

Report to the Select Committee on School Facilities



September 4, 2015
Casper, WY



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Strengthening Wyoming Schools and Our Communities – Brochure

This will be distributed as a separate document.

Now and for the Future – White Paper

This will be distributed as a separate document.

Major Maintenance Analysis – Comparison of School Facilities Department, University of Wyoming, Wyoming Community Colleges

In July, the Select Committee on School Facilities requested the School Facilities Department to develop a general comparative analysis of its major maintenance program in relation to other related agencies in the state. Attached is an analysis of the major maintenance program administered by the School Facilities Department as compared to similar programs within the Wyoming Community Colleges and the University of Wyoming. Both the University of Wyoming and the Wyoming Community Colleges major maintenance programs are administered by the Construction Management Division of the Administration and Information Department, and are calculated consistently between the two institutions. The School Facilities Department's major maintenance program is somewhat different, outlined in statute and is more responsive to K-12 school environments.

Please see the four attached charts.

The major differences in the formula used by Construction Management to calculate requested major maintenance for the University of Wyoming and the Community Colleges are:

- The University of Wyoming and the Wyoming Community Colleges do not use an allowable square footage for building space and funding calculations. Both agencies use gross square footage in the major maintenance formula. Therefore the 115% of allowable square footage used for building space and funding calculations by the School Facilities Department does not apply. Specifically, the School Facilities Department uses of 115% of allowable square footage or gross square footage, whichever is less.
- The University of Wyoming and the Wyoming Community Colleges use 7 categories or types of facilities for space and funding allocations. The School Facilities Department uses 3 categories of facilities.
- The University of Wyoming and the Wyoming Community Colleges request 1.5% of current replacement value of facilities for funding allocations and the SFD requests 2.0% of current replacement value of facilities, as outlined in statute.

School Facilities Department
Major Maintenance Analysis - UW, WY Community Colleges and SFD

Process Description	University of Wyoming	Wyoming Community Colleges	School Facilities Department
Use RS Means for Square Footage Cost	Yes	Yes	Yes
115% Percent Adjustment of Allowable Square Footage	No	No	Yes
Use Economic Analysis Localization Factor	Yes	Yes	Yes
Number of Facility Categories Used	7	7	3
Use Gross Square footage in Calculation	Yes	Yes	No
Use 7 Year Phase in for New Buildings	Yes	Yes	Yes
% of Current Replacement Value Requested in Budget	1.50%	1.50%	2.00%
Amount of Gross Square Footage for Major Maintenance	5,650,274.00	3,380,737.00	22,898,941.00
2017-18 Major Maintenance Budget Request	\$ 26,896,257	\$ 15,934,430	\$ 118,500,000
Amount per Square Foot	\$ 4.76	\$ 4.71	\$ 5.17

MAJOR MAINTENANCE FUNDING FORMULA REQUESTS

Enclosed are the funding estimates for major maintenance utilizing the RS means formula of all state owned buildings outside of Cheyenne, excluding the Wyoming Department of Transportation and Wyoming Game and Fish buildings.

The formula includes the definition of building categories as found in the RS Means book, Building Construction Cost Data, 2015.

The known building square footages of Cheyenne state buildings and statewide state-owned buildings were placed in the appropriate building categories.

The RS Means index is then used to determine the replacement cost per square foot for each of the categories using the Wyoming cost adjustment.

Finally, the square footage numbers were multiplied by 1.5% to keep the facilities in at least a "fair" condition.

<u>Total Budget Requests</u>					
<u>AGENCY</u>	<u>SQUARE FOOTAGE</u>	<u>REPLACEMENT COST</u>	<u>BIENNIUM AMOUNT @ 1.25%</u>	<u>BIENNIUM AMOUNT</u>	<u>BIENNIUM AMOUNT</u>
				<u>REQUESTED @1.50%</u>	<u>@ 2.00%</u>
All State Owned Buildings	7,564,451	\$ 951,002,769	\$ 23,686,628	\$ 28,423,954	\$ 37,898,605
State Parks					
Buildings / Structures	6,176,000	\$ 90,886,926	\$ 2,272,173	\$ 2,726,608	\$ 3,635,477
Roads - Concrete/Asphalt/Etc.	N/A	N/A	\$ 2,180,580	\$ 2,180,580	\$ 2,180,580
All Community College Buildings	3,380,737	\$ 526,535,773	\$ 13,278,691	\$ 15,934,430	\$ 21,245,907
All University Buildings	5,650,274	\$ 896,541,901	\$ 22,413,548	\$ 26,896,257	\$ 35,861,676
GRAND TOTAL	22,771,461	\$ 2,464,967,369	\$ 63,831,620	\$ 76,161,829	\$ 100,822,245

School Facilities Department
2016 RS Means Categories for Major Maintenance Calculation

Category	Square Footage Costs
Educational	\$175.01
Office	\$180.71
Warehouse	\$109.51

MAJOR MAINTENANCE CLASSIFICATION

Based on 2015 RS Means square Foot Cubic Foot Costs Median

State Facilities Name/Classification	UW's Classification	2015 / FY 2016 Square Footage Costs	2013 / FY 2014 Square Footage Costs	2011	2009	2007
Auditoriums	Auditoriums	\$ 161.00	\$ 152.00	\$ 142.00	\$ 141.00	\$ 126.00
Classrooms / Offices	Classroom/Office/Residential	\$ 167.00	\$ 160.00	\$ 151.00	\$ 152.00	\$ 216.00
Laboratory	Laboratory/Food Prep	\$ 269.00	\$ 257.00	\$ 241.00	\$ 242.00	\$ 177.00
Library	Libraries	\$ 190.00	\$ 178.00	\$ 162.00	\$ 161.00	\$ 141.00
Support Facilities	Support Facilities	\$ 104.00	\$ 100.00	\$ 94.00	\$ 94.00	\$ 107.00
Power Plant	Power Plants	\$ 1,175.00	\$ 1,125.00	\$1,050.00	\$1,000.00	\$ 940.00
Special Use	Gymnasiums	\$ 143.00	\$ 137.00	\$ 128.00	\$ 136.00	\$ 115.00

2015 Annual Report and 2017-18 Biennial Budget Request

Please refer to the separate packet.

School Facilities Department

Title: Budget Request Responses to the Select Committee on School Facilities

Select Committee on School Facilities Requests:

Identify projects that will be built utilizing a 5 year student enrollment projection after completion and those that will not?

All projects currently in progress have been sized using enrollment projections 5 years past completion of the project.

Are there school construction projects that will be designed and built without enough capacity?

All current school construction projects are designed with enough capacity as determined by statute.

At what rate do we need to deploy funds as to not have a backlog of capital construction needs?

Millions	2017-2018	2019-2020	2021-2022	2023-2024	2025-2026	2027-2028
Operations	\$ 7	\$ 7	\$ 8	\$ 8	\$ 8	\$ 8
Engineering and Technical	6	6	6	6	4	4
Major Maintenance	119	119	125	150	150	225
Component	13	13	40	45	50	
Major Capital - Condition	45	90	30			
Major Capital - Capacity	192	38	44	50	56	60
Total	\$ 382	\$ 273	\$ 253	\$ 259	\$ 268	\$ 297

Assumptions:

State growth rate 1%

Condition remedies above .33 FCI

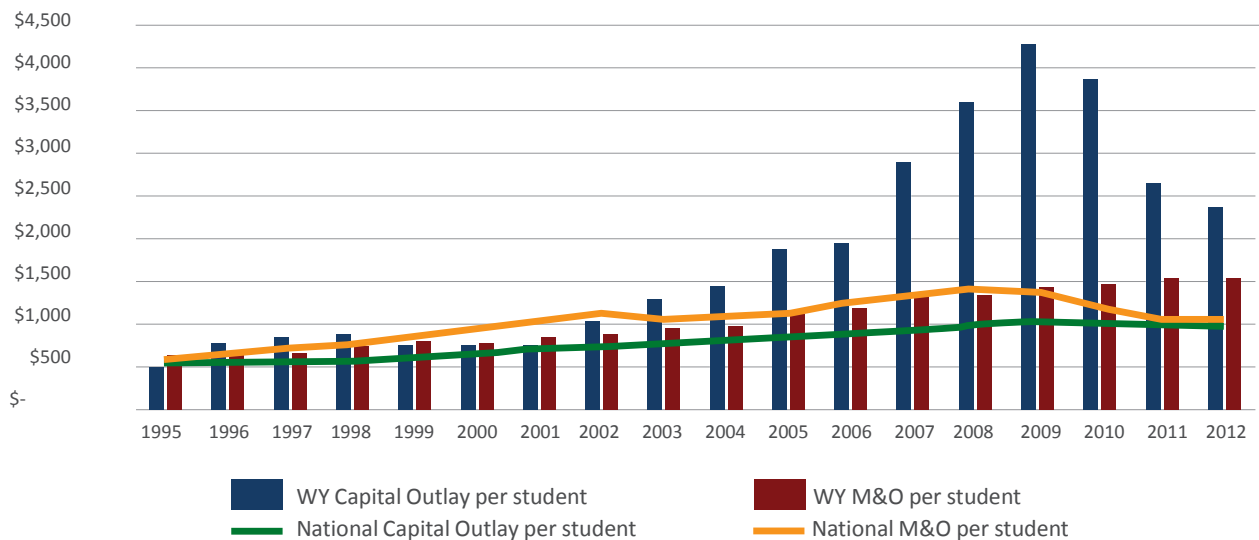
Current Capacity Methodology

Other budget information:

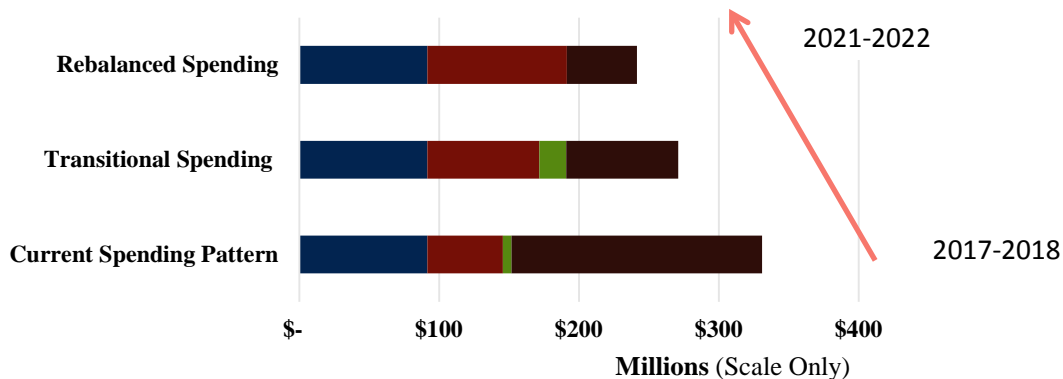
- Budget Briefing Sheet
- Unified Network Installation

Briefing Sheet: 2017-2018 Biennial Budget Request

HISTORIC SPENDING



K-12/SFD CURRENT AND CONCEPTUAL SPENDING PATTERNS



TOTAL BIENNIAL REQUEST: \$382 MILLION

Major Maintenance Funding: \$119 million

Minor Capital Funding: \$13 million

Major Capital Funding: \$236 million

Operations: \$7.4 million

Last Biennial Request: \$412 million

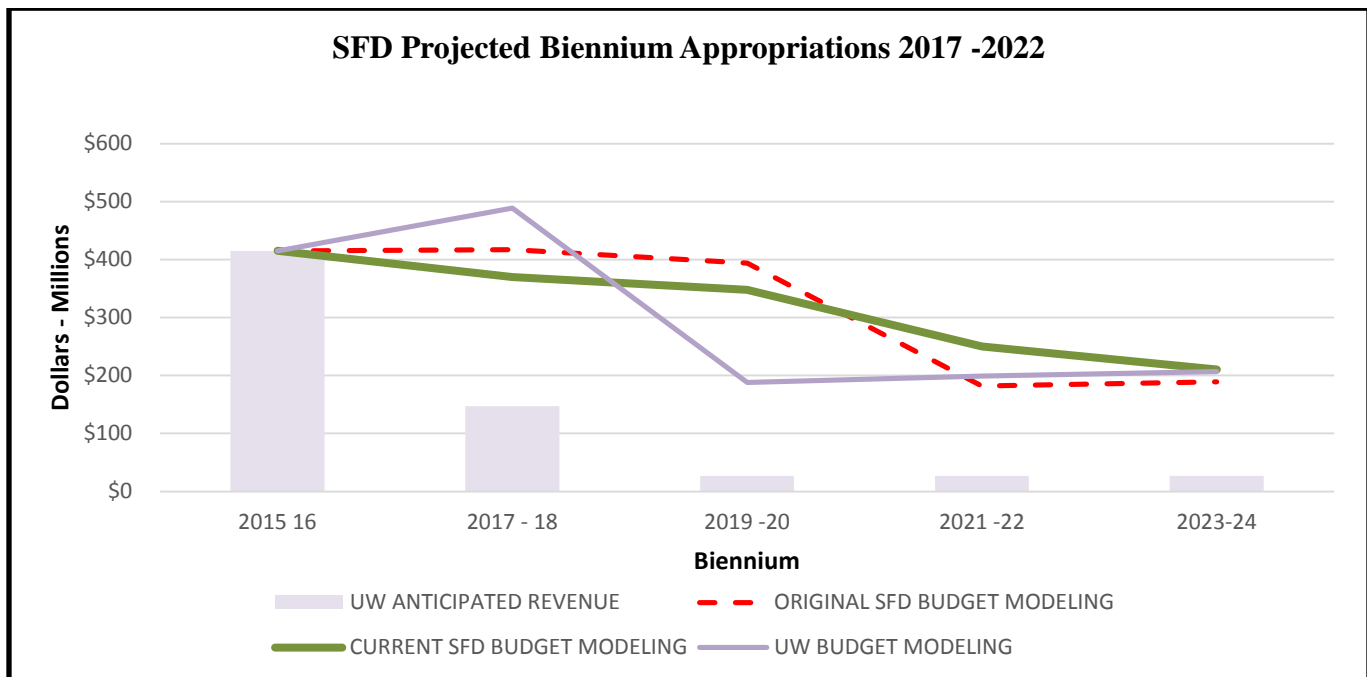
Major Maintenance Funding: \$108 million

Minor Capital Funding: \$6 million

Major Capital Funding: \$291 million

Operations: \$7 million

Briefing Sheet: 2017-2018 Biennial Budget Request



PROPOSED BUDGET: HIGHLIGHTS

Complete Capitalization and Begin Transition to Asset Preservation: 1 of 3 biennia remaining

Ongoing School Security Project Funding: \$14 million of \$171 million remaining

Continuance of Two Positions for Use in Succession Planning, Security and MM Project Management

Unanticipated at 6.5% instead of 4.0% and staggered project funding to better manage market conditions

Not Included in Proposed Budget

Gross vs Allowable Square Feet in MM Formula
(\$15m)

Modernization of RS Means in MM Formula (\$22m)

Inclusion of Site Work in MM Formula (\$16m)

All Projects Not Funded (Approximately \$144m)

Component Funding By District and Not By Project
(\$61m)

Inclusion of Unified Network Installation
(Est. \$12k-\$23k per project)

Unified Network Installation

The School Facilities Department includes infrastructure costs for one conduit and related equipment to be installed at each school that is built. It is preliminarily estimated by ETS that an enhanced system, including upgrades for the Unified Network, would add an additional \$12k-\$23k to our school construction project estimates. We are somewhat skeptical of these preliminary estimates in that they only include costs from the property line to the school and certain space within the building (see below).

Other costs such as the infrastructure from the source to the property line are not included in this estimate and would have to be looked at on an individual school construction project basis. Some of our school buildings already have these systems installed but to deploy these funds the department could add a separate line for the associated costs to our budget worksheet and add this amount to the construction appropriation request if this becomes a requirement.

Details of ETS Estimate

1. Two diverse paths from property edge to school data room.
 - The average of \$5-10k should be assumed for each diverse path to property edge.
 - This should account for conduit, trenching/boring, placement of a vault or hand hole, etc.
 - Total cost estimate: \$10-20k
2. Last mile fiber installation costs.
 - With conduit paths created, the last mile fiber installation costs should be no more than \$1-2k.
 - Total cost estimate: \$1-2k
3. Data room needs within the building.
 - We (Carrier and State) require approximately 4-6U of space in a telco closet or data room.
 - The telco closet installations the cost should be approximately \$1k*.
 - Total cost estimate: \$1k

*For full data centers, the costs could easily rise into the tens of thousands of dollars.

Sheridan County School District #2 built a Network Operation Center (NOC) at Sheridan High School in 2011. The building consists of 360 square feet and houses all network equipment. The cost of this building was approximately \$90,000 dollars which includes backup generators and air tempering for the building. Network cable was installed to all schools in Sheridan from the NOC facility at an additional cost of \$165,000 in 2011. The total cost for this facility and networking cabling was \$255,000 and funded internally by the district. This information was provided to the School Facilities Department by the school district.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

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RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 0 DEFINITIONS

Section 1. Authority. This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv).

Section 2. Purpose of Rule. This chapter is intended to provide uniform definitions for rules of the School Facilities Commission.

Section 3. Definitions.

- (a) The definitions in W.S. 21-15-109, et seq., apply to these rules.
- (b) Additional definitions include:
 - (i) “Aggrieved party” means a school district whose legal rights, duties or privileges have been harmed by an act of the Commission or Department and is entitled to a contested case proceeding as provided by law.
 - (ii) “Ancillary Facilities” means a reference to a non “Educational building” or portion thereof, or a separate building used as an “Office building”, “Teacherage”, or “Warehouse building”.
 - (iii) “Athletic Facilities” means gymnasiums, fields and other spaces used for providing physical education and other athletic opportunities for educational programs required by law within the facility design guidelines and statewide adequacy standards.
 - (iv) “Average Daily Membership (ADM)” as defined and published annually by the Wyoming Department of Education (WDE) annually.
 - (v) “Certify” means to represent and warrant, under penalty of perjury, that certified matters are true, accurate and correct and are not misleading in any material way.
 - (vi) “Chair” means the chair of the Commission.
 - (vii) “Commissioner” means a member of the Commission.
 - (viii) “Commission Funding”, “Project Funding” or “Funding” are revenues approved by the Commission dedicated to the remedy, or any particular aspect of a remedy.

(ix) “Commission-funded Remedies” or “Capital Construction Remedies” means remedies as defined in statute, and may additionally include disposition, acquisition, or demolition of land or buildings, component repair or replacement, and project scopes that have been identified and prioritized in accordance with Commission approved methodologies and funded by the Commission.

(x) “Component Level Projects” Component level projects means projects developed to implement remedies to address facility condition by repairing or replacing facility components when it is determined by the Commission to not be feasible to do so solely with major maintenance funds.

(xi) “Condition” means physical state of a building or facility or one or all of it’s components in terms of appearance, safety, operation.

(xii) “Condition Score” means numerical rating assigned to a building or facility or one or more of it’s components based on measured data and assessment, to reflect a Backlog of Maintenance and Repair (BMAR) to identify and prioritize building and facility remedies.

(xiii) “Construction Specification Institute” CSI organization that maintains and advances standardization of formats and language for building specifications.

(xiv) “Contested Case” means a proceeding before the Commission in which legal rights, duties or privileges of an aggrieved party are required by law to be determined through an opportunity for a hearing, in accordance with the Wyoming Administrative Procedures Act.

(xv) “DAL – Director Authorization Letters” Is a record of communication to a school district indicating the funding authority under which districts shall contract for services for projects and the authorized budget amounts to cover project expenditures. . [g1]

(xvi) “Delivery Method” Construction delivery method refers to the means provided in statute of choosing an architect and contractor and the process to design and build a project. Options include design-bid-build; and alternate methods of design build, construction manager at-risk, and construction manager agent when procured by any qualifications based procurement process and implemented using appropriate forms of agreement for design and construction services.

(xvii) “Department” means the Wyoming School Facilities Department.

(xviii) “Design Charrette” means a facilitated interactive process of meeting(s) used by districts, and their architects, designers, and others to better understand the programmatic requirements of the project, including but not limited to

educational requirements and needs, budget, and schedule, and to explore design solutions resulting in an initial design concept that meets the project requirements.

(xix) “Educational Support Facilities” means a building or facility used primarily as a warehouse (for storage of equipment, materials and other district property and supplies), (Transportation facilities, bus barns, mechanic bays), maintenance facilities, portable buildings used as storage, warehouse leases, and all other warehouses.

(xx) “FCI” or Facility Condition Index – Assessment Methodology

The model is based on:

1. Condition assessment surveys performed on systems.
2. Generalized condition levels.
3. Limited number of systems to assess.
4. Parametric estimating based on current replacement value (CRV).
5. Industry standard costs and indexes.

(xxi) “FCNI” or Facility Condition Needs Index

Composite measure of condition and upgrade needs.

FCNI =
$$\frac{\text{Cost of Deficiencies (DM)} + \text{Cost of Upgrade Needs}}{\text{Revised Current Replacement Value (CRVrev)}}$$

- Cost of Deficiencies (DM) → From condition assessment and FCI.
- Cost of Upgrade Needs → From evaluation of needs to upgrade Illumination, Technology Readiness and IAQ to current standards.
- CRVrev → Traditional CRV + Changes in building value due to upgrades.

(xxii) “Informal Review” means the opportunity afforded a school district under W.S. 21-15-116(f) to consult with the Department or Commission regarding an action of the Department or Commission prior to seeking administrative review.

(xxiii) “Major Maintenance” means “Major building and facility repair and replacement” pursuant to W.S. 21-15-109.

(xxiv) “Major Maintenance Funds” means major building and facility repair and replacement payment for each district pursuant to W.S. 21-15-109.

(xxv) “Notice” means the document served upon all parties by the Commission or its designee, stating the time, place and other pertinent material for the contested case proceeding as required by W.S. 16-3-107(a) and (b).

(xxvi) “Petition” means the formal written document filed with the Commission which initiates the contested case proceeding.

(xxvii) “Petitioner” means an aggrieved party, entitled by law to a contested case hearing and requesting such a hearing in accordance with these Rules and Regulations.

(xxviii) “Presiding Officer” means the Chair of the Commission or a person designated pursuant to W.S. 16-3-112(a) and the provisions contained in this Chapter.

(xxix) “Vice Chair” means a Commissioner designated by the chair to carry on his or her duties when the chair is unable to do so.

(xxx) “Wyoming Administrative Procedures Act” means W.S. 16-3-101 through 16-3-115.

(xxxi) “WDE” means the Wyoming Department of Education created under W.S. 21-2-104 to assist the State Superintendent of Public Instruction in the proper and efficient discharge of his duties.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 1 GENERAL PROVISIONS

Section 1. Authority. This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv).

Section 2. Purpose of Rule. This Chapter is generally intended to govern the operations of the Commission in discharge of its duties set forth in the Act.

Section 3. Definitions.

~~_____ (a) The “Act” means W.S. 21-15-108, 21-15-109 and 21-15-111 through 21-15-121.~~

~~_____ (b) “Capital Construction” means those remedies receiving Commission funding. Capital Construction generally does not include Major Maintenance except as authorized by W.S. 21-15-109(e).~~

~~_____ (c) “Chair” means the chair of the Commission.~~

~~_____ (d) “Commission” means the School Facilities Commission (SFC), established under W.S. 21-115-113(a).~~

~~_____ (e) “Commissioner” means a member of the Commission.~~

~~_____ (f) “Department and/or WDE” means the Wyoming Department of Education created under W.S. 21-2-104 to assist the State Superintendent of Public Instruction in the proper and efficient discharge of his duties.~~

~~_____ (g) “Director” means the director of the Commission, selected and employed pursuant to W.S. 21-15-114(e) to provide administrative support to the Commission and carry out the Act under the direction of the Commission.~~

~~_____ (h) “Project” means replacement, renovation or new construction projects which increase the value of the school building or facility by improving the functioning of the building or facility or the capacity of the building or facility, or both, excluding major building and facility repair and replacement defined under W.S. 21-15-109(a)(iii) and routine maintenance and repair defined under W.S. 21-15-109(a)(vi).~~

~~_____ (i) “Project Manager” means the Commission employee assigned to assist a given District with planning effective and efficient facilities that maximize instructional opportunities for students while still allowing for reasonable building efficiencies.~~

~~_____ (j) “Property” means buildings, sites, furniture and fixtures for the district’s buildings.~~

~~_____ (k) “Real Property” means land and interests therein, leaseholds, buildings and improvements and appurtenances thereto. It includes warehouses, right-of-ways, and~~

~~easements, utility systems and parts thereof, and all other improvements permanently attached and ordinarily considered real estate.~~

~~(l) — “Vice Chair” means a Commissioner designated by the chair to carry on his or her duties when the chair is unable to do so.~~

Section 3. Department Office. The Department Office shall be located at the Hathaway Building, 5th Floor, Suite D, 2300 Capitol Avenue, Cheyenne, Wyoming 82002.

Section 4. Commission Meetings.

(a) The Commission shall meet at least once per quarter.

(b) The Commission shall meet as necessary at the time and place designated by the Commission.

Section 5. Reference by Incorporation.

(a) For any rule incorporated by reference in these Commission Rules:

(i) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or edition of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated rule is maintained at the Department Office and is available for public inspection and copying at cost at the same location.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 – *Uniform Rules for Contested Case Practice and Procedure*, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

(ii) Chapter 3 – *School Facilities Square Foot Allotment Calculation*, adopted by the Commission October 25, 2009, found at <http://sfd.wyo.gov/commission/sfc-rules>.

(iii) Chapter 3 – *Design Guidelines*, adopted by the Commission February 19, 2015, found at <http://sfd.wyo.gov/commissions/sfc-rules>.

(iv) Chapter 3 – *Outdoor Athletic Facility Design Standards*, adopted by the Commission April 2009, found at <http://sfd.wyo.gov/commission/sfc-rules>.

(v) Chapter 3 – *School Bus Maintenance and Parking Facility Design Guidelines*, adopted by the Commission July 2013, found at <http://sfd.wyo.gov/commission/sfc-rules>.

~~Section 4.~~Section 6. Chair.

(a) The Chair shall preside at all meetings of the Commission. The Chair shall appoint all committees and perform such duties as statute, rule or the Commission specifies.

(b) In the absence of the Chair at any meeting of the Commission, the Vice-Chair shall serve as Acting Chair of the meeting. If both the Chair and Vice-Chair are absent or otherwise unable to preside over the meeting or perform a specified duty, the Chair shall designate a commissioner to serve as Acting Chair for the meeting or task.

~~Section 5.~~Section 7. Secretary; Minutes; Books and Records.

(a) ~~The Commission shall designate a Secretary from among its members or its employees~~ The Director of the School Facilities Department shall act as Secretary to the Commission. The Secretary for the Commission shall conduct and care for all the correspondence of the Commission and keep and maintain the minutes of all the meetings of the Commission and the books and records of the Commission. The Secretary shall provide notice of the time and place of all meetings of the Commission, including an agenda of items to be discussed, to each Commissioner.

(b) All orders and final decisions of the Commission, the minutes of all its sessions, meetings and proceedings, and the Commission's rules shall be kept by the Secretary at the office of the School Facilities Department office for permanent public record and shall be open for public inspection. The Secretary may certify to the correctness of any copies of such documents.

~~Section 6.~~Section 8. Meetings; Attendance by Telecommunication; Quorum.

(a) The Commission shall meet at least quarterly and at other times as necessary to transact its business.

(b) Meetings of the Commission are open to the public, except for those meetings or portions of a meeting that may be conducted in executive session pursuant to W.S. 16-4-405.

(c) Commissioners may attend meetings using telephonic or other means of telecommunication.

(d) Meetings and hearings shall be separate functions.

(e) A majority of all Commissioners duly appointed and serving constitutes a quorum. ~~A majority vote of the members of the Commission present at a meeting shall be required for approval of any actions of the Commission.~~

~~Section 7.~~Section 9. Order of Business; Agendas.

(a) An agenda shall be prepared by the Director and approved by the Chair. The agenda shall set forth all matters to come before the Commission at the meeting and indicate for each matter whether it requires action to be taken by the Commission at the meeting. Before each meeting of the Commission, the Secretary shall circulate to all Commissioners the agenda so prepared by the Director and approved by the Chair. A public comment period may be included in the agenda at the discretion of the Chair.

(b) Other than for purposes of public comment, persons desiring to have a matter brought before the Commission shall make such request through their assigned Project Manager or the Director who will work with the persons making the request to determine how and when it is appropriate that the matter be presented to the Commission.

(c) Except as provided otherwise in the Rules, any matter of procedure or conduct not specifically provided for by state law or by rules and regulations of the Commission shall be governed by Robert's Rules of Order Revised, Latest Edition.

Section 8. Section 10. Recusal.

(a) A Commissioner shall recuse himself from all proceedings relating to a matter if he has a personal or private interest in the matter. The Commissioner shall recuse himself by serving a written or verbal notice of recusal upon the Chair, who shall notify all other Commissioners and any parties involved in the matter. On and after the date of recusal, the recused Commissioner shall not participate in any deliberations, decisions or other actions of the Commission relating to the matter.

(b) A recused Commissioner may attend hearings and other proceedings related to a recused matter as a member of the public. The Commissioner may also attend any Commission meeting at which topics relating to the matter arise and participate in the deliberations, decisions and other actions of the Commission on topics unrelated to the matter upon which recusal has occurred.

Section 9. Public Records Practices. Section 11. Public Records Inspection.

(a) All requests for public records from the Commission shall be in writing and processed according to this Section. For purposes of the Wyoming Public Records Act, the Director is the custodian of all public records of the Commission.

~~(b) — The Director shall initially determine whether the requested public records are in the possession of the Commission:~~

~~(i) — If the Commission does not possess the public record, the request shall be returned to the applicant with notation of this fact and designation of the official custodian, if known.~~

~~(ii) — If the Commission possesses the public record, the Director shall determine whether the requested record is protected from disclosure by W.S. 16-4-202 and 16-4-203 or other applicable law. If the Director determines the records are not~~

~~subject to disclosure, the request shall be denied and returned to the applicant with a notation of the basis upon which the record is deemed not subject to public inspection.~~

~~(c) — Public records for which the Commission is custodian shall be available for public inspection between 8 a.m. and 5 p.m. each business day. Original or official copies of records shall not be removed from the Commission office area and the review thereof may be reasonably restricted to protect the records or prevent unnecessary interference with the regular discharge of the Commission's duties.~~

~~(d) — For all public records for which the Commission is custodian, paper copies and printouts of electronically stored public records may be provided upon approved request and payment of fifty cents (\$.50) per page for the first ten (10) pages and fifteen cents (\$.15) for each additional page. In lieu of paper copies and paper printouts, the Commission staff may provide some or all of the copies in electronic form at its election.~~

(b) If a member of the public requests an electronic or hard copy of a public records, then that individual shall pay a fee. Such fee shall include the cost of administrative time necessary to locate a copy and the cost to copy the public record..

(c) Public records inspection shall take place under the following conditions:

(i) An appointment shall be made to review the records between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Department Office,

(ii) Records inspection shall take place in the presence of Department staff, and

(iii) A member of the public may request copies upon payment of a fee.

Section 10. Signing of Contracts.

