

Substitute No. 1

HOUSE BILL NO. HB0236

School finance-omnibus education funding.

Sponsored by: House Education Committee

A BILL

for

1 AN ACT relating to school finance; an omnibus bill
2 addressing education funding; revising the existing
3 education funding formula; providing additional revenue for
4 education through a sales and use tax increase and by
5 transferring existing revenues; providing additional
6 revenue for education through a contingent sales and use
7 tax increase; providing for moratoria on new alternative
8 schools and purchases and leases of school buses and other
9 restrictions on education expenditures; specifying various
10 dates for determination of funds to be distributed and for
11 other implementation purposes; establishing a joint select
12 committee on education funding; requiring reports;
13 providing appropriations; modifying previous
14 appropriations; providing sunset dates; and providing for
15 effective dates.

16

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

2

3 **Section 1.** W.S. 9-4-219, 9-4-601(a)(ii) and (d)(iii),
4 9-4-719(f), 21-13-101(a)(i), (xiv) and (xvii), 21-13-306 by
5 creating a new subsection (d), 21-13-309(m)(v)(intro),
6 (B)(IV)(intro), by creating a new subdivision (V) and (C),
7 21-13-315(b), 21-13-320 by creating new subsections (j)
8 through (m), 21-15-111(a)(i), 39-14-801(b)(intro) and by
9 creating a new paragraph (iii), 39-15-104 by creating new
10 subsections (h) through (k), 39-15-111(b)(intro) and by
11 creating a new subsection (p), 39-16-104 by creating new
12 subsections (g) and (h) and 39-16-111(b)(intro) and by
13 creating a new subsection (p) are amended to read:

14

15 **9-4-219. Legislative stabilization reserve account**
16 **created; purposes.**

17

18 (a) The legislative stabilization reserve account
19 created by 2005 Wyoming Session Laws, Chapter 191, Section
20 4, Section 301(d) is continued and codified. Funds within
21 the account shall only be expended by legislative
22 appropriation. All funds within the account shall be

1 invested by the state treasurer and all investment earnings
2 from the account shall be credited to the general fund.

3
4 (b) To the extent funds are available after all other
5 appropriations or transfers from the legislative
6 stabilization reserve account to be made on or prior to
7 June 30 of the applicable fiscal year have been made, an
8 amount necessary to restore the unobligated, unencumbered
9 balance within the public school foundation program account
10 to one hundred million dollars (\$100,000,000.00) on June 30
11 of each fiscal year shall be transferred from the
12 legislative stabilization reserve account into the public
13 school foundation program account. This subsection is
14 repealed the month immediately following the date that the
15 state auditor and the state treasurer first certify to the
16 governor and the department of revenue, and the governor
17 certifies the same to the secretary of state, that the
18 amount in the legislative stabilization reserve account is
19 less than five hundred million dollars (\$500,000,000.00).

20
21 **9-4-601. Distribution and use; funds, accounts,**
22 **cities and towns benefited; exception for bonus payments.**

23

1 (a) All monies received by the state of Wyoming from
2 the secretary of the treasury of the United States under
3 the provisions of the act of congress of February 25, 1920
4 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or
5 from lessees or authorized mine operators and all monies
6 received by the state from its sale of production from
7 federal mineral leases subject to the act of congress of
8 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,
9 191) as amended, except as provided by subsection (b) of
10 this section, shall be deposited into an account and the
11 first two hundred million dollars (\$200,000,000.00) of
12 revenues received in any fiscal year shall be distributed
13 by the state treasurer as provided in this subsection. One
14 percent (1%) of these revenues shall be credited to the
15 general fund as an administrative fee, and the remainder
16 shall be distributed as follows:

17

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

22

1 (d) Any revenue received under subsection (a) of this
2 section in excess of two hundred million dollars
3 (\$200,000,000.00) shall be distributed as follows:

4

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

8

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

11

12 (f) There is created the common school permanent fund
13 reserve account. ~~Beginning July 1, 2015 for fiscal year~~
14 ~~2016 and~~ On July 1 of each fiscal year ~~thereafter,~~ the
15 state treasurer shall transfer unobligated funds from this
16 account to the common school account within the permanent
17 land income fund as necessary to ensure that an amount
18 equal to ~~two and one-half percent (2.5%)~~ five percent (5%)
19 of the previous five (5) year average market value of the
20 common school account within the permanent land fund,
21 calculated from the first day of the fiscal year is
22 available for expenditure annually during the fiscal year.
23 ~~As soon as possible after the end of each of the fiscal~~

