program delivery. all incurred for demonstration projects which:

(i) Prepare high school students for a full range of post secondary options, including two (2) year and four (4) year college, apprenticeship, military and formal employment training;

(ii) Connect academic and technical curriculum grounded in academic and industry standards;

(iii) Provide innovative strategies for ensuring student access to career choices, as well as opportunities for work-based learning and dual enrollment in related post secondary education courses;

(iv) Support workforce, education and economic needs of Wyoming.

(b) Any amount awarded to a district under this section shall be in addition to and not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. ~~No~~ A grant awarded under this section shall be for a period of two (2) years and shall not exceed fifty thousand dollars (\$50,000.00) for the expansion of any existing program nor more than one hundred thousand dollars (\$100,000.00) one hundred fifty thousand dollars (\$150,000.00) for the implementation first year of any new



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~~program~~ demonstration project planning, and ~~no one~~ (1) district is eligible for a grant within two (2) years after receiving a grant award under this section not more than two hundred thousand dollars (\$200,000.00) for project implementation in year two (2) of the project grant. Thereafter, state assistance for the project shall be limited to funds distributed to the district within its foundation program amount as determined under the education resource block grant model.

~~(b)~~ (c) 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~~ based upon an existing partnership between the applicant district, the Wyoming post secondary education institution and industry, which clearly documents the need for introducing establishing the proposed career vocational career-technical education program demonstration project;

(ii) ~~Labor market information detailing the need for instruction in~~ Documentation of integration of industry standards, school redesign and curriculum alignment between high school and post secondary education within the proposed program project;

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

(iv) ~~An outline of the course curriculum for~~ Assurance that school facilities appropriately accommodate the proposed program demonstration project; and

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

~~(e)~~(d) Not later than August 15 of the applicable school year and following review of applications submitted under this section, the department shall notify applicant 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)~~(e) Each recipient district shall report to the department on the expenditure of amounts awarded under this section, shall in consultation with representatives of partnership post secondary education programs and industry, provide the department an evaluation of project results and shall provide other information as required by rule and regulation of the department to implement this section.

(f) Repealed By Laws 2006, Chapter 37, § 2.

~~(e)~~(g) The department shall promulgate rules and regulations necessary to carry out this section and shall work with Wyoming post secondary education institutions and industry in establishing prerequisite school district and post secondary education and industry agreement requirements.

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**Section 202.**

(a) Eight hundred thousand dollars (\$800,000.00) is appropriated from the public school foundation program account to the department of education that shall be expended only as necessary to augment amounts within the department's budget for career-technical education demonstration project grants authorized under W.S. 21-12-105, as amended by Section 201 of this act. This appropriation shall be for the period beginning July 1, 2008, and ending June 30, 2010.

(b) The department of education is authorized one (1) additional full-time position to administer the career-technical education demonstration project grant program authorized under W.S. 21-12-105 as amended by Section 201 of this act, to coordinate and staff the career-technical education steering committee established under subsection (c) of this section, to implement the department's career-technical education strategic plan developed in accordance with subsection (d) of this section and to coordinate department staff dedicated to strengthening core career-technical education programs. For purposes of this subsection, one hundred seventy-six thousand three hundred seventy-four dollars (\$176,374.00) is appropriated from the public school foundation program account to the department of education for the period commencing with the effective date of this subsection and ending June 30, 2010. This appropriation shall be expended for the costs of this additional position only.

(c) One hundred fifty thousand dollars (\$150,000.00) is appropriated from the public school foundation program account to the department of education to fund costs for creating and convening a career-technical education steering committee to assist the department in developing

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parameters comprising the career-technical education demonstration project grant program authorized under W.S. 21-12-105 as amended by Section 201 of this act, in developing and guiding the evolving statewide career-technical education program and in designing and implementing the statewide strategic plan for Wyoming career-technical education. Steering committee membership shall be appointed by the state superintendent from among members of the Wyoming legislature as forwarded by the president of the Wyoming senate and the speaker of the Wyoming house of representatives, and the state board of education, together with representatives of Wyoming post secondary education institutions, secondary schools, state agencies involved with workforce training, business and industry and other related stakeholders identified by the department. This appropriation shall be for the period beginning on the effective date of this subsection and ending June 30, 2010, and shall be expended only for necessary expenses incurred for the statewide steering committee established under this subsection. Steering committee members shall be reimbursed only for per diem and travel expenses incurred while attending official committee business, at rates prescribed by law for members of the Wyoming legislature. In addition, the department shall transfer funds to the legislative service office for payment of per diem and expenses incurred by legislator steering committee members. The steering committee shall terminate on June 30, 2010, unless extended by the state superintendent and funded by appropriation of the legislature.