~~Contracts, agreements, memorandums of understandings and other documents of the Commission may be signed by the Chair, or by a designee of the chair. The Director shall sign only those contracts, agreements, memorandums of understandings or other documents of the Commission for which the Commission has delegated its authority to the Director. The Director may further designate a member of the staff to sign on his or her behalf.~~

Section 12. Computation of Time. In computing any time period prescribed by the Rules and Regulations of the School Facilities Commission, the day of the act or event from which the time period begins to run shall not be included. The last day of the period so computed shall be included. Saturdays, Sundays and legal holidays are not included.

Section 12. Rules of Construction.

~~(a) — Unless the content clearly indicates otherwise, this chapter applies to all~~

chapters.

~~(b) — To aid readability, words expressed using one gender include the other gender.~~

~~(c) — Definitions given at the beginning of one chapter apply to all other chapters unless otherwise indicated.~~

~~(d) — Unless the context clearly indicates otherwise, these rules and regulations shall be construed by the following:~~

~~(i) — Words and phrases shall be taken in their ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law or in the applicable industry shall be understood according to their technical import.~~

~~(ii) — Reference to the Wyoming Statutes or the abbreviation Wyo. Stat. or W.S. means the Wyoming Statutes as published from time to time and, pending reduction to published form and subject to applicable effective dates, all supplements, additions and other modifications enacted by the Legislature of the State of Wyoming. Reference to a named act or rule shall be treated correspondingly.~~

~~(e) — Reference to a particular section without indication of the chapter in which it is found refers to the applicable section in the same chapter as the reference is found.~~

~~(f) — Reference to a particular chapter without indication of the body of regulations in which it is found refers to the applicable chapter in these rules and regulations.~~

~~(g) — Use of the term “includes” or “including” means that the list of items is not exhaustive but instead is illustrative.~~

~~(h) — Reference to any particular rule (whether of practice, procedure or otherwise), section, code or act (whether statutory, regulatory or otherwise) means such rule, section, code or act as the same may be amended, re-codified, re-located or otherwise modified from time to time.~~

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 2 RULES OF PRACTICE AND PROCEDURE FOR CONTESTED CASE PROCEEDINGS

Section 1. Authority. This Chapter is promulgated by the Wyoming School Facilities Commission under the authority of W.S. 16-3-102(a)(i), W.S. 21-15-114(a)(xv), W.S. 21-15-116(e) and W.S. 21-15-116(f).

Section 2. Purpose of Rules. This Chapter is intended to provide a uniform and understandable process for contested case proceedings and informal reviews held before or on the behalf of the Wyoming School Facilities Department (Department) and the Wyoming School Facilities Commission (Commission).

Section 3. Application of Rules. This Chapter shall apply to contested case proceedings and informal reviews authorized by Wyoming Statute and brought before the Wyoming School Facilities Commission by a properly aggrieved party.

~~Section 4. Definitions.~~

~~For purposes of contested cases brought before the Wyoming School Facilities Commission under these rules, the following definitions shall apply:~~

~~(a) “Aggrieved party” means a school district whose legal rights, duties or privileges have been harmed by an act of the Commission and which is entitled to a contested case proceeding as provided by law.~~

~~(b) “Contested Case” means a proceeding before the Commission in which the legal rights, duties or privileges of a party are required by law to be determined by an opportunity for a hearing, in accordance with the Wyoming Administrative Procedures Act.~~

~~(c) “District” means the school district seeking an informal review before the Department or Commission.~~

~~(d) “Informal Review” means the opportunity afforded a school district under W.S. 21-15-116(f) to consult with the Department or Commission regarding an action of the Department or Commission prior to seeking administrative review.~~

~~(e) “Notice” means the document served upon all parties by the Commission or its designee, stating the time, place and other pertinent material for the contested case proceeding as required by W.S. 16-3-107(a) and (b).~~

~~(f) —“Petition” means the formal written document filed with the Commission which initiates the contested case proceeding.~~

~~(g) —“Petitioner” means an aggrieved party, entitled by law to a contested case hearing and requesting such a hearing in accordance with these Rules and Regulations.~~

~~(h) —“Presiding Officer” means the Chair of the Commission or a person designated pursuant to W.S. 16-3-112(a) and the provisions contained in this Chapter.~~

~~——(i) —“Wyoming Administrative Procedures Act” means W.S. 16-3-101 through 16-3-115.~~

~~Section 5. Informal Review Proceedings.~~

~~(a) In accordance with W.S. 21-15-116(f), districts may request informal review before the Department or the Commission before pursuing a contested case review. The time period for filing a petition pursuant to Section 6(c) shall be tolled for the period of time from the date of that request until the conclusion of the informal review.~~

~~(b) A school district requesting an informal review shall do so, in writing, to the Director. The request shall contain:~~

~~(i) The decision of the Commission or the Department the district would like reviewed;~~

~~(ii) A brief explanation of why the decision should be reviewed;~~

~~(iii) Any additional facts the District would like to be considered;~~

~~(iv) The legal authority upon which it is believed a decision was made in error.~~

~~(c) A decision or action of the Department shall be reviewed in the first instance by the Director. If the District is unsatisfied by the Director’s review, it may ask that the decision be reviewed by the Commission.~~

~~(d) Informal reviews before the Department shall be held either at the Department’s Cheyenne office, or, if agreeable to the District, via WEN video or teleconference. The review shall be scheduled at the earliest convenience of the District and the Department, but in no event later than thirty (30) days after the request is made.~~

~~(e) Informal reviews before the Department shall proceed as follows:~~

~~——(i) Department staff will present the information and basis for its decision or action;~~

~~—— (ii) The District will present any additional facts and authority upon which it believes the Department acted in error;~~

~~—— (iii) The Director shall issue his decision at the conclusion of the informal review, or as soon thereafter as reasonably practicable. The director shall confirm his decision in writing and outline the basis for that decision.~~

~~(f) If, following the Department's review, the District is still unsatisfied with the actions of the Department it may request an informal review before the Commission.~~

~~(g) Informal reviews before the Commission shall be limited to the information presented during the Department's review. The Department shall be forwarded an opportunity to review any new information germane to the issue before that information is presented to the Commission.~~

~~(h) Informal reviews before the Commission shall be scheduled by the Commission.~~

~~—— (i) If possible, the review shall be scheduled for the next regularly scheduled Commission meeting.~~

~~—— (ii) If the next regularly scheduled Commission meeting is not available, or, if the District and the Commission agree the next regularly scheduled meeting of the Commission is not practical, the Commission may call an emergency meeting to address the informal review.~~

~~—— (iii) The time allotted to the District's presentation will not exceed one (1) hour, unless otherwise agreed to by the District and Commission.~~

~~(i) The Commission shall issue its decision at the conclusion of the informal review or as soon thereafter as reasonably practicable. The chairman shall follow up the decision in writing and outline the basis for that decision.~~

~~Section 6.~~Section 4. Service and Timing of Petition.

(a) A properly aggrieved party may file a petition with the Commission requesting a contested case proceeding. The petition shall be in accordance with the provisions contained in this chapter and the Rules and Regulations of the Wyoming Office of Administration Hearings related to contested case proceedings – Refer to Chapter 1 Section 5.(b)(i).

(b) The Petition shall be served on the Commission and other necessary parties. Service shall be made to the Wyoming School Facilities Commission, ~~1103 Old Town Lane, Ste. 1~~Hathaway Building, 5th Floor, Suite D, Cheyenne, Wyoming 82002.

Service can be made in person, by mail or received by facsimile, 307-777-8674, during regular business hours. Any facsimile received after regular business hours will be treated as received during the regular business hours of the next working day.

(c) The petition shall be filed with the Commission within forty-five (45) days of the date of the final administrative decision at issue or of the date of mailing of the final administrative decision as evidenced by a postmark, whichever is later. The Commission may grant an exception in circumstances where good cause is shown.

~~Section 7.~~Section 5. Petition Contents and Requirements.

(a) To initiate a contested case proceeding the petitioner shall prepare and file with the Commission ~~a petition which includes the following:~~in accordance with the Office of Administrative Hearings.

~~(i) The name, telephone number, fax number, if available, and mailing address of the petitioner and the same information for the representing attorney, if applicable;~~

~~(ii) A statement, in ordinary and concise language, of the facts and of the errors alleged to have been committed and issues upon which the petition is based, including particular reference to statutory sections, contract provisions and/or rules, regulations, policies and orders involved;~~

~~(iii) A copy of the decision and/or relevant material which relates to the decision at issue;~~

~~(iv) The specific relief sought; and,~~

~~(v) The signature of the petitioner and the representing attorney, if applicable.~~

~~Section 8. Notice of Hearing.~~

~~(a) In all contested case proceedings, the petitioner shall be afforded an opportunity for a hearing after notice served by the Commission personally or by mail.~~

~~(b) The notice shall be in accordance with W.S. 16-3-107 and shall contain the following:~~

~~(i) The time, place, and nature of the hearing;~~

~~(ii) The legal authority and jurisdiction under which the hearing is to be held;~~

- ~~(iii) The particular sections of the statutes and rules involved; and,~~
- ~~(iv) A short and plain statement of the matters asserted.~~
- (e) ~~The notice shall be served upon each petitioner at least thirty (30) days prior to the date set for the hearing.~~

~~Section 9.~~Section 6. General Procedure.

- (a) The Commission shall:
 - (i) Examine the petition, notify the petitioner of any apparent errors or omissions, and request any additional information deemed necessary;
 - (ii) Dismiss any petition not timely filed, except in instances where the Commission determines good cause has been shown and an exception is necessary;
 - (iii) Assign the contested case a docket number and schedule the commencement of contested case proceedings in accordance with the Wyoming Administrative Procedures Act;
 - (iv) Establish a separate file for each docketed contested case in which all papers, pleadings, documents, transcripts, evidence and exhibits pertaining thereto shall be filed. All items contained in this file shall contain the assigned docket number;
 - (v) Upon docketing, take appropriate action towards the ultimate decision, which may include but is not limited to, scheduling informal conferences, pretrial hearings, motion hearings, settlement conferences and the contested case evidentiary hearing.
- (b) Each party may be ordered to file with the presiding officer and serve upon the other parties a preliminary statement or joint preliminary statement. The parties shall be afforded at least thirty (30) days for the preparation and filing of any preliminary statement. ~~Unless otherwise ordered, the statement shall set forth:~~
 - ~~(i) A brief summary of the contentions of the party;~~
 - ~~(ii) Significant facts about which there is no genuine issue (these may be admissions by stipulation);~~
 - ~~(iii) Contested issues of fact remaining for decision;~~

~~(iv) Contested issues of law to be determined at the hearing. The parties may include memorandums of law on significant legal issues the parties wish to call to the attention of the presiding officer;~~

~~(v) The names, addresses, and a brief description of the testimony of each witness the party intends to present at the hearing;~~

~~(vi) A list and copies of all exhibits to be introduced. This does not foreclose the ability to introduce exhibits which become available at a later date; and,~~

~~(vii) Estimated time required for the hearing.~~

(c) The taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26 and 28 through 37 (excepting 37(b)(1) and (2)(D) there from) of the Wyoming Rule of Civil Procedure. The mandatory disclosure provisions of Rule 26 of the Wyoming Rules of Civil Procedure are applicable to contested case proceedings before the Commission. The ~~Petitioner~~ Respondent shall make such disclosure within thirty (30) days after service by Petitioner, of its disclosure unless other time periods are established by stipulation or order.

(d) Upon application the presiding officer shall issue a subpoena requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers or other documents relevant or material to inquiry in accordance with W.S. 16-3-107(d).

(e) Motions shall be in writing and state the grounds and the relief sought. Prior to filing a motion for dismissal, default, or compliance with discovery procedures the moving party shall make reasonable good faith efforts to discuss the content and purpose of the motion, such efforts should be documented in writing and attached to the motion. Response to a motion shall be made within fifteen (15) days of service of the motion. All motions and responses shall be filed with the Commission and served upon all parties.

(f) All parties shall be permitted to file a brief with the presiding officer.

(g) Oral argument shall be allowed at the discretion of the presiding officer.

(h) Except to the extent authorized by law, a party or that party's attorney shall not communicate, directly or indirectly, in connection with any issue of fact or law with the presiding officer concerning any pending case, except upon notice and opportunity for all parties to participate. ~~Should ex parte communications occur, the presiding officer shall advise all parties of the communication as soon as possible thereafter, and if requested, allow any party an opportunity to respond.~~

~~(i) The record of the contested case shall include: _____~~

~~(i) All formal and informal notices, pleadings, motions and intermediate rulings;~~

~~(ii) Evidence received or considered including matters officially noticed;~~

~~(iii) Questions and offers of proof, objections and rulings thereon;~~

~~(iv) Any proposed findings and exceptions thereto;~~

~~(v) Any opinion, findings, decision or order of the Commission and any report by the presiding officer of the hearing.~~

~~(j)~~(i) Proceedings, including all testimony, shall be reported verbatim stenographically or by any other appropriate means determined by the Commission or the presiding officer.

~~Section 10. Expedited Contested Case.~~

~~(a) Upon request of the parties, made prior to the date set for evidentiary hearing, any case may be heard as an expedited case.~~

~~(b) Expedited cases will be decided on written argument, evidence and stipulations submitted by the parties. Oral argument may be presented upon the request of any party.~~

~~(c) The hearing officer has discretion to require an evidentiary hearing in any case in which it appears that facts material to a decision in the case cannot be properly determined without an evidentiary hearing.~~

~~Section 11.~~Section 7. Decisions and Final Agency Action.

(a) The Commission shall make and enter a written decision and order containing findings of fact and conclusions of law stated separately.

(b) The findings of fact shall be based exclusively on the evidence and matters officially noticed. Technical or scientific facts within the Commission's specialized knowledge may be considered in making a final determination.

(c) Findings of fact shall be made on all material issues and ultimate facts.

(d) The written decision shall be filed with the Commission and will, without further action, become the decision and order as a result of the hearing.

(e) All written decisions and orders shall be served upon all parties upon formal execution by the Commission.

(f) If the Commission acts as the presiding officer over the contested case proceeding, it shall have sixty (60) days from the end of the hearing to issue a written decision and order. If a presiding officer is appointed by the Commission, the Commission shall have thirty (30) days from receipt of the recommended decision and proposed order to enter a final decision in accordance with this Section.

(g) In the event a recommended decision is rendered by a designee, all parties shall be afforded a reasonable opportunity to file exceptions thereto which shall be deemed a part of the record.

(i) The decision rendered in accordance with this Section shall serve as the final decision of the Commission and shall be subject to judicial review in accordance with W.S. 16-3-114.

(h) All contested case proceedings before the Commission shall be referred to the Office of Administrative Hearings. Proceedings will be conducted in accordance with the Rules and Regulations of the Office of Administrative Hearings (OAH) - Refer to Chapter 1, Section 5(b)(i).

~~Section 12. Designation and Authority of a Presiding Officer.~~

~~(a) The Commission may designate a presiding officer by assigning a contested case proceeding to an employee of the Commission or an employee of another agency designated by the Commission, which includes the office of Administrative Hearings, to act as presiding officer in accordance with W.S. 16-3-112.~~

~~(b) The functions of all those presiding over contested cases shall be conducted in an impartial manner and in accordance with the Rules and Regulations of the Commission.~~

~~(c) Presiding officers shall have the full authority to administer oaths and affirmations; issue subpoenas; rule upon offers of proof and receive relevant evidence; take or cause depositions to be taken in accordance with the provisions of the Wyoming Administrative Procedures Act and the rules of the Commission; regulate the course of the hearing; hold conferences for the settlement or simplification of the issues; make recommended decision when directed to do so by the Commission; and take any other action authorized by this Chapter, which are consistent with the Wyoming Administrative Procedures Act and Wyoming law.~~

~~(d) — The presiding officer may, at any time while a contested case is pending, recuse himself from presiding over the contested case by filing written notice of recusal with the Commission and serving on all parties. From and after the date the written notice of recusal is entered, that presiding officer shall not participate in resolution of the contested case.~~

~~(e) — If a presiding officer is appointed, he shall upon request of the Commission submit a written recommended decision and order containing proposed findings of fact and conclusions of law.~~

~~(f) — The recommended decision and proposed order shall be submitted to the Commission no later than thirty (30) days after the end of the contested case hearing.~~

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 3 UNIFORM ADEQUACY STANDARDS

Section 1. Authority. This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and 21-15-115(a).

Section 2. Purpose of Rule. This chapter is intended to establish and maintain uniform statewide standards for the adequacy of public school buildings and facilities capable of delivering the educational programs provided by laws and state standards.

~~Section 3. Definitions.~~

~~(a) “Average Daily Membership (ADM)” as defined and published by the Wyoming Department of Education (WDE) annually.~~

~~(b) “Educational Building” means a school building or facility primarily used for providing the educational programs offered by a district in compliance with law which is owned by the district or leased by the district, including a school building or facility used for operating a charter school established under W.S. 21-3-301 through 21-3-314.~~

~~(c) “Energy Consumption Analysis” means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment and components, and the external energy load imposed on a major facility by climatic conditions of its location. The energy consumption projections shall take into account daily and seasonal variations in energy system output during normal operations.~~

~~(d) “Life Cycle Cost Analysis (LCCA)” means the sum of present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and disposal costs over the life time of a project or product. LCCA is an economic method project evaluation in which all costs arising from owning, operating, maintaining, and disposing of the project are considered important to the decision.~~

~~(e) “Local Enhancements to School Buildings and Facilities” or “Local Enhancements” means any renovation, construction, replacement, repair or other improvement of or to any school building or facility initiated by a school district which is designed to bring the building or facility to a condition exceeding the statewide building adequacy standards outlined in this Chapter.~~

~~(f) “Office Building” means a school building or facility primarily used in connection with or for the purpose of district administrative functions, the major purpose or use of which is not dedicated to the provision of educational programs offered by the~~

~~district in accordance with law. Office buildings include: teacherages, portable buildings used as an office, leased offices, and all other offices.~~

~~—— (g) — “Permanent Modular Building” means a school building or facility that is transported to and assembled at the location on which the building or facility is situated that is placed on a permanent foundation, and that is expected to be used by the district for its designed lifetime.~~

~~—— (h) — “Portable Building” means any pre-built, factory constructed and assembled school building or facility which is transported in an assembled condition to the location on which the building or facility is to be situated and which is acquired and used by the district for temporary purposes only.~~

~~—— (i) — “Remedy” or “Remediation” means a course of action addressing identified building and facility needs consisting of building or facility construction, replacement, renovation, repair or any combination thereof.~~

~~—— (j) — “Required Educational Program” means the common core of knowledge and skills, as specified by W.S. 21-9-101(b) in concert with the uniform state educational program and uniform student content and performance standards established by the WDE rules and regulations, in addition to those programs authorized by the model or funded by federal funds.~~

~~—— (k) — “School Buildings and Facilities” means the physical structures and the land upon which the structures are situated, which are primarily used in connection with or for the purpose of providing the educational programs offered by a school district in compliance with law.~~

~~—— (l) — “Teacherage” means housing provided by and owned by a school district for use as living quarters of a teacher or other school district employee.~~

~~—— (m) — “Educational Support Facilities” means a school building or facility used primarily as a warehouse (for storage of equipment, materials and other district property and supplies), bus barns (Transportation facility), mechanic bays, maintenance facilities, portable buildings used as storage, warehouse leases, and all other warehouses.~~

~~—— (n) — “Athletic Facilities” means gymnasiums, fields and other spaces used for providing physical education and other athletic opportunities to students for the educational programs required by law and within the facility design guidelines and the statewide adequacy standards.~~

Section 4. — Facility Design Guidelines.

~~—— (a) — These guidelines have been developed to ensure the equity and adequacy of school facilities throughout the state while still allowing for significant local input into the design of schools.~~

~~—— (b) — In collaboration with the districts, the SFC shall determine the allowable square footage for every existing and contemplated public school building and facility in the state. Calculation of the allowable square footage shall be in accordance with the~~

~~Guideline Graphs of Total Square Footage by Grade Level (Appendix “A”) following this chapter and the rules adopted by the Commission.~~

~~**Section 5.**~~**Section 3. Exceptions.** ~~In accordance with the holding of the Wyoming Supreme Court in *Campbell County School District v. State*, 2008 WY 2, 181 P.3d 43 (Wyo. 2008), the~~ The Commission may grant exceptions to these guidelines on a case by case basis when the exception supports the intent of these guidelines and Wyoming law.

(a) Exceptions shall only be granted upon consideration of the following non-exclusive list of factors, and the Commission shall create a thorough written record supporting the granting or denial of every exception request: The Commission shall at a minimum consider the reasons why the exception is being requested, the nature of the request, any cost implications of the request, whether alternative means exist to accomplish the purposes of the request, and whether the intent of the guidelines, standards, policies and rules and regulations of the Commission are furthered by the request. Exception requests shall be initially presented by the district to the Department for its consideration and recommendation to the Commission.

(i) Whether the educational program required by law is capable of being delivered within the footprint of total square footage; ~~provided by Appendix “A” to this chapter;~~

(ii) Whether the proposed design reduces building and facility needs in the most efficient and cost-effective manner in order to deliver quality educational services;

(iii) Whether all value engineering recommendations have been followed;

(iv) Whether the district’s facility plan has been followed;

(v) Whether the facility, and the educational program proposed to be delivered within that facility, is endorsed by the Wyoming Department of Education as educationally appropriate;

(vi) Whether other facilities, owned and/or funded by the district or otherwise, may be used to provide part of the required educational program;

(vii) Whether, and to what extent, the exception request includes a request to fund facility space for an enhancement as defined by these rules and Wyoming law.

(b) The district may request an exception from the Commission if it is determined the allowable square footage provided by these guidelines is not adequate for

the district's required educational program. The process for requesting an exception shall be as follows:

- (i) The district shall present in writing to its Commission Project Manager the basis of its request, together with all documentation related to the request;
- (ii) If approved by the Director, the district's request shall be placed on the agenda at the soonest available Commission meeting where the request may be fully considered;
- (iii) The district shall present to the Commission the reasons for the exception request, particularly addressing the factors identified in paragraph (a), above, including why the district cannot provide its educational program within the square footage allowed by the guidelines.

Section 6. Section 4. Uniform Statewide Adequacy Standards. The Commission adopts the following uniform statewide adequacy standards for school buildings and facilities. ~~Recognizing that many Wyoming schools were constructed prior to the adoption of these standards, and that a long-term process is in place to bring all school facilities in the State of Wyoming into compliance with these adequacy standards, these standards shall control how school facility remediation shall be implemented.~~

~~_____ (a) **Submittals.** The Commission shall review all school construction projects for compliance with these standards and guidelines. This review shall be ongoing once the appropriate remedy is determined by the Commission.~~

~~_____ (b) **Needs Index and Prioritization.**~~

~~_____ (i) The Commission shall comprehensively assess the adequacy of existing school buildings and facilities and of future space requirements within the state in accordance with W.S. 21-15-115(b).~~

~~_____ (ii) Assessment of the adequacy of buildings, facilities and space requirements shall be by use of scoring tools that take into consideration the condition, the capacity and the educational suitability of every facility.~~

~~_____ (iii) Facility condition shall be scored by a tool which uses a nationally recognized Facility Condition Index as approved by the Commission. The existing tool, embodied in the Maximus database program of the Commission, is incorporated herein by reference due to its voluminous size. This database and the condition scoring tool shall not be modified except in accordance with the Wyoming Administrative Procedures Act.~~

~~_____ (iv) Facility and district capacity shall be scored in accordance with section 6(f) of this Chapter. Existing capacity scores, as prepared for the Commission by~~

~~outside consultants, are incorporated herein by reference due to the voluminous size of the document. Current scores may be found on the website of the Commission. Current condition scores shall not be modified until a new capacity scoring tool is adopted in accordance with the Wyoming Administrative Procedures Act and these rules and regulations.~~

~~————— (v) — Existing suitability scores, as prepared for the Commission by outside consultants, are incorporated herein by reference due to the voluminous size of the document. Current scores may be found on the website of the Commission.~~

~~————— (vi) — At least annually, a new prioritized needs index shall be developed by the Commission and that needs index shall be the basis upon which Commission-funded remedies shall be determined. Calculation of the relative weights of the three scoring tools for purposes of developing the needs index shall be 50% weighting to facility condition, 40% weighting to facility capacity, and 10% weighting to educational suitability. Exceptions to the prioritized needs index may be granted on a case-by-case basis by the Commission for extraordinary circumstances and in accordance with Section 5 of this chapter.~~

~~————— (c) — **Choice of Remedy.** —~~

~~————— (i) — The Facility Design Guidelines found in Appendix “A” of these Rules and Regulations, as well as the Uniform Statewide Adequacy Standards found in this section of the Rules and Regulations, shall be applied to all Commission funded remedies.~~

~~————— (ii) — In choosing the appropriate remedy, the Commission shall consider renovation, replacement or discontinuation of facilities in a manner which ensures adequate, efficient and cost effective school buildings and facilities in accordance with W.S. 21-15-114(a)(vii).~~

~~————— (iii) — Care should be exercised to determine on a case-by-case basis that every remedy funded by the Commission is providing appropriate space for the applicable educational program.~~

~~————— (iv) — At least annually, but more often if needed, the Commission shall establish, in accordance with W.S. 21-15-117, a schedule for building and facility remediation. The schedule shall prioritize funded remedies on a statewide basis in accordance with these rules and W.S. 21-15-117 and shall clearly identify each funded remedy, its sources and amounts of funding, the cost per square foot used in providing the project budget, and those remedies which are prioritized, but not yet funded. The schedule for building and facility remediation shall be posted on the Commission website.~~

~~————— (v) — Project budgets assigned to approved remedies shall be based upon the following cost per square foot guidelines in addition to other requirements within these rules and regulations:~~

~~_____ (A) The commission shall determine the cost per square foot on a regular basis within Wyoming utilizing the R.S. Means construction index with the applicable inflationary adjustments, as well as Commission generated data on actual school construction costs;~~

~~_____ (B) In assigning project budgets, the Commission shall take into consideration the most efficient and cost effective approach in order to deliver quality educational services, and address building and facility need.~~

(a) **Square Footage Allotments.** Square Footage allotments for school remedies shall be subject to the calculations of the square footage calculator of the School Facilities Department. Refer to Chapter 1- General Provisions.

(b) **Facility Design Guidelines.** The Facility Design Guidelines and the other guidelines standards and methodologies adopted by the Commission are mandatory and shall govern development of the design of any school facility remedy. Refer to Chapter 1 Section 5,(b).

(d)(c) **Site Analysis and Acquisition Guidelines.**

~~_____ (i) The Commission recognizes that many Wyoming schools pre-date the adoption of these standards. School sites which pre-date the original adoption of these standards in 2003 may be larger or smaller than the following recommended sizes. School sites smaller than these recommendations are presumed to be adequately sited unless otherwise demonstrated. Existing sites or land shall be considered for the use or re-use for additions or a new building, the Department in consultation with the district shall conduct an analysis of existing sites or land to determine it's appropriateness to serve the intended use. Such analysis shall be conducted in accordance with the SFC Design Guidelines and approved by the SFC. Efforts should be undertaken in developing facility plans and remedies to reduce the excess acreage of sites which exceed the Design Guidelines, these recommendations.~~

~~_____ (ii) The following are recommended school site sizes:~~

Elementary schools	4 useable acres with an additional acre for each 100 students
Middle schools	10 useable acres with an additional acre for each 100 students
High schools	20 useable acres with an additional acre for each 100 students

(ii) If it is determined that land acquisition is necessary, the Department in consultation with the district shall conduct an analysis of potential sites or land. Such analysis shall be conducted in accordance and comply with the SFC Design Guidelines, and approved by the SFC.

~~_____ (iii) Sites will provide outdoor activity areas that have safe and appropriate surfaces for physical activities.~~

(iii) All phases of the land acquisition process shall be kept confidential. Neither the district, department, or Commission will divulge information on proposed land acquisitions until such time as all due diligence has been completed and the Commission has approved the site and land purchase price, purchase option agreement(s) have been executed, and the collaborative committee process has ensued.

~~_____ (iv) Sites shall accommodate the separation of bus, car and pedestrian traffic.~~

~~_____ (v) High school sites may accommodate additional vehicle parking for ¼ of the student design capacity, or local code requirements.~~

~~_____ (vi) Sites may accommodate vehicle parking for all staff, itinerant staff, and additional spaces to accommodate a minimum of 25% of the seating capacity of the gym or the assembly area, whichever is larger.~~

~~_____ (vii) Site analysis shall include a comprehensive review and evaluation of site soil conditions, traffic patterns, utilities and site topography. The Commission may adopt by rule further specific requirements for school facility sites in accordance with W.S. 21-15-114(a)(xii).~~

~~_____ (viii) Requests for land acquisition should originate with a request by each district to the Project Manager assigned to the district. The School Facilities Commission will determine the need for the land acquisition using the following information:~~

~~_____ (A) Define/Confirm the need~~

~~_____ (I) Near term capacity issue driven by ADM~~

~~_____ (II) Long term capacity driven by economic and demographic projections~~

~~_____ (III) Need driven by FCI on current buildings~~

~~_____ (IV) Long term strategic objective based upon any of the above factors including suitability, health and safety~~

~~_____ (B) Examine current district land inventory~~

~~_____ (I) If replacement school, is current site suitable~~

~~_____ (II) Does the district own any other land which is suitable~~

~~_____ (III) If new land required consider:~~

~~_____ (1.) Land swap~~

~~_____ (2.) Community owned land~~

~~_____ (3.) Land available in conjunction with development~~

~~_____ Once it is determined that land acquisition is necessary, the Commission in consultation with the district will conduct the following (in no particular order):~~

~~_____ (C) Due diligence Investigation~~

~~_____ (I) Obtain title commitment~~

~~_____ (II) Obtain legal description of property~~

~~_____ (III) Obtain two (2) land appraisals (using the average of two if within 5% of each other, otherwise a 3rd appraisal will be obtained and the average of the two (2) closest appraisals will be used)~~

~~_____ (IV) Conduct site survey to include property description, utility locations and capacities, topography~~

~~_____ (V) Conduct Phase I environmental assessment~~

~~_____ (VI) Investigate annexation and zoning issues~~

~~_____ (VII) Investigate local design requirements~~

~~_____ (VIII) Obtain preliminary and final plat, if necessary~~

~~_____ The Commission may grant a waiver to any of the above due diligence requirements for good cause.~~

~~_____ All phases of the land acquisition process shall be kept confidential. Neither the district nor the Commission will divulge information on proposed land acquisitions until~~

such time as all due diligence has been completed and the Commission has negotiated the land purchase price.

