



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address	h. Adoption Date	
i. Program		

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **January 8, 2018**

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

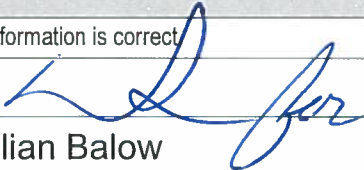
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct

Signature of Authorized Individual	
Printed Name of Signatory	Jillian Balow
Signatory Title	Superintendent of Public Instruction
Date of Signature	3/21/18

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Chapter 8: School Foundation Program

Chapter 25: Reimbursable Expenses Pursuant to School District Organization

Chapter 33: Wyoming Bridges Summer School and Extended Day Grant Program

STATEMENT OF REASONS

During the 2017 General Session, the following laws were enacted requiring amendments to Wyoming Department of Education (WDE) Chapter 8 Rules and Regulations:

- 2017 Wyoming Session Laws, Chapter 205 (original 2017 House Bill 236 – School finance-omnibus education funding); and
- 2017 Wyoming Session Laws, Chapter 193 (original Senate File 035 – Virtual education).

W.S. 21-2-202(e) requires the WDE to promulgate rules and regulations governing the administration of the Wyoming education block grant model (the model) as defined by W.S. 21-13-309. It is necessary to promulgate revised permanent rules to ensure the model operates in accordance with current law. A summary of revisions to WDE rules and regulations resulting from statutory changes are included below:

- 2017 House Bill 236 incorporated categorical grant funding for Summer School and Extended Day programs into the model. Chapter 33 Rules and Regulations governed the grant application process and guidelines to determine district eligibility and use of Summer School and Extended Day funds. Due to the repeal of W.S. 21-13-334, Chapter 33 Rules and Regulations are no longer required to determine school district eligibility for financial assistance.
- 2017 House Bill 236 modified the manner in which districts calculate part-time membership for funding purposes. In accordance with the amendments to W.S. 21-13-101(a)(i), the method for calculating membership for students enrolled in a school less than 80% of a full-time equivalency has been limited to a fractional basis. Amendments to Chapter 8 aid school districts in properly calculating student attendance and membership.
- In accordance with recent amendments to W.S. 21-13-309(m)(v)(E)(I), amounts resourced through the school foundation formula for transportation maintenance and operations will transition from a reimbursement process to the average of the amounts received by school districts during school years 2014-15, 2015-16 and 2016-17. The WDE has chosen not to alter existing Chapter 8 and 20 rules for transportation reimbursement to ensure the reporting of uniform and accurate transportation expenditures. Retaining existing rules and regulations for transportation will allow the WDE to calculate the cost savings realized from statutory amendments. Moreover, adhering to existing rules for transportation reimbursement for fiscal reporting

purposes will ensure the proper allocation of resources to school districts if the legislature returns to a reimbursement basis for transportation funding.

- 2017 Senate File 035 modified several aspects of virtual education provided by public K-12 schools. This act set forth the requirement for the WDE to work in consultation with the virtual education advisory committee established by W.S. 21-2-202(a)(xxxi)(F) and the school finance data advisory committee established under W.S. 21-2-203(s) to develop a methodology for computing average daily membership for students participating in virtual education programs. Consistent with revisions made through emergency rules, amendments to Chapter 8 clarify the process for calculating virtual education membership.

Pursuant to Governor Mead's directive to reduce and streamline agency rules, the WDE amended Chapter 8 to eliminate redundant or unnecessary language and provide more detailed guidance on areas that are not clear and concise. A summary of additional Chapter 8 revisions is included below:

- Rules governing reimbursement of school district reorganization expenses have been incorporated into Chapter 8 resulting in the repeal of Chapter 25 Rules and Regulations.
- A new section was added clarifying which school district staff are eligible for National Board Certified Teacher incentive payments under W.S. 21-7-501(f).
- A new section was added to formalize the review of school finance audits performed by the Department of Audit pursuant to W.S. 9-1-513(c). School districts may request a review of audit findings with the WDE before seeking judicial review.
- The title of Chapter 8 was revised from "School Foundation Program" to "School Finance" to reflect the broader scope of rules governing the school finance system.
- The remaining changes in Chapter 8 are limited to formatting and clarifying changes and the elimination of redundant or unnecessary language.

Comment Received	Agency Response
<p>This looks really good.</p>	<p>No change requested. <i>No change.</i></p>
<p>I am concerned that the proposed guidelines indicate speech pathologists would be non-qualifying personnel for reimbursement for National Board Certification from the National Board for Professional Teaching Standards. I am a speech-language pathologist working for Laramie County District #1. I just received National Board certification in December of 2017. It is a rigorous process, and I invested hundreds of hours of my personal time and considerable funds over three years to complete the process. This proposed prohibition of speech pathologist eligibility for this funding without even a grandfather clause for those of us who completed this rigorous process under the current guidelines is disturbing. The process I went through to achieve this certification is the same process a classroom teacher would be required to go through. SLP's are eligible to complete this process since we have teaching certificates in the state of Wyoming. Speech pathologists ARE educators, licensed educators just as are classroom teachers, instructional facilitators, counselors or librarians. We teach listening, speaking, reading, writing, and learning strategies in general education and special education settings. Our skills are essential in teaching the building blocks for literacy: phonemic awareness, vocabulary, grammar, figurative language, sequencing, summarizing, and narrative skills. We work directly with students in a classroom setting teaching grade level content. The traditional thought of SLP's pulling individual students out of classrooms to teach speech sounds is an antiquated point of view. Speech-language pathologists are collaborating and teaching in the classrooms every day. Speech pathologists are in short supply in Wyoming. It is not prudent to eliminate one potential incentive for school-based SLP's to practice in Wyoming and to reduce the incentive for them to maximize their effectiveness in educating Wyoming's children. The district I work for does not have a separate pay band for speech pathologists. I would strongly encourage you to include speech pathologists as qualifying positions for National Board certification reimbursement. At a minimum, it is imperative that the state consider a grandfather clause for speech pathologists who certified under the current rules. Thank you. Erika Moncrief, M.S. CCC-SLP, NBCT</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions. There is no provision in statute that would allow a grandfather clause in these rules. <i>No change.</i></p>
<p>As a Wyoming citizen, and a high school principal, I am writing in regards to the language in the Proposed School Finance Rules: Chapter 8 Funding; specifically, I am concerned that Speech-Language Pathologists will not be compensated for earning national board certification (National Board Certified Teacher).</p> <p>Presently, Speech-Language Pathologists must obtain Professional Teaching Standards Board (PTSB) certification to work in Wyoming's public schools. Speech-Language Pathologists also have the additional obligation to obtain the American Speech-Language Hearing Association Certificate of Clinical Competence, and Wyoming Speech-Language Pathology licenses.</p> <p>The process Speech-Language Pathologists undergo for National Board Certified Teacher status is identical to the process teachers go through. This process for certification includes: assessment of students, demonstration of pedagogical skills, demonstration of aptitude in working with individual students and small groups, submission of video entries demonstrating effective instructional practices in a classroom, and demonstration of purposeful reflection and analyzation of professional practice.</p> <p>Speech-Language Pathologists serve students in many settings across the school. These professionals are in classrooms providing instruction along with teachers, assessing students to maximize learning, providing consultation and support to teachers as they implement language strategies in the classroom. Finally, Speech-Language Pathologists instruct students on using assistive technology to support learning.</p> <p>Speech-language pathologists are also clinicians. These professionals are trained to provide clinical services for students with significant needs including those with feeding/swallowing issues, fluency disorders, voice disorders, autism, and neurological injuries.</p> <p>Speech-language pathologists are in short supply. Allowing a pathway for continued professional development (including a financial incentive) through NBCT is critical in attracting and retaining Speech-Language Pathologists in the future. Please reconsider compensating these professionals for earning National Board Certified Teacher status.</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions. <i>No change.</i></p>

I am quite concerned that Speech Language Pathologists (SLPs) may no longer be considered eligible for National Board Certification. Speech-language pathologists must have PTSB teaching certificates to work in Wyoming's schools. This also makes us eligible to complete National Board Certification. We also have American Speech-Language Hearing Association Certificate of Clinical Competence, and Wyoming Speech-Language Pathology licenses. To maintain licensure and ASHA certification, we are required to complete significant amounts of continuing education each year. Per the negotiated agreement, LCSD#1 offers a \$1000 per year stipend for ASHA certification, a significantly lower amount for a certification which is at least as rigorous as the National Teaching Standards Board Certification process.

Speech-language pathologists are educators. We work on and teach listening, speaking, reading, writing, and learning strategies in general education and special education settings. Our skills are essential in teaching the building blocks for literacy: phonemic awareness, vocabulary, grammar, figurative language, sequencing, summarizing, and narrative skills. We also teach students how to successfully communicate in a workplace environment, or to communicate their knowledge to others. Speech-language pathologists serve students in many settings across the school, based on individual needs. The traditional idea of our field is that we work one on one with children on speech sounds. That is only a small part of what we do. We are in classrooms providing instruction along with teachers, we assess students to find out the best ways for them to learn, we consult/ provide support to teachers as they implement language strategies in the classroom, we instruct students on using assistive technology to support learning, and we partner with families, teachers, and other staff regularly to insure students' needs are being met.

Speech-language pathologists are also clinicians. We are trained to provide clinical services for students with significant needs including those with feeding/swallowing issues, fluency disorders, voice disorders, autism, and neurological injuries.

Speech-language pathologists are in short supply. How will we attract and retain SLPs to Wyoming's schools without leaving such incentives open to SLPs? If we want excellent education for all Wyoming students, we must be willing to acknowledge all educators that are part of that process.

This rule communicates to the public that SLPs are not valuable educators. Please change the proposed wording so SLPs will be included in this incentive.

These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions.

No change.

The rule excluding speech pathologists from eligibility from certification reimbursement awards appears to conflict with the rule's governing statute, which more generally addresses both teachers and "licensed service providers." W.S. 21-7-501(a). Section (f)(ii) defines "Teacher" as including "employees of the district holding certification and employed full-time as instructional facilitators, certified tutors, librarians or counselors.]" Id. The Legislature added this definition in 2014 and must be viewed as a recent legislative directive to specifically include those professionals indicated. Speech pathologists receive professional certification and must maintain that certification. They facilitate instruction through classroom interaction and/or direct student intervention, always working in conjunction with teachers or other specialists. One must ask how a librarian qualifies, while a speech pathologist, who assists children to overcome speaking disabilities and works with them through the learning process, does not? This appears incongruent. The Department, by rule, arguably attempts to disqualify speech pathologists notwithstanding the legislature's intent to include them by definition. This, the Department cannot do.

When reading the statute as a whole, as you must, the legislative intent is to encourage advanced training of both teachers and licensed service providers directly involved in the learning process. If not, why not just refer to teachers? Statutes are assumed to be logical and must be interpreted in a manner to accomplish the ultimate legislative objective. The statute encourages licensed service providers, who facilitate instruction, to become certified. Speech pathologists have been eligible to enter the program and, indeed, have enrolled and completed the program for years. So there is a historic agency interpretation at play. To now disqualify speech pathologists from eligibility (without a statutory change) is nonsensical and contradictory given the statutory language which encourages their participation, given the program itself which accepted their participation and passed them through, and given the definition of "teacher" which arguably includes speech pathologists. To the extent the rule conflicts with statute, it would be deemed void. In other words, without a legislative delegation of authority, the Department cannot rewrite a clear statute with a rule change--it can only clarify what the Legislature intends.

Finally, the Department may be equitably estopped from now disqualifying speech pathologists after encouraging their participation and stating in writing that they would receive awards through the program. Those persons who have, in good faith, relied upon the Department's and districts' written assurances, and who have consequently undertaken to enroll at significant expense in time and money, may assert that the Department cannot now disqualify speech pathologists retroactively and must do so prospectively, assuming the statute allows the Department to do so at all. Arguably, the Department's historic treatment of speech pathologists as eligible service providers means that this rule constitutes a significant change in policy, and that factor as well would support an equitable estoppel claim.

Thank you for your consideration of these comments. I look forward to a response to our concerns.

These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions.

No change.

I request a hearing on the idea that speech pathologists are not eligible for the bonus with national certification.

A public hearing is required only when requested by at least 25 persons, a government subdivision, or by an association having not less than 25 members.

No hearing scheduled.

No change.