(d) Five hundred sixty thousand dollars (\$560,000.00) is appropriated from the public school foundation program account to the department of education for Wyoming career-technical education development, including coordination of statewide career-technical education activities,

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implementation of steering committee recommendations, development of core career-technical education programs and curriculum, development of a comprehensive statewide model for career-technical education based upon demonstration projects awarded grants under W.S. 21-12-105 as amended by Section 201 of this act, provision of technical assistance to Wyoming school districts pertaining to curriculum planning and development, strengthening of professional development and teacher preparation programs and the evaluation of improvements to career and technical education instruction and delivery. This appropriation is for the period beginning July 1, 2008, and ending June 30, 2010, and shall be expended for purposes specified in this subsection and may be used for contractual services as necessary to obtain required analytical expertise in carrying out duties imposed under this subsection.

**Section 203.** On or before December 1, 2009, the department shall report to the joint education interim committee on career-technical education demonstration project grants awarded under W.S. 21-12-105 as amended by Section 201 of this act, the impact of the grant program, steering committee activities and the statewide career-technical education strategic plan on improvements to career-technical education delivery in Wyoming, the related impact of these programs on the career-vocational education component contained within the education resource block grant school funding model, together with recommendations for continuing development and implementation of career-technical education in Wyoming.

[SECTION 3. INSTRUCTIONAL FACILITATORS]

**Section 301.** W.S. 21-13-335 is created to read:

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**21-13-335. Supplemental financial assistance program for instructional facilitators and instructional coaches.**

(a) The supplemental financial assistance program for instructional facilitators and instructional coaches is established to augment resources within the education resource block grant model available to districts for professional development. Supplemental assistance under this section shall be for school-based instructional facilitators and instructional coaches to assist schools with providing ongoing instructional coaching and instructional mentoring.

(b) Each school district may apply to the department of education for financial assistance under this section on or before April 15 of the school year immediately preceding the school year for which financial assistance is requested. Application shall be on a form and in a manner prescribed by the department and application review and selection shall be in accordance with the process established by department rule and regulation. At minimum, the application shall include documentation of the following program components:

(i) Evidence of a research-based approach to instructional facilitator program implementation;

(ii) A plan for evaluation of the instructional facilitator program over time.

(c) The department shall notify each district of its eligibility to participate in the financial assistance program on or before May 1 of the school year preceding the school year for which application is made, together with any estimated amount to be made available to the district for the applicable school year. The department shall

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distribute assistance to each eligible district on or before August 15 of the applicable school year for which assistance is requested.

(d) Financial assistance under this section shall be based upon prior year school level attendance and configuration reports submitted by each eligible school district pursuant to W.S. 21-13-309(m)(iv). Grant amounts shall be computed by the department for the eligible applicant district as if the education resource block grant model contained the following component for instructional facilitators, prorated up and down from the FTE position level specified for each prototype similar to computational operation of other components within the block grant model:

(i) One and one-half (1.5) FTE position in each 288 ADM prototypical elementary school within the qualifying district;

(ii) One and one-half (1.5) FTE position in each 315 ADM prototypical middle school within the district;

(iii) One and one-half (1.5) FTE position in each 315 prototypical high school within the district;

(iv) "FTE" and "ADM" as used in this section shall be as defined in ATTACHMENT "A" to 2006 Wyoming Session Laws, Chapter 37, as referenced in W.S. 21-13-101(a)(xvii).

(e) Financial assistance to each qualifying applicant school district shall be made by the department from amounts appropriated by the legislature to the foundation program account for purposes of the program established by this section and shall be in addition to the foundation program amount computed for that district under W.S.

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21-13-309(p). If there is an insufficient amount within the foundation program account from amounts appropriated by the legislature for financial assistance under this section for any school year, the department shall make a pro rata reduction in financial assistance payments among all qualifying districts for that school year. District expenditures of amounts distributed under this section shall be solely for district instructional facilitator and instructional coaching programs in accordance with the program documentation submitted by the district under subsection (b) of this section. The department may withhold a portion or the entire amount to be distributed to any district under this section for noncompliance with program documentation required to be submitted by the applicant district.

(f) Each district shall report to the department of education on expenditures of amounts distributed under this section together with additional information required by the department on instructional facilitation strategies employed by the district, the impact of facilitation on student performance and an evaluation of the effectiveness of the facilitation strategies employed by the recipient district. The department shall compile the information reported by districts under this subsection and report the compilation to the joint education interim committee.

**Section 302.** Five million eight hundred ninety-four thousand three hundred six dollars (\$5,894,306.00) is appropriated from the public school foundation program account to the department of education, to be expended only to augment amounts within the department's budget for the supplemental funding program for instructional facilitators and instructional coaches pursuant to W.S. 21-13-335, as created under Section 301 of this act. This appropriation



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shall be for the period beginning July 1, 2008, and ending  
June 30, 2009.