~~————— (e) ——— **Projected Enrollment.** —————~~

~~————— The allowable square footage of Commission-funded remedies shall be determined by enrollment projections for both the individual school and the district as a whole, developed in accordance with the rules adopted by the Commission. Enrollment projections shall be consistent, systematic and research based in accordance with W.S. 21-15-114(a)(iv). —————~~

~~(i) **Declining Enrollment.** Where the school district's past and projected enrollments show a declining population trend, allowable square footage shall not exceed the cohort survival calculation on the date of anticipated occupancy of the facility.~~

~~————— (ii) **Stable Enrollment.** Where the school district's past and projected enrollments show a stable or randomly increasing and decreasing population trend, allowable square footage shall be based on the average of a five year cohort survival calculation as approved by the Commission. —————~~

~~————— (iii) **Increasing Enrollment.** Where the school district's past and projected enrollments show an increasing population trend, allowable square footage shall be based on a five year cohort survival calculation as approved by the Commission. —————~~

~~————— (iv) **Best Available Data.** Projected enrollments shall be determined by use of the best available data which is reliable, and should include cohort survival rates as well as snapshot enrollment and ADM calculations provided by the Wyoming Department of Education. In certain situations, other data may need to be considered to most accurately predict population trends. In all cases, only reliable data should be used and documentation shall be maintained of the basis upon which projected enrollment was calculated for all Commission-funded remedies. The Commission shall approve use of any data other than cohort survival data to project student populations. —————~~

~~————— (f) ——— **Capacity.** —————~~

~~————— (i) **Design Capacity.** New facilities and significantly renovated facilities shall have a design capacity as determined by application of the facility design guidelines. No Commission funded remedy shall be allowed which does not provide appropriate space for the student population contemplated (using subsection (e) of this chapter) by the applicable Facility Design Guideline or that guideline as modified by an exception. —————~~

~~————— (ii) **Existing Capacity.** The student capacity of existing facilities shall be determined by consideration of the number of teaching stations, the number of student stations per teaching station and the desire to maintain low student teacher ratios across —————~~

the state. The Commission may by rule further refine the methodology for determining the capacity of existing facilities.

~~(g) **Functionality of Educational Space.** Recognizing that students may be educated in a variety of manners, all school buildings and facilities shall strive to provide the most functional space reasonably possible for required educational programs. The Commission may adopt by rule further specific requirements for functionality in accordance with W.S. §21-15-115(a)(v).~~

~~(h)(e)(d) **Classroom and Other Spaces.** The Facility Design Guidelines Uniform Adequacy Standards do not prescribe the size of the various spaces which may be included in the design of any particular school facility. The Design Guidelines provide a “footprint” of allowable square footage within which a facility is to be designed. The design process is intended to shall seek out the most efficient and effective manner of allocating classroom and other spaces within the footprint of allowable square footage while still providing the appropriate capacity to the school as calculated by the square footage calculator. Only if the educational program cannot be delivered within that footprint is the exception process described in this chapter to be used.~~

~~(i) **Co-curricular and Extracurricular Spaces.** The design of any remedy funded by the Commission may include co-curricular and extracurricular spaces, but such designs shall ensure that substantially similar activities will be provided to similarly situated students across the state.~~

~~(j)(d)(e) **On-and Off-site Infrastructure.** The Department shall only provide funding for on- and off-site infrastructure properly attributable to the needs of the school.~~

~~(i) Requests for off-site infrastructure funds must come from affected school district(s) and shall, at a minimum, include the following in writing:~~

~~(A) A full description of the school facility project, including the cost of the proposed infrastructure, its nature and capacity;~~

~~(B) All reasons why the expenditures for the off-site infrastructure are necessary;~~

~~(C) Any contemplated excess capacity as well as its cost and all terms for repayment for the cost; and,~~

~~(D) Any other facts material to a determination of whether to expend these funds.~~

~~(ii) Such requests shall be first presented to the School Facilities Commission Project Manager(s) assigned to the affected school district(s). The Project Manager(s) shall then present the request to the Director who shall make a determination whether further information is required, and whether the request shall be presented to the Commission for its consideration and decision. The Director shall notify the affected~~

~~municipality or local governmental entity of the staff recommendation and of the time and location at which the Commission will consider the proposal.~~

~~_____ (iii) When considering such requests, the Commission shall work with the affected municipalities or other local governmental entity to reach a reasonable resolution of the excess capacity issues related to off-site infrastructure. The Commission will further coordinate with the Wyoming Association of Municipalities in order to maintain consistent application of this policy. Such requests will address the infrastructure needs of the school facility only; this policy is not intended to meet the development needs of the municipality or other local governmental entity.~~

~~_____ (iv) Funding of traffic lights or roundabouts will be in proportion to traffic volume resulting from the construction of the district facility on-site or off-site as determined in a traffic study conducted by a qualified traffic engineer.~~

~~_____ (v) The Director shall notify the affected municipality or other local governmental entity in writing, of the SFC action taken and reasons for the action.~~

~~_____ (vi) Projects eligible for this funding shall be prioritized in a manner consistent with the statewide prioritization process.~~

~~_____ (vii) No funds shall be expended without Commission approval and full compliance with this rule, footnote 7 to Section 027 of Section 3, 2007 HEA1 (the 2007 Budget Bill), and footnote 1 to Section 027, 2008 SEA0023 (the 2008 Budget Bill).~~

~~_____ (k) **Safety and Security.** Every Commission-funded remedy shall provide for the safety and security of the occupants of the facility.~~

~~_____ (l) **Sustainability, Energy Efficiency and Lighting.** Every Commission-funded remedy shall, at a minimum, analyze the life-cycle costs of maintenance and capital construction decisions upon the following criteria, in addition to other criteria being considered:~~

~~_____ (i) Energy Efficiency~~

~~_____ (ii) Sustainable Materials (recycled materials, chemical-free wall and floor coverings)~~

~~_____ (iii) Preventative Maintenance~~

~~_____ (iv) Waste Reduction~~

~~_____ (v) Indoor Air Quality~~

~~_____ (vi) Day Lighting~~

———(vii)——— **Acoustics**

———(m)——— **Value Engineering.** Value engineering is an essential part of ensuring that Commission funded remedies receive the maximum value for the occupants and owners of the facilities in the most cost effective and efficient manner possible. Unless waived by the Commission pursuant to W.S. 21-15-118(a)(ii)(B), all Commission funded remedies shall be value engineered and value engineering shall be ongoing once the appropriate remedy is determined by the Commission. Value engineering shall include life cycle cost analysis of all major systems in the facility.

———(n)——— **Codes.** All school facilities shall comply with all applicable local, state and federal building codes, laws and regulations.

———(o)——— **Functional Buildings.** All Commission funded remedies should ensure that the design meets the expectations of the occupants and that the facility is built as it was designed. Modern schools are complex buildings. Ensuring that all building systems are working properly and that the school staff knows how to operate and maintain them is critical.

———(p)——— **Acoustics.** If not controlled to appropriate levels, noise from loud ventilation systems, outdoor sources, and neighboring rooms can significantly impede communication among teachers and students. Classrooms should have unoccupied background noise levels reduced as much as is reasonably possible.

———(q)——— **Technology.** The Commission shall ensure that all facilities are capable of providing a modern and appropriate level of technology to the students and staff within the facility.

———(r)——— **Accessibility.** All school buildings and facilities shall provide appropriate accessibility to all persons, including persons with disabilities, and shall comply with all Federal and state laws and requirements regarding accessibility.

———(s)——— **Prototypes.** The Commission shall develop prototypes for Commission-funded remedies, which may include specific components and/or features of a school building as well as complete structures. The Commission shall ensure that such prototypes shall be used in developing Commission-funded remedies. All prototypes developed by the Commission shall be adopted in rule.

———(t)——— **Life Cycle Cost Analysis.** A life cycle cost analysis shall be completed for each school project. The analysis shall compare initial and life cycle costs for all major systems in the building. The major systems shall include, but are not limited to:

(i)——— Structural

(ii)——— Exterior skin

~~(iii) — Roof~~

~~(iv) — Flooring~~

~~(v) — HVAC~~

~~(vi) — Lighting~~

~~(u) — On-site infrastructure. The following on site infrastructure may be funded by the SFC as part of the project budget:~~

~~(i) — In the event a new or improved road is required, up to fifty percent (50%) of the cost of the road adjacent to the school property and up to one hundred percent (100%) of the sidewalk to be built adjacent to the school property may be included in the capital construction budget.~~

~~(ii) — Up to fifty percent (50%) of infrastructure costs of utilities associated with construction or improvement of roads adjacent to school properties not to exceed one hundred percent (100%) of the capacity needed for the school building may be included in the capital construction budget.~~

~~(v) — Furniture, Fixtures and Equipment (FF&E). The Commission will fund either 4.2% of the cost of construction for a school that is being replaced (assuming that some of the Districts existing FF&E is in reusable condition), or 6.3% of the cost of construction for new schools (where there is no existing FF&E to consider for re-use), for FF&E. This is intended to cover items that have no permanent connection to the structure of the building or utility, such as desks, chairs, tables, office furniture, cafeteria tables, audio visual equipment, specialized items to equip art, music, science, technical education rooms, special education rooms, and physical education space. Grounds and landscaping equipment, floor cleaners and waxers, vacuums, snow blowers, and such related items may be acceptable FF&E expenditures, pending an inventory and assessment of all re-usable or non-reusable FF&E, conducted jointly by the District and Commission. All requested FF&E expenditures shall be reviewed and approved by the Commission taking into consideration similar funding provided in the WDE block grant and other project specific circumstances. No FF&E item shall be funded unless it is listed on the most current R.S. Means list for furniture, fixtures and equipment.~~

~~(w)(e)(f) Tracks. Unless waived by the Commission for good cause, including the requirement that similarly situated students shall be provided the opportunity to participate in similar activities, t Tracks shall be designed and constructed in accordance with the Commission's standard track design guidelines. Refer to the track standards in Chapter 1-Section 5.(b). for Wyoming schools track and field, football and soccer facilities.~~

~~(g) School Bus Maintenance and Parking Facilities. School Bus Maintenance and Parking Facilities shall be designed and constructed in accordance with~~

the Commission's School Bus Maintenance and Parking Facilities Design Guidelines. Refer to Chapter 1-Section 5,(b).

~~(x) **Auditoriums.** An auditorium is an important part of a high school design. Working within the footprint of allowable square footage, high school designs should incorporate an auditorium appropriate for the school's student population.~~

~~(y)~~**(h) Swimming Pools.** The Commission does not fund new swimming pools, however, existing swimming pools may be maintained through district funds or ten percent (10%) major maintenance funds, as long as all other major maintenance needs have been appropriately satisfied.

Section 5. Local Enhancements.

(a) Local enhancements, ~~as defined in Wyoming law and in these rules and regulations,~~ are features and aspects of school facilities which are not funded by the Commission. ~~and do not receive funding for major maintenance from the Commission. to school facility remedies~~ Enhancements shall first be presented to the Commission during project planning, for acknowledgement on forms provided by the Department and can be found on the School Facilities website.

(b) Regarding new construction, local enhancements may occur in the following non-exclusive ways When local enhancements occur in conjunction with state-funded school facility remedies, and the cost of those local enhancements become part of a comprehensive school project, the Department shall determine the appropriate method of allocating costs between the enhancement(s) and the State-funded portion of the project.

(i) Inclusion of a design feature which exceeds the facility design guidelines and/or fails to comply with the uniform statewide adequacy standards. Examples could include a gymnasium or auditorium designed larger than needed for the population of the school;

(ii) Inclusion of square footage in a facility which exceeds the total square footage allowed by the facility design guidelines; or,

(iii) Inclusion of design features or aspects which are not in compliance with the recommendations of value engineering.

(b) Costs of facility enhancements shall be identified by the Commission as follows:

(i) When the enhancement can be bid as an added or alternative item which includes all design and construction costs attributable to the enhancement, the district shall bear all costs associated with the addition or alternate;

(ii) When the enhancement is the result of additional square footage, the difference between the allowable square footage and the project total square footage shall be computed as a percentage. Project costs will be attributed on the basis of the percentage as identified unless otherwise agreed upon by the Commission and the district in accordance with these rules and Wyoming law. The district shall be responsible for all costs associated with the enhanced square footage;

(iii) When the enhancement is the result of a design preference, the difference shall be computed as a percentage unless otherwise agreed upon by the Commission and the district in accordance with these rules and Wyoming law. The district shall be responsible for all costs associated with the enhanced design and its construction.

(iv) The Commission shall consider the recommendations of value engineering in arriving at the costs of all enhancements and its conclusions shall be included in the required written agreement between the district and the Commission.

(c) All costs associated with LEED design certification and commissioning will be considered an enhancement and must be paid for by the district. The Department may require that the enhancements be bid separately, or that the enhancements be calculated as a percentage of the overall project cost.

(d) The Commission establishes the following criteria and procedures for the identification of local enhancements to school buildings and facilities which are in excess of state building adequacy standards and to determine whether and how any local enhancements should be incorporated into the statewide adequacy standards, in accordance with W.S. 21-15-114(a)(ix).

(i) The Commission shall maintain a database from which all local enhancements may be identified.

(ii) The Commission shall coordinate with the Wyoming Department of Education to determine if any local enhancements have a demonstrable effect upon student achievement.

(iii) The Commission shall further coordinate with such other agencies and individuals as may be necessary to determine whether any local enhancements have a demonstrable effect upon delivery of a thorough and efficient system of public schools.

(iv) If the Commission determines that any local enhancements have had either a demonstrable effect upon student achievement or a demonstrable effect upon delivery of a thorough and efficient system of public schools, the Commission shall make a determination whether and how such local enhancements should be incorporated into the statewide standards and such findings shall be reported to the Wyoming legislature for legislative guidance.

(e) No enhancement to any school facility otherwise being funded by the Commission shall be allowed to proceed in the absence of a written agreement between the district and the Commission which identifies a dedicated source of funding for the enhancement, the mechanism by which construction of the enhancement will proceed and payment submittals be approved, and which establishes that construction and funding of the enhancement will neither impair nor impede construction of the base facility.

(f) The Department shall require all enhancements be preceded by a written agreement with the affected school district which identifies a dedicated source of funding for the enhancement(s), establishes the means by which costs shall be allocated between the enhancement(s) and the state-funded portion of the project, and a determination by the Department that the enhancement will neither impair nor impede construction of the base facility.

~~APPENDIX A:~~
~~Guideline Graphs of Total Square Footage by Grade Level~~

~~Figure A 1: Elementary School Total Square Footage Guideline Graph~~

~~Figure A 2: Middle School Total Square Footage Guideline Graph~~

~~Figure A 3: High School Total Square Footage Guideline Graph~~

~~Figure A 4: K-8 School Total Square Footage Guideline Graph~~

~~Figure A 5: 6-12 Secondary School Total Square Footage Guideline Graph~~

~~Figure A 6: K-12 School Total Square Footage Guideline Graph~~

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Figure A-1: Elementary School Total Square Footage Guideline Graph

