



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 Repealed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 Repealed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 Repealed
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 Repealed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 Repealed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 Repealed

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:
- 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	
Signatory Title	
Date of Signature	

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	



Additional Rule Information

Revised November 2016

<u>1. General Information</u>		
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. Program		

<u>2. Rule Type and Information, Cont.</u>

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.		
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
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



STATE OF WYOMING

STATE CONSTRUCTION DEPARTMENT School Facilities Division

Delbert A. McOmie, P.E.
Director

Shelby G. Carlson, P.E.
Administrator

Matthew H. Mead
Governor

Date: October 4, 2018

To: Interested Parties

From: Delbert McOmie, Director of the State Construction Department
Bryan Monteith, Chairman of the School Facilities Commission

Subject: Statement of Principal Reasons for Proposed Repeal of Chapters 0, 9-10, and 12-13, Amendment of Chapters 1-6 and 7-8, and Creation of Chapter 14 of the School Facilities Commission Rules and Regulations.

The School Facilities Commission (Commission) is proposing a comprehensive revision of its rules and regulations, last updated almost six years ago, to simplify, clarify, and reduce the length of existing rules. In particular, the proposed revisions:

- (1) Reduce the size of the rules by deleting language already existing in statute as well as duplicative provisions;
- (2) Reorganize the content of the rules to enhance readability;
- (3) Replace fourteen-year old design guidelines with a newer version;
- (4) Consolidate and expand definitions;
- (5) Identify an exception procedure for guidelines, standards and methodologies on a case-by-case basis in a manner consistent with *Campbell Cty. Sch. Dist. v. State*, 2008 WY 2, ¶ 113, 181 P.3d 43, 78 (2008);
- (6) Incorporate by reference the uniform fee rules for public records and the uniform contested case rules;



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- (7) Incorporate by reference the Commission’s methodologies and guidelines, including the capacity calculation methodology for determining the space available in existing school buildings;
 - (8) Require school districts to contact their insurance carrier before seeking emergency funding from the Commission;
 - (9) Provide the Director of the State Construction Department with the authority to expend up to \$100,000 to remediate emergencies;
 - (10) Remove an outdated process for calculating educational suitability;
 - (11) Align the process for prioritizing building remediation with current Commission policies;
 - (12) Designate the design-bid-build delivery method as the default delivery method; and
 - (13) Provide a detailed process for addressing the funding and construction of project infrastructure.

One methodology the Commission intends to incorporate by reference into rule is the capacity calculation methodology. The capacity calculation methodology is a process based on square footage to determine the number of students that an instructional area (“classroom”), and subsequently an individual building or school district can accommodate. Capacity calculation data is used by the Commission to identify whether a situation exists that requires either a non-construction or construction remedy. Under the previous methodology, the capacity of K-3 classrooms was “restricted” to a maximum count of 16 students to align with the statutes in effect at that time. In other words, even if a classroom could accommodate more than 16 students, the methodology assumed that the classroom only provided enough space for 16 students and that it was counted and reported as such.

In June 2017, the Commission adopted a revised methodology, increasing the restricted capacity for K-3 classrooms to a maximum of 25 students in response to HEA 125 passed by the 2017 Legislature. During the notice and comment process, the Commission sought public input concerning the setting of restricted capacity between 16 and 25 students. Given the stated preference of almost all commenters, the Commission returned the capacity calculation methodology to a restricted capacity of 16 students, in line with the previous methodology.

Based on the written comments and oral comments at a public hearing, the Commission made several alterations to the proposed rules. First, it deleted several newly proposed sentences from Chapters 1 and 14 to improve readability. Second, instead of incorporating the enrollment projection methodology by reference into the rule, the

Commission put the methodology into rule verbatim to make it easier to find. Third, the Commission received several comments regarding its decision on educational suitability and so decided not to proceed with the proposed changes to the educational suitability rules. Finally, to remove any ambiguity in the rule, the Commission clarified that identification of enhancements should be included in a most cost effective remedy study only if the enhancement is contemplated at that time.

Date: October 4, 2018

Summary of Comments and School Facilities Commission Responses

School Facilities Commission Rules and Regulations Chapters 0 – 14

The School Facilities Commission (Commission) has proposed changes to Chapters 0 through 13 of its rules to simplify, clarify, and reduce the length of existing rules. In addition, the Commission has proposed a new Chapter 14 to its rules concerning project implementation. The comment period began on July 15, 2018 and ended August 31, 2018. The notice of rulemaking was published in the Casper Star Tribune and the Wyoming Tribune Eagle. On September 18, 2018, the Commission held a public hearing in Cody, Wyoming.

I. Summary of Comments

Three school districts and one association provided written comments on several changes to the rules including changes to the design guidelines, the incorporation by reference of Commission methodologies, the addition of the capacity calculation methodology, the removal of educational suitability from the rules, and the opportunities for the public to comment on these proposed changes. In addition, one school district expressed concern about the calculation of major maintenance for mothballed buildings. Finally, one district also expressed concern about the rules regarding voting membership of the Commission, the exception request procedure, the removal of statutory language from the rules, the treatment of local enhancements, the certification of reports by superintendents, project agreements, site analysis and land acquisition, changes to project and remedy budgets, Commission-approved contracts, and local infrastructure projects.

At the public hearing, several members of the public reiterated many of the previous comments received, in particular the comments related to the capacity calculation methodology, and two commenters made an additional statement concerning major maintenance reporting.

A. Design Guidelines

One district expressed concern that the proposed changes would remove the current design guidelines without providing districts the opportunity to comment on the new guidelines. The proposed changes, however, merely remove the 2003 design guidelines from the rules and replace them with the guidelines the Commission has used on all projects since 2010. Because the change would just put into rule the practice of the Commission for the last eight years, the Commission will not change the proposed rules based on this comment.

One district requested that the Commission retain the Safety and Security Checklist from the 2003 guidelines until the completion of new guidelines. The current 2010 guidelines contain an updated safety and security section. In addition, in consultation with the districts, the State Construction Department (Department) is currently preparing new design guidelines including updates to safety and security information. As the 2010 safety and security guidelines are more up-to-

date and the district will have an opportunity to comment on the soon-to-be-released updated guidelines, the Commission will not change the proposed rules based on this comment.

B. Incorporation by Reference of Methodologies

Three commenters expressed concern with the incorporation of the Commission's methodologies by reference into rule because it makes it more difficult for districts to understand and reference the methodologies. While the incorporation was intended to reduce the length of the rules, the Commission agreed to place the methodologies in rule to the extent each methodology could be reformatted to comply with the Secretary of State's Rules on Rules. All methodologies other than the enrollment projection methodology, however, currently contain charts, worksheets, and other technical drawings, which the Rules on Rules recommend should be included by reference whenever possible. Accordingly, the Commission will place the enrollment methodology in the rules verbatim and incorporate the other methodologies by reference into the rules.

In addition, given the length of the 2010 design and transportation guidelines, together over 150 pages long, the design and transportation guidelines will remain incorporated by reference into the rules. In addition, the track guidelines include pictures and graphs that would make it cumbersome to include in the rules. Therefore, the track guidelines will remain incorporated by reference into the rules.

C. Capacity Calculation Methodology

Several districts objected to the Commission's capacity calculation methodology and requested that the methodology calculate individual building capacity. The current capacity calculation methodology calculates the capacity of each individual educational building and overall building capacity districtwide. Because this methodology already calculates individual building capacities, as urged by the commenters, the Commission will not change the proposed rules based on this comment.

All commenters expressed concern that the Commission's capacity calculation methodology would increase class sizes from a student-teacher ratio of 16:1 to 25:1 for K-3 students. The capacity calculation methodology merely determines the number of students that can be accommodated. The capacity calculation methodology is a process based on square footage of space allocated per student to determine the number of students that an instructional area ("classroom"), and subsequently an individual building or school district can accommodate. Under the current methodology, the count of students for a K-3 classroom is capped at 25 children even if an actual classroom is large enough to hold more than 25. This methodology does not determine "class size," or the ratio of students to teachers in each grade level. In fact, the capacity calculation methodology is not a ratio at all and has no relation whatsoever to the number of teachers each district is funded for or chooses to hire. The determination of class size is determined by each district and the Legislature, not the Commission.

Given the preference of almost all commenters to return to a “restricted” counted capacity of 16 students per classroom for K-3, the Commission will put the capacity calculation methodology into rule, but revert the counted and reported capacity for educational space to 16 students for grades K-3.

D. Mothballed Buildings

One district objected to the removal of mothballed buildings from Chapter 6 of the rules on the ground that it would prevent the use of major maintenance on a closed building. The proposed rules simply move the definition of mothballed buildings from Chapter 6 to Chapter 1 of the rules. As the change does not affect a district’s present ability to use major maintenance on mothballed buildings, the Commission will not change the proposed rules based on this comment.

E. Lack of Transparency

One commenter asserted that the process behind the current rules lacked transparency and requested that several additional public hearings should be held. The Commission and Department have been working on updating rules for the last six years. Since last spring alone, the rules have been presented at three Commission Meetings and two Select Committee on School Facilities Meetings. At each meeting, public input was requested. In addition, the Commission provided more than the required 45 day period for notice and comment, notified each superintendent of the proposed rules changes, published notice of the rulemaking in both the Casper Star Tribune and Wyoming Tribune Eagle, and held a public hearing on the proposed rules. The Commission made this hearing available to all interested parties via an online public webinar. The Commission will not change the proposed rules based on this comment.

F. Educational Suitability

Several comments took issue with the removal of the references to educational suitability in Chapter 8. At this time, the Commission will retain its rules relating to educational suitability and consider the substance of the comments received on this subject going forward as it analyzes how best to implement this legislative mandate.

G. Voting Membership

A commenter expressed concern that the rules make the Secretary of the Commission a voting member of the Commission. Because the statutes do not list the Secretary as a voting member of the Commission, the Commission will not change the proposed rules based on this comment.

H. Exception Requests

The Commission received a comment expressing concern that the procedures for granting exceptions to its guidelines, standards and methodologies are vague and suggested the deletion of some language from the proposed rules. Because this change will have not have a material effect on the meaning of the rule, the Commission will make the change suggested.

I. Removing Statutory Language From Rules

Several commenters generally objected to the Commission's decision to delete statutory language from the body of the rules. The Governor has directed executive branch agencies to consolidate and shorten rules. Because the Commission remains subject to these statutory duties regardless of whether they are in rule, the Commission proposes to delete these sections to comply with the Governor's directive to shorten the rules and will not change the proposed rules based on these comments.

J. Local Enhancements

One district expressed concern that the rules impose a requirement that districts utilize the most cost effective remedy when implementing enhancements. The district also questioned whether enhancement acknowledgments should be updated. The proposed rules do not require districts to employ the most cost effective remedy when making decisions on local enhancements, but rather require that districts identify proposed enhancements during the most cost effective remedy process if the proposed enhancement is associated with a state-funded remedy. Continual updating of the enhancement acknowledgment is necessary to inform the Commission as more accurate information such as bid costs are received. However, in order to further clarify the operation of the rules, the Commission will add language specifying that, if an enhancement is contemplated at the time of a most cost effective remedy study, the enhancement be included in the study.

One comment also concerned the lack of criteria concerning the incorporation of local enhancements into statewide adequacy standards. The Commission acknowledges the concern and intends to consult with the districts and the Wyoming Department of Education going forward concerning this issue.

K. Certification of Reports by Superintendents

In regards to Chapter 7, section 3, one commenter noted that the current SFD 680 report does not include a place for superintendents to verify that the reports provided to the Commission are true, correct, and complete. The Commission will not change the proposed rules based on this comment, but will add a signature block to the SFD 680 report form so that superintendents can certify the submitted report as true, correct, and complete.

One commenter at the public hearing did not want to do a component-by-component report for expenditures of major maintenance. The Commission will remove the component-by-component wording in the rule and direct further research into the information necessary for legislative reporting needs, expenditure tracking, and facility assessments.

L. Changed Conditions

One district objected to the ability of the Commission to reconsider the most cost effective remedy and the budget based on changed conditions. This ability provides the Commission with

flexibility to adapt the proposed remedy and budget to changes in district needs. The Commission will not change the proposed rules based on this comment.

M. Project Agreements

Another comment questioned the shift towards the utilization of Project Agreements in addition to Master MOUs. While the current MOUs will remain in place, Project Agreements will address the specific terms associated with each particular capital construction project as required under Wyoming law. The Commission will not change the proposed rules based on this comment.

N. Site Analysis and Land Acquisition

One commenter questioned whether the Commission has authority to presume school buildings located on sites smaller than the original 2003 recommended standards are adequately- sized while there is not a similar presumption of school sites in excess of design guidelines. The Commission will remove the proposed Chapter 14 section 6, subsection (a)(ii) from the rules to address this issue.

O. Infrastructure

A district commented that the provisions concerning on-site and off-site infrastructure needs are confusing. The Commission will make a small change to improve the readability of the provision and delete the proposed second sentence in Chapter 14, section 10(b)(ii) to make clear that the Commission can partner with other parties in addressing infrastructure needs as long as the infrastructure is actually required for school buildings.

P. Commission-Approved Contracts

The Commission received a comment questioning the process for requiring Commission- approved contracts for capital construction projects. This process continues the Commission's current practice of reviewing contracts to make sure State funds are protected. In the past, the Commission has run into difficulties concerning the lack of sovereign immunity clauses and the inclusion of indemnity clauses favoring vendors in district contracts. Because the Commission has an obligation to protect State funds, the Commission will not change the proposed rules based on this comment.

Attached to this summary are all written comments received and a transcript of the public hearing.

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SCHOOL FACILITIES COMMISSION
PROPOSED RULES & REGULATIONS
PUBLIC HEARING

TUESDAY, SEPTEMBER 18, 2018

9:00 A.M.

PARK COUNTY PUBLIC LIBRARY
1500 HEART MOUNTAIN STREET
CODY, WYOMING

* * *

Rebecca S. Doby
Registered Professional Reporter
2334 Main Street
Torrington, WY 82240
307-532-4817

1 COMMISSION MEMBERS :

2 BRYAN MONTEITH, CHAIRMA
3 JANET ANDERSON
4 HOLLY DABB
5 TOM FARRENS
6 MATT GARLAND
7 MIKE GILMORE

8 SCHOOL FACILITIES DIVISION STAFF :

9 SHELBY CARLSON
10 CHARLIE CAUFFMAN
11 TROY DECKER
12 BRANDON FINNEY
13 GEORGE GALIDA
14 DEVIN KENNEY
15 SHELLY LOVATO
16 DANIEL SOLISH
17 PAUL SYVERSON

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1 SPEAKERS (IN PERSON)

2

3 JAY CURTIS

ROB McCRAY

4 RICK WOODFORD

MARY JO LEWIS

5 TAMMY SCHROEDER

DAVID BARTLETT

6 MICHAEL JENNINGS

BEN SMITH

7 RICHARD BUSH

DENNIS HOLMES

8 DONNA LITTLE-KAUMO

VERN McADAMS

9 RAY SCHULTE

10

11

12 SPEAKERS (VIA WEBINAR)

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14 JEREMY SMITH

GEORGE MIRICH

15 JIM WAGNER

RON SNIFFIN

16 MISTY GALLEGOS

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P R O C E E D I N G S

* * *

CHAIRMAN MONTEITH: Good morning, everyone.

My name is Bryan Monteith and I'm the chairman for the Commission.

I will be going through a little bit of items that we need to talk about so everybody understands what the rules are.

Before we do that I would like to tell you, for those of you who will need this, the female --

MR. CAUFFMAN: Excuse me.

(Whereupon, the proceedings were held in abeyance while technical issues were addressed.)

CHAIR MONTEITH: Before we go on I want to let everyone know that there is restrooms for the ladies on the east side. And on the men's side it's -- I'm sorry, that wrong. I don't want you to go to the wrong place. The ladies are over there (indicating). That's west. And the men are on the east.

So that's that part.

This is all related to the rules and regulations for the public hearing being held today from nine o'clock to approximately noon at Park County Library Grizzly Room in Cody, Wyoming.

I do have a number of items that I need to

1 walk through with you.

2 First of all, I want to say welcome to
3 everybody who is here in the room and those
4 participating in Cody and others through participation
5 in the webinar. We want to thank you for that.

6 A lot of people are here that want to
7 comment. And we want everyone to have an opportunity.
8 Please limit your comments to five minutes. Shelly will
9 be timing the commentators and will provide prompt one
10 minute left when your time is up. So you will need to
11 wrap it up in that period of time.

12 MS. LOVATO: Bryan?

13 CHAIRMAN MONTEITH: Yeah.

14 MS. LOVATO: Talk louder, please.

15 CHAIRMAN MONTEITH: Okay. I'll try to get
16 closer.

17 To make sure that everyone has an
18 opportunity, the Commission will just listen to the
19 comments that are being provided to us. The public work
20 session in the afternoon will be the opportunity for the
21 Commission to discuss the comments.

22 The webinar, as you have more or less heard
23 here, is part of the options that are working not for
24 you so much but people who are away from Cody that are
25 being part of the process.

1 In addition to that particular part, it is
2 important that individuals who couldn't attend in person
3 are able to participate and listen and -- those two
4 things. So there we go.

5 In order to comment, participants must be
6 logged in on their computer to the webinar. Those who
7 are calling in by phone and are not logged in via
8 computer may only listen. If someone -- if anyone is
9 having problems getting logged into the webinar they may
10 contact Amber Leach at 307-777-5946 and she can help
11 you.

12 Please raise your hand on the computer
13 screen when you wish to comment. We are muting all
14 participants and will unmute your line and call you when
15 your name is up in the opportunity for comment. Webinar
16 attendees can also write comments on-line to be ready
17 for the organizer.

18 People who want to comment, please speak
19 loudly and clearly so everyone can hear you. Please
20 identify yourself and who you represent. And be sure
21 that when you call in on the webinar or go to the podium
22 here that you say your name, please, and where you are
23 from.

24 MS. LOVATO: And spell it out.

25 CHAIRMAN MONTEITH: What?

1 MS. LOVATO: Spell out your name, the first
2 time.

3 CHAIRMAN MONTEITH: Okay. All right. And
4 then be sure to spell out your name.

5 I think that's kind of where we need to kick
6 off. So are we ready to go?

7 And then we have a little bit of an
8 understanding that --

9 MR. CAUFFMAN: I'm sorry. I'm just working
10 through one technical delay. I apologize. You run two
11 dry runs and everything works perfectly. Then when you
12 actually have to get to the thing it doesn't work.

13 (Whereupon, the proceedings were held in
14 abeyance while technical issues were addressed.)

15 CHAIRMAN MONTEITH: Who would like to be
16 first? You know, not somebody in the middle or
17 something like that. The person's that's closest to
18 Cody gets to come up.

19 MR. CURTIS: Good morning, Commission. My
20 name is Jay Curtis. J-A-Y. C-U-R-T-I-S. I'm from Park
21 County School District No. 1.

22 I'd like to start by first saying thank you
23 very much to the Commission and to the Department for
24 the tremendous work you've done in the last decade to
25 build quality schools in our great state.

1 I do have just one comment. I will keep it
2 brief.

3 I just want to address the capacity issue,
4 the 25 to 1. And I just want to take it from the
5 perspective of our legislature has deemed that it is
6 important to have 16 to 1 class sizes in the elementary
7 and 21 to 1 in the high schools.

8 And that's for a very good reason. There's
9 a lot of research to support that. And there's a lot of
10 research to support that lower class sizes do help
11 student achievement.

12 I think that we've been on a great path for
13 many, many years. And I think 25 to 1 is a step
14 backwards for Wyoming.

15 And I don't think we should be doing things
16 just because it's a cost saving mechanism. I know that
17 it is. At least from our perspective, that's what it
18 seems to be about, is saving money. And I think that
19 there's an old saying, if you -- you can tell what a
20 person values by examining their checkbook for five
21 minutes.

22 Well, I would think that we would want to
23 continue to value student achievement by continuing at
24 least with the current methodology. And if not that,
25 taking a step the other way and building classrooms that

1 actually match what the legislature has deemed to be
2 valuable in the funding model. And that is 16 to 1 in
3 the elementaries, 21 to 1 in the secondaries.

4 Other than that, that was the only comment
5 that I had this morning and I would certainly stand for
6 any questions.

7 CHAIRMAN MONTEITH: Let me just say that the
8 Commission is not going to answer anything at this
9 period of time. But there will be an opportunity this
10 afternoon.

11 MR. CURTIS: Thank you.

12 MR. McCRAY: Rob McCray. R-O-B.

13 M-C-C-R-A-Y. Park 1.

14 I just have a couple comments regarding
15 major maintenance.

16 The first is the component tracking on any
17 of the work that needs to be done.

18 It's extremely cumbersome for architects,
19 construction people. When we have professional services
20 they have to divide that up. If they're doing three
21 things in a school -- we replaced door handles, painted
22 the hallways, and painted the gym. They had to divide
23 that up three different ways.

24 So the professional services -- they had to
25 decide how much percentage of the work they were doing

1 was on the doors, how much was on the gym painting, how
2 much was on the hallway painting.

3 It's the same with the contractors. When
4 they submit their bills, we have to track that the exact
5 same way. And that follows through to our business
6 manager.

7 And the other comment was on the low
8 condition scores. One of the things that we see is
9 we're marked down for low conditions on locations that
10 don't have students. We have low condition scores on
11 stairways going down into mechanical spaces. And that
12 actually affects our facility scores.

13 Those are my two comments. Thank you.

14 MR. WOODFORD: Good morning. I'm Rick
15 Woodford. R-I-C-K. W-O-O-D-F-O-R-D. Superintendent of
16 Big Horn County School District 2 in Lovell.

17 First of all, I'd like to thank the
18 Commission for this opportunity.

19 I'm here to echo the comments of Jay Curtis.
20 I guess the concern that I have is that I feel like in
21 Wyoming we're fortunate; we have trust in our
22 legislators.

23 And -- you know, this is a unique situation
24 where they have established basket of goods, they've
25 established what the class size should be in Wyoming.

1 And I just don't feel like it's the Commission's
2 responsibility at this point to do something contrary to
3 what our legislators have established.

4 So to me, it's just a matter of what is the
5 appropriate process and who should be making that
6 decision. I don't feel like that's your decision to
7 make. I'm sorry. I think that we have elected
8 officials that should -- that's a big decision in the
9 state of Wyoming. And it should be made at that level
10 and not here, respectfully.

11 Thank you.

12 MS. LEWIS: Some of us are shorter than
13 others.

14 Mary Jo Lewis. M-A-R-Y. J-O. L-E-W-I-S.
15 And I'm the Coordinator of Business Services for Park
16 No. 1 over in Powell.

17 And I'm going to elaborate a little bit
18 further on what Rob McCray talked about on the component
19 requirement. And that's in Section 3, Item D. And it
20 is that each district (inaudible) report on a
21 building-by-building and a component-by-component basis.
22 All expenditures made.

23 I actually do the 680 report for the major
24 maintenance. And I'm just going to show you. This
25 (indicating) is one school, all security project.

1 Exactly the same contractor, exactly the same architect.
2 And this (indicating) is the type of paperwork that we
3 have to do now in order to do that on a
4 component-by-component level. Multiply that by six
5 schools in our district and what we have to do.

6 And I would just like to share with you.
7 This is -- we had to do 12 different major maintenance
8 projects in this one school, to do a security project.
9 It was on -- they have to track them differently on pay
10 apps, as Rob already spoke to. But we did doors,
11 vestibules, P.A. system, security cameras, visitor
12 control. We had to track the electrical separately. We
13 had to do any A.D.A. separately.

14 So all of these pieces -- if you do any
15 technology piece, you have to track it separately.

16 Um, it just doesn't make any sense
17 time-wise. It -- we probably had 80 hours -- 80 hours
18 in our size of district, completing this report
19 (indicating).

20 The reports are due at the exact same time
21 that our state required reports are due for WDE. We
22 don't have the staffing -- I mean, it's just -- it's
23 just so cumbersome to have to do that.

24 I have no issue doing it
25 building-by-building, giving it to you by a project if

1 it's a total security project -- you know, saying this
2 is a security project and doing it that way. But the
3 component-by-component is just completely -- we think
4 it's unnecessary and it just -- it's a burden of work.

5 And as Rob talked about, our contractors --
6 what we've done is we've eliminated some of our
7 contractors that are able to even do this work, because
8 they just don't have this capability -- um, in their
9 size businesses to break those out. We have lost some
10 of our generals. Our generals have chosen not to bid on
11 projects because of how this is going through now,
12 through the Commission, and how they have to break
13 everything out by components and when they do their pay
14 apps and that. It's a cost of business to them. It's
15 driving the price of these projects up.

16 So we would ask that you consider that.

17 Another example I just want to give you is
18 that when we go to paint a school -- if we're going to
19 paint an entire school, we're not even allowed to do the
20 painting under a same contract if we have a gym. We
21 have to put -- bid the gym separately. Because we're
22 being required to keep the gym as a separate piece. So
23 we have gym painting at Parkside and at the middle
24 school -- or not the middle school, the high school this
25 year. And it had to be a bid. They have a separate

1 contract, they have a separate major maintenance number,
2 and we have to get a separate bid on them.

3 Thank you for your consideration.

4 CHAIRMAN MONTEITH: Thank you.

5 MS. SCHROEDER: Good morning. I'm Tammy
6 Schroeder, from Wyoming Education Association.

7 T-A-M-M-Y. S-C-H-R-O-E-D-E-R.

8 I'd like to ask, before I get my time
9 started, if I could have more than five minutes. I had
10 communication with Anthony Hughes in August about the
11 length of this meeting, and he assured me that there was
12 no time limit to the meeting and that he would let me
13 know if that changed. I haven't heard from him since
14 then. So I drove six and a half hours through crazy,
15 deer-infested roads late last night, and I would like to
16 have a little bit more than five minutes.

17 CHAIRMAN MONTEITH: We have the time
18 available to noon. And everybody who wants to come up
19 can talk for five minutes. I would say at this point in
20 time if we have some available time before noon and no
21 one wants to speak we will come back and use that time.

22 MS. SCHROEDER: So that did change, then.
23 Because there's a time limit to the meeting now.

24 CHAIRMAN MONTEITH: No. I just made that
25 up.

1 MS. SCHROEDER: Oh. Because I asked,
2 because I was curious if it was worth six and a half
3 hours for me to drive here, if there was a time limit to
4 the meeting. And I was told there wasn't.

5 I'll proceed. Thank you, Chairman.

6 Chairman Monteith and the members of the
7 Commission, WEA submitted to you a 12-page document with
8 our public comments. I want to highlight some of those
9 things for you very quickly.

10 We feel that this issue -- that the rules
11 change violates several components of the constitutional
12 mandates from the Wyoming Supreme Court that said that
13 class sizes -- small class sizes -- are integral and
14 important and valued by this state, that quality school
15 facilities with a suitability calculation are part of
16 that quality education and that basket of goods that
17 we're delivering to all kids.

18 The decision that you're making is going to
19 impact kids -- the quality of the education they receive
20 -- for decades. Not just tomorrow, not just today.
21 Your grandkids, your children, their children are gonna
22 be impacted by this decision.

23 I'm on the school board in Albany County, as
24 well. And we learned in July that this decision of
25 changing the capacity calculation from -- to 25 to 1 is

1 gonna cost our school district \$75,000 out of the
2 general fund.

3 Now, you think about what's gonna happen
4 with that money. I only have five minutes, so I can't
5 explain why. But I know it's happening.

6 You don't have a Fiscal Note from LSO or
7 from the facilities department that tells you the fiscal
8 impact of this decision on school districts, do you? I
9 don't believe you do. I've asked for it and I haven't
10 seen it.

11 Every single district in this state at some
12 point is gonna have to take money out of their general
13 funds to pay for this. That's teachers, that's
14 programs, that's money that would go into kids'
15 classrooms.

16 So I think before you proceed with this
17 rules change we ought to know publicly what the fiscal
18 impact is on school districts. We asked for that kind
19 of transparency and I'm here today to ask you for that.

20 We feel that the rules change is illegal and
21 improper and it violates those established mandates that
22 the supreme court gave in the Campbell decisions.

23 And we would like you to not proceed without
24 having more public comment hearings.

25 We have circulated a petition over the last

1 week and we have received over a thousand signatures
2 from people in Wyoming who are very concerned about
3 this. I will provide that -- those petitions to Shelly
4 when I get them in an electronic format that I can send
5 to her. But we're continuing to collect signatures.

6 The people of Wyoming would like to weigh in
7 on this. The parents of school children who are gonna
8 be affected by this decision would like to weigh in.
9 And we would like to ask that you have more public
10 hearings, to give them a chance to do that.