[SECTION 4. AT-RISK STUDENTS]

**Section 401.**

(a) To continue study efforts assigned to the state superintendent of public instruction by 2006 Wyoming Session Laws, Chapter 37, Section 7(c), and further directed under 2007 Wyoming Session Laws, Chapter 147, Section 103, the state superintendent shall through the department of education establish a study committee to continue the review, analysis and evaluation of at-risk resources and strategies for refinement of block grant model components supporting at-risk students. This effort shall be in coordination and consultation with the allocation and use study effort initiated under 2006 Wyoming Session Laws, Chapter 37, Section 8, and continued under Section 7 of this act.

(b) The state superintendent's study committee shall be appointed by the state superintendent from among representatives of school districts, community programs and state governmental agencies which are engaged in and have a designated responsibility for developing, implementing and administering programs and services addressing the needs of at-risk student populations. Study committee members shall be reimbursed only for per diem and travel expenses incurred while attending official committee business, at rates prescribed by law for members of the Wyoming legislature. The study committee shall expire on June 30, 2010, unless extended by the state superintendent and funded by legislative appropriation.

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(c) Duties of the state superintendent's study commission shall at minimum include the evaluation of at-risk prevention and intervention programs and providing guidance to the state superintendent on necessary program and policy changes for effective and equitable at-risk program delivery. In undertaking these assigned duties, the study committee shall:

(i) Develop an operational definition of at-risk, using definitions at local, state and federal program-levels as guidance in establishing definitional components;

(ii) Following the evaluation of at-risk programs including the identification of consistent and reliable measures of program effectiveness and the implementation of research-based strategy models, determine an equitable and effective standard for a continuum of learning support services for school districts in addressing at-risk student needs;

(iii) Evaluate the role of alternative schools and programs and the expected student outcomes from this at-risk strategy, including the identification of entry and exit criteria and program effectiveness indicators;

(iv) Identify different programs appropriately provided through court ordered and institutionalized placements and develop standardized individual learning plans for each identified program as appropriate;

(v) Within the court ordered and institutionalized placement policy, establish school district and institutional responsibilities tied to each placement as well as the responsibilities for the effective transition of each placement.

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(d) Preliminary study recommendations shall be provided by the study committee to the state superintendent in sufficient time for submission of an initial report to the joint education interim committee on or before November 1, 2008. Final study committee recommendations shall be completed and reported to the state superintendent by October 1, 2009, and the state superintendent shall submit a final report to the joint education interim committee on or before November 1, 2009. Findings shall be coordinated with the allocation and use study effort initiated under 2006 Wyoming Session Laws, Chapter 37, Section 8, and continued under Section 7 of this act, and shall be in a form and of a substance to assist the 2010 recalibration of the education resource block grant model.

**Section 402.**

(a) One hundred thousand dollars (\$100,000.00) is appropriated from the public school foundation program account to the department of education to fund the costs of the study committee established under Section 401 of this act. This appropriation shall be for the period beginning on the effective date of this section and ending June 30, 2010, and shall be expended only for necessary expenses incurred for the study committee and for necessary contractual services to obtain required analytical expertise in carrying out duties imposed under Section 401 of this act.

(b) Two hundred thousand dollars (\$200,000.00) is appropriated from the public school foundation program account to the department of education for an at-will employee position in accordance with W.S. 9-2-1022(a)(xi)(F) to coordinate at-risk programs and services statewide, as well as to assist the study

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committee established under Section 401 of this act. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2010.

[SECTION 5. DISTANCE EDUCATION]

**Section 501.** W.S. 21-2-202(a) by creating a new paragraph (xxxi) and 21-13-330 by creating new subsections (f) through (j) are amended to read:

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

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

(xxxi) By rule and regulation and in consultation with the state board of education and the Wyoming professional teaching standards board, provide guidance and oversight of distance education by:

(A) Establishing, approving, facilitating and monitoring a state network of distance education courses that meet state standards for course content and delivery by Wyoming certified teachers;

(B) Providing training and technical assistance to school districts for the delivery of distance education;

(C) Monitoring the design, content, delivery and the accreditation of distance education programs provided by school districts under W.S. 21-13-330;

(D) Establishing criteria and necessary components of individual student distance learning plans required by W.S. 21-13-330;

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(E) Implementing a comprehensive reporting process as necessary for federal and state funding requirements and establishing necessary data collection instruments and systems to monitor and improve distance education programs statewide.