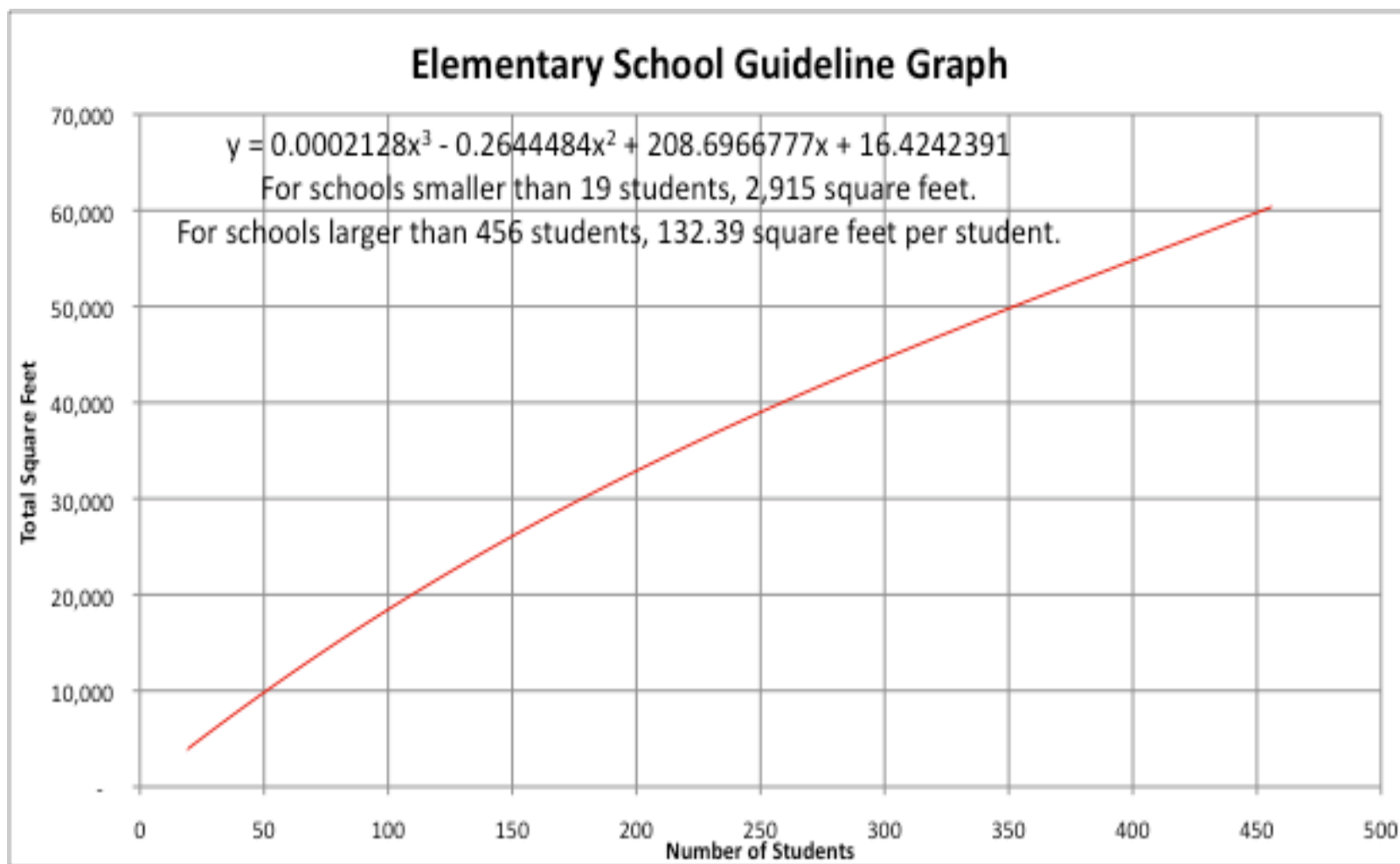


Figure A-2: Middle School Total Square Footage Guideline Graph

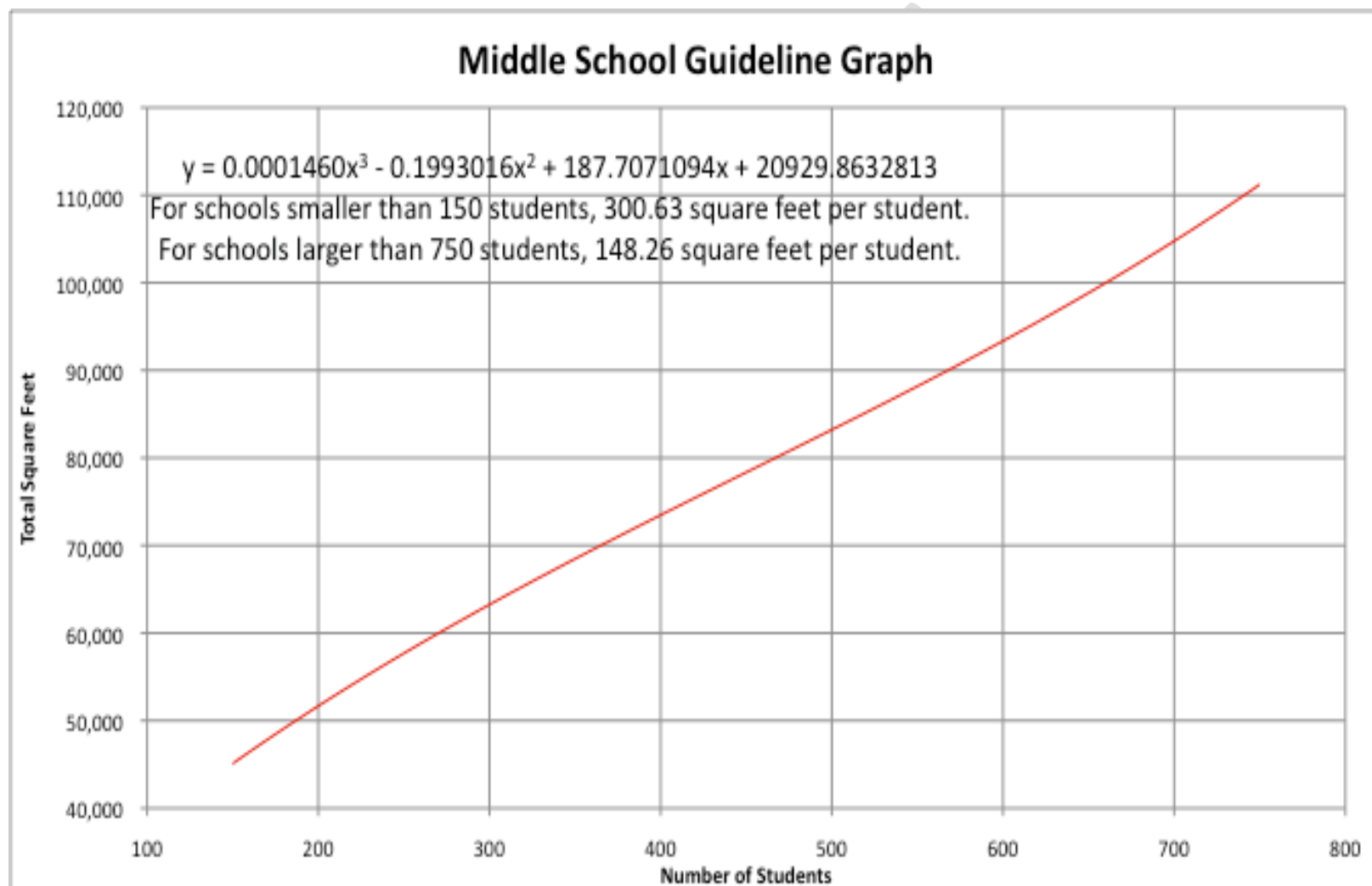


Figure A-3: High School Total Square Footage Guideline Graph

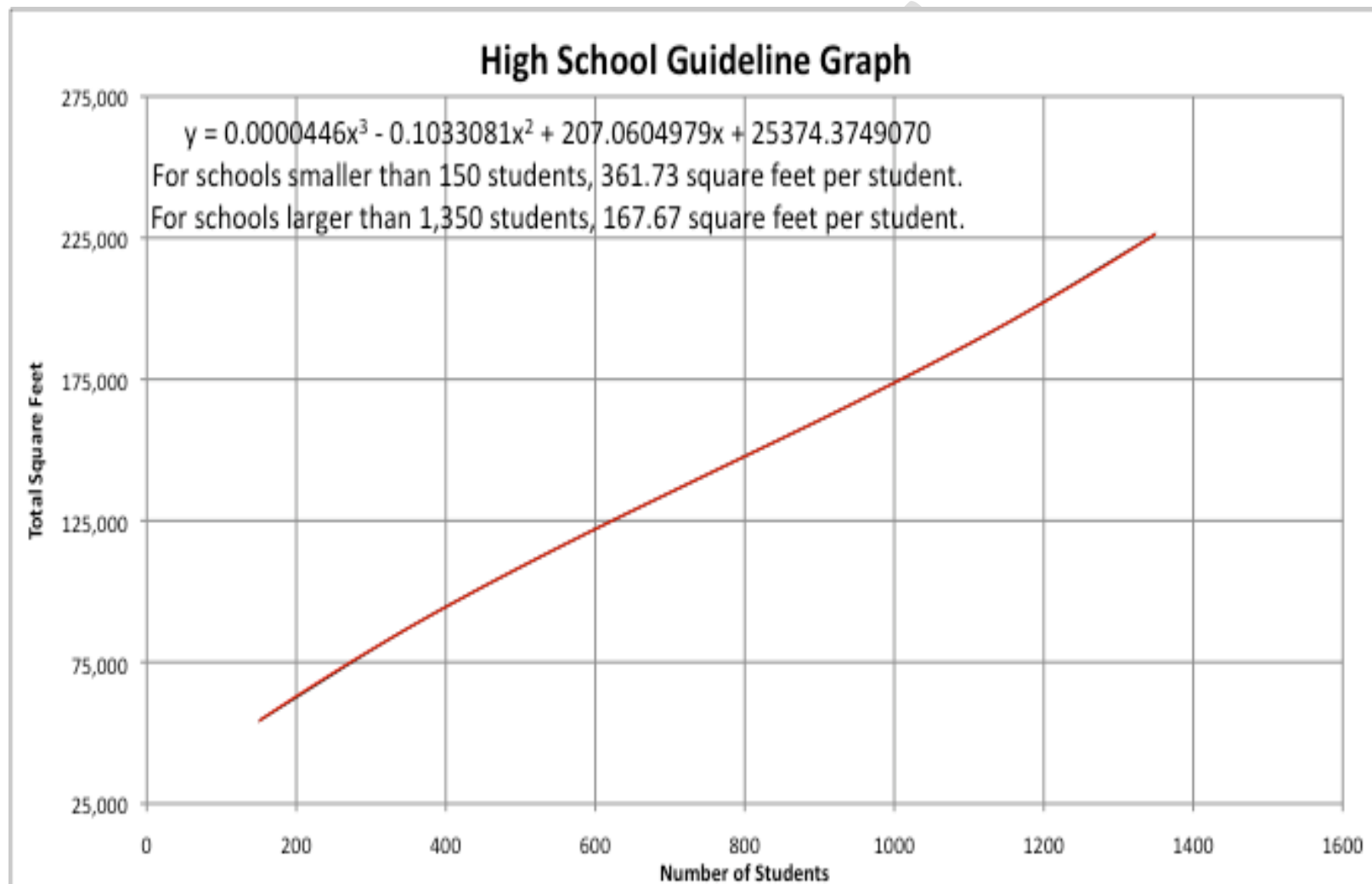


Figure A-4: K-8 School Total Square Footage Guideline Graph

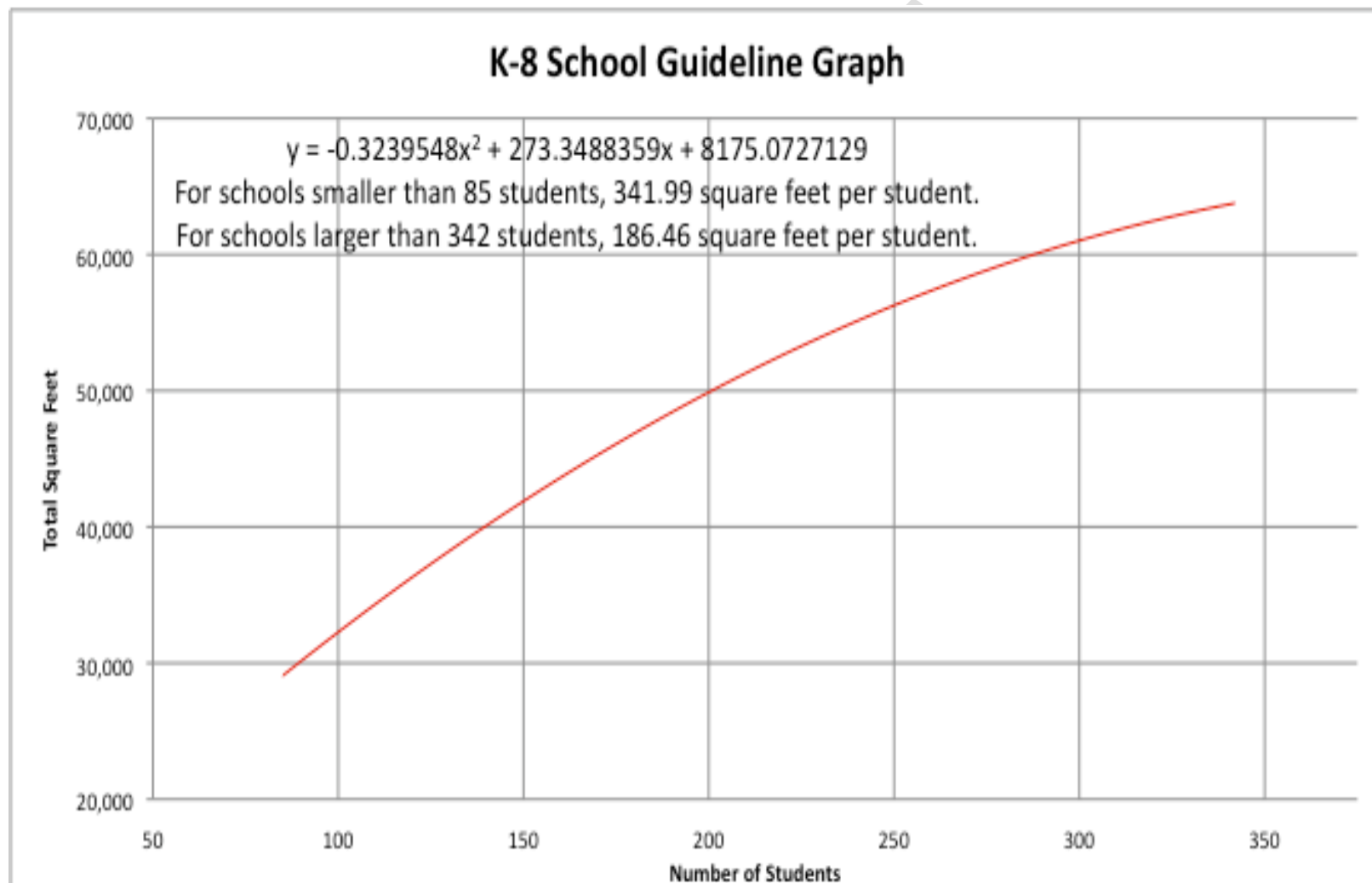


Figure A-5: 6-12 Secondary School Total Square Footage Guideline Graph

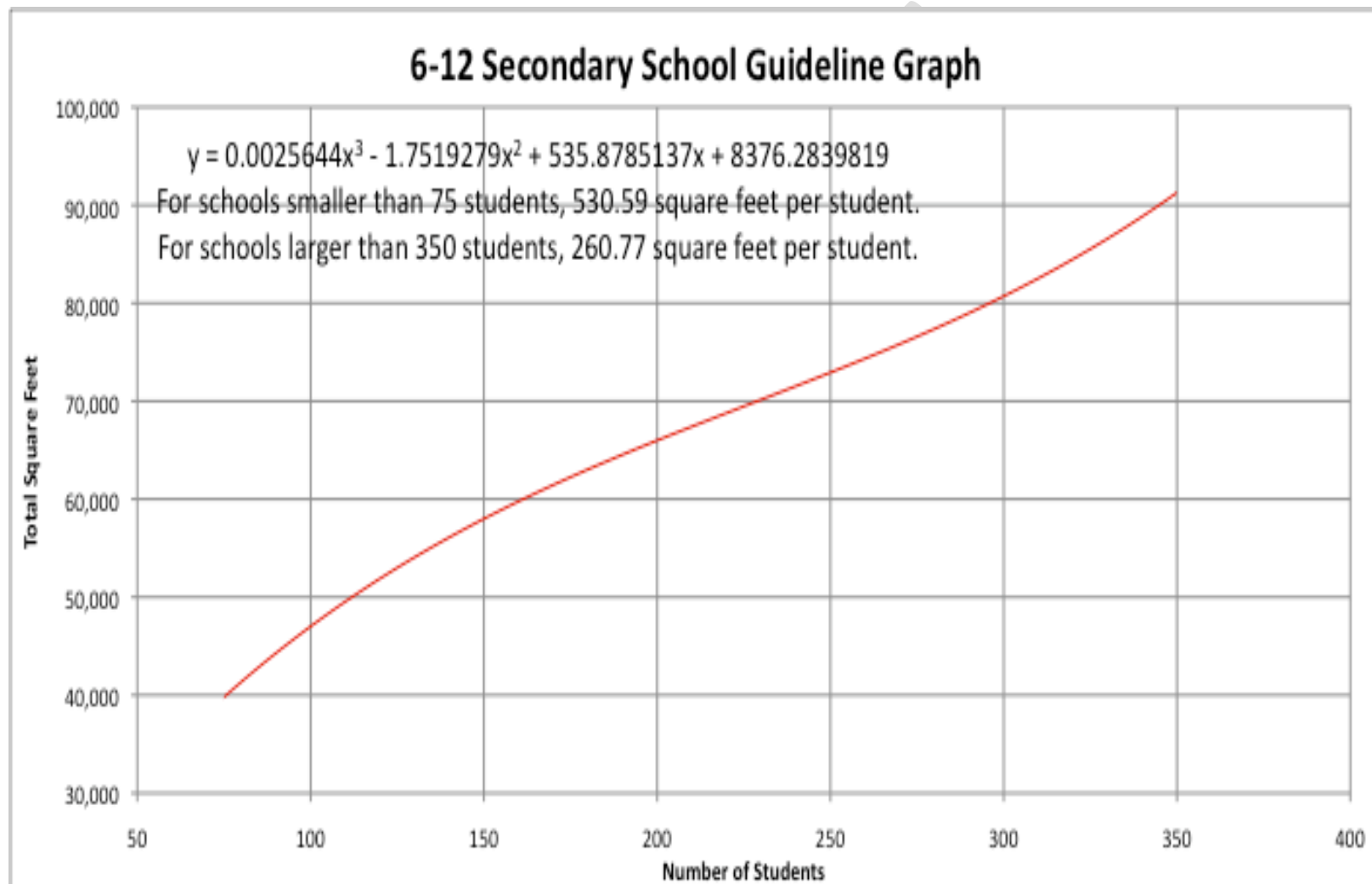
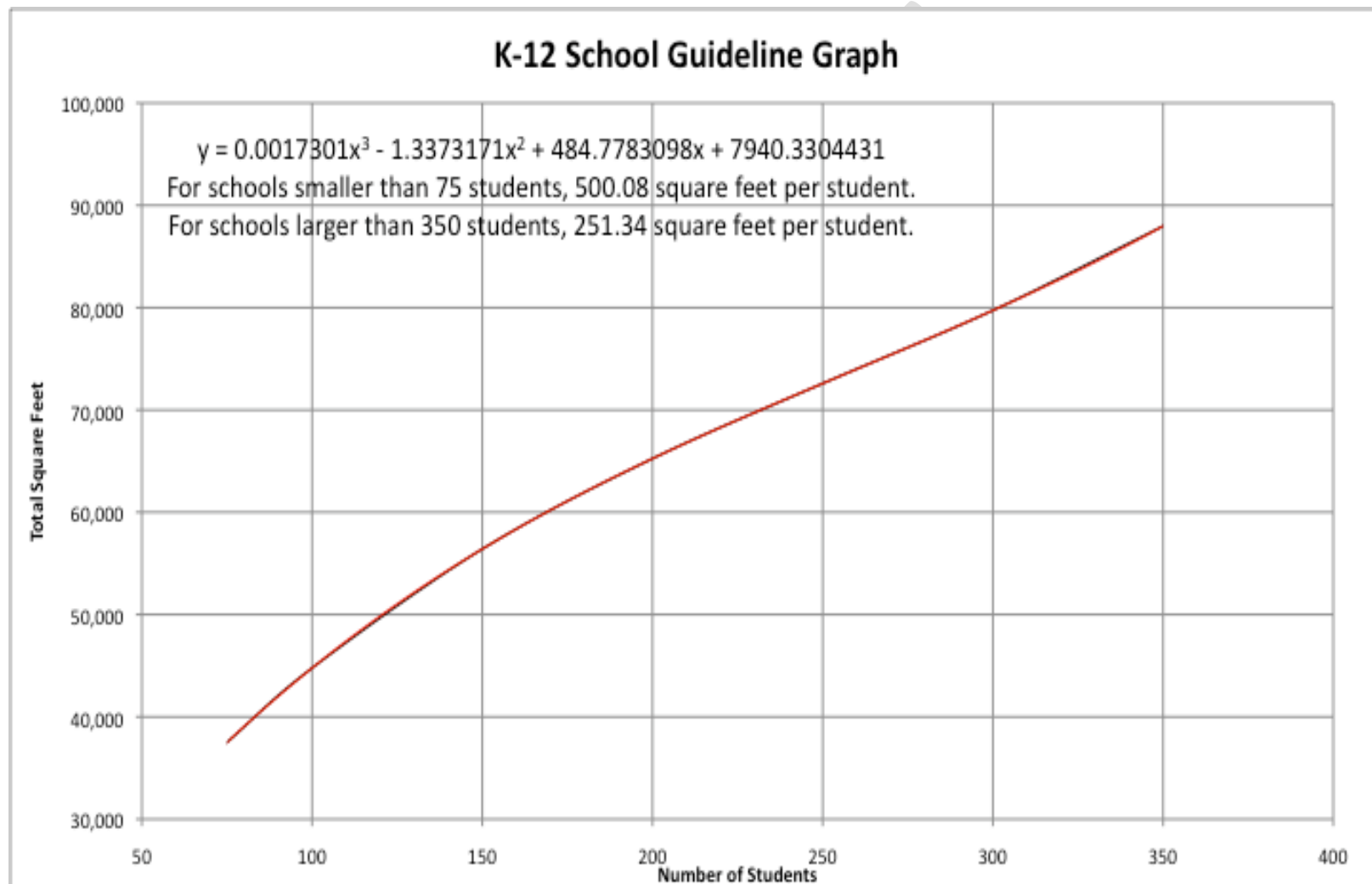


Figure A-6: K-12 School Total Square Footage Guideline Graph



RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 4 FACILITY PLANS-PLANNING

Section 1. Authority. This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-116(a).

Section 2. Purpose of Rule. This Chapter is intended to aid in the development of long range comprehensive school building and facility plans for each school district which address district-wide building and facility needs.

Section 3. Facility Plan.

~~(a) In coordination with the applicable district, the Department shall develop long range comprehensive school building and facility plans for each school district which address district wide building and facility needs. All facility plans and any modifications thereto require Commission approval in accordance with W.S. 21-15-116(d). Each plan shall describe with specificity the current and projected future use of each facility, a description of any perceived need for new or replacement facilities, a generalized description of the major maintenance needs of each facility and a description of how the plan will guide future funding requests and expenditures in order to achieve compliance with the adequacy standards of the Commission and other applicable Wyoming law in the most efficient and cost efficient manner to deliver quality educational services and address building and facility need.~~

~~_____ (b) Facility plans shall be reviewed periodically by the District and the Department.~~

~~_____ (c) Facility plans are not a definitive guide to facility or district remedies and may be subject to further consideration which may, or may not, ultimately be approved by the Commission. Facility plans are to be used as a tool to guide the NI (needs index) prioritization of remedies periodically established by the Commission in accordance with these Rules and Regulations.~~

~~(d) All facility plans shall contain information consistent with that required in W.S. 21-15-116, including but not necessarily limited to the following:~~

~~_____ (i) A full description of the District's long term goals and strategies related to its facilities, including disposition of facilities and modification of grade configurations and school boundaries;~~

~~_____ (ii) An inventory of all existing facilities including any charter school facilities in the district and the current status (closing/reopening, need for rural school, alternative schools, etc.) of each facility, including grade configuration and current year student enrollment, if applicable;~~

~~_____ (iii) A full description of all anticipated new, replacement or renovated~~

~~facilities perceived to be a need of the district over the next ten (10) years with a thorough explanation of the reasons supporting the perceived need for the new, replacement, or renovated facility;~~

~~_____ (iv) A full major maintenance plan and description of the impact of prior years expenditures on maintenance or renovation of facilities on the district's long-term goals and strategies, including non-construction alternatives.~~

~~_____ (v) An inventory of all real property owned by the district along with an explanation of the current and future use of the property. District owned property shall be considered, and if possible, used for all construction projects prior to new property purchases being considered or approved;~~

~~_____ (vi) Identification of all local enhancements and source of funding to maintain, specific to the building and location within the building, and community facilities which are capable of supporting any aspect of the district's long term goals and strategies, including any current use of such facilities;~~

~~_____ (vii) Student enrollment projections for the district and/or each facility within the district in accordance with W.S. 21-15-116(a) and these rules and regulations;~~

~~_____ (viii) Projections for acquisition of land in accordance with the district's long term goals and strategies and the subsections of this rule;~~

~~_____ (ix) A proposed cost estimate for the facility remedies proposed in the facility plan;~~

~~_____ (x) Identification of all leased spaces and their use, including the identity of the lessee/lessor; and a copy of the signed and fully executed lease agreement;~~

~~_____ (xi) Cross reference to any appropriate additional source of relevant information, including computer databases maintained by the Department or District;~~

(a) The Department shall schedule yearly facility plan review meetings with each school district. Yearly facility plan review meetings shall be conducted in accordance with Facility Plan review formats provided from time to time by the Department. Districts shall participate and supply all needed information to complete the plan.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 5 EMERGENCY FUNDING PROCEDURES

Section 1. Authority. This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-120(a).

Section 2. Purpose of Rule. This Chapter is intended to provide procedures to determine when an emergency exists with respect to the adequacy of school buildings and facilities.

Section 3. Availability of Funds. Basis for Declaration of Emergency.

(a) Emergency funding for temporary remedies may be available under the following circumstances:

(i) ~~The Commission, in consultation with the District determines that the situation immediately~~ The situation immediately and substantially affects the ability of the district to provide the educational programs required by law and that no other reasonable alternative exists to address the situation other than emergency funding; or,

(ii) ~~The Commission determines~~ A situation exists statewide which could substantially affect the ability of ~~the one or more~~ one or more districts to provide the educational programs required by law, and that no other reasonable alternative exists to address the situation other than emergency funding.

Section 4. Application.

(a) Applications for emergency funding to the Department must, at a minimum include:

(i) A detailed description of the circumstances giving rise to the emergency, including the expected duration of the emergency;

~~(ii) The location of all structures affected by the emergency and, if the emergency affects only a portion of a structure, a detailed description of the affected portion;~~

~~(iii)~~(ii) The district's proposed remedy to cure the emergency, including all alternatives considered;

~~(iv)~~(iii) An estimate of the cost of the proposed remedy, including estimates of alternative remedies considered;

~~(v)~~(iv) Bids or estimates received from contractors to address the emergency;

~~(vi)~~(v) Such other reasonable documentation and information the Commission may require.

~~(b) — The district's superintendent shall certify in writing that no other funds are available to affect the remedy and that the information disclosed in the application is true, correct and complete.~~

~~(e)(b) The remedy adopted by the Commission shall be the most cost-effective, temporary means of restoring the adequacy of the district's school buildings and facilities such that it is able to provide required educational programs. means of addressing the emergency.~~

Section 5. Disbursement of Funds.

~~(a) — The district shall contract for the commission approved remedy.~~

~~(b) — The district shall submit written funding requests, accompanied by supporting invoices and other documentation reasonably required by the commission. Upon approval of the funding request as complying with the contract and this chapter, funds shall be disbursed.~~

~~(c) — Disbursements shall not be made for any unauthorized expenses.~~

Section 5. Adequate Insurance. School districts are required to maintain adequate and appropriate insurance coverage on their facilities. Insurance proceeds shall be applied to all applicable emergencies before emergency funding under this chapter is made available.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 6 SQUARE FOOTAGE GUIDELINES FOR MAJOR MAINTENANCE PAYMENTS

Section 1. Authority. This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-109(c)(i).

Section 2. Purpose of Rule. The purpose of this rule is to prescribe guidelines by which square footage will be computed for purposes of calculating major maintenance payments.

~~Section 3. Definitions.~~

~~(a) “Certify” means to represent and warrant, under penalty of perjury, that the certified matters are true, accurate and correct and are not misleading in any material way.~~

~~(b) “Closed” means in the context of an educational building, the building is not used and is not intended to be used for educational purposes.~~

~~(c) “Leased Facilities” means any land, building or equipment or other capital asset that has been leased by or to a district.~~

~~(d) “Major Maintenance” or “Major Building and Facility Repair and Replacement” means the repair or replacement of complete or major portions of school building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work.~~

~~(e) “Mothballed” is the spare footage of any district building or facility which is closed and not operational, is not being replaced under a district’s facility plan approved by the commission under W.S. 21-15-116, and is not determined surplus as a closed building within the district’s facility plan. (The district building or facility must be in good condition and may remain as a mothballed building for a maximum of three (3) years).~~

~~(f) “Payable Leased Facilities” are those facilities which are used by the district to provide the approved educational programs as prescribed by W.S. 21-15-109(c)(i)(B). These facilities shall be included in the district’s gross square footage totals.~~

~~(g) “Routine Maintenance and Repair” means activities necessary to keep a school building or facility in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, grounds keeping and maintenance tasks done on a routine basis and typically~~

~~accomplished by district personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance.~~

~~———— (h) ——— “Separate Account” means an individual account for depositing to, and expending from, major maintenance funds. These funds shall not be co-mingled with any other funds or accounts.~~

Section 3. Major Maintenance. Each district in consultation with its assigned Project Manager shall maintain the total square footage of each building within the district and report major maintenance during facility planning.

Section 4. Calculation.

(a) Actual square footage of buildings shall be calculated using the exterior building face dimensions of enclosed space at each floor level. Areas not to be included in square footage calculations include:

- (i) Crawl spaces;
- (ii) Pipe tunnels;
- (iii) Roof overhangs;
- (iv) Walkways, and other non-enclosed facilities.

(b) The total square footage of structures shall be calculated by using any one of the following measurement methods:

- (i) On-site measurements of the structure;
- (ii) Dimensions taken from as-built floor plans where complete information is available; or
- (iii) Computer-aided drawing (CAD) utilizing as-built floor plans.

(c) Each floor of multi-floored structures shall be calculated separately, and calculations for all floors shall be combined for the total area of the entire structure, including the gross square footage area of basements.

(d) The major category (i.e. educational, office, or warehouse) designated for gross square footage within each building or facility shall be determined based upon the major use of the building.

(e) The total square footage of structures in the district shall be separately set out for each major category (i.e. educational, office or warehouse) using the following sub-categories:

- (i) Educational
 - (A) Standard educational space

- (B) Educational portables
- (C) Educational non-portables
- (D) Qualified educational leases per W.S. 21-15-109(c)(i)(B)
- (E) Other non-qualified educational leases
- (F) Mothballed
- (ii) Office
 - (A) Portable building used as an office
 - (B) Leased offices
 - (C) All other offices
- (iii) Warehouse
 - (A) Bus barn (transportation facility)
 - (B) Portable building used as storage
 - (C) Warehouse leases
 - (D) All other warehouses

(f) **Mothballed Buildings.** For buildings which are mothballed with the intent to reopen as an educational space, ten percent (10%) of the normally allocated major maintenance funds for the building will be allotted for a maximum of three (3) years. At the end of the three (3) years, the district shall determine if the building is still a needed educational building or if the district will close the building and remove it from their inventory, at which time no additional major maintenance funds will be expended. Funding must be requested by the district on Form SFC-706.

~~(g) **Mechanical space.** When calculating the overall building square footage for a new building, addition or major remodel (for the purposes of determining the allowable gross square footage), if the mechanical space complies with the definitions outlined below, then it is not required to be included in the gross square footage calculations for the new construction.~~

~~Section 502 – International Building Code, 2006 Edition~~

~~Equipment Platform — An unoccupied, elevated platform used exclusively for mechanical systems or individual process equipment, including the associated elevated walkway, stairs and ladders necessary to access the platform. (See also Section 505.5).~~

~~Section 1502 — International Building Code, 2006 Edition~~

~~Penthouse — An enclosed, unoccupied structure above the roof of a building, other than a tank, tower, spire, dome copula or bulkhead, occupying not more than 1/3 of the roof area. (See also Section 1509.2)~~

~~Also, for the type of construction, allowable size and height of a tower or spire shall be as outlined in Sections 1509.5, 1509.5.1 and 1509.5.2.~~

~~———— (h) — **Leased Facility Space.** The Commission may approve “qualifying” leased facility square footage for inclusion in major maintenance calculations when the following criteria are satisfied:~~

- ~~———— (i) — Commission approval is obtained per W.S. 21-15-109(c)(1)(A);~~
- ~~———— (ii) — Facility must be surplus or closed per W.S. 21-15-109(c)(iv);~~
- ~~———— (iii) — Square footage is not being used for delivery of required educational program;~~
- ~~———— (iv) — Square footage is being used for one of three approved programs:~~
 - ~~———— (A) — Certified child care per W.S. 14-4-101 *et seq.*~~
 - ~~———— (B) — Developmental preschool receiving state aid.~~
 - ~~———— (C) — BOCES program per W.S. 21-20-101 *et seq.*~~
- ~~———— (v) — District incorporates use of this closed or surplus space into its facility plan;~~
- ~~———— (vi) — District reports any fees received for use of this closed or surplus space as a local resource per W.S. 21-13-310(a)(xv);~~
- ~~———— (vii) — District limits lease agreement to one year subject to early termination if necessary for provision of district educational programs.~~

~~Section 6.~~**Section 5. Computations and Adjustments.** The Commission shall adjust the total district gross square footage by excluding or reducing the gross square footage of newly constructed buildings and facilities using the following percentages:

Year 1	0%
Year 2	10%
Year 3	10%
Year 4	40%
Year 5	60%
Year 6	80%
Year 7 and after	100%

~~Section 7. Salaries.~~ Approval must be received from the Commission prior to Districts paying salaried personnel with major maintenance funds, as authorized by W.S. 21-15-109(e). In order to request approval, the District must provide the Commission the following information:

- ~~(i) Amount identified as salary;~~
- ~~(ii) Position title;~~
- ~~(iii) Detailed description and scope of duties relating to major maintenance projects.~~

~~Section 8. 8% and 10% Expenditures.~~ Subject to Commission approval and in accordance with W.S. 21-15-109(f), a district may expend up to 10% of its annual major maintenance distribution on major building and facility repair and replacement needs not specified in the districts facility plan, including district enhancements. These proposed expenditures shall not be approved by the Commission unless the districts major maintenance needs identified in its facility plan (in compliance with W.S. 21-15-109(e)) have been addressed. A district may also apply to accumulate up to 10% of its annual major maintenance distribution on the same basis. If a district is in possession of previously authorized 8% major maintenance funds, they are subject to expenditure on the same basis as 10% funds, but may continue to be held without further Commission approval.

~~Section 9. Use of Major Maintenance funds for other purposes in accordance with W.S. 21-15-109(c).~~

~~The legislature has granted the Commission the authority, under limited circumstances, to approve use of major maintenance funds for purposes other than those authorized by W.S. 21-15-109. The relevant language of the statute is noted below:~~

~~[E]xcept as specified under subsection (f) of this section [10% Expenditures], expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement as defined in subsection (a) of this section or as prescribed by rule and regulation of the commission, otherwise in accordance with and satisfying the requirements of this Act, and shall be in accordance with the district's facility plan approved by the commission under W.S. 21-15-116.~~

~~Use of major maintenance funds for these purposes shall only be upon approval of the Commission. The Commission shall determine whether to approve or deny any such use of major maintenance funding only upon use of the following procedure and upon consideration of the following non-exclusive and non-prioritized list of factors. The Commission shall create a thorough written record supporting every approval or denial:~~

~~(a) Requests shall be forwarded through the Project Manager for the applicable district to the Director.~~

~~(b) The Director shall make a preliminary determination (based upon all of these factors) whether the request shall be forwarded to the Commission for its consideration.~~

~~(c) The written record requirements of this section apply to the Director's preliminary determinations as well as the Commission's final determinations.~~

~~(d) The Director and the affected district shall present a request approved preliminarily by the Director at a Commission meeting together with all documentation relevant to the request.~~

~~(e) The Commission (and the Director) shall, at a minimum, consider the following factors in determining whether to grant or deny a request:~~

~~(i) Whether the district's facility plan is current and approved, and whether the facility plan has been followed;~~

~~(ii) Whether the district's major maintenance needs identified by the Commission's processes have been adequately addressed;~~

~~(iii) Confirm that the request does not involve use of major maintenance funding for an enhancement;~~

~~(iv) Whether all value engineering requirements (if applicable) have been followed.~~

~~(v) Whether the facility, and the educational program proposed to be delivered within that facility, is endorsed by the Wyoming Department of Education as educationally appropriate.~~

~~(vi) Whether other facilities, owned and/or funded by the district or otherwise, may be used to provide part of the required educational program.~~

~~_____ (vii) What effect granting or denial of the request would have upon current and future major maintenance needs in the district.~~

~~_____ (viii) What effect granting or denial of the request would have upon current and future capital construction needs in the district.~~

DRAFT

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 14 PROJECT MANAGEMENT

Section 1. Authority. This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv), W.S. 21-15-118(c) and W.S. 21-15-123(f)(v).

Section 2. Purpose. This chapter is intended to establish a mandatory, uniform process through which all commission funded remedies shall proceed.

Section 3. Relationship Between the School Facilities (SFD) and School Districts.

(a) Director's Authorization Letters (DALs).

(i) Upon receipt of properly executed Master MOUs from a district, the Director (or his designee) is authorized to issue DALs in accordance with legislative appropriations. Funding will be released to school districts for Commission approved most cost effective remedies through DAL's with the fewest number of additional accounting control points. These DAL's do not guarantee funding to the school district, funding will flow to a project based on approved pay applications and other SFD accounting practices. The purpose of the DAL is simply to authorize the flow of funds. Determination of how much funding will be provided to any particular phase or aspect of a project, or for any submitted pay application, shall be monitored and controlled through the Department's database and accounting processes. How funding flows to a project is dependent upon execution of the appropriate contracts by a school district and the Department's pay application and accounting practices. Funds authorized by a DAL but unencumbered shall revert for re-appropriation.

~~(i)-(ii)~~

(b) Role of SFD Project Managers.

(i) Project managers and planning coordinators shall serve as liaisons of the SFD and Commission to school districts, design and construction professionals, and other stakeholders.

(ii) Project managers and planning coordinators shall be primarily responsible for the following non-exclusive list of duties.

(A) Involvement ~~should be involved~~ with facility planning;

(B) Routine monitoring of school district major maintenance expenditures;

~~(C) Project planning, attendance at design charrettes, assisting in development of education programming;~~

~~(D)~~(C) Oversight of ~~assigned~~ projects and coordination with assigned region school districts;

~~(E)~~(D) ~~Exercising oversight over~~ Represent the SFD during project planning, design, and construction in collaboration with school district personnel, ~~professional designers, contractors, owner's representatives, etc.;~~

~~(F)~~(E) Negotiating, approving and denying change order requests and construction change directive(s).

~~(G)~~(F) Maintaining written/electronic records of facility plans and project modifications, decisions, communications, etc.

~~(H)~~(G) ~~The school district and the SFD shall coordinate to~~ Represent the SFD in its role as a party to contracts along with the school district, to ensure determine that both design professional(s), ~~and the construction~~ contractor(s), and other parties fulfill their respective obligations, ~~and that a high quality, appropriate, and cost-effective facility remedy is designed and constructed.~~

Section 4. Planning Phase.

(a) Determination of Most Cost Effective Remedy.

(i) The SFC~~D~~ is responsible for determining the most cost effective remedy for addressing building and facility needs.

(ii) The most cost effective remedy will be determined during the planning phase of a Commission funded project.

(iii) The SFD in consultation with the affected School District, shall make a recommendation to the Commission for each Most Cost Effective Remedy. The SFD may consider the following non-exclusive list of factors in determining the most cost effective remedy.

(A) Life-cycle cost analysis.

(B) Impact on the school district's educational programming.

(C) Timeliness of addressing the need.

(D) Other non-monetary benefits (i.e. historic preservation, safety and security, etc.)

(E) Preference of affected school district and community.

~~(iv) The Commission shall make the final determination of what constitutes the Most Cost Effective Remedy as identified as needs.~~

(b) Project kick-off.

(i) Every Commission-funded ~~planning phase~~remedy shall begin with a kick-off meeting(s) between the school district and SFD staff (and others as needed) which ~~reviews address and resolves~~ the following non-exclusive list of issues.

(A) Student population forecasts and corresponding design capacity and square footage;

(B) Delivery method;

(C) Educational specifications - Unless otherwise determined by the SFD, every proposed remedy to be funded by the Commission shall be preceded by the development of specifications specific to that remedy;

(D) Total project cost and project budget;

(E) Sources of funding;

(F) Enhancements scope, funding, and district trustees and SFC acknowledgment status; and

~~(G)~~ School district facility plan, inclusion of project.

~~(H)~~ Schedule and timeline goals.

~~(G)-(I)~~ Site , utilities and other physical data and characteristics that may impact a proposed remedy

(c) Selection of Delivery Method.

(i) The SFD shall determine the appropriate delivery method for any given project, once the Most Cost Effective Remedy is determined.

(ii) A thorough written record shall be created of the basis upon which the SFD makes its decision for the delivery method each remedy.

(iii) The SFD shall consider the following non-exclusive and non-prioritized list of factors to make its decision for which delivery method should be used for each Commission-funded remedy.

(A) Size and complexity of the remedy;

- (B) Availability of funds;
- (C) Urgency of time;
- (D) Commission experience with the delivery method;
- (E) Anticipated cost of the various delivery methods;
- (F) Available personnel or other professionals to provide supervision and monitoring or design and/or construction; and
- (G) School district desires regarding delivery method.

Section 5. Design Phase.??????????

(a) Selection of Professional Service Provider.??????????

(i) A thorough written record shall be maintained of the basis upon which design professionals are chosen or rejected for every Commission-funded remedy.

(ii) If contracted services are \$25,000 and greater:

(A) Qualifications-Based Selection Process. Select a **design** professional based on the qualifications of the professional as measured by the selection criteria. The estimated professional fee may also be used as part of the selection criteria.

(B) Selection Criteria. Consider the following criteria in selecting the professional:

- (1.) The design professional's approach and philosophy;
- (2.) The ability of the design professional's personnel;
- (3.) Past performance;
- (4.) Ability to meet time requirements;
- (5.) Location of personnel in relation to the project;
- (6.) Residency – maximize local architectural and engineering expertise;
- (7.) Current and projected workloads;
- (8.) The volume of work previously awarded to the firm by

school districts;the SFD;

(9.) The equitable distribution of contracts among qualified firms; and

(10.) Other criteria the school district ~~and~~ SFD deem important.

(C) Selection Process. In determining a selection process, the SFD shall work cooperatively with the affected school district. The process should include multiple individuals from the SFD and school district.

(b) Notice to Proceed. Notice(s) to Proceed shall be required as determined by the SFD to best suit the needs of each project. The design professional shall produce a budget at each notice to proceed to ensure the project is within budget.

(c) Value Engineering. Value engineering is an essential part of ensuring that Commission-funded remedies receive the maximum value for the occupants and owners of the facilities in the most cost-effective and efficient manner possible. Value engineering shall include life cycle cost analysis of all major systems in the facility. The SFD shall determine at what stage(s) of design value engineering will occur.

(d) Selection of Professionals & Services.

(i) During the selection of all FF&E and other professional services, the design professionals, districts and SFD must consider similar products from multiple manufactures and vendors to obtain the best value and cost for the project.

(e) Owner's Representative.

(i) Owner's Representatives are individuals and/or entities contracted on a project-specific basis to assist the "Owner" in ensuring the project is managed and completed properly. The "Owner" in Wyoming school projects is the school district operating under the oversight responsibility of the SFD.

(ii) The SFD shall determine whether an Owner's Representative is necessary, taking into account the expense, time, and ability of school district and SFD staff.

(iii) A fair and competitive process shall be used to obtain the services of an Owner's Representative. The school district and the SFD shall work cooperatively and collaboratively to obtain these services.

(iv) The following non-exclusive list of duties shall serve as guideposts for the duties to be established for Owner's Representatives on a case-by-case basis:

(A) Managing and coordinating administration of the project to completion.

(B) Monitoring and reporting on the project schedule and total project budget.

(C) Conducting “buildability” reviews of project designs.

(D) Monitoring and reporting on requests for information from stakeholders on the project team.

(E) Monitoring and reporting on the performance of the contractor.

(F) Providing administration of the contract between the school district and the architect.

(G) Assisting the school district in the procurement of other vendors and contractors, including execution of other contracts and agreements associated with the project.

(H) Maintaining all records and reports related to the project.

(I) Assisting with preparing of pay application and other documentation to be submitted to the SFD.

(J) Providing representation at meetings related to the project and at the construction site.

(K) Timely notifying the school districts and SFD of defective work.

(L) Submitting monthly reports on the progress of the project.

(M) Investigating and reviewing the progress and quality of the work.

(N) Protect the safety of individuals and the integrity of the project by advising the owner when to issue stop-work and other orders.

(f) CMAR Selection.

(i) A fair and competitive process shall be used to obtain a CMAR. The school district and the SFD shall work cooperatively and collaboratively to obtain these services.

(ii) The following non-exclusive list of duties shall serve as guideposts for the duties to be established for CMAR on a case-by-case basis.

(A) Proposed Fee.

- (B) Ability to meet proposed schedule.
- (C) Past performance.
- (D) Similar projects in scope and/or cost and schedule.
- (E) Current workload.
- (F) Proposed project team.
- (G) References.
- (H) Other criteria the school district or SFD deems important.

(g) Design Build Selection.

(i) The SFD shall determine whether a design build is the appropriate delivery method for the project, is necessary, taking into account the expense, time, and ability of school and SFD staff.

(ii) A fair and competitive process shall be used to obtain a design build. The School District and the SFD shall work cooperatively and collaborative to obtain these services.

(iii) The following non-exclusive list of duties shall serve as guideposts for the duties to be established for design build on a case-by-case basis.

- (A) Proposed Fee.
- (B) Past team performance.
- (C) Ability to meet the proposed schedule.
- (D) Past performance of design build projects.
- (E) Similar projects in scope and/or cost and schedule.
- (F) Current workload.
- (G) Proposed project team.
- (H) References.
- (I) Other criteria the school district or SFD deems important.

Section 6. Construction Phase.

(a) Prequalifications.

(i) All contractors requesting to bid on a Commission funded project shall submit to the obtaining the project, no later than 30 calendar days before the bid letting:

(A) Proof that contractor can be bonded for the type and amount of work;

(B) Past performance;

(C) Current projected workloads;

(D) Similar projects in cost and scope;

(ii) Prequalification shall be obtained each time for every project that the contractor plans to bid.