11 Rushing in to changing these rules is not a
12 prudent way to do business. We feel like it's a
13 work-around on the class size issue. And we would like
14 to know the full impact before we go forward with it.

15 I stand for any questions. I understand
16 you're not taking any. But since I drove this far I'm
17 happy to answer any.

18 Thank you.

19 CHAIRMAN MONTEITH: Thank you.

20 MR. BARTLETT: David Bartlett, Laramie
21 County School District No. 1. D-A-V-I-D.
22 B-A-R-T-L-E-T-T.

23 So, Commission, I would like to thank you
24 for giving me the opportunity to speak.

25 Laramie 1 has submitted written comments and

1 we would ask that you put it on the record.

2 Really, what I would like to speak to is the
3 process. I recently sat in on the rule-making process
4 for Chapter 20, Transportation. That was a situation
5 which the state brought in individual bus drivers,
6 transportation administrators, many people from all over
7 the state. Big schools, small schools. And we actually
8 sat down and went through the rules, item-by-item, to
9 look at how it impacts the efficient practice of both
10 the state and the school districts. It was a very
11 collaborative approach. And I believe that the end
12 result will help both the State of the Wyoming and the
13 school districts throughout the state.

14 This process has been done in-house. You've
15 not had any true input. Granted, I've spoke many times
16 at your meetings about disapprovals and some of the
17 changes. But truly, there's not been a collaborative
18 process where we have sat down with school districts and
19 with the Department, to determine how to make this
20 process and make what we do better for students.

21 If you just look at your vision, your
22 mission, your operating principles, it speaks to
23 collaborative support. Again, no collaboration in this
24 process.

25 It talks about partnership with school

1 districts, to ensure the efficient and flexible and
2 responsible flow of funds to maintain cost effective,
3 adequate schools. Again, not seeing the partnership
4 here.

5 Uh, your organizational principles. Uh,
6 customer service orientation, open and collaborative
7 communication, environment of respect and trust and a
8 transparent process. I really don't believe that any of
9 those correlates have been applied here.

10 So what I would ask is that we do go back
11 and open this up and let's get the school districts
12 involved.

13 Thank you.

14 CHAIRMAN MONTEITH: Thank you.

15 Is someone else ready to come to the dais
16 and speak?

17 UNIDENTIFIED SPEAKER: I'm working on it.

18 CHAIRMAN MONTEITH: All right.

19 MR. JENNINGS: So, name, Michael Jennings.
20 M-I-C-H-A-E-L. J-E-N-N-I-N-G-S. Natrona County School
21 DIstrict.

22 And I, too, would like to thank the School
23 Facilities Commission for allowing us to speak publicly
24 on the rules and regulations.

25 Natrona County has been a benefactor of the

1 dollars spent by the state in construction. And we have
2 some outstanding facilities within our county. We thank
3 you and the legislature for that.

4 I'd like to advance -- and it's been stated
5 before, many times -- I'd like to advance for the School
6 Facilities Commission to back to the previous
7 calculation utilization with the 16 students in room K-3
8 and the 25 in the other elementary grades.

9 The reason behind that is it does have an
10 impact on the educational side of our program. The
11 districts need to have local control. And if that is
12 changed then they may not be able to maintain the 16
13 students in classrooms in the primary grades.

14 Also, a strong emphasis on a lot of
15 ancillary facilities or ancillary parts of the building
16 are impacted by this. When the calculation for capacity
17 of the building is figured, the City then goes forward
18 and looks at the parking capacity and what's allowable
19 for the sites. Also, the capacity of the other areas --
20 such as the lunch room, the commons -- can be impacted
21 as far as increasing or changing the capacity.

22 So I urge the School Facilities Commission
23 to use the prior capacity calculation.

24 Thank you.

25 CHAIRMAN MONTEITH: Thank you.

1 MR. SMITH: Good morning.

2 My name is Ben Smith. B-E-N. S-M-I-T-H.
3 I'm the superintendent of Big Horn 1.

4 And again, I would -- like others have
5 mentioned, I would like to thank you for this
6 opportunity to just share my comments and share
7 appreciation for the commitment that has been made in
8 the state of Wyoming for our facilities. It's been a
9 tremendous commitment, and it's one that is in the
10 benefit of our students. So thank you for that
11 opportunity that we have to educate our students in
12 great facilities.

13 I, too, would encourage you to continue with
14 the established criteria of 16 to 1 and the 21 to 1 that
15 has been established by our legislators, and follow that
16 guidance and that direction.

17 A change in that will have significant
18 ramifications to every building that has just -- all the
19 updates that have been done across the state of Wyoming.
20 The ramifications will happen to those buildings and
21 will affect every district financially, as well.

22 Again, I would encourage you to seek
23 collaboration with the districts as this decision is
24 being made and as we move forward.

25 Thank you.

1 CHAIRMAN MONTEITH: Thank you.

2 MR. BUSH: Chairman Monteith, members of the
3 Commission. My name is Richard Bush, as in George W.
4 I'm here with Hickey & Evans, appearing today on behalf
5 of Laramie School District No. 1.

6 Given I only have five minutes of comments,
7 I just want to touch on three of the issues that are in
8 our written comments we submitted.

9 The first is capacity. It's been indicated
10 today -- but legally where we are is a separation of
11 powers issue. It's clear from the Campbell decisions
12 that it's the legislative body, not the administrative
13 executive branch agency, that sets class size. The
14 Campbell 2 opinion spent quite a bit of time discussing
15 the importance of class size and clearly directing that
16 the legislature sets the class size.

17 So when you have an administrative agency
18 setting class size, you clearly have a separation of
19 powers issue. And I'm sure your attorneys will
20 understand that and can explain that to you in more
21 detail. I just want to bring that to your attention.

22 Secondly, educational suitability has been
23 replaced because apparently it's an archaic and outdated
24 process. But there's nothing in the proposed rules to
25 take its place.

1 Educational suitability is as important a
2 condition as capacity. It was clearly an integral
3 component of the Campbell decision. It was in your
4 rules. It was largely ignored for years, and now it's
5 been repealed. But it has not been replaced with
6 anything. There is not discretion to ignore ed
7 suitability. It has to be considered, just as
8 conditions are considered, just as capacity is
9 considered.

10 In our materials we submitted a recent study
11 that was done for Laramie 1 that clearly lays out a
12 process, a path forward for ed suitability. So it's not
13 that complicated. The reason it's not being done is
14 because, frankly, we have a lot of old buildings that
15 aren't educationally suitable. You can't make them
16 educationally suitable. They need to be replaced.

17 And that leads me into the third topic, of
18 the so-called asset preservation. Asset preservation is
19 another way to ensure that there will no longer be equal
20 opportunity for quality education among Wyoming
21 students.

22 Because what you're going to do is freeze
23 into place these older elementary schools that are not
24 educationally suitable. You're going to do just enough
25 work on the components to drive them far enough down the

1 list that they won't come up again for years to come.
2 That's not what the supreme court had in mind.

3 Again, educational suitability belongs to
4 the Uniform Adequacy Standards. It's a key component.
5 And it must be addressed, it can't be ignored. It's
6 been ignored ever since the Campbell decision, frankly.
7 It's never been part of this Condition Needs Index, as
8 it should be.

9 Finally, if you look at the Wyoming
10 Statutes, it's replete with references to ed
11 suitability. Clearly the legislature intended this
12 executive branch agency to consider it, or it wouldn't
13 be in the statutes. And it's consistent with what the
14 Court directed the legislature to do.

15 CHAIRMAN MONTEITH: Thank you.

16 MR. HOLMES: Dennis Holmes, Campbell County
17 School District. D-E-N-N-I-S. H-O-L-M-E-S.

18 Chairman Monteith and Commission members,
19 thank you for this opportunity.

20 As many have noted, the current funding
21 model for K-3 is 16 to 1. And again, this is what our
22 legislation has deemed -- determined is best for our
23 students. This provides the opportunity for optimal
24 instruction for kids.

25 Relationships with students may be the

1 number one factor in determining student success. As a
2 former K-3 teacher, it is more conducive to build
3 relationships with 16 or 18 versus 25, and optimally
4 more beneficial for the students themselves.

5 With the proposal to change 25 to 1,
6 currently if there are 48 kids they would occupy three
7 classrooms. If it were to change to 25 to 1 two years
8 from now, those same 48 kids in terms of numbers would
9 occupy two classrooms. And I don't feel this would be
10 most beneficial.

11 With such significant changes in mind, I
12 would encourage the Commission to gather more feedback,
13 through regional or zone meetings, to allow more comment
14 from parents, community members, and educators.

15 Thank you.

16 CHAIRMAN MONTEITH: Thank you.

17 MS. LITTLE-KAUMO: Good morning. My name is
18 Donna Little-Kaumo. D-O-N-N-A. L-I-T-T-L-E hyphen
19 K-A-U-M-O. I'm the superintendent of Sweetwater 2 Green
20 River.

21 The 25 to 1 seems to have come out of the
22 blue. Frankly, I'm shocked. I have worked diligently
23 with the Commission and the Department for years -- uh,
24 felt like I had a really good relationship. It was
25 built on collaboration and trust. I feel like this

1 thing has come out and is eroding the kind of
2 relationships we need to have.

3 But most importantly, it's eroding what we
4 need to do with children. That is our mission in the
5 state and school districts, is to educate children.

6 I have kept class sizes small in spite of
7 all other kinds of cuts I've had to make. I'm proud to
8 say that in the test results that have just come out we
9 scored better than the state in 40 episodes out of 48
10 scoring episodes. And that is our role.

11 And I think that this comment, too, about
12 that the legislature is the one that sets class size --
13 and to have an agency just come out of the blue and do
14 this without proper communication with all of us, who
15 are all charged with educating Wyoming's children, is
16 frankly shocking.

17 I would ask that you reconsider this
18 proposal, have collaboration with the districts. We're
19 in the trenches doing the work. We know that there's a
20 fiscal impact. And I just think that this is
21 short-sighted. And I beg that you slow down.

22 My mom used to tell me: When you don't know
23 quite what to do, don't do anything. And I have lived
24 that quote many times in my life and it really serves us
25 well. Sometimes we need to stop and make sure that

1 we're doing the right thing before we move forward.

2 Thank you.

3 MR. McADAMS: I'm Vern McAdams, Director of
4 Business and Operations, Sublette 1. V-E-R-N.
5 M-C-A-D-A-M-S.

6 Thank you, Bryan Monteith, Chairman, and the
7 Commission for the time to do the hearing. I'm here,
8 like everyone else here, I think, about the ratio --
9 going from 16 to 1 to 25 to 1.

10 Ten years ago we built a new elementary
11 school in Sublette 1 -- or in Pinedale. One of the
12 largest ones in the state. We're going from a ratio --
13 or from 577 kids to over 700 kids by this change. To
14 make that happen, I've literally got to strip every room
15 out, wall-to-wall. To get -- actually put in 25 kids in
16 these rooms, have to literally gut every room, every
17 classroom, to make that many kids just fit. That's the
18 difference, what it looks like in size.

19 Are we gonna make it happen? Yeah. Is that
20 a welcome, open, and encouraging classroom environment?
21 Definitely not.

22 And that's a new building. Every one of my
23 other buildings are -- I mean, the high school's 1958.
24 We've taken care of everyone in the buildings. Look at
25 our scores. We're pretty proud of our facilities. I've

1 been there 14 years; it's on me right now, what those
2 facilities look like. I'll take that. So definitely on
3 the ratio there.

4 The other thing I would like to encourage
5 is, set up a process for major maintenance that can be
6 used at -- to your facilities. Add things like fire
7 sprinklers. Add things like -- well, even security. Of
8 course we've got some things out there. Sometimes even
9 air conditions gotta be added, especially if you're
10 building a new IT room. It's one of the things.

11 Right now, we cannot use major maintenance
12 to add a component that's not there. I have done it. I
13 rebuilt our old elementary school. We added fire
14 sprinklers. We added -- when we remodeled the middle
15 school quite a few years ago we added fire sprinklers.
16 It's gotta be one of the safety things.

17 Include in the process major maintenance can
18 be used to add some components like that. I welcome
19 having discussion of what that process looks like,
20 because -- uh, I can see where it can be abused. I can
21 see definitely concerns about that. But there are
22 components like fire sprinklers that, hands down, makes
23 sense. Especially when you got buildings like I do.
24 They're not be replaced in the next ten years. They
25 might not be replaced in the next 20 years. It makes

1 sense that we be able to use major maintenance to do
2 those kind of steps.

3 And I -- Mary Jo and my colleagues -- their
4 component-by-component. That's definitely a big
5 heading. I actually have a (inaudible) for capital
6 projects stuff, not doing anything but the facilities.
7 On their side, literally work with the vendors getting
8 the paperwork done, getting everything in place. So I
9 got \$40,000, \$50,000 sitting there. I've got an
10 approval for half of that. I haven't actually got the
11 project done. But I got paperwork issues that actually
12 (inaudible) the work, I can actually get paid. Kind of
13 on me right now, and really on my contractor, where that
14 issue is. But it's that much of a problem, where it is
15 pretty difficult to find a contractor and not very cost
16 effective right now.

17 So thank you for the time and for the
18 comments.

19 CHAIRMAN MONTEITH: Thank you.

20 MR. SCHULTE: Good morning, Chairman
21 Monteith, and members of the Commission.

22 I'm Ray Schulte. R-A-Y. S-C-U-L-T-E. Park
23 County School District No. 6.

24 Um, I want to thank you for hosting this and
25 providing this opportunity. Your selection of location

1 was brilliant.

2 A couple things I wanted to talk about, just
3 on the class size. I'm hearing about that concern.

4 One of the things -- and I kind of hesitate
5 to bring this up -- but I think -- um, when I walk
6 through our schools today, it's not what it was 20 years
7 ago.

8 So Cody High School -- we have 550 students.
9 We have -- um, over a hundred kids who are on IEPs. And
10 their needs are different than a regular ed student.
11 And when you start talking about 21 students in a
12 classroom versus 25 -- um, maybe in a lot of cases in a
13 perfect world that's fine. We don't live in a perfect
14 world; probably never did.

15 But it is interesting, when you visit those
16 classrooms and you think about the needs of the students
17 and how many can a teacher really serve adequately. I
18 think that's becoming more and more of a challenge.

19 So, I was visiting with a couple teachers at
20 the high school last week. And we have classrooms with
21 as many as 30 and 40 percent of the students on IEPs.
22 The reason we're doing that is to make better use of our
23 staff and sort of consolidate students, so one para
24 educator or one teacher can serve a group of students.

25 So when you look at the 21 to 1 or the 25 to

1 1, I hope you keep in mind of needs of the kids.
2 Because it's a different situation today. The idea that
3 we have 10 or 12 percent of our students on IEPs -- I
4 think those days are kind of well behind us. If you go
5 from 12 percent of your students on an IEP to 18 percent
6 you're talking about a 50 percent increase. And that's
7 what we're experiencing.

8 Wyoming provides great services. We do a
9 wonderful job for kids with special needs. And I think
10 we have people moving to our state to take advantage of
11 that. So that's part of the conversation, I hope, when
12 you're considering this.

13 Um, and I -- the other thing I wanted to
14 share real quickly, I think it would be helpful if we
15 think about the type of work that we want students to be
16 doing in a classroom. You know, the 1950s model where
17 kids sit in straight rows and do kind of just very
18 passive type learning -- I -- I hope that's behind us.

19 Uh, when we go into our schools we encourage
20 the administrators and the teachers to provide the
21 students the type of work that's active learning. Um,
22 we want kids to analyze information, we want them to
23 apply their -- their knowledge. You -- you need space
24 to work like that.

25 And so I -- I hope when we're considering

1 these -- these conditions and these changes we think
2 about what is it at the end? In the end, it's what do
3 we want students to be doing. It's not about us, it's
4 about them. It's about the type of learning that we
5 expect from them, the type of work we put in front of
6 them. And that -- that type of work doesn't happen in a
7 confined space. It just -- it just doesn't. Whether
8 it's kindergartners or seniors -- um, we're looking for
9 that active type of learning environment. And you need
10 room to do that.

11 So those are my comments. I do appreciate
12 the opportunity. Thank you.

13 CHAIRMAN MONTEITH: Thank you.

14 Next?

15 (Whereupon, there was a brief pause in the
16 proceedings.)

17 CHAIRMAN MONTEITH: All right. We'll move
18 on to the webinar.

19 Is that how we want to do this?

20 MR. CAUFFMAN: Correct.

21 So, we'll go ahead and start with Clark
22 Coberly. You are un-muted.

23 (Whereupon, there were technical
24 difficulties.)

25 MR. CAUFFMAN: Is this Mr. Coberly?

1 MR. COBERLY: Yes.

2 MR. CAUFFMAN: Were you wanting to make a
3 comment?

4 MR. COBERLY: Not at this time, no.

5 MR. CAUFFMAN: Thank you.

6 We have -- maybe we should just have -- so,
7 if you have -- actually, for those of you who are
8 on-line, please raise your hand -- use the raise your
9 hand mechanism -- so we can know who wants to make
10 comments and we'll go from there.

11 (Whereupon, there was a brief pause in the
12 proceedings.)

13 MR. CAUFFMAN: Jeremy Smith, you are
14 un-muted.

15 MR. SMITH: Good morning, Commission.
16 Jeremy Smith, S-M-I-T-H. Business Manager with Sheridan
17 County School District No. 1 I.

18 I appreciate the opportunity to make a
19 comment today -- um, and I also -- uh, appreciate the
20 opportunity to do so in this method.

21 Two quick points. And I'll be very brief.

22 Number one, our school district -- uh, has
23 been a very big beneficiary of the construction over the
24 last 10 or 12 years in the state of Wyoming, and our
25 facilities are top notch and first rate, and we

1 appreciate that. Um, and part of the reason we did that
2 was my point, my first point.

3 We oppose the elimination of educational
4 suitability from the rules and regulations. The
5 facilities that we had were both under capacity -- uh,
6 badly out of date in terms of condition, and -- but --
7 but probably more importantly were not suitable for the
8 educational delivery method that we have in this modern
9 age. Uh, they simply did not fit the bill, both on the
10 special education side as well as for small group
11 pull-out and the ability for our teachers to work with
12 students at their individual need level.

13 So, first of all, we oppose the elimination
14 of educational suitability from the rules and
15 regulations.

16 Number two, we oppose the increase of the
17 restricted capacity from 16 students in a classroom up
18 to 25. Again, it seems that that would simply not meet
19 the definition or rules -- or not rules, but the methods
20 in which we teach students in this day and age.

21 And so our district is adamantly opposed to
22 the increased restriction number from 16 to upwards of
23 25.

24 Um, and that's all I have to say, Mr.
25 Chairman. I appreciate the time.

1 CHAIRMAN MONTEITH: Thank you.

2 MR. CAUFFMAN: Again, for those who are
3 on-line, please raise your hands and we will un-mute
4 you.

5 (Whereupon, there was a brief pause in the
6 proceedings.)

7 MR. CAUFFMAN: Chairman Monteith, would you
8 just like us to walk down through all who are
9 registered, and have them --

10 CHAIRMAN MONTEITH: Sure.

11 MR. CAUFFMAN: All right.

12 CHAIRMAN MONTEITH: Just check it off one at
13 the time.

14 MR. CAUFFMAN: Okay.

15 Dennis Flaherty?

16 MR. FLAHERTY: Yes, sir?

17 MR. CAUFFMAN: Dennis Flaherty, do you have
18 any comment at this time?

19 MR. FLAHERTY: No comment at this time.

20 Thank you, Chairman.

21 MR. CAUFFMAN: George Mirich. Any comment?

22 MR. MIRICH: Uh, I would just -- uh, support
23 the position of those that have already spoken. In
24 Niobrara County No. 1 we are -- are opposed to any
25 consideration of increasing the class size, especially

1 at the K-2 level, from 16 to 25. I -- I don't see that
2 being beneficial in any way.

3 Thank you.

4 MR. CAUFFMAN: Jim Wagner?

5 MR. WAGNER: Yes.

6 MR. CAUFFMAN: Any comment?

7 MR. WAGNER: Um, I just echo what the other
8 gentlemen and ladies have said as far as in regards to
9 the class size.

10 MR. CAUFFMAN: Where are you from?

11 MR. WAGNER: Johnson County School District
12 No. 1.

13 MR. CAUFFMAN: Thank you.

14 Linda Evans?

15 MS. EVANS: No comments at this time.

16 MR. CAUFFMAN: Thank you.

17 Marcy Cates?

18 (Whereupon, there was a brief pause in the
19 proceedings.)

20 MR. CAUFFMAN: Marcy? Marcy?

21 (Whereupon, there was a brief pause in the
22 proceedings.)

23 CHAIRMAN MONTEITH: Just keep moving.

24 MR. CAUFFMAN: Okay. O'Kelley Pearson. Any
25 comments?

1 (Whereupon, there was a brief pause in the
2 proceedings.)

3 MR. CAUFFMAN: Randy Wilkison? Any
4 comments?

5 (Whereupon, there was a brief pause in the
6 proceedings.)

7 MR. CAUFFMAN: Misty?

8 (Whereupon, there were technical
9 difficulties.)

10 MR. CAUFFMAN: Misty did have comments, but
11 we'll have to get that fixed here in just a second,
12 because of the feedback.

13 Misty, we'll go ahead and come back to you
14 as soon as we get the audio issue figured out.

15 Ron Sniffin.

16 MR. SNIFFIN: Yes. Thank you, Mr. Cauffman
17 and Commission. This is Ron Sniffin with the Wyoming
18 Education Association.

19 I also want to echo our concerns about the
20 Commission attempting to increase class size through
21 these emergency rules.

22 And in addition, we also have concerns about
23 abandoning the concept of educational suitability with
24 existing buildings. We believe we need to continue to
25 evaluate the educational stability of existing

1 buildings. Um, many buildings throughout the state are
2 aging -- um, and without a proper evaluation, beyond
3 just the ability to provide -- um, a space and a
4 temperature may not be enough to determine if there is
5 an adequate space to provide a quality education.

6 For example, there are some schools in
7 Cheyenne that don't have air conditioning. And
8 oftentimes the schools reach triple digits when they go
9 back to school in the fall. So that's one area that I'm
10 not sure I had heard earlier.

11 And then one more point. I believe it would
12 be helpful if there were additional opportunities for
13 public comment throughout the state. There is a lot of
14 public input, as was mentioned earlier, and I think a
15 lot of public concern. And we would appreciate -- uh,
16 additional opportunities for interested parties --
17 parents, educators, administrators -- to provide
18 testimony around these rules.

19 Thank you.

20 CHAIRMAN MONTEITH: Thank you.

21 MR. CAUFFMAN: Tracy Boner?

22 MS. BONER: I have no additional comments at
23 this time.

24 MR. CAUFFMAN: Thank you.

25 Chairman, that is all the on-line attendees.

1 Well, sorry. We need to go back to Misty Gallegos.

2 Excuse me one second and we'll go back to Misty.

3 CHAIRMAN MONTEITH: While we're waiting, is
4 there anybody in this room that would like to speak
5 again? Please raise your hand so I know how many people
6 we're talking about.

7 One? Is that it? Okay.

8 (Whereupon, there was a brief pause in the
9 proceedings.)

10 MS. GALLEGOS: Hi. This is Misty Gallegos,
11 with the Laramie County School District 2, in Pine
12 Bluffs. Sorry for the trouble. And it's M-I-S-T-Y.
13 G-A-L-L-E-G-O-S.

14 I have comments -- um, for the district, as
15 well as Kim Nelson, who is our Facilities Manager with
16 the district. She was -- um, hoping to be able to
17 attend the meeting and was unfortunately unable to get
18 there today. So these are her comments that she's
19 written and asked me to read to the Committee.

20 It's my feeling that the Commission is
21 attempting to impede the legislators' endeavors to
22 maintain class sizes at the K-3 level to 16 to 1 with
23 the proposed 25 to 1 capacity methodology.

24 Accommodation and variances in average daily
25 attendance requires flexibility, and the district

1 appreciates the legislators' elimination of the waiver
2 process. However, we do not believe it was their intent
3 to undermine the 16 to 1 ratio, nor has the WDE funding
4 model changed for that ratio.

5 The second comment. The district is
6 concerned with the virtual elimination of the
7 suitability as an assessment tool and the means of
8 requesting appropriate funding in the proposed rules and
9 regulations.

10 Comment number three. The district is in
11 support of the recommendation to update or increase the
12 bidding threshold bonds limits and advertising
13 requirements as presented to the select committee. I am
14 personally in agreement with -- I'm gonna say this name
15 wrong, I'm sorry -- Dan Soloroly (phonetic) -- um, on
16 whether further increases in threshold is warranted.
17 However, we support increases to the threshold as
18 considered by the committee and their request to have
19 LSO draft a bill to that effect. We encourage
20 sponsorship of the pending draft.

21 Her next comment. Regarding the adoption of
22 an increase in major maintenance funding per formula,
23 the district is in favor of this proposal. However, by
24 delaying implementation to 2022, we fear that we will
25 have lost the increase -- um, due to inflation. We

1 recommend that the increase -- um, to be effective
2 immediately. Whether the legislature chooses to
3 appropriate that increase immediately is their
4 prerogative. The district applauds the select
5 committee's refusal to remove a bill -- the refusal to
6 move a bill forward, remitting proceeds from the sale of
7 district real estate to the State Construction
8 Department. Currently protocol requires districts to
9 obtain School Facilities Commission approval to
10 (inaudible) sales prior to commitment.

11 Additionally, as to how proceeds are spent,
12 we believe supervision of the districts' efforts to
13 manage property surplus is adequate.

14 The district is in support of the
15 Department's biennium supplemental budget request as
16 presented.

17 Those are the comments.

18 CHAIRMAN MONTEITH: Thank you.

19 MR. CAUFFMAN: Thank you, Misty.

20 MS. GALLEGOS: Thank you.

21 MR. CAUFFMAN: Mr. Chairman, that is all the
22 on-line attendees --

23 CHAIRMAN MONTEITH: Okay.

24 MR. CAUFFMAN: -- at this time.

25 CHAIRMAN MONTEITH: Tammy?

1 MS. SCHROEDER: Yes, sir?

2 CHAIRMAN MONTEITH: How about ten minutes?
3 That work for you?

4 MS. SCHROEDER: I thought I had two hours.
5 Just kidding. Sure. I think that will work. Thank
6 you.

7 Tammy Schroeder, Wyoming Education
8 Association.

9 I wanted to go back over -- I had five
10 points I wanted to go over -- um, and feeling rushed I
11 didn't cover them.

12 The first one is transparency, which we've
13 heard a lot about. So I just wanted to add into what
14 you've heard today that the adoption of rules by
15 reference -- which is what is stated in the documents
16 that you guys have made public -- um, is not an
17 appropriate or simple way for the public to understand
18 what rules are changing.

19 I believe that many of the changes consist
20 of a large amount of strike-thru and then a reference to
21 another document, which forces those who wish to
22 understand this rule change completely to go chase down
23 another document and then to insert that. And -- um,
24 that's -- that's a pretty big lift for me, personally,
25 as well as a lot of other people -- um, who really just

1 want to understand what these rule changes are.

2 So that whole process I think has happened
3 because these were determined to be an emergency rule
4 change at first. And now we're -- now we're at the
5 formal rule process. And I think now that we're at the
6 formal rule change process we ought to insert what those
7 changes are into the actual rule change document, so
8 that the public can see those.

9 Um, the next part is the educational
10 suitability. You've heard from everybody here that
11 that's a much desired calculation that we'd like to see
12 in our schools. Um, to just abandon that because it's
13 difficult to do is -- is not appropriate. Our first
14 grade teachers don't abandon kids when they can't read.
15 And we don't want somebody to abandon the education
16 suitability calculation just because it's difficult to
17 do. It's very, very important. It's very important to
18 know how -- what the quality and what the condition of
19 the buildings are.

20 Um, when we move to not looking at that
21 closely, we create disparity amongst the rooms that the
22 kids are in across the state. So some kids sit in brand
23 new classrooms with air conditioning, bright lights,
24 lots of space. And other kids sit in very small, dark,
25 hot classrooms that -- um, without that suitability

1 calculation, we don't know whether those spaces are
2 suitable for learning.

3 And as the supreme court has said, and the
4 legislature has supported over the years -- um, what
5 happens in those classrooms is what it's all about. And
6 if those spaces aren't suitable for kids to learn in, we
7 need to know that and we need to fix it.

8 The class size calculation. I wanted to
9 bring to your attention something that we learned during
10 the recalibration study last year. For every one
11 student of increase -- so the LSO presented numbers to
12 the Recalibration Committee last year that showed -- um,
13 a scale going from 16 to 1 to 17 to 1 to 18 to 1 to 19
14 up to 20. For every single jump in class size, that
15 meant a \$15 million cut to public education. So what
16 you're talking about is almost double that. So we can
17 say that -- um, for nine kids it's gonna be about --
18 rough math -- \$130 million cut to education just with
19 this class size.