<p>I heard the legislature is specifying what school personnel qualify for the incentive pay related to National Board Certified Teachers (NBCT) W.S. 21-7-501(f). I was told by my district that although I received the incentive pay last year I would no longer be eligible because I am a Speech Language Pathologist (SLP). I am hopeful that this is not the case. I earned my NBCT and it was a challenging process that I am proud of. The amendments that I read said that tutors, teachers, librarians, and counselors could receive the incentive pay. It said that administration, nurses, paraprofessionals, computer network technicians, library media aides, and Speech Language Pathologists could not. The people on this second list (admin, nurses, etc.) do not qualify to be accepted into the NBCT program. I am dual certified as an SLP and Special educator and therefore NBCT (after auditing my application) accepted me to go through with the NBCT process. I completed the rigorous process in 2017 (same as all the teachers that qualify for the incentive pay). I feel I deserve the incentive pay related to a National Board Certification as much as the next teacher. Please consider revising the language to state anyone with a National Board Certification from the National Board for Professional Teaching Standards would be given the incentive pay (that would automatically eliminate nurses, paraprofessionals, ect.) but would not penalize me for being both a speech language pathologist and a special educator (my district is very small and needs me to hold both certifications but said due to the fact that part of my duties are SLP they cannot give me the incentive pay next year). I believe the intention of the law is that SLPs with American Speech-Language Hearing Association National Certification do not qualify for this incentive pay. That makes sense to me, however I have both ASHA and NBCT (and feel it would be unfair to deny me and no one else the NBCT incentive pay). I appreciate your attention to this matter.</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions. <i>No change.</i></p>
<p>I am contacting you to discuss a recent change in the legislature that may effect Speech Language Pathologist's (SLP) ability to procure the \$4,000 incentive for NBCTs. I believe the intent of the bill is that only those individuals that complete the rigorous process of becoming National Board Certified Teachers (NBCT) through the National Board for Professional Teaching Standards (NBPTS) and work with students in classrooms on a daily basis should receive the incentive pay. The NBCT only allows individuals who are in these types of positions to become national board certified. It is my understanding that the NBPTS has allowed SLPs in the state of Wyoming to become certified under the "Exceptional Needs" track (i.e., Special Education track). However, there are specific rules written that interpret the law that do not allow SLPs to receive the incentive pay (although it does allow other "service providers" including librarians and counselors). A SLP spends 100% of their day with students in classrooms who have exceptional needs therefore it seems unfair to deny them this incentive pay and allow all others who complete the NBCT process to receive the incentive pay. Please allow SLPs who complete the Challenging National Board Certification process the same incentive pay, as they are bettering their ability to instruct and provide services for Wyoming youth. Thanks for your attention to this matter!</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions. <i>No change.</i></p>
<p>I am contacting you to discuss a recent change in the legislature that may effect Speech Language Pathologist's (SLP) ability to procure the \$4,000 incentive for NBCTs. I believe the intent of the bill is that only those individuals that complete the rigorous process of becoming National Board Certified Teachers (NBCT) through the National Board for Professional Teaching Standards (NBPTS) and work with students in classrooms on a daily basis should receive the incentive pay. The NBCT only allows individuals who are in these types of positions to become national board certified. It is my understanding that the NBPTS has allowed SLPs in the state of Wyoming to become certified under the "Exceptional Needs" track (i.e., Special Education track). However, there are specific rules written that interpret the law that do not allow SLPs to receive the incentive pay (although it does allow other "service providers" including librarians and counselors). A SLP spends 100% of their day with students in classrooms who have exceptional needs therefore it seems unfair to deny them this incentive pay and allow all others who complete the NBCT process to receive the incentive pay. Please allow SLPs who complete the Challenging National Board Certification process the same incentive pay, as they are bettering their ability to instruct and provide services for Wyoming youth. Thanks for your attention to this matter!</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions. <i>No change.</i></p>

<p>I am contacting you to discuss a recent change in the legislature that may effect Speech Language Pathologist's (SLP) ability to procure the \$4,000 incentive for NBCTs. I believe the intent of the bill is that only those individuals that complete the rigorous process of becoming National Board Certified Teachers (NBCT) through the National Board for Professional Teaching Standards (NBPTS) and work with students in classrooms on a daily basis should receive the incentive pay. The NBCT only allows individuals who are in these types of positions to become national board certified. It is my understanding that the NBPTS has allowed SLPs in the state of Wyoming to become certified under the "Exceptional Needs" track (i.e., Special Education track). However, there are specific rules written that interpret the law that do not allow SLPs to receive the incentive pay (although it does allow other "service providers" including librarians and counselors). A SLP spends 100% of their day with students in classrooms who have exceptional needs therefore it seems unfair to deny them this incentive pay and allow all others who complete the NBCT process to receive the incentive pay. Please allow SLPs who complete the Challenging National Board Certification process the same incentive pay, as they are bettering their ability to instruct and provide services for Wyoming youth.</p> <p>Thanks for your attention to this matter!</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions.</p> <p><i>No change.</i></p>
<p>This would be very unfair to our speech/language providers.</p>	<p>No change requested.</p> <p><i>No change.</i></p>
<p>I am contacting you regarding a proposed change to Chapter 8 rules regarding Speech Language Pathologist's (SLP) ability to procure the \$4,000 incentive for NBCTs. I believe the intent of the bill is that only those individuals that complete the rigorous process of becoming National Board Certified Teachers (NBCT) through the National Board for Professional Teaching Standards (NBPTS) and work with students in classrooms on a daily basis should receive the incentive pay. The NBCT only allows individuals who are in these types of positions to become national board certified. It is my understanding that the NBPTS has allowed SLPs in the state of Wyoming to become certified under the "Exceptional Needs" track (i.e., Special Education track). However, there are specific rules written that interpret the law that do not allow SLPs to receive the incentive pay (although it does allow other "service providers" including librarians and counselors). A SLP spends 100% of their day with students in classrooms who have exceptional needs therefore it seems unfair to deny them this incentive pay and allow all others who complete the NBCT process to receive the incentive pay. Please allow SLPs who complete the challenging National Board Certification process the same incentive pay, as they are bettering their ability to instruct and provide services for Wyoming youth. It seems to me that if an SLP staff is allowed to go through the rigorous process of the NBCT then schools should be allowed to not only provide the incentive but also be reimbursed.</p> <p>Thank you,</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions.</p> <p><i>No change.</i></p>
<p>Regarding the proposed change to the rules for reimbursement to LEAs for National Board Certified Teachers, denying the reimbursement because a staff member spends a portion of their day as a Speech/Language Pathologist is discriminatory. For a small school district like Fremont 2, in a remote community such as Dubois, it can be a challenge to recruit and retain highly qualified staff members who have multiple certifications which is necessary to provide FAPE to our small student population. If a staff member has the dedication and professional ability to acquire the National Board status, they should be rewarded with the compensation afforded to every other teacher, regardless of what portion of their assignment is spent as a "regular classroom teacher". In turn, the District should be reimbursed accordingly.</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions.</p> <p><i>No change.</i></p>
<p>I am contacting you to discuss a recent change in the legislature that may effect Speech Language Pathologist's (SLP) ability to procure the \$4,000 incentive for NBCTs. I believe the intent of the bill is that only those individuals that complete the rigorous process of becoming National Board Certified Teachers (NBCT) through the National Board for Professional Teaching Standards (NBPTS) and work with students in classrooms on a daily basis should receive the incentive pay. The NBCT only allows individuals who are in these types of positions to become national board certified. It is my understanding that the NBPTS has allowed SLPs in the state of Wyoming to become certified under the "Exceptional Needs" track (i.e., Special Education track). However, there are specific rules written that interpret the law that do not allow SLPs to receive the incentive pay (although it does allow other "service providers" including librarians and counselors). A SLP spends 100% of their day with students in classrooms who have exceptional needs therefore it seems unfair to deny them this incentive pay and allow all others who complete the NBCT process to receive the incentive pay. Please allow SLPs who complete the Challenging National Board Certification process the same incentive pay, as they are bettering their ability to instruct and provide services for Wyoming youth.</p> <p>Thanks for your attention to this matter!</p>	<p>These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions.</p> <p><i>No change.</i></p>

As a Speech/Language Pathologist who has spent 30 years working with students, I am concerned to hear of proposed changes to the National Board Certification process. This recent change in the legislature may impact Speech Language Pathologist's (SLP) ability to procure the \$4,000 incentive for NBCTs. I believe the intent of the bill is that only those individuals that complete the rigorous process of becoming National Board Certified Teachers (NBCT) through the National Board for Professional Teaching Standards (NBPTS) and work with students in classrooms on a daily basis should receive the incentive pay. The NBCT only allows individuals who are in these types of positions to become national board certified. It is my understanding that the NBPTS has allowed SLPs in the state of Wyoming to become certified under the "Exceptional Needs" track (i.e., Special Education track). However, there are specific rules written that interpret the law that do not allow SLPs to receive the incentive pay (although it does allow other "service providers" including librarians and counselors). It's extremely important to understand that an SLP spends 100% of their day with students in classrooms who have exceptional needs therefore it seems unfair to deny them this incentive pay and allow all others who complete the NBCT process to receive the incentive pay. Please allow SLPs who complete the Challenging National Board Certification process the same incentive pay, as they are bettering their ability to instruct and provide services for Wyoming youth.

Thank you for your attention to this matter!

These rules are written to reflect the requirements of W.S. 21-7-501(f), which define eligible teachers as full-time certified teachers, instructional facilitators, certified tutors, librarians, or counselors. Per a 2014 Attorney General's opinion, licensed service providers are considered non-eligible positions.

No change.

WYOMING DEPARTMENT OF EDUCATION

Jillian Balow, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0206



Public Comments

**CHAPTER 25
REIMBURSABLE EXPENSES PURSUANT TO SCHOOL DISTRICT ORGANIZATION**

No comments were received during the public comment period for these rules, which occurred from January 8 through March 2, 2018.

WYOMING DEPARTMENT OF EDUCATION

Jillian Balow, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0206



Public Comments

CHAPTER 33

WYOMING BRIDGES SUMMER SCHOOL AND EXTENDED DAY GRANT PROGRAM

No comments were received during the public comment period for these rules, which occurred from January 8 through March 2, 2018.

Chapter 8 School Finance

Section 1. **Authority.** These rules are promulgated pursuant to W.S. 21-2-202(a)(i) and (e); W.S. 21-2-203(a); W.S. 21-3-314(a); W.S. 21-6-219(a); W.S. 21-7-501(f)(iii); W.S. 21-13-101(c).

Section 2. **Definitions.**

(a) “Acquired” means gained possession. Examples of acquire include, but are not limited to, lease agreement, purchase, or gift.

(b) “Actual site acreage” means the site acreage amount that appears on the actual land’s title or deed. If the acreage amount does not appear on land’s title or deed, actual site acreage is the amount reported by the School Facilities Division of the State Construction Department.

(c) “Case manager” means an individual working under a personal-services contract with a school district or Board of Cooperative Educational Services to provide general supervision of special education programs and services provided to children with disabilities.

(d) “Co-located school” means two (2) or more schools, each with its own unique identifier, that exist within the same school facility.

(e) “Combined school” means two (2) or more existing schools in a district that are joined together to form a single school as a result of one or more schools closing within a district.

(f) “Data correction” means corrections necessary to ensure funding model operation and current school year district payments are using the correct data supplied by school districts, other state agencies, and outside consultants to properly compute school foundation program payments to school districts as required by law.

(g) “Days of operation” means the term of operation for a school including pupil-teacher contact days and days used exclusively for registration, professional development, report card distribution, teacher/parent conferences, in-service programs, and similar activities.

(h) “Department” means the Wyoming Department of Education.

(i) “English language learner (ELL) student” means any student reported as primarily enrolled by a district on the October snapshot who has been identified as an ELL or former ELL in Year 1 or Year 2 monitor status in compliance with required identification criteria presented in a format specified by the Department.

(j) “Facility” means a standalone or combination of buildings owned or leased by the district that support the delivery of educational programs necessary to meet state accreditation standards and federal laws.

(k) “Format change” means any change to the funding model that results in a different appearance or layout and maintains the integrity and functionality of the funding model.

(l) “Foundation program report” means the accumulation and aggregation of student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations including, but not limited to, the following reports: the WISE Annual District Report, the WISE Attendance & Membership Report, the Foundation Program Funding Worksheet, the Annual Special Education Expenditure Report, the Annual Student Transportation Expenditure Report, the Vocational Education Student FTE Worksheet, Vocational Education Teacher FTE Worksheet, and the Annual District Budget.

(m) “Foundation program review” means the examination, analysis, testing, and verification of a school district’s foundation program report and system of student accounting by the Department or its representative (whether on-site at the school district or in the form of a desk review at the offices of the Department) to confirm, verify, validate, and, if necessary, correct the student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations appearing in the district’s foundation program report.

(n) “Free and reduced lunch (FRL) student” means any student reported as primarily enrolled by a district on the October snapshot who meets the eligibility requirements for the free and reduced priced lunch program established by 42 U.S.C. §1751 et seq. regardless of the school’s participation in the free and reduced priced lunch program.

(o) “Funding model” means the enumeration of components defined in “Attachment A” as referenced in W.S. 21-13-101(a)(xvii) and (c), including any technical and data corrections implemented in accordance with W.S. 21-2-202(e).

(p) “Membership” means the inclusion of an enrolled student in a school’s student accounting records, whether the student is attending or absent on that day.

(q) “Mobile student” means any student reported as primarily enrolled in any grade six (6) through twelve (12) by a district on the annual Department spring accountability snapshot date where the student’s school entry date falls after the October snapshot of the same school year.

(r) “National Board Certification” means advanced teaching credentials awarded through the National Board Certified Teacher program by the National Board for Professional Teaching Standards.