(b) Pay Applications. Pay Applications should be approved and reviewed first by the design professional then approved by the School District and SFD project manager. The application shall include all of the following criteria:

(i) Application and certificate for payment.

(ii) Lien waivers for all subcontractors from previous application.

(iii) Payment for stored materials should include:

(A) Approved schedule of values.

(B) Material invoice and proof of payment.

(C) Proof of insurance for the storage facility.

(c) Project Closeout. Absent extenuating circumstances projects shall be closed out at the end of the warranty period. Materials included in the project closeout shall include at a minimum:

(i) Retainage Release pay application;

(A) SFD must sign off on this pay application and be accompanied by the completed punch list.

(ii) All manufacturer and installer warranty documentation as required by the project specifications;

(iii) Maintenance and Operation manuals as required by the project specifications.

Section 7. Contracts.

- (a) Approved contract forms for all project phases may be found on the Commission website.
- (b) All Commission funded remedies must use the standard Commission contracts, unless otherwise approved by the SFD and Attorney General's Office.
- (c) Minor modifications may be made to the standard Commission contracts by the SFD on a project by project basis, with the approval of the Attorney General's Office.
- (d) Major modification may be made to the standard Commission contracts by the SFD with the approval of the Attorney General's Office and the Commission.
- (e) All contracts as approved by the Commission shall be executed and routed in accordance with SFD policies and procedures.

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 0, DEFINITIONS

Current Rule Change Being Considered	Comments and Statute Reference
Section 3 – Definitions - Added	All definitions moved to Ch. 0 from other Chapters
<ul style="list-style-type: none"> (a)Added The definitions in W.S. 21-15-109, et seq., apply to these rules. 	
<ul style="list-style-type: none"> (b)Added Additional definitions 	
<ul style="list-style-type: none"> (b)(i) Added “Aggrieved Party” 	
<ul style="list-style-type: none"> (b)(ii)Added “Ancillary Facilities” reference to non “educational building” or portion 	21-15-109(a)(iv)office building,(vii)teacherage,(viii) warehouse
<ul style="list-style-type: none"> (b)(iii)Added “Athletic Facilities” 	
<ul style="list-style-type: none"> (b)(iv)Added “Average Daily Membership (ADM)” as calculated annually by WDE 	21-13-101(a)(i) ADM means aggregate number of pupils present plus those absent divided by actual number of days school is in session
<ul style="list-style-type: none"> (b)(v)Added “Certify” means warrant truthfulness, not misleading 	
<ul style="list-style-type: none"> (b)(vi) Added “Chair” means Chairman of Commission 	21-15-113(d) The governor shall designate a chairman from commission appointments
<ul style="list-style-type: none"> (b)(vii)Added “Commissioner” means member of Commission 	21-15-113 (a) Wyoming residents appointed by the governor
<ul style="list-style-type: none"> (b)(viii)Added “Commission Funding”, “Project Funding” or “Funding” means revenues approved by the Commission 	
<ul style="list-style-type: none"> (b)(ix)Added “Commission-funded Remedies” or “Capital Construction Remedies” means “remedies” as defined in statute, and may additionally include disposition, acquisition, or demolition of land or buildings, component repair or replacement, and project scopes that have been identified and prioritized in accordance with Commission approved methodologies and funded by the Commission. 	21-15-111(a)(v) “remedy” defined is construction , replacement, renovation, repair or any combination 21-15-117(a) SFC shall prioritize remedies per (i) condition (ed. suitability, tech. readiness, air, illumination, environment per SFC rule (iii) enrollment, (iv) priority education bldgs., (v) methodology (b) most cost effective to deliver quality educational services per adequacy standards, only request capital outlay remedy only after considering others (d) adopt remedy best financial and educational interest of State, expenditures for efficient, cost effective, quality educational services, consider local community, prevent unnecessary delay. 21-15-123(f)(vi)SFD shall account for disposition or demolition in the remedy(viii) SFC shall consider revenues from land sale in future remedies
<ul style="list-style-type: none"> (b)(x)Added “Component Level Projects” implement remedies to address facility condition when SFC determines it is not feasible to do so solely with major maintenance funds. 	21-15-111(a)(v) “remedy” defined is construction , replacement, renovation, repair or any combination 21-15-115(c) SFC shall review adequacy standards including components of the annual evaluation
<ul style="list-style-type: none"> (b)(xi)Added “Condition” physical state of a 	21-15-117(a)(i) criteria and measures which

building or facility or one or all of it's components in terms of appearance, safety and operation.	incorporate (ed. suitability, tech. readiness, air, illumination, environment) per SFC rule
<ul style="list-style-type: none"> • (b)(xii)Added “Condition Score” Numerical rating assigned to a building or facility or one or more of it's components based on measured data and assessment, to reflect a Backlog of Maintenance and Repair (BMAR) and used by the SFC to identify and prioritize building and facility remedies. 	21-15-117(a) identify and prioritize remedies based on “condition score” developed by SFC per (i) condition (ed. suitability, tech. readiness, air, illumination, environment) per SFC rule (iii) enrollment, (iv) priority education bldgs., (v) methodology
<ul style="list-style-type: none"> • (b)(xiii)Added “Construction Specification Institute”(CSI) organization that advances standardization of formats and language for building specifications 	
<ul style="list-style-type: none"> • (b)(xiv)Added “Contested Case” legal proceeding before the Commission 	
<ul style="list-style-type: none"> • (b)(xv) Added “DAL – Director Authorization Letters” a record of communication to the district indicating the funding authority. 	
<ul style="list-style-type: none"> • (b)(xvi)Added “Delivery Method” refers to the alternate means provided in statute of choosing an architect and contractor and the process to design and build a project. 	21-15-123(f)(v)(H) SFD shall allow alternate design and construction per 16-6-701 16-6-701 (v) "Alternate design and construction delivery method" means the delivery method described by any qualifications based procurement of design and construction services, including all procedures, actions, events, contractual relationships, obligations and forms of agreement for the successful completion of the design and construction, major maintenance or renovation of any public building, work, improvement, facility, structure or system other than by design, bid and build. Alternate design and construction delivery methods available to a public entity include construction manager agent, construction manager at risk or design-builder;
<ul style="list-style-type: none"> • (b)(xvii) Added “Department” means the Wyoming School Facilities Department 	21-15-111(a)(ix) "Department" means the school facilities department created by this act.
<ul style="list-style-type: none"> • (b)(xviii)Added “Design Charrette” means a facilitated interactive process of meeting(s) • 	This service is required in SFC design contracts.
<ul style="list-style-type: none"> • (b)(xix)Added “Educational Support Facilities” See “Ancillary Facilities” 	21-15-109(a)(viii) "Warehouse building" means a school building or facility primarily used for storage of equipment, materials and other district property and supplies, including facilities in which school buses are stored, maintained or serviced.

<ul style="list-style-type: none"> • (xxii)Added “Major Maintenance” term used for "Major building and facility repair and replacement” 	<p>21-15-109 (a)(iii) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of school building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work;</p>
<ul style="list-style-type: none"> • (xxiv)Added “Major Maintenance Funds” funds distributed to districts for building repairs 	<p>21-15-109funds for major building repair and replacement from capital construction account computed by SFD based on gross square footage as designated by this statute</p> <p>21-15-109(e) Amount distributed to district shall be deposited into a separate account, which balance may accumulate from year-to-year. Except per (f) of this section, expenditures shall be restricted to expenses for major building and facility repair and replacement and reported to SFD</p>

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 1, GENERAL PROVISIONS:

Current Rule Change Being Considered	Comments and Statute Reference
Section 3 – Deleted Definitions	Definitions moved to Ch 0. Some deleted , revised or added.
<ul style="list-style-type: none"> • (a)Deleted “Act” 	
<ul style="list-style-type: none"> • (b)Deleted “Capital Construction” means remedies receiving Commission funding not include Major Maintenance except as authorized by W.S. 21-15-109(e). 	21-15-109(e) 21-15-111(i) " Capital construction account" or "school capital construction account" means the account pursuant to W.S. 9-4-305(b), 9-4-601(a)(vii), (b)(i) and (iv) and 21-13-306(c), only for purposes of and in the manner prescribed by this act;
<ul style="list-style-type: none"> • (c)Deleted “Chair” chairman of the Commission 	21-15-113 (a) Wyoming residents appointed by the governor
<ul style="list-style-type: none"> • (d)Deleted “Commission” means the School Facilities Commission (SFC), established under W.S. 21-115-113(a). 	21-15-113 (a) Wyoming residents appointed by the governor
<ul style="list-style-type: none"> • (e)Deleted “Commissioner” means a member of the Commission. 	21-15-113 (a) Wyoming residents appointed by the governor
<ul style="list-style-type: none"> • (f)Deleted “Department and/or WDE” means the Wyoming Department of Education created under W.S.21-2-104. 	
<ul style="list-style-type: none"> • (g) Deleted “Director” means the director of the Commission, selected and employed pursuant to W.S. 21-15-114(c) to provide administrative support to the Commission and carry out the Act under the direction of the Commission. 	21-15-123(b) SFD is under direction and supervision of SFC (c) director is chief SFD administrative officer
<ul style="list-style-type: none"> • (h)Deleted “Project” means replacement, renovation or new construction projects which increase the value of the school building or facility by improving the functioning of the building or facility or the capacity of the building or facility, or both, excluding major building and facility repair and replacement defined under W.S. 21-15-109(a)(iii) and routine maintenance and repair defined under W.S. 21-15-109(a)(vi). 	21-15-111(a)(iv) " Project " means replacement, renovation or new construction projects which increase the value of the school building or facility by improving the functioning of the building or facility or the capacity of the building or facility, or both, excluding major building and facility repair and replacement defined under W.S. 21-15-109(a)(iii) and routine maintenance and repair defined under W.S. 21-15-109(a)(vi);
<ul style="list-style-type: none"> • (i)Deleted “Project Manager” means the Commission employee assigned to assist a given District 	
<ul style="list-style-type: none"> • (j)Deleted “Property” means buildings, sites, furniture and fixtures for the district’s buildings. 	

<ul style="list-style-type: none"> • (k) Deleted “Real Property” means land and leaseholds, buildings and improvements It includes warehouses, right-of-ways, and easements, utility systems and improvements 	
<ul style="list-style-type: none"> • (l) Deleted “Vice Chair” means a Commissioner designated by the chair to carry on his or her duties 	
Section 3. Added <u>Department Office.</u> The Department Office shall be located at the Hathaway Building, 5 th Floor, Suite D, 2300 Capitol Avenue, Cheyenne, Wyoming 82002.	
Section 4. Added <u>Commission Meetings.</u>	
<ul style="list-style-type: none"> • (a) Added meet at least quarterly 	21-15-113(d) meet at least quarterly
<ul style="list-style-type: none"> • (b) Added meet as necessary 	
<ul style="list-style-type: none"> • 	
Section 5. Added <u>Reference by Incorporation.</u>	
<ul style="list-style-type: none"> • (a) Added For any rule incorporated by reference in these Commission Rules: 	
<ul style="list-style-type: none"> • (a)(i) Commission has determined that incorporation of the full text in these rules would be cumbersome 	
<ul style="list-style-type: none"> • (a)(ii) incorporation by reference does not include any later amendments or editions 	
<ul style="list-style-type: none"> • (a)(iii) incorporated rule is maintained at SFD 	
<ul style="list-style-type: none"> • 	
<ul style="list-style-type: none"> • (b) Added Each rule incorporated further identified as 	
<ul style="list-style-type: none"> • (b)(i) Added Chapter 2 – <i>Uniform Rules for Contested Case Practice and Procedure</i>, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at http://soswy.state.wy.us/Rules/RULES/9644.pdf. 	
<ul style="list-style-type: none"> • (b)(ii) Added Chapter 3 – <i>School Facilities Square Foot Allotment Calculation</i>, adopted by the Commission October 25, 2009, found at http://sfd.wyo.gov/commission/sfc-rules. 	
<ul style="list-style-type: none"> • (b)(iii) Added Chapter 3 – <i>Design Guidelines</i>, 	

adopted by the Commission February 19, 2015, found at http://sfd.wyo.gov/commissions/sfc-rules .	
<ul style="list-style-type: none"> (b)(iv) <i>Added</i> Chapter 3 – Outdoor Athletic Facility Design Standards, adopted by the Commission April 2009, found at http://sfd.wyo.gov/commission/sfc-rules. 	
<ul style="list-style-type: none"> (b)(v) <i>Added</i> Chapter 3 – School Bus Maintenance and Parking Facility Design Guidelines, adopted by the Commission July 2013, found at http://sfd.wyo.gov/commission/sfc-rules. 	
Section 6. Added <u>Chair</u>.	21-15-113 (a) Wyoming residents appointed by the governor
Section 7. Added Secretary; Minutes; Books and Records.	
<ul style="list-style-type: none"> (a) <i>Deleted</i> Commission shall designate a Secretary from among its members or its employees <i>Added</i> School Facilities Department shall act as Secretary to the Commission. 	
<ul style="list-style-type: none"> (b) <i>Added</i> rules kept by the Secretary at the offices of the School Facilities Department 	
Section 8. Added Meetings; Attendance by Telecommunication; Quorum.	
<ul style="list-style-type: none"> 	
<ul style="list-style-type: none"> (e) <i>Deleted</i> majority vote of members present for approval 	
Section 9. Added Order of Business; Agendas.	
Section 10. Added Recusal	
Section 11. Added Public Records Inspection	
<ul style="list-style-type: none"> (b) <i>Deleted</i> Director shall initially determine public records are in the possession of the Commission: 	
<ul style="list-style-type: none"> (b)(i) <i>Deleted</i> If Commission does not possess public record, request shall be returned 	
<ul style="list-style-type: none"> (b)(ii) <i>Deleted</i> Director shall determine whether the requested record is protected from disclosure by W.S. 16-4-202 and 16-4-203 or other applicable law. If the Director determines the records are not subject to disclosure, the request shall be denied 	16-4-202 16-4-203
<ul style="list-style-type: none"> (c) <i>Deleted</i> Commission records re: times for inspection 	

• (d) <i>Deleted</i> re: copies of records and cost	
• (b) <i>Added</i> requestor pays for copy of public records	
• (c) <i>Added</i> conditions for inspection of public records	
• (c)(i) <i>Added</i> appoint to review records	
• (c)(ii) <i>Added</i> department staff present during record inspection	
• (c)(iii) <i>Added</i> record requestor pays fee	
Section 10. Deleted Signing of Contracts. by Chair or Director	
Section 12. Added Computation of Time. days counted	
Section 12. Deleted Rules of Construction.	
• (a) <i>Deleted</i> content applies to all chapters	
• (b) <i>Deleted</i> re: word gender	
• (c) <i>Deleted</i> definitions apply to all chapters	
• (d) <i>Deleted</i> rules construed by following	
• (d)(i) <i>Deleted</i> word meaning, usual vs, technical	
• (d)(ii) <i>Deleted</i> re. ref. to statutes	
• (e) <i>Deleted</i> chapter reference instruction.	
• (f) <i>Deleted</i> chapter reference instruction.	
• (g) <i>Deleted</i> definition of “includes”	
• (h) <i>Deleted</i> reference to any rule	

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 2, CONTESTED CASE PROCEEDINGS:

Current Rule Change Being Considered	Comments and Statute Reference
Section 4 –Definitions- Deleted	
Section 5 – Informal Review Proceedings - Deleted	
Section 6 – Service and Timing of Petition	
<ul style="list-style-type: none"> • <i>Changed to “Section 4”</i> 	
<ul style="list-style-type: none"> • (a) <i>Added</i> ref Wyoming Office of administrative Hearings 	
<ul style="list-style-type: none"> • (b) <i>Added</i> address 	
Section 7 – Local Enhancements	
<ul style="list-style-type: none"> • <i>Changed to “Section 5”,</i> 	
<ul style="list-style-type: none"> • (a) <i>Deleted</i> petition items 	
<ul style="list-style-type: none"> • (a)(i) <i>Deleted</i> petitioner information 	
<ul style="list-style-type: none"> • (a)(ii) <i>Deleted</i> information requirements 	
<ul style="list-style-type: none"> • (a)(iii) <i>Deleted</i> copy of decision 	
<ul style="list-style-type: none"> • (a)(iv) <i>Deleted</i> relief sought 	
<ul style="list-style-type: none"> • (a)(v) <i>Deleted</i> signature and attorney 	
Section 8 – Notice of Hearing	
<ul style="list-style-type: none"> • (a) <i>Deleted</i> opportunity for hearing 	
<ul style="list-style-type: none"> • (b) <i>Deleted</i> notice 	
<ul style="list-style-type: none"> • (b)(i) <i>Deleted</i> time, place requirement 	
<ul style="list-style-type: none"> • (b)(ii) <i>Deleted</i> authority reference 	
<ul style="list-style-type: none"> • (b)(iii) <i>Deleted</i> statute section reference 	
<ul style="list-style-type: none"> • (b)(iv) <i>Deleted</i> matters asserted requirement 	
<ul style="list-style-type: none"> • (c) <i>Deleted</i> 30 day serve requirement 	
Section 9 – Service and Timing of Petition	
<ul style="list-style-type: none"> • <i>Changed to “Section 6”</i> 	
<ul style="list-style-type: none"> • (b)(i) <i>Deleted</i> summary requirement 	
<ul style="list-style-type: none"> • (b)(ii) <i>Deleted</i> facts requirement 	
<ul style="list-style-type: none"> • (b)(iii) <i>Deleted</i> issues for decision requirement 	
<ul style="list-style-type: none"> • (b)(iv) <i>Deleted</i> issues for decision requirement 	
<ul style="list-style-type: none"> • (b)(v) <i>Deleted</i> witness name address requirement 	
<ul style="list-style-type: none"> • (b)(vi) <i>Deleted</i> list of exhibits 	
<ul style="list-style-type: none"> • (b)(vii) <i>Deleted</i> estimated time for hearing requirement 	
<ul style="list-style-type: none"> • (h)<i>Deleted</i> ex parte communications requirement 	
<ul style="list-style-type: none"> • (i)<i>Deleted</i> description of contested case record requirements (i) – (v) 	
Section 10 – Expedited Contested Case - Deleted (a)-	

(c)	
Section 11 -Decisions and Final Agency Action	
<ul style="list-style-type: none"> • <i>Changed to “Section 7”</i> 	
Section 12 – Designation and Authority of Presiding Officer – <i>Deleted</i> (a) – (f) regarding designation of presiding officer, functions, authority to conduct hearing, recusal, requirement for written recommendation	

DRAFT

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 3, UNIFORM ADEQUACY STANDARDS:

Current Rule Change Being Considered	Comments and Statute Reference
Section 3 – Definitions - Deleted	Definitions moved to Ch. 0. Some deleted, revised or added.
<ul style="list-style-type: none"> • <i>(a)Deleted</i> Average Daily Membership (ADM) 	21-13-101(a)(i) ADM means aggregate number of pupils present plus those absent divided by actual number of days school is in session
<ul style="list-style-type: none"> • <i>(b)Deleted</i> Educational Building 	21-15-109(a)(ii) means building primarily used for education, owned by district, includes charter schools
<ul style="list-style-type: none"> • <i>(c)Deleted</i> Energy Consumption Analysis 	16-6-401(a)(ii) means evaluation of all energy systems loads, conditions and consumption projections
<ul style="list-style-type: none"> • <i>(d)Deleted</i> Life Cycle Cost Analysis(LCCA) 	16-6-402(a)sum of (i) cost(ii) consumption over life(iii)costs of o&m (b) consider two alternatives
<ul style="list-style-type: none"> • <i>(e)Deleted</i> Local Enhancements to School Buildings and Facilities 	21-15-111(a)(iii) local enhancements means renovation, construction, replacement, repair or improvement initiated by a school district which exceeds adequacy standards
<ul style="list-style-type: none"> • <i>(f)Deleted</i> Office Buildings 	21-15-109(a) (iv) means school building used for district admin., includes maintenance and storage bldgs.
<ul style="list-style-type: none"> • <i>(g) Deleted</i> Permanent Modular Building 	
<ul style="list-style-type: none"> • <i>(h)Deleted</i> Portable Building 	21-15-109(a)(v) means prebuilt school building, transported assembled, for temporary purposes
<ul style="list-style-type: none"> • <i>(i)Deleted</i> “Remedy” course of action 	21-15-111(a)(v) “remedy” defined is construction , replacement, renovation, repair 21-15-117(a) SFC shall prioritize remedies per (i) condition (iii) enrollment, (iv) priority education bldgs.(iv)methodology (b) most cost effective to deliver quality educational services per adequacy standards, only request capital outlay remedy only after considering others(d) adopt remedy best financial and educational interest of State, expenditures for efficient, cost effective, quality educational services, consider local community, prevent unnecessary delay. 21-15-123(f)(vi)SFD shall account for disposition or demolition in the remedy(viii) SFC shall consider revenues from land sale in future remedies
<ul style="list-style-type: none"> • <i>(j)Deleted</i> Required Educational Program 	
<ul style="list-style-type: none"> • <i>(k)Deleted</i> School Buildings and Facilities 	
<ul style="list-style-type: none"> • <i>(l)Deleted</i> Teacherage 	21-15-109(a)(viii) means housing provided by and owned by district for district employee;
<ul style="list-style-type: none"> • <i>(m)Deleted</i> Educational Support Facilities 	
<ul style="list-style-type: none"> • <i>(n)Deleted</i> Athletic Facilities 	
Section 4 – Facility Design Guidelines - Deleted	
<ul style="list-style-type: none"> • <i>Deleted</i> (a) introduction stating the goal of equity, with local input. 	21-15- 109(c)(iii) indicates that 21-15-115(a) gross square footage be part of adequacy standards. 21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational

	<p>programs, minimum requirements for safety, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility</p> <p>21-15-117(d) SFC shall in determining building and facility remedies, site analysis criteria, district facility plans adopt the remedy that is in the best financial and educational interests of the state, consider department recommendations, in order to deliver quality educational services and address facility need, take into consideration the effects of the proposed activity on the local community, implement remedies, prevent unnecessary delays, work with other political subdivisions of the state</p> <p>See pg. 26 of Adequacy Standards</p>
<ul style="list-style-type: none"> <i>Deleted</i> (b) statement indicating that SFC determines allowable square footage according to Appendix A graphs. 	<p>21-15- 109(c)(iii) indicates that 21-15-115(a) gross square footage be part of adequacy standards. Allowable square footage is established by SFC adopted methodology using ADM. See pg. 18 and Appendix D pg. 29 of Adequacy Standards.</p>
Section 5 – Exceptions <i>Revised</i>	
<ul style="list-style-type: none"> <i>Changed to “Section 3”, Deleted</i> reference to Campbell case, <i>Changed</i> “guidelines” to rules and regulations”, <i>Deleted</i> “these guidelines and” 	
<ul style="list-style-type: none"> (a) <i>Revised - Deleted</i> reference to factors for exceptions. <i>Added</i> explanation that SFC will consider reasons, nature, cost, and alternatives and; that SFD reviews first. 	
<ul style="list-style-type: none"> (a) (i) <i>Deleted</i> whether the educational program required by law can be delivered in the allowable square footage. 	<p>21-15-116(a) facility plans be developed per SFC rules (d)SFC review and ensure facilities (i)comply with adequacy standards,(ii) reduces needs (iii) considers non construction (iv)support statewide educational program</p> <p>21-15-114(a) SFC shall (xi)establish prototypes process based on building’s educational programs</p> <p>21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility</p> <p>21-15-117 SFC shall give priority to buildings which impede prescribed statewide educational programs</p>
<ul style="list-style-type: none"> (a)(ii) <i>Deleted</i> whether design reduces needs in most cost effective manner. 	<p>21-15-123 Director shall review reconfiguration requests for most cost effective</p> <p>21-15-114 SFC (vii)develop requirements to ensure adequate, efficient, cost effective facilities</p> <p>21-15-116 SFC to ensure reduces needs in most cost effective manner</p> <p>21-15-117 SFC to ensure most cost effective remedy for facilities</p> <p>21-15-119 appropriations are not entitlements, SFD to ensure expenditures are per guidelines and cost effective</p>

<ul style="list-style-type: none"> • (a)(iii) <i>Deleted</i> whether all VE has been followed. 	21-15-118 department shall conduct and enforce VE analysis
<ul style="list-style-type: none"> • (a)(iv) <i>Deleted</i> whether district facility plan is followed. 	21-15-114(a)(iii) SFC shall adopt policies, guidelines and standards for facility plans and approve each plan 21-15-116 stipulates information required in facility plan 21-15-109 stipulates actions related to facility plans 21-15-117 SFC evaluation, remediation schedule, needs prioritization, remedy implementation 21-3-110 district must cooperate with SFD to develop facility plan
<ul style="list-style-type: none"> • (a)(v) <i>Deleted</i> whether the educational program is endorsed by WDE. 	
<ul style="list-style-type: none"> • (a)(vi) <i>Deleted</i> whether district has other facilities that can be used. 	21-15-116 facility plan shall identify non-construction alternatives
<ul style="list-style-type: none"> • (a)(vii) <i>Deleted</i> whether exception and funding is for an enhancement. 	21-15-114(a)(ix) requires identification of enhancements
<ul style="list-style-type: none"> • (b) <i>Deleted</i> district may request exception for more square footage due to educational program. 	21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, health, environmental, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility
<ul style="list-style-type: none"> • (b)(i) <i>Deleted</i> district shall present written request. 	Covered in (a) above
<ul style="list-style-type: none"> • (b)(ii) <i>Deleted</i> approval by Director to place request on SFC agenda. 	SFC Rules Ch1 Sec 9 Director prepares agenda, SFC Chair approves agenda
<ul style="list-style-type: none"> • (b)(iii) <i>Deleted</i> district requirement to present exception request information per (a). 	
Section 6 – Uniform Statewide Adequacy Standards	
<ul style="list-style-type: none"> • <i>Changed to “Section 4”, Revised- Deleted</i> reference to bringing existing schools into compliance with adequacy standards. 	21-15-115(a) SFC shall establish rules for adequacy standards for educational programs prescribed by law 21-15-114(a)(xv) SFC shall consult with Select Committee and promulgate rules to administer and implement this act 21-15-117(a) SFC shall establish a schedule for building remediation. Remediation shall bring all buildings to conditions such that over time, only routine maintenance is required to maintain adequacy . Schedule shall identify and prioritize building remedies on a statewide basis, based upon a building condition score developed by the SFC subject to the following: (i) requires SFC to make buildings adequate over time.
<ul style="list-style-type: none"> • (a) <i>Deleted</i> Submittals, SFC shall review projects for compliance with standards. 	21-15-116 SFC shall review and approve each facility plan 21-15-123(f)(v)(B) review and approval of project

	plans is by the department. 21-15-118 VE analysis and enforcement and approval of schematic design is by the department.
<ul style="list-style-type: none"> • (b) <i>Deleted</i> Needs Index and Prioritization 	21-15-115(a) requires SFC by rules to establish and maintain uniform adequacy standards for ed program prescribed by law (i) safe environment (ii) site (iii) building performance (iv) special needs (v) adequacy and functionality for required programs (vi) capacity per 21-15-117(e)(iv)and utilization (vii) technology (viii) accessibility (b) SFD to maintain assessment (i) condition (ii)building longevity and space requirements (iii) educational and safety requirement (iv) ed technology (v) site (vi) inventory of space 21-15-117(a) requires commission to identify and prioritize remedies and establish schedule for statewide facility remediation based on building condition score and to make buildings adequate over time.
<ul style="list-style-type: none"> • (b)(i) <i>Deleted</i> SFC to assess adequacy. 	21-15-115(a), (b) See (b) above. (c) SFC shall not less than once every 4 years review and evaluate adequacy standards, including enhancements, components of annual evaluation , remediation schedule, and prioritization process and report to Select Committee 21-15-117 “ Annual evaluation ” (a) Through building conditions and needs provided by the assessment and a comparison to adequacy standards and district facility plans, the SFC shall, based upon SFD reports made with district cooperation evaluate the adequacy of school buildings
<ul style="list-style-type: none"> • (b)(ii) <i>Deleted</i> assessment by space needs, condition, capacity and suitability. 	21-15-115(a), (b) See (b) above. SFC shall establish uniform adequacy standards. 21-15-117” Annual evaluation ” (a) SFC shall, based upon SFD reports made with district cooperation evaluate the adequacy of school buildings Based upon evaluation, SFC shall establish a schedule for building remediation, shall bring all buildings and facilities to conditions such that over time, only routine maintenance is required to maintain building adequacy. schedule shall prioritize building remedies based upon a building condition score developed by SFC subject to the following: (i) condition (iii) enrollment, (iv) priority education bldgs.(iv)methodology (b) most cost effective to deliver quality educational services per adequacy standards, only request capital outlay remedy only after considering others(d) adopt remedy best financial and educational interest of State, expenditures for efficient, cost effective, quality educational services, consider local community, prevent unnecessary delay.
<ul style="list-style-type: none"> • (b)(iii) <i>Deleted</i> facility condition based on national scoring index. 	21-15-117 See (b) above.
<ul style="list-style-type: none"> • (b)(iv) <i>Deleted</i> facility and district capacity 	21-15-117 requires the <u>SFC</u> to approve capacity methodology. See Adequacy Standards pg. 12-14.