1 ~~years beginning on and after July 1, 2000, revenues in this~~
2 ~~account in excess of ninety percent (90%) of the spending~~
3 ~~policy amount shall be credited to the common school~~
4 ~~account within the permanent land fund.~~

5
6 **21-13-101. Definitions.**

7
8 (a) As used in this chapter:

9
10 (i) "Average daily membership" or "ADM" means
11 the aggregate number of pupils present plus the aggregate
12 number of pupils absent, divided by the actual number of
13 days the school is in session for the year. For pupils
14 enrolled in school on less than a full time equivalency
15 basis, the school district shall calculate the pupil's
16 contribution to the ADM on a prorated basis with the hours
17 or class periods of enrollment being the numerator and the
18 hours or class periods of full time equivalency being the
19 denominator. Pupils who have withdrawn from school or who
20 have been absent for more than ten (10) consecutive
21 calendar days shall not be counted as members;

22

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

16

17 (xvii) "Attachment A" to 2011 House Bill 0127 as
18 amended by 2012 Wyoming Session Laws, Chapter 99 consists
19 of an enumeration of model components as enacted into law,
20 summarizing and executing recommendations contained within
21 the 2010 cost of education study, as modified by the
22 legislature, and is hereby incorporated into this chapter
23 by this reference;

1

2 **21-13-306. Foundation program account established;**
3 **disposition of monies.**

4

5 (d) Upon making a deposit to the general fund
6 pursuant to W.S. 39-14-801(b)(iii) the state treasurer
7 shall transfer an equal amount from the general fund to the
8 public school foundation program account. This subsection
9 is repealed June 30, 2023.

10

11 **21-13-309. Determination of amount to be included in**
12 **foundation program for each district.**

13

14 (m) In determining the amount to be included in the
15 foundation program for each district, the state
16 superintendent shall:

17

18 (v) Based upon ADM computations and identified
19 school configurations within each district pursuant to
20 paragraph (iv) of this subsection, compute the foundation
21 program amount for each district as prescribed by the
22 education resource block grant model adopted by the Wyoming
23 legislature as defined under W.S. 21-13-101(a)(xiv), as

1 contained within the spreadsheets and accompanying reports
2 referenced under W.S. 21-13-101(a) (xvii) ~~., on file with the~~
3 ~~secretary of state and maintained by the state~~
4 ~~superintendent pursuant to W.S. 21-2-202(e).~~ The following
5 criteria shall be used by the state superintendent in the
6 administration of the education resource block grant model:

7
8 (B) Alternative schools qualifying for
9 separate consideration under the education resource block
10 grant model may be established by a school district for
11 offering educational programs to students with educational
12 needs which the district finds are not appropriately met by
13 other schools in the district, excluding charter schools
14 established under W.S. 21-3-301 through 21-3-314.
15 Alternative schools included within a district's
16 configuration of schools identified under paragraph (iv) of
17 this subsection shall for purposes of the education
18 resource block grant model:

19
20 (IV) Except as otherwise provided in
21 subdivision (V) of this subparagraph, on and after July 1,
22 2014, and if not qualifying under subdivision (I) of this

1 subparagraph, be approved by the state superintendent
2 subject to the following:

3
4 (V) Not be included for purposes of the
5 block grant model if established on or after March 15, 2017
6 and before June 30, 2019. No new alternative school shall
7 be approved by the department on and after March 15, 2017
8 and before July 1, 2019.

9
10 (C) Salaries for all school and district
11 level staffing categories, including teachers, principals
12 and assistant principals, central office administrators,
13 secretarial and clerical staff, operations and maintenance
14 staff and aides and media technicians, shall be based upon
15 average statewide salary levels calibrated ~~for school year~~
16 ~~2005-2006~~ under "Attachment A" for each staffing category,
17 adjusted under subsection (o) of this section, including
18 the experience, education and responsibility level as
19 appropriate and as computed for each staffing category.
20 The statewide average for each staffing category shall be
21 adjusted for each district based upon the district
22 experience, education and responsibility level relative to
23 the statewide average for that category. District