**21-13-330. Distance education; program content; distance learning plan required; students within ADM of resident district; agreements with districts authorized.**

(f) As used in this section:

(i) "Distance education" means instruction in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the state board under W.S. 21-2-304(a)(ii), whereby the teacher and student, physically separated by time or space, are connected by means of a communications source used to provide synchronous or asynchronous instruction;

(ii) "Distance learning plan" means an agreement between the school district or districts, a student and his parents or guardian outlining the distance education program requested by the student and his parents or guardian, together with expectations and achievable performance benchmarks required for completion of the program in accordance with content and performance standards promulgated by the state board under W.S. 21-2-304(a)(iii);

(iii) "Nonresident district" means the school district in which a participating student does not reside but which employs the distance education program teacher and which sponsors, approves, facilitates and supervises

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the distance education program course material provided to the participating student;

(iv) "Resident district" means the school district in which the participating student resides, receives distance education program instruction and where the student's distance education learning plan is filed.

(g) A resident school district providing distance education for any student shall:

(i) Complete a distance learning plan appropriate to the learning capabilities of the participating student and ensure the plan is in compliance with criteria established by the department of education;

(ii) Assign the participating student to a school within the district offering appropriate grade level instruction if the student is not physically attending a school within the resident district and the district has not entered into an agreement with a nonresident district pursuant to subsection (h) of this section for that student;

(iii) Monitor the participating student's progress as measured by his distance learning plan and in accordance with the district's assessment policies, administer or ensure his participation in required student performance evaluations and assessments at the same intervals required of other students at the participating student's grade level;

(iv) Facilitate necessary instructional support for the student and notify and assist any student not performing satisfactorily or failing to achieve performance benchmarks established within his distance learning plan;

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(v) Maintain the student's records within the district's permanent student data system including his district learning plan, equivalent attendance as specified by his plan, assessment and other performance evaluation data, immunization and other information required by the district;

(vi) Verify the distance education program received by the participating student complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rule and regulation of the state board under W.S. 21-2-202(a)(xxxi) and that the program otherwise meets district program standards;

(vii) Restrict the student's distance education to programs approved by the department of education pursuant to W.S. 21-2-202(a)(xxxi) and accredited by the state board.

(h) Each student participating in distance education offered by the school district of residence shall be included within the average daily membership (ADM) of the resident district as computed under the education resource block grant model pursuant to W.S. 21-13-309(m)(iv), regardless of the origination of the district providing the distance education program for the student. The membership for a distance education student shall be prorated at less than one (1.0) ADM if the number of distance education courses in which enrolled are less than the regularly scheduled courses for that school, but the distance education program membership may be combined with any nondistance education membership to result in a larger fractional ADM of not to exceed one (1.0) ADM. A resident district may through agreement provide for a student to participate full time in distance education offered by a

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nonresident school district whereby the student is counted among the membership of the nonresident district if the nonresident district complies with the requirements specified in subsection (g) of this section and the resident district removes the participating student from its membership for the period of time the student participates full time in the distance education program of the nonresident district.

(j) The department of education shall by rule and regulation provide a procedure under which a school district may allow a student whose custodial parent or guardian is in active military service and leaves the state of Wyoming, and whose custodial parent or guardian maintains Wyoming residency, to participate in distance education programs offered under this section provided the district complies with this section to the extent required by department rule and regulation.

**Section 502.** W.S. 21-13-330(a) through (e) is repealed.

**Section 503.**

(a) To assist school districts with developing distance education programs available from the state network of distance education courses under W.S. 21-2-202(a)(xxxi)(A), as amended by Section 501 of this act, the state superintendent shall establish a grant program available to applicant school districts, community college districts and the University of Wyoming in accordance with this section. Program grants shall be available for development and maintenance of distance education programs delivering the core courses within the required statewide education program, components of the success curriculum required for participation in the



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Hathaway student scholarship program specified by W.S. 21-16-1307, dual enrollment courses and for delivering advanced-placement courses. Program grants may be used by grant recipients for addressing necessary professional development requirements, program maintenance and operational needs, accreditation requirements, program evaluation and for other necessary program components to comply with requirements imposed upon distance education programs under W.S. 21-13-330, as amended by Section 501 of this act.

(b) A process for grant administration under this section shall be established by the state superintendent in sufficient time to enable awarding of grants to applicant school districts, community college districts and the university by not later than August 15, 2008, for use in implementing and operating distance education programs beginning with school year 2008-2009. Notice of the grant program together with necessary application forms and program information shall be provided to school districts, community colleges and the university by May 1, 2008. Evaluation of applications shall be based upon criteria specified under subsection (a) of this section and shall prioritize applications accordingly. Grants amounts for a successful applicant shall at minimum consider the number of students estimated to participate in the program, total program costs and if applicable, historical student success in the program. Application for school year 2009-2010 awards shall commence May 1, 2009, and awards shall be granted by not later than August 15, 2009.