(s) “New school” means a school that is assigned a unique identification number from the Department for reporting purposes and is funded as a first-year school in the funding model.

(t) “Part-time student” means a student that is enrolled in fewer daily hours or periods than normally scheduled in the school they are enrolled.

(u) “Reconfigured school” means a school in which grades served has been changed from the previous school year.

(v) “Replacement school” means a school in which a new building has been constructed and is used in place of a previously existing school with the same grade configuration.

(w) “School day” means the starting time of a pupil-teacher contact day to the ending time of a pupil-teacher contact day as established by school district board of trustee policy.

(x) “School Facilities Division (SFD)” means the School Facilities Division of the State Construction Department.

(y) “Site” means a parcel of land that has been acquired by a district, and is identified by the SFD by a site identification number.

(z) “State Board” means the Wyoming State Board of Education.

(aa) “Student accounting” means the process of enrolling students, taking attendance, appropriately withdrawing students and removing them from student accounting records, and maintaining accurate and verifiable computer-based records within the student information system for the purpose of uniform and timely reporting of student attendance and membership statistics at each school district’s school.

(bb) “Technical correction” means a correction necessary to ensure funding model operation and current school year district payments are in accordance with law and the funding model is properly computing school foundation program payments to school districts as required by law.

Section 3. **Basis of Accounting.** With the exception of accounting operations necessary to properly compute a school district’s operating balance and cash reserves under W.S. 21-13-313(e) and Section 14, all school districts shall, for purposes of preparing individual reports within the Foundation Program Report, use the cash basis of accounting. Any exceptions shall have prior approval of the Department.

Section 4. School and Operational Days.

(a) Each school shall meet both the 175-day pupil-teacher contact requirement required by W.S. 21-4-301 or the number of days required under an alternative schedule approved by the State Board and the minimum applicable number of hours established by State Board rules and regulations.

(b) Each school shall be in operation for at least the equivalent of 185 days unless an alternative schedule has been approved by the State Board and shall conduct classes for a majority (greater than 50 percent) of the school day for at least 175 student days. Days used exclusively for registration, professional development, report card distribution, teacher/parent conferences, in-service programs, and similar activities shall only be counted as days of operation beyond the 175-day pupil-teacher contact minimum.

Section 5. Reporting a School's Status to the Department.

(a) School districts shall give written notification to the Department within two (2) weeks upon the occurrence of any of the following events:

(i) A school closes and students are no longer attending classes (this does not apply to replacement schools); or

(ii) Emergency conditions such as weather, utility failure, or safety conditions requiring the temporary closure of one or more schools for a half school day or more.

Section 6. School Reconfiguration Reporting for Purposes of Funding.

(a) A school district shall file a written report to the Department that it has or intends to change a school's grade configuration or open a new school for the next school year.

(b) Reports submitted under this section indicating the opening of a school or modifying a school's grade configuration for the upcoming school year shall be provided to the Department no later than June 15 of each year.

(c) The reports submitted under this section shall provide documentation verifying compliance with the district's facility plan on file with the SFD and with the criteria outlined in W.S. 21-13-309(m)(vi).

(d) Reports submitted under this section will be reviewed by the Department and a determination will be rendered to the district as soon as practicable following receipt of the report. In some instances, a reconfigured school or combined school may result in a new school. If a replacement school is built, the school shall not be considered a new school.

Section 7. Minimum Attendance Taking Requirements.

(a) All Wyoming public schools shall take and record attendance to verify and ensure accurate attendance and membership calculations.

(b) In elementary schools, attendance shall be taken a minimum of two (2) times during the school day, once in the morning and once in the afternoon.

(c) In middle schools, junior high schools, and high schools, attendance shall be taken each class period.

(d) Virtual education attendance shall be measured by approved participation requirements defined by Department rules and regulations.

Section 8. Mathematical Calculation of Average Daily Membership (ADM).

(a) The mathematical calculation of ADM is derived by dividing each student's aggregate membership days for the period of time under aggregation by the actual number of school days over which the aggregation occurred. The resulting calculation for each student shall not exceed one (1.000) ADM. Student data used to report membership shall be provided by each school's student information system. ADM calculations shall be carried out and rounded to three (3) decimal places for reporting to the Department. Students enrolled at least eighty percent (80%) of a full-time equivalency shall be considered full-time for membership (1.000 ADM). Students enrolled less than eighty percent (80%) of a full-time equivalency shall be counted equal to their part-time membership calculation as determined in Section 8(e).

(b) Schools shall exclude from their membership students for whom the school district is no longer actively or prospectively providing appropriate instructional services. Examples include, but are not limited to, students who:

(i) Withdraw from school;

(ii) Are absent more than ten (10) consecutive school calendar days;

(iii) Are full-time virtual education students not meeting participation requirements for more than ten (10) consecutive program days as defined by Department rules and regulations;

(iv) Do not attend a school in a Wyoming school district;

(v) Transfer from one school to another within a district (the sending school shall cease to include the transferred student in its membership);

(vi) Move out of the area, or are otherwise no longer receiving appropriate district instructional services; or

(vii) Are enrolled in school and do not actually attend for at least one (1) day during the current school year.

(c) A school district that receives a student from another school district shall immediately include that student in its membership. The school district that sends a student to another school district shall immediately cease including that student in its membership. No student shall be included in two schools' memberships at the same time, whether those schools are in the same or different districts.

(d) No reduction in aggregate membership shall occur when a student completes a virtual education course before the end of the term if the student has completed the participation requirements. A weighted day calculation shall be used for the time the student was enrolled in the course. The weighting shall be calculated using the number of scheduled term days divided by the actual days it took the student to complete the course (e.g., a course term is 88 days and a student completed the course in 50 days. The 88 term days are divided by the 50 course days to equal a 1.76 weighted day equivalent for each of the 50 days in the course. The 50 days the student took to complete the course is multiplied by the weighted figure of 1.76 resulting in 88 course days). For each course, the number of days completed shall be divided by the regularly scheduled number of courses in the school to compute the aggregate membership (e.g., if a student completed 88 course days and the school offered 8 courses per day, the student's aggregate membership for the course would be 11.000).

(i) Virtual education student membership shall be prorated at less than one (1.000) ADM if the number of virtual education courses in which the student is enrolled is less than the regularly scheduled courses for that school, but the virtual education membership may be combined with any non-virtual education membership on a daily basis to result in a larger fractional membership not to exceed one (1.000) ADM.

(e) Students in membership less than eighty percent (80%) of the school day shall be counted equal to their part-time membership using one (1) of the following methods and apply that one (1) method to all part-time students in the school:

(i) Calculate the ratio of periods in membership to the total periods normally offered at that school (e.g., a student in membership two (2) periods a day in a school that offers seven (7) periods per day would generate a $\frac{2}{7}$ aggregate membership, or 0.286 ADM for the number of days over which the aggregation occurred).

(ii) Calculate the ratio of hours (or minutes) in membership to the total hours (or minutes) normally offered at that school (e.g., a student in membership three (3) hours (180 minutes) a day in a school that offers eight (8) hours (480 minutes) per day would generate $\frac{3}{8}$ aggregate membership, or .375 ADM for the number of days during which the aggregation occurred).

(iii) Alternative schools without a set bell schedule may use the normally scheduled hours from the closest district-operated non-alternative school offering the same grade level services to determine the proportion of membership (e.g., a student in membership for 350 hours of pupil-teacher contact time, measured against a school that normally provides 1100 contact hours would generate $350/1100$ aggregate membership, or 0.318 ADM, for the school year).

(f) When school is dismissed for emergencies pursuant to W.S. 21-13-307(a)(ii) or Section 5(a)(ii), membership inclusion shall be continued as if the entire session had been completed if students are in attendance for greater than fifty percent (50%) of the school day. No membership shall be counted when school is canceled before the school day begins or when ended before completing fifty percent (50%) of the school day.

(g) Prior school year ADM, for purposes of calculating the funding model's ADM three-year average, shall be adjusted in the current funding model in the following instances:

(i) A new school opens;

(ii) A school closes;

(iii) A district changes boundaries;

(iv) A school reconfigures; or

(v) A district moves specific programs from one school to another school, as well as the students in those programs.

(h) The district shall submit a list of schools and the number of students, by grade, which transferred to another school within the district due to one of the instances in subsection (g). The Department shall subtract the number of students that transferred to another school within the district from the two (2) years of ADM they were already included.

(i) The Department shall subtract the number of students that transferred to another school within the district from the two (2) years of ADM they were already included.

(i) The adjustment under subsection (h) of this section does not apply to:

(i) Co-located schools that combine to create a single school and the combination does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a co-located K-5 school and 6-8 school reconfigure to a single K-8 school. The K-8 school serves the same students as if it was the co-located K-5 and 6-8 schools. The prior years' K-5 school and 6-8 school ADM will be transferred to the combined school); or

(ii) Two (2) or more schools that combine to create a single school and the combination does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a separate K-5 school, 6-8 school, and 9-12 school combine to create a single K-12 school. The single K-12 school serves the same students as if the separate schools still existed. The prior years' K-5 school, 6-8 school, and 9-12 school ADM will be transferred to the combined school).

Section 9. Corrections and Changes to the Funding Model.

(a) Technical corrections. The Department shall evaluate each suggested technical correction in consultation with school finance advisers and state agencies as necessary. If the Department determines the suggested technical correction is necessary, then it will:

- (i) Notify the Legislative Service Office and outside school finance consultants;
- (ii) Document the correction and the calculated fiscal impact;
- (iii) Send the proposed corrected funding model to outside school finance consultants for review;
- (iv) Request a letter from outside school finance consultants certifying the technical corrections made by the Department allocate resources in accordance with Wyoming law;
- (v) Inform the School Finance Data Advisory Committee of the proposed correction;
- (vi) Notify all school districts; and
- (vii) Forward the revised funding model to the Secretary of State's office along with the certification letter.

(b) Data corrections. The Department shall evaluate each suggested data correction in consultation with school finance advisers and state agencies as necessary. If the Department determines that the suggested data correction is necessary, then it will:

- (i) Notify the Legislative Service Office and school finance advisers;
- (ii) Document the correction and the calculated fiscal impact; and
- (iii) If the data correction is made after the Foundation Program Funding Worksheet is released for the current school year, notify district(s) affected.

(c) Format changes. The Department shall document each format change and print a before and after worksheet to illustrate the format changes. The Department shall attach each printed worksheet to the Department's format change form.

Section 10. Funding Model Operations and Maintenance.

(a) The Department shall annually update necessary operations and maintenance data components in the funding model with the following data supplied by the SFD:

(i) District sites and their associated site identification number, actual site acreage, and acquired date.

(ii) District school building information, including:

(A) Actual educational gross square footage;

(B) SFD allowable gross square footage;

(C) The year built; and

(D) The number of classrooms.

(iii) No gross square footage created by any district enhancement shall be included within the districts educational gross square footage for funding model determinations unless the enhancement is included within the statewide adequacy standards as determined by the SFD.

(iv) If a single Department school identification number contains more than one (1) school building, a weighted average of the year built for each building under this section shall be calculated for use in the funding model. The weighted average shall be calculated by multiplying each building's year built by the proportion of the school's total educational gross square feet. The weighted year built amount for each building will be summed to equal an adjusted year built.

(b) The funding model generates groundskeeper full-time equivalent (FTE) resources for district sites acquired after July 1, 1997, based on the following:

(i) The site acreage shall be the lesser of the actual site acreage or the following SFD guidelines:

(A) Elementary school sites will be allowed a maximum acreage amount of four (4) acres, plus one (1) acre for every one hundred (100) ADM;

(B) Middle school sites will be allowed a maximum acreage amount of ten (10) acres, plus one (1) acre for every one hundred (100) ADM; and

(C) High school sites will be allowed a maximum acreage amount of twenty (20) acres, plus one (1) acre for every one hundred (100) ADM.

(ii) If a site contains more than one (1) school, the site will be allowed a maximum acreage amount equal to the highest level of the opened schools on the site, but count all the schools' ADM (e.g., if a site has a middle school and a high school on the same site, the site will be allowed twenty (20) acres, plus one (1) acre for every one-hundred (100) combined middle school and high school ADM). The site shall be resourced upon the lesser of the allowed acreage amount or actual site acreage.

(iii) If a site was acquired through an exchange of land with another government entity and the acreages involved in the exchange were originally acquired by the district and the government entity on or before July 1, 1997, the site will generate groundskeepers for the actual site acreage. The district shall provide the following documentation to the Department:

(A) The dates the district and the government originally acquired the acreages involved in the exchange; and

(B) The completed contract between the district and the government entity to acquire the acreages that identifies the date the exchange occurred.

(iv) Any other district site acquired after July 1, 1997, with a facility other than an elementary school, middle/junior high school, or high school located on it will be resourced groundskeepers for the site's actual site acreage.

(v) If a district has a parcel of land with a school under construction or without a facility located on it, the funding model will not generate groundskeeper FTE resources for the acreage.