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

22

1 **21-13-315. Costs of court ordered placement of**
2 **children in private residential treatment facilities, group**
3 **homes, day treatment programs and juvenile detention**
4 **facilities.**

5
6 (b) Except to the extent costs are covered under
7 subsection (n) of this section, the department of education
8 using federal or foundation funds, or both, shall pay for
9 the allowable education costs of juvenile and district
10 court ordered placements of children residing in private
11 treatment facilities and group homes where a fee is
12 charged, including court ordered placements in programs for
13 children with disabilities provided by a board of
14 cooperative educational services. No district shall receive
15 funds, either directly or indirectly, from any facility or
16 home receiving payment under this section for providing
17 education programs and services to children placed and
18 residing in the facility or home, but the district may
19 count the children among its average daily membership if
20 the district provides education services directly to the
21 children or pays another district to provide education
22 services to the children pursuant to contract. The
23 department of education shall adopt reasonable rules and

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

9

10 **21-13-320. Student transportation; amount within**
11 **school foundation program formula for transportation**
12 **maintenance and operations expenditures and school bus**
13 **purchases; district reporting requirements.**

14

15 (j) Effective for the school year 2018-2019 and each
16 school year thereafter the amount computed under this
17 section shall be in accordance with the provisions of this
18 subsection. Each district shall receive:

19

20 (i) An amount equal to the amount the district
21 received for school year 2017-2018 pursuant to paragraphs
22 (i) and (ii) of subsection (b) of this section; plus

23

1 (ii) The amount authorized by and computed in
2 accordance with subsection (g) of this section for each
3 school bus purchased or initially leased prior to March 15,
4 2017; plus

5
6 (iii) An amount calculated in accordance with
7 subsection (g) of this section for each school bus
8 purchased or initially leased on or after March 15, 2017,
9 if the school district first applied to the department and
10 the department determined the purchase or lease was
11 necessary to alleviate an emergency.

12
13 (k) For the 2018-2019 school year and each school
14 year thereafter, the provisions of subsections (b), (c) and
15 (f) of this section shall not be used to compute the amount
16 a school district receives pursuant to this section, but
17 the remaining requirements of those subsections shall be
18 effective. As of July 1, 2018, subsection (g) of this
19 section shall be applicable only as necessary to determine
20 an amount under subsection (j) of this section.

21
22 (m) No district shall purchase a school bus or enter
23 into a new lease for a school bus on or after March 15,

1 2017 unless it first applies to the department and the
2 department determines that an emergency exists
3 necessitating the purchase or lease of the bus.

4
5 **21-15-111. Definitions.**

6
7 (a) As used in this act, unless the context requires
8 otherwise:

9
10 (i) "Capital construction account" or "school
11 capital construction account" means the account into which
12 revenues are deposited pursuant to W.S. 9-4-305(b) ~~7~~ and
13 9-4-601(a)(vii), (b)(i) and (iv), ~~and 21-13-306(e),~~ into
14 which the proceeds from any revenue bonds are credited
15 under W.S. 21-15-108, and into which any other funds are
16 appropriated to the account for purposes of this act. Funds
17 within the account shall be expended only for purposes of
18 and in the manner prescribed by this act;

19
20 **39-14-801. Severance tax distributions; distribution**
21 **account created; formula.**

22

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

9
10 (iii) For fiscal years 2019 through 2022, these
11 funds shall be deposited to the general fund.

12
13 **39-15-104. Taxation rate.**

14
15 (h) Effective on the date specified in this
16 subsection, in addition to the sales tax under subsections
17 (a), (b) and (k) of this section, if applicable, there is
18 imposed an additional sales tax of one-half of one percent
19 (0.5%) which, except as otherwise provided in this
20 subsection, shall be administered in the same manner as the
21 sales tax under subsection (a) of this section. The revenue
22 from the tax imposed by this subsection shall be
23 distributed as provided in W.S. 39-15-111(p). This

1 subsection is effective beginning the month immediately
2 following the date that the state treasurer first certifies
3 to the governor and the department of revenue, and the
4 governor certifies the same to the secretary of state, that
5 the unobligated, unencumbered balance in the legislative
6 stabilization reserve account is less than five hundred
7 million dollars (\$500,000,000.00).