(c) Each grant recipient shall report to the state superintendent on the expenditure of grant amounts awarded under this section, the number of students enrolling in the distance education program receiving grant assistance, the number of students successfully completing the distance

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education program, the impact of the grant assistance on compliance with W.S. 21-13-330 and an evaluation of the distance education program in addressing student needs. The state superintendent shall compile the reports collected under this subsection and shall by not later than November 1, 2009, report the compilation to the joint education interim committee together with recommendations for program continuation.

(d) The state superintendent shall fund the grant program established under this section from amounts contained within the school foundation program account 2009-2010 biennial budget (Agency 205) for distance learning incentive payments. Expenditures of this appropriation shall be authorized for the period commencing July 1, 2008, and ending June 30, 2010.

**Section 504.** Two hundred seventy-five thousand dollars (\$275,000.00) is appropriated from the public school foundation program account to the department of education that shall be expended only for the implementation and administration of distance education as authorized under W.S. 21-2-202(a)(xxxi) and 21-13-330, as amended under Section 501 of this act, and for an at-will employee position in accordance with W.S. 9-2-1022(a)(xi)(F). This appropriation shall be for the period commencing on the effective date of this section and ending June 30, 2010.

**Section 505.** For purposes of administering and implementing distance education pursuant to W.S. 21-2-202(a)(xxxi) and 21-13-330, as amended under Section 501 of this act, the department of education shall by rule and regulation establish guidelines prescribing process and procedural requirements for school districts in responding to requests for student participation in distance education

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programs. The proposed guidelines shall be reported to the joint education interim committee prior to August 31, 2008.

[SECTION 6. FOOD SERVICE]

**Section 601.**

(a) The education resource block grant model, executing recommendations contained within the 2005 cost of education study, was premised upon report findings and recommendations that school district food service programs were financially self-supporting in that revenues from student fees and other available state and federal funds are adequate to cover program costs. In adopting 2005 study recommendations and for purposes of refining study recommendations based upon more precise information, the legislature, under 2006 Wyoming Session Laws, Chapter 37, Section 7(e), directed and funded a data collection effort and data analysis study by the department of education on district revenues and expenditures for food service programs. Under this provision, the department was directed to identify and determine if districts experience deficits in operating food service programs and if so, determine the basis for program deficits.

(b) Based upon data analysis and recommendations compiled under subsection (a) of this section, and to augment amounts available to school districts within the education resource block grant model for operation of its public schools during the period preceding 2010 model recalibration and development of a cost-based model component for food service programs, and to assist districts with covering costs of food service program deficits, financial assistance is available to school districts in accordance with this section. Financial assistance under this section shall be in addition to and

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not considered in determining school foundation program payments under the education resource block grant model pursuant to W.S. 21-13-309. To qualify for financial assistance, a school district shall report a funding deficit under paragraph (c)(ii) of this section for the school year prior to the year of application and shall:

(i) Obtain department approval of its strategic plan for food service operations, including operating guidelines and standards for food safety, required food service training, food production procedures and standards, staffing requirements, supervisory structure, comprehensive performance measures, benchmarks and program budget review procedures and equipment maintenance and replacement plans;

(ii) Be in compliance with federal, state and district regulations and policies;

(iii) Conduct periodic program evaluations reviewing program quality and performance as measured by quality review instruments provided by the department;

(iv) Implement financial management policies and procedures including procurement, wage scales comparable with other district employees, collection policies and accounting policies; and

(v) Provide a meal counting system in compliance with department rules and regulations for reporting purposes under this section.

(c) Any qualifying school district may apply for financial assistance under this section with the department of education at the same time the district reports actual revenue collections for the purpose of reconciliation under W.S. 21-13-313(d). Application shall be in a form and

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manner specified by rule and regulation of the department and shall include:

(i) The number of qualifying meals served by the district's food service program during the school year immediately preceding the year of application, based upon meals qualifying for reimbursement under the National School Lunch Act, 42 U.S.C. 1751 et seq.;

(ii) The total amount of the funding deficit experienced by the district's food service program during the same school year, as documented and computed in accordance with department rule and regulation. For purposes of this paragraph, the state match paid for each district under the National School Lunch Act, 42 U.S.C. 1751 et seq., shall be considered a revenue and shall be subtracted from any funding deficit reported under this paragraph.

(d) Assistance for each qualifying district shall be based upon a statewide per meal reimbursement computed each year by the department as follows:

(i) Compute the statewide food service program deficit for the applicable school year based upon each school district's reported deficit for the immediately preceding school year in accordance with guidelines prescribed under subsection (c) of this section;

(ii) From the amount computed under paragraph (i) of this subsection, subtract an amount equal to ten percent (10%) of the computed statewide deficit under paragraph (i) of this subsection;

(iii) Divide the amount determined under paragraph (ii) of this subsection by the number of

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qualifying meals reported by all districts for the prior school year as required under subsection (c) of this section.