(c) The funding model will generate groundskeeper FTE resources for all district sites acquired on or before July 1, 1997, and shall use the actual site acreage in the calculation to generate groundkeeper FTE resources.

(d) If a district's site acquisition date is different than when the district obtained the title or deed to the site, the district shall provide documentation identifying the exact date when the district acquired the site.

Section 11. Reimbursable Expenditures. For all categories of reimbursable school district expenditures, reimbursement shall be limited to incremental costs for which funding is

not already directly provided in the funding model. No reimbursement shall be provided for costs previously or simultaneously recovered elsewhere in the Wyoming school finance system.

(a) Student Transportation Reimbursement. The following applies to the funding model's student transportation reimbursement under W.S. 21-13-320.

(i) Pro rata reimbursement for personnel not devoting one hundred percent (100%) of their time to student transportation issues and operations shall be supported by clear and continuous documentation.

(ii) Personnel dealing with pupil transportation issues and operations on a full-time basis shall be subject to one hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district superintendent or district superintendent designee, attesting to full-time involvement, is on file at the district office. The affidavits shall be renewed annually and clearly reference the school year for which reimbursement is claimed.

(iii) No reimbursement for student transportation facility major maintenance or capital construction shall be allowed under this section.

(b) Special Education Reimbursement. The following applies to the funding model's special education reimbursement under W.S. 21-13-321.

(i) Reimbursement for expenditures incurred to provide special education programs and services to children with disabilities shall not duplicate any other reimbursement or revenue source used to offset district special education costs. For example, any amount received by a district from the special school district tax levied under W.S. 21-20-109 for Boards of Cooperative Educational Services (BOCES) providing services to children with disabilities but not passed through to the BOCES for which the tax was levied, shall be deemed state revenue under W.S. 21-13-310(a).

(ii) Special education reimbursement shall be limited to those actual costs required to provide special education programs and services to children with disabilities. Imputed or indirect costs, such as those for utilities and other overhead, shall not be claimed.

(iii) Salaries and employee benefits for personal services paid to licensed teachers, substitute teachers, and other certified or licensed personnel, or to paraprofessionals and classified employees, are subject to the following requirements:

(A) Personnel providing special education programs and services to children with disabilities on a full-time basis shall be subject to one hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district

superintendent or district superintendent designee, attesting to full-time involvement is on file at the district office. The affidavits shall be renewed annually and shall clearly reference the school year for which reimbursement is claimed.

(B) Pro rata reimbursement for personnel not devoting one hundred percent (100%) of their time providing special education programs and services to children with disabilities shall be supported by clear and continuous documentation.

(C) Reimbursement for personnel costs of teachers providing special education programs and services to children with disabilities shall be limited to those individuals having appropriate special education certification. Substitute teachers need not be certified as special education instructors.

(D) Reimbursement for personnel costs of aides and other paraprofessionals shall be based on the amount of time devoted to special education or related services, working under the supervision of certified special education personnel.

(iv) Instructional materials, supplies and equipment, and other items will be reimbursed in the amount necessary to provide beneficial services for children with disabilities as determined by their IEP team. Reimbursable costs would also include those items necessary to evaluate a child to determine the need for special education services as well as those day-to-day supplies, materials, and equipment used by special education staff and programs. Supplies, equipment, and materials generally available to all students shall not be reimbursed under this section.

(v) Contracts for special education services shall be executed on forms approved by the Department, and the following requirements apply:

(A) Charges for contracted special education programs and services related to individual children shall be supported by an itemized billing statement showing each child served during each billing period. Reimbursement shall not exceed actual costs for services.

(B) With the exception of those payments to BOCES or other Wyoming school districts that have been pre-approved by local boards of trustees, payment for services shall be made only after the services have been provided.

(C) School districts offering special education programs and services through a case-management arrangement using individuals other than district staff shall develop a personal-services contract setting out and describing services provided by the case manager.

(D) Each contract for out-of-district or out-of-state placement shall be written for only one child.

(E) Contracted services shall only be provided by appropriately certified, licensed, or registered providers.

(F) All providers shall adhere to Department and State Board rules and regulations.

(G) All contracts for services shall be subject to Department review.

(vi) Each district shall develop, implement, and enforce a reasonable policy setting forth the conditions, limitations, and allowable frequency of travel by parents to visit their child with disabilities when the child has been placed in a specialized setting away from their home in accordance with the child's IEP.

(c) School District Organization Reimbursement. The following applies to reimbursable expenses pursuant to school district organization under W.S. 21-6-219(a).

(i) The Department will reimburse each involved school district remaining after reorganization up to \$100,000 for professional fees actually paid and for other expenses specifically and directly related to the reorganization process. Reimbursement paid to school personnel for services provided solely due to reorganization shall be reimbursed only upon the Department receiving an itemized statement setting forth the wage computation and itemizing the service or services provided on an hourly basis. Compensation shall be calculated at the same rate as the district compensates the employee for other educational services. The district may be reimbursed for unemployment claims due to layoffs directly resulting from reorganization.

(ii) School districts remaining after reorganization shall submit reimbursement claims to the Department within one (1) year of signing the final consolidation agreement. Each reimbursement claim shall include copies of invoices from practitioners describing work done and showing professional fees charged and proof of payment by the district. The Department shall reimburse involved school districts submitting qualified reimbursement claims in equal amounts over a period not to exceed three (3) fiscal years. At the discretion of the Department, reimbursement may be made in single payments to districts within sixty (60) days of receiving qualified reimbursement claims.

(d) National Board Certified Teacher Incentive Reimbursement. The following applies to reimbursable incentive payments under W.S. 21-7-501(f).

(i) School districts may choose to pay either the gross or net amount to qualifying employees.

(ii) The Department may request additional information before issuing reimbursement to a district in order to ensure the district has complied with W.S. 21-7-501(f).

(iii) District staff submitted for reimbursement under this authority shall meet the following requirements:

(A) Hold a qualifying position:

(I) Licensed classroom teachers who work directly with students in a classroom setting teaching grade-level or subject-matter appropriate classes;

(II) Certified tutors;

(III) Instructional facilitators;

(IV) Counselors; and

(V) Librarians.

(B) Be employed full-time within the reporting school district as one (1.0) full-time equivalent (FTE) as a measure of quantified, standardized employee workload.

(I) Employees with split assignments qualify as employed full-time when:

(1.) The combination of assignments are equivalent to one (1.0) FTE; and

(2.) All job assignments meet the requirements provided in subsection (iii) of this section.

(C) Hold valid National Board certification through the National Board for Professional Teaching Standards, and are actively employed at the time payment is generated by the district.

(iv) Non-qualifying positions under this section include, but are not limited to:

(A) District and school administrators;

(B) Nurses;

- (C) Paraprofessionals;
- (D) Library media aides;
- (E) Computer network technicians; and
- (F) Speech pathologists.

Section 14. Cash Reserves.

(a) A school district's committed, assigned and unassigned end-of-year general-fund fund balance as reported in the district's audited financial statements will be considered to be its operating balance and cash reserves for that year.

(b) A school district shall not transfer funds or accumulated reserves from its general fund to another fund to avoid including the amounts as state revenues under W.S. 21-13-310(a). Any amount transferred in violation of this subsection shall be state revenue under W.S. 21-13-310(a).

(c) District revenues received from settlements of prior protested twenty-five (25) and six (6) mill tax payments may be excluded from the cash reserve calculation for the fiscal year in which the payments were received.

(i) A district wishing to exclude a tax settlement from the cash reserves calculations shall submit a letter to the Department requesting exclusion within thirty (30) days after the end of the fiscal year in which the protest payment was received.

(ii) The letter shall include a certification from the county treasurer on the amount of the tax settlement receipt.

Section 15. At-Risk Data Used for the Funding Model. The data constituting a district's at-risk count shall be the unduplicated count of ELL students, FRL students and mobile students.

Section 16. Internal Consistency of Reports and Mathematical Integrity. The individual reports making up the foundation program report shall be operationally and mathematically consistent. The Annual District Report shall serve as the hub and master repository of district financial data. The other reports making up the foundation program report shall, where applicable, reconcile with the Annual District Report. Each school district superintendent shall review the individual reports making up the foundation program report for his or her district as appropriate and necessary before they are forwarded to the Department and, based upon his or her review, certify that, to the best of his or her knowledge and belief, the foundation

program report and its subparts are complete, accurate, and conform with all reporting requirements.

Section 17. **Retention of Foundation Program Reports.** Each school district shall maintain foundation program reports along with all supporting data in accordance with the retention schedule for school districts on file with the Wyoming State Archives office.

Section 18. **School Finance Audits.**

(a) Within the thirty (30) days provided by W.S. 9-1-513(c), a school district may request the Department review findings identified by the Department of Audit. A school district requesting a review shall do so in writing to the Superintendent of Public Instruction. The request shall contain:

- (i) The finding(s) made by the Department of Audit the district disputes;
- (ii) An explanation of why the district disputes the finding(s);
- (iii) The legal authority the district relies on;
- (iv) Changes in the amount the Department of Audit has determined should be repaid to the public School Foundation Program Account;
- (v) Any additional facts, information, or documents to support the district's position.

(b) The Superintendent of Public Instruction or a designee shall issue a decision as soon as reasonably practicable. The Department shall follow up the decision in writing and outline the basis for that decision.

(c) Upon receiving a final audit report and district response under W.S. 9-1-513(c) and described in subsection (a) of this section, the Department will issue a written order stating amounts to be recovered from or due to the school district.

(i) If the Department requires payment to the school district, the Department will issue payment no later than thirty (30) days after it issues the final order.

(ii) If the Department requires repayment by the school district to the public School Foundation Program Account, the district shall remit payment to the Department no later than thirty (30) days after receipt of the final order.

(d) Any order issued under this section is final agency action subject to judicial review in accordance with W.S. 16-3-114 and the Wyoming Rules of Appellate Procedure.

(e) If a school district petitions for judicial review, execution of the Department's order shall be stayed until final judicial resolution.

**RULES AND REGULATIONS FOR THE SCHOOL
FOUNDATION PROGRAM**

**Chapter 8
School Finance**

Section 1. **Authority.** These rules are promulgated pursuant to the Wyoming Education Code of 1969, as amended (~~W.S. 21-2-202(a)(i) and (e); W.S. 21-2-203(a); W.S. 21-3-117(a); W.S. 21-3-314(a); W.S. 21-6-219(a); W.S. 21-7-501(f)(iii); W.S. 21-13-101(c) through W.S. 21-13-335).~~

~~Section 2. **Applicability.** These rules pertain to criteria and standards for the School Foundation Program for Wyoming Public Schools. These rules become effective when signed by the Governor and filed with the Secretary of State.~~

~~Section 3. **Promulgation, Amendments or Repeal of Rules.** Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115).~~

Section 42. **Definitions.**

~~(a) — The definitions in W.S. 21-13-101(a), 21-13-321(a), 21-13-330(f), and W.S. 21-15-109(a) apply to these rules.~~

~~(a)~~ (b) “Acquired” ~~— M~~ means “gained possession”. Examples of acquire include, but are not limited to, lease agreement, purchase, or gift.

~~(b)~~ (c) “Actual S_{site} A_{acreage}” ~~means. T~~he site acreage amount that appears on the actual land’s title or deed, if possible. ~~I~~n the case the acreage amount doesn’t not appear on land’s title or deed, actual site acreage is the amount reported by the School Facilities Commission Division of the State Construction Department.

~~(c)~~ (d) “Case M_{anager}” ~~means. F~~or purposes of applying the requirements in Section 15(e)(iii) of these rules and regulations, an individual working under a personal-services contract with a school district or Board of Cooperative Educational Services to provide general supervision of special education programs and services provided to children with disabilities.

~~(d)~~ (e) “Co-located S_{chool}” ~~means. F~~two (2) or more schools, each with its own unique identifier, that exist within the same educational building school facility.

~~(e)~~ (f) “Combined school” ~~means. F~~two (2) or more existing schools in a district which that are joined together to form a single school as a result of one or more schools closing within a district.

(f) ~~(g)~~ “Data Correction” means corrections necessary to ensure funding model operation and current school year district payments are using the correct data supplied by school districts, other state agencies, and outside ~~Department~~ consultants to properly compute school foundation program payments to school districts as required by law.

(g) ~~(h)~~ “Days of Operation” means the term of operation for a school including pupil-teacher contact days and days used exclusively for registration, professional development, report card distribution, teacher/parent conferences, in-service programs, and similar activities. Each school shall be in operation for at least 185 days unless an alternative schedule has been approved by the State Board, and shall conduct classes with a majority of teachers and students present for at least 175 days. Days used exclusively for registration, report card distribution, teacher/parent conferences, in-service programs, and similar activities shall only be counted as days of operation beyond the 175-day pupil-teacher contact minimum.

(h) ~~(i)~~ “Department” means the Wyoming Department of Education.

(i) ~~(j)~~ “English Language Learner (ELL) Student” means For purposes of calculating the funding model at risk count, any student reported as primarily enrolled by a district on the October 1 snapshot who has been identified as an ELL or former ELL in Year 1 or Year 2 ~~Monitor~~ status in compliance with required identification criteria presented in a format specified by the Department.