20 And let me tell you what that means for jobs
21 in this state. That's about 2,000 teaching jobs. So if
22 we really want to see -- I mean, if we're talking about
23 economy of the state and -- um, not only are we talking
24 about the quality of education in the classroom, but now
25 we're talking about losing a lot of the jobs. Because

1 when we look at increasing class size, it has a ripple
2 effect in all kinds of aspects. And remember that
3 school districts are the largest employers in many of
4 the communities in this state. And when you're talking
5 about cutting that many jobs because you're increasing
6 class size, de facto, through a rule change, then you're
7 having a huge effect not just on what happens in the
8 classrooms but on the economies of communities.

9 I don't know what that means for individual
10 communities, whether it means closing schools or whether
11 it means -- um, what the economy of their communities
12 are gonna look like. Because we haven't seen the study.
13 Again, as I asked before, we haven't seen a fiscal
14 impact of these decisions. And WEA would like to ask
15 you to at least ask the Department, the Facilities
16 Department, to provide those numbers.

17 Again, as Mr. Bush pointed out, this
18 discriminates against children. We have the haves and
19 we have the have nots. We have kids sitting in great
20 classrooms and we have kids struggling, sitting in
21 really difficult classrooms.

22 And finally -- um, I wanted to point out
23 that the Department's been operating under these rules
24 for quite some time now. And that's really
25 disconcerting to me as a parent, as a school board

1 member, and as a person standing before you representing
2 the children of Wyoming through Wyoming Education
3 Association.

4 At their -- at the Appropriations Committee
5 meeting in December and January last year, their request
6 did not include things like funding the modular in
7 Albany County, because they knew they were operating
8 under this 25 to 1 class size ratio. So they knew they
9 weren't gonna even ask for the money -- so they knew
10 they weren't going to -- um, they knew they were gonna
11 operate under these rules before you guys even changed
12 them. And that's disturbing to me -- um, as a citizen
13 of this state.

14 I don't expect that -- um, the Commission
15 and the board that I represent my community on -- I
16 don't expect that we would operate under policies that
17 we haven't passed yet. And so when they came with that
18 request, it wasn't transparent to everybody what the
19 impact would be. But then, as I told you before, when I
20 sat in my own community meeting and listened to what the
21 effect would be in our school district -- \$75,000 pays
22 for one teacher -- and I don't know where we're gonna
23 find the money, or what we're gonna cut in Albany County
24 to make that work. But I know that we're going to have
25 to make some adjustments.

1 So operating under the rules before they
2 were even passed by this Commission I think is a highly
3 inappropriate action. It becomes a practice, then. And
4 it's hard -- it's hard to get them to change.

5 So we're asking that -- again, that you slow
6 the brakes. Let's take a look at this more carefully.
7 There is no emergency. I know we're suffering with
8 cuts. But this -- nothing is so urgent that we have to
9 rush through and make these decisions without knowing
10 what the full fiscal impact is on students.

11 So I appreciate the second chance. And
12 those are the things that I wanted to add. Thank you.

13 CHAIRMAN MONTEITH: All right. Thank you.
14 Anyone else?

15 (Whereupon, there was a brief pause in the
16 proceedings.)

17 CHAIRMAN MONTEITH: Mr. Bush, I cannot -- I
18 can't even understand that you're not willing to talk.

19 MR. BUSH: Well, if you insist.

20 CHAIRMAN MONTEITH: Come on.

21 MR. BUSH: No, I think it's been covered.
22 But thank you for the opportunity, Dhairman.

23 CHAIRMAN MONTEITH: You bet. Thank you.

24 Anyone else? I don't think we need to go
25 back through, do we?

1 MR. CAUFFMAN: No.

2 MS. CARLSON: Maybe we could do another
3 raise of hands on the webinar.

4 CHAIRMAN MONTEITH: Sure. Let's do that.

5 (Whereupon, there was a brief pause in the
6 proceedings.)

7 MR. CAUFFMAN: Mr. Chairman, we do not have
8 any additional comments from webinar attendees.

9 CHAIRMAN MONTEITH: All right. We're good,
10 then?

11 MR. CAUFFMAN: Yes.

12 MR. DECKER: Mr. Chairman, would we -- from
13 someone from the audience is it possible to get a
14 clarification of a loss of funding on the school
15 district side with a change of capacity?

16 CHAIRMAN MONTEITH: No.

17 MR. DECKER: The methodology?

18 CHAIRMAN MONTEITH: No.

19 MR. DECKER: Just curious if someone could
20 shed light on that.

21 CHAIRMAN MONTEITH: We'll try to -- we'll
22 try to work that thing through -- uh, as the Commission
23 works.

24 MR. CAUFFMAN: For all those who attended
25 on-line, thank you so much for your comments and for

1 your attendance today. We are going to now end the
2 webinar and we appreciate your attendance here today.
3 Thank you.

4 CHAIRMAN MONTEITH: As I said earlier, we
5 cannot really speak to these issues at this time. So we
6 will end our work.

7 The Commission will be working a little bit
8 later this afternoon, to have discussions about what we
9 have heard today. So that's about all I can tell you at
10 this moment.

11 (Whereupon, there was a discussion off the
12 record.)

13 MS. LOVATO: Today there will be a one
14 o'clock work session regarding the rules and regulations
15 -- um, at one o'clock here, today. Tomorrow is the
16 regular work session.

17 CHAIRMAN MONTEITH: Thank you, everyone.

18 (Whereupon, the proceedings were adjourned,
19 at 10:11 a.m.)

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September 18, 2018

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I hereby certify that the proceedings are contained fully and accurately in the notes taken by me, and that this is a correct transcript of the same.

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Rebecca S. Doby
Registered Professional Reporter
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TO: Wyoming School Facilities Commission
Attn: Anthony Hughes, Anthony.hughes@wyo.gov

DATE: August 31, 2018

RE: Written Comments to the Proposed Repeal, Amendment and Creation to Chapters 0-14 of the School Facilities Commission Rules

I. INTRODUCTION

The undersigned Laramie County School District No. 1 (District) submits the following written arguments/comments regarding the above:

II. COMMENTS

Chapter 0 Uniform Adequacy Standards-Appendices

The District does not object to the repeal and replacement of the “Wyoming Public Schools Facility Design Guidelines” dated July 2003 (2003 Guidelines) with a “newer version” as stated in the July 6, 2018 letter to Interested Parties from the Director of the State Construction Department and Chairman of the School Facilities Commission.

The District does, however, object to replacement of Appendix C “Safety and Security Checklist” of the 2003 Guidelines with the 2010 “guidelines” as referenced in Chapter 3 “Uniform Adequacy Standards” at Section 2(a)(vii) of the proposed rules. The 2010 guidelines must first be updated and/or amended, as necessary, through proper rulemaking to reflect the “newer version” of the “Security Standards For The [sic] Wyoming K-12 Schools” compiled by MOA Architecture, dated October 2, 2014 as well as with the “Opinion Report of Wyoming K-12 Security Assessment” performed by Facility Engineering Associates, dated June 19, 2015.

Chapter 1 General Provisions

The District does not oppose the concept of the proposed rule defining “Component Level Recommendations” as referenced in Chapter 1, Section 2(e). However, as acknowledged in the

definition, the reason such funding is necessary is that funding for major maintenance continues to be chronically underfunded as well as too restrictive on its use by districts.

The District does oppose the proposed rules defining FCI and FCNI. The FCI and FCNI formulas do not meet the constitutional and statutory requirements governing educational suitability. For example, see Wyo. Stat. § 21-15-115(a), Wyo. Stat. § 21-15-117(a)(i), and Wyo. Stat. § 21-15-121(a)(iii), for references to educational suitability in the statutes. In addition, the rule must recognize that consideration of educational suitability only occurs, if at all, during the remedy phase and not in scoring and ranking the building.

In order to address this shortcoming, the School Facilities Commission (SFC or Commission) should implement through rule making the “Educational Suitability & Technology Readiness Reference Guide” (February 2018) prepared for Laramie County School District 1 by MGT and the “Educational Suitability and School Facility Assessment” (Final Report June 4, 2018) also prepared for Laramie County School District 1 by MGT. **(Copies of the referenced MGT educational suitability documents are attached hereto as Exhibit 1.)**

The District opposes the part of the definition of “educational suitability” that states “measured by the physical components of the building represented in the FCNI score.” As noted by MGT, educational suitability is much more involved than the current practice of simply measuring the physical components of a particular school building. Rather, as defined by MGT, educational suitability evaluates the ability of the building to support and enhance the delivery of educational programs. Specifically, it requires an evaluation and assessment of seventeen different components of a school such as instructional space and the environment/flexibility of the space.

In addition, educational suitability also examines building-wide programmatic elements such as adequacy of fencing, sufficiency of sight lines, security vestibules, flexible learning spaces, and whether there is enough parking.

Importantly, the proper evaluation of educational suitability requires extensive interviews with school district leaders and staff to develop a full understanding of the educational programs delivered in each of the district’s educational facilities and the criteria each school must meet to support the delivery of educational programming. Based on these discussions and knowledge of national best practices, the Suitability Guidelines are developed for assessors to evaluate each school building.

In summary, the District opposes the repeal, amendment or creation of rules which do not properly account for educational suitability and, instead, request that the MGT suitability methodology be adopted by the Commission through rule making.

The District is concerned with the ambiguity in Sections 4(a) & 6(a) on whether the Administrator of the SFD will also be a voting member of the SFC. The District requests a revision to these sections to make clear that the Administrator of the SFD will not be a voting member of the SFC. According to the plain language of Wyo. Stat. § 21-15-113, only the seven members who are appointed by the governor are voting members. The District requests that regarding Section

6(b), the language of the proposed rule be revised to the following (The District’s proposed changes appear in red):

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

Section 10 is also concerning to the extent it provides the ability of the Commission to grant exceptions to guidelines, standards, or methodologies that have not been properly adopted through rule making. The phrase “when the exception supports the intent of Wyoming law” is vague and ambiguous. The District requests revising the language of the proposed rule to the following:

The Commission may grant exceptions to guidelines, standards, or methodologies on a case by case basis ~~when the exception supports the intent of Wyoming law.~~ The Department shall create a thorough written record supporting the granting or denial of every exception request. The Commission shall at a minimum consider the reasons why the exception is being requested, the nature of the request, any cost implications of the request, and whether alternative means exist to accomplish the purposes of the request, and whether the intent of the statutory scheme adopted by the Legislature is furthered by the request. Exception requests shall be initially presented to the Department for its consideration and recommendation to the Commission.

Chapter 2 Rules of Practice and Procedure for Contested Case Proceedings

The District takes no position whether the proposed deletion complies with the governing law.

Chapter 3 Uniform Adequacy Standards

As an initial observation/comment, it is unclear why the current Section 2 of Chapter 3 is deleted given that it identifies the “Purpose” of the Uniform Adequacy Standards as “intended to establish and maintain uniform statewide standards for the adequacy of public school buildings and facilities capable of delivering the educational programs provided by laws and state standards.”¹ The District requests that the SFC keep the current Section 2 of Chapter 3 in the rule.

¹ But for the substitution of the word “capable” for “necessary” by the SFC, the language subject to deletion essentially tracks the statutory language of the purpose of the uniform statewide standards set forth in Wyo. Stat. 21-15-115.

Rather than “establish and maintain uniform statewide standards” through rules and regulations, as statutorily required, the SFC has elected to do so largely through various “methodologies” that it now wishes to incorporate by reference.

The questionable practice raises serious legal concerns regarding limited government authority and separation of powers. The SFC, as an executive branch agency, is “limited in authority to powers legislatively delegated.” *Lineberger v. Wyo. State Bd. Of Outfitters*, 2002 WY 55, ¶ 20, 44 P.3d 56, 62 (Wyo. 2002) (citation and internal quotation marks omitted). Agencies, such as the SFC, are prohibited from doing “more than [they] are statutorily authorized to do.” *U.S. West Commc’ns. v. Wyo. Pub. Serv. Comm’n*, 998 P.2d 1061, 1068 (Wyo. 1999).

As summarized by the Court in *Allred v. Bebout*, 2018 WY 8, ¶ 75, 409 P.3d 260, 280 (Wyo. 2018), Wyoming’s constitutional scheme is founded on the principles of “limited government authority and separation of powers.” In other words, if the Legislature intended for the SFC to create “uniform adequacy standards” through “methodologies” that bypass the required rule-making process, it would have said so. An example of this agency overreach is the proposed incorporation by reference of the “Capacity Calculation Methodology” set forth in Chapter 3, Section 2(a)(ii).

The District is unaware of any statutory authority that authorizes the SFC to adopt by reference a “methodology” to determine building capacity. Rather, the statutes provide that building capacity is set through the uniform statewide standards which, in turn, must go through the rulemaking process.

Importantly, the District is unaware of any express or implied delegation of legislative authority that would permit the SFC to set class size when calculating capacity. In fact, the Court in *Campbell II* determined that the legislative branch is charged with determining the appropriate class size subject to certain constitutional parameters. Other than eliminating the WDE waiver requirement if districts were unable to meet 16-1 class size in K-3, the Legislature has elected not to increase class size. Indeed, it declined to do so during the most recent recalibration of the funding model in 2017.

In summary, the proposed increase in class size by the SFC through incorporation by reference of its capacity methodology has no legal basis and is for no other apparent reason than to save money at the expense of students. It is the legislative branch, not the executive branch, that determines class size and there has been no delegation of that authority to the SFC.

The Wyoming Administrative Procedures Act only allows incorporation by reference in the case of a “standard, rule or regulation” that has been properly adopted and does not include methodologies or guidelines. *See* Wyo. Stat. § 16-3-103(h). Here, the SFC identifies the various items that it wishes to incorporate by reference in Chapter 3 as “rules” when, in fact, they are not. None of the listed items have gone through the required rule making process and they cannot therefore be incorporated by reference in the SFC’s rules.

The SFC also proposes to eliminate in Chapter 3 the reference to “educational suitability” when evaluating the functionality of educational space even though educational suitability is clearly required not only by statute but by the *Campbell* decisions as well. The reason given for the proposed elimination of educational suitability from the uniform adequacy standards is to “[r]emove an outdated process for calculating educational suitability” which is puzzling, at best. It does not appear that the “outdated process” was ever utilized by the SFC. Even assuming that it is an “outdated process”, it is specifically required by statute and, as discussed in the District’s comments regarding Chapter 8, cannot be ignored by the SFC.

Additionally, the proposed elimination in Chapter 3 that every SFC “funded remedy shall provide for the safety and security of the occupants of the facility” is concerning as well. As discussed earlier in the written comments issues concerning security -- especially in the current school environment nationwide -- should not be given short shrift by the SFC. This language should not be eliminated.

Lastly, the proposed amendment to “enhancements” in Chapter 3 eliminates, without any explanation, the reference to the governing statute Wyo. Stat. § 21-15-114(a)(ix) which mandates that the SFC shall:

Establish criteria and procedures for the identification of local enhancements to school buildings and facilities which are in excess of state building adequacy standards and develop criteria and procedures to determine whether and how any local enhancements should be incorporated into the statewide adequacy standards.

The proposed amendment provides little, if any, guidance beyond simply stating that “[i]f local enhancements have a positive demonstrable effect upon the delivery of educational program, the Commission shall make a determination whether and how such local enhancements should be incorporated into the statewide adequacy standards.” Without “development” of any of the required “criteria and procedures” that the SFC is required to rely on to determine whether local enhancements have a “positive demonstrable effect”, it’s vague and unclear how that will be done. Beyond noting that there will be some undefined initial “consult” between the SCD and the WDE, the process regarding local enhancement lacks transparency. Rather it’s a recipe for ad hoc determinations regarding local enhancements and whether or not to incorporate them into the statewide adequacy standards.

The proposed amendment does not sufficiently comply with Wyo. Stat. § 21-15-114(a)(ix), which mandates that the SFC “shall” establish criteria and procedures and use those criteria and procedures pursuant to Wyo. Stat. § 21-15-115(c). Instead of the rule as proposed, the SFC must develop actual “criteria and procedures” for the identification of local enhancements to school buildings and facilities through rule-making and a separate set of “criteria and procedures” to determine whether and how any local enhancements should be incorporated into the statewide adequacy standards.

Chapter 4 Facility Plans (Facility Planning)

Pursuant to the proposed amendments to Chapter 4, the statutorily required facility planning process will no longer be “in coordination” with the districts but rather a process whereby districts must “supply information requested by the Department in the prescribed format” whatever that means. As with other proposed changes to the existing rules, this appears to be an effort to take away local control and replace it with a non-collaborative approach. (Much like the state complains it is treated by the federal government.) If the facility planning process is to substantively address district wide building and facility needs as directed by statute, it must be done “in coordination” with districts as required by the governing statute, Wyo. Stat. § 21-15-116(a). Rather than simply requiring the districts to respond to information requests from the SFC the rule must establish a process that allows the districts to be full participants in the planning process.

This proposed elimination of a coordinated facility planning process is also contrary to the “Vision Statement” of the SFC which provides that:

Vision:

Our vision is to provide collaborative support and leadership to build and maintain Wyoming’s inventory of high quality school facilities which best serve the needs of Wyoming students.

Mission:

Our mission is to partner with Wyoming school districts to ensure the efficient, flexible and responsible flow of funds to build and maintain cost-effective, adequate and equitable school facilities that best serve the needs of Wyoming students.

Organizational Principles:

Customer-Service Orientation
Open and Collaborative Communication
An Environment of Respect and Trust
Transparent Processes
Responsible Stewardship of State Resources
Focus on Solutions and Improvement
Creating Flexibility to Achieve Goals
Comply with Rules and Statutes

Unless the above are merely platitudes, they should be adhered to by the SFC to begin fostering an “environment of respect and trust.”

Chapter 5 Emergency Funding Procedures

The District takes no position at this time on whether the proposed rules are in accord with the governing statutes.

Chapter 6 Square Footage Guidelines for Major Maintenance Payments

The District takes no position at this time on whether the proposed rules are in accord with the governing statutes.

Chapter 7 Annual Reports (Annual Reports and Major Building and Facility Repair and Replacement Requests

The District requests clarification on the proposed changes to Chapter 7 and what perceived purpose necessitates deviation from current practice. For example, clarification is needed on the requirement that the superintendents certify reports as being true, correct and complete. The requested reports appear to be asking for information that currently is provided through the SFD 680 Report, which does not include a place for the superintendents to certify reports as being true, correct and complete.

Chapter 8 Criteria for Identifying and Prioritizing Remedies (Criteria for Identifying and Prioritizing Remedies, and Establishing Project Budgets)

Consistent with other proposed rule changes, the SFC has rewritten Chapter 8 to systematically eliminate “educational suitability” from consideration when evaluating the required adequacy of school buildings and facilities. This elimination of “educational suitability” is contrary to the *Campbell* decisions as well as the governing statutes which clearly recognize its importance. For example, see Wyo. Stat. § 21-15-115(a), Wyo. Stat. § 21-15-117(a)(i), and Wyo. Stat. § 21-15-121(a)(iii), for references to educational suitability in the statutes.

As commented on earlier, the recent work performed for Laramie County School District No. 1 by MGT regarding “educational suitability” provides a well-informed starting point to finally begin evaluating the ability of a particular building to support and enhance the delivery of required educational programming needs. Indeed, the SCD is charged with establishing a statewide school facilities database “comprised of building and facility specific condition, *suitability* [and] capacity[.]” Wyo. Stat. § 21-15-123(f)(iv).

An additional concern with the proposed re-write of Chapter 8 is the proposed prioritization of capacity on a district-wide level. This is clearly contrary to statute which expressly provides that it is to be calculated at the building level. For example, Wyo. Stat. § 21-15-117(e) states that the SFC “shall consider criteria for *building* capacity established by commission rule and regulation[.]” (Emphasis supplied.)

In fact, the statutes governing determinations of capacity consistently refer to “building” and never mention district-wide capacity as a means to determine capacity needs. In this regard, the statutes are entirely consistent with the Court’s skepticism expressed in *Campbell I* that district-wide bussing is permissible to address over-crowded schools.

Thus calculating capacity for purposes of prioritizing building needs must be done at the building, not district, level.

The proposed prioritization of schools based on condition is also improper. Over the years, the SFC has increased the FCI score in order to keep older schools from moving up the so-called needs list. This questionable practice is now known as “asset preservation” and is specifically designed to keep students in some of the districts, such as Laramie 1, in outdated facilities rather than replace them with modern learning environments that are educationally suitable for the times. The theory behind asset preservation is that as long as the roof doesn’t leak and the building has a functioning system everything else such as educationally appropriate classrooms is secondary. The theory also assumes incorrectly that all forty eight (48) school districts’ building needs are the same.

Unless and until the SFC discards this indefensible theory, the substantial progress made in replacing inadequate and inequitable educational facilities is in serious jeopardy. The State of Wyoming should not return to the days of the haves and the have-nots.

In summary, the proposed prioritization of school buildings set forth in Chapter 8 must track the requirements of Wyo. Stat. § 21-15-117 and include educational suitability as a critical component in the ranking of need, and not just in the remedy phase. The SFC must also calculate capacity at the building level -- not district wide. Finally, it must discard the constitutionally flawed theory of asset preservation which remediates outdated school buildings rather than replaces them with modern and positive learning environments.

Lastly, the proposed language set forth in Chapter 8, Section 5 setting forth the Identification and Determination of Remedy merits comment. In this regard, Section 5(a)(ii) states that the “most cost effective method of remediation will initially be determined during the planning/budgeting phase of a Commission-funded project but may be reviewed by the Commission to reflect changed conditions.” As an initial matter, these are legislatively funded projects, not Commission-funded projects. In addition, the Commission’s unilateral authority to re-visit the agreed upon remediation of a project that has already gone through the planning/budgeting phase, based on some undefined “changed conditions” is contrary the “Vision Statement” of the SFC discussed above.

Similarly, the “non-exclusive list of factors” enumerated at Section 5(a)(iii) that the Commission may consider does not envision any coordination or consultation with the districts as required by statute. *See* Wyo. Stat. § 21-15-116(a) and Wyo. Stat. § 21-15-114(a)(xi). This approach does not further the principle of open and collaborative communication set forth in the Vision Statement and required by statute.

Chapter 9 Project Contracts

The District takes no position on whether the proposed deletion complies with the governing law.

Chapter 10 Project Process and Selection of Professional Contractors and Delivery Method

The District takes no position on whether the proposed deletion complies with the governing law.

Chapter 10 Annual Report Form for Major Maintenance

The District takes no position on whether the proposed deletion complies with the governing law.

Chapter 12 Annual Reports for New Construction

The District takes no position on whether the proposed deletion complies with the governing law.

Chapter 13 Emergency Funding Procedures

The District takes no position on whether the proposed deletion complies with the governing law.

Chapter 14 Implementation of Remedies and Project Management

The following comments concern the newly created Chapter 14. As an initial matter, it is puzzling as to why the SFC proposes to return to a “complex and onerous contracting” process with Project Agreements rather than continue the Master MOU process. *See* SFC Policy 2013-5. The SFC approved/implemented the Master MOU process in response to a 2009 audit by the State of Wyoming and, when followed, has worked well. No rationale has been provided as to why the SFC is returning to a “complex and onerous” contracting process.

Contrary to the proposed definition, the Master MOUs currently in place cover all funding for all projects including capital projects, which raises the question of why the proposed definitions seek to create unnecessary redundancy. Furthermore, to the extent the SFC/SCD want to impose Project Agreements on districts in the future, such agreements must strictly comply with the statutory requirements set forth in Wyo. Stat. § 21-15-123(v)(A)-(J) and the rule should reference those requirements.

As to the proposed definition of “Departmental Review,” it cannot incorporate guidelines, policies and methodologies that have not been approved through the required rule making process.

The proposed rules in Section 6(a)(i) & (ii) Site Analysis and Land Acquisition raise concerns. Subsection (i) states that school sites smaller than the original 2003 recommended standards are “presumed to be adequately sized” while subsection (ii) does not have a similar presumption of school sites in “excess” of design guidelines. The District is unaware of any legal basis that would allow the Commission to presume that below the required standards is adequate

but the other is necessarily excessive. In addition, the proposed “site analysis” and associated costs envisioned in Section 6(c) to be imposed on districts must be funded entirely by the SFC.

Section 7 Services and Contracts is concerning because the Commission does not have contracts that cover all contracting scenarios. To the extent districts already have contracts in place for goods and services, there is no legitimate reason they should not be able to use them on capital projects. Similarly, districts should be allowed to modify contracts through attachments which comply with requirements for bonding, insurance, etc. Given that school boards are expressly given the power by Wyo. Stat. § 21-3-11(a)(iii) to “[e]nter into agreements with any public or private agency, institution, person, or corporation for the performance of acts or furnishing of services or facilities by or for the school district” this type of micro-managing is not only unnecessary, but is also contrary to statute.

Notwithstanding proposed Section 10(a)(ii) and (b)(ii), the Commission is required by *Campbell* to fund those infrastructure items imposed by municipal codes on districts for the construction of new schools such as roads. *See Campbell Cnty. Sch. Dist. v. State*, 2008 WY 2, ¶ 115, 181 P.3d 43, 79 (Wyo. 2008). Accordingly, Section 10(a)(ii) and (b)(ii) should be struck from the proposed rule.

The following comments concern the proposed Section 11 Local Enhancements. Specifically, some of the proposed language such as imposing the most cost effective remedy requirement on local enhancements is contrary to Wyo. Stat. § 21-15-116(d) which expressly states that “[t]he commission shall not hinder or curtail the right of a school district to undertake local enhancements to buildings and facilities which are in excess of state building and adequacy standards, as permitted by law.”

As to the other conditions the SFC wishes to impose on districts in pursuing their right to undertake local enhancements, to the extent those conditions hinder or curtail the right of a school district to undertake local enhancements to buildings and facilities which are in excess of state building and adequacy standards, those conditions are in violation of Wyo. Stat. § 21-15-116(d).

In addition, the proposed language in Section 11(a) concerning the identification of enhancements should include an estimated cost, as a placeholder, until the bid or pricing is received. Also, regarding Section 11(b), the proposed requirement to update the enhancement acknowledgment, this is accomplished at the completion of the project and reported on the annual Facility Plan.

Lastly, the proposed language in Section 12 “Changes to Budget Funding” does not properly take into account unforeseen conditions or delays as a result of legislative or agency actions. It also proposes at Section 12(b)(i) that in the “absence of demonstrable good cause” value engineering recommendations shall be followed. The District requests the SFC to add a definition into its rules that explains what constitutes “demonstrable good cause”.

III. REQUEST FOR HEARING AND FOR STATEMENT OF REASONS

The District also requests an oral hearing be scheduled pursuant to Wyo. Stat. § 16-3-103(a)(ii)(A) and that the School Facilities Commission, either prior to adoption or within thirty (30) days thereafter, issue a concise statement of the principal reasons for overruling the District's objections against adoption pursuant to Wyo. Stat. § 16-3-103(a)(ii)(D).

IV. CONCLUSION

The above is not intended to be an exhaustive effort to comment on the proposed rules or an acknowledgment that those not commented on are within the statutory authority of the Commission. In addition, the District may join in comments submitted by other interested persons in the above matter.

Respectfully,

Boyd Brown

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Laramie County School District #1
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ACSD^{#1}
ALBANY COUNTY SCHOOL DISTRICT

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August 22, 2018

Shelby Carlson, Administrator
Wyoming School Facilities Division
700 West 21st Street
Cheyenne, Wyoming 82001

Dear Ms. Carlson,

Below are comments from Albany County School District #1 on the proposed changes to SFC rules that were approved to proceed to rule making that occurred at the Commission meeting June 28, 2018:

- The elimination of the entire Design Guidelines that have been worked on and refined for many years as the basis for the design of dozens of schools is a serious concern. These guidelines should remain in place until new Design Guidelines are completed.
- No information has been provided to School Districts regarding what changes to the guidelines will occur and how or if public input for these new guidelines will take place.
- A concern with the proposed change in Chapter 3 section 6 (a) to adopt uniform adequacy standards in rules and regulations by reference to Commission action on certain dates does not give the public an opportunity for input since these actions have already taken place.
- Another concern with the change in Chapter 3 section 6 (a) inserting a rationale in rules and regulations that "The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rule" makes these new rules difficult to interpret requiring affected parties to research these actions in Commission minutes. All of these referenced rules should be added to the proposed new rules so that they are easier to understand and reference.
- The Commission's change to capacity guidelines in June 2017 to 25:1 maximum class size ratio was done with almost no public input or opportunity for discourse. The capacity calculations should be returned to the previous methodology for restricted capacity at 16:1 for K-3 unless the Wyoming Legislature directs a change to a 25:1 capacity ratio for all grade levels in legislation.
- The elimination of mothballed buildings from major maintenance calculations in Chapter 6 is a concern since it doesn't allow for any opportunity to use major maintenance on a closed building in the short term to keep it in a condition to reopen it later.