8
9 (j) Not later than December 31 of each year, the
10 state superintendent and the department of revenue shall
11 calculate the total amounts distributed by the state
12 pursuant to W.S. 21-13-309(p), together with all other
13 state funds distributed to school districts by the
14 department of education in the immediately preceding school
15 year, but excluding distributions pursuant to W.S.
16 21-15-109, 21-15-118 and 21-15-120. The superintendent and
17 the department of revenue shall also calculate the
18 percentage of that total amount distributed which was
19 attributable to the taxes imposed by W.S. 39-13-104(a)(iv),
20 (b)(ii) and (d)(i) for the corresponding school year. If
21 the superintendent determines that the percentage
22 attributable to taxes imposed by W.S. 39-13-104(a)(iv),
23 (b)(ii) and (d)(i) was sixty-five percent (65%) or greater

1 of the total amount distributed, the superintendent shall
2 so certify to the governor and the department of revenue,
3 the governor shall certify the same to the secretary of
4 state, and the tax imposed by subsection (h) of this
5 section shall be discontinued as of July 1 in the year
6 following filing of the certification by the governor.

7
8 (k) In addition to the sales tax under subsections
9 (a), (b) and (h) of this section there is imposed an
10 additional sales tax of two percent (2%) which shall be
11 administered in the same manner as the sales tax under
12 subsection (a) of this section. The revenue from the tax
13 imposed by this subsection shall be distributed as provided
14 in W.S. 39-15-111(p). This subsection is repealed on June
15 30, 2020.

16
17 **39-15-111. Distribution.**

18
19 (b) Revenues earned under W.S. 39-15-104 during each
20 fiscal year shall be recognized as revenue during that
21 fiscal year for accounting purposes. Except for revenue
22 collected through the tax under W.S. 39-15-104(h) or (k) as
23 provided in subsection (p) of this section, for all revenue

1 collected by the department under W.S. 39-15-104 the
2 department shall:

3
4 (p) For all revenue collected by the department under
5 W.S. 39-15-104(h) or (k), the department shall credit one
6 hundred percent (100%) to the public school foundation
7 program account.

8

9 **39-16-104. Taxation rate.**

10

11 (g) Effective on the date specified in this
12 subsection, in addition to the use tax under subsections
13 (a) and (b) of this section there is imposed an additional
14 use tax of one-half of one percent (0.5%) which , except as
15 otherwise provided in this subsection, shall be
16 administered in the same manner as the use tax under
17 subsection (a) of this section. The revenue from the tax
18 imposed by this subsection shall be distributed as provided
19 in W.S. 39-16-111(p). This subsection is effective
20 beginning the month immediately following the date that the
21 state auditor and state treasurer first certify to the
22 governor and the department of revenue, and the governor
23 certifies the same to the secretary of state, that the

1 unobligated, unencumbered balance in the legislative
2 stabilization reserve account is less than five hundred
3 million dollars (\$500,000,000.00). The tax imposed by this
4 subsection shall be discontinued as of July 1 in the year
5 following a certification under W.S. 39-15-104(j).

6
7 (h) In addition to the use tax under subsections (a),
8 (b) and (g) of this section, if applicable, there is
9 imposed an additional use tax of two percent (2%) which
10 shall be in the same manner as the use tax under subsection
11 (a) of this section. The revenue from the additional two
12 percent (2%) shall be distributed as provided in W.S.
13 39-16-111(p). This subsection is repealed on June 30, 2020.

14
15 **39-16-111. Distribution.**

16
17 (b) Revenues earned under this article during each
18 fiscal year shall be recognized as revenue during that
19 fiscal year for accounting purposes. Except for revenue
20 collected through the tax under W.S. 39-16-104(g) or (h) as
21 provided in subsection (p) of this section, revenue
22 collected by the department from the taxes imposed by this

1 article shall be transferred to the state treasurer who
2 shall, as specified by the department:

3
4 (p) For all revenue collected by the department under
5 W.S. 39-16-104(g) or (h), the department shall credit one
6 hundred percent (100%) to the public school foundation
7 program account created under W.S. 21-13-306(a).

8
9 **Section 2.** W.S. 9-4-601(a)(xi) and (d)(viii),
10 9-4-719(r), 21-13-306(c), 21-13-306.1, 21-13-307(a)(iv),
11 21-13-334, 21-13-335 and 21-15-122 are repealed.