scoring.	
<ul style="list-style-type: none"> (b)(v) <i>Deleted</i> reference to existing suitability scores. 	<p>21-15-117 requires the SFC to incorporate suitability readiness as established by commission rule and regulations.</p> <p>21-15-123 requires department to maintain data base.</p>
<ul style="list-style-type: none"> (b)(vi) <i>Deleted</i> annual needs index prioritization and process. 	<p>21-15-115(a), (b) See (b) above. (c) SFC shall not less than once every 4 years review and evaluate adequacy standards, including enhancements, components of annual evaluation, remediation schedule, and prioritization process and report to Select Committee</p> <p>21-15-117 See (b) above.</p>
<ul style="list-style-type: none"> (c) Choice of Remedy - Deleted 	<p>21-15-117(b) SFC shall ensure most cost effective method to deliver quality educational service per adequacy standards, if major repair and replacement is not sufficient determine if capital outlay needed (d) adopt the remedy that is in the best financial and educational interests of the state, consider local effects</p> <p>28-11-301 (iv) SFD shall (4) times per year, report expenditures of appropriated amounts and report any expenditures which are modified from those amounts specified within the proposed budget submitted to the select committee under W.S. 21-15-119. Any such modification of expenditures of legislative appropriations shall be executed only upon the express approval and authorization of the SFC, and shall not be delegated</p>
<ul style="list-style-type: none"> (c)(i) <i>Deleted</i> that rules and adequacy be applied to all SFC funded remedies. 	<p>21-15-114</p> <p>21-15-115</p> <p>21-15-117</p>
<ul style="list-style-type: none"> (c)(ii) <i>Deleted</i> SFC consider renovations, replace or discontinue facilities. 	<p>21-15-116 (a) facility plan shall identify construction, renovation, repair, local enhancements, non-construction alternatives, closures, boundaries, and grade configurations</p>
<ul style="list-style-type: none"> (c)(iii) <i>Deleted</i> remedies to provide space for applicable educational programs. 	<p>21-15-117 (b) SFC shall ensure adoption of the most cost effective method of remediation of facility needs to deliver quality educational services and ensure compliance with the statewide adequacy standards. The commission shall only request capital outlay for a building with capacity needs identified under paragraph (a)(iii) of this section after consideration of all other remedies for that building.</p>
<ul style="list-style-type: none"> (c)(iv) <i>Deleted</i> SFC annual schedule of funded remedies. 	<p>21-15-117 (a) SFC shall assess and establish a prioritized schedule for facility remedies.</p>
<ul style="list-style-type: none"> (c)(<u>i</u>v) <i>Deleted</i> Reference to existing suitability scores. 	<p>21-15-117 (a) The schedule shall identify and prioritize building and facility remedies on a statewide basis, based upon a building condition score developed by the commission subject to the following:</p> <p>(i) building condition shall incorporate educational suitability and technology readiness, specifically up-to-date standards for air quality, illumination and appropriateness of the student environment, as established by SFC rules. Over time bring statewide</p>

	facilities to targeted adequate levels prescribed by the SFC
<ul style="list-style-type: none"> (c)(v) <i>Deleted</i> budgets based on cost per square foot guidelines and rules. 	<p>21-15-119 (c) the SFC may specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs</p> <p>21-15-123 SFD shall develop cost per square foot guidelines to be used in remediating facilities, which shall account for demonstrated differences among regions and communities within the state</p> <p>28-11-301 (iv) SFD shall (4) times per year, report expenditures of appropriated amounts and report any expenditures which are modified from those amounts specified within the proposed budget submitted to the select committee under W.S. 21-15-119. Any such modification of expenditures of legislative appropriations shall be executed only upon the express approval and authorization of the SFC, and shall not be delegated</p>
<ul style="list-style-type: none"> (c)(v)(A) <i>Deleted</i> SFC cost per square foot based on R.S. Means index, inflation factor, and actual costs.(B) <i>Deleted</i> SFC consider most efficient and cost effective approach assigning budgets to deliver quality educational services. 	<p>21-15-109 major maintenance based on R.S. Means modified to reflect WY costs by Div of Economic Analysis</p> <p>21-15-117 ensure the adoption of the most cost effective method of remediation of building and facility needs to deliver quality educational services and ensure compliance with the statewide adequacy standards</p>
<ul style="list-style-type: none"> (a)<i>Added</i> Square Footage Allotments. shall be subject to square footage calculator 	
<ul style="list-style-type: none"> (b)<i>Added</i> Facility Design Guidelines. SFC guidelines standards and methodologies are mandatory 	
<ul style="list-style-type: none"> (d) Site Analysis and Acquisition 	<p>21-15-114(a)(xii) SFC shall Develop criteria and procedures for the site analysis of remedies responding to identified building and facility needs</p> <p>21-15-117(d) in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the school capital construction account shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services</p>
<ul style="list-style-type: none"> (d)(i) <i>Deleted</i> existing small site presumed adequate <i>Added</i> Existing sites or land shall be 	21-15-114(a)SFC shall (vii)develop policies for renovation, replace, discontinue inadequate

considered for the use or re-use for additions or a new building, the Department in consultation with the district shall conduct an analysis of existing sites or land to determine it's appropriateness to serve the intended use. Such analysis shall be conducted in accordance with the SFC Design Guidelines and approved by the SFC.	facilities(xii)criteria for site analysis 21-15-123 district shall have final authority over the sale of existing land , SFC may direct use of proceeds from sale 21-15-117(d) (See above)
<ul style="list-style-type: none"> (d)(ii) <i>Deleted</i> _ school site sizes. 	21-15-114(a)(xii) SFC to develop criteria for site analysis Covered in Design Guidelines under "Site Guidelines"
<ul style="list-style-type: none"> (d)(iii) <i>Deleted</i> sites to provide outdoor activity areas. 	Covered in Design Guidelines under "Physical Education Spaces"
<ul style="list-style-type: none"> (d)(iv) <i>Deleted</i> site to separate bus, car, pedestrians. 	21-15-114(a)(xii) Covered in Design Guidelines under 2. Site Design
<ul style="list-style-type: none"> (d)(v) <i>Deleted</i> HS sites accommodate $\frac{1}{4}$ student design capacity or local code. 	Parking requirements are in Design Guidelines 2. Site Design e. Parking iii. High School
<ul style="list-style-type: none"> (d)(vi) <i>Deleted</i> sites accommodate parking for all staff and 25% of seating for gym or assembly. 	Parking requirements are in Design Guidelines 2. Site Design e. Parking
<ul style="list-style-type: none"> (d)(vii) <i>Deleted</i> site analysis for soils, utilities, traffic. 	21-15-114(a)_SFC shall_(xii) Develop criteria and procedures for the site analysis. See Design Guidelines 2. Site Design
<ul style="list-style-type: none"> (d)(viii) <i>Deleted</i> request for land acquisition made to SFD PM. <i>Added</i> (d)(ii) If it is determined that land acquisition is necessary, the Department in consultation with the district shall conduct an analysis of potential sites or land. Such analysis shall be conducted in accordance with the SFC Design Guidelines and approved by the SFC. 	21-3-110 Subject to review by the school facilities department under W.S. 21-15-115 for any project involving state capital construction assistance, the district fixes the site of each school building and facility considering the needs of the people of each portion of the district. 21-3-111(a)(xiii) District Boards of Trustees acquire real estate for schools 21-15-116 District to use collaborative committee process for site selection 21-15-117(d) (See above)
<ul style="list-style-type: none"> <i>Revised (d)(iii)</i> All phases of the land acquisition process shall be kept confidential. Neither the district, department, or the Commission will divulge information on proposed land acquisitions until such time as all due diligence has been completed and the Commission has approved the site and land purchase price, purchase option agreement(s) have been executed, and the collaborative committee process has ensued. 	21-15-116 District to use collaborative committee process for site selection
<ul style="list-style-type: none"> (d)(viii)(A) <i>Deleted</i> Define/Confirm the Need. 	21-15-116 Facility planning process to result in determination of "needs"

<ul style="list-style-type: none"> • (d)(viii)(A)(I) <i>Deleted</i> near term capacity by ADM. 	21-15-109(c)(iii) square footage allowance capacity based on ADM
<ul style="list-style-type: none"> • (d)(viii)(A)(II) <i>Deleted</i> long term capacity by economics / demographics. 	21-15-117 (e) capacity to be based on SFC rules including (i) projected population, (ii) classrooms, (iii) total square footage, (iv) utilization
<ul style="list-style-type: none"> • (d)(viii)(A)(III) <i>Deleted</i> need by FCI. 	21-15-117 (a) SFC shall develop schedule based on needs and condition assessment
<ul style="list-style-type: none"> • (d)(viii)(A)(IV) <i>Deleted</i> long term objective by suitability, health, safety. 	21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, health, environmental, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility 21-15-118(a) Upon determination by SFC SFD shall (D) Conduct a safety and security assessment 21-15-117 SFC condition score and schedule shall be subject to criteria and measures for building condition which incorporate educational suitability and technology readiness, illumination and environment
<ul style="list-style-type: none"> • (d)(viii)(B) <i>Deleted</i> Examine current land inventory. 	21-15-123 (f)(iv) SFD establish database of inventory and site data
<ul style="list-style-type: none"> • (d)(viii)(B)(I) <i>Deleted</i> is current site suitable. 	
<ul style="list-style-type: none"> • (d)(viii)(B)(II) <i>Deleted</i> does district own other suitable land. 	
<ul style="list-style-type: none"> • (d)(viii)(B)(III) <i>Deleted</i> If new land consider. 	
<ul style="list-style-type: none"> • (d)(viii)(B)(III)(1.) <i>Deleted</i> land swap. 	
<ul style="list-style-type: none"> • (d)(viii)(B)(III) (2.) <i>Deleted</i> community land. 	
<ul style="list-style-type: none"> • (d)(viii)(B)(III) <i>Deleted</i> land in conjunction with development 	
<ul style="list-style-type: none"> • (d)(viii)(C) <i>Deleted</i> Due Diligence Investigation. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(I) <i>Deleted</i> obtain title commitment. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(II) <i>Deleted</i> obtain legal description. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(III) <i>Deleted</i> obtain 2 appraisals and average, 3rd if needed. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(IV) <i>Deleted</i> conduct site survey. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(V) <i>Deleted</i> conduct phase 1 environmental. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(VI) <i>Deleted</i> investigate annexation and zoning. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(VI) <i>Deleted</i> investigate local design requirements. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(VIII) <i>Deleted</i> obtain plat. 	
<ul style="list-style-type: none"> • (d)(viii)(C)(VIII) <i>Deleted</i> SFC may waive the above due diligence, land acquisition process remains confidential. 	SFC may grant exceptions to SFC rules, but not exceptions to compliance with statutes.
<ul style="list-style-type: none"> • (e) Projected Enrollment – <i>Deleted</i>. allowable 	21-15-114(a)(xi)(A) SFC to establish process for

square footage determined by enrollment for individual school and district as whole.	<p>prototypes based on projected number of students and capacity of the building</p> <p>21-15-116(a) Per SFC rules facility plans shall address district wide building needs identified on a building by building space by space basis and non-construction alternatives such as closures, boundary changes, and configuration changes.</p> <p>21-15-117(a)(iii) Enrollment based on SFC methodology for capacity changes to comply with adequacy standards</p> <p>21-15-117(a) The SFC shall (e) Prioritization based on condition shall include square footage, number of classrooms, square footage per student, utilization, site size.</p> <p>21-15-123 SFD shall(f)(ii) stablish consistent approach for enrollment projections</p>
<ul style="list-style-type: none"> • (e)(i) <i>Deleted Declining Enrollment</i> and allowable square footage to not exceed cohort survival. 	21-15-123 SFD shall(f)(ii) stablish consistent approach for enrollment projections
<ul style="list-style-type: none"> • (e)(ii) <i>Deleted Stable Enrollment</i> and allowable square footage to be based on 5 year cohort survival. 	<p>21-15-123 SFD shall(f)(ii) stablish consistent approach for enrollment projections</p> <p>21-15-117(a) The SFC shall (iii) analysis of student enrollment based upon SFC methodology, over a five (5) year projection period commencing on the date of anticipated completion of project construction. SFC may adjust for historical, economic, social and other data, (iv)prioritize for buildings requiring additional space to comply with statewide adequacy standards</p>
<ul style="list-style-type: none"> • (e)(iii) <i>Deleted Increasing Enrollment</i> and allowable square footage to be based on 5 year cohort survival. 	See 21-15-117(a)(iii) above
<ul style="list-style-type: none"> • (e)(iv) <i>Deleted Best Available Data</i>, if reliable, including cohort survival, and ADM. 	See 21-15-117(a)(iii) above
<ul style="list-style-type: none"> • (f) Capacity – <i>Deleted</i> 	<p>21-15-115(a) SFC shall by rule shall establish adequacy standards(vi) capacity and technology criteria aligned to state educational program, consider utilization</p> <p>See 21-15-117(a)(iii) above</p>
<ul style="list-style-type: none"> • (f)(i) <i>Deleted Design Capacity</i> and design capacity to be per guidelines and not allowed if it does not provide appropriate space for population. 	See 21-15-115(a) and 21-15-117(a)(iii) above
<ul style="list-style-type: none"> • (f)(ii) <i>Deleted Existing Capacity</i> and existing facilities capacity determined by teaching stations. 	See 21-15-115(a) and 21-15-117(a)(iii) above
<ul style="list-style-type: none"> • (g) Functionality of Educational Space <i>Deleted. Deleted</i> facilities shall strive to provide most functional space for educational programs. 	<p>21-15-115(a) SFC shall by rule shall establish adequacy standards (v) Guidelines for adequacy and functionality of educational space for required</p>

	educational programs
<ul style="list-style-type: none"> • (H)(c) Classroom and Other Spaces, Revised- Deleted reference to design guidelines. <i>Added</i> – provide the appropriate capacity to the school per the square footage calculator. 	See Adequacy Standards pg 18, allowable square footage calculator available on SFD website under “Resources”
<ul style="list-style-type: none"> • (i) Co-curricular and Extracurricular Spaces Deleted. Deleted such designs to provide similar activities to similarly situated students. 	
<ul style="list-style-type: none"> • (j)(d) On-and Off-site Infrastructure Added SFD only provides as needed for the school. 	<p>21-15-121(c) Budgets submitted by SFC and recommended by the select committee shall be attached to specified projects SFC may specify amounts within its budget to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs, not an entitlement, shall be expended by SFD in accordance with facility guidelines to ensure adequate, efficient and cost effective school buildings and facilities</p> <p>28-11-301 (iv) SFD shall (4) times per year, report expenditures of appropriated amounts and report any expenditures which are modified from those amounts specified within the proposed budget submitted to the select committee under W.S. 21-15-119. Any such modification of expenditures of legislative appropriations shall be executed only upon the express approval and authorization of the SFC, and shall not be delegated</p>
<ul style="list-style-type: none"> • (j)(d)(i) Deleted requests must come from school district. 	21-15-121(c) see above
<ul style="list-style-type: none"> • (j)(d)(i)(A) Deleted requirements for cost estimate, nature, capacity. 	
<ul style="list-style-type: none"> • (j)(d)(i)(B) Deleted justification for expenditures. 	
<ul style="list-style-type: none"> • (j)(d)(i)(C) Deleted description of excess capacity, cost, terms for repay (D) any other facts 	
<ul style="list-style-type: none"> • (j)(d)(ii) Deleted request made to SFD PM then Director, Director decision to present to SFC, Director notification to local government agencies. 	
<ul style="list-style-type: none"> • (j)(d)(iii) Deleted SFC to work with local government agencies and WY Association of Municipalities for consistency re: offsite infrastructure. 	
<ul style="list-style-type: none"> • (j)(d)(iv) Deleted traffic lights or roundabouts funded in proportion to volume from school per traffic study. 	

<ul style="list-style-type: none"> • (j)(d)(v) Deleted Director notify local government agency of SFC action. 	
<ul style="list-style-type: none"> • (j)(d)(vi) Deleted projects to be prioritized with the statewide prioritization process. 	<p>21-15-121(c) Budgets submitted by SFC and recommended by the select committee shall be attached to specified projects SFC may specify amounts within its budget to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs, not an entitlement, shall be expended by SFD in accordance with facility guidelines to ensure adequate, efficient and cost effective school buildings and facilities</p> <p>21-15-117 (a) SFC shall develop schedule based on needs and condition assessment</p>
<ul style="list-style-type: none"> • (j)(d)(vii) Deleted no funds expended w/o SFC approval and ref. to 2007 and 2008 budget bills. 	<p>21-15-119(c) Budgets submitted by the commission under subsection (a) of this section and recommended by the select committee under W.S. 28-11-301 shall be attached to specified projects for the applicable budget period</p> <p>28-11-301 (iv) SFD shall (4) times per year, report expenditures of appropriated amounts and report any expenditures which are modified from those amounts specified within the proposed budget submitted to the select committee under W.S. 21-15-119. Any such modification of expenditures of legislative appropriations shall be executed only upon the express approval and authorization of the SFC, and shall not be delegated</p>
<ul style="list-style-type: none"> • (k) Safety and Security –Deleted remedy shall provide for safety and security. 	<p>21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility</p> <p>21-15-118(a) Upon determination by SFC SFD shall (D) Conduct a safety and security assessment</p>
<ul style="list-style-type: none"> • (l) Sustainability, Energy Efficiency and Lighting –Deleted remedy shall analyze life cycle costs for construction and maintenance per following criteria. 	<p>Design Guidelines address requirements for life cycle cost analysis in value engineering.</p>
<ul style="list-style-type: none"> • (l)(i) Deleted energy efficiency 	<p>21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility</p> <p>21-15-118(a) Upon determination by SFC SFD shall (ii)(C) perform energy efficiency assessment</p>
<ul style="list-style-type: none"> • (l)(ii) Deleted sustainable materials 	
<ul style="list-style-type: none"> • (l)(iii) Deleted preventive maintenance 	
<ul style="list-style-type: none"> • (l)(iv) Deleted waste reduction 	
<ul style="list-style-type: none"> • (l)(v) Deleted indoor air quality 	<p>21-15-117(a) The SFC shall evaluate adequacy and</p>

	establish remedy schedule subject to (i) air quality, illumination, environment
• (l)(vi) <i>Deleted</i> day lighting	21-15-117(a)(i) above
• (l)(vii) <i>Deleted</i> acoustics	
• (m) Value Engineering – <i>Deleted</i> value engineering is essential for cost effectiveness, all remedies shall incorporate ongoing value engineering and life cycle cost analysis.	21-15-118 (a) Upon determination by SFC, SFD shall (ii)(B) Conduct a value engineering analysis
• (n) Codes – <i>Deleted</i> all facilities shall comply with all codes and laws.	21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, health, environmental, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility
• (o) Functional Buildings – <i>Deleted</i> remedies design shall meet expectations, and ensure that all building systems operate properly.	Sufficient requirements included in various SFC approved design and construction contracts
• (p) Acoustics – <i>Deleted</i> reduce background noise in classrooms as much as possible.	
• (q) Technology – <i>Deleted</i> classrooms shall have modern and appropriate technology.	21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, health, environmental, site, bldg. standards and guidelines, energy, special needs, functionality, technology , accessibility 21-15-117(a) The SFC shall evaluate adequacy and establish remedy schedule subject to (i) Criteria and measures for building condition which incorporate educational suitability and technology readiness 21-15-121 (a) SFC report to select (iii) and (v) use of funds for technology readiness
• (r) Accessibility – <i>Deleted</i> all buildings shall be accessible.	21-15-115(a) SFC shall by rule and reg. establish uniform adequacy standards for state educational programs, minimum requirements for safety, health, environmental, site, bldg. standards and guidelines, energy, special needs, functionality, technology, accessibility
• (s) Prototypes – <i>Deleted</i> SFC shall develop prototypes for buildings and components, adopt in rule, and ensure they are used in remedies.	21-15-114(a) SFC shall (xi) establish prototypes process based on building's educational programs 21-15-114(a)(xi)(A) SFC to establish process for prototypes based on projected number of students and capacity of the building
• (t) Life Cycle Cost Analysis – <i>Deleted</i> life cycle cost shall analyzed for buildings and systems including.	Design Guidelines sufficiently address requirements for life cycle cost analysis in value engineering.
• (t)(i) <i>Deleted</i> structural	
• (t)(ii) <i>Deleted</i> exterior skin	
• (t)(iii) <i>Deleted</i> roof	

• (t)(iv) <i>Deleted</i> flooring	
• (t)(v) <i>Deleted</i> hvac	
• (t)(vi) <i>Deleted</i> lighting	
• (u) On-site infrastructure – <i>Deleted</i> the following infrastructure may be funded by SFC as part of project budget.	21-15-115(a) above 21-15-121(c) above
• (u)(i) <i>Deleted</i> explanations of % paid for roads and sidewalks.	See (d) above
• (u)(ii) <i>Deleted</i> explanations of % paid for utilities.	See (d) above
• (v) Furniture Fixtures and Equipment (FF&E) – <i>Deleted</i> explanation of what comprises FF&E and that SFC will fund up to 4.2% of the construction cost for replacement schools and 6.3% for new schools.	
• (w) (e) Tracks – <i>Deleted</i> unless waived for good cause including that similarly situated students shall be provided opportunity for similar activities <i>Added</i> tracks shall be designed and constructed per SFC track guidelines.	
• (x) Auditoriums – <i>Deleted</i> auditoriums shall be within the allowable square footage and in HS design should be appropriate for student population.	Design Guidelines address auditoriums.
• (y) (f) Swimming Pools	
Section 7 – Local Enhancements	
• <i>Changed to “Section 5”,</i>	
• (a) Local enhancements – <i>Deleted</i> as defined by law <i>Added</i> enhancements shall be presented to SFC. SFD may require to bid separately or as percentage	21-15-111(a)(iii) local enhancements means renovation, construction, replacement, repair or improvement initiated by a school district which exceeds adequacy standards 21-15-115(c) SFC shall every (4) years, review and evaluate adequacy standards and shall include the identification of enhancements based upon SFC criteria ((21-15-114(a) (ix)) and determine if they should be standards. This shall include components of the annual evaluation of school buildings, remedy schedule, and needs prioritization process and report to the select committee on school facilities (d) SFC shall not hinder the right of a school district to undertake enhancements 21-15-116(a) SFC rules facility plan shall include enhancements. 21-15-109(c) to compute major maintenance payment(i)(D) no square footage created by enhancement shall be computed (ii)(f) Notwithstanding (e) district may expend up to (10%) of the amount distributed for major maintenance not in district's

	facility plan, including for maintenance of enhancements.
<ul style="list-style-type: none"> • (f) <i>Added</i> SFD shall require enhancements be preceded by written agreement with district indicating funds, cost allocation, and determination that enhancement will not impair nor impede state remedy. 	
<ul style="list-style-type: none"> • <i>Deleted</i> Figure A-1 Elementary School Total Square Footage Guideline Graph 	Covered by SFC allowable square foot calculator
<ul style="list-style-type: none"> • <i>Deleted</i> Figure A-2 Middle School Total Square Footage Guideline Graph 	Covered by SFC allowable square foot calculator
<ul style="list-style-type: none"> • <i>Deleted</i> Figure A-3 High School Total Square Footage Guideline Graph 	Covered by SFC allowable square foot calculator
<ul style="list-style-type: none"> • <i>Deleted</i> Figure A-4 K-8 School Total Square Footage Guideline Graph 	Covered by SFC allowable square foot calculator
<ul style="list-style-type: none"> • <i>Deleted</i> Figure A-5 6-12 Secondary School Total Square Footage Guideline Graph 	Covered by SFC allowable square foot calculator
<ul style="list-style-type: none"> • <i>Deleted</i> Figure A-6 K-12 School Total Square Footage Guideline Graph 	Covered by SFC allowable square foot calculator
<ul style="list-style-type: none"> • <i>Deleted</i> Appendix A Guideline Graphs of Total Square Footage by Grade Level 	Covered by SFC allowable square foot calculator

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 4, FACILITY PLANNING

Current Rule Change Being Considered	Comments and Statute Reference
Title Changed “Plans” to “Planning”	
Section 3 – Facility Plan	
<ul style="list-style-type: none"> • <i>(a) Deleted</i> In coordination with the applicable district, the Department shall develop long range comprehensive school building and facility plans for each school district which address district-wide building and facility needs. All facility plans and any modifications thereto require Commission approval in accordance with W.S. 21-15-116(d). Each plan shall describe with specificity the current and projected future use of each facility, a description of any perceived need for new or replacement facilities, a generalized description of the major maintenance needs of each facility and a description of how the plan will guide future funding requests and expenditures in order to achieve compliance with the adequacy standards of the Commission and other applicable Wyoming law in the most efficient and cost-efficient manner to deliver quality educational services and address building and facility need. 	<p>21-15-114(a)(iii) SFC shall adopt policies, guidelines and standards for facility plans and approve each plan</p> <p>21-15-116(a) facility plans be developed by SFD per SFC rules and identify needs per adequacy standards, non construction alternatives, MM, enhancements, configuration, demolition, land, leases (a)(i)use enrollment projection s (a)(ii)describe remedies (a)(iii) land needs (a)(iv)cost estimates (a)(v)MM plan (a)(vi) leases, (d)SFC review and ensure facilities (i)comply with adequacy standards,(ii) reduces needs (iii) considers non construction (iv)support statewide educational program (e)aggrieved may seek review (f) districts may review facility plans (g)districts conduct collaborative committee process</p> <p>21-15-123(f) SFD implement standards for facility plans</p> <p>21-15-117(d)SFC shall adopt remedy best financial and educational interest of State considering most efficient and cost effective and quality educational services, expenditures for efficient, cost effective remedies, quality educational services, consider local community, prevent unnecessary delay.</p> <p>21-3-110(a)(xxvii) districts cooperate with department to develop facility plan</p>
<ul style="list-style-type: none"> • <i>(b) Deleted</i> facility plans reviewed periodically 	21-15-116(d) review at least every 2 years
<ul style="list-style-type: none"> • <i>(c) Deleted</i> facility plans not definitive to remedy, may not be approved by SFC, used to as guide for needs index prioritization 	21-15-119(c) Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount
<ul style="list-style-type: none"> • <i>(d) Deleted</i> facility plans information shall be consistent per 21-15-116 and include the following 	21-15-116 See above 21-15-123 See above
<ul style="list-style-type: none"> • <i>(d)(i) Deleted</i> district goals, strategies, re: facilities disposition, configuration, boundaries 	21-15-116 See above 21-15-123 See above
<ul style="list-style-type: none"> • <i>(d)(ii) Deleted</i> facilities inventory 	21-15-115(b)(vi) SFD maintain assessment data inventory of space 21-15-116(a)(vi) to be leased during planning 21-15-123(f)(iv) SFD shall make database of building condition, suitability, accessibility, capacity, site inventory
<ul style="list-style-type: none"> • <i>(d)(iii) Deleted</i> description of facilities needs over the next 10 years 	21-15-116 See above 21-15-123 See above
<ul style="list-style-type: none"> • <i>(d)(iv) Deleted</i> full major maintenance plan and 	21-15-116 See above

description of progress and impact of expenditures on facilities	21-15-123 See above
<ul style="list-style-type: none"> • (d)(v)Deleted inventory of property, and existing property shall be used before purchasing additional 	21-15-116 See above 21-15-123 See above
<ul style="list-style-type: none"> • (d)(vi)Deleted identification of enhancements, associated costs, use, relation to long term plan 	21-15-116 See above 21-15-123 See above
<ul style="list-style-type: none"> • (d)(vii)Deleted enrollment projections 	21-15-116(a)(i) See above
<ul style="list-style-type: none"> • (d)(viii)Deleted projections for land acquisition 	21-15-116 See above 21-15-123 See above
<ul style="list-style-type: none"> • (d)(ix)Deleted cost estimate for proposed remedy 	21-15-116(a)(iv) See above
<ul style="list-style-type: none"> • (d)(x)Deleted identification of leased space 	21-15-116(a) See above
<ul style="list-style-type: none"> • (d)(xi)Deleted cross references to other data 	21-15-116 See above 21-15-123 See above
<ul style="list-style-type: none"> • (a)Added SFD shall schedule yearly facility plan reviews with district, formats provided by SFD 	21-3-110(a)(xxvii) districts cooperate with department to develop facility plan
<ul style="list-style-type: none"> • (b)Added Facilities plans can be located in the AIM database maintained by the Department. Refer to Chapter 1, Section 5(b). 	This is not a rule, just information, not necessary.

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 5, EMERGENCY FUNDING REQUEST

Current Rule Change Being Considered	Comments and Statute Reference
Section 3 – Deleted <u>Availability of Funds.</u> Added <u>Basis for Declaration of Emergency.</u>	
<ul style="list-style-type: none"> • (a)(i)Deleted Commission, in consultation with District determines situation immediately affects educational program delivery <i>Added <u>The situation immediately</u></i> 	21-15-120(a)SFC shall promulgate rules for emergency re: adequacy and district ability to provide educational programs required by law is immediately and substantially impacted and no alternate exists (b)if SFC finds emergency, per rules and funding may acquire , undertake, and fund temporary measures until permanent action
<ul style="list-style-type: none"> • (a)(ii)Deleted The Commission determines <i>Added A situation exists statewide for one or more districts</i> 	21-15-120 See above
Section 4 – Application	
<ul style="list-style-type: none"> • (a) Deleted application made to the department 	
<ul style="list-style-type: none"> • (a)(ii)Deleted provide location of structure affected and description 	
<ul style="list-style-type: none"> • (b)Deleted district superintendent shall certify no funding, and correctness of claim 	
<ul style="list-style-type: none"> • (b)<i>Added</i> remedy adopted by Commission most cost effective Deleted temporary restoration to provide programs 	21-15-120(a) See above 21-15-111(a)(v) “remedy” defined is construction , replacement, renovation, repair 21-15-117(a) SFC shall prioritize remedies per (i) condition (iii) enrollment, (iv) priority education bldgs.,(iv)methodology (b) most cost effective to deliver quality educational services per adequacy standards, only request capital outlay remedy only after considering others(d) adopt remedy best financial and educational interest of State, expenditures for efficient, cost effective, quality educational services, consider local community, prevent unnecessary delay.
Section 5 – Deleted Disbursement of Funds.	
<ul style="list-style-type: none"> • (a)Deleted district shall contract for SFC remedy 	
<ul style="list-style-type: none"> • (b)Deleted district submit funding request to SFC, upon approval funds disbursed 	
<ul style="list-style-type: none"> • (c) Deleted disbursements not for unauthorized expenses 	
Section 5 – Added Adequate Insurance. districts required to maintain adequate insurance coverage on facilities. Insurance proceed shall be applied to all applicable emergencies before emergency funding	21-15-120

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 6,
SQUARE FOOTAGE GUIDELINES FOR MAJOR MAINTENANCE PAYMENTS:

Current Rule Change Being Considered	Comments and Statute Reference
Section 3 – Definitions - Deleted	Definitions moved to Ch 0. Some deleted , revised or added.
<ul style="list-style-type: none"> • <i>(a)Deleted</i> “Certify” means warrant truthfulness, not misleading 	
<ul style="list-style-type: none"> • <i>(b)Deleted</i> “Closed” not intended to be used for educational purposes. 	
<ul style="list-style-type: none"> • <i>(c)Deleted</i> “Leased Facilities” means any land, building or equipment leased by or to a district. 	
<ul style="list-style-type: none"> • <i>(d)Deleted</i> “Major Maintenance” or “Major Building and Facility Repair and Replacement” means the repair or replacement of complete or major portions of school building and facility systems required to continue the use for its original intended use 	21-15-109 (a)(iii) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of school building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work;
<ul style="list-style-type: none"> • <i>(e)Deleted</i> “Mothballed” spare footage of any district building closed and not not being replaced under a district’s facility plan, and is not determined surplus (building must be in good condition and may remain a maximum of three (3) years). 	
<ul style="list-style-type: none"> • <i>(f)Deleted</i> “Payable-Leased Facilities” are those facilities used to provide the approved educational programs 	21-15-109(c) (i)(B) educational programs approved by the department of education, or another state or educational credentialing agency and the leased space is incorporated into the district's facility plans
<ul style="list-style-type: none"> • <i>(g) Deleted</i> ”Routine Maintenance and Repair” means activities necessary to keep a school building or facility in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, grounds-keeping and maintenance tasks done on a routine basis and typically accomplished by district personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance. 	21-15-109(a)(vi) " Routine maintenance and repair" means activities necessary to keep a school building or facility in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, grounds keeping and maintenance tasks done on a routine basis and typically accomplished by district personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance;
<ul style="list-style-type: none"> • <i>(h)Deleted</i> “Separate Account” means an account for major maintenance funds. 	21-15-109(e) Amount distributed to district shall be deposited into a separate account, which balance may accumulate from year-to-year. Except per (f) of this section, expenditures shall be restricted to expenses for major building and facility repair and replacement and

	reported to SFD
Deleted Section 4. Added Section 3. Major Maintenance. Added and report <u>major</u> maintenance during facility planning.	21-15-109 (a)(iii) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of school building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work; 21-15-109(e) Amount distributed to district shall be deposited into a separate account, which balance may accumulate from year-to-year. Except per (f) of this section, expenditures shall be restricted to expenses for major building and facility repair and replacement and reported to SFD
Deleted Section 5. Added Section 4. Calculation.	
<ul style="list-style-type: none"> • (f)Added mothballed with intent to reopen 	
<ul style="list-style-type: none"> • (g)Deleted Mechanical space. When calculating new allowable square footage, if the mechanical space complies with the definitions per code outlined below), then it is not required to be included in the gross square footage; IBC Sec 502 and 1502, 2006 platform for mechanical, structure above roof 	Covered in Design guidelines
<ul style="list-style-type: none"> • (h)Deleted Leased Facility Space. Commission may approve "qualifying" leased facility square footage for inclusion in major maintenance 	21-15-109(e) District's facility plan shall clearly specify proposed major maintenance expenditures which shall be aligned to the statewide adequacy standards and prioritized based upon the district's ability to deliver the required educational program. District shall include buildings under a lease, specifying lease revenues for maintenance per statewide adequacy standards.
<ul style="list-style-type: none"> • (h)(i) Deleted Commission approval is obtained per W.S. 21-15-109(c)(1)(A); 	21-15-109(c)(1)(A) gross square footage of any school building not used for required educational program shall not be included within the district's total gross square footage, except for square footage treated as a closed building under paragraph (c)(iv) is determined to be surplus by the department or the building is being used for the programs specified per (I) through (VI)
<ul style="list-style-type: none"> • (h)(ii) Deleted Facility must be surplus or closed per W.S. 21-15-109(c)(iv); 	21-15-109(c)(iv) square footage which is closed and not operational, not being replaced is not determined surplus and specified as a closed as a cost efficient means to address future needs, shall be segregated from the square footage of other district buildings, multiplied by the replacement value under paragraph (c)(v). amount then multiplied by an exterior closure factor and added to the total amount determined for the district under paragraph (c)(viii). This paragraph shall