(j) ~~(k)~~ “Facility” means A standalone or combination of ~~a school buildings, office building, portable building, or warehouse building~~ which is owned or leased by the district and that supports the delivery of ~~the educational basket of goods or the educational~~ programs necessary to meet state accreditation standards and federal laws.

(k) ~~(l)~~ “Format Change” means Any change to the funding model that results in a different appearance or layout and maintains the integrity and functionality of the funding model.

(l) ~~(m)~~ “Foundation Program Report” means The accumulation and aggregation of student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations including, but not limited to, the following reports: the WISE Annual District Report , the WISE Attendance & Membership Report , the Foundation Program Funding Worksheet, the Annual Special Education Expenditure Report, the Annual Student Transportation Expenditure Report, the Vocational Education Student FTE Worksheet, Vocational Education Teacher FTE Worksheet, and the Annual District Budget.

(m) ~~(n)~~ “Foundation Program Review” means The examination, analysis, testing, and verification of a school district’s Foundation Program Report and system of student accounting by the Department or its representative (whether on-site at the school district or in

the form of a desk review at the offices of the Department) to confirm, verify, validate, and, if necessary, correct the student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations appearing in the district's ~~F~~oundation ~~P~~rogram ~~R~~eport.

~~(n)~~ ~~(e)~~ "Free and Reduced Lunch (FRL) Student" means. ~~For purposes of calculating the funding model at-risk count, an FRL student is:~~ Any student reported as primarily enrolled by a district on the October 4 snapshot who meets the eligibility requirements for the free and reduced priced lunch program established by 42 U.S.C. §1751 et seq. regardless of the school's participation is approved to participate in the free and reduced priced lunch program under the national school lunch program established by 42 U.S.C. 1751 et seq.

~~(o)~~ ~~(p)~~ "Funding Model" means. ~~The enumeration of components defined in "Attachment A" as referenced in W.S. 21-13-101(a)(xvii) and (c), including any technical and data corrections implemented in accordance with W.S. 21-2-202(e) spreadsheet adopted by the Wyoming State Legislature in Attachment "B" of 2006 Wyoming Session Laws Chapter 37 as modified by the Wyoming Legislature and the Department with technical and data corrections.~~

~~(q)~~ Hospitalized or Homebound Students. ~~Students who do not physically attend regular school sessions for more than one (1) week and receive instruction through a homebound program provided in accordance with W.S. 21-4-402.~~

~~(p)~~ ~~(r)~~ "Membership" means. ~~For purposes of counting and reporting Average Daily Membership (ADM), the appropriate inclusion of an enrolled student in a school's student accounting records for all or part of a day when the school is regularly in session, whether the student is physically in attendance or absent on that day.~~

~~(q)~~ ~~(s)~~ "Mobile Student" means. ~~For purposes of calculating the funding model at-risk count, a mobile student is:~~ Any student reported as primarily enrolled in any grade six (6) through twelve (12) by a district on the annual WDE Department spring accountability snapshot date where the student's school entry date falls after the October 4 snapshot of the same school year.

~~(r)~~ "National Board Certification" means advanced teaching credentials awarded through the National Board Certified Teacher program by the National Board for Professional Teaching Standards.

~~(s)~~ ~~(t)~~ "New School" means. ~~A school that is assigned a unique identification number from the Department for reporting purposes, which starts a new Adequate Yearly Progress cycle, and is funded as a first-year school in the Wyoming funding model.~~

~~(t)~~ ~~(u)~~ "Part-time Student" means. ~~A non-distance education student that is~~

enrolled in fewer daily hours or periods than normally scheduled in the school they are enrolled.

(u) ~~(v)~~ “Reconfigured Sschool” means: Aa school in which grades served has been changed from the previous school year ~~with Department approval.~~

(v) ~~(w)~~ “Replacement Sschool” means: Aa school in which a new building has been constructed and is used in place of for an previously existing school and with the same grade configuration.

(w) ~~(x)~~ “School Dday” means: ~~For purposes of counting and reporting ADM, the starting time of a pupil-teacher contact day to the ending time of a pupil-teacher contact day as established by school district board of trustee policy. However, the total number of hours for all school days, when accumulated over the 175-day pupil-teacher contact period required by W.S. 21-4-301 or the number of days required under an alternative schedule approved by the State Board, shall not be less than the minimum applicable number of hours established by the State Board in Chapter 22 of its rules and regulations.~~

(x) “School Facilities Division (SFD)” means the School Facilities Division of the State Construction Department.

(y) “Site” means: Aa parcel of land that has been acquired by a district, ~~that has one (1) or more facilities located on it,~~ and is identified by the ~~Wyoming School Facilities Commission~~ SFD by a site identification number.

(z) “State Board” means: the Wyoming State Board of Education.

(aa) “Student Aaccounting” means: ~~the process of enrolling students, taking attendance, appropriately withdrawing students and removing them from student accounting records, and maintaining accurate and verifiable computer-based or written records~~ within the student information system for the purpose of uniform and timely reporting of student attendance and membership statistics at each school district’s school.

(bb) “Technical Ccorrection” means: Aa correction necessary to ensure funding model operation and current school year district payments are in accordance with law and the funding model is properly computing school foundation program payments to school districts as required by law.

Section ~~53~~. **Basis of Accounting.** With the exception of ~~these~~ accounting operations necessary to properly compute a school district’s operating balance and cash reserves under W.S. 21-13-313(e) and Section ~~164~~ of these rules and regulations, all school districts shall, for purposes of preparing the individual reports within the Foundation Program Report, utilize use the cash basis of accounting. Any exceptions shall have prior approval of the Department.

Section 4. School and Operational Days.

(a) Each school shall meet both the 175-day pupil-teacher contact requirement required by W.S. 21-4-301 or the number of days required under an alternative schedule approved by the State Board and the minimum applicable number of hours established by State Board rules and regulations.

(b) Each school shall be in operation for at least the equivalent of 185 days unless an alternative schedule has been approved by the State Board and shall conduct classes for a majority (greater than 50 percent) of the school day for at least 175 student days. Days used exclusively for registration, professional development, report card distribution, teacher/parent conferences, in-service programs, and similar activities shall only be counted as days of operation beyond the 175-day pupil-teacher contact minimum.

~~Section 6. Responsibility of School Districts.~~

~~(a) Districts shall ensure their full compliance with the law or rules regarding timeliness, format, completeness and accuracy on all reports submitted to the Department.~~

~~(b) All foundation program reports required to be submitted to the Department by school districts by statute or rule and regulation shall include a statement by the district superintendent certifying that the information submitted is complete, accurate and in conformance with the reporting requirements.~~

~~(c) All foundation program reports shall be submitted by the district superintendent to the Department on or before the statutory date or a date determined by the Department. If a district superintendent fails to provide data or financial reports by the statutory date or a date determined by the Department, the district superintendent shall include an explanation as to the tardiness of the report.~~

~~(d) If a district superintendent submits, without good cause, a foundation program report that is tardy, incomplete, inaccurate or in an incorrect format, the State Superintendent of Public Instruction, through Department staff, shall advise the district's board of trustees of the non-compliance with reporting requirements and require the district's board to submit a plan to correct the non-compliance and prevent future instances of non-compliance. The plan shall be submitted to the Department by the district within thirty (30) days of receipt of the request from the Department and shall include the specific steps the district is taking to correct the non-compliance and prevent its reoccurrence.~~

~~Section 75. Reporting a School's Status to the Department.~~

(a) School districts shall give written notification to the Department within two (2) weeks upon the occurrence of any ~~one~~ of the following events:

~~(i) A new school opens and students are attending classes;~~

~~(i) (ii) A school closes and students are no longer attending classes (this does not apply to replacement schools); or~~

~~(ii) (iii) Emergency conditions such as weather, utility failure, or safety conditions requiring the temporary closure of one or more schools for a half school day or more.~~

Section ~~86~~. **School Reconfiguration ~~Process~~ Reporting for Purposes of Funding.**

(a) A school district shall file ~~an application~~ a written report with to the Department ~~requesting approval from the State Superintendent of Public Instruction that it has or intends to change a school's grade configuration or open a new school~~ for the next school year.

(b) ~~Applications~~ Reports submitted under this section indicating the opening of a school or to modifying a school's grade configuration for the upcoming school year shall be provided to ~~received by~~ the Department no later than June 15 of each year.

(c) The ~~application~~ reports submitted under this section shall provide documentation verifying compliance with the district's facility plan on file with the ~~School Facilities Commission (SFD-C)~~ and with the criteria outlined in W.S. 21-13-309(m), ~~(iv)(C)~~, including:

~~(i) Appropriate delivery of the required educational program;~~

~~(ii) Cost effectiveness of the modified grade configuration for the delivery of adequate educational services to students; and~~

~~(iii) Any extra-ordinary circumstances related to the safe and efficient delivery of the educational program to students.~~

(d) ~~The above criteria~~ Reports submitted under this section will be reviewed by the Department ~~on an individual district basis and a decision~~ determination will be rendered to the district as soon as practicable no later than sixty (60) days following receipt of the ~~request~~ report. ~~A determination will be made on a case-by-case basis.~~ In some instances, a reconfigured school or combined school may result in a new school. If a replacement school is built, the school shall not be considered a new school.

Section ~~97~~. **Minimum Attendance Taking Requirements.**

(a) All Wyoming public schools shall take and record attendance to verify and to ensure accurate attendance and membership calculations.

(b) In ~~all~~ elementary schools, attendance shall be taken a minimum of two (2) times during the school day; ~~once in the morning and once in the afternoon to verify either half-day or full-day attendance.~~

(c) In middle schools, junior high schools, and high schools, attendance shall be taken each class period.

Section ~~108~~. **Mathematical Calculation of Average Daily Membership (ADM).**

~~(a) Each school shall meet both the 175-day pupil-teacher contact requirement (or, if less, the number of days required by an alternative schedule approved by the State Board) and the minimum applicable number of hours established by the State Board in Chapter 22 of its rules and regulations.~~

(a) ~~(b)~~ The mathematical calculations of ADM on the WISE Attendance & Membership Report for purposes of computing the ADM for each school district, is derived by dividing the each student's school's aggregate membership days, including hospitalized or homebound students, for the period of time under aggregation by the actual number of school days over which the aggregation occurred. The resulting calculation for each student shall not exceed one (1.000) ADM. Student data used to report membership statistics shall be provided by each school's student information system. ADM calculations shall be carried out and rounded off to three (3) decimal places for the WISE Attendance & Membership Report and the Foundation Program Funding Worksheet reporting to the Department. Students enrolled at least eighty percent (80%) of a full-time equivalency shall be considered full-time for membership (1.000 ADM). Students enrolled less than eighty percent (80%) of a full-time equivalency shall be counted equal to their part-time membership calculation as determined in Section 8(e).

(b) ~~(c)~~ All Wyoming schools shall not include exclude in from their membership those students for whom the school district is no longer actively or prospectively providing appropriate instructional services. Examples include, but are not limited to, situations relative to students who:

(i) Withdraw from school;

(ii) Are absent more than ten (10) consecutive school calendar days;

(iii) Are full-time virtual education students not meeting participation requirements for more than ten (10) consecutive program days as defined by Department rules and regulations;

(iv) ~~(iii)~~ Do not attend a school in a Wyoming school district;

(v) ~~(iv)~~ Transfer from one school to another within a district (the sending school shall cease to include the transferred student in its membership); ~~or~~

(vi) ~~(v)~~ Move out of the area, or are otherwise no longer receiving appropriate district instructional services; or

(vii) Are enrolled in school and do not actually attend for at least one (1) day during the current school year.

(c) ~~(d)~~ A school district that receives a student from another school district shall immediately include that student in its membership. The school district that sends a student to another school district shall immediately cease including that student in its membership. No student shall be included in two schools' memberships at the same time, whether those schools are in the same district or in different districts.

(d) No reduction in aggregate membership shall occur when a student completes a virtual education course before the end of the term if the student has completed the participation requirements. A weighted day calculation shall be used for the time the student was enrolled in the course. The weighting shall be calculated using the number of scheduled term days divided by the actual days it took the student to complete the course (e.g., a course term is 88 days and a student completed the course in 50 days. The 88 term days are divided by the 50 course days to equal a 1.76 weighted day equivalent for each of the 50 days in the course. The 50 days the student took to complete the course is multiplied by the weighted figure of 1.76 resulting in 88 course days). For each course, the number of days completed shall be divided by the regularly scheduled number of courses in the school to compute the aggregate membership (e.g., if a student completed 88 course days and the school offered 8 courses per day, the student's aggregate membership for the course would be 11.000).

~~(e)~~ ~~Students participating in distance education courses from the resident district shall be included within the membership of the resident district, unless an agreement exists between the resident district and non-resident district in accordance with W.S. 21-13-330(h).~~

(i) DistanceVirtual education student membership shall be prorated at less than one (1.000) ADM if the number of distancevirtual education courses in which the student is enrolled are is less than the regularly scheduled courses for that school, but the distancevirtual education membership may be combined with any non-distancevirtual education membership on a daily basis to result in a larger fractional ADM membership not to exceed one (1.000) ADM.