12
13 **Section 3.** 2011 Wyoming Session Laws, Chapter 185,
14 ATTACHMENT "A" (b)(vi), (ix), (x), (xxi), (xxiv) through
15 (xxviii), (xxx), (xxxiv) and (xxxv) is amended to read:

16
17 ATTACHMENT "A"
18 ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION
19 RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND
20 EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF
21 EDUCATION STUDY AS FOLLOWS:

22

1 (b) Notwithstanding components specified in the
2 2010 cost of education study accepted by the
3 legislature, the Wyoming education resource block
4 grant model components and the resourcing for those
5 components, as enacted by the legislature, shall be as
6 follows:

7

8 (vi) Instructional facilitators: ~~Computed~~
9 ~~in accordance with W.S.~~
10 ~~21-13-335.~~ (A) 0.90 FTE
11 teacher position for 288
12 ADM prototypical
13 elementary school for
14 school year 2017-2018.
15 0.45 FTE teacher
16 position for 288 ADM
17 prototypical elementary
18 school for school year
19 2018-2019 and each year
20 thereafter;
21 (B) 0.90 FTE teacher
22 position for 315 ADM
23 prototypical middle or

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high school for school
year 2017-2018. 0.45 FTE
teacher position for 315
ADM prototypical middle
or high school for
school year 2018-2019
and each year
thereafter;
(C) Resourced at the
highest grade prototype
using the total school
ADM.

(ix) Extended day and summer school:
~~Computed in accordance~~
~~with W.S. 21-13-334.~~
(A) 0.15 FTE teacher
position for every 30
at-risk students as
identified under W.S.
21-13-309(m) (v) (A) ;

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

(x) Summer school: Computed in accordance
with ~~W.S. 21-13-334~~
paragraph (ix) of this
subsection.

(xxi) ~~Books/Ins. Materials~~ Instructional
materials:
~~\$333.43/elementary and
middle school ADM;~~
~~\$408.26/~~ \$191.37 per
elementary, middle and
high school ADM.

(xxiv) Gifted: ~~\$29.19~~ \$40.29/ADM.

(xxv) Vocational education: 0.29 times FTE
vocational education
ADM;

1 ~~\$9,027.27~~ \$9,428.77/FTE
 2 vocational education
 3 teacher for equipment
 4 and supplies.

5
 6 (xxvi) Student activities: Resource under
 7 the following school
 8 configurations:

9 ~~K-5~~ Elementary school:
 10 ~~\$24.05~~ \$23.79/ADM;

11 ~~6-8~~ Middle school:
 12 Declining linearly from
 13 ~~\$791.02~~ \$782.54/ADM at 1
 14 ADM school to ~~\$204.38~~
 15 \$202.18/ADM for 1,260
 16 ADM school;

17 ~~9-12~~ High school:
 18 Declining linearly from
 19 ~~\$2,039.09~~ \$2,017.22/ADM
 20 for 1 ADM school to
 21 ~~\$601.08~~ \$594.63/ADM for
 22 1,260 ADM school;

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~~Alternative school:~~
~~\$288.98/ADM~~ Ninth grade
ADM in a middle school
resourced at the high
school amount for the
school students would
normally attend.

(xxvii) Professional development: 10 pupil
free days as resourced
in teacher salary under
paragraph (xxxvii) of
this subsection;
Plus ~~\$116.76~~ \$125.90/ADM
for trainers.

(xxviii) Assessment: ~~\$37.70~~ \$25.00/ADM,
which amount is not
subject to any
adjustment made pursuant
to W.S. 21-13-309(o).

1 (xxx) Central office nonpersonnel expenses:
 2 ~~\$350.28~~ \$365.86/ADM.

3
 4 (xxxiv) M & O supplies: ~~\$0.64~~ \$0.67 per
 5 110% of gross square
 6 feet of authorized
 7 education space.

8
 9 (xxxv) Utilities: Actual 2009-2010
 10 expenditures by district
 11 as adjusted by 2015
 12 Wyoming Session Laws,
 13 Chapter 142, Section 2,
 14 Section 205 footnote
 15 2(a)(i)(D) and (ii)(D)
 16 and further adjusted by
 17 negative ten and seven
 18 hundred sixty-two
 19 thousandths percent
 20 (-10.762%). For
 21 additional school
 22 buildings added to
 23 district building

1 inventories after
2 2009-2010, 100% of
3 2009-2010 district
4 average utility
5 expenditures per gross
6 square foot for district
7 school buildings
8 multiplied by the
9 additional authorized
10 educational square
11 footage.