Albany County School District requests that a public hearing take place on these proposed rules changes.

Sincerely,

Ed Goetz
Business Manager



Public comment on proposed Chapter 14 of the School Facilities Commission Rules and Regulations.

1) Class size for K-3 Classrooms

One of the methodologies the Commission intends to incorporate by reference into rule is the capacity calculation methodology. The capacity calculation methodology is a process based on square footage to determine the number of students that an instructional area (“classroom”), and subsequently an individual building or school district can accommodate. Capacity calculation data is used by the Commission to identify if a situation exists that requires either a non-construction or construction remedy. Under the previous methodology, the capacity of K-3 classrooms was restricted to a maximum of 16 students to align with the statutes in effect at that time. In other words, even if a classroom could accommodate more than 16 students, the methodology assumed that the classroom only provided enough space for 16 students. **In June 2017, the Commission adopted a revised methodology, increasing the restricted capacity for K-3 classrooms to a maximum of 25 students. This was in response to HEA 125 that was passed by the 2017 legislature.** The Commission seeks public input concerning the setting of restricted capacity anywhere between 16 and 25 students during the notice and comment period.

In my opinion, 25 students in a K-3 classroom is concerning. Not only is it important to get this number correct, but paramount to do so with public input from both professional career educators and parents. Public comment would support moving the maximum number of 25 students in a K-3 classroom to a more reasonable number such as 16 or 18. Class size reduction research summarized below:

Achilles, C. M., et al. (2012). [Class-size Policy: The Star Experiment and Related Class-size Studies](#). NCEA Policy Brief, 1.2. “A reanalysis of the Tennessee STAR experiment found that small classes (15-17 pupils) in kindergarten through third grade (K-3) provide short- and long-term benefits for students, teachers, and society at largepoor, minority, and male students reap extra benefits in terms of improved test outcomes, school engagement, and reduced grade retention and dropout rates.”

Mathis, William J. (2016). [Research-Based Options for Education Policymaking: The Effectiveness of Class Size Reduction](#). National Education Policy Center, University of Colorado. With past research and policy considerations in mind, the brief concludes “class size is an important determinant of student outcomes, and one that can be directly determined by policy.” This is especially crucial for populations which are most effected by large class sizes, such as low-income and minority students. The research brief outlines the benefits of smaller classes in terms of student achievement, graduation rates and non-cognitive skills. Mathis recommends class sizes between 15-18 (with room for variation based in subject), and argues that while class size reduction can be costly, it could prove to be the most cost-effective policy in the long run.

Schanzenbach, D. W. (2014). [Does Class Size Matter? National Education Policy Center Policy Brief](#). “This policy brief summarizes the academic literature on the impact of class size and finds that class size is an important determinant of a variety of student outcomes, ranging from test scores to broader life outcomes. Smaller classes are particularly effective at raising achievement levels of low-income and minority children. Policymakers should carefully weigh the efficacy of class-size policy against other potential uses of funds. While lower class size has a demonstrable cost, it may prove the more cost-effective policy overall.”

Bascia, N. (2010). [Reducing Class Size: What do we Know?](#). Ontario Institute for Studies in Education. Analysis of data collected by the Canadian Ministry of Education between 2003-04 and 2007-08 in eight school districts, 24 schools, and 84 classrooms. Classroom observations were undertaken at grades K-3, along with teacher surveys and parent surveys, the latter from every school district in Ontario. “Nearly three-quarters of the primary teachers reported that the quality of their relationships with students had improved as a result of the smaller class size, and two-thirds said their students were more engaged in learning than before class size reduction...Many parents of children enrolled in smaller classes reported that their children appeared to be learning more and were more comfortable at school.”

Jepsen, C., & Rivkin, S. (2009). [Potential Tradeoff between Teacher Quality and Class Size](#). Journal of Human Resources, 44.1. This paper investigates the effects of California’s billion-dollar class-size-reduction program on student achievement;....”[T]here is little or no support for the hypotheses that the need to hire large numbers of teachers following the adoption of CSR [class-size reduction] led to a lasting reduction in the quality of instruction,” according to the study. “Overall, the findings suggest that CSR increased achievement in the early grades for all demographic groups....”

*Ready, D. D., & Lee, V. E. (2006/7). [Optimal Context Size in Elementary Schools: Disentangling the Effects of Class Size and School Size](#). *Brookings Papers on Education Policy*, pp. 99-135. Study finds that class size rather than school size makes a positive difference in elementary schools, and suggests that “if children remained in the same elementary school for five or six years ... differences would be very substantial: a roughly 10-point advantage for children in small over large classes by the end of sixth grade, or 4.5 months of additional learning.”*

*Finn, J. D., et. al. (2005). [Small Classes in the Early Grades, Academic Achievement, and Graduating From High School](#). *Journal of Educational Psychology*. “For all students combined, 4 years of a small class in K–3 were associated with a significant increase in the likelihood of graduating from high school; the odds of graduating after having attended small classes for 4 years were increased by about 80.0%. Furthermore, the impact of attending a small class was especially noteworthy for students from low-income homes. Three years or more of small classes affected the graduation rates of low-SES students, increasing the odds of graduating by about 67.0% for 3 years and more than doubling the odds for 4 years.”*

2) Adopting statewide adequacy standards as rules

Section 2. Uniform Statewide Adequacy Standards. The Commission adopts the following uniform statewide adequacy standards for school buildings and facilities by reference. Recognizing that many Wyoming schools were constructed prior to the adoption of these standards, and that a long-term process is in place to bring all school facilities in the State of Wyoming into compliance with these adequacy standards, these standards shall control how school facility remediation shall be implemented.

- (a) The following rules are incorporated by reference in these Commission rules.
 - (i) Maximum Allowable Square Footage Allotment Methodology, adopted by the Commission and effective on October 20, 2016.
 - (ii) Capacity Calculation Methodology, adopted by the Commission and effective on June 22, 2017.
 - (iii) Enrollment Projection Methodology, adopted by the Commission and effective on May 3, 2018.
 - (iv) Furniture Fixtures and Equipment (FF&E) Budget and Funding Methodology, adopted by the Commission and effective on June 22, 2017.
 - (v) Wyoming School Facilities Commission Design Standards for Outdoor Athletic Facilities, adopted by the Commission and effective on April 21, 2016.
 - (vi) Wyoming School Facilities Commission School Bus Maintenance and Parking Facility Design Guidelines, adopted by the Commission and effective on July 16, 2013.
 - (vii) Wyoming School Facilities Commission Design Guidelines, adopted by the Commission and effective on January 26, 2010.
- (b) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rule;
- (c) The incorporation by reference does not include any later amendments or edition of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and
- (d) The incorporated rules are maintained at the Department’s office in Cheyenne and is available for public inspection and copying at cost at the same location.

Adopting these seven actions as rules allows the formal rulemaking process to be circumvented.

The lack of input required to establish rules when these actions were taken is not acceptable;

(ii) Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing, provided this period shall consist of at least forty five (45) days...

Much to the fault of this Commission, they had not even been aware of the fact that such hastily accepted rules would be known as “rules incorporated by reference.”

3) Removal of existing process for determining educational suitability

The School Facilities Commission (Commission) is proposing a comprehensive revision of its rules and regulations, last updated almost six years ago, to simplify, clarify, and reduce the length of existing rules. In particular, the proposed revisions:

(10) Remove an outdated process for calculating educational suitability;

The only references to educational suitability in the proposed new rules:

(k) “Educational suitability” means the capability of each school building and facility to accommodate the required statewide educational program, measured by the physical components of the building represented in the FCNI score.

(n) “Facility Condition Needs Index” (FCNI) means a numerical rating or score assigned to a building represented by the FCI measured components and additional data comprised of technology readiness (TECH), illumination (ILLUM), and indoor air quality (IAQ). The FCNI is expressed as a ratio of the Cost to Repair Deficiencies or “Deferred Maintenance” (DM) plus the cost of the three additional systems divided by the Current Replacement Value (CRV) of the building plus the cost of the building improvements associated with the three systems.

(iv) Educational suitability and technology readiness measures are addressed through routine maintenance, major maintenance, or capital construction projects funded by the Legislature.

Why has it been deemed appropriate to only look at the above given guidelines to determine their effect on education and suitability? As shown below it is clear that old rules can very easily be eliminated and rendered obsolete. Why has it been accepted as common practice to only look at the above given guidelines to determine their viability and effectiveness on education? It can be easily demonstrated that old rules are easily eliminated and made of no use quickly and without qualm.

This is an example of old rules being eliminated:

~~e) Functionality of Educational Space. Recognizing that students may be educated in a variety of manners, all school buildings and facilities shall strive to provide the most functional space reasonably possible for required educational programs. Measurement and scoring of functionality of existing facilities shall occur by use of the Commission’s educational suitability tool in accordance with Chapter 8, Section 4(a)(v) of these rules~~

4) District capacity, not school capacity determines need

Section 3. Prioritization of Building Remediation. In prioritizing projects for the schedule of remedies and submission to the Legislature for funding, the highest needs shall be addressed first. Buildings shall be ranked from highest need to lowest need as follows:

(a) Capacity Prioritization.

(i) Districts with capacity exceeding 100% (high capacity) shall be determined to be in need of immediate attention and shall take precedence before other condition and capacity needs.

(ii) Districts with a capacity between 100% and 95% (medium capacity) may be considered for funding only after high condition and capacity school needs have been addressed.

(iii) Districts with a capacity between 95% and 90% (low capacity) may be considered for planning funding.

Ill-fitting is the practice of using district capacity instead of school capacity to determine prioritization. This can be shown here quickly by having a scenario where a school is over capacity but other schools in the same district have empty classrooms. Unfortunately, given current guidelines and this scenario, it would mean that students will be forced to go to schools not in close proximity because overcrowding needs to be alleviated. The practice of using district capacity instead of school capacity to determine school capacity is absolutely absurd and has no benefits to students whatsoever. Here I will provide a quick and simple scenario to showcase that statement. If School A is over capacity yet other schools have empty classrooms that aren't being utilized, it would mean that because of priority, students would be forced to attend schools not close in their proximity in order to alleviate overcrowding. Busing is not an appropriate remedy for capacity.

5) Review rulemaking statutes provision for public input and oral hearing

Per statute below, I request an opportunity for oral hearing.

CHAPTER 3 - ADMINISTRATIVE PROCEDURE 16-3-103. Adoption, amendment and repeal of rules; notice; hearing; emergency rules; proceedings to contest; review and approval by governor.

(K) If a state agency is proposing a rule that differs from the uniform rules listed in subsection (j) of this section, a statement of the reasons for varying from the uniform rules.

(ii) Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing, provided this period shall consist of at least forty five (45) days from the later of the dates specified under subparagraph (A) of this paragraph, and provided:

(A) In the case of substantive rules, opportunity for oral hearing shall be granted if requested by twenty-five (25) persons, or by a governmental subdivision, or by an association having not less than twenty-five (25) members. No hearing under this subparagraph shall be conducted until at least forty-five (45) days after the later of:

(I) The date notice of intended action is given under paragraph (i) of this subsection; or

(II) The date notice is published if publication is required by subsection (e) of this section.

(B) The agency shall consider fully all written and oral submissions respecting the proposed rule;

August 27, 2018

TO: Wyoming School Facilities Commission
FROM: Wyoming Education Association
RE: WEA comments on rules proposed for adoption

The Wyoming Education Association has very serious concerns regarding the revocation of prior rules and the wholesale adoption of these proposed new rules. WEA has multiple levels of concern regarding the proposed rules and asks the Commission not to adopt the rules, but rather hold hearings across the state, then alter the rules to comply with legal and educational standards incorporating citizen feedback. As written, the rules are bad public policy and legally defective. In addition to the items identified in this submission, WEA largely shares concerns of other interested parties.

WEA's objections include both process and substance of the proposed rule adoption. In general WEA's objections fall into the following categories: 1) that the rule making process has not been transparent and lacks adequate public information and input; 2) that the rules fail to provide educationally suitable facilities for all students; 3) that the class size calculation is educationally detrimental; 4) that the practical effect of the rules is to institutionalize a form of discrimination, creating "have" and "have not" facilities; and 5) that the proposed rules are legally improper, being inconsistent with statutes and violate established constitutional requirements.

The purpose of the School Facilities Commission is supposed to be to provide appropriate educational facilities that allow districts to provide the full educational activities necessary to meet educational standards and utilize modern methods in doing so. The point of educational facilities is to enable, facilitate and enhance the delivery of *a comprehensive quality education*. Educational program needs should drive decisions about school buildings. It appears that the real thrust of these rules is to attempt to write off the state's responsibility for school facilities rather than provide the kind of safe, adequate and appropriate facilities required by law. To put it simply, under facades of "efficiency" and "asset preservation," the Commission has attempted to evade the clear responsibility for proper facilities for all students.

INADEQUATE PROCESS AND TRANSPARENCY

These rules have far reaching impact on Wyoming and its students. That impact is not just a matter of the moment, but rather will lock in and limit educational facilities for decades to come. These rules essentially seek to arbitrarily change facilities assessment in the middle of the process, creating a situation where large numbers of students will be consigned to old buildings which will

not and, in some cases, cannot, ever allow the same ability to provide a modern educational program. Those students who attend a school that was recently built or renovated under the standards in place before the changes to rules proposed here are the lucky ones. On the other hand, students who attend existing schools which deficiencies have not been addressed under existing rules, are losers because the proposed rules abandon the effort to bring other schools up to the same standards.

Before Wyoming adopts such an approach, it is incumbent on the Facilities Commission to see to it that the public, and particularly parents, are fully aware of the practical effect of these rules on their children. The adoption of these rules is *hugely significant* and has *serious consequences both known and likely unforeseen*. An example of consequences just now becoming apparent is that the revised “capacity” standards have been used to classify modular portable classrooms in some districts as “enhancements” and deny districts funding for the cost of such modular schools. The practical impact of these rules has not been made fully clear to the public or districts.

The proposed rules mark the abandonment of the scoring and criteria systems approved and mandated by the Wyoming Supreme Court. There has not been a serious analysis of the educational impact of these rule changes. Wyoming deserves a legitimate discussion and dialog about such far reaching decisions *before* such policies become permanent rules.

These rules were adopted as emergency rules with little or no real opportunity for public input. There was no “emergency.” The previous rules had been in place for years and there had been no move to revise them. It appears the real impetus was complaint that the Commission was improperly proceeding on major policy decisions without going through rulemaking. When members of the public attempted to raise their legitimate, serious concerns with the Legislature’s Select School Facilities Committee, the Commission’s position was that despite questions and concerns from legislators, the rules were a “done deal.” Commission staff took the position that the rules had already been adopted as emergency rules and there was nothing the Committee could do about it. It appears that the staff is now attempting to set up a scenario where the “emergency” rules adopted with little public awareness or input should now be made permanent through a rushed process, again without proper public information and opportunity for public input.

To this point the process has not been transparent. There has not been any legitimate or serious effort to educate the public on what is proposed, the justification for the rules, or the practical impact of the rules on schools, school districts and the delivery of education services to students. The rules themselves are not transparent. Instead of putting information into the rules, the proposal “incorporates” multiple other documents/policies which a citizen must hunt down to even have an idea of what the rules say. For example, instead of putting the “capacity” calculation into rule, the rule incorporates a motion made at a previous Commission meeting. There is absolutely no reason why the proposed rule cannot state straightforward exactly how the class size calculation is performed. Likewise, the explanation of the rule should be accompanied by a listing of the practical impact of the change, *i.e.*, which schools in Wyoming are arbitrarily rendered no

longer overcrowded simply by changing the capacity calculation. The public should be aware that the approach taken essentially requires extensive busing out of neighborhood schools. Where educational opportunities for thousands of students for generations to come are at stake, there should have been a major effort to educate citizens across the state what is proposed in the rules and its impact on their schools.

WEA requests the Commission to hold a series of public hearings throughout the state. If the massive changes to the rules are legitimate and worthwhile, that will become apparent through rigorous discussion. If not, then Wyoming can avoid making serious mistakes. At such hearings, the Commission should explain to the public the differences between the rules being revoked and the proposed rules, the practical impact of the rules on old and new buildings, explaining items like class size calculation, how the Commission determines what is educationally “adequate” for an old building as compared to a newer one, etc. Such meetings should allow for public testimony from members of the public, interested groups and school representatives.

CLASS SIZE

The proposed rules adopt by reference the “Capacity Calculation Methodology” that was improperly adopted by board vote instead of proper rulemaking. That “Methodology” effectively establishes class sizes for Wyoming schools that are higher than the class sizes recommended by experts and established by statute. For example, Wyoming has established a class size ratio of 16:1 in the lower elementary grades as an essential component of a quality education. There has been no educational justification given for methodology establishing higher class sizes than provided by statute. The class size numbers used are arbitrary. There has been no explanation as to why the Commission should adopt a class size calculation inconsistent with the educational finance model and statutory mandate to seek to implement class sizes lower than this rule provides. There is no explanation or indication *why* the Commission saw fit to increase class size, thereby decreasing the number of classrooms required.

As the professionals who work directly with students, WEA members know that increasing class sizes is a very bad idea. We believe that parents overwhelmingly agree on the importance of maintaining low class sizes and low teacher/pupil ratios. The State’s educational experts have all supported low class sizes, particularly in the lower elementary grades. The Legislature has appropriately maintained the lower class sizes because they allow for a high quality education. The legal validity of the school finance system depends on implementation of class sizes built into the model. The lower class sizes built into the finance system are a foundational premise for the other components of the model. When that premise is altered, whether directly, or indirectly by limiting the number of physical classrooms allowed, the system becomes invalid.

There is a clear legal mandate for small class sizes. Wyo.Stat. §21-9-101(d) requires “each school district within the state shall endeavor to maintain when practicable, in kindergarten through grade three (3) within the district, an average class size of no more than sixteen (16) students per teacher... .” The school finance model adopted by the Legislature likewise provides for smaller class sizes than the SFC “capacity” calculation.

Throughout the *Campbell* decisions, the courts have held that “Small schools, small class size, low student/teacher ratios, textbooks, low student/personal computer ratios” are essential requirements of a constitutional education. *Campbell County School District v. State*, 907 P.2d 1238 (1995) at paragraph 145. The State, throughout the *Campbell* litigation justified many of the components’ adequacy on the premise that the model provides low class sizes which enhances learning and decreases the need for funding other components. For example, the State contended that its funding for at risk students was adequate because the lower class sizes allowed for more personal attention from teachers, which reduced some of the need for supplemental programs.

The legal mandate for small class sizes does not just apply to the financing system, it applies to facilities as well. The state is obligated to provide facilities that match the educational model devised in the finance system. A back door approach of forcing higher class sizes through facilities standards is just as much a violation of the constitutional mandate as if the state raised the class sizes in the finance model contrary to the Court directives.

Sorely lacking is the Commission identifying what analysis, data or educational rationale it has for creating larger class sizes and fewer classrooms. There has been no explanation provided for why these particular class sizes were chosen, or any significant analysis of what the impact the higher class sizes would have on the ability to provide a quality education for every student.

These capacity standards adopt class sizes that are not consistent with good educational practice, nor with the law. The school finance model is the legislative implementation of the constitutional requirement for a “thorough and efficient” and “complete and uniform” education. The finance model provides for class sizes of 16:1 in the lower grades, while the new capacity calculation uses a 25:1 standard. WEA has tried to understand the basis for the Commission establishing higher class sizes despite contrary legal mandates and expert opinions. WEA sought information about the Commission capacity calculation through a public records request. We have yet to discover any serious educational justification for the Commission’s class size “capacity” calculation change.

It appears that the class size calculation is not the result of any serious educational analysis of the effect of class size on students, but rather a technique to avoid addressing a large backlog of needed facilities by simply changing the rules. In essence, the Commission moved the goal posts and declared victory, asserting that the backlog of millions of dollars of unmet needs was now solved. The change appears to be a kind of gimmick implemented to solve the problem of a lack of a reliable funding source for capital facilities. Due to the absence of reliable funding, there was a major shortfall in revenue to meet the identified needs. Instead of finding a reliable source of revenue, the Commission moved the goal posts, declared the previously identified needs gone, and submitted a budget which pretended that there was no issue with any of the overcrowded schools.

This approach arbitrarily reduces the number of classrooms needed in a school and will have the effect of preventing some schools from ever attaining the same 16:1 ratio available

elsewhere. It is ironic that statutes both direct districts to have the 16:1 class size and fund a 16:1 class size, but the capacity calculations proposed for adoption will *prevent* districts from attaining the result sought by statute and highly recommended by educational experts. Allowing the Commission to use a higher class size capacity is an instance of the tail wagging the dog. Such building standards are limiting educational opportunities for students rather than facilitating or enhancing the delivery of a quality education.

The larger class sizes which the Commission is proposing to permanently install by these rules is inherently arbitrary and discriminatory. How crowded your child's classroom will be depends on the arbitrary standard of whether the school was built or remodeled under the old or new rules. Districts who seriously seek to fulfill the legislative mandate and educational value of lower class sizes will be prevented from implementing those class sizes because the Facilities Commission will not authorize the construction or maintenance of enough classrooms.

The Commission staff have utilized the revocation of the statute requiring districts to get waivers of class sizes if their classes did not match the model as an excuse to raise class sizes. In many cases, the reporting process made no sense because districts which needed waivers primarily lacked sufficient classrooms to meet the model class sizes until additional classrooms were built. Those classrooms weren't built because the Commission had a backlog of projects that needed funding. While the somewhat useless requirement to obtain a formal waiver was eliminated, the educational and legal importance of small class sizes has not gone away. Wyo.Stat. §21-9-101(d) was not repealed. Class sizes in the finance model were not changed. The constitutional requirement for small class sizes has not disappeared. These rules seek to make permanent the inability of some districts to accomplish necessary lower class sizes by treating what have heretofore been considered overcrowded schools as no longer crowded by arbitrarily raising class sizes. Arbitrarily providing higher class sizes is not the bureaucratic magic wand intended, but a cruel trick played on students and school districts.

As the educational professionals who make up WEA have consistently emphasized, the most critical elements of a quality educational system are a well-qualified teacher with a class size that allows for the best instructional methods to be used where individualized student needs are met. Larger class sizes prevent even the best teacher from being able to use the best techniques and provide the individual student attention essential to student success. WEA represents professionals who have dedicated their lives to students and who know what impacts student success. WEA members know by experience that higher class sizes reduce educational opportunities. WEA likewise knows that Wyoming parents also support the importance of smaller class sizes.

In addition to failing to meet the constitutional requirement for educational necessity, the rules violate the constitutional requirement of equal protection. At the original core of the school finance litigation was the concept that it is a violation of the Constitution to provide unequal access to education. The court decisions made it clear that the quality of a child's education cannot be dependent on whether the student lived in a "rich" district or in a "poor" district. Likewise, the

quality of a child's education cannot depend on the arbitrary fact of whether the child's school was built or evaluated under the "old" or "new" criteria.

The Court emphasized that separate from concepts of minimum "adequacy," if there were significant beneficial programs or practices that were provided in one district, the state had an obligation to provide similar opportunities for all districts. Every expert that has done a study for the State has recommended lower class sizes as educationally beneficial. Wyoming's professional educators know the benefit of lower class sizes. The benefits are sufficiently obvious that parents overwhelmingly support smaller class sizes for their students and become concerned about individual attention for their child when class sizes are larger.

Not only do the rules fail to establish valid class sizes for calculation of capacity, the methodology used to calculate capacity is inherently arbitrary and impractical. The calculation is based on a district wide count of bodies and spaces, without regard to where exactly theoretical classroom space might occur in other schools. There is no consideration of the practicality or impact of busing students to other buildings. For example, if a school lacks enough space for students in one building, if there is room in any other school in the district, it is deemed there is no problem with capacity. However, such analysis does not consider exactly *where* the theoretically available space might be. For example, a school that is way over capacity with fourth graders in one school, would be deemed not over capacity if there were any other classrooms in other elementary schools, even if those available spaces were in first or second grade.

One of the consequences of the approach taken is that some school districts which have found it necessary to employ portable class rooms in order to provide space in the correct grade/class have discovered that the state considers the modular "over capacity" and refuses to pay for the cost of the modular. The modular is considered an "enhancement" because of the arbitrary methodology in determining classroom capacity.

ABANDONMENT OF THE CONCEPT OF "EDUCATIONAL SUITABILITY"

The Commission asserts that it needs to revoke as "outdated and archaic" rules pertaining to educational suitability. There is nothing archaic or outdated about the assessment of educational suitability. The rules are outdated only in the sense that the Commission allowed the staff to ignore the existing rules without changing them, effectively disregarding one of the critical elements of any legitimate assessment of school facilities. The previous rules provided in their statement of purpose that the Facility Design Guidelines "are intended to ensure the design and construction of adequate public school facilities." Adequate school facilities were defined to include: "Facilities which support the delivery of the 'educational basket of goods' or the educational programs necessary to meet state accreditation standards and federal laws." That statement of purpose is being repealed. More importantly, throughout the design of the rules educational suitability has been ignored or seriously downgraded. Not only has the emphasis on whether the facility matches the educational program been largely been eliminated, the proposed rules eliminate weighting of even the watered-down remnant of "educational suitability" with other factors in the facility needs

index. Educational suitability is not an archaic or outdated requirement. Legitimate analysis of educational suitability should not only be retained, but the relative importance of educational suitability should likely be *increased* in the overall facility needs index.

The Wyoming Supreme Court has explained: “Educational suitability identifies the degree to which a facility is suitable for the educational program being offered.” *Campbell I* at paragraph 133. That requirement is that not only must buildings be physically sound, they also must have everything necessary to allow effective presentation of the full “basket” with equal opportunities for all. The result of repealing the old rules and adopting new rules is to exclude any serious evaluation of existing buildings for educational suitability.

There still appears to be some awareness of educational adequacy in the designs of *new* buildings. But analysis of educational suitability of existing buildings has been eliminated. Considering educational programming, teaching methods and creating a favorable learning environment when evaluating existing buildings appears to have largely disappeared. The Commission does consider “functionality,” but that analysis looks only at items like air quality and lighting, but not suitability for the actual educational programs. WEA has had reports that the rationale for not applying a serious educational suitability analysis to existing buildings was that the Commission staff took the position they did not know how to measure educational suitability.

Applying the concept of educational suitability for existing buildings is not really that different from identifying important elements for a new building. At its base what is needed is simple – communication and collaboration with school officials regarding the activities that will occur and the kinds of spaces, technologies, security and other considerations that are relevant to producing quality learning in a safe facility. That is basically the process that MGT went through in establishing educational suitability standards and evaluating buildings for educational suitability in its prior official studies on behalf of the State of Wyoming.

When an architect or contractor undertakes to build a building for someone, the first step is to ask, “How are you going to use the space?” “What elements are important for you to accomplish the work to be done in that building.” Likewise, any business or entity considering whether to build a new building or do repairs on an existing facility will consider how well the existing facility meets the needs. That same analysis should be a priority in evaluating school buildings – whether a building can effectively function as a modern educational facility conducive to effective teaching and learning.

Educational suitability is not just a desirable or preferred goal, it is legally mandated. The Wyoming Supreme Court in *State v. Campbell County School District (Campbell II)*, 19 P.3d 518 (Wyo. 2001), addressed the necessity of educational and technological suitability for existing buildings. In that decision, the Court explicitly approved the methodology of the State’s consultant, MGT, in evaluating school facilities to determine if they were “safe and adequate” for their purpose. The Court held that, “The goal for providing facilities which are safe and efficient is to attain a score of 90 or above for building condition, an educational suitability score and

technological readiness score of 80 or above and a score of 4 for building accessibility.” The proposed rules do not fulfill this mandate.

CONCERNS THAT ANALYSIS OF “ASSET MANAGEMENT” DOES NOT INCLUDE SUFFICIENT CONSIDERATION OF EDUCATIONAL SUITABILITY

The concept of spending funds to repair/maintain existing facilities to preserve their value as facilities assets for decades to come is appropriate *only if* the “asset” will continue to be educationally suitable for all aspects of a modern education. Obviously, in the short term immediate maintenance is necessary to fix leaky roofs, keep the heating plant running, repair windows, etc., while better alternatives are developed. However, before substantial funds are invested with the idea of keeping the facilities, there needs to be a serious analysis whether the facility really “works well” as an education center now, and whether it will continue to do so into the future. Before decisions are made on preserving an “asset” for an additional twenty or thirty years as suggested by Commission staff, it is essential to know whether the building is going to be educationally suitable for the time span it is being preserved.