(e) The amount of assistance for each qualifying applicant district under this section shall be determined by multiplying the per meal reimbursement computed for the school year of application under subsection (d) of this section times the number of qualifying meals reported by the applicant district under subsection (c) of this section. Payments for each qualifying district shall be made by the department not later than October 15 of the school year of application.

(f) Each district shall report annually to the department of education on food service program revenues, expenses, program operations and program policies and procedures in a manner and level of detail required by department rule and regulation. The department shall compile reported information and submit the compilation to the joint education interim committee not later than December 1 of each school year. In addition, information compiled under this subsection shall be maintained by the department for use in 2010 model recalibration and development of a cost-based model component for food service programs.

**Section 602.** The department of education shall promulgate rules and regulations necessary to implement Section 601 of this act and establish necessary program evaluation instrumentation, food service strategic plan guidelines and meal counting methodology required under paragraph 601(b)(v) of this act, and program deficit computation instructions required under paragraph 601(c)(ii) of this act, all within sufficient time to enable implementation of the financial assistance program

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established by Section 601 of this act during school year 2008-2009. In addition, the department shall provide necessary technical assistance to school districts as required to meet qualification requirements imposed under Section 601 of this act.

**Section 603.** Four million five hundred thousand dollars (\$4,500,000.00) is appropriated from the public school foundation program account to the department of education to be expended only for financial assistance to school districts for food service programs as provided by Section 601 of this act. This appropriation is for the period commencing July 1, 2008, and ending June 30, 2009.

[SECTION 7. MAINTENANCE AND OPERATIONS]

**Section 701.** 2006 Wyoming Session Laws, Chapter 37, Attachment A(b), as amended by 2007 Wyoming Session Laws, Chapter 147, Section 401, is amended to read:

ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED WITHIN THE 2005 COST OF EDUCATION STUDY ON THE RECALIBRATION OF THE EDUCATION RESOURCE BLOCK GRANT MODEL AS FOLLOWS:

**SUMMARY OF WYOMING RECALIBRATION RECOMMENDATIONS:**

For purposes of this attachment:

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

"FTE" means full time equivalency basis as computed in accordance with guidelines prescribed by rule and regulation of the department of education.

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(b) To implement this act and notwithstanding subsection (a) of this attachment, the Wyoming education resource block grant model components and the resourcing for those components shall be as follows:

Full-Day Kindergarten: Funded for all elementary schools.

Class Size: 16 for grades Kindergarten through 5;  
21 for grades 6 through 12.

Core teachers: Elementary school ADM divided by 16;  
Middle school ADM divided by 21;  
High school ADM divided by 21.

Specialist teachers: Elementary schools: 20 percent of core teachers;  
Middle and high schools: 33 percent of core teachers.

Minimum teachers: 6.0 for elementary schools with greater than 49 ADM;  
8.0 for middle schools with greater than 49 ADM;  
10.0 for high schools with greater than 49 ADM.

Instructional facilitators: 0.

Tutors: 1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and high schools.

ELL: 1 FTE teacher position for every 100 ELL students.



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Extended day: 0.

Summer school: 0.

Alternative schools: 1 assistant principal position plus 1 FTE teacher position for every 7 students.

Substitutes: Additional 5 percent of ADM generated teacher positions at \$88.40/day plus 7.65% for benefits.

Supervisory aides: 2 for 288 ADM prototypical elementary school;  
2 for 315 ADM prototypical middle school;  
5 for 630 ADM prototypical high school.

Pupil support: 1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and secondary schools; PLUS  
1 FTE position for every 250 students in secondary schools.

Librarian: 1.0 for each prototypical elementary, middle and high school.

Library media tech: 1.0 for each prototypical middle and high school.

Principal: 1.0 for all schools down to 96 ADM elementary and 105 ADM middle and

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high, prorated by ADM below these ADM levels.

Assistant principal: Begin phasing in 1 assistant principal for every 315 students at 316 ADM middle and high school.

Secretary: 1.0 for 288 ADM prototypical elementary;  
1.0 for 315 ADM prototypical middle school;  
1.0 for 315 ADM and 630 ADM prototypical high school.

Clerical: 1.0 for 288 ADM prototypical elementary school;  
1.0 for 315 ADM prototypical middle school;  
2.0 for 315 ADM prototypical high school.

Books/Ins. Materials: \$296.99/elementary and middle school ADM;  
\$363.65/high school ADM.

Computers, equipment: \$260/ADM.

Special education: 100 percent state reimbursement of prior year actual expenditures.

Gifted: \$26/ADM.

Vocational education: 0.29 times FTE vocational education ADM;  
\$8040.74/FTE vocational education teacher for equipment and supplies.