12
13 **Section 4.** 2011 Wyoming Session Laws, Chapter 185,
14 ATTACHMENT "A" (b)(xxii) as amended by 2012 Wyoming Session
15 Laws, Chapter 99, ATTACHMENT "A" (b)(xxii) is amended to
16 read:

17
18 ATTACHMENT "A"
19 ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION
20 RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND
21 EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF
22 EDUCATION STUDY AS FOLLOWS:

23

1 (b) Notwithstanding components specified in the
 2 2010 cost of education study accepted by the
 3 legislature, the Wyoming education resource block
 4 grant model components and the resourcing for those
 5 components, as enacted by the legislature, shall be as
 6 follows:

7
 8 (xxii) ~~Computers,~~ Technology equipment:
 9 \$291.90 ~~—~~ \$250.00/ADM,
 10 which amount is not
 11 subject to any
 12 adjustment made pursuant
 13 to W.S. 21-13-309(o).

14
 15 **Section 5.** 2016 Wyoming Session Laws, Chapter 31,
 16 Section 2, Section 205 is amended to read:

17
 18 **Section 205. EDUCATION-SCHOOL FINANCE** ².

19	PROGRAM				
20	School Foundation Program ¹ .			1,677,514,609 S5	<u>1,677,514,609</u>
21				1,723,465,604 S5	<u>1,723,465,604</u>
22	Court Ordered Placements			19,433,639 S5	19,433,639
23	Foundation-Specials ¹ .			79,765,894 S5	<u>79,765,894</u>
24				78,742,048 S5	<u>78,742,048</u>
25	Education Reform			9,654,900 S5	9,654,900
26	Student Performance Data			6,351,539 S5	6,351,539
27	TOTALS	0	0	1,792,720,581	<u>1,792,720,581</u>
28				1,837,647,730	<u>1,837,647,730</u>
29					
30	AUTHORIZED EMPLOYEES				
31	Full Time		3		
32					

1 Part Time 0
 2 TOTAL 3

3
 4 1. (a) This other funds appropriation includes funding for an external cost
 5 adjustment to the education resource block grant model computed as follows:

6
 7 (i) Effective for school year 2016-2017 only:

8
 9 (A) For the "professional labor" category of model
 10 components inclusive of those components defined by 2012 Wyoming Session Laws,
 11 Chapter 99, Section 3 [Attachment "A"(a)(vi)], two and one hundred forty-eight
 12 thousandths percent (2.148%);

13
 14 (B) For the "nonprofessional labor" category of model
 15 components inclusive of those components defined by 2012 Wyoming Session Laws,
 16 Chapter 99, Section 3 [Attachment "A"(a)(v)], one and nine hundred forty-seven
 17 thousandths percent (1.947%);

18
 19 (C) For the "energy" category of model components
 20 inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99,
 21 Section 3 [Attachment "A"(a)(iv)], two and four hundred forty-five thousandths
 22 percent (2.445%);

23
 24 (D) For the "educational materials" category of model
 25 components inclusive of those components defined by 2012 Wyoming Session Laws,
 26 Chapter 99, Section 3 [Attachment "A"(a)(iii)], two and one hundred twenty-six
 27 thousandths percent (2.126%).

28
 29 ~~(ii) Effective for school year 2017-2018 only:~~

30
 31 ~~(A) For the "professional labor" category of model~~
 32 ~~components inclusive of those components defined by 2012 Wyoming Session Laws,~~
 33 ~~Chapter 99, Section 3 [Attachment "A"(a)(vi)], one and four hundred sixty two~~
 34 ~~thousandths percent (1.462%);~~

35
 36 ~~(B) For the "nonprofessional labor" category of model~~
 37 ~~components inclusive of those components defined by 2012 Wyoming Session Laws,~~
 38 ~~Chapter 99, Section 3 [Attachment "A"(a)(v)], one and three hundred twenty six~~
 39 ~~thousandths percent (1.326%);~~

40
 41 ~~(C) For the "energy" category of model components~~
 42 ~~inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99,~~
 43 ~~Section 3 [Attachment "A"(a)(iv)], one and six hundred sixty five thousandths~~
 44 ~~percent (1.665%);~~