Within the inventory of facilities being considered for “asset preservation” are buildings built in the 1950s and 1960s and, in some cases, even far older. Some of these older buildings might be capable of being physically preserved, but that does not mean they are adequate for modern educational activities. Many were built for educational methods that no longer apply and are inherently not as secure and safe as modern buildings.

For decades following World War II, schools in America were built for what has been dubbed a “factory” approach to education. Students were seen as uniform entities, like a series of widgets to each move through grades (a series of classrooms), each being taught through the same methods in large group instruction. The buildings built for that purpose are often essentially boxes inside a larger box structure. They were built for an educational approach where desks were in straight rows with a teacher lecturing at the front of the room every day. Modern instructional methods do not look anything like that. Modern classrooms use technology, small groups and individualized programming. Learning by exploration or experience is done through individual and group activities. Classrooms may have team teachers, or a teacher and an aide each doing different things and some other students working independently. The layout of many older buildings is entirely unsuitable for modern educational programming. Modern schools also need appropriate and, at times, specialized, spaces for special education, a program which did not even exist when most of these schools were built. Old buildings often lack room for a modern library/computer center. The design of many of these older schools is simply not a good match for what should go on in a modern school.

Many of these older schools have inherent issues with school security. These older schools

were also not designed for our modern age of school shootings, parental or other child abduction, or other kinds of unwelcome intruders. Often administrative offices are located in the interior of the building. Design standards for new construction provide that entrances should be visible from the office/reception area. In older schools anyone entering the school passes by multiple classrooms before getting to the school office where visitors are cleared to be present in the school. It is possible to put controls on doors and ask who the person is, then buzz them in, but once admitted in the door the layout allows the visitor immediate access to students in classrooms. Compare that to newer schools where access is limited and traffic is first routed to an area where office personnel or others verify who the visitor is before they are allowed into the classroom area.

Safety and security is not just an item to consider. It is a matter of paramount importance. Where the physical safety of students is at stake, there should not be any cutting of corners or settling for half measures. Standards should provide for the full cost of any retrofitting that might be practical to bring the level of safety equal to newer buildings. If the physical layout does not allow for such an improvement, then it should be a major factor weighing toward replacement, rather than preservation, of such a space.

WEA does not claim every school must be new, but every building needs to be safe, in good condition and fully educationally functional. Some facilities do legitimately deserve consideration for preservation, because they can be made educationally suitable. But, before there is a decision to pour money into an old building, it is essential to do a proper analysis whether, in both the short- and long-term, the building will be educationally suitable as well as kept in good condition. In short, it is critical to ask whether it is wise to pour large amounts of money into buildings that will never fully “work” for modern educational practices. Asset preservation is a viable, appropriate concept, but it should be subject to the first consideration – educational usefulness of the facility. A simple exercise of entering one of the new buildings built under Commission supervision and then entering some of the old buildings being considered for asset preservation, makes it evident that the two buildings offer stark differences in opportunities for children.

THE PROPOSED RULES FAIL TO MEET LEGAL REQUIREMENTS

As discussed above, the proposed rules are contrary to law in multiple ways. A summary of some of the most apparent violations of law include, but are not limited to:

1. *Failure to follow legislative and constitutional mandates on class size.*

As noted above, the change in the “capacity” calculation to increase the number of students is contrary to both statutory direction for districts to achieve lower class size, and contrary to the design of the educational finance model which depends heavily on lower class sizes. In these rules, the Commission takes upon itself to override the legislative determinations of educationally appropriate class sizes. While the Commission is given authority to develop rules and regulations, it is not given authority to legislate its own class size standard contrary to the statutes adopted by

the Wyoming Legislature.

Further, the decision to increase class sizes above those established by the Legislature is not founded on any legitimate study or analysis. There is no indication that the Commission or its staff has conducted any serious study of the educational impact of higher class sizes. The numbers selected are not only contrary to statute, they are contrary to the weight of educational expert opinion, including experts who have provided reports to the state. The selection of the higher numbers was an arbitrary action made not for the purpose of establishing the proper class size numbers, but as a political exercise to attempt to make a large backlog of overcrowded schools disappear on paper. Nothing in the rules, any statement of their rationale, or other materials justify or validate the class size numbers chosen.

2. *Failure to provide statutorily and constitutionally required adequate facilities.*

These proposed rules are contrary to the history and purpose of the School Facilities Commission. The Commission came into existence to implement the mandate of the Wyoming Supreme Court. In a series of Wyoming Supreme Court cases, the Court “reiterated that safe and efficient physical facilities with which to carry on the process of education are a necessary element of the total educational process and state funds must be readily available for those needs.” *Campbell*, 19 P.3d 518, 557 (Wyo. 2001). The Court concluded: “We hold the legislature must fund the facilities deemed required by the state for the delivery of the ‘**full basket**’ to Wyoming students in **all** locations throughout the state.” *Id.* at 560 (**emphasis added**).

As a part of the remedial process, the State had commissioned an assessment of all school facilities through a company known as MGT. The Court noted that all parties had accepted the MGT methodology as valid and appropriate. The Court then required the implementation of the MGT methodology. In its ultimate holding on school facilities, the Court held: “We order all facilities must ultimately be made safe and efficient. The goal for providing facilities which are safe and efficient is to attain a score of 90 or above for building condition, and educational suitability score and technological readiness score of 80 or above and a score of 4 for building accessibility. These scores assure each facility achieves a rating of ‘good.’”

The State by practice and now in these proposed rules has abandoned the scoring system it created and which was explicitly approved and required by the Supreme Court. Assessments of educational adequacy are now confined to a few items like adequate light and heat, but virtually no consideration of whether the facility allows the “full basket” occurs under the proposed rules. In addition to the virtual absence of any legitimate effort to determine if existing facilities are adequate for presentation of the educational program, these rules include a process for determining “capacity” using class size calculations that are contrary to state statutes and constitutional imperatives as noted above.

3. *Violation of equal protection.*

Fundamental to Wyoming's constitutional right to education is that students are provided equal educational opportunities. The Wyoming Supreme Court has made it clear that the quality of an education cannot depend on whether a school district is "rich" or "poor." Likewise, the quality of a child's education cannot depend on whether the child's school was built before or after the state experienced a revenue shortfall and rules were changed. The initial *Campbell* decision requires the same opportunities whether a child lives in Sundance or Green River. The same can be said for students within a school district as well as in comparing opportunities across district lines. The Court did not require that every student have a new building, but it did require that the facilities be substantially equal and that the differences cannot create unequal educational opportunities.

The concept of disparity violating equal protection does not just extend to whether one school provides minimum quality opportunities and another falls short. The Court observed that even if the difference might be considered an "enhancement," the State must still move to eliminate disparities:

The state must assure that over time appropriate local enhancements are adopted as state required facilities as the standard for an adequate education evolve. In addition, local enhancements which are not appropriate as statewide standards must not result in disparities in educational opportunities that deny students an equal education, 'appropriate for the times' as required by the state constitution.

Campbell, Id. at 561. A situation where some students can enjoy the documented benefits of smaller class size while others cannot is a classic example of legally impermissible disparity. Likewise, a situation where students in newer schools enjoy air conditioning, but students in older schools which can reach triple digit temperatures during warm months must suffer is another impermissible example. A safety situation where newer schools can observe and control access for security reasons, but due to layout and space limitations older schools cannot achieve the same degree of safety is a serious impermissible disparity.

It is now 17 years since the Court required substantially equal facilities in the opinion referenced above and the Commission's rules are now proposing not to eliminate disparities, but to permanently lock in such serious disparities. The problem of equal protection is compounded by the emphasis on "asset preservation." The suggestion to "preserve" already old schools for additional decades locks in limitations of facility space, facility layout, site limitations, security problems, etc., permanently. That flies in the face of the legal requirement for equal educational opportunities. It is going in the opposite direction from the requirement for the state to move to upgrade/replace older schools to match modern innovations/improvements occurring in newer schools.

Chapter 0
Uniform Adequacy Standards - Appendices

REPEALED

~~Wyoming Public Schools~~
~~FACILITY DESIGN GUIDELINES~~

~~Wyoming School Facilities Commission~~
~~July 2003~~

Acknowledgement

~~The Wyoming School Facilities Commission has developed these facility design guidelines with assistance from MGT of America, Inc. The commission would like to acknowledge the invaluable contribution of the members of the Facility Design Guidelines Steering Committee who also assisted in this important effort.~~

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~~I. — **Purpose**~~

~~The *Wyoming Public Schools Facility Design Guidelines* are intended to ensure the design and construction of adequate public school facilities. The guidelines shall be applied to all new construction and all major renovations of existing facilities.~~

~~Adequate school facilities are defined as;~~

- ~~▪ Facilities which support the delivery of the “educational basket of goods” or the educational programs necessary to meet state accreditation standards and federal laws,~~
- ~~▪ Facilities that are cost effective,~~
- ~~▪ Facilities that provide a safe and secure environment for students, staff and teachers,~~
- ~~▪ And facilities which have a positive impact on their community and the environment.~~

~~The guidelines have been developed to ensure the equity of facilities throughout the state, while allowing for the maximum amount of local control over the design of schools. In order to accomplish this goal, the guidelines focus on performance standards and “bottom line” parameters instead of detailed design rules. This approach is intended to encourage districts and their designers to design facilities that meet the needs of their educational programs while achieving the state’s standards for adequacy. The models included in Appendix A have been developed using the guidelines in this document.~~

~~*Exceptions*~~

~~The Commission may grant exceptions to these guidelines on a case by case basis when the exception supports the intent of these guidelines. These guidelines have been developed for new schools, and will be applied to existing schools on a case by case basis.~~

~~*Codes*~~

~~All school facilities shall comply with all local, state, and federal building codes and applicable laws and regulations.~~

~~*Submittals*~~

~~The Commission shall review all school construction projects for compliance with these guidelines. This review shall be ongoing once the appropriate remedy is determined by the Commission. Complete conceptual and schematic design and construction documents shall be submitted to the Commission by the District in which the project is located.~~

II. Site Requirements

Suggested school sites;

Elementary Schools	4 useable acres with an additional acre for each 100 students
Middle Schools	10 useable acres with an additional acre for each 100 students
High Schools	20 useable acres with an additional acre for each 100 students
Existing sites	No additional facilities may be added or existing facilities be replaced on an existing site which is less than 50% of the recommended minimum site size.

School sites shall meet the following performance standards;

- Sites will provide outdoor activity areas that have safe and appropriate surfaces for physical activities. A portion of the outdoor activity areas shall accommodate year-round activity.
- Sites may accommodate vehicle parking for all staff, itinerant staff, and additional spaces to accommodate a minimum of 25% of the seating capacity of the gym or the assembly area, whichever is larger.
- High school sites shall accommodate, in addition to parking for staff and visitors, vehicle parking for a minimum of one-fourth of the student design capacity, or local code requirements.
- Sites shall accommodate the separation of bus, car and pedestrian traffic. (See the Safety and Security section for additional safety design parameters.)

III. School Size (Gross Square Foot Standards)

School facilities shall meet the following maximum standards for gross square feet per student.

No. of Students	19	57	114	228	342	>450
Elem. K-5	155 SF	135 SF	185 SF	150 SF	140 SF	120 SF
No. of Students	<150	150	350	550	>650	
Middle 6-8	TBD	300 SF	195 SF	160 SF	150 SF	
No. of Students	<150	150	350	550	>750	
High 9-12	TBD	360 SF	235 SF	195 SF	180 SF	
No. of Students	<85	85	171	342		
K-8	TBD	380 SF	300 SF	190 SF		
No. of Students	<75	75	100	150	250	350
K-12	TBD	465 SF	430 SF	380 SF	280 SF	255 SF
No. of Students	<75	75	100	150	250	350
6-12	TBD	525 SF	440 SF	350 SF	265 SF	255 SF

School Capacity and Size

The guidelines for schools are based on the programmatic models presented in Appendix A. The guidelines for schools with design capacities that fall between the capacities of the models will be determined on a graduated scale.

Programmatic Models

Typical programs for schools, which identify the number and types of typical spaces, can be found in Appendix A.

Net to Gross Ratio

To convert net square feet to gross square feet, a maximum net to gross ratio of 1.37 should be used. The net to gross ratio shall include wall thickness, circulation, custodial space, mechanical/electrical space, and group restrooms. Refer to the programmatic models in Appendix A.

IV. Projected Enrollment

The capacity of school facilities shall be determined by enrollment projections developed in compliance with the methodologies outlined in the *School Facility Master Plan Guidelines*.

Declining Enrollment

Where the school district's past and projected enrollments show a declining population trend, facility capacity may be based on the fifth year projection as approved by the Commission.

Stable Enrollment

Where the school district's past and projected enrollments show a stable or randomly increasing and decreasing population trend, facility capacities may be based on the average of the five year projected population as approved by the Commission.

Increased Enrollment

Where the school district's past and projected enrollment shows an increasing population trend, facility capacities may be based on a tenth-year projection as approved by the Commission.

V. Design Capacity

The design capacity of a school facility shall be calculated using the methodology outlined in the *School Facility Master Plan Guidelines*.

VI. Classroom Design

A. General Classrooms

General classrooms shall be designed to meet the following parameters;

- General classrooms (single teaching stations) may be designed to accommodate a maximum of up to 30 students;
 - General classrooms should provide a minimum of 35 SF per student in elementary grades and 32 SF per student in secondary grades;
 - General classrooms should have a source of natural light. (See the section on Sustainability for day lighting requirements.)
 - General classrooms should provide the necessary equipment, technology infrastructure, and storage to support the intended educational program.
-

- ~~General classrooms should incorporate the flexibility necessary to revise the use as required.~~
- ~~General classrooms should have a minimum ceiling height of 9'-0".~~

~~B. Special Use Classrooms~~

~~Special use classrooms include classrooms designed to house programs such as special education, art, music, science, physical education, and vocational education. Special use classrooms shall meet the following parameters;~~

- ~~Special use classrooms shall meet the minimum SF per student standards for general classrooms. Typical square foot per student ratios is shown in the programmatic models in Appendix A.~~
- ~~Special use classrooms should have a source of natural light. (See the section on Sustainability for day lighting requirements.)~~
- ~~Special use classrooms should provide the necessary equipment, technology infrastructure, and storage to support the intended educational program.~~
- ~~Each school district is responsible for demonstrating how it will accommodate special use classrooms for the severely handicapped or high-needs students, which contain toilet, shower, changing, laundry, and time-out areas.~~

VII. Assembly Space

~~All schools with design capacities of more than 100 students, not incorporating an auditorium, shall provide assembly space for the total student body. Assembly space shall accommodate a permanent or moveable stage and/or risers.~~

~~Assembly space shall meet the following parameters;~~

- ~~Assembly space in elementary, middle and high schools shall be provided in multipurpose spaces such as commons, cafeterias, gyms or multipurpose rooms and shall accommodate the entire student design capacity and staff.~~

~~High schools with design capacities of 200 or more may request space for an auditorium.~~

- ~~Auditorium seating capacity and square footage shall be based on occupant load as outlined in Appendix B.~~
- ~~If space is allocated for an auditorium, an auditorium of the prescribed size shall be built. Square footage allocated to the auditorium may not be utilized to expand other areas of the school.~~

- Auditorium seating capacity over that allocated in Appendix B shall be considered a local enhancement.

VIII. Media Centers

There is no minimum requirement for media centers. A media center could include, but is not limited to, a reading room, a circulation desk, stacks, and computer stations. Typical media center spaces and their sizes are shown in the programmatic models in Appendix A.

Media center support spaces may include, but are not limited to, the following types of spaces;

- Office
- Storage
- Workroom
- Conference
- Dark room
- Video production

IX. Physical Education

Each school facility shall provide indoor and outdoor space to support the physical education program. Typical physical education spaces and their sizes are shown in the programmatic models in Appendix A.

No new swimming pools may be included within school facility projects except as an enhancement, however; swimming pools existing prior to the effective date of these rules may be maintained through district funds, major maintenance or funds available through Commission approved minor capital outlay remedies.

Facilities for outdoor physical education programs may be constructed at the districts discretion to the extent that the facilities fit within the facility and site work funding allocation.

- High school site minimums include:

One grass, irrigated field sized for football or soccer.

Any high school with a student design capacity of 200 or more may request to have an all weather surfaced track. In districts having a population less than 200 high school students, the district may request an all weather surfaced track on one location. High schools less than 200 may request a cinder track at each school location.

X. Administrative, Staff and Student Support Spaces

Each school facility shall provide the appropriate administrative, staff and student support spaces for the specific school size and grade configuration. Examples of the

types and sizes of support space can be found in the programmatic models in Appendix A.

XI. Food Service

The size and type of food service facilities will vary depending on the type of food service provided in the school.

XII. Sustainability, Energy Efficiency and Lighting

Each new school facility shall meet minimum requirements for sustainability and energy efficiency.

Day Lighting. Quality day lighting designs have been proven to improve student productivity. When integrated properly with the electric lighting system, day lighting saves significant amounts of energy.

Energy Efficiency. Energy Efficiency should be a cornerstone of the school to reduce operational expenses, conserve natural resources, and reduce local and global pollution.

Indoor Air Quality. Schools must protect student health, and good indoor air quality is essential for healthy schools. A wide variety of design issues affect indoor air.

- *Ventilation systems must meet the minimum requirements of voluntary consensus standard ASHRAE 62-1999, Ventilation for Acceptable Indoor Air Quality.*

Maintenance. Without regular preventative maintenance over the lifetime of the building, a school will not perform at the level it was designed. Inadequate maintenance can cause a litany of problems from poor indoor air quality and increased energy expenses, to visually, thermally, and acoustically inadequate teaching environments.

- *The district must create a school maintenance plan (as part of the project closeout) that includes an inventory of all equipment in the school and their preventative maintenance needs.*

Commissioning and Training. All schools should be commissioned to ensure that the design meets the expectations of the district, and that the school is built as it was designed. Modern schools are complex buildings. Commissioning ensures that all building systems are working properly, and that the school staff knows how to operate and maintain them.

~~**Acoustics.** If not controlled to appropriate levels, noise from loud ventilation systems, outdoor sources, and neighboring rooms can significantly impede communication between teachers and students. Young learners, students with hearing difficulties, and those learning English as a second language are particularly vulnerable.~~

- ~~▪ *Classrooms should have a maximum unoccupied background noise level of 45 dBA.*~~

~~**Sustainable Materials.** Hidden within all materials are the resources, energy, chemicals, and environmental damage involved in their production. More sustainable alternatives, such as recycled materials, exist and should be used as much as possible.~~

~~**Waste Reduction.** It is now possible to recycle, compost, or salvage a majority of construction and demolition waste instead of disposing it in landfills. All projects should recycle, compost, or salvage building materials where economically feasible.~~

~~**XIII. Safety and Security**~~

~~Each school facility shall substantially comply (a minimum of 80% of the applicable design criteria) with the safety and security checklist contained in Appendix B.~~

~~**XIV. Lifecycle Cost Analysis**~~

~~A life cycle cost analysis shall be completed for each school project. The analysis shall compare initial and life cycle costs for all major systems in the building. The comparison shall utilize at least three different types for each system. The major systems shall include, but are not limited to;~~

- ~~▪ Structural~~
- ~~▪ Exterior skin~~
- ~~▪ Roof~~
- ~~▪ Flooring~~
- ~~▪ HVAC~~
- ~~▪ Lighting~~

~~The life cycle cost analysis shall utilize the model shown in Appendix C or a similar model as approved by the Commission.~~

~~Wyoming Public Schools~~
~~FACILITY DESIGN GUIDELINES~~

~~APPENDIX A~~
~~PROGRAMMATIC MODELS~~

**DESIGN GUIDELINES-
ELEMENTARY SCHOOL MODEL COMPARISON**

Room Type	1 Classroom	3 Classrooms	6 Classrooms	11 Classrooms	17 Classrooms	22 Classrooms
A. Prototype Capacity	19	57	114	228	342	456
Administration						
Administration		150				
Principal			150	150	150	150
Vice-Principal						150
Secretary/Reception			200	275	375	400
Nurse/Toilet			150	225	225	300
Counselor				75	150	150
Conference			125	175	225	250
Workroom		100	250	300	325	350
Lounge				200	250	300
Staff Toilet		70	70	130	130	200
Itinerant Office			100	75	100	100
Technology Support			75	100	125	150
Storage		75	150	250	350	425
Total Administration		395	1,270	1,955	2,405	2,925
Classrooms						
Kindergarten Classroom and Toilet			1,115	1,115	2,165	2,165
General Classrooms	950	2,850	4,375	8,750	13,125	17,500
Science Classroom / Prep						
Special Education		250	700	1,400	2,400	2,550
Special Education Pull-Out			300	600	800	1,000
Total Classrooms	950	3,100	6,490	11,865	18,490	23,215
Arts						
Band/Stage			800	800	800	800
Art/Music Classroom			1,200			
Vocal Music				950	1,000	1,100
Music/Performing Arts						
Performing Arts Support Space					150	200
Art Room/Art Support Space			150	1,150	1,200	1,200
Total Arts			2,150	2,900	3,150	3,300
Core						
Media Center/Media Support Space			1,200	1,500	2,200	2,500
Computer Lab			400	875	875	875
Academic Focus	-	240	512	857	1,236	1,495
Multipurpose	950	1,700	2,400	3,350	4,250	4,250
Coach Office					75	75
Table and Chair Storage		100	175	325	500	650
PE Instruction/Storage			250	400	500	600
Food Prep/Kitchen Services		100	350	600	700	700
All Other	750					
Core Total	1,700	2,140	5,287	7,907	10,336	11,145
Total Net Square Footage	2,650	5,635	15,197	24,627	34,381	40,585
Net to Gross Ratio	1.10	1.37	1.37	1.37	1.37	1.37
Gross Square Footage	2,915	7,720	20,820	33,739	47,102	55,601
SF / Student	153.42	135.44	182.63	147.98	137.73	121.93

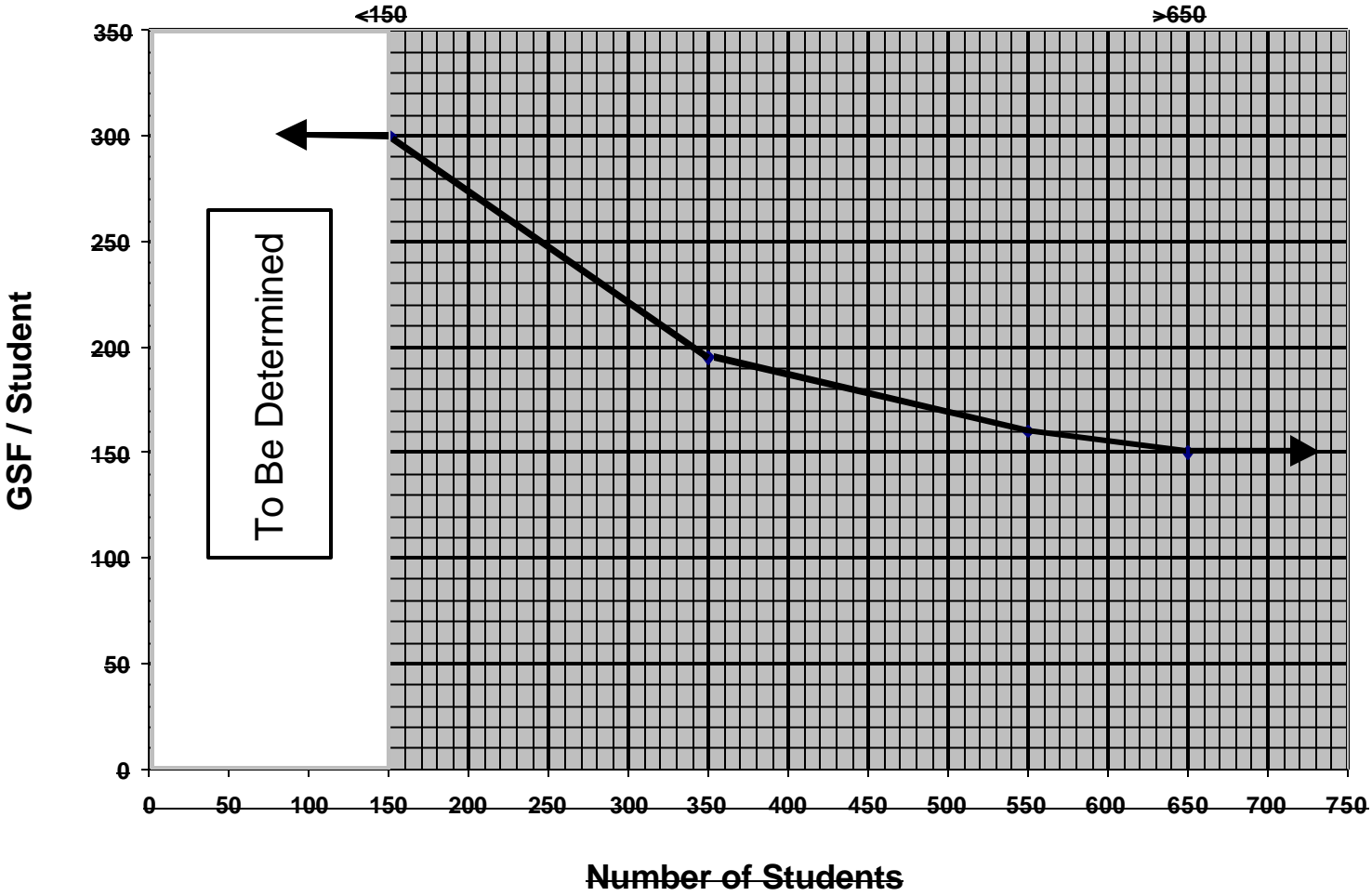
Note: Models are for planning guidance only. The actual design programs will be developed by the district in conjunction with the School Facilities Commission for each proposed facility.

**DESIGN GUIDELINES
MIDDLE SCHOOL MODEL COMPARISON**

Classroom Type	150 Total SF	350 Total SF	550 Total SF	750 Total SF
Administration				
Principal	150	150	150	150
Vice-Principal	-	150	150	300
Secretary	200	200	300	400
Reception	50	100	150	200
Nurse/Toilet	150	225	275	300
Counselor	100	200	250	375
Conference	150	200	225	250
Workroom	200	300	350	400
Lounge	200	300	350	400
Staff Toilet	130	130	260	260
Itinerant Office	100	200	200	300
Technology Support	75	125	150	175
Storage / Records	200	350	450	550
Total Administration	1,705	2,630	3,260	4,060
Classrooms				
General Classrooms	7,350	11,270	15,295	19,320
Science Classrooms	1,260	2,300	3,450	4,600
Science Prep Rooms	250	250	500	500
Special Education	680	1,700	2,415	3,220
Support Space/Class/Pull-out	150	300	450	600
Total classrooms	9,690	15,820	22,110	28,240
Arts				
Band		1,250	1,750	2,000
Vocal Music	1,250	1,250	1,150	1,250
Performing Arts Support Space	350	550	750	850
Art Room	1,050	1,150	2,300	2,300
Art Support Space	150	300	450	550
Total Arts	2,800	4,500	6,400	6,950
Voc Ed				
Multi-Purpose Shop/Lab (heavy)	1,440	1,600	1,600	1,600
Storage	350	500	500	750
Multi-Purpose Shop/Lab (light)	1,000	2,000	2,000	2,000
Computer Lab	735	805	805	1,610
Total Voc Ed	3,525	4,905	4,905	5,960
Core				
Media Center	1,200	1,400	2,200	2,800
Media Support Space	700	900	1,100	1,300
Sub-total Academic	17,915	27,525	36,715	45,250
Academic Focus	896	1,376	1,836	2,263
Commons / Cafeteria	1,350	3,150	4,950	6,750
Stage	500	750	1,000	1,000
Gym	7,000	7,700	8,500	9,200
Aux. Gym				4,600
Aux. PE Room		2,400	3,000	2,000
Lockers / Shower / Toilets	1,800	2,100	2,100	2,300
PE Office/Support	200	200	300	400
PE storage Equipment/Uniforms	400	550	650	850
Serving Kitchen	1,000	1,250	1,500	1,750
Table and Chair Storage	150	350	550	750
Sub-total Core	15,196	22,126	27,686	35,963
Sub-total	32,916	49,981	64,361	81,173
Net to Gross Ratio	12,179	18,493	23,813	30,034
Total	45,095	68,474	88,174	111,206
SF per Student	300.63	195.64	160.32	148.28

Note: Models are for planning guidance only. The actual design programs will be developed by the district in conjunction with the School Facilities Commission for each proposed facility.