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Student activities: Resource under the following school configurations:

K-5 elementary school: \$21.63/ADM;  
6-8 middle school: From \$711.69/ADM  
at 1 ADM school to  
\$183.88/ADM for 1260 ADM  
school;  
9-12 high school: From \$1834.60/ADM  
for 1 ADM school to  
\$540.80/ADM for 1260 ADM  
school.

Professional development: In addition to the above instructional facilitators/coaches:  
5 extra days in teacher yearly contract, at statewide average of \$238 per day, which will vary by district average salary levels;  
Plus \$104/ADM for trainers.

Assessment: In addition to all other professional development resources:  
\$33.58/ADM.

Central office staff: District ADM 500 and below:  
3 administrative and 3 secretarial;  
  
District ADM from 500 to 1000:  
Proration of an additional administrative and secretarial position;  
  
District ADM at 1000:  
4 administrative and 4 secretarial;  
adjusted upwards to 3500 ADM.

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District ADM at 3500:  
8 administrative and 10 secretarial,  
prorated up for districts with ADM  
greater than 3500.

Central office nonpersonnel expenses: \$312/ADM.

Transportation: 100 percent state reimbursement of  
prior year actual expenditures.

Food services: Assumed to be self supporting program.

Maintenance and operations: Based on ADM, gross square  
footage and number of buildings and  
rooms for custodians, facilities  
maintenance and groundskeepers.  
Groundskeeper FTE computations shall  
be based upon the lesser of the actual  
site acreage on which the facility is  
situated as defined by department rule  
and regulation, or the school facility  
guidelines and site acreages  
established by the school facilities  
commission under W.S. 21-15-114. The  
state superintendent shall grant  
exceptions to the groundskeeper FTE  
computation limitations for acreages  
acquired on or prior to July 1, 1997,  
and for acreages acquired after July  
1, 1997 through an exchange with  
another governmental entity if the  
acreages involved in the exchange were  
originally acquired by the district  
and the governmental entity on or  
prior to July 1, 1997.

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M & O supplies: \$0.57 per 110 percent of gross square feet of authorized education space.

Utilities: Actual 2004-2005 expenditures by district inflated up in subsequent years by inflation factor.

School adjustments: For all schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1 FTE teacher position for every 7 students for all staff;

For all schools with 49 or fewer ADM within a district comprised solely of schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1.5 FTE teacher positions for every 7 students for all staff;

Minimum 6 teachers in elementary schools greater than 49 ADM;

For a K-5 or K-6 school, resource as elementary school;

For a K-7, K-8 or K-9 school, resource K-5 as elementary school and remainder as middle school;

For K-12 school, resource as K-5 elementary, 6-8 middle and 9-12 high school;

For 6/7-12 school, resource as 6-8 middle and 9-12 high school.

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Average Salaries:	Teachers	\$ 43,938.00
	Teachers with 5 extra days	\$ 45,126.00
	Principals	\$ 73,994.00
	Assistant principals	\$ 62,085.00
	Superintendents	\$ 95,211.00
	Assistant superintendents	\$ 76,168.80
	Business managers	\$ 64,202.00
	Aides	\$ 16,430.00
	Media technicians	\$ 38,747.00
	Central office secretaries	\$ 31,073.00
	School secretaries	\$ 28,868.00
	School clerical staff	\$ 22,206.00
Maintenance and operations:		
	Maintenance/groundskeepers	\$ 31,866.00
	Custodians	\$ 26,582.00

Benefits: 19.66 percent plus health as computed under W.S. 21-13-309(m)(v)(F).

Regional cost adjustment: As provided by W.S. 21-13-309(m)(v)(C).

External cost adjustment: As provided by W.S. 21-13-309(o).

[SECTION 8. MODEL ADMINISTRATION]

**Section 801.**

(a) The state superintendent shall continue the review of school and school district implementation and delivery of education programs with state resources, the alignment of school and school district programs with

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education strategies recommended by the 2005 cost of education study and on which the education resource block grant model is based, the collection of data necessary to determine district program alignment, the impact of state resources on education programs and the impact of district expenditures on student performance. This review shall continue the allocation and use study and data collection efforts initiated under 2006 Wyoming Session Laws, Chapter 37, Section 8, and shall be periodically reported to the joint education interim committee. A comprehensive report of data and resulting findings shall be provided to the committee on or before November 1, 2009, to be in a form and of a substance to assist the 2010 recalibration of the education resource block grant model.

(b) In addition and for purposes of carrying out duties assigned by W.S. 21-2-202(e) pertaining to administration of the education resource block grant model, the state superintendent shall continue the development of a resource document necessary to provide descriptive and technical information on model components, component operations and functionality within model spreadsheets and the relationship of components to the 2005 cost of education study, updated periodically to reflect legislative modifications.