	Does not apply to any year building reopened
<ul style="list-style-type: none"> • (h)(iii) <i>Deleted</i> Square footage used for delivery of required educational program; 	21-15- 109(c)(iii) indicates that 21-15-115(a) gross square footage be part of adequacy standards.
<ul style="list-style-type: none"> • (h)(iv) <i>Deleted</i> Square footage used for one of three approved programs 	
<ul style="list-style-type: none"> • (h)(iv)(A) <i>Deleted</i> child care 	
<ul style="list-style-type: none"> • (h)(iv)(B) <i>Deleted</i> preschool 	
<ul style="list-style-type: none"> • (h)(iv)(C) <i>Deleted</i> BOCES 	
<ul style="list-style-type: none"> • (h)(v) <i>Deleted</i> closed or surplus space in its facility plan; 	
<ul style="list-style-type: none"> • (h)(vi) <i>Deleted</i> fees for closed or surplus space as a local resource per W.S. 21-13-310(a)(xv); 	21-13-310(a)(xv) All other revenues during the previous school year, excluding gifts, excluding any revenues for bonded indebtedness, disposition of buildings and land, rental and admission fees. SFD shall exclude from this paragraph if revenue could not be used by the district to provide educational services to students.
<ul style="list-style-type: none"> • (h)(vii) <i>Deleted</i> limit lease to one year 	
<i>Deleted</i> Section 6. Added Section 5. Computations and Adjustments.	
<i>Deleted</i> Section 7. <u>Salaries.</u> Commission must approve Districts paying salaried personnel with major maintenance funds, as authorized by W.S. 21-15-109(e).	21-15-109(e) Account expenditures may include the expenses of district personnel performing work described under paragraph (a)(iii) of this section if approved by the department and if documented within the district's facility plan.
<i>Deleted</i> Section 8. <u>8% and 10% Expenditures.</u> Subject to Commission approval and in accordance with W.S. 21-15-109(f).... If a district is in possession of previously authorized 8% major maintenance funds, they are subject to expenditure on the same basis as 10% funds, but may continue to be held without further Commission approval.	21-15-109 (f) district may expend up to ten percent (10%) of annual distribution for major building and facility repair and replacement which are not specified in the district's facility plan, including maintenance of enhancements. Expenditures shall only be made after the district's building and facility repair and replacement needs specified in its facility plan have been addressed per subsection (e) and approved by SFD. Amounts not expended may be accumulated within the separate account not to exceed ten percent (10%) per subsection (b) for that school year. District shall include in annual report. If district exceeds expenditure limitations or fails to comply with expenditure levels for facility adequacy needs per its facility plan, payments for district in the immediately succeeding year shall be reduced.
<i>Deleted</i> Section 9. Use of Major Maintenance funds for other purposes in accordance with W.S. 21-15-109(e). The legislature has granted the Commission the authority, under limited circumstances, to approve use of major maintenance funds for purposes other than those authorized by W.S. 21-15-109. The relevant language of	21-15-109(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a separate account, the balance of which may accumulate from year-to-year. Except as specified under subsection (f) of this section, expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for

<p>the statute is noted below:</p> <p><i>[E]xcept as specified under subsection (f) of this section [10% Expenditures], expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement as defined in subsection (a) of this section or as prescribed by rule and regulation of the commission, otherwise in accordance with and satisfying the requirements of this Act, and shall be in accordance with the district's facility plan approved by the commission under W.S. 21-15-116.</i></p> <p>Use of major maintenance funds for these purposes shall only be upon approval of the Commission. The Commission shall determine whether to approve or deny any such use of major maintenance funding only upon use of the following procedure and upon consideration of the following non-exclusive and non-prioritized list of factors. The Commission shall create a thorough written record supporting every approval or denial:</p>	<p>major building and facility repair and replacement as defined in subsection (a) of this section and shall be in accordance with the district's facility plan under W.S. 21-15-116. Account expenditures may include the expenses of district personnel performing work part (a)(iii) if approved by the department and within the district's facility plan. District's facility plan shall clearly specify proposed major maintenance expenditures which shall be aligned to the statewide adequacy standards and prioritized based upon the district's ability to deliver the required educational program. District shall include buildings under a lease, specifying lease revenues for maintenance per statewide adequacy standards. No expenditures unless clearly specified within district's facility plan or otherwise approved by the department.</p>
<ul style="list-style-type: none"> • (a) <i>Deleted</i> Requests shall be forwarded through the Project Manager to the Director 	<p>21-15-109(e) No expenditures unless clearly specified within district's facility plan or otherwise approved by the department.</p>
<ul style="list-style-type: none"> • (b) <i>Deleted</i> The Director shall make a preliminary determination (based upon all of these factors) whether the request shall be forwarded to the Commission for its consideration. 	<p>21-15-109(e) No expenditures unless clearly specified within district's facility plan or otherwise approved by the department.</p>
<ul style="list-style-type: none"> • (c) <i>Deleted</i> The written record requirements of this section apply to the Director's preliminary determinations as well as the Commission's final determinations. 	
<ul style="list-style-type: none"> • (d) <i>Deleted</i> The Director and the affected district shall present a request approved preliminarily by the Director at a Commission meeting together with all documentation relevant to the request 	
<ul style="list-style-type: none"> • (e) <i>Deleted</i> The Commission (and the Director) shall, at a minimum, consider the following factors in determining whether to grant or deny a request: 	

<ul style="list-style-type: none"> • (e)(i) <i>Deleted</i> Whether the district's facility plan is current and approved, and whether the facility plan has been followed; 	21-15-109(e) No expenditures unless clearly specified within district's facility plan or otherwise approved by the department.
<ul style="list-style-type: none"> • (e)(ii) <i>Deleted</i> Whether the district's major maintenance needs identified by the Commission's processes have been adequately addressed; 	21-15-109(e)
<ul style="list-style-type: none"> • (e)(iii) <i>Deleted</i> Confirm that the request does not involve use of major maintenance funding for an enhancement; 	21-15-109(f) see above
<ul style="list-style-type: none"> • (e)(iv) <i>Deleted</i> Whether all value engineering requirements (if applicable) have been followed. 	<p>21-15-118 (a) Upon determination by SFC, SFD shall (ii)(B) Conduct a value engineering analysis</p> <p><u>Design Guidelines address requirements for life cycle cost analysis in value engineering.</u></p>
<ul style="list-style-type: none"> • (e)(v) <i>Deleted</i> Whether the facility, and the educational program proposed to be delivered within that facility, is endorsed by the Wyoming Department of Education as educationally appropriate. 	
<ul style="list-style-type: none"> • (e)(vi) <i>Deleted</i> Whether other facilities, owned and/or funded by the district or otherwise, may be used to provide part of the required educational program. 	21-15-109(e) includes leases
<ul style="list-style-type: none"> • (e)(vii) <i>Deleted</i> What effect granting or denial of the request would have upon current and future major maintenance needs in the district. 	21-15-109(e) District's facility plan shall clearly specify proposed major maintenance expenditures which shall be aligned to the statewide adequacy standards and prioritized based upon the district's ability to deliver the required educational program.
<ul style="list-style-type: none"> • (e)(viii) <i>Deleted</i> What effect granting or denial of the request would have upon current and future capital construction needs in the district. 	21-15-109(e) District's facility plan shall clearly specify proposed major maintenance expenditures which shall be aligned to the statewide adequacy standards and prioritized based upon the district's ability to deliver the required educational program.

The Commission has adopted the following draft changes to Rules and Regulations, Chapter 14, PROJECT MANAGEMENT

Current Rule Change Being Considered	Comments and Statute Reference
<p>Added Section 1. Authority. This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv), W.S. 21-15-118(c) and W.S. 21-15-123(f)(v).</p> <div data-bbox="293 711 787 974" style="border: 1px solid black; padding: 10px; margin: 20px auto; width: fit-content;"> <p><u>Chapter 14 is under construction and review</u></p> </div>	<p>21-15-114(a)(xv) With prior consultation with the select committee on school facilities, promulgate necessary rules and regulations to administer and implement this act.</p> <p>21-15-118(c) The projects shall be managed and all necessary contracts related to the projects shall proceed in accordance with commission rules and regulations promulgated and adopted pursuant to W.S. 21-15-114(a)(xv).</p> <p>21-15-123(f) The SFD shall (v) Enter into or approve construction or renovation project agreements with school districts, as appropriate. Each agreement shall: (A) Require district to make arrangements for appropriate professional supervision and management of the project; (B) review and approval by the department of project plans and specifications; (C) review and approval by the department of project changes and change orders provided that:(I) agreement may specify parameters for circumstances under which changes and change orders may also be approved; (II) All changes and change orders shall be approved by the district or its representative.(D) Establish payment schedules;(E) Assure the state not responsible or liable for schedules or completion dates; (F) agreement shall expire upon completion; (G) Contain any other provision mutually agreed upon by the department and the district;(H) Allow for alternate design and construction delivery per W.S. 16-6-701; and (J) Require a contract compliance audit.(vi)review plans for disposition and report to SFC (vii) subject to SFC review authorize site acquisition (viii) review proposed land sales and report to SFC</p>

Impacts from Changes to Facility Adequacy Standards

Emergent Policy & Systems, Inc. was hired in 2014 to comprehensively review adequacy issues within Wyoming schools and help develop new, updated adequacy standards. An advisory committee made up of school district administrators, the SFD, and AG counsel worked with the consultant. A webinar and three stakeholder/school district meetings were held to review the previous adequacy standards, gather input regarding improvements and ensure clarity in the application of adequacy standards. The School Facilities Commission reviewed the revised adequacy standards on two occasions, and approved the revised standards.

Below is a list of adequacy standard changes made. It is important to note that these changes are comprehensive, created by the school districts themselves, will be incorporated into revisions of the school building design guidelines, and because of extensive school district involvement throughout the process, will likely not cause controversy with the school districts.

Condition Assessment

- Continue to rate schools based on the FCI criteria and remedy utilizing the FCNI
- Smaller districts need more assistance from SFD during the assessment of buildings
- New assessment occurs in 2017 and will, in part, drive the 2019-2020 budget request

Capacity

- Kindergarten square footage at 50 square feet per student
- 1st grade recommended going to 50 square feet per student
- Other elementary classroom square footage per student is acceptable
- Maximum classroom size standards are acceptable in the current methodology
- Special Education variations will be managed through the exception process
- Two story buildings will be handled by allowing the extra circulation square footage for the second floor and added to the allowable square footage of the building
- Middle school (6-8) utilization to be 75% - 85%
- Junior high school (7-8) capacity is acceptable at 85%
- Junior high school square footage per student and maximum class sizes are acceptable
- High school utilization rate is acceptable at 85%
- High school square footage per student and maximum class sizes are acceptable
- Gymnasium spaces will be evaluated by each half court equal to one teaching space and will be capped at 25 students per station
- Auxiliary gymnasium spaces will be evaluated similar to gymnasium spaces by each half court and will equal one teaching space capped at 25 students per station
- Small secondary school gymnasiums and auxiliary gymnasiums will be evaluated on an individual basis for capacity
- Other physical education rooms will not be used to calculate capacity unless the class is offered as part of a credit earning class

Enrollment Projections

- Statutory requirement. No change recommended.

Building Gross Square Footage

- No change recommended. Current scheme, including exception process, works.

Criteria and Measures

- 1A, 2A, 3A, 4A tracks get same surface, triple jump located in the middle of the runway, two way long jump, pole vault areas are optional for the school
- 1A & 2A tracks will get 6 lanes
- 3A & 4A tracks will get 8 lanes
- Modified track standards, like other new standards, are not retroactive
- No changes were recommended to the auditorium design guidelines

The School Facilities Department along with school districts completed the review of adequacy standards in 2014 and these were approved by the commission in 2014. As part of our review we were ask to estimate the cost impact of any adequacy standard changes going forward in our budget request. Attached is a summary of changes in K-12 adequacy standards and estimated cost impacts. Only one item will have an impact on our budget request, which is the assistance for small districts for the condition assessment. This change is estimated to cost \$250,000 for assistance of 25 districts when the condition assessment is completed in 2018. Our 2017-2018 budget request includes one track which is a 4A track in Gillette, WY. No change in track standards affected the 4A guidelines therefore no additional budget funding was requested

Wyoming School Building Adequacy Standards

2014 Review and Evaluation

October 2014



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I. EXECUTIVE SUMMARY

The Wyoming State Legislature established the School Facilities Commission (SFC) in 2002. Pursuant to W.S. §21-15-115(a), the Commission is required to adopt regulations to establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for public schools. Pursuant to W.S. §21-15-115(c), the Wyoming’s SFC is required to review and evaluate its building and facility adequacy standards not less than once every four years.

The Wyoming School Facilities Department (Department)¹ pursued a collaborative and transparent review process in an effort to capture the knowledge and expertise within the SFC, Department, Wyoming’s public school districts, and the educational, school facilities, engineering, and design communities (see Table 1 for summary of activities).

Table 1. Adequacy standards review & evaluation activities

ACTIVITIES TIMELINE	ACTIVITY DATES
Survey	Administered Jan 2014, analyzed Feb 2014
SFC Review Process Approval	March 19-20, 2014
Advisory Committee	May 2014, July 2014, August 2014
Webinar	April 24, 2014
Desk Review	January 2014 – September 2014
Stakeholder Meeting #1	June 12, 2014
Stakeholder Meeting #2	July 15, 2014
Stakeholder Meeting #3	August 6, 2014
SFC Preliminary Recommendations Presentation	August 20, 2014
Select Committee Preliminary Recommendations Presentation	September 11, 2014

The Department sought the review and evaluation of the state’s adequacy standards that were grouped into six general categories (shown in Figure 1).

¹ The Wyoming School Facilities Department typically uses the shortened “SFD” acronym. To provide easier distinction between the Wyoming School Facilities Commission and the Wyoming School Facilities Department, this report uses the shortened “Department” to identify the Wyoming School Facilities Department.

Figure 1. Wyoming adequacy standards



Building on the adequacy standards work conducted since the last formal review in 2008, the Department collected Wyoming school districts’ thoughts and concerns with the adequacy standards through formal and informal conversations and the administration of a perceptions survey in January 2014. These conversations and the perceptions survey helped to clarify the issues within the existing adequacy standards and were addressed in the review and evaluation process.

Through dedicated stakeholder engagement drawing on the experiences and expertise of Wyoming school district educators, administrators, and facility administrators, and a thorough desk review, the Department concluded that the state’s school building adequacy standards, as a whole, were in line with leading practices and research and sufficient to provide Wyoming school districts the opportunity to deliver high-quality educational programs prescribed by law.

The stakeholder engagement process identified six areas in which the Department can provide additional support to school districts to assist with the implementation of the adequacy standards, modify existing methodologies that recognize the current practice and the unique circumstances associated with educational program delivery in Wyoming, and standards moving forward for constructed or remedied athletic tracks. Table 2 includes a summary of the proposed adequacy standards changes and the estimated cost impacts of those changes.

Table 2. Summary of proposed adequacy standards changes and estimated cost impacts

PROPOSED ADEQUACY STANDARDS CHANGES	ESTIMATED COSTS
CONDITION: Small district assistance for condition assessment	\$250,000 for up to 25 districts
CAPACITY: Increase Grade 1 classroom per student factor to 50 square feet similar to Kindergarten	No fiscal impact; handled through scheduling
CAPACITY: Middle school utilization rates range from 75% to 85% to create lower and upper bounds to capacity	No fiscal impact; remedies already underway for potentially impacted schools
CAPACITY: Gymnasium space capacity will be calculated by counting each half court equaling one teaching station capped at 25 students; Auxiliary gym capacity will be calculated similarly as gymnasium space; small middle/junior high schools & high schools estimated separately in facility planning process	No fiscal impact
CAPACITY: Other physical education rooms will not be used to calculate capacity unless there are credit-earning classes delivered in those rooms	No fiscal impact
TRACKS: Artificial surfaces for 1A and 2A tracks (not retroactive) <ul style="list-style-type: none"> • 1A, 2A, 3A, and 4A schools all get the same surface • Triple jump located in the middle of the runway • Two-way long jumps • Pole vault are optional for the school • 1A and 2A will get six lanes; 3A and 4A will get eight lanes • Standards are not retroactive 	\$250,000 estimated <i>marginal cost</i> per track

Based on input and feedback from the Wyoming school districts and results from the desk review, we determine that the State of Wyoming’s school facilities adequacy standards remain in line with leading policy and practice, thereby allowing Wyoming educators the opportunity to provide a high-quality education to students across the state.

Following approval of these changes by the SFC and the Wyoming Legislature Select Committee on School Facilities, the next step for the Department is to bring the Department’s rules and regulations up to date and current reflecting the standards, guidelines,

policies, and methodologies that make up the State of Wyoming's school building adequacy standards.

II. 2014 REVIEW & EVALUATION PROCESS

The Wyoming State Legislature established the School Facilities Commission (SFC) in 2002. Pursuant to W.S. §21-15-115(a), the SFC is required to adopt regulations to establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for public schools.² Pursuant to W.S. §21-15-115(c), the Wyoming's SFC is required to review and evaluate its building and facility adequacy standards not less than once every four years.

Under the direction of the SFC, the Department is charged with reviewing Wyoming's established and maintained adequacy standards as required in W.S. §21-15-115. The Department is also responsible for implementing policies, guidelines, and standards adopted by the SFC, helping districts develop comprehensive, long-range facility plans, maintaining a school facilities database comprised of building and facility-specific information.

The adopted standards and guidelines were developed to ensure the maximum amount of local control over the design of schools. That is, the standards and guidelines were developed to encourage districts and their designers to design facilities that meet the needs of their educational programs while achieving the state's standards for adequacy.

The SFC and Department have endeavored upon an ongoing effort to establish, maintain, review, and evaluate the state's adequacy standards, including their methodologies and processes. The 2014 adequacy standards review and evaluation included all of this previously completed work. The Department recognized the breadth of standards and the geographic, demographic and educational programming diversity of Wyoming's schools and districts. Given these conditions, the Department pursued a multidimensional process to complete the review and evaluation.

A. OVERVIEW OF PROCESS

The Department pursued a collaborative and transparent review process in an effort to capture the knowledge and expertise within the SFC, Department, Wyoming's public school districts, and the educational, school facilities, engineering, and design communities.

² The full language of W.S. §21-15-115 is included in Appendix A.

This collaborative and transparent process included the following activities:

- **Adequacy standards review advisory group** to provide guidance and insights to Wyoming school district context that can strengthen the quality of the overall review process.
- **Survey Wyoming school districts** to gather perceptions related to the adequacy standards and to begin to identify areas of interest and concern related to the adequacy standards.
- **Desk review** of the adequacy standards related to the remedying of school buildings and facilities necessary for providing educational programs, including a review of:
 - Standards and guidelines
 - Processes and procedures, including methodologies and measures employed by the agency
 - Department rules and regulations
 - Department policies, and
- **Engagement of Wyoming school districts** in the form of facilitated stakeholder meetings of Wyoming school districts was pursued to draw on experiences and expertise from across Wyoming. The Department actively engaged stakeholders from around the state through multiple channels to inform the review and evaluation of the adequacy standards. Meetings included:
 - Kick-Off Meeting: a webinar that introduced all of the stakeholders to the review and evaluation process
 - Content Meetings: conducted three facilitated meetings dedicated to areas in need of additional discussion to understand issues identified in the survey and desk review.

Each review and evaluation activity is summarized below.

1. 1. Adequacy standards review advisory group

At the outset of the 2014 review and evaluation process, the Department engaged critical stakeholders from the Wyoming Legislature, SFC, and Wyoming's public school districts to take part as an advisory group to the Department (see Table 3 for a listing of the advisory group members).

The purpose of the advisory group was to provide guidance and insights to the Wyoming school district context in order to strengthen the quality of the overall review and evaluation process. The advisory group was asked to attend the facilitated stakeholders meetings with the districts, provide insights throughout the process, and, when appropriate, communicate to the SFC and the Select Committee on School Facilities about the process and the final recommendations.

Table 3. Adequacy standards review advisory group

Advisory Group Member	Organizational Affiliation
Representative Gregg Blikre	House District #53
Rich Fairservis	Wyoming School Facilities Commission
Steve Hopkins	Natrona County School District #1
Dan Selleroli	Uinta County School District #1

The advisory group was instrumental in helping to move the process along, especially in the facilitated stakeholders meetings with the school districts, by sharing their expertise, their experiences in their schools and districts, and by helping all stakeholders to keep a statewide perspective.

2. 2. Survey Wyoming school districts

The Department administered a survey to Wyoming’s 48 school public school districts in January 2014 to help narrow the issues for consideration for the review and to sharpen the focus of those issues needing to be addressed in the review.³ A total of 52 surveys were collected via SurveyMonkey or scanned survey responses that were manually entered through February 10, 2014—42 school districts responded through their superintendent, business manager, and/or facilities/operations manager with 10 school districts submitting more than one survey.⁴

The design of the survey allowed for a high-level scan of Wyoming’s school district leaders’ perceptions on issues related to the school facilities adequacy standards. Questions and responses were grouped into broad categories to help the State with its understanding the issues included in the survey. These broad categories include: Preliminarily Identified Categories of Adequacy Standards; Space Adequacy; Facility Planning Process and Methodologies; School Safety and Energy Efficiency Standards; Funding Adequacy; and Remedy Strategy Process Preferences. The report summarizing the survey findings was

³ In addition to the survey to help narrow the issues for consideration for the review, the Department has maintained a log of planning, design, and construction issues that have arisen during the course of major remodels and new construction.

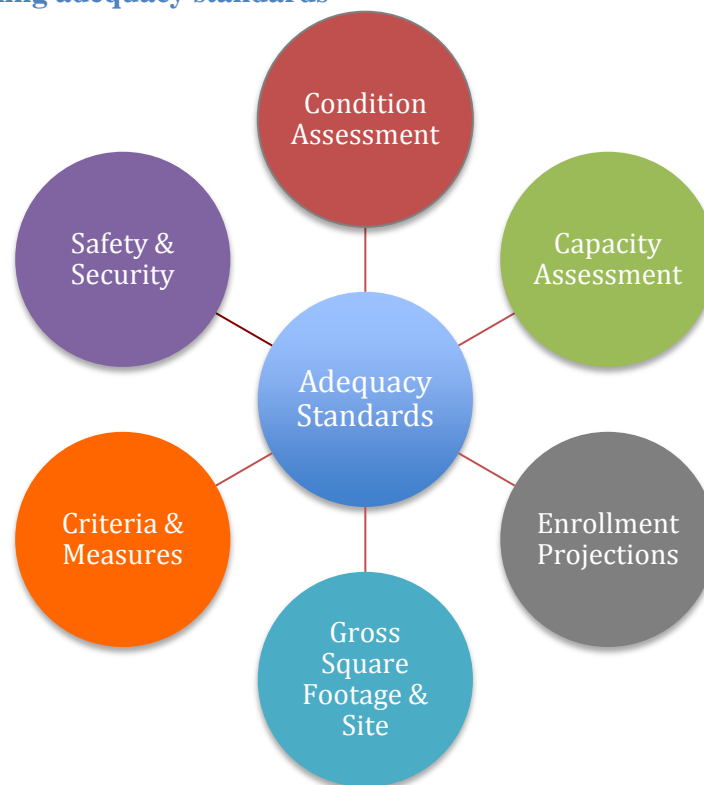
⁴ Multiple surveys from a single district were kept in the analysis because the agency could not determine which should be considered “official.”

provided to the Department in March 2014 and presented to the SFC on March 19, 2014 in Casper, Wyoming.⁵

3. 3. Desk review

The State of Wyoming’s adequacy standards can be categorized into six broad groups, shown in Figure 2. The initial desk review activities involved the Department compiling all of the adequacy standards work completed by the SFC and Department in these six categories over the previous five years. This work was done to help inform the facilitated stakeholders meetings about the current adequacy standards.

Figure 2. Wyoming adequacy standards



The desk review included an independent and systematic collection of research, policies, and practices related to these six categories. The information gathered in the desk review helped to inform the facilitated stakeholder meetings.

⁵ Seder, R.C. (2014). “School Facilities Adequacy Standards Perceptions Survey Summary: Report to the Wyoming School Facilities Department.”

4. 4. Engagement of Wyoming school districts

The SFC and Department recognize that Wyoming’s educators, administrators, and school facility administrators are a tremendous source of knowledge, experience, and expertise. Given these assets, the Department sought to engage these stakeholders early and often throughout the review and evaluation process. Table 4 summarizes the district engagement activities.

Table 4. District engagement activities

DISTRICT ENGAGEMENT ACTIVITIES	ACTIVITY DATES
Survey	Administered Jan 2014, analyzed Feb 2014
Kick-off Webinar	April 24, 2014
Facilitated Stakeholder Meeting #1	June 12, 2014
Facilitated Stakeholder Meeting #2	July 15, 2014
Facilitated Stakeholder Meeting #3	August 6, 2014

With the process approved by the SFC, the Department conducted a webinar to kick-off the direct engagement activities. The Department then followed with a series of in-person, facilitated stakeholder meetings that addressed the content of the adequacy standards, including the rules and regulations, methodologies and processes, guidelines, and policies associated with those standards. These meetings had two primary objectives:

- Identify what should be considered as school building adequacy standards
- Identify what within the adequacy standards is working; what within the adequacy standards needs clarification; what within the adequacy standards is in need of additional review

All six of the adequacy standards categories detailed in Figure 2 were addressed across the three facilitated stakeholder meetings. Wyoming stakeholders communicated the diverse geographic, demographic, and educational programming conditions that exist across Wyoming’s 48 school districts. These stakeholders were instrumental in seeking out adequacy standards (methodologies and processes, guidelines, and policies) that reflected leading research, policies, and practices and applied to Wyoming educational conditions.

III. CONDITION ASSESSMENT

Educational institutions—schools, school districts, colleges and universities—want to understand the condition of their facilities and the costs of deferred maintenance and repair. Facility Engineering Associates (FEA) developed the methodology used by the Department by which the condition of school buildings are assessed and the metric by which conditions of buildings can be compared. The Department first adopted the Backlog of Maintenance and Repair (BMAR) methodology to assess the condition of its educational buildings in 2006 and updated in 2009 and 2012.

A. REVIEW & EVALUATION

According to FEA:

The BMAR approach uses system-level evaluations to identify deferred maintenance and calculate standard facility condition indexes for each building. Some of the key factors considered in the selection of the BMAR approach for the evaluation of the Wyoming schools included:

- Simple and rational algorithms used in the approach
- Widespread acceptance and use of the approach by public agencies
- Recognition of the approach as a best practice by federal agencies
- Cost effectiveness of the approach for large quantity of schools
- The ease in tailoring the approach to meet the specific needs of school facilities
- Ability to generate accurate and repeatable results using a team of qualified assessors

This approach requires a facility walk-through by personnel knowledgeable in evaluating building system conditions.⁶

The BMAR methodology was adapted to utilize a common basis for assessment of the school buildings and the school district administration and ancillary (namely transportation) buildings. The state completed a condition assessment of its 398 K-12 school and administration buildings and 116 school district ancillary buildings in 2012.

The 2012 condition assessment involved school districts throughout the process. Pre-assessment questionnaires were sent to school districts ahead of the site visits in order to

⁶ Facility Engineering Associates (2012). “Report of 2012 Facilities Condition Assessment & Building Data Collection Project.” Submitted to the Wyoming School Facilities Department, WSFD RFQ PS 0625, FEA Project#R05.2011.000700. September 28, 2012.

identify those building systems that may be in need of repair or replacement. Upon arrival on site, assessors met with representatives from the school districts most familiar with the condition of the building to discuss the condition of the building and its maintenance. These were often the districts' facilities administrators or the lead custodians/maintenance workers for those buildings. Immediately following the assessment, the assessors again met with representatives from the school districts to discuss the preliminary findings from the walkthrough of the building. These post-walkthrough meetings provided school districts with the opportunity to dispute any observations made by the assessor. Finally, all assessment findings were sent to the school districts for final agreement and adjudication. If there were any disputed assessments, FEA conducted a secondary assessment. At the conclusion of the assessment process, all assessment data were uploaded into the Department's AiM database.

B. FINDINGS

Educational institutions across the nation use a variety of methods that are variants of the BMAR methodology. These methodologies rely on estimates of deficiency costs relative to estimates of the current replacement value of similarly sized buildings (as measured by gross square footage). The BMAR methodology used in Wyoming since 2006 provides the Department, school districts, and the Legislature with a valid and reliable method by which its school facilities are assessed and a consistent metric in the form of the Facility Condition Index (FCI) by which these stakeholders understand the condition of buildings across the state relative to one another.

Feedback from the facilitated stakeholder meetings generally indicated satisfaction with the methodology and the consistency associated with using the FCI since 2006. School district stakeholders acknowledged the sophistication and time commitment required on the part of the school districts to be active participants in the condition assessment process. Stakeholders indicated that the small school districts in the state might not have the number of personnel available to provide quality information and/or be active participants in the condition assessment process.

Therefore, stakeholders recommended that the Department provide financial assistance to those small school districts that identify human resource needs to assist them with the condition assessment process. The estimated cost per district is \$25,000 to be used to pay facility designers, architects, and/or contractors who can dedicate time and expertise to the process.