School Size Guidelines Middle School - Grades 6-8

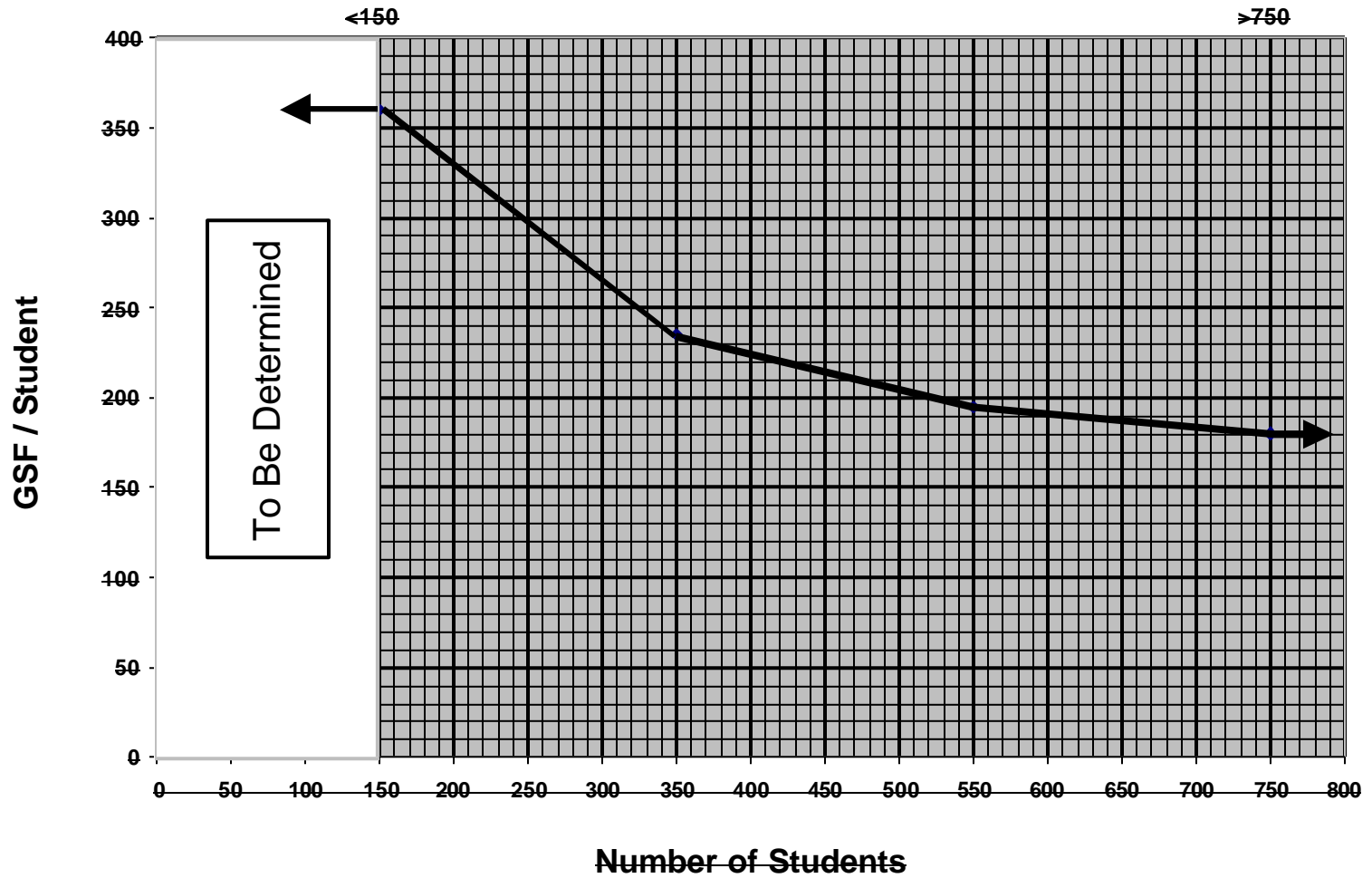


**DESIGN GUIDELINES
HIGH SCHOOL MODEL COMPARISON**

Room Type	150 Total SF	350 Total SF	550 Total SF	750 Total SF
Administration				
Principal	150	150	150	150
Vice-Principal	-	150	150	300
Secretary	200	200	300	400
Reception	50	100	150	200
Nurse/Toilet	150	225	280	300
Counselor	100	175	250	375
Guidance Records / Storage	30	75	110	150
Guidance Conference	-	-	150	150
Conference	150	200	225	250
Workroom	200	300	350	400
Lounge	200	300	350	400
Staff Toilet	130	130	260	260
Itinerant Office	100	200	200	300
Technology Support	75	125	150	175
Storage	200	400	500	600
Total Administration	1,735	2,725	3,575	4,410
Classrooms				
General Classrooms	7,350	11,270	12,880	16,905
Science Classrooms	1,260	2,300	3,450	5,000
Science Prep Rooms	300	500	750	1,000
Special Education	680	2,550	2,550	3,400
Support Space/Class/Pull-out	150	450	450	600
Total classrooms	9,740	17,070	20,080	26,905
Arts				
Band	-	1,750	1,750	2,000
Band/Choir	1,500	-	-	-
Choir	-	1,250	1,250	1,250
Performing Arts Support Space	600	800	1,000	1,200
Art Room	1,050	1,150	2,300	2,300
Art Support Space	150	300	500	600
Total Arts	3,300	5,250	6,800	7,350
Voc-Ed				
Multi-Purpose Shop/Lab (heavy)	2,000	4,000	4,000	6,000
Shop Storage	500	750	900	1,000
Multi-Purpose Shop / Lab (light)	1,000	2,000	2,000	2,300
Business Ed Lab	-	805	1,610	2,415
Family Consumer Science Lab	-	-	1,150	1,150
Computer Lab	735	805	805	1,610
Total Voc Ed	4,235	8,360	10,465	14,475
Core				
Media Center	1,200	1,400	2,200	3,000
Media Support Space	700	900	1,100	1,300
Sub-total Academic	19,175	32,980	40,645	53,030
Academic Focus	959	1,649	2,032	2,652
Commons / Cafeteria / Assembly	1,650	3,850	6,050	8,250
Stage	800	800	1,000	1,000
Gym	8,450	10,200	10,200	10,200
Aux Gym	-	-	6,000	6,200
Aux PE Room	4,600	2,000	2,400	2,800
Weight Room	750	1,125	1,500	1,500
Lockers/Showers / Toilets	2,100	2,300	2,300	2,500
PE Teacher Office / Support	200	300	300	400
PE storage / Equipment / Uniforms	700	800	1,000	1,200
Food Prep	1,000	1,250	1,500	1,750
Table / Chair storage	150	350	550	750
Sub-total Core	20,259	26,924	38,132	43,502
Sub-total	39,269	60,329	79,052	96,642
Net to Gross Ratio	14,529	22,322	29,249	35,757
Total	53,798	82,651	108,302	132,399
SF per Student	358.65	236.14	196.91	176.53

Note: Models are for planning guidance only. The actual design programs will be developed by the district in conjunction with the School Facilities Commission for each proposed facility.

School Size Guidelines High School - Grades 9-12



**DESIGN GUIDELINES
K-8 SCHOOL MODEL COMPARISON
K-8 SCHOOL PROTOTYPE COMPARISON**

Room Type	75 Total SF	150 Total SF	350 Total SF
Administration			
Principal	450	450	450
Vice-Principal		-	
Secretary	100	200	300
Reception	50	400	450
Nurse/Toilet	150	150	225
Counselor		400	200
Guidance-Records/Storage	25	30	70
Guidance-Conference			
Conference	100	150	200
Workroom	100	200	300
Lounge	100	200	300
Staff-Toilet	70	130	130
Itinerant-Office	100	100	200
Technology-Support	50	75	125
Storage	100	200	350
Total Administration	1,095	1,785	2,700
Classrooms			
General-Classrooms	1610	2,415	4,830
Kindergarten-class-and-Toilet		115	115
Classrooms-Elementary	2,415	4,025	8,050
Science-/Art-Classroom	1,250		
Science-Classrooms		1,150	2,300
Science-Prep-Rooms	250	250	250
Special-Education	600	850	2,550
Support-Space	150	300	450
Total classrooms	6,275	10,105	19,545
Arts			
Band		1,250	1,250
Choir		805	1,250
Band-/Choir-/Stage	1,250		
Performing-Arts-Support-Space	150	350	550
Art-Room		1,150	1,150
Art-Support-Space	100	150	300
Total Arts	1,500	3,705	4,500
Voc-Ed			
Multi-Purpose-Shop/Lab-(heavy)			1,600
Shop-Storage	150	350	500
Multi-Purpose-Shop/Lab-(light)			1,150
Multi-Purpose-Shop-/Lab-(heavy/light)	1,600	1,600	
Computer-Lab	735	735	805
Total Voc-Ed	2,485	2,685	4,055
Core			
Media-Center	900	1,200	1,400
Media-Support-Space	300	700	900
Sub-total Academic	11,460	18,395	30,400
Academic-Focus	573	920	1520
Multipurpose	5,100	7,000	7,700
Stage		800	1,000
Aux-Gym			
Gym-Seating			
Aux-PE-Room			
Weight-Room	500	500	650
Lockers-/Shower-/Toilets	1,200	1,800	2,100
Teacher/Coach-Office-&Support	100	200	300
PE-storage-/Equipment-/Uniforms	200	300	400
Food-Prep	500	1,000	1,250
Table-/Chair-Storage	100	150	350
Sub-total Core	9,473	14,570	17,570
Sub-total	20,828	32,850	48,370
Net-to-Gross-Ratio	7706	12151	17897
Total	28,534	45,004	66,267
SF per Student	380.46	300.03	189.33

DESIGN GUIDELINES K-12 SCHOOL MODEL COMPARISON

Room Type	75 Total-SF	100 Total-SF	150 Total-SF	250 Total-SF	350 Total-SF
Administration					
Principal	150	150	150	150	150
Vice-Principal		-	-	-	150
Secretary	100	200	200	300	300
Reception	50	50	50	75	100
Nurse/Toilet	150	150	150	200	225
Counselor			100	150	200
Guidance Records/Storage	25	25	50	50	75
Conference	100	125	150	175	200
Workroom			200	250	300
Lounge			200	250	300
Staff Toilet	75	70	130	130	130
Itinerant Office	100	100	100	200	200
Technology Support	50	50	75	100	125
Storage	100	150	200	275	350
Total Administration	895	1,070	1,755	2,305	2,805
Classrooms					
General Classrooms	2,415	2,415	5,600	7,425	10,725
Kindergarten class and Toilet		1,115	1,115	1,115	1,115
Classrooms-Elementary	1,610	4,025	4,375	4,375	8,750
Science Classrooms	1,250	1,250	1,250	2,300	2,300
Science Prep Rooms	250	250	250	250	250
Special Education	600	680	680	850	2,550
Support Space	150	150	150	300	450
Total classrooms	6,275	9,885	13,420	16,615	26,140
Arts					
Band				1,250	1,750
Choir				1,250	1,250
Band and Choir	1,250	1,400	1,400		
Performing Arts Support Space	250	400	600	700	800
Art Room	1,050	1,050	1,050	1,150	1,150
Art Support Space	100	125	150	225	300
Total Arts	2,650	2,975	3,200	4,575	5,250
Voc Ed					
Multi-Purpose Shop/Lab (heavy)			1,600	1,600	2,000
Shop Storage	300	400	500	650	750
Multi-Purpose Shop/Lab (light)	1,050	1,050	1,050	1,150	1,150
Business Ed. Lab					
Family Consumer Science Lab					
Computer Lab	600	735	735	805	805
Total Voc Ed	1,950	2,185	3,885	4,205	4,705
Core					
Media Center	1,000	1,200	1,200	1,200	1,400
Media Support Space	500	600	700	800	900
Sub-total Academic	12,375	16,845	22,405	27,395	38,395
Academic Focus	618	842	1,120	1,370	1,920
Commons/Auditorium	750	1,000	1,500	2,500	3,500
Stage	400	600	800	800	800
Gym	6,800	7,000	8,450	10,200	10,200
Aux Gym					
Aux-PE Room			1,000	1,600	1,600
Weight Room	650	650	650	650	780
Lockers / Shower / Toilets	2,000	2,000	2,100	2,200	2,300
Teacher/Coach Office & Support	100	100	100	200	300
PE storage / Equipment / Uniforms	300	400	600	700	800
Food Prep	500	700	1,000	1,150	1,250
Table / Chair Storage	100	100	150	250	350
Sub-total Core	13,719	15,192	19,370	23,620	26,100
Sub-total	25,489	31,307	41,630	51,320	65,000
Net-to-Gross Ratio	9431	11584	15403	18988	24050
Total	34920	42891	57033	70308	89050
SF per Student	465.59	428.91	380.22	281.23	254.43

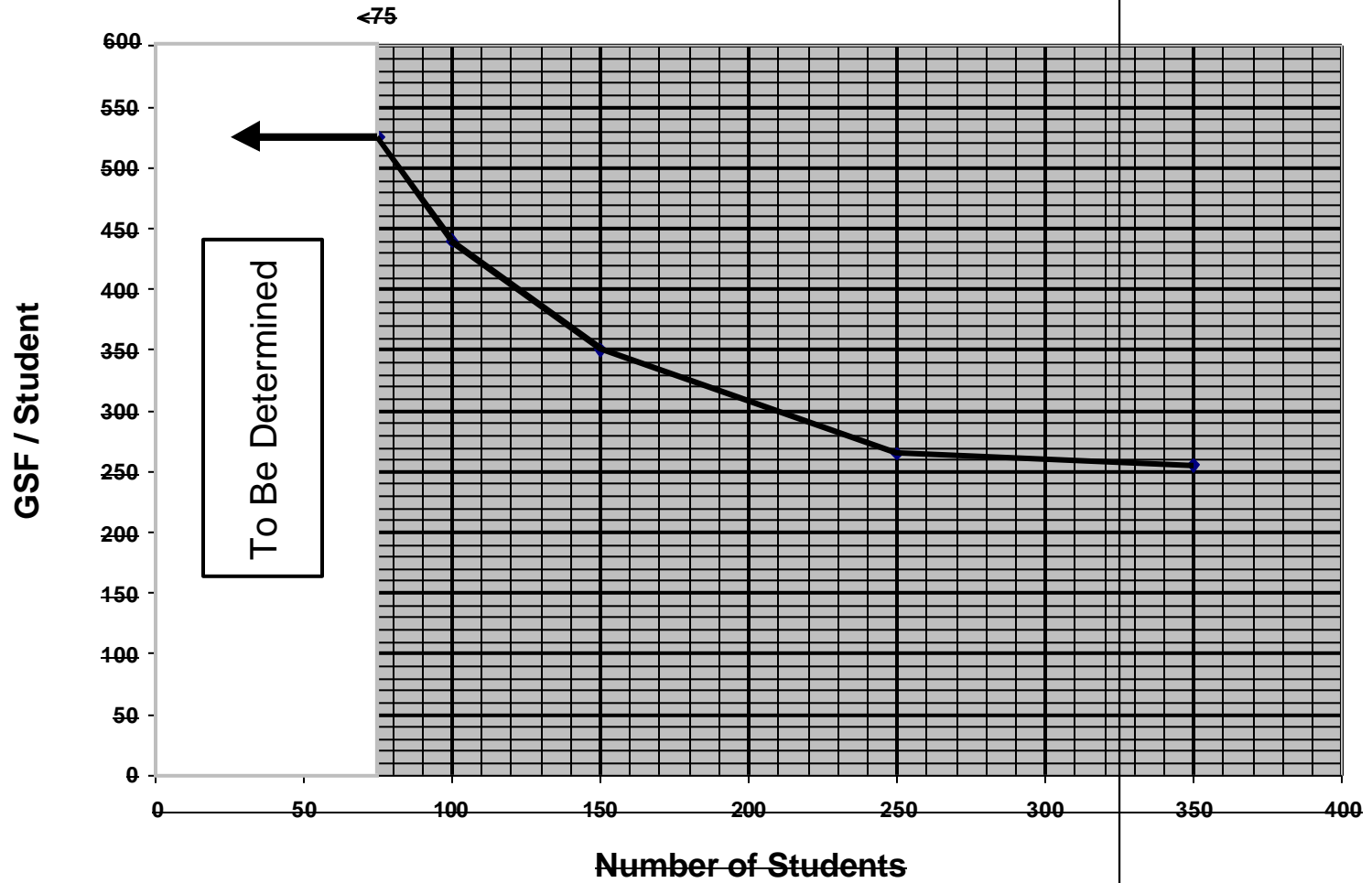
Note: Models are for planning guidance only. The actual design programs will be developed by the district in conjunction with the School Facilities Commission for each proposed facility.

DESIGN GUIDELINES 6-12 SCHOOL MODEL COMPARISON

Room Type	75 Total SF	100 Total SF	150 Total SF	250 Total SF	350 Total SF
Administration					
Principal	150	150	150	150	150
Vice Principal					150
Secretary	100	200	200	300	300
Reception	50	50	50	75	100
Nurse/Toilet	150	150	150	200	225
Counselor			100	150	200
Guidance Records/Storage	25	25	50	50	75
Conference	100	125	150	175	200
Workroom			200	250	300
Lounge			200	250	300
Staff Toilet	70	70	130	130	130
Itinerant Office	100	100	100	200	200
Technology Support	50	50	75	100	125
Storage	100	150	200	275	350
Total Administration	895	1,070	1,755	2,305	2,805
Classrooms					
General Classrooms MS	2,205	2,205	2,205	3,220	4,830
General Classrooms HS	2,940	2,940	3,675	6,440	8,955
Science Classrooms	1,250	1,250	1,250	2,300	2,300
Science Prep Rooms	250	250	250	250	250
Special Education	600	680	680	850	2,550
Support Space	150	150	150	300	450
Total classrooms	7,395	7,475	8,210	13,360	19,235
Arts					
Band				1,250	1,750
Choir				1,250	1,250
Band and Choir	1,250	1,400	1,400		
Performing Arts Support Space	250	400	600	700	800
Art Room	1,050	1,050	1,050	1,150	1,150
Art Support Space	100	125	150	225	300
Total Arts	2,650	2,975	3,200	4,575	5,250
Voc Ed					
Multi-Purpose Shop/Lab (heavy)	1,600	1,600	1,600	1,600	2,000
Shop Storage	300	400	500	650	750
Multi-Purpose Shop/Lab (light)	1,050	1,050	1,050	1,150	1,150
Business Ed. Lab					805
Family Consumer Science Lab					
Computer Lab	600	735	735	805	805
Total Voc Ed	3,550	3,785	3,885	4,205	5,510
Core					
Media Center	1,000	1,200	1,200	1,200	1,400
Media Support Space	500	600	700	800	900
Sub-total Academic	15,095	16,035	17,195	24,140	32,295
Academic Focus	755	802	860	1,207	1,615
Commons / Assembly	750	1,000	1,500	2,500	3,500
Stage	400	600	800	800	800
Gym	7,000	8,500	10,200	10,200	10,200
Aux Gym					6,200
Aux. PE Room			1,000	1,600	1,600
Weight Room	650	650	650	900	1,125
Lockers / Shower / Toilets	2,000	2,000	2,100	2,200	2,300
Teacher/Coach Office & Support	100	100	200	300	300
PE storage / Equipment / Uniforms	500	550	700	850	1,000
Food Prep	500	700	1,000	1,150	1,250
Table / Chair Storage	100	100	150	250	350
Sub-total Core	14,255	16,802	21,060	23,957	32,540
Sub-total	28,745	32,107	38,110	48,402	65,340
Net to Gross Ratio	10636	11879	14101	17909	24176
Total	39380	43986	52210	66311	89515
SF per Student	525.07	439.86	348.07	265.24	255.76

Note: Models are for planning guidance only. The actual design programs will be developed by the district in conjunction with the School Facilities Commission for each proposed facility.

School Size Guidelines Grades 6 - 12



~~Wyoming Public Schools~~
~~FACILITY DESIGN GUIDELINES~~

~~APPENDIX B AUDITORIUM~~
~~DESIGN CRITERIA~~

HIGH SCHOOL AUDITORIUM SEATING CAPACITY

Occupants = Student design capacity plus 10%.

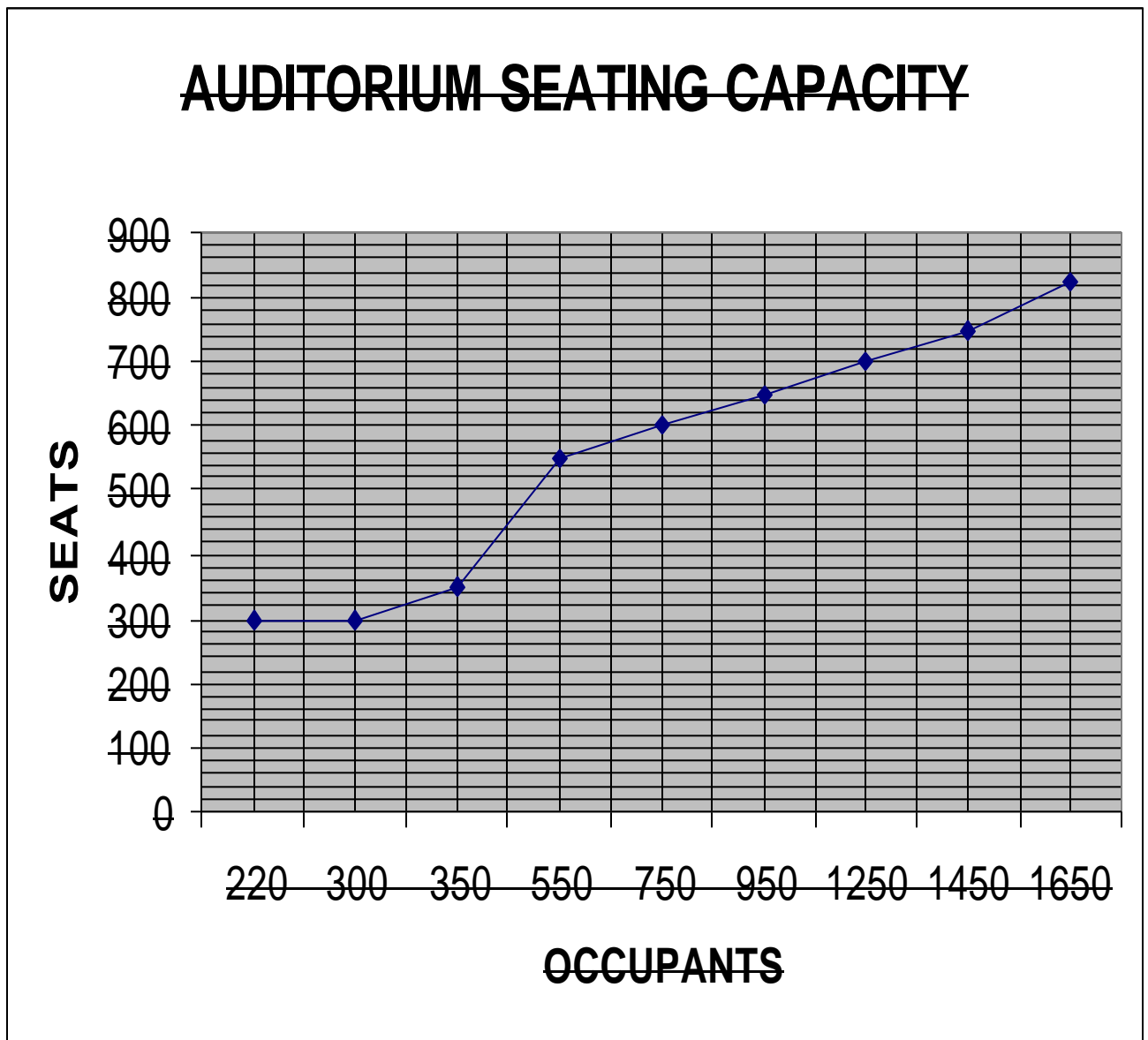
Auditoriums can be incorporated in school with occupancy over 220.

Minimum seating in an auditorium shall be 300.

One seat per occupant shall be provided for occupant loads up to 550.

Seats per occupant over 550 are calculated on a sliding scale, with no less than one seat per two occupants being provided.

High school design capacity includes grades 9-12 or 10-12 depending on the grade configuration within the school.



AUDITORIUM MODELS

Room Type	350 Total SF	550 Total SF	750 Total SF
Auditoriums			
Stage	2,000	2,500	3,000
Seating	2,695	3,948	4,333
Dressing/Make-up	750	750	1,000
Storage	500	750	1,000
Control Room	100	125	150
Subtotal	6,045	8,073	9,483
Circulation	2,237	2,987	3,509
Total	8,282	11,060	12,992
Reduction From Model			
Stage	800	1,000	1,000
Commons	1,225	1,925	2,625
Subtotal	2,025	2,925	3,625
Circulation	749	1,082	1,341
Total Reduction	2,774	4,007	4,966
Additional SF to Model	5,508	7,053	8,026

~~Wyoming Public Schools~~

~~FACILITY DESIGN GUIDELINES~~

~~APPENDIX C~~

~~SAFETY AND SECURITY CHECKLIST~~

District:

Project:

1. Policies and Procedures

A. District Policies

Question	Yes	No	N/A	Recommendation/Comment
1. Does the district have written policies requiring each school to have an emergency plan?				
2. Does the district have written policies related to building security?				
3. Does the district require each school to have security procedures specific to its buildings?				
4. Does the district have policies that require a security review for construction and/or renovation projects?				

B. School Policies and Procedures

Question	Yes	No	N/A	Recommendation/Comment
1. If this project is remodeling an existing school, is there an emergency plan for the existing school?				
2. If this project is remodeling an existing school, are there written security procedures specific to the school?				

II. Site Security

A. Fencing

Question	Yes	No	N/A	Recommendation/Comment
1. Are the school grounds fenced? Are all play areas fenced?				
2. Is the fence high enough so that intruders cannot easily climb over it?				
3. Are gates secured by locks?				
4. Are all areas of the school building and grounds accessible to cruising police vehicles and emergency vehicles?				

B. Playground

Question	Yes	No	N/A	Recommendation/Comment
1. Is visual surveillance of playground areas and equipment possible from a single point?				
2. Does the playground equipment have tamper-proof fasteners?				
3. Are there separate play areas for pre-kindergarten and kindergarten children?				
4. Do the protective surfaces around the playground equipment extend to at least 6'?				
5. Are structures more than 30 inches high spaced at least 9' apart?				
6. Do the project specifications reference the "Handbook for Public Playground Safety"?				

II. Site Security
C. Surveillance

Question	Yes	No	N/A	Recommendation/Comment
1. Does the layout of buildings and landscape elements ensure open sight lines?				
2. Are remote or high risk areas covered by surveillance cameras?				
3. Are the athletics fields organized to allow a single point of surveillance?				

D. Landscaping

Question	Yes	No	N/A	Recommendation/Comment
1. Are trees planted away from the building to prevent access to the roof and upper floors?				
2. Does the location and height of landscaping prevent surveillance?				
3. Are trees planted far enough back from intersections to allow good line of sight for traffic, especially taller buses?				

III. Traffic

A. Parking

Question	Yes	No	N/A	Recommendation/Comment
1. Is visual surveillance of parking lots possible from the main office?				
2. Are parking lots designed to minimize long straight runs that would encourage speeding?				
3. Are speed bumps used to slow traffic?				
4. Are raised sidewalks used to separate pedestrians in parking areas?				
5. Are student parking areas separate from other parking areas?				

B. Circulation

Question	Yes	No	N/A	Recommendation/Comment
1. Are the number of entrances and exits to the school minimized?				
2. Has traffic flow been directed to eliminate congestion and confusion?				
3. Are there designated visitor parking areas?				
4. Has auto and bus traffic been separated?				
5. Have hazardous entrances off main thoroughfares been eliminated?				

III. Traffic

C. Bus Loading Area

Question	Yes	No	N/A	Recommendation/Comment
1. Have bus loading areas been designed to restrict other vehicles?				
2. Are buses parked in single rows?				
3. Can buses turn or park without backing up?				
4. Are covered areas provided for waiting students?				

D. Parent Drop-off and Pick-up Area

Question	Yes	No	N/A	Recommendation/Comment
1. Is the parent drop-off and pick-up area clearly defined?				
2. Is it located so that students do not have to negotiate vehicular traffic?				

IV. Building

A. Interior

Question	Yes	No	N/A	Recommendation/Comment
1. Does each room have at least one window that can be used for emergency rescue?				
2. Can unused areas be closed off during after-school activities?				
3. Is the entrance lobby visible from the main office?				
4. Are major corridors at least 10' wide for elementary and middle schools and 12' wide for high schools?				
5. Are doors that open into corridors recessed or otherwise protected?				
6. Are light switches for toilet rooms and corridors protected?				
7. Are mirrors in toilet rooms and dance classrooms shatterproof?				
8. Do basketball courts have a minimum 6' safety border?				
9. Are locker rooms visible from inside gym teacher's offices?				
10. Are kilns located in separate rooms (not storage rooms) with adequate exhaust and ventilation?				