45
 46 ~~(D) For the "educational materials" category of model~~
 47 ~~components inclusive of those components defined by 2012 Wyoming Session Laws,~~
 48 ~~Chapter 99, Section 3 [Attachment "A"(a)(iii)], one and four hundred~~
 49 ~~forty seven thousandths percent (1.447%).~~

50
 51 2. Not later than November 1, 2016, pursuant to W.S. 21-13-309(o) and
 52 (u), the joint education interim committee and the joint appropriations
 53 committee shall review information prepared for the model monitoring process,
 54 including school year 2015-2016 average daily membership data, to inform
 55 recommendations made to the governor and the legislature pursuant to law to
 56 modify the external cost adjustment contained in footnote 1(a)(ii) of this
 57 section. Not later than January 1, 2017, the department of education shall
 58 provide preliminary student enrollment data for school year 2016-2017 to the
 59 joint appropriations committee. The joint appropriations committee shall report
 60 any recommendation to revise the external cost adjustment as a result of the

1 review of the preliminary student enrollment data to the governor and the
2 legislature.
3

4 **Section 6.** The amendments to 2016 Wyoming Session
5 Laws, Chapter 31, Section 2, Section 205 enacted pursuant
6 to section 5 of this act shall be given precedence and
7 shall prevail over any amendments to 2016 Wyoming Session
8 Laws, Chapter 31, Section 2, Section 205 in 2017 House Bill
9 0001 to the extent that 2017 House Bill 0001 is in conflict
10 with this act. To the extent required by this section, the
11 legislative service office shall adjust totals and renumber
12 as necessary the provisions of 2017 House Bill 0001 as
13 enacted into law and shall note the adjustment and
14 authority for the adjustment.

15

16 **Section 7.**

17

18 (a) As provided in W.S. 21-13-309(m)(v)(B)(V), no new
19 alternative school shall be approved by any school district
20 or the state superintendent on or after March 15, 2017
21 through June 30, 2019. If any alternative school is
22 approved under W.S. 21-13-309(m)(v)(B) prior to March 15,
23 2017 but the school facilities for that alternative school
24 have not been constructed prior to March 15, 2017, no

1 design or construction funds shall be expended by the
2 school facilities division of the state construction
3 department to construct the facilities for that alternative
4 school until July 1, 2019 or thereafter. Nothing in this
5 section shall be deemed to prohibit expenditures related to
6 major maintenance for existing alternative school
7 facilities or to prohibit the completion of existing
8 construction projects if physical construction of the
9 project was commenced prior to March 15, 2017.

10

11 (b) The joint education interim committee shall
12 conduct a study related to alternative schools and report
13 the results of the study along with any recommended
14 legislation to the legislature not later than November 30,
15 2018. The study under this subsection shall include a
16 review of existing alternative schools, other alternative
17 student placement options available to school districts and
18 outcome statistics available for students who are placed in
19 alternative schools.

20

21 **Section 8.**

22

1 (a) There is created a joint select committee on
2 education funding consisting of sixteen (16) members as
3 follows:

4

5 (i) Two (2) members of the house education
6 committee;

7

8 (ii) Two (2) members of the senate education
9 committee;

10

11 (iii) Two (2) members of the house revenue
12 committee;

13

14 (iv) Two (2) members of the senate revenue
15 committee;

16

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

19

20 (vi) Two (2) members of the senate
21 appropriations committee;

22

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

3
4 (viii) Two (2) at-large members of the senate.

5
6 (b) The speaker of the house of representatives shall
7 appoint the house members of the select committee not later
8 than March 15, 2017, one (1) of whom the speaker shall
9 designate as cochairman. Not more than six (6) members from
10 the house of representatives shall be from the same
11 political party. The president of the senate shall appoint
12 the senate members of the select committee not later than
13 March 15, 2017, one (1) of whom the president shall
14 designate as cochairman. Not more than six (6) members from
15 the senate shall be from the same political party.

16
17 (c) The select committee shall review the educational
18 program under W.S. 21-9-101 and complete a recalibration of
19 the education resource block grant model pursuant to W.S.
20 21-13-309(t) to determine if modifications are necessary to
21 ensure it remains cost-based in light of changing
22 conditions and modifications to law.

23

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

6

7 (i) Options for use of existing unencumbered,
8 unobligated revenues;

9

10 (ii) Consideration of use of diversions of
11 existing revenue streams and investment income;

12

13 (iii) Options to increase revenues.