[SECTION 9. HATHAWAY STUDENT SCHOLARSHIP PROGRAM  
LONGITUDINAL STUDY]

**Section 901.**

(a) For the period commencing July 1, 2008, and ending June 30, 2010, one hundred thirty-five thousand dollars (\$135,000.00) is appropriated from the school foundation program account to the department of education to conduct a study of the long term effects of the Hathaway

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student scholarship program on students in Wyoming high schools. Using a random sampling of students beginning grade nine (9), the study shall track the following three (3) student cohorts for at least ten (10) years after high school graduation:

(i) A cohort group comprised of students beginning grade nine (9) in the school year immediately preceding the school year in which the Hathaway student scholarship program was implemented;

(ii) A cohort group comprised of students beginning grade nine (9) in the school year in the first or second school year following the initial school year in which the Hathaway student scholarship program was implemented; and

(iii) A cohort group comprised of students beginning grade nine (9) in the first or second school year following the initial school year in which the entire success curriculum was implemented pursuant to W.S. 21-16-1307.

(b) The size of the sampling under subsection (a) of this section shall be sufficiently large to enable a statistically significant sample size. Individual student information used within the study under this section shall be confidential and the department shall ensure appropriate student confidentiality measures are incorporated in the conduct of the study.

(c) Tracking of students shall not include the use of a social security number without the written permission of the student or his parent or legal guardian if the student is under the age of majority. The student, or his parent or legal guardian if the student is under the age of



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majority, may withdraw permission to use his social security number by providing written notice to the department of education.

(d) Factors to be tracked and information gathered for the study shall include but not be limited to:

(i) Academic achievement;

(ii) The Hathaway student scholarship level received by the student, either honor, performance, opportunity or career;

(iii) Drop-out, GED and graduation rates in pertinent high schools, colleges and universities;

(iv) The extent of remedial courses taken at the post secondary education level;

(v) The length of time enrolled and attending post secondary education programs prior to obtaining a community college certificate or degree or a university degree;

(vi) Attendance at a post secondary education institution located outside Wyoming; and

(vii) Employment, location of employment and earnings level after leaving a post secondary education program at a college or the university.

(e) On or before October 1 of each year in which the study is conducted, the department shall submit study progress reports to the joint education interim committee.

[SECTION 10. SIGN LANGUAGE INSTRUCTION]

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**Section 1001.** The state superintendent shall establish a task force comprised of school district and post secondary education representatives engaged in sign language instruction, linguistics and special programs for deaf students, together with representation from teacher certification in sign language instruction, to review and evaluate the addition of sign language as fulfillment of foreign language requirements under the success curriculum for the Hathaway student scholarship program prescribed by W.S. 21-16-1307. The task force shall also review and recommend certification requirements for instruction in sign language and sign language course composition and content. On or before October 1, 2008, the state superintendent shall report findings and recommendations under this section to the joint education interim committee.

[SECTION 11. STUDENT ENRICHMENT INSTRUCTION - PILOT  
PROJECT]

**Section 1101.**

(a) The supplemental financial assistance pilot project for student enrichment instruction is established. Under the project the department of education may provide financial assistance in addition to the education resource block grant model for selected districts for the provision of student enrichment instruction programs during the 2008 summer school session. The project shall meet program requirements and criteria established by rule and regulation of the department.

(b) Each school district may apply to the department of education for assistance under this section on or before April 15, 2008. Application shall be on a form and in a

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manner prescribed by the department. At minimum, the application shall include a description of program content including enrichment learning strategies to be employed.

(c) The department shall notify each district of its eligibility to submit an application to be considered for assistance under this section for a pilot project no later than May 1, 2008. The department shall state in the notice to the districts the application program requirements and shall award funding for selected districts to implement a summer school enrichment pilot program. On or before May 31, 2008, the department shall distribute assistance to each district selected to participate in the summer school pilot enrichment project under this section.

(d) Four hundred fifty thousand dollars (\$450,000.00) is appropriated from the public school foundation program account to the department of education to be expended as necessary to implement this section. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2009.

(e) Each recipient district shall report by October 1, 2008 to the department of education on expenditures of amounts distributed under this section together with additional information required by the department on enrichment strategies employed by the district, the impact of the program on student performance and an evaluation of the effectiveness of the enrichment strategies employed by the recipient district. The department shall compile the information reported by districts under this subsection, and report to the joint education interim committee, together with program recommendations, on or before December 1, 2008.

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

[SECTION 12. EFFECTIVE DATES]

**Section 1201.**

(a) Except as otherwise provided in this act, this act is effective July 1, 2008.

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(b) Sections 101, 102, 202(b) and (c), 301, 401, 402, 503(a) and (b), 504, 505, 602, 801 and 1001 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