~~(ii)~~ ~~Distance education student membership shall be based on actual completion of milestones and computed as follows:~~

~~(A) For each course, the number of student days for the school shall be divided by the number of milestones specified in the student's Distance Learning Plan to compute the number of days each milestone is worth (e.g., if a course has 15 milestones and the school has 175 days, then each milestone is worth 11.67 days);~~

~~(B) For each course, the number of completed milestones shall be multiplied by the amount each milestone is worth to compute the number of days a student successfully completed (e.g., if a student completes 15 of 15 milestones, 11.67 multiplied by 15 equals 175; if a student completed 10 of 15 milestones, 11.67 multiplied by 10, equals 116.7);~~

~~(C) For each course, the number of days completed shall be divided by the regularly scheduled number of courses in the school to compute the aggregate membership (e.g., if a student completed 175 days and the school offered 8 courses, the student's aggregate membership for that course would be 21.875);~~

~~(D) By student, the aggregate membership for each course shall be summed to compute the total student distance education aggregate membership and, if necessary, added to the student's non-distance education membership;~~

~~(iii) Each student's Distance Learning Plan detailing the completion of each milestone shall be maintained by the district to support attendance and membership records for distance education students.~~

~~(e) (f) Students in membership less than eighty percent (80%) of the school day shall be counted equal to their part-time membership using A school calculating aggregate membership for part-time students shall select one (1) of the following three (3) methods and apply that one (1) method to all part-time students in a the school:~~

~~(i) Include in membership a student in attendance for a major fraction of a half school day (greater than 25 percent) as if he or she had completed a half school day. Include in membership a student in attendance for a major fraction of a school day (greater than 50 percent) as if he or she had completed an entire school day; or~~

~~(i) (ii) Calculate the ratio of periods in membership to the total periods normally offered at that school (e.g., a student in membership two (2) periods a day in a school that offers seven (7) periods per day would generate a 2/7 aggregate membership, or 0.286 ADM for the number of days over which the aggregation occurred); or~~

~~(iii) Calculate the ratio of hours in membership for the period of time under aggregation (regular or approved alternative schedule) to the total possible hours normally scheduled for the period of time under aggregation for the closest district-operated non-alternative school offering instructional services at the grade level of the student under~~

~~consideration (e.g., a student in membership for 200 days in classes that provide 120 minutes (2 hours) per day of pupil-teacher contact time (i.e., 400 hours), and measured against a school that normally provides 1100 contact hours during the 200-day period would generate a 400/1100 aggregate membership, or 0.364 ADM for the 200-day period).~~

(ii) Calculate the ratio of hours (or minutes) in membership to the total hours (or minutes) normally offered at that school (e.g., a student in membership three (3) hours (180 minutes) a day in a school that offers eight (8) hours (480 minutes) per day would generate 3/8 aggregate membership, or .375 ADM for the number of days during which the aggregation occurred).

(iii) Alternative schools without a set bell schedule may use the normally scheduled hours from the closest district-operated non-alternative school offering the same grade level services to determine the proportion of membership (e.g., a student in membership for 350 hours of pupil-teacher contact time, measured against a school that normally provides 1100 contact hours would generate 350/1100 aggregate membership, or 0.318 ADM, for the school year).

(f) ~~(g)~~When school is dismissed for emergencies pursuant to W.S. 21-13-307(a)(ii) or Section 5(a)(ii) prior to the end of the school day, membership inclusion shall be allowed according to the following guidelines: continued as if the entire session had been completed if students are in attendance for greater than fifty percent (50%) of the school day. No membership shall be counted when school is canceled before the school day begins or when ended before completing fifty percent (50%) of the school day.

~~(i) Students in membership for a major fraction of a half school day (greater than 25 percent) shall be counted as one-half day in membership.~~

~~(ii) Students in membership for a major fraction of a school day (greater than 50 percent) shall be counted as one whole day in membership.~~

~~(iii) Kindergarten students in half-day sessions in membership a major fraction of their session or the equivalent amount of time shall be counted as if the entire session had been completed.~~

(g) ~~(h)~~Prior school year ADM, for purposes of calculating the funding model's ADM three-year average, shall be adjusted in the current funding model in the following instances:

(i) A new school opens,

(ii) A school closes;

(iii) ~~(ii)~~A district changes boundaries;

~~(iv)~~ ~~(iii)~~ A school's grades served are reconfigured; or

~~(v)~~ ~~(iv)~~ A district moves specific programs from one school to another school, as well as the students in those programs.

~~(h)~~ ~~(A)~~ The district shall submit a list of schools and the number of students, by grade, which transferred to another school within the district due to one of the instances in subsection ~~(h)~~. The Department shall subtract the number of students that transferred to another school within the district from the two (2) years of ADM they were already included.

~~(i)~~ ~~(B)~~ The Department shall subtract the number of students that transferred to another school within the district from the two (2) years of ADM they were already included.

~~(i)~~ ~~(C)~~ This provision adjustment under subsection (h) of this section does not apply to:

~~(i)~~ ~~(1)~~ Co-located schools that combine to create a single school and the combination ~~of the schools~~ does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a co-located K-5 school and 6-8 school reconfigure to a single K-8 school. The K-8 school serves the same students as if it was the co-located K-5 and 6-8 schools. The prior years' K-5 school and 6-8 school ADM will be transferred to the combined school.)~~;~~ or

~~(ii)~~ ~~(2)~~ Two (2) or more schools that combine to create a single school and the combination ~~of the schools~~ does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a separate K-5 school, 6-8 school, and 9-12 school, combine to create a single K-12 school. The single K-12 school serves the same students as if the separate schools still existed. The prior years' K-5 school, 6-8 school, and 9-12 school ADM will be transferred to the combined school.)~~;~~

Section ~~119~~. Corrections and changes to the Funding Model.

~~(a)~~ ~~The Department shall make any necessary changes to the funding model according to the following processes:~~

~~(i)~~ ~~Technical corrections shall be implemented in the following manner:~~

~~(a)~~ Technical corrections. The Department shall evaluate each suggested technical correction in consultation with school finance advisers and state agencies as necessary. If the Department determines the suggested technical correction is deemed necessary, then proceed with the following steps it will:

(i) ~~(I)~~ Notify ~~Department staff, the~~ Legislative Service Office, and outside school finance consultants;

(ii) ~~(II)~~ Document the correction and the calculated fiscal impact on a Department technical correction form;

(iii) ~~(III)~~ Send the proposed corrected education resource block grant funding model to outside school finance consultants for review;

(iv) ~~(IV)~~ Request a letter from outside school finance consultants certifying that the technical corrections made by the Department are allocate resources in accordance in compliance with Wyoming law;

(v) ~~(V)~~ Inform the School Finance Data Advisory Committee of the proposed correction;

(vi) ~~(VI)~~ Notify all school districts in a memo format; and

(vii) ~~(VII)~~ Forward the revised education resource block grant funding model to the Secretary of State's office along with the certification letter.

(ii) ~~Data Corrections shall be implemented in the following manner:~~

(b) Data corrections. The Department shall evaluate each suggested data correction in consultation with school finance advisers and state agencies as necessary. Department staff. If the Department determines that the suggested data correction is deemed necessary, then it will proceed with the following steps:

(i) ~~(I)~~ Notify ~~Department staff, the~~ Legislative Service Office, and school finance advisers;

(ii) ~~(II)~~ Document the correction and the calculated fiscal impact on a Department data correction form; and

(iii) ~~(III)~~ If the data correction is made after the WDE-100 Foundation Program Funding Worksheet is released for the current school year or while the statewide payment model is being created, notify district(s) affected.

(c) ~~(I)~~ Format changes. The Department shall document each format change and print a before and after worksheet to illustrate the format changes. The Department shall

attach each printed worksheet to the Department's format change form.~~shall be implemented in the following manner:~~

- ~~(A) Notify Department staff;~~
- ~~(B) Document the change on a Department format change form; and~~
- ~~(C) Print off a before and after worksheet to illustrate change(s) and attach to format change form.~~

Section ~~12~~10. Funding Model Operations and Maintenance.

(a) The Department shall annually update necessary operations and maintenance data components in the funding model with the following data supplied by the ~~Wyoming School Facilities Commission (SFCD):~~ Wyoming School Facilities Commission (SFCD):

(i) District sites and their associated site identification number, actual site acreage, and acquired date.

(ii) District school building information, including:

- ~~(A) Actual gross square footage;~~
- (A) ~~(B)~~Actual educational gross square footage;
- (B) ~~(C)~~SFCD allowable gross square footage;
- (C) ~~(D)~~The year built; and
- (D) ~~(E)~~The number of classrooms.

(iii) No gross square footage created by any district enhancement shall be included within the districts educational gross square footage for funding model determinations unless the enhancement is included within the statewide adequacy standards as determined by the SFD.

(iv) If a single Department school identification number contains more than one (1) school building, a weighted average of the year built for each building under this section shall be calculated for use in the funding model. The weighted average shall be calculated by multiplying each building's year built by the proportion of the school's total educational gross square feet. The weighted year built amount for each building will be summed to equal an adjusted year built.

(b) The funding model generates groundskeeper full-time equivalent (FTE) resources for district sites acquired after July 1, 1997, based on the following:

(i) The site acreage ~~that groundskeepers will be resourced upon~~ shall be the lesser of the actual site acreage or the following SFCD guidelines:

(A) Elementary school sites will be allowed a maximum acreage amount of four (4) acres, plus one (1) acre for every one-hundred (100) ADM;

(B) Middle school sites will be allowed a maximum acreage amount of ten (10) acres, plus one (1) acre for every one-hundred (100) ADM; and

(C) High school sites will be allowed a maximum acreage amount of twenty (20) acres, plus one (1) acre for every one-hundred (100) ADM.

(ii) If a site contains more than one (1) school, the site will be allowed a maximum acreage amount equal to the highest level of the opened schools on the site, but count all the schools' ADM (e.g., if a site has a middle school and a high school on the same site, the site will be allowed twenty (20) acres, plus one (1) acre for every one-hundred (100) combined middle school and high school ADM). The site shall be resourced upon the lesser of the allowed acreage amount or actual site acreage.

(iii) If a site was acquired through an exchange of land with another government entity and the acreages involved in the exchange were originally acquired by the district and the government entity on or before July 1, 1997, the site will generate groundskeepers for the actual site acreage. The district shall provide the following documentation to the Department:

(A) The dates the district and the government originally acquired the acreages involved in the exchange; and

(B) The completed contract between the district and the government entity to acquire the acreages that identifies the date the exchange occurred.

(iv) Any other district site acquired after July 1, 1997, with a facility other than an elementary school, middle/junior high school, or high school located on it, will be resourced groundskeepers for the site's actual site acreage.

(v) If a district has a parcel of land with a school under construction or without a facility located on it, the funding model will not generate groundskeeper FTE resources for the acreage.

(c) The funding model will generate groundskeeper FTE resources for all district

sites acquired on or before July 1, 1997, and shall use the actual site acreage in the calculation ~~that~~to generates groundkeeper FTE resources.

(d) If a district's site acquisition date is different than when the district obtained the title or deed to the site, the district shall provide documentation identifying the exact date when the district acquired the site.

~~Section 13.11. Reimbursable Expenditures. For all categories of reimbursable school district expenditures, in general, School Foundation Program reimbursement for school district expenditures incurred in a prior year shall be limited to those incremental costs relative to particular areas specified by law and for which funding is not already directly provided in the education resource block grant funding model. No reimbursement shall be provided for costs previously or simultaneously recovered elsewhere in the Wyoming school finance system.~~

~~Section 14. Student Transportation Reimbursement.~~

~~(a) Student Transportation Reimbursement. Chapter 20, Rules for Cost-Based Block-Grant Model Transportation Component, of the Department rules is hereby incorporated into these rules as applicable. In addition, the following applies to the funding model's student transportation reimbursement under W.S. 21-13-320:~~

~~(i) (b) Pro rata reimbursement for personnel not devoting one-hundred percent (100%) of their time to student transportation issues and operations shall be supported by clear and continuous documentation.~~

~~(ii) (c) Personnel dealing with pupil transportation issues and operations on a full-time basis shall be subject to one-hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district superintendent, or district superintendent designee, attesting to such full-time involvement, is on file at the district office. Such affidavits shall be renewed annually and shall clearly reference the school year for which reimbursement is claimed.~~

~~(d) Reimbursement for bus and loading zone aides shall be limited to those individuals otherwise qualified under Sections 14(a) or 14(b) above.~~

~~(iii) (e) No reimbursement for student transportation facility major maintenance or capital construction shall be allowed under this section.~~

~~Section 15. Special Education Reimbursement.~~

~~(b) (a) Special Education Reimbursement. Chapter 7, Special Education Rules Governing Services for Children with Disabilities, of the Department rules is hereby~~

incorporated into these rules only as applicable. Chapter 7 rules remain in force and continue to apply to all areas of Special Education not specifically addressed in Chapter 8. In addition, ~~the~~ following applies to the funding model's special education reimbursement under W.S. 21-13-321:

(i) ~~(b)~~ Reimbursement for expenditures incurred to provide special education programs and services to children with disabilities shall not duplicate any other reimbursement or revenue source used to offset district special education costs. For example, any amount received by a district from the special school district tax levied under W.S. 21-20-109 for Boards of Cooperative Educational Services (BOCES) providing services to children with disabilities, but not passed through to the BOCES for which the tax was levied, shall be ~~considered by the Department to be a~~ deemed state revenue under W.S. 21-13-310(a).