IV. CAPACITY ASSESSMENT

The Department is charged with ensuring an appropriate number of classrooms are available for each school district deliver a quality educational program. W.S. §21-15-117(e) directs the SFC to consider criteria for building capacity that includes:

- (i) A comparison of the existing and projected student population served by each building to square footage guidelines established by the commission under W.S. 21-15-115(a) for that building;
- (ii) An analysis of the number of classrooms within the building including an examination of the building square footage devoted to classrooms compared to the building total square footage;
- (iii) An analysis of the building's square footage per student;
- (iv) An examination of loading and utilization factors for that building to encourage the efficient use of classrooms; and
- (v) Total acreage of the site on which the building is situated.

The SFC and Department adopted a process by which capacity was considered by the Department in 2011.⁷ To assist with the requirements set forth in W.S. §21-15-117(e)(ii), Emergent Policy & Systems, Inc. proposed to the SFC and Department the instructional-area method to calculate school building capacity in June 2012.⁸ The instructional-area methodology required measuring the square footage of every room in every school building in the state, assigning a “type” and “use” to each of those spaces, and using a square footage per student factors to calculate the capacity of those spaces based on their type-use designations.

The Department enlisted the services of Fanning-Howey to review the proposed instructional-area methodology.⁹ Given the additional measurement data available to the Department, Fanning-Howey indicated that the instructional-area methodology “is preferable and will yield additional (capacity) information” (p.13).

⁷ A capacity process was proposed by Seder, R.C. (2011). “School and District Building Capacity Process White Paper.” Draft report submitted September 1, 2011.

⁸ Seder, R.C. (2012). “Review and Evaluation of the Method to Calculate School Building Capacity.” Submitted to the Wyoming School Facilities Department June, 2012. Emergent Policy & Systems, Inc.

⁹ Fanning-Howey. (2012). “Wyoming School Facilities Department Capacity Analysis Study.” Submitted to the Wyoming School Facilities Department on June 20, 2012.

A. REVIEW & EVALUATION

School building capacity can be calculated in a number of different ways. Three methodologies are most frequently used: 1) building square footage method; 2) classroom count method; and 3) instructional-area method. The data requirements are greatest with the instructional-area methodology, requiring accurate measurements of square footage of spaces and assigning type-use to all of those spaces.

During the course of the facilitated stakeholder meetings, the Department clarified how the instructional-area methodology worked. Emergent Policy & Systems gathered classroom square footage per student or the total classroom square footage guidelines from 23 states (see Appendix B). Utilization rates were collected from states and school districts across the nation.

B. FINDINGS

Given the Department's 2012 efforts to measure all rooms in every school building and assign a type-use to all of those spaces, the methodology that would provide the Department, school districts, and Legislature with the most information remains the instructional-area methodology. With this understanding in hand, Wyoming school districts indicated their confidence in continued use of the instructional-area methodology to calculate school building capacity.

To accommodate the diverse geographic, demographic, and educational programming conditions that exist across Wyoming's 48 school districts, Wyoming's school district stakeholders requested four changes to the methodology used to calculate school building capacity (summarized in Table 5).

Table 5. Requested changes to school capacity methodology

CAPACITY: Increase Grade 1 classroom per student factor to 50 square feet similar to Kindergarten

CAPACITY: Middle school utilization rates range from 75% to 85% to create lower and upper bounds to capacity

CAPACITY: Gymnasium space capacity will be calculated by counting each half court equaling one teaching station capped at 25 students; Auxiliary gym capacity will be calculated similarly as gymnasium space; small middle/junior high schools & high schools estimated separately in facility planning process

CAPACITY: Other physical education rooms will not be used to calculate capacity unless there are credit-earning classes delivered in those rooms

To accommodate the change for Grade 1 classrooms, the Department and school districts will need to change the type-use designations for those classrooms that serve Grade 1. Currently, all Grade 1 classrooms have a type-use designation of “Primary Classroom (grades 1-3)” and are indistinguishable from other primary grade classrooms in the AiM database.

District stakeholders indicated that there are different utilization rates in middle schools (75 percent) from utilization rates in junior high schools (85 percent) during the course of the facilitated stakeholder meetings. The Department requested that districts bring forward documentation to justify the stated utilization rate differences. Unfortunately, no documentation was provided. We propose calculating a lower-bound capacity and upper-bound capacity for middle schools and junior high schools. The lower-bound capacity would use a utilization rate of 75 percent and the upper-bound capacity would use a utilization rate of 85 percent. The capacity methodology is meant to be part of a starting point in the conversation between the Department and school districts. Therefore, these lower- and upper-bound capacities for these schools are to be used in the facility planning process to help identify capacity needs.

Gymnasium and other physical education spaces are typically considered to be “big-box spaces” in a school where capacity is not easily calculated. District stakeholders request two changes related to gymnasium and other physical education spaces. To accommodate the change for gymnasium and auxiliary gymnasium spaces, school districts and the Department will need to count the number of half courts there are in each space and include that information in the Department’s AiM database. To accommodate the change for other physical education spaces, school districts and the Department will need to identify those physical education spaces where non-credit earning courses are taking place and include that information in the Department’s AiM database.

V. ENROLLMENT PROJECTIONS

The capacity process adopted by the SFC and Department in 2011 was developed to provide a common starting point by which the Department and school districts could begin their conversations about school and district capacity needs. In 2012, the Department considered three common enrollment projection methodologies to serve as the primary methodology to begin this conversation:

- Linear projections: simple continuation of observable historical trends
- Cohort survival or cohort progressions: project the growth for each cohort of students from grade to grade
- Structural methods: estimate relationships between demographic and non-demographic variables in an attempt to both explain the reasons for trends and forecast forward based on those historical explanations

Emergent Policy & Systems proposed adoption of a mix of methodologies as the standard enrollment projection methodology: linear projection for Kindergarten and cohort-grade progression for grades 1-12.¹⁰ The Department methodology is to use 10 years of base data to feed into the projection calculations. Fanning-Howey provided the opinion that “the straight cohort survival method should be used for the state-wide projection as well as projections for large districts” (p.2).¹¹ The SFC and Department adopted the methodology proposed by Emergent Policy & Systems using 10 years of base data. The Wyoming Legislature extended enrollment projections to five years beyond project completion in the 2013 Legislative session.¹²

Although the SFC and Department adopted a standardized method for calculating enrollment projections for every school district, the school districts are encouraged to explore additional pieces of information that might be considered in the facility planning process with the Department. The process contemplated the use of a wide variety of information, including, but not limited to:

- Most-recent year and five-year trend of enrollment count (October “snapshot”) by grade

¹⁰ Seder, R.C. (2012). “Wyoming’s Standard Student Population Projection Methodology.” Presentation to the Wyoming School Facilities Commission on May 23-24, 2012 and presentation to the Wyoming Select Committee on School Facilities. June 27, 2012.

¹¹ Fanning-Howey. (2012). “Wyoming School Facilities Department Enrollment Projection Study.” Included in the meeting packet to the Wyoming Select Committee on School Facilities. June 27, 2012.

¹² Wyoming Statute §21-15-116(a)(i) (2013), “Student enrollment projections for a period of five (5) years commencing on the date as determined by the commission of anticipated completion of project construction...”

- Most recent-year and five-year trend of end-of-year enrollment count by grade
- Most-recently completed year and five-year trend of Average Daily Membership (ADM) by grade as reported by WDE; Analysis and explanation for differences between enrollment and ADM that exceed 5 percent
- Five-year and ten-year cohort survival analyses and projections with clear assumptions; Discern differences between enrollment bubbles (i.e., unexpectedly higher enrollments in one or two grade levels compared to other grades) and sustained enrollment growth (i.e., consistently higher enrollments of incoming classes of students)
- Kindergarten pre-screening or preschool enrollments (particularly for elementary schools serving children in primary grades)
- County or hospital number of births over a five year period with a historical correlational analysis between number of births and number of children entering Kindergarten four or five years thereafter
- Documented new housing starts designed to serve families with analyses about the number of intra-district moves compared to new families entering the district
- Documented economic projections for the school district, including any analyses offered by the Wyoming Economic Analysis Division (EAD)
- To the extent possible, the district should provide any electronic data used to analyze enrollments and projections with the SFD for ease of verification.

The list of information provided in this section should not be considered exhaustive. As districts determine that data or information beyond those elements listed in this section are important to understand current and/or future projections, the district should share that as part of their self-nomination and include it in their facility plan. All assumptions about the collected data and the analytical methods must be made explicit and supported by documentation.

A. REVIEW & EVALUATION

The research literature is consistent with the methodologies available to calculate enrollment projections. Three methodologies serve as the basis of most enrollment projection methodologies: linear projections, cohort survival/progression, and structural equations methods. Emergent Policy & Systems gathered enrollment projection methodologies from 25 states around the nation that calculate enrollment projections for school districts. Of these states, 18 use some form of cohort survival/progression methodology to calculate enrollment projections for school districts (see Appendix C).

During the course of the facilitated stakeholder meetings, the Department clarified how the enrollment projection methodology worked. The Department also further clarified how the school building capacity and enrollment projection methodologies worked together. There

was initial concern on the part of small districts that no additional information was considered in determining the capacity and capacity needs of districts.

B.FINDINGS

For researchers and analysts, accuracy of the forecast and projection is generally the primary criterion used in evaluating the chosen methodology. Additional considerations are the degree to which assumptions are transparent and valid and the ease by which stakeholders can both use the method and explain it to others.

District stakeholders gained a better understanding of the Department's current enrollment projection methodology during the course of the facilitated stakeholder meetings. When explained as being part of a larger capacity process, district stakeholders expressed their comfort in maintaining the current methodology. Additional information and evidence such as community-level economic, demographic, and social data may be brought forward during the facility planning process that may improve the accuracy of projections.

VI. GROSS SQUARE FOOTAGE & SITE ACREAGE

Through an interest-based strategy (IBS) process of public engagement through June 2007, a key conclusion of the district stakeholders was that the gross square footage standards guiding the size of schools in Wyoming remained competitive with standards provided by other states. More importantly, Wyoming's gross square footage standards remained adequate to deliver an appropriate Wyoming educational program. These standards provided schools districts and their designers and architects a great deal of flexibility to design and build schools. Building on the existing standards that had discreet school enrollments and square footage per student allocations, the SFC and Department adopted a series of graphs and their underlying equations in 2008 as the gross square footage standards.¹³

The allowable square footage calculator provides the Department and all stakeholders a consistent and transparent way to calculate the allowable square footage for building remedy and new construction.¹⁴ The allowable square footage calculator automatically computes the allowable gross square footage for any school building based on the type of school being considered (e.g., elementary, middle, high, etc.) and the number of students to be served.

As the Department considered the instructional-area school building capacity methodology in 2012, namely the square footage per student allocations for the different types of instructional spaces, the Department and Emergent Policy & Systems took the opportunity to review the gross square footage standards to ensure alignment between the two methodologies. Further, Fanning-Howey included a cross-state comparison of gross square footage standards in their 2012 capacity study beginning on page 8.¹⁵

A. REVIEW & EVALUATION

The Department worked diligently to clarify how the gross square footage standards related to the capacity methodology during the course of the facilitated stakeholder meetings. During discussions of the gross square footage, several school districts were interested about specific types of instructional and instructional support spaces and whether they were included in the gross square footage standards. The gross square footage standards (allowable gross square footage) do not contemplate individual spaces within a school.

¹³ Seder, R.C. (2008). "Review and Evaluation of the Building & Facility Adequacy Standards of the Wyoming School Facilities Commission." June, 2008.

¹⁴ The allowable square footage calculator is available for download from the Department's website under the Resources tab.

¹⁵ Fanning-Howey. (2012). "Wyoming School Facilities Department Capacity Analysis Study." Submitted to the Wyoming School Facilities Department on June 20, 2012.

While the Department's gross square footage standards do not contemplate individual types of instruction and instructional support spaces, these standards do contemplate average incidences of student needs such as poverty, English learners, and special education. Several school district stakeholders indicated that they have higher-than-average incidences of student needs, particularly special education. The Department explained during the facilitated stakeholder meetings that districts may pursue an exception from the uniform adequacy standards as spelled out in Chapter 3, Section 5 of the Department's rules and regulations.¹⁶

B.FINDINGS

When understanding was built that the exceptions process allowed them to pursue additional gross square footage based on higher-than-average student needs, district stakeholders indicated their approval to continue using the Department's gross square footage standards and the allowable gross square footage calculator. Emergent Policy & Systems collected square footage allocations from 31 states across the nation (see Appendix D). In addition, Emergent Policy & Systems collected site acreage standards from 30 states for elementary, middle, and high schools. Wyoming's gross square footage standards remain competitive with states across the nation. Wyoming places around the median of states in terms of site acreage for its schools.

Additionally, district stakeholders indicated a desire to revisit the gross square footage standards when constructing a two-story building. As they currently exist, the Department's gross square footage standards only contemplate a one-story building. Two-story buildings require additional circulation space. Rather than constructing new gross square footage standards for two-story buildings, the Department and district stakeholders agreed that the additional circulation space will be calculated at the time of building design and through the value-engineering process at which time an exception will be sought from the SFC.

¹⁶ "Rules and Regulations of the School Facilities Commission" retrieved from the Department's website from the Commission menu tab following the SFC Rules, Policies & Regulations option.

VII. CRITERIA & MEASURES

Wyoming’s school facility adequacy standards include additional standards and guidelines beyond those already mentioned. Since 2008, a variety of review and evaluation activities have been undertaken by the Department to ensure Wyoming’s school facilities provide the opportunity for a high-quality education to be delivered. Additional adequacy standards activities pursued by the SFC and the Department since 2008 include:

- Athletic track standards set in 2009
- Design guidelines adopted in 2010
- Continued development of the AiM management information system
- Measurement of all spaces in all schools; designation of types and uses of all spaces (2012)¹⁷
- Store, manage, and report facility data and financial investments in facilities
- Identification of “component” funding to complement major maintenance funding
- Indoor air quality (IAQ) measured in 2012¹⁸
- Illumination measured in 2012¹⁹
- Technology readiness measured in 2012²⁰
- Appropriateness of space measured in 2012²¹

As a way to organize these adequacy standards during the review and evaluation process, they were grouped into a broad category of criteria and measures.

A. REVIEW & EVALUATION

The Department engaged school district stakeholders around these criteria and measures throughout the facilitated stakeholder meetings. The perceptions survey at the beginning of the review and evaluation process indicated very few issues with these standards. There was discussion about how the suitability school buildings were considered. SFC policy (2013-20) on Prioritization Between Condition and Capacity recognizes that both deteriorating building conditions and over-crowding may negatively affect student learning. The most-immediate needs related to condition and capacity will be addressed first with the development of a remedies. In developing school building remedies for condition and capacity, the Department

¹⁷ Facility Engineering Associates (2012). “Report of 2012 Facilities Condition Assessment & Building Data Collection Project.” Submitted to the Wyoming School Facilities Department, WSFD RFQ PS 0625, FEA Project#R05.2011.000700. September 28, 2012.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

and school districts may consider, but are not limited to, the following factors: educational suitability, technology readiness, indoor air quality, illumination, and appropriateness of the student environment.

B. FINDINGS

The desk review identified Wyoming's adequacy standards across these criteria and measures to be in line with leading national policies and practices.

1. Track standards

Wyoming school districts identified the need to revisit the track standards established in 2009 that differentiated the surfaces provided to schools of different sizes by the SFC and Department. Through the facilitated stakeholder process, the recommendation is to provide:

- Same artificial turf surface provided for all tracks regardless of school size (1A and 2A schools getting six lanes and 3A and 4A schools getting eight lanes).
- Triple jump located in the middle of the runway (if requested)
- Two-way long jumps (if requested)
- Pole vault (if requested)

The stakeholders, in requesting these changes, indicated that these new track standards would not be retroactive. That is, artificial surfaces and field event activity spaces will be considered at time of future remedy.

2. Design guidelines

Coleman Engineering is conducting a full review and evaluation of the Department's 2010 design guidelines. Wyoming school district stakeholders did not indicate substantial issues with the existing design guidelines. Coleman Engineering, as part of the Department's value-engineering process, has been documenting implementation issues as new schools have been constructed and existing schools have undergone major renovation.

3. Indoor air quality, illumination, and technology readiness

As part of the 2012 condition assessment, standards for indoor air quality, illumination, and technology readiness were proposed to the SFC and Department. These factors generated remedy costs similarly to the BMAR methodology for condition. The costs associated with remedying these factors could be used to construct a facility condition needs index (FCNI) that provides an additional metric by which the building conditions could be viewed.

Wyoming stakeholders, through the facilitated meetings, indicated a desire to stay with the FCI as the primary metric by which prioritization is made and using the condition of indoor

air quality, illumination, and technology readiness factors into account during the remedy-development stage of the facility planning process.

4. Appropriateness of the student environment

Like other factors considered in the school facility needs index (FCNI) such as technology readiness, air quality and illumination ... the appropriateness of the student's physical environment is determined and is part of a given school's remedy, once it has been prioritized based upon its building condition score (FCI).

After a building has been determined to be a priority, an appropriate remedy is formed.

A comparison is done between the school's current square footage and the square footage that would be appropriately allocated to that school based upon its projected enrollment capacity.

An analysis is then conducted to determine if there is a way to appropriately accommodate the school's educational program within the existing building through remodel, renovation, additions, or other measures. For example, should walls be removed to form educational space within a "commons" area or could the same educational value be achieved within a larger classroom.

In addition, the current school site is examined to determine whether it is capable of appropriately supporting the population and whether it meets site guidelines for appropriateness.

Once these and other analyses are conducted, the information is combined with the other elements of the FCNI-based remedy to determine the appropriate, school specific remedy.

The current process used for determining and deploying appropriate remedies for schools, coupled with the current "exception" process to further target appropriate remedies for individual project conditions, constitutes the current delivery method of appropriate student space.

Concurrently, this method incorporates adjustments and changes indicated through deployment experience and policy direction.

VIII. SAFETY & SECURITY

Safety and security of school buildings have received increased attention in Wyoming since 2006. These issues have been raised through a variety of venues, including reports and studies directly on the issues or identified in other activities, including:

- Safety and Security Study, Wyoming Department of Education (December 2006)
- Facilities Condition Assessment & Building Data Collection (October 2012)
- School Safety and Security Task Force Report and Recommendations (October 2012)
- School Facilities Adequacy Standards Perceptions Survey (February 2014)

School safety and security guidelines are included in the Department's design guidelines beginning on page 103.²² These guidelines addressed issues of exterior site control, exterior access control, and interior circulation and access control. As part of the adequacy standards review and evaluation process, the Department contracted with MOA Architecture and RETA Security, Inc. to conduct a systematic review and evaluation of the Department's safety and security standards and guidelines.

A. REVIEW & EVALUATION

Over the course of 13 weeks in 2014, MOA and RETA performed an exhaustive search and review of nationally recommended best practices for enhancing school security. The MOA/RETA team created a matrix of standards and guidelines to be applied to every school building in Wyoming.²³

B. FINDINGS

Administration of a comprehensive assessment of all Wyoming school facilities is anticipated in 2015.

²² Coleman Engineering, Inc. (2010). "Wyoming School Facilities Commission School Design Guidelines." February 2010.

²³ MOA Architecture and RETA Security, Inc. (2014). "Security Standards for the Wyoming K-12 Schools." Prepared for the Wyoming School Facilities Department.

IX. SUMMARY

To help fulfill the requirements of reviewing and evaluating the State of Wyoming’s school facility adequacy standards, the SFC and Department endeavored upon a collaborative and transparent review process in an effort to capture the knowledge and expertise within the SFC, Department, Wyoming’s public school districts, and the educational, school facilities, engineering, and design communities. The Department engaged with these stakeholders early to help understand the outstanding issues related to the adequacy standards. By understanding concerns and needs, the Department was able to concentrate its review and evaluation efforts on those issues that mattered most to the districts. An independent desk review brought forward leading policies and practices related to school facilities helping to inform the facilitated stakeholder meetings conducted throughout the summer of 2014.

Based on the input and feedback from Wyoming’s school district stakeholders and the desk review, several changes are being recommended to the SFC and the Select Committee on School Facilities for consideration (shown in Table 6).

Table 6. Proposed adequacy standards changes and estimated costs

PROPOSED ADEQUACY STANDARDS CHANGES	ESTIMATED COSTS
CONDITION: Small district assistance for condition assessment	\$250,000 for up to 25 districts
CAPACITY: Increase Grade 1 classroom per student factor to 50 square feet similar to Kindergarten	No fiscal impact; handled through scheduling
CAPACITY: Middle school utilization rates range from 75% to 85% to create lower and upper bounds to capacity	No fiscal impact; remedies already underway for potentially impacted schools
CAPACITY: Gymnasium space capacity will be calculated by counting each half court equaling one teaching station capped at 25 students; Auxiliary gym capacity will be calculated similarly as gymnasium space; small middle/junior high schools & high schools estimated separately in facility planning process	No fiscal impact
CAPACITY: Other physical education rooms will not be used to calculate capacity unless there are credit-earning classes delivered in those rooms	No fiscal impact
TRACKS: Artificial surfaces for 1A and 2A tracks (not retroactive) <ul style="list-style-type: none"> 1A, 2A, 3A, and 4A schools all get the same 	\$250,000 estimated <i>marginal cost</i> per track

PROPOSED ADEQUACY STANDARDS CHANGES	ESTIMATED COSTS
<p>surface</p> <ul style="list-style-type: none"> • Triple jump located in the middle of the runway • Two-way long jumps • Pole vault are optional for the school • 1A and 2A will get six lanes; 3A and 4A will get eight lanes • Standards are not retroactive 	

The assumptions used to calculate the estimated costs are included in Appendix F.

At the conclusion of this review and evaluation, we determine that Wyoming’s school facilities adequacy standards remain in line with leading policies and practices to provide school facilities that provide Wyoming educators with the opportunity to deliver a high-quality education.

Following approval of these changes by the SFC and the Wyoming Legislature Select Committee on School Facilities, the next step for the Department is to bring the Department’s rules and regulations up to date and current reflecting the standards, guidelines, policies, and methodologies that make up the State of Wyoming’s school building adequacy standards.

APPENDIX A: STATUTORY LANGUAGE

From Wyoming Statute (W.S.) 21-15-115:

(a) The commission shall by rule and regulation establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for the public schools. ...The uniform standards shall at a minimum include:

- (i) Requirements for educating students in a safe environment including all applicable building, health, safety and environmental codes and standards required by law for all public buildings;
- (ii) Building site requirements;
- (iii) Building performance standards and guidelines including energy efficiency criteria;
- (iv) Assurances for the special needs of identified student populations including children with disabilities;
- (v) Guidelines for adequacy and functionality of educational space for required educational programs;
- (vi) Building capacity criteria aligned to the prescribed state educational program, with consideration given to utilization differences between school sizes and school levels in accordance with W.S. 21-15-117(e)(iv);
- (vii) Technological capacity criteria sufficient to meet required educational program needs and the requirements imposed under the state education technology plan;
- (viii) Building and facility accessibility.

(c) The commission shall not less than once every four (4) years, review and evaluate the building and facility adequacy standards established under subsection (a) of this section. Review and evaluation of the standards shall include the identification of local enhancements to buildings and facilities during this review and evaluation period, and based upon criteria and procedures developed by the commission, a determination as to whether and how any local enhancements should be incorporated into the statewide standards. The review and evaluation under this subsection shall extend to components of the annual evaluation of school buildings, the facility remediation schedule and the needs prioritization process established by the commission under W.S. 21-15-117. Findings and recommendations pursuant to this subsection shall be reported to the select committee on school facilities before the next convening date of the legislative session immediately following completion of the review and evaluation, and shall specifically address any need to expand the needs assessment, to conduct a reassessment of building and facility adequacy or to modify the needs prioritization process.

APPENDIX B: CAPACITY FACTORS

APPENDIX B: ENROLLMENT PROJECTIONS

APPENDIX D: GROSS SQUARE FOOTAGE & SITE ACREAGE

APPENDIX E: CRITERIA & MEASURES

APPENDIX F: ESTIMATED COST IMPACTS OF PROPOSED ADEQUACY STANDARD CHANGES

CONDITION: Smaller districts need more assistance from DEPARTMENT during the assessment of the buildings

To provide small school districts with additional personnel capacity to assist with the facility condition assessment, we assume \$10,000 per district to compensate contractors, architects, and design professionals who are familiar with the condition of the district's school facilities.

Table 7. Estimated costs of providing smaller districts with assistance with condition assessment

Enrollment Range	Number of Districts	Estimated Costs
<=100	2	\$20,000
101-250	3	\$30,000
251-500	6	\$60,000
501-1,000	14	\$140,000
TOTAL	25	\$250,000

Source: Fall enrollment summary by grade for districts and state for: 2013-14, accessed from <https://portals.edu.wyoming.gov/Reports/Public/wde-reports-2012/public-reports/stat-2/fallenrollmentsummarybygrade fordistrictandstateannual> on September 9, 2014.

CAPACITY: Increase 1st grade square footage factor to 50 square feet per student similar to Kindergarten

There are 1,241 spaces with type-use of “Primary Classroom (grades 1-3)” identified in schools statewide. We estimate that one-third of these classrooms are Grade 1 classrooms.

Table 8. Estimated number of Grade 1 classrooms impacted by changing square footage factor to 50 square feet per student

		# Primary Classroom (Grades 1-3)	Approximate # of Grade 1 Classrooms
	Total Number	1,241	414
Current Standard 40 square feet per student	< 640 square feet (40 sqft * 16 students)	36	12
Proposed Standard 50 square feet per student	< 800 square feet (50 sqft * 16 students)	370	123

Based on a preliminary review of the 1,241 classrooms, there were 370 classrooms smaller than 800 square feet—considering the requirement of 16 students multiplied by the proposed standard of 50 square feet. The majority of these classrooms are in low-enrollment schools where total school capacity remains high in relation to total school enrollment. We do not anticipate costs associated with building additional classrooms to address capacity concerns related to changing to 50 square feet per student for grade 1 classrooms.

Districts will be required to change the type-use designations of grade 1 classrooms with this new type-use designation in order to more accurately identify the number of classrooms and calculate the capacity of these classrooms. There would be no change to classrooms serving students in grades 1 and 2.

There is no fiscal impact associated with changing the square foot per student factor for grade 1 classrooms. Any capacity issues that may arise for a given classroom should be able to be handled through the scheduling for the entire school and district.

CAPACITY: Middle school/junior high school utilization rates range from 75% to 85% to create lower and upper bounds to capacity

Table 9. Capacity of middle schools/junior high schools using utilization rates range from 75 percent to 85 percent

Configuration	Number of Schools	Current Standard		Proposed Standard	
		Total Capacity @ 85% Utilization	Average Capacity @ 85% Utilization	Total Capacity @ 75% Utilization	Average Capacity @ 75% Utilization
Grades 5-8	5	2,541	508	2,242	448
Grades 6-8	23	13,200	574	11,647	506
Grades 6-9	4	3,064	766	2,704	676
Grades 7-8	6	5,578	930	4,922	820
Grades 7-9	3	3,108	1,036	2,742	914
TOTAL	41	27,491	671	24,257	592

Introducing 75 percent as a lower-bound utilization rate to calculate middle school/junior high school capacity would “decrease” capacity by 3,234 students across 41 schools statewide. With a 75 percent lower-bound utilization rate, four schools would have average daily membership (ADM) near or in excess of school building capacity, but do not present critical issues as condition/capacity/suitability remedies are either in some part of planning, design, or construction: Laramie Junior High School (planning); Greybull Middle School (construction); CY Middle School (construction of high schools); and Evanston Middle School (construction).

There is no fiscal impact associated with introducing a lower-bound utilization rate to estimate school building capacity for middle schools/junior high schools.

CAPACITY: Gymnasium space capacity will be calculated by counting each half court equaling one teaching station capped at 25 students; Auxiliary gym capacity will be calculated similarly as gymnasium space

- Small MS/HS school gym space capacity estimated through facility planning process

Table 10. Number of gymnasium spaces impacted by adequacy standard change

	# Spaces	Restricted Capacity	Average Restricted Capacity
Gymnasium	123	6,064	49.3
Auxiliary Gym	53	-	-

Districts will be required to change the type-use designations of gymnasiums/auxiliary gyms to identify the number of half courts as teaching stations for purposes of generating capacity. The School Facilities Department will work with districts with small high schools about the methods in which the number of teaching stations will be counted to generate capacity.

There is no fiscal impact associated with the way that capacity is calculated for gymnasium and auxiliary gym spaces.

CAPACITY: Other physical education rooms will not be used to calculate capacity unless there are credit-earning courses delivered in those rooms

Table 11. Number of other physical education spaces potentially impacted by change in adequacy standard

	# Spaces	Restricted Statewide Capacity	Average Restricted Capacity
Dance/Aerobics	7	122	17.4
Multipurpose/P.E.	9	999	111
Other Physical Education Space	72	1,276	17.7
Weight Room	90	1,766	19.6

An analysis of existing physical education spaces beyond gymnasiums and auxiliary gyms identified four type-use designations that currently generate capacity. Districts will be required to identify whether these rooms house credit-earning courses.

There is no fiscal impact associated with the way that capacity is calculated for gymnasium and auxiliary gym spaces.

TRACKS: 1A, 2A, 3A, and 4A schools all get the same surface

Table 12. Number of schools in each athletic division

	# of Schools Statewide
1A High Schools	21
2A High Schools	20

Based on estimated 2014 costs, the *marginal costs* for putting rubberized surfaces on a 440-yard track and adding the field components would be approximately \$250,000 per track. Given that the proposed standards are not to be applied retroactively, any costs associated with putting rubberized surfaces on tracks and building new track and field event areas will be handled at time of future remedies or new construction.

The School Facilities Department and the Wyoming school districts will work to bring tracks and track and field assets into the AiM statewide database in order to get an accurate accounting of these assets. The School Facilities Department may include track surfaces in future condition assessments.

Furniture Fixtures and Equipment Report

Title: Furniture Fixtures and Equipment (FF&E)

Select Committee on School Facilities Request: “Annually report expenditures and identify % of contracts awarded to out of state contractors in comparison to Wyoming vendors.”

FF&E Information and Statistics:

- Current rules and regulations of the School Facilities Commission provide that FF&E for capital projects be budgeted at the rates of 4.2% of the construction cost for replacement school projects and 6.3% of the construction cost for new school projects.
- School districts procure district projects, not the SFD.
- Statutes require the procurement of FF&E be done by the issuance of generic specifications, (not manufacturer specific), addressing performance and functionality as determined by the district. Resident bidders are given 5% preference.
- Commission approved and legislatively appropriated funds are part of the project budget and are made available by issuance of a Director’s Authorization Letter, districts are then reimbursed their costs upon submission of invoices to the School Facilities Department.
- Since 2010 the districts have purchased \$26.2 million dollars of FF&E for various projects.
- Districts have released 46 bid packages since 2010 with an average complete package cost of \$316,000, although bid packages frequently range to include a few items or many.
- On average, districts utilize five different vendors on a project to fulfill their complete FF&E needs. Typically, multiple vendors are awarded bid packages as no one vendor carries all product lines to fulfill the district’s complete order.
- On average, district FF&E packages are awarded to 36% resident vendors and 64% non-resident vendors. Resident vendors are “resident” when meeting the requirements per W.S. 16-6-101, and registered and listed with the Wyoming Department of Work Force Service’s Residency Certification List.