14

15 (e) The select committee shall also study and
16 recommend options for permanent funding solutions for
17 school capital construction and major maintenance.

18

19 (f) The cochairmen of the select committee shall
20 direct the formation of three (3) subcommittees of the
21 select committee to consider the issues specified in
22 subsection (d) of this section and report findings and
23 recommendations back to the full committee. The cochairmen

1 shall designate a chairman of each subcommittee formed
2 under this subsection.

3

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

13

14 (h) The governor shall appoint three (3) advisory
15 groups to provide input and recommendations to the three
16 (3) subcommittees of the select committee. The advisory
17 groups shall consist of not more than four (4) members
18 each. The governor shall ensure that the members of the
19 advisory groups include stakeholders representing school
20 districts, teachers, parents of students, taxpayers and the
21 general public, provided that no one (1) advisory group
22 shall be required to include representatives of all
23 stakeholders. Each member of an advisory group who is not a

1 state employee may receive per diem and mileage for
2 attending and traveling to and from select committee or
3 subcommittee meetings in the same manner and amount as
4 members of the Wyoming legislature.

5

6 (j) The select committee shall be staffed by the
7 legislative service office. The department of education,
8 the department of revenue, the department of workforce
9 services, the school facilities division of the state
10 construction department, the school facilities commission
11 and the state budget office shall serve in an advisory
12 capacity to the select committee and shall provide
13 technical and other information to the select committee
14 upon request.

15

16 (k) The select committee shall introduce legislation
17 consistent with its recommendations to the legislature for
18 consideration during the next session of the legislature.

19

20 (m) The select committee may seek out expert opinions
21 related to the issues specified in subsections (c), (d) and
22 (e) of this section and may hire consultants as necessary
23 to complete the study and recommendations required under

1 this section. The legislative service office is authorized,
2 subject to the approval of management council, to contract
3 with consultants for the purposes of this subsection in
4 sufficient time for the select committee to complete
5 recalibration of the education resource block grant model
6 during the 2017 interim.

7

8 (n) The select committee, including meetings of
9 subcommittees, shall meet not less than seven (7) times
10 during the 2017 interim throughout the state in locations
11 as determined by the cochairmen. To the extent practical,
12 the select committee or a subcommittee of the select
13 committee shall meet at least once in each of the seven (7)
14 appointment districts as provided in W.S. 9-1-218(b).

15

16 (o) The select committee shall complete its work and
17 recommendations not later than January 31, 2018.

18

19 (p) The select committee created by this section
20 shall exist until March 31, 2018.

21

22 **Section 9.**

23

1 (a) There is appropriated one hundred twenty-two
2 thousand five hundred dollars (\$122,500.00) from the
3 legislative stabilization reserve account to the
4 legislative service office. This appropriation shall be for
5 the period beginning with the effective date of this
6 section and ending June 30, 2018. This appropriation shall
7 only be expended for the purposes of the joint select
8 committee on education funding as provided in section 8 of
9 this act. Any unexpended, unobligated funds remaining from
10 this appropriation shall revert as provided by law on June
11 30, 2018.

12

13 (b) There is appropriated forty-six thousand dollars
14 (\$46,000.00) from the legislative stabilization reserve
15 account to the governor's office. This appropriation shall
16 be for the period beginning with the effective date of this
17 section and ending June 30, 2018. This appropriation shall
18 only be expended for the purpose of providing reimbursement
19 for advisory group members under subsection (h) of section
20 8 of this act. Notwithstanding any other provision of law,
21 this appropriation shall not be transferred or expended for
22 any other purpose and any unexpended, unobligated funds

1 remaining from this appropriation shall revert as provided
2 by law on June 30, 2018.

3

4 **Section 10.** On the effective date of this section,
5 the state treasurer shall transfer any unexpended and
6 unencumbered amounts from the school foundation program
7 reserve account to the common school spending policy
8 reserve account under W.S. 9-4-719(f).

9

10 **Section 11.**

11

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

14

15 (b) W.S. 21-13-309(m)(v)(B) and 21-13-320 as amended
16 by section 1 of this act and sections 7, 8 and 9 of this
17 act are effective immediately upon completion of all acts
18 necessary for a bill to become law as provided by Article
19 4, Section 8 of the Wyoming Constitution.

20

21

(END)