IV. Building
A. Interior

11. Do hallway doors have vision panels?				
12. Do enclosed stairways have electronic surveillance?				
13. Are elevators designed for limited access and electronic surveillance?				
14. Does the health or nursing room contain lockable storage?				
15. Are the ceilings in toilet rooms and locker rooms of a hard surface to eliminate the possibility of hiding places?				
16. Are interior media (library) stacks a maximum of 4' high and well spaced to facilitate visual surveillance?				
17. Does the layout of the cafeteria promote efficient traffic flow?				
18. Have doors been eliminated from group toilet rooms to allow acoustic surveillance?				
19. Are toilet partitions and equipment, such as hand dryers, heavy duty and securely attached?				
20. Is the building designed to minimize the number of staff necessary to provide open sight lines to all interior hallway/corridor and common spaces?				

IV. Building

A. Interior

21. Are restrooms designed to be closer to interior spaces and away from exterior doors?				

B. Exterior

Question	Yes	No	N/A	Recommendation/Comment
1. Are the exterior wall finishes graffiti repellant or capable of repeated cleaning?				
2. Are exterior covered walkways, walls, and berms designed to prevent access to roofs or upper level areas, and to promote adequate illumination and visual surveillance?				
3. Is there only one clearly marked entrance for visitors?				
4. Are enclosed exterior courtyards designed to permit supervision by one individual?				

V. Security Systems

Question	Yes	No	N/A	Recommendation/Comment
1. Is there a central alarm system in the school which is remotely monitored?				
2. Are high risk areas (main office, computer room, cafeteria, gymnasium, shops and labs) protected by a security alarm system?				
3. Is there a two-way communication system between: -Classrooms and office? -Portable classrooms and office? -Large group areas and the office?				

VI. Lighting

Question	Yes	No	N/A	Recommendation/Comment
1. Is the perimeter of the school protected by adequate lighting?				
2. Is there sufficient lighting to provide marginal coverage in case a light does not work?				
3. Are photoelectric cells located out of reach of spotlights?				
4. Are accessible lenses protected by some unbreakable material?				
5. Is additional lighting provided at entrances and other points of intrusion?				
6. Are the switches and controls properly located and protected?				
7. Is access to electrical panels restricted?				

VII. Signage

Question	Yes	No	N/A	Recommendation/Comment
1. Are there signs posted that declare grounds to be drug-free and gun-free zones?				
2. Are there signs posted regarding the penalties for trespassing?				
3. Are there welcome signs that politely ask all visitors to check in at the office?				
4. Is there signage inside the building that provide directions to the office and other core spaces of the school?				

VIII. Temporary and Out Buildings

A. Security

Question	Yes	No	N/A	Recommendation/Comment
1. Are out buildings, sheds, and portable classrooms arranged to allow clear lines of sight for surveillance?				
2. Do portable classrooms have skirts to enclose the crawlspace?				

~~Wyoming Public Schools~~
~~**FACILITY DESIGN GUIDELINES**~~

~~**APPENDIX D**~~

~~**LIFE CYCLE COST ANALYSIS**~~

Life Cycle Cost Analysis			Original Design		Alternate 1		Alternate 2		Alternate 3										
			Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth									
Study Title:	Describe:																		
Initial Capital Costs	Description of Component/Item																		
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
Total Capital Costs			\$ _____		\$ _____		\$ _____		\$ _____										
Initial PW Difference					\$ _____		\$ _____		\$ _____										
Replacement Cost	Replacement Cost (Single Expenditure)	# of Years																	
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
Total Replacement Cost			\$ _____		\$ _____		\$ _____		\$ _____										
Annual Costs	Description of O&M/Annual Cost																		
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
				\$ _____		\$ _____		\$ _____		\$ _____									
Total Annual Cost			\$ _____		\$ _____		\$ _____		\$ _____										
LCC	Total Life Cycle Cost (Present Worth)			\$ _____		\$ _____		\$ _____		\$ _____									
	Life Cycle Cost PW Difference					\$ _____		\$ _____		\$ _____									
	Total Life Cycle Costs (Annualized)			\$ _____ per year		\$ _____ per year		\$ _____ per year		\$ _____ per year									
<table border="1"> <tr> <td>Discount Rate:</td> <td>5%</td> <td>(The discount rate is the time/value of money and is a variable.)</td> </tr> <tr> <td>Life Cycle (years):</td> <td>10</td> <td></td> </tr> <tr> <td>Escalation on Annual Costs</td> <td>2%</td> <td>(The escalation factor is the inflation factor and is a variable.)</td> </tr> </table>			Discount Rate:	5%	(The discount rate is the time/value of money and is a variable.)	Life Cycle (years):	10		Escalation on Annual Costs	2%	(The escalation factor is the inflation factor and is a variable.)								
Discount Rate:	5%	(The discount rate is the time/value of money and is a variable.)																	
Life Cycle (years):	10																		
Escalation on Annual Costs	2%	(The escalation factor is the inflation factor and is a variable.)																	

Life Cycle Cost Analysis		Original Design		Alternate 1		Alternate 2		Alternate 3	
		Describe:		Minimum Slope Membrane		Asphalt Shingles			
Study Title:	Description of Component/Item	Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth
		Initial Capital Costs							
	Roof, Includes Structure	\$ 1,000,000	\$ 1,000,000	\$ 350,000	\$ 350,000	\$ 650,000	\$ 650,000		\$ _____
			\$ _____		\$ _____		\$ _____		\$ _____
			\$ _____		\$ _____		\$ _____		\$ _____
			\$ _____		\$ _____		\$ _____		\$ _____
			\$ _____		\$ _____		\$ _____		\$ _____
	Total Capital Costs		\$ 1,000,000		\$ 350,000		\$ 650,000		\$ _____
	Initial PW Difference				\$ (650,000)		\$ (350,000)		\$ _____
Replacement Cost									
	<i>Replacement Cost (Single Expenditure)</i>	<i># of Years</i>							
	Metal Roofing	50 years	\$ 400,000	\$ 34,881					\$ _____
	Membrane Roofing	20 years		\$ _____	\$ 150,000	\$ 56,533			\$ _____
	Asphalt Shingles	30 years		\$ _____		\$ 150,000	\$ 34,706.62		\$ _____
				\$ _____		\$ _____	\$ _____		\$ _____
				\$ _____		\$ _____	\$ _____		\$ _____
				\$ _____		\$ _____	\$ _____		\$ _____
				\$ _____		\$ _____	\$ _____		\$ _____
	Total Replacement Cost		\$ 34,881		\$ 56,533		\$ 34,706.62		\$ _____
Annual Costs									
	<i>Description of O&M/Annual Cost</i>								
	Snow Control		\$ 5,000	\$ 73,327		\$ _____	\$ 2,000	\$ 29,331	\$ _____
	Patch and Repair		\$ 250	\$ 3,666	\$ 10,000	\$ 146,654	\$ 300	\$ 4,400	\$ _____
				\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
				\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
				\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
				\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
	Total Annual Cost		\$ 76,993		\$ 146,654		\$ 33,730		\$ _____
LCC									
	Total Life Cycle Cost (Present Worth)		\$ 1,111,875		\$ 553,187		\$ 718,437		\$ _____
	Life Cycle Cost PW Difference				\$ (558,687)		\$ (393,438)		\$ _____
	Total Life Cycle Costs (Annualized)		\$ (89,220) per year		\$ (44,389) per year		\$ (57,649) per year		\$ _____ per year
		Discount Rate:	5%	(The discount rate is the time/value of money and is a variable.)					
		Life Cycle (years):	20						
		Escalation on Annual Costs	2%	(The escalation factor is the inflation factor and is a variable.)					

Chapter 1

General Provisions

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

Section 2. Definitions.

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

(b) “Capital Construction” means those remedies receiving legislative funding. Capital Construction does not include major building and facility repair (major maintenance) funding.

(c) “Closed” means any school building or facility that is not currently being used and is capable of being reopened.

(d) “Cohort Survival Calculation” means the rate of progression for each grade (K through 11) to the next grade (1 through 12) using the ten-year average for each grade progression.

(e) “Component Level Recommendations” means recommendations by the Commission to implement remedies to address school building and facility condition by repairing or replacing components when it is determined by the Commission that it is not feasible for districts to do so solely with major maintenance funds.

(f) “Contractor” means any person who is a party to a contract with the Commission or a district to construct, erect, alter, install or repair any Commission approved remedy.

(g) “Department” means the State Construction Department.

(h) “Design Charrette” means an interactive and collaborative process where participants (school district, architects and others) work in a focused and sustained effort to develop the basis for a feasible building design that meets the educational, budgetary and schedule goals for the project.

(i) “Design Professionals” means the architect or other professional contracted with the district to design a remedy.

(j) “Educational specifications or “Ed-specs” means those specifications used to define the programmatic, educational and functional goals of the educational facility.

(k) “Facility Condition Assessment” (FCA) means the systematic process of collecting measured data, or making observations relative to the physical condition of a building or facility or one or more of its components or group(s) of components and recording the results.

(l) “Facility Condition Index” (FCI) means a numerical rating or building condition score based on measured data or assessment of physical components or systems. The condition of a building is expressed as a ratio of the Cost to Repair Deficiencies, or “Deferred Maintenance” (DM) divided by the Current Replacement Value (CRV) of the building. The formula is:

$$FCI = \frac{\sum DM}{\sum CRV}$$

(m) “Facility Condition Needs Index” (FCNI) means a numerical rating or score assigned to a building represented by the FCI measured components and additional data comprised of technology readiness (TECH), illumination (ILLUM), and indoor air quality (IAQ). The FCNI is expressed as a ratio of the Cost to Repair Deficiencies or “Deferred Maintenance” (DM) plus the cost of the three additional systems divided by the Current Replacement Value (CRV) of the building plus the cost of the building improvements associated with the three systems. The formula is:

$$FCNI = \frac{\sum DM + DM_{ILLUM} + DM_{TECH} + DM_{IAQ}}{\sum CRV + CRV_{ILLUM} + CRV_{TECH} + CRV_{IAQ}}$$

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

(o) “Kick-off Meeting” means a meeting(s) between personnel of the Department and personnel of the district, in addition to such other persons as may be necessary to accomplish project planning.

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

(q) “Mothballed building or facility” is any district building or facility which is closed and not operational, has the potential to be re-opened, is not being replaced under a district’s facility plan approved by the Commission, is not determined surplus within the district’s facility plan, and is maintained in good condition, for a maximum of three (3) years without additional approval from the Commission.

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

(s) “Permanent Modular Building” means a pre-built, factory constructed and assembled school building or facility that is transported in an assembled condition to the location on which the building or facility is to be situated that is placed on a permanent foundation, and that is expected to be used by the district for its designed lifetime.

(t) “Project budget” means the amount of legislative funding allocated to a specific remedy. The project budget for any specific remedy shall be an amount determined by the Commission to be sufficient to fund the total project cost of the remedy. Funds allocated to a specific remedy remain State funds and are not an entitlement of any district.

(u) “Separate Account” means an individual account held by the district for depositing and expending major building and facility repair funds. These funds shall not be commingled with any other funds or accounts.

(v) “Total project cost” means all project costs, including but not limited to: land acquisition, site preparation, design, construction, contingencies, FF&E, special studies (e.g. traffic, lighting), surveys, environmental assessments, geotechnical investigations, demolition, commissioning, owner’s representative fees, testing and inspections, plan review, and building permit/occupancy fees.

Section 3. Chair.

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

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

Section 4. Secretary; Minutes; Books and Records.

(a) The Administrator of the School Facilities Division shall function as Secretary to the Commission, and the Department shall administratively implement the Commission’s rules. The Secretary for the Commission shall conduct and care for all the correspondence of the Commission and keep and maintain the minutes of all the meetings of the Commission and the books and records of the Commission. The Secretary shall provide notice of the time and place of all meetings of the Commission, including an agenda of items to be discussed, to each Commissioner.

(b) All orders and final decisions of the Commission, the minutes of all its sessions, meetings and proceedings, and the Commission’s rules shall be kept by the Secretary for permanent public record and shall be open for public inspection at the office of the Department, 700 West 21st Street, Cheyenne, WY 82002. The Secretary may certify to the correctness of any copies of such documents.

Section 5. Meetings; Attendance by Telecommunication; Quorum.

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

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

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

(d) Meetings and hearings shall be separate functions.

(e) A majority vote of the members of the Commission present at a meeting shall be required for approval of any actions of the Commission.

Section 6. Order of Business; Agendas.

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

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

Section 7. Recusal.

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

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

Section 8. Signing of Contracts. Contracts, agreements, memoranda of understandings and other documents of the Commission may be signed by the Chair, or by a designee of the chair. The Secretary shall sign only those contracts, agreements, memoranda of understanding or other documents of the Commission for which the Commission has delegated its authority to the Secretary. The Secretary may further designate a member of the staff to sign on his or her behalf.

Section 9. Public Records Practices.

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

(b) The Commission incorporates by reference the following uniform rule:

(i) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>;

(ii) The Commission has determined that incorporation of the full text in this rule would be cumbersome or inefficient given the length or nature of the rule;

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

(iv) The incorporated rule is maintained at the Department’s Cheyenne office and is available for public inspection and copying at cost at the same location.

Section 10. Exceptions.

The Commission may grant exceptions to guidelines, standards, or methodologies on a case by case basis. The Department shall create a thorough written record supporting the granting or denial of every exception request. The Commission shall at a minimum consider the reasons why the exception is being requested, the nature of the request, any cost implications of the request, and whether alternative means exist to accomplish the purposes of the request. Exception requests shall be initially presented to the Department for its consideration and recommendation to the Commission.

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~

~~CHAPTER Chapter 1~~
~~GENERAL PROVISIONS General Provisions~~

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

~~**Section 2. Purpose of Rule.**~~

~~This Chapter is generally intended to govern the operations of the Commission in discharge of its duties set forth in the Act.~~

~~**Section 32. Definitions.**~~

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

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

(b) "Capital Construction" means those remedies receiving Commission legislative funding. Capital Construction generally does not include major building and facility repair (Major Maintenance) funding except as authorized by W.S. 21-15-109(e).

(c) "Closed" means any school building or facility that is not currently being used and is capable of being reopened.

(d) "Cohort Survival Calculation" means the rate of progression for each grade (K through 11) to the next grade (1 through 12) using the ten-year average for each grade progression.

(e) "Component Level Recommendations" means recommendations by the Commission to implement remedies to address school building and facility condition by repairing or replacing components when it is determined by the Commission that it is not feasible for districts to do so solely with major maintenance funds.

(f) "Contractor" means any person who is a party to a contract with the Commission or a district to construct, erect, alter, install or repair any Commission approved remedy.

(fg) "Department and/or WDE" means the State Construction Department, Wyoming Department of Education created under W.S.21-2-104 to assist the State Superintendent of Public Instruction in the proper and efficient discharge of his duties.

(h) “Design Charrette” means an interactive and collaborative process where participants (school district, architects and others) work in a focused and sustained effort to develop the basis for a feasible building design that meets the educational, budgetary and schedule goals for the project.

(i) “Design Professionals” means the architect or other professional contracted with the district to design a remedy.

(j) “Educational specifications” or “Ed-specs” means those specifications used to define the programmatic, educational and functional goals of the educational facility.

(k) “Facility Condition Assessment” (FCA) means the systematic process of collecting measured data, or making observations relative to the physical condition of a building or facility or one or more of its components or group(s) of components and recording the results.

(l) “Facility Condition Index” (FCI) means a numerical rating or building condition score based on measured data or assessment of physical components or systems. The condition of a building is expressed as a ratio of the Cost to Repair Deficiencies, or “Deferred Maintenance” (DM) divided by the Current Replacement Value (CRV) of the building. The formula is:

$$\text{FCI} = \frac{\sum \text{DM}}{\sum \text{CRV}}$$

(m) “Facility Condition Needs Index” (FCNI) means a numerical rating or score assigned to a building represented by the FCI measured components and additional data comprised of technology readiness (TECH), illumination (ILLUM), and indoor air quality (IAQ). The FCNI is expressed as a ratio of the Cost to Repair Deficiencies or “Deferred Maintenance” (DM) plus the cost of the three additional systems divided by the Current Replacement Value (CRV) of the building plus the cost of the building improvements associated with the three systems. The formula is:

$$\text{FCNI} = \frac{\sum \text{DM} + \text{DM}_{\text{ILLUM}} + \text{DM}_{\text{TECH}} + \text{DM}_{\text{IAQ}}}{\sum \text{CRV} + \text{CRV}_{\text{ILLUM}} + \text{CRV}_{\text{TECH}} + \text{CRV}_{\text{IAQ}}}$$

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

(o) “Kick-off Meeting” means a meeting(s) between personnel of the Department and personnel of the district, in addition to such other persons as may be necessary to accomplish project planning.

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

(q) “Mothballed building or facility” is any district building or facility which is closed and not operational, has the potential to be re-opened, is not being replaced under a district's facility plan approved by the Commission, is not determined surplus within the district's

facility plan, and is maintained in good condition, for a maximum of three (3) years without additional approval from the Commission.

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

(s) "Permanent Modular Building" means a pre-built, factory constructed and assembled school building or facility that is transported in an assembled condition to the location on which the building or facility is to be situated that is placed on a permanent foundation, and that is expected to be used by the district for its designed lifetime.

(t) "Project budget" means the amount of legislative funding allocated to a specific remedy. The project budget for any specific remedy shall be an amount determined by the Commission to be sufficient to fund the total project cost of the remedy. Funds allocated to a specific remedy remain State funds and are not an entitlement of any district.

(u) "Separate Account" means an individual account held by the district for depositing and expending major building and facility repair funds. These funds shall not be commingled with any other funds or accounts.

(v) "Total project cost" means all project costs, including but not limited to: land acquisition, site preparation, design, construction, contingencies, FF&E, special studies (e.g. traffic, lighting), surveys, environmental assessments, geotechnical investigations, demolition, commissioning, owner's representative fees, testing and inspections, plan review, and building permit/occupancy fees.

~~(c) "Chair" means the chair of the Commission.~~

~~(d) "Commission" means the School Facilities Commission (SFC), established under W.S. 21-15-113(a).~~

~~(e) "Commissioner" means a member of the Commission.~~

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

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

~~(i) "Project Manager" means the Commission employee assigned to assist a given District with planning effective and efficient facilities that maximize instructional opportunities~~

~~for students while still allowing for reasonable building efficiencies.~~

~~(j) "Property" means buildings, sites, furniture and fixtures for the district's buildings.~~

~~(k) "Real Property" means land and interests therein, leaseholds, buildings and improvements and appurtenances thereto. It includes warehouses, right of ways, and easements, utility systems and parts thereof, and all other improvements permanently attached and ordinarily considered real estate.~~

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

Section 43. Chair.

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

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

Section 54. Secretary; Minutes; Books and Records.

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

(b) All orders and final decisions of the Commission, the minutes of all its sessions, meetings and proceedings, and the Commission's rules shall be kept by the Secretary for permanent public record and shall be open for public inspection at the office of the Department, 700 West 21st Street, Cheyenne, WY 82002. The Secretary may certify to the correctness of any copies of such documents.

Section 65. Meetings; Attendance by Telecommunication; Quorum.

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

(b) Meetings of the Commission are open to the public, except for those meetings or

portions of a meeting that may be conducted in executive session pursuant to W.S. 16-4-405.

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

(d) Meetings and hearings shall be separate functions.

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

Section 76. Order of Business; Agendas.

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

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

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

Section 87. Recusal.

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

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

Section 108. Signing of Contracts. Contracts, agreements, memorandums of understandings and other documents of the Commission may be signed by the Chair, or by a

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

Section 9. Public Records Practices.

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

(b) The Commission incorporates by reference the following uniform rule:

(i) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>;

(ii) The Commission has determined that incorporation of the full text in this rule would be cumbersome or inefficient given the length or nature of the rule;

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

(iv) The incorporated rule is maintained at the Department’s Cheyenne office and is available for public inspection and copying at cost at the same location.

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

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

~~(ii) If the Commission possesses the public record, the Director shall determine whether the requested record is protected from disclosure by W.S. 16-4-202 and 16-4-203 or other applicable law. If the Director determines the records are not subject to disclosure, the request shall be denied and returned to the applicant with a notation of the basis upon which the record is deemed not subject to public inspection.~~

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

~~(d) For all public records for which the Commission is custodian, paper copies and~~

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

Section 11. Computation of Time.

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

Section 12. Rules of Construction.

- ~~(a) — Unless the content clearly indicates otherwise, this chapter applies to all chapters.~~
- ~~(b) — To aid readability, words expressed using one gender include the other gender.~~
- ~~(c) — Definitions given at the beginning of one chapter apply to all other chapters unless otherwise indicated.~~
- ~~(d) — Unless the context clearly indicates otherwise, these rules and regulations shall be construed by the following:
 - ~~(i) — Words and phrases shall be taken in their ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law or in the applicable industry shall be understood according to their technical import.~~
 - ~~(ii) — Reference to the Wyoming Statutes or the abbreviation Wyo. Stat. or W.S. means the Wyoming Statutes as published from time to time and, pending reduction to published form and subject to applicable effective dates, all supplements, additions and other modifications enacted by the Legislature of the State of Wyoming. Reference to a named act or rule shall be treated correspondingly.~~~~
- ~~(e) — Reference to a particular section without indication of the chapter in which it is found refers to the applicable section in the same chapter as the reference is found.~~
- ~~(f) — Reference to a particular chapter without indication of the body of regulations in which it is found refers to the applicable chapter in these rules and regulations.~~
- ~~(g) — Use of the term "includes" or "including" means that the list of items is not exhaustive but instead is illustrative.~~
- ~~(h) — Reference to any particular rule (whether of practice, procedure or otherwise), section, code or act (whether statutory, regulatory or otherwise) means such rule, section, code or act as the same may be amended, re-codified, re-located or otherwise modified from time to~~

time.

Section 10. Exceptions.

The Commission may grant exceptions to guidelines, standards, or methodologies on a case by case basis. The Department shall create a thorough written record supporting the granting or denial of every exception request. The Commission shall at a minimum consider the reasons why the exception is being requested, the nature of the request, any cost implications of the request, and whether alternative means exist to accomplish the purposes of the request. Exception requests shall be initially presented to the Department for its consideration and recommendation to the Commission.

Chapter 2
Rules of Practice and Procedure for Contested Case Proceedings

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

Section 2. Application of Rules. This Chapter shall apply to contested case proceedings and informal reviews authorized by Wyoming Statutes and brought before the Commission by a properly aggrieved party.

Section 3. Informal Review Proceedings.

(a) Districts may request an informal review before the Department or the Commission before pursuing a contested case review. The time period for filing a formal request shall be tolled for the period of time from the date of that request until the conclusion of the informal review.

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

- (i) The decision of the Commission or the Department the district would like reviewed;
- (ii) A brief explanation of why the decision should be reviewed;
- (iii) Any additional facts the district would like to be considered; and
- (iv) The legal authority upon which it is believed a decision was made in error.

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

(d) Informal reviews before the Department shall be held either at the Department's Cheyenne office, or, if agreeable to the district, via video or teleconference. The review shall be scheduled at the earliest convenience of the district and the Department, but in no event later than thirty (30) days after the request is made unless otherwise agreed to by both parties in writing.

- (e) Informal reviews before the Department shall proceed as follows:
 - (i) Department staff will present the information and basis for its decision or action;
 - (ii) The district will present any additional facts and authority upon which it believes the Department acted in error; and
 - (iii) The Director shall issue his decision as soon thereafter as reasonably practicable. The Director shall confirm his decision in writing and outline the basis for that decision.
- (f) If, following the Department's review, the district is still unsatisfied with the actions of the Department it may request an informal review before the Commission.
- (g) Informal reviews before the Commission shall be limited to the information presented during the Department's review.
- (h) Informal reviews before the Commission shall be scheduled by the Commission.
 - (i) If possible, the review shall be scheduled for the next regularly scheduled Commission meeting.
 - (ii) If the next regularly scheduled Commission meeting is not available, or, if the district and the Commission agree the next regularly scheduled meeting of the Commission is not practical, the Commission may call an emergency meeting to address the informal review.
 - (iii) The time allotted to the district's presentation will not exceed one (1) hour, unless otherwise agreed to by the district and Commission.
- (i) The Commission shall issue its decision as soon thereafter as reasonably practicable. The Chair shall follow up the decision in writing and outline the basis for that decision.

Section 4. Contested Case Proceedings.

- (a) A properly aggrieved party may file a timely request for a hearing with the Commission requesting a contested case proceeding. The request shall be in accordance with the provisions contained in this Chapter.
- (b) The request shall be served on the Commission and other necessary parties. Service shall be made to the Wyoming School Facilities Commission, c/o State Construction Department, School Facilities Division, 700 West 21st Street, Cheyenne, Wyoming 82002. Service can be made in person, by mail or received by facsimile, 307-777-8711, during regular business hours. Any facsimile received after regular business hours will be treated as received during the regular business hours of the next working day.

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

Section 5. Formal Request Contents and Requirements.

(a) To initiate a contested case proceeding the aggrieved party shall prepare and file with the Commission a request which includes the following:

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

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

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

(iv) The specific relief sought; and

(v) The signature of the aggrieved party and the representing attorney, if applicable.

Section 6. Incorporation by Reference. The Commission incorporates by reference the following uniform rule:

(a) Chapter 2 – Contested Case Proceedings adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <https://rules.wyo.gov>;

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

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

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

Section 7. Final Decision. At the request of the Commission, the hearing officer shall make a recommended decision to the Commission. The Commission shall issue the final decision.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION
CHAPTER 2
RULES OF PRACTICE AND PROCEDURE FOR CONTESTED CASE PROCEEDINGS

Chapter 2
Rules of Practice and Procedure for Contested Case Proceedings

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

~~Section 2. Purpose of Rules.~~

~~This Chapter is intended to provide a uniform and understandable process for contested case proceedings and informal reviews held before or on the behalf of the Wyoming State Construction Department, School Facilities Division Department (Department) and the Wyoming School Facilities Commission (Commission).~~

Section 32. Application of Rules. This Chapter shall apply to contested case proceedings and informal reviews authorized by Wyoming Statutes and brought before the Wyoming School Facilities Commission by a properly aggrieved party.

~~Section 4. Definitions.~~

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

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

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

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

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

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

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

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

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

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

Section 53. Informal Review Proceedings.

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

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

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

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

(iii) Any additional facts the ~~D~~istrict would like to be considered;
and

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

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

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

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

~~or action;~~

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

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

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

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

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

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

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

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

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

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

Section 64. Service and Timing of Petition-Contested Case Proceedings.

(a) A properly aggrieved party may file a ~~petition~~ timely request for a hearing with the Commission requesting a contested case proceeding. The ~~petition request~~ shall be in accordance with the provisions contained in this Chapter.

(b) The ~~petition request~~ shall be served on the Commission and other necessary parties. Service shall be made to the Wyoming School Facilities Commission, c/o State Construction Department, School Facilities Division, 700 West 21st Street, Cheyenne, Wyoming 82002. Service can be made in person, by mail or received by facsimile, 307-777-8711, during

regular business hours. Any facsimile received after regular business hours will be treated as received during the regular business hours of the next working day.

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

Section 75. ~~Petition~~Formal Request Contents and Requirements.

(a) To initiate a contested case proceeding the ~~petitioner~~ aggrieved party shall prepare and file with the Commission a ~~petition~~ request which includes the following:

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

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

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

(iv) The specific relief sought; and

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

Section 6. Incorporation by Reference. The Commission incorporates by reference the following uniform rule:

(a) Chapter 2 – Contested Case Proceedings adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <https://rules.wyo.gov>;

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

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

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

Section 7. Final Decision. At the request of the Commission, the hearing officer shall make a recommended decision to the Commission. The Commission shall issue the final decision.