(ii) ~~(c)~~ Special education reimbursement shall be limited to those actual costs required to provide special education programs and services to children with disabilities. Imputed ~~and/or~~ indirect costs, such as those for utilities and other overhead, shall not be claimed.

(iii) ~~(d)~~ Salaries and employee benefits for personal services paid to ~~certified and/or~~ licensed teachers, substitute teachers, and other certified ~~and/or~~ licensed personnel, or to paraprofessionals and classified employees, are subject to the following requirements:

(A) ~~(i)~~ Personnel providing ~~full-time~~ special education programs and services to children with disabilities on a full-time basis shall be subject to one-hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district superintendent, or district superintendent designee, attesting to ~~such~~ full-time involvement, is on file at the district office. ~~Such~~ The affidavits shall be renewed annually and shall clearly reference the school year for which reimbursement is claimed.

(B) ~~(ii)~~ Pro rata reimbursement for personnel not devoting one-hundred percent (100%) of their time providing special education programs and services to children with disabilities shall be supported by clear and continuous documentation.

(C) ~~(iii)~~ Reimbursement for personnel costs of teachers providing special education programs and services to children with disabilities shall be limited to those individuals having appropriate special education certification. Substitute teachers need not be certified as special education instructors.

(D) ~~(iv)~~ Reimbursement for personnel costs of aides and other paraprofessionals shall be based on the amount of time devoted to special education ~~and/or~~ related services, working under the supervision of certified special education personnel.

(iv) ~~(e)~~ Instructional materials, supplies and equipment, and other items will be reimbursed in the amount necessary to provide beneficial services for children with disabilities, as determined by their IEP team. ~~Reimbursement~~ Reimbursable costs would also include those items necessary to evaluate a child to determine the need for special education services as well as those day-to-day supplies, materials, and equipment ~~utilized~~ used by special education staff and programs. ~~However,~~ Supplies, equipment, and materials generally available to all students shall not be reimbursed under this section.

(v) ~~(f)~~ Contracts for special education services shall be executed on forms approved by the Department ~~approved forms~~, and the following requirements ~~shall apply to such contracts~~:

(A) ~~(i)~~ Charges for contracted special education programs and services related to individual children shall be supported by an itemized billing statement showing each child served during each billing period. ~~Reimbursement shall not exceed actual costs for services.~~

(B) ~~(ii)~~ With the exception of those payments to BOCES or other Wyoming school districts that have been pre-approved by local boards of trustees, payment for services shall be made only after the services have been provided.

(C) ~~(iii)~~ School districts offering special education programs and services through a case-management arrangement ~~utilizing~~ using individuals other than district staff shall develop a personal-services contract setting out and describing ~~those case-management services provided by the case manager.~~

(D) ~~(iv)~~ Each contract for out-of-district or out-of-state placement shall be written for only one child.

(E) ~~(v)~~ Contracted services shall only be provided by appropriately certified, licensed, or registered providers.

(F) ~~(vi)~~ All providers shall adhere to ~~all~~ Department and State Board rules and regulations.

(G) ~~(vii)~~ All contracts for services shall be subject to Department review ~~by the Department.~~

(vi) ~~(g)~~ Each ~~local~~ district shall develop, implement, and enforce a reasonable policy setting forth the conditions, limitations, and allowable frequency of travel by parents to visit their child with disabilities when the child has been placed in a specialized setting away from their home in accordance with the child's IEP.

(c) School District Organization Reimbursement. The following applies to reimbursable expenses pursuant to school district organization under W.S. 21-6-219(a).

(i) The Department will reimburse each involved school district remaining after reorganization up to \$100,000 for professional fees actually paid and for other expenses specifically and directly related to the reorganization process. Reimbursement paid to school personnel for services provided solely due to reorganization shall be reimbursed only upon the Department receiving an itemized statement setting forth the wage computation and itemizing the service or services provided on an hourly basis. Compensation shall be calculated at the same rate as the district compensates the employee for other educational services. The district may be reimbursed for unemployment claims due to layoffs directly resulting from reorganization.

(ii) School districts remaining after reorganization shall submit reimbursement claims to the Department within one (1) year of signing the final consolidation agreement. Each reimbursement claim shall include copies of invoices from practitioners describing work done and showing professional fees charged and proof of payment by the district. The Department shall reimburse involved school districts submitting qualified reimbursement claims in equal amounts over a period not to exceed three (3) fiscal years. At the discretion of the Department, reimbursement may be made in single payments to districts within sixty (60) days of receiving qualified reimbursement claims.

(d) National Board Certified Teacher Incentive Reimbursement. The following applies to reimbursable incentive payments under W.S. 21-7-501(f).

(i) School districts may choose to pay either the gross or net amount to qualifying employees.

(ii) The Department may request additional information before issuing reimbursement to a district in order to ensure the district has complied with W.S. 21-7-501(f).

(iii) District staff submitted for reimbursement under this authority shall meet the following requirements:

(A) Hold a qualifying position:

(I) Licensed classroom teachers who work directly with students in a classroom setting teaching grade-level or subject-matter appropriate classes;

- (II) Certified tutors;
- (III) Instructional facilitators;
- (IV) Counselors; and
- (V) Librarians.

(B) Be employed full-time within the reporting school district as one (1.0) full-time equivalent (FTE) as a measure of quantified, standardized employee workload.

(I) Employees with split assignments qualify as employed full-time when:

- (1.) The combination of assignments are equivalent to one (1.0) FTE; and
- (2.) All job assignments meet the requirements provided in subsection (iii) of this section.

(C) Hold valid National Board certification through the National Board for Professional Teaching Standards, and are actively employed at the time payment is generated by the district.

(iv) Non-qualifying positions under this section include, but are not limited to:

- (A) District and school administrators;
- (B) Nurses;
- (C) Paraprofessionals;
- (D) Library media aides;
- (E) Computer network technicians; and
- (F) Speech pathologists.

Section ~~16~~14. **Cash Reserves.**

(a) ~~A school district's "operating balance and cash reserves," as that term is used in W.S. 21-13-313(e), includes all district general fund financial resources computed in accordance with Generally Accepted Accounting Principles as of the end of the fiscal year which are not legally obligated or otherwise restricted by law or regulation for expenditure on specific educational programs or facilities. Thus, a~~ A school district's Committed, Assigned and Unassigned end-of-year general-fund fund balance as reported in the district's audited financial statements will normally be considered to be its operating balance and cash reserves for that year.

(b) A school district shall not transfer funds or accumulated reserves from its general fund to another fund ~~for purposes of to avoiding inclusion of such amounts as state revenues under W.S. 21-13-310(a). Any amount so transferred~~ in violation of this subsection shall be considered by the Department to be state revenue under W.S. 21-13-310(a).

(c) District's revenues received from settlements of prior protested twenty- five (25) and six (6) mill tax payments may be excluded from the cash reserve calculation for the fiscal year in which the payments were received ~~per W.S. 21-13-313(e).~~

(i) ~~(d)~~ A district wishing to exclude a tax settlement from the cash reserves calculations shall submit a letter to the ~~Director of Finance Department~~ requesting exclusion, within thirty (30) days after the end of the ~~previous~~ fiscal year in which the protest payment was received.

(ii) ~~(e)~~ The letter shall include a certification from the county treasurer on the amount of the tax settlement receipt.

Section ~~17~~15. **At-Risk Data Used for the Funding Model.** The data constituting a district's at-risk count shall be the unduplicated count of ELL students, FRL students and mobile students.

Section ~~18~~16. **Internal Consistency of Reports and Mathematical Integrity.** The individual reports making up the ~~F~~oundation ~~P~~rogram ~~R~~eport shall be operationally and mathematically consistent. The Annual District Report shall serve as the hub and master repository of district financial data. ~~As such, t~~The other reports making up the ~~F~~oundation ~~P~~rogram ~~R~~eport shall, where applicable, ~~achieve reconciliation~~ reconcile with the Annual District Report. Each school district superintendent shall review the individual reports making up the ~~F~~oundation ~~P~~rogram ~~R~~eport for his or her district as appropriate and necessary before they are forwarded to the Department and, based upon his or her review, certify that, to the best of his or her knowledge and belief, the ~~F~~oundation ~~P~~rogram ~~R~~eport and its subparts are complete, accurate, and ~~in conformity~~ with all reporting requirements.

Section ~~19~~17. **Retention of Foundation Program Reports.** Each school district shall maintain The foundation program reports for each district, along with all supporting data, ~~shall be maintained~~ in accordance with the retention schedule for school districts on file with the Wyoming State Archives office.

Section 18. School Finance Audits.

(a) Within the thirty (30) days provided by W.S. 9-1-513(c), a school district may request the Department review findings identified by the Department of Audit. A school district requesting a review shall do so in writing to the Superintendent of Public Instruction. The request shall contain:

(i) The finding(s) made by the Department of Audit the district disputes;

(ii) An explanation of why the district disputes the finding(s);

(iii) The legal authority the district relies on;

(iv) Changes in the amount the Department of Audit has determined should be repaid to the public School Foundation Program Account;

(v) Any additional facts, information, or documents to support the district's position.

(b) The Superintendent of Public Instruction or a designee shall issue a decision as soon as reasonably practicable. The Department shall follow up the decision in writing and outline the basis for that decision.

(c) Upon receiving a final audit report and district response under W.S. 9-1-513(c) and described in subsection (a) of this section, the Department will issue a written order stating amounts to be recovered from or due to the school district.

(i) If the Department requires payment to the school district, the Department will issue payment no later than thirty (30) days after it issues the final order.

(ii) If the Department requires repayment by the school district to the public School Foundation Program Account, the district shall remit payment to the Department no later than thirty (30) days after receipt of the final order.

(d) Any order issued under this section is final agency action subject to judicial review in accordance with W.S. 16-3-114 and the Wyoming Rules of Appellate Procedure.

(e) If a school district petitions for judicial review, execution of the Department's order shall be stayed until final judicial resolution.

Chapter 25

Reimbursable Expenses Pursuant to School District Organization

REPEALED

~~RULES FOR REIMBURSABLE EXPENSES PURSUANT TO
SCHOOL DISTRICT ORGANIZATION~~

~~CHAPTER XXV
GENERAL PROVISIONS~~

~~Section 1. Authority. These rules and regulations are promulgated pursuant to W.S. 21-6-219(a).~~

~~Section 2. Applicability. These rules pertain to reimbursement of expenses incurred by involved school districts when two or more districts or parts of districts are organized into a new school district and the total fiscal resources of the new school district are less than the combined fiscal resources of the involved districts the last year before organization.~~

~~Section 3. Promulgation, Amendment, or Repeal of Rules. Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115).~~

~~Section 4. Definitions.~~

~~(a) Department: The Wyoming Department of Education.~~

~~(b) School District: A body corporate organized under the laws of the State of Wyoming and operating either as an elementary school district or a unified school district as those terms are defined in W.S. 21-3-102 and W.S. 21-3-104 respectively.~~

~~(c) Professional Fees: Those reasonable and necessary charges for legal, accounting, and other professional services provided to school districts by qualified practitioners licensed by the State of Wyoming or its political subdivisions.~~

~~Section 5. Reimbursable Expense. Pursuant to W.S. 21-6-219(a), the Department will reimburse each involved school district remaining after the reorganization up to \$100,000.00 for professional fees actually paid and for such other expenses as are specifically and directly related to the reorganization process. Reimbursement paid to school personnel for services provided solely as a result of the reorganization shall be reimbursed only upon receipt of an itemized statement setting forth the wage computation and specifically itemizing the service or services provided on an hourly basis. Compensation shall be calculated at the same rate as the employee is compensated for other educational services by the school district. The district may be reimbursed for unemployment claims due to layoffs directly resulting from the reorganization.~~

~~Section 6. Method of Reimbursement. Involved school districts remaining after the organization shall submit reimbursement claims to the Department within ninety (90) days of the date of signing the final consolidation agreement. Each reimbursement claim shall include copies of invoices from practitioners describing the work done and showing the professional fees charged, and proof of payment by the district. The Department shall reimburse involved school districts submitting qualified reimbursement claims in equal amounts over a period not to exceed three (3) fiscal years. At the discretion of the Department, however, reimbursement may be made in single payments to involved districts within sixty (60) days of receipt of districts' qualified reimbursement claims.~~

REPEALED

Chapter 33

Wyoming Bridges Summer School and Extended Day Grant Program

REPEALED

Wyoming Department of Education
Wyoming Bridges Summer School and Extended Day Grant Program
March 31, 2010

CHAPTER 33

Section 1. Authority.

These rules are promulgated pursuant to W.S. § 21-13-334.

Section 2. Applicability.

These rules set forth the grant requirements and application procedures to which districts must adhere in order to be eligible and apply for financial assistance for the provision of intervention and remediation programs to students beyond required student teacher contact hours. The rules describe minimum programmatic requirements, timeframes for submitting the application, allocation of funds, and provide definitions.

Section 3. Promulgation, Amendment or Repeal of Rules.

These rules are effective when signed by the Governor and filed with the Secretary of State. Any amendment shall become effective as provided by the Wyoming Administrative Procedure Act (W. S. § 16-3-101 through 16-3-115).

Section 4. Definitions.

(a) "Department" means the Wyoming Department of Education.

(b) "Enriched learning strategies" are learning opportunities which engage students in rigorous higher order thinking through pragmatic and/or real-world application. They incorporate learning through manipulative hands-on experiences relevant to a student's learning style and shall be provided in conjunction with the regularly scheduled school day, whether during summer school or during extended day programs operated throughout the traditional school year.

(c) "Extended Day" means the time before or after the regularly scheduled school day, or a day not regularly scheduled by a district for school to be in session during its approved calendar.

(d) "Guidelines" mean guidance and instructions issued by the Department which accompany the application for the grant described within these rules.

(e) ~~“Individual Learning Plan for Summer School or Extended Day” means the plan developed for each student receiving summer school or extended day supplemental instruction through this grant which identifies the specific area(s) of proficiency needed to be improved in order to meet statewide content and performance standards or to recover credits for graduation. The plan shall focus on a limited number of specific goals that can reasonably be met within the specified time of the program and can be measured in accordance with prescribed guidelines. A clear, concise action plan on how instruction will be delivered shall be included. The individual learning plan shall be developed by the certified teacher or team referring the student to summer school or extended day supplemental instruction.~~

(f) ~~“Intervention” means the provision of additional high quality instruction which supplements instruction provided during delivery of the general curriculum that will assist students who are at risk of not achieving state learning standards or at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels. Intervention strategies:~~

- ~~(i) Are challenging;~~
- ~~(ii) Are relevant;~~
- ~~(iii) Match the student’s needs and learning style;~~
- ~~(iv) Engage the learner; and~~
- ~~(v) Change as a student responds to a specific strategy.~~

(g) ~~“Instructional paraprofessional” means an individual who meets the requirements of the No Child Left Behind Act of 2001 for highly qualified paraprofessionals who regularly provides instruction and support for a classroom teacher.~~

(h) ~~“Other remedial methods” means high-yield instructional strategies used intentionally to modify the way instruction is delivered to an individual student in order to achieve a successful outcome for that particular student.~~

(i) ~~“Program” means delivery of supplemental instruction which uses enriched learning strategies and other remedial methods made available to students beyond required student-teacher contact hours.~~

(j) ~~“Remediation” means the provision of alternative additional instruction to students who have not met a minimum acceptable standard of achievement or required core content and skills. Remedial instruction is to be tailored to the individual needs of each student with the goal of mastering identified deficiencies to improve the knowledge, competency, and skill of the student. Remedial instruction~~

focuses on areas specifically targeted for each student, incorporating various and multiple effective educational strategies, and is:

- (i) Diagnostic;
- (ii) Prescriptive; and
- (iii) Intensive.

(k) ~~“Teacher of Record for Extended Day” means the certified teacher who supervises intervention, remediation, and enriched instructional activities provided in an extended day environment offered by districts under this authority. This teacher shall be responsible for the preparation of the individual learning plan for a student participating in the extended day program. The teacher of record for extended day is not required to be certified in the specific content area for which the student is referred to an extended day program.~~

(l) ~~“Teacher of Record for Summer School” means the certified teacher who delivers instruction to students enrolled in a district’s summer school program. A summer school teacher must be certified in the specific content area in which intervention and remedial instruction is being delivered.~~

Section 5. ~~General Programmatic Requirements of the Grant.~~

(a) ~~Application to the Department shall be in a manner and form prescribed by the Department. The Department may request additional information prior to awarding a grant in order to ascertain programmatic compliance with requirements.~~

(b) ~~K-12 districts and K-8 districts with charter high schools shall have in place or have requested funds under this authority for a comprehensive K-12 elementary and secondary summer school (or intersession) program targeted to intervention, remediation and credit recovery that incorporates enriched learning strategies and other remedial methods before it may apply for use of funds to support extended day supplemental instruction programs.~~

(i) ~~Funding shall be reduced for summer school programs which are not offered comprehensively to students in grades K through 12, according to provisions set forth in Section 8 of these rules.~~

(c) ~~A charter school planning to provide programs separately from its district must adhere to application and programmatic requirements set forth for districts in these rules. Separate application and end of program reports are to be submitted along with documents from its district. Funds will flow from the district to the charter school.~~

~~(d) For schools operating on a year-round calendar, supplemental instruction utilizing enriched learning strategies and other remedial methods may be delivered during the district's intersession, or break between defined school year classroom schedules.~~

~~(e) The cost associated with case management of educational programs/services provided to students placed outside a conventional school setting beyond the regular school year as specified under W.S. 21-4-301 and 21-13-307(a)(ii) may be reimbursed to the students' resident school district.~~

~~(f) Districts may be reimbursed under this grant for summer instructional programs provided to students registered for kindergarten the following school year. These students will not be counted for the purpose of calculating district award amounts under this grant.~~

Section 6. ~~Application Requirements.~~

~~(a) To receive grant assistance under these rules, a district shall apply to the Department on or before April 15.~~

~~(b) The Department shall notify districts of eligibility and the amount of funds for which they qualify no later than 15 days after the date set by the Department for submission of grant applications and not later than May 1.~~

~~(c) The application for summer school programs authorized under these rules shall include:~~

~~(i) An estimate of the number of students to be enrolled in the intervention and remediation program(s) for which the grant is requested, broken down by grade level, with estimates of average elementary and secondary class sizes;~~

~~(ii) A description of program content including subjects offered, number of days and hours of instruction, monitoring methodology, and development of student individual learning plans in accordance with Department guidelines;~~

~~(iii) A proposed budget allocating expenditures as designated in the application which may include itemization of specific costs as directed by the Department; and~~

~~(iv) Other requirements set forth as needed by the Department within application guidelines.~~

Section 7. ~~Summer School and Extended Day Program Requirements.~~

~~(a) Programs made available to students for summer school and extended day instruction under this authority shall meet the following requirements:~~

~~(i) At a minimum, remediation, intervention, and credit recovery shall be made available in mathematics and reading/language arts, dependent upon the student's need as identified in the student's individual learning plan;~~

~~(ii) Intervention strategies used by instructors shall be challenging, relevant, match the student's needs and learning style, engage the learner, and be dynamic, changing as a student responds to a specific strategy.~~

~~(iii) Remedial instruction shall be tailored to the individual needs of each student with the goal of mastering identified deficiencies to improve the knowledge, competency, and skill of the student. Remedial instruction focuses on areas specifically targeted for each student, incorporating various and multiple effective education strategies and is diagnostic, prescriptive, and intensive.~~

~~(iv) To the extent practical and reasonable, class size shall be limited to ten (10) students in elementary and to fifteen (15) students in junior high/middle and high school classes;~~

~~(v) Student individual learning plans must be developed, implemented, and evaluated for each student. The learning plan shall be prepared by the certified teacher or team referring the student to summer school;~~

~~(vi) Summer school teachers and persons providing extended day instruction shall receive seven (7) clock hours of training yearly in research-based instructional strategies that focus on individualized instructional approaches for teaching at-risk students;~~

~~(vii) The school principal, district superintendent, or designee with administrative certification or any other professional supervising summer school or extended day programs shall receive training yearly in research-based instructional strategies that focus on individualized instructional approaches for at-risk students;~~

~~(viii) To assure effectiveness of teaching and program quality, instruction delivered shall be monitored regularly by a district superintendent, school principal, or designee with administrative certification trained in research-based instructional strategies that focus on individualized instructional approaches for at-risk students;~~

~~(b) Summer school programs must additionally assure:~~

~~(i) Teachers providing summer school instruction under this authority shall meet the certification standards set forth under the rules and regulations of the Wyoming Professional Teaching Standards Board as created by W.S. §21-2-801;~~

~~(ii) Delivery of a minimum of sixty (60) instructional hours over a period of at least fifteen (15) school days to each elementary and middle or junior high school student. These total hours may or may not include a combination of instruction in mathematics and reading/language arts, dependent upon the student's need as identified in their individual learning plan;~~

~~(A) Instruction to students in grades K-8 shall be direct, hands-on instruction delivered by appropriately certified teachers rather than instruction delivered through computer-based learning programs not associated with a distant certified teacher. This requirement is not meant to preclude the use of computers or computer programs to aid or supplement instruction.~~

~~(iii) Availability of a minimum of sixty (60) instructional hours per subject to each high school student unless the student can demonstrate proficiency prior to concluding the full sixty (60) hours of instruction.~~

~~(A) High school students utilizing computer-based education learning programs not associated with a distant certified teacher to recover credits in failed subjects must do so in an environment supervised and attended by a certified teacher.~~

~~(c) Extended day programs must additionally assure:~~

~~(i) The availability of an adequate number of instructional hours to assure the student has met the goals identified in their individual learning plan, can demonstrate proficiency, or their needs are addressed by another intervention.~~

~~(ii) Students utilizing computer-based educational learning programs to supplement instruction being received in the classroom shall do so in an environment supervised and attended by a person with at least the minimum credentials of an instructional paraprofessional as defined in these rules, who is under the direction of the extended day teacher of record.~~

~~(d) Upon completion of summer school and extended day programs, each district shall report to the Department statistical, expenditure, programmatic evaluation, and student achievement data, and provide evidence of appropriate staff development as required by the Department in guidelines.~~

~~(e) As of the FY11 grant cycle (April 15, 2010), districts applying for grant funds under this authority must provide assurances to the Department of their ability to participate in statewide data analysis of student academic growth as measured by NorthWest Education Association's Measurement of Academic Progress (MAP). Deadlines and instructions for submittal of student assessment data will be set forth by the Department in guidelines and will require:~~

~~(i) Spring and fall raw Rausch Unit (RIT) score data in reading and math from students the spring of second grade through the fall of ninth grade, inclusive;~~

~~(A) Fall and spring assessment of students must be accomplished using MAP's Survey with Goals;~~

~~(ii) Student WISER identification numbers;~~

~~(iii) Identification of students who completed summer school in which subjects for the data year requested.~~

~~Section 8. Allowable Funding.~~

~~(a) Grant amounts available under this program are for one (1) year only and shall be determined for applicant districts every year utilizing each individual district's average teacher compensation as computed by the education resource block grant model prior to the issuance of preliminary award letters to districts May 1.~~

~~(i) Preliminary grant awards shall be calculated using the most current spring data collection available from districts at the time of grant calculation immediately prior to May 1. If district data is not available or incomplete, the estimated grant award will be calculated to be zero and so communicated to the district.~~

~~(ii) Final grant award amounts shall be re-calculated and communicated to districts by June 1 using any updated information from the spring data collection submitted by districts. If district data is not available or incomplete, the district will forfeit the grant for the applicable grant year.~~

~~(b) Grant amounts to each district operating a comprehensive K-12 summer program will be based upon the larger of the following amounts:~~

~~(i) For every thirty (30) at-risk students within the district identified under W.S. § 21-13-309(m)(v)(A), multiply one (1) full time equivalent (FTE) teacher position by fifteen percent (15%); or~~

~~(ii) Fifty percent (50%) of one (1) full time equivalent (FTE) teacher position.~~

~~(c) The Department shall modify a district's full-time equivalent (FTE) teacher position calculation to reflect a district's actual summer program offering when that program is made available to only elementary or only secondary students. The modified grant shall be calculated to proportionately reflect the~~

~~grades offered, based on the district's proxy count, and shall not be less than twenty five percent (25%) of one (1) full time equivalent (FTE) teacher position.~~

~~(d) Intersession intervention and remediation programs utilizing enriched learning strategies and other remedial methods for districts operating on a year-round calendar shall be awarded a grant amount that may not exceed in one calendar year the amount prescribed in Section 8(a) above. Reporting requirements and grant distribution to these districts will be subject to program application guidelines issued by the Department.~~

~~(e) Final grant awards may be prorated to comply with budget limitations if needed.~~

~~Section 9. **Allocation of Funds.**~~

~~(a) A district may contract with another entity to provide services described herein. Districts remain responsible for compliance with all requirements set forth in W. S. § 21-13-334 and corresponding rules and guidelines.~~

~~(b) Funds will be distributed to districts after the completion of programs approved under this authority and no later than eight weeks after the receipt and acceptance by the Department of end of program reports. Dates for submittal of final reports and parameters on allowable expenditures under this grant will be detailed in Department guidelines.~~

~~(i) Reimbursement to each district shall be equal to grant funds actually expended by the district for programs approved by the Department under this authority, subject to maximum allowable grant amounts computed, less any reduction in grant allocation due to program non-compliance if applicable.~~

REPEALED