~~Section 8. Notice of Hearing.~~

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

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

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

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

~~(iii) — The particular sections of the statutes and rules involved; and,~~

~~(iv) — A short and plain statement of the matters asserted.~~

~~(c) — The notice shall be served upon each petitioner at least thirty (30) days prior to the date set for the hearing.~~

~~Section 9. General Procedure.~~

~~(a) — The Commission shall:~~

~~(i) — Examine the petition, notify the petitioner of any apparent errors or omissions, and request any additional information deemed necessary;~~

~~(ii) — Dismiss any petition not timely filed, except in instances where the Commission determines good cause has been shown and an exception is necessary;~~

~~(iii) — Assign the contested case a docket number and schedule the commencement of contested case proceedings in accordance with the Wyoming Administrative Procedures Act;~~

~~(iv) — Establish a separate file for each docketed contested case in which all papers, pleadings, documents, transcripts, evidence and exhibits pertaining thereto shall be filed. All items contained in this file shall contain the assigned docket number;~~

~~(v) — Upon docketing, take appropriate action towards the ultimate decision, which may include but is not limited to, scheduling informal conferences, pretrial hearings, motion hearings, settlement conferences and the contested case evidentiary hearing.~~

~~(b) — Each party may be ordered to file with the presiding officer and serve upon the other parties a preliminary statement or joint preliminary statement. The parties shall be~~

~~afforded at least thirty (30) days for the preparation and filing of any preliminary statement. Unless otherwise ordered, the statement shall set forth:~~

- ~~(i) — A brief summary of the contentions of the party;~~
 - ~~(ii) — Significant facts about which there is no genuine issue (these may be admissions by stipulation);~~
 - ~~(iii) — Contested issues of fact remaining for decision;~~
 - ~~(iv) — Contested issues of law to be determined at the hearing. The parties may include memorandums of law on significant legal issues the parties wish to call to the attention of the presiding officer;~~
 - ~~(v) — The names, addresses, and a brief description of the testimony of each witness the party intends to present at the hearing;~~
 - ~~(vi) — A list and copies of all exhibits to be introduced. This does not foreclose the ability to introduce exhibits which become available at a later date; and,~~
 - ~~(vii) — Estimated time required for the hearing.~~
- ~~(e) — The taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26 and 28 through 37 (excepting 37(b)(1) and (2)(D) there from) of the Wyoming Rule of Civil Procedure. The mandatory disclosure provisions of Rule 26 of the Wyoming Rules of Civil Procedure are applicable to contested case proceedings before the Commission. The Petitioner shall make such disclosure within thirty (30) days after service by Petitioner, of its disclosure unless other time periods are established by stipulation or order.~~
- ~~(d) — Upon application the presiding officer shall issue a subpoena requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers or other documents relevant or material to inquiry in accordance with W.S. 16-3-107(d).~~
- ~~(e) — Motions shall be in writing and state the grounds and the relief sought. Prior to filing a motion for dismissal, default, or compliance with discovery procedures the moving party shall make reasonable good faith efforts to discuss the content and purpose of the motion, such efforts should be documented in writing and attached to the motion. Response to a motion shall be made within fifteen (15) days of service of the motion. All motions and responses shall be filed with the Commission and served upon all parties.~~
- ~~(f) — All parties shall be permitted to file a brief with the presiding officer.~~
 - ~~(g) — Oral argument shall be allowed at the discretion of the presiding officer.~~

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

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

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

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

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

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

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

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

~~Section 10. Expedited Contested Case.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 3 **Uniform Adequacy Standards**

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv), (ix) and 21-15-115(a).

Section 2. Uniform Statewide Adequacy Standards. The Commission adopts the following uniform statewide adequacy standards for school buildings and facilities by reference. Recognizing that many Wyoming schools were constructed prior to the adoption of these standards, and that a long-term process is in place to bring all school facilities in the State of Wyoming into compliance with these adequacy standards, these standards shall control how school facility remediation shall be implemented.

- (a) The following rules are incorporated by reference in these Commission rules.
 - (i) Maximum Allowable Square Footage Allotment Methodology, adopted by the Commission and effective on October 20, 2016.
 - (ii) Capacity Calculation Methodology, adopted by the Commission and effective on June 22, 2016, updated on October 20, 2016, and updated on September 20, 2018.
 - (iii) Furniture Fixtures and Equipment (FF&E) Budget and Funding Methodology, adopted by the Commission and effective on June 22, 2017.
 - (iv) Wyoming School Facilities Commission Design Standards for Outdoor Athletic Facilities, adopted by the Commission and effective on April 21, 2016.
 - (v) Wyoming School Facilities Commission School Bus Maintenance and Parking Facility Design Guidelines, adopted by the Commission and effective on July 16, 2013.
 - (vi) Wyoming School Facilities Commission Design Guidelines, adopted by the Commission and effective on January 26, 2010.
- (b) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rule.
- (c) The incorporation by reference does not include any later amendments or edition of the incorporated matter beyond the applicable dates identified in subsection (a) of this section.
- (d) The incorporated matter is maintained at the Department's office in Cheyenne and is available for public inspection and copying at cost at the same location or on the Commission's website.
- (e) Enrollment Projection Methodology. Student enrollment changes shall be analyzed as follows:

- (i) Identify present and potential grade configuration levels.
- (ii) Identify rural schools and in-town schools (busing for a particular grade configuration is not taking place from in-town to out-of-town and vice versa). In these instances, a rural school stands on its own for analysis, in-town schools stand on their own.
 - (A) District in-town attendance boundaries are not accounted for individually, but as a whole.
- (iii) Kindergarten enrollment is based upon a simple linear forecast using ten (10) years of trailing data.
- (iv) Based on the survival rate from each grade (K through 11) to the next grade (1 through 12) using the ten (10) year trailing data average, calculate projected enrollment for each year by applying the prior year's enrollment in the previous grade.
- (v) The department in making recommendations to the commission for determining the most cost effective remedy may use the following:
 - (A) Increasing Enrollment - When the school district's past and projected enrollments show an increasing population trend, the enrollment shall be based on a five-year cohort survival calculation after substantial completion.
 - (B) Stable Enrollment - When the school district's past and projected enrollments show a stable population trend (when the pattern has multiple increases and decreases), the enrollment shall be based on the average of the cohort survival calculation for a period of five years starting from the anticipated date of occupancy.
 - (C) Best Available Data - In certain situations, other data (e.g. historical, economic or social) may be considered to most accurately predict population trends. In all cases, only data considered by the Commission as reliable should be used and documented upon which projected enrollment is calculated for all recommended remedies.
- (f) Classroom and Other Spaces. The Uniform Adequacy Standards do not prescribe the size of the various spaces which may be included in the design of any particular school facility. The Maximum Allowable Square Footage Allotment Methodology provides an allowable square footage within which a facility is to be designed. The design process shall seek out the most efficient and effective manner of allocating classroom and other spaces within the allowable square footage to provide buildings and facilities necessary for delivering educational programs prescribed by law and the student capacity in the school as determined by the Capacity Calculation Methodology or as approved by the Commission.

Section 3. Enhancements and Adequacy Standards.

(a) The following criteria and procedures are to identify local enhancements to school buildings and facilities which are in excess of state building adequacy standards and to determine whether and how any local enhancements should be incorporated into the statewide adequacy standards.

(i) The Department shall maintain a record identifying all local enhancements.

(ii) The Department shall consult with the Wyoming Department of Education to determine if any local enhancements have a positive demonstrable effect upon delivery of the prescribed state educational program. If local enhancements have a positive demonstrable effect upon the delivery of the educational program, the Commission shall make a determination whether and how such local enhancements should be incorporated into the statewide adequacy standards.

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~

~~CHAPTER 3 UNIFORM ADEQUACY STANDARDS~~

Chapter 3 Uniform Adequacy Standards

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

~~Section 2. Purpose of Rule.~~

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

~~Section 3. Definitions.~~

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

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

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

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

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

(f) ~~“Office Building” means a school building or facility primarily used in connection with or for the purpose of district administrative functions, the major purpose or use of which is not dedicated to the provision of educational programs offered by the district in accordance with law. Office buildings include: teacherages, portable building used as an office, leased offices, and all other offices.~~

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

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

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

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

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

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

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

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

Section 4. — Facility Design Guidelines.

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

(b) In collaboration with the districts, the SFC shall determine the allowable square footage for every existing and contemplated public school building and facility in the state. Calculation of the allowable square footage shall be in accordance with the Guidelines Graphs of Total Square Footage by Grade Level (Appendix "A") following this chapter and the rules adopted by the Commission.

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

(a) Exceptions shall only be granted upon consideration of the following non-exclusive list of factors, and the Commission shall create a thorough written record supporting the granting or denial of every exception request:

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

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

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

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

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

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

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

(b) The district may request an exception from the Commission if it is determined the allowable square footage provided by these guidelines is not adequate for the district's required educational program. The process for requesting an exception shall be as follows:

(i) The district shall present in writing to its Commission Project Manager the basis of its request, together with all documentation related to the request;

(ii) If approved by the Director, the district's request shall be placed on the agenda at the soonest available Commission meeting where the request may be fully considered;

~~(iii) The district shall present to the Commission the reasons for the exception request, particularly addressing the factors identified in paragraph (a), above, including why the district cannot provide its educational program within the square footage allowed by the guidelines.~~

Section 62. Uniform Statewide Adequacy Standards. The Commission adopts the following uniform statewide adequacy standards for school buildings and facilities by reference. Recognizing that many Wyoming schools were constructed prior to the adoption of these standards, and that a long-term process is in place to bring all school facilities in the State of Wyoming into compliance with these adequacy standards, these standards shall control how school facility remediation shall be implemented.

(a) The following rules are incorporated by reference in these Commission rules.

(i) Maximum Allowable Square Footage Allotment Methodology, adopted by the Commission and effective on October 20, 2016.

(ii) Capacity Calculation Methodology, adopted by the Commission and effective on June 22, 2016, updated on October 20, 2016, and updated on September 20, 2018.

(iii) Furniture Fixtures and Equipment (FF&E) Budget and Funding Methodology, adopted by the Commission and effective on June 22, 2017.

(iv) Wyoming School Facilities Commission Design Standards for Outdoor Athletic Facilities, adopted by the Commission and effective on April 21, 2016.

(v) Wyoming School Facilities Commission School Bus Maintenance and Parking Facility Design Guidelines, adopted by the Commission and effective on July 16, 2013.

(vi) Wyoming School Facilities Commission Design Guidelines, adopted by the Commission and effective on January 26, 2010.

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

(c) The incorporation by reference does not include any later amendments or edition of the incorporated matter beyond the applicable dates identified in subsection (a) of this section.

(d) The incorporated matter is maintained at the Department's office in Cheyenne and is available for public inspection and copying at cost at the same location or on the Commission's website.

(e) Enrollment Projection Methodology. Student enrollment changes shall be analyzed as follows:

(i) Identify present and potential grade configuration levels.

(ii) Identify rural schools and in-town schools (busing for a particular grade configuration is not taking place from in-town to out-of-town and vice versa). In these instances, a rural school stands on its own for analysis, in-town schools stand on their own.

(A) District in-town attendance boundaries are not accounted for individually, but as a whole.

(iii) Kindergarten enrollment is based upon a simple linear forecast using ten (10) years of trailing data.

(iv) Based on the survival rate from each grade (K through 11) to the next grade (1 through 12) using the ten (10) year trailing data average, calculate projected enrollment for each year by applying the prior year's enrollment in the previous grade.

(v) The department in making recommendations to the commission for determining the most cost effective remedy may use the following:

(A) Increasing Enrollment - When the school district's past and projected enrollments show an increasing population trend, the enrollment shall be based on a five-year cohort survival calculation after substantial completion.

(B) Stable Enrollment - When the school district's past and projected enrollments show a stable population trend (when the pattern has multiple increases and decreases), the enrollment shall be based on the average of the cohort survival calculation for a period of five years starting from the anticipated date of occupancy.

(C) Best Available Data - In certain situations, other data (e.g. historical, economic or social) may be considered to most accurately predict population trends. In all cases, only data considered by the Commission as reliable should be used and documented upon which projected enrollment is calculated for all recommended remedies.

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

~~(b) **Choice of Remedy.**~~

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

(ii) ~~In choosing the appropriate remedy, the Commission shall consider renovation, replacement or discontinuation of facilities in a manner which ensures adequate, efficient and cost-effective school buildings and facilities in accordance with W.S. 21-15-114(a)(vii). Construction of a new facility shall not be chosen as a remedy unless all reasonable options for renovation or discontinuation have been explored and rejected as failing to comply with the requirements of W.S. 21-15-114(a)(vii).~~

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

(iv) ~~At least biennially, but more often if needed, the Commission shall establish, in accordance with W.S. 21-15-117, W.S. 21-15-119(e) and W.S. 28-11-301(e), a schedule for building and facility remediation. The schedule shall prioritize funded remedies on a statewide basis in accordance with these rules and W.S. 21-15-117 and shall clearly identify each funded remedy, its sources and amounts of funding, the cost per square foot used in providing the project budget, and those remedies which are prioritized, but not yet funded. The schedule for building and facility remediation shall be posted on the Commission website.~~

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

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

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

~~(c) — Site Guidelines.~~

(i) ~~The Commission recognizes that many Wyoming school pre-date the adoption of these standards. School sites which pre-date the original adoption of these standards in 2003 may be larger or smaller than the following recommended sizes. School sites smaller than these recommendations are presumed to be adequately sited unless otherwise demonstrated. Efforts should be undertaken in developing facility plans and remedies to reduce the excess acreage of sites which exceed these recommendations.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (III) ~~If new land required consider:~~
 - (1.) ~~Land swap~~
 - (2.) ~~Community owned land~~
 - (3.) ~~Land available in conjunction with development~~

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

- (C) ~~Due diligence Investigation~~
 - (I) ~~Obtain title commitment~~
 - (II) ~~Obtain legal description of property~~
 - (III) ~~Obtain two (2) land appraisals (using the average of two if within 5% of each other, otherwise a 3rd appraisal will be obtained and the average of the two (2) closest appraisals will be used)~~
 - (IV) ~~Conduct site survey to include property description, utility locations and capacities, topography~~
 - (V) ~~Conduct Phase 1 environmental assessment~~
 - (VI) ~~Investigate annexation and zoning issues~~
 - (VII) ~~Investigate local design requirements~~
 - (VIII) ~~Obtain preliminary and final plat, if necessary~~

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

All phases of the land acquisition process shall be kept confidential. Neither the district nor the Commission will divulge information on proposed land acquisitions until such time as all due diligence has been completed and the Commission has negotiated the land purchase price.

(e) **Projected Enrollment.**

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

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

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

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

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

(e) **~~Functionality of Educational Space.~~** ~~Recognizing that students may be educated in a variety of manners, all school buildings and facilities shall strive to provide the most functional space reasonably possible for required educational programs. Measurement and scoring of functionality of existing facilities shall occur by use of the Commission's educational suitability tool in accordance with Chapter 8, Section 4(a)(v) of these rules.~~

(f) **~~Classroom and Other Spaces.~~** ~~The Facility Design Guidelines Uniform Adequacy Standards do not prescribe the size of the various spaces which may be included in the design of any particular school facility. The Design Guidelines Maximum Allowable Square Footage Allotment Methodology provides an "footprint" of allowable square footage within which a facility is to be designed. The design process is intended to shall seek out the most efficient and effective manner of allocating classroom and other spaces within the footprint of allowable square footage to provide buildings and facilities necessary for delivering educational programs prescribed by law and the student capacity ~~to~~ in the school as determined by the square footage calculator Capacity Calculation Methodology or as approved by the Commission. Only if the educational program cannot be delivered within that footprint is the exception process described in this chapter to be used.~~

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

(h) **~~Off-site Infrastructure.~~**

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

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

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

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

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

~~(ii) Such requests shall be first presented to the School Facilities Commission Project Manager(s) assigned to the affected school district(s). The Project Manager(s) shall then present the request to the Director who shall make a determination whether further information is required, and whether the request shall be presented to the Commission for its consideration and decision. The Director shall notify the affected municipality or local governmental entity of the staff recommendation and of the time and location at which the Commission will consider the proposal.~~

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

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

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

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

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

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

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

- ~~(i) Energy Efficiency~~
- ~~(ii) Sustainable Materials (recycled materials, chemical-free wall and floor coverings)~~
- ~~(iii) Preventative Maintenance~~
- ~~(iv) Waste Reduction~~
- ~~(v) Indoor Air Quality~~
- ~~(vi) Day Lighting~~
- ~~(vii) Acoustics~~

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

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

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

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

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

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

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

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

~~(i) Structural~~

~~(ii) Exterior skin~~

~~(iii) Roof~~

~~(iv) Flooring~~

~~(v) HVAC~~

~~(vi) Lighting~~

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

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

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

~~(t) **Furniture, Fixtures and Equipment (FF&E).** The Commission will fund either 4.2% of the cost of construction for a school that is being replaced (assuming that some of the Districts existing FF&E is in reusable condition), or 6.3% of the cost of construction for new schools (where there is no existing FF&E to consider for re-use), for FF&E. This is intended to cover items that have no permanent connection to the structure of the building or utility, such as desks, chairs, tables, office furniture, cafeteria tables, audio visual equipment, specialized items to equip art, music, science, technical education rooms, special education rooms, and physical~~

education space. Grounds and landscaping equipment, floor cleaners and waxers, vacuums, snow blowers, and such related items may be acceptable FF&E expenditures, pending an inventory and assessment of all re-usable or non-reusable FF&E, conducted jointly by the District and Commission. All requested FF&E expenditures shall be reviewed and approved by the Commission taking into consideration similar funding provided in the WDE block grant and other project-specific circumstances. No FF&E item shall be funded unless it is listed on the most current R.S. Means list for furniture, fixtures and equipment.

(u) **Tracks.** Unless waived by the Commission for good cause, including the requirement that similarly situated students shall be provided the opportunity to participate in similar activities, tracks shall be designed and constructed in accordance with the Commission's track design guidelines attached hereto as Appendix B.

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

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

Section 7. Local Enhancements.

(a) Local enhancements, as defined in Wyoming law and in these rules and regulations, are features and aspects of school facilities which that are not funded by the Commission and do not receive funding for major maintenance from the Commission.

(b) Regarding new construction, local enhancements may occur in the following non-exclusive ways:

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

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

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

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

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

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

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

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

~~(d) All costs associated with LEED design certification and commissioning will be considered an enhancement and must be paid for by the district.~~

Section 3. Enhancements and Adequacy Standards.

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

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

~~(ii) The Commission~~Department shall ~~coordinate~~consult with the Wyoming Department of Education to determine if any local enhancements have a positive demonstrable effect upon ~~student achievement~~delivery of the prescribed state educational program. If local enhancements have a positive demonstrable effect upon the delivery of the educational program, the Commission shall make a determination whether and how such local enhancements should be incorporated into the statewide adequacy standards.

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

~~(iv) If the Commission determines that any local enhancements have had either a demonstrable effect upon student achievement or a demonstrable effect upon delivery of a thorough and efficient system of public schools, the Commission shall make a determination~~

~~whether and how such local enhancements should be incorporated into the statewide standards and such findings shall be reported to the Wyoming legislature for legislative guidance.~~

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

APPENDIX A:

Guideline Graphs of Total Square Footage by Grade Level

Figure A 1; Elementary School Total Square Footage Guideline Graph

Figure A 2: Middle School Total Square Footage Guideline Graph

Figure A 3: High School Total Square Footage Guideline Graph

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

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

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

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

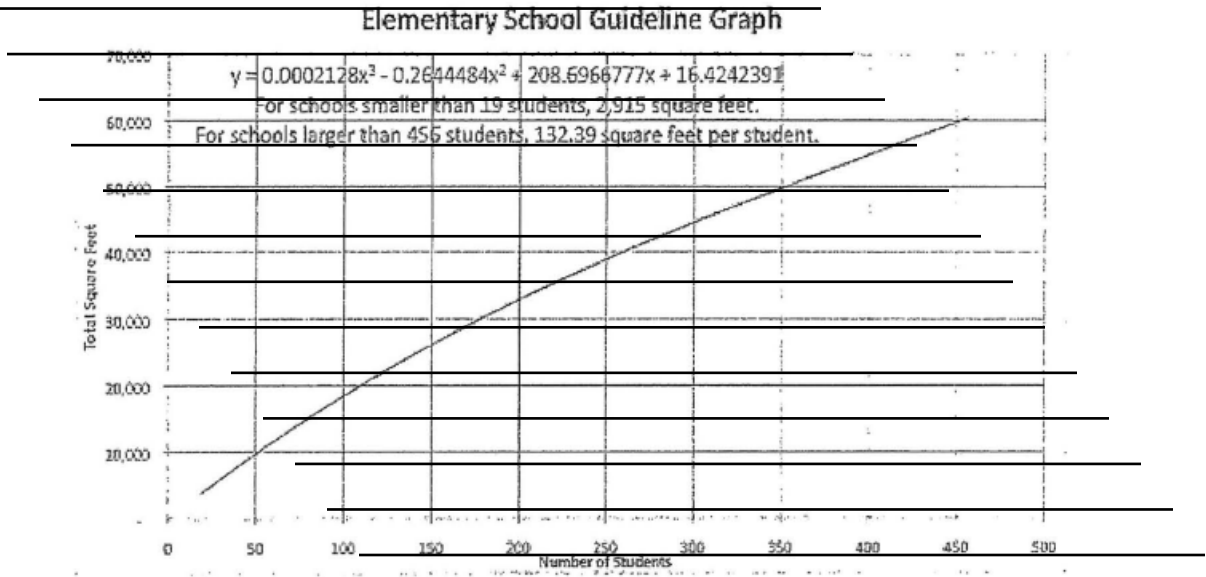


Figure A-2: Middle School Total Square Footage Guideline Graph

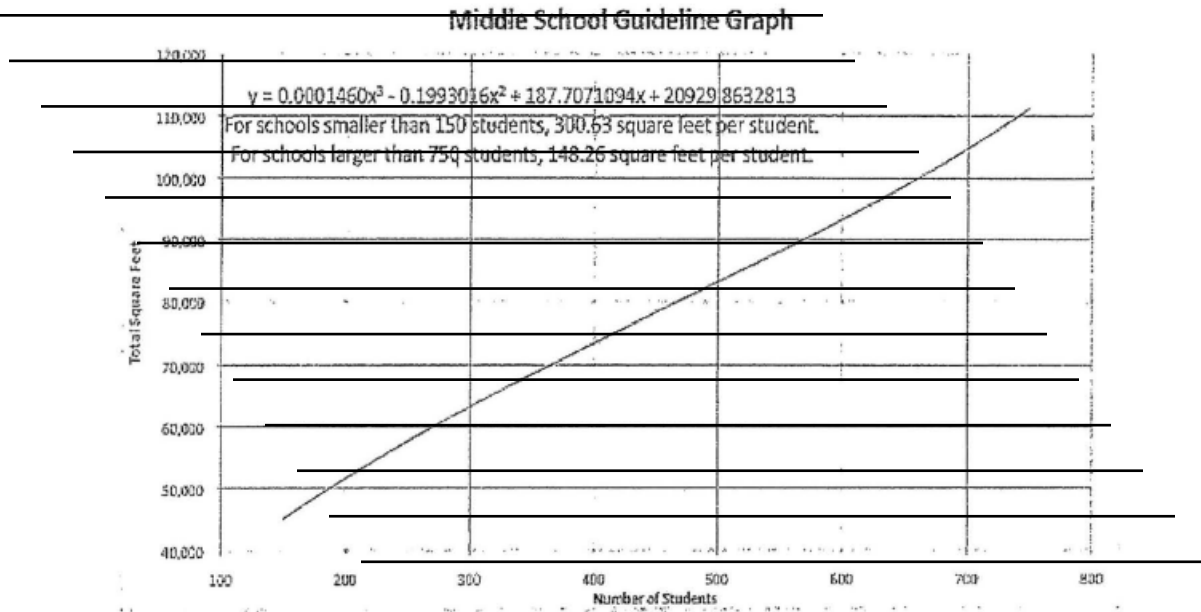


Figure A-3: High School Total Square Footage Guideline Graph

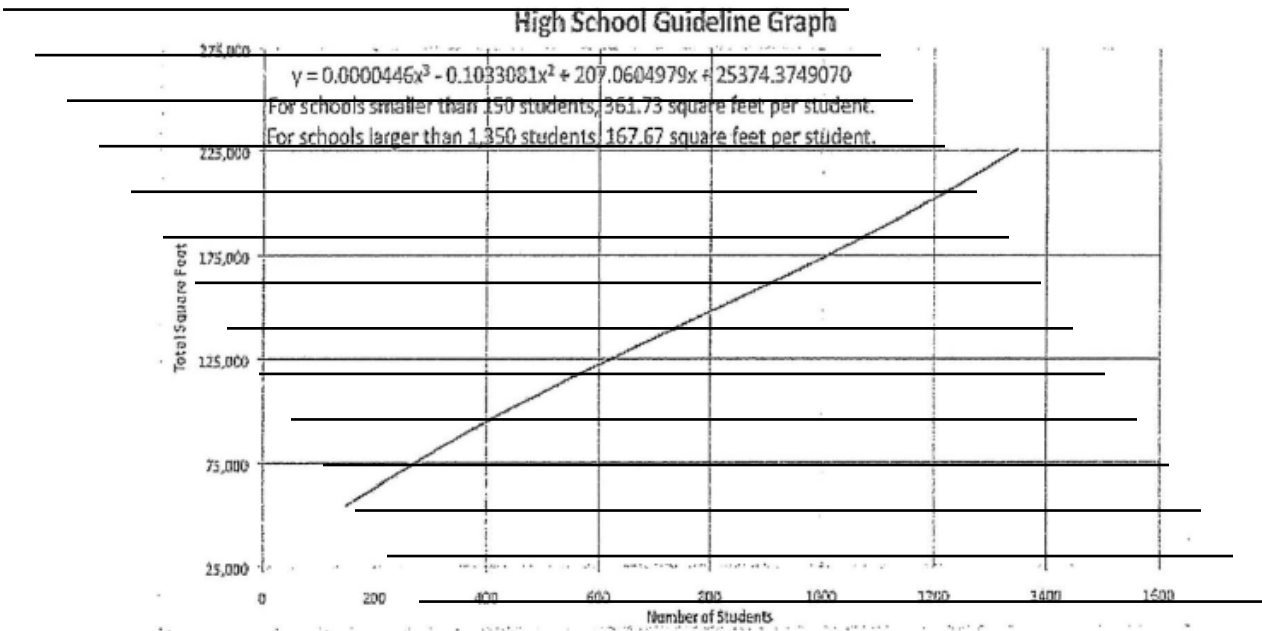


Figure A-4: K-8 School Total Square Footage Guideline Graph

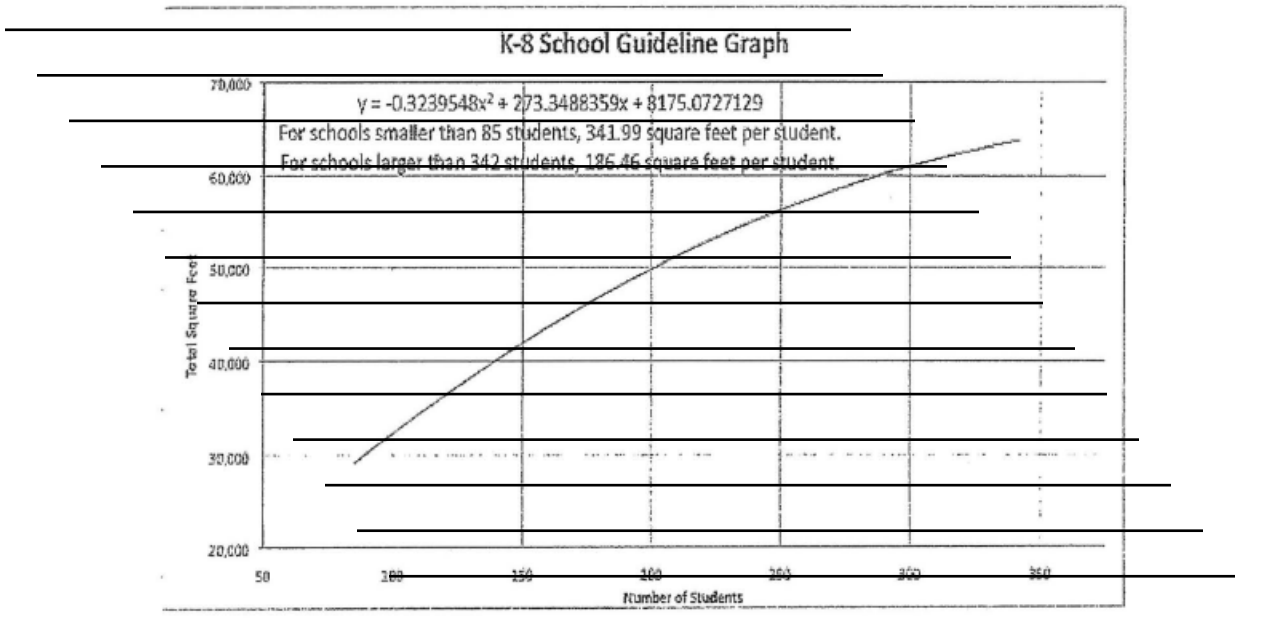


Figure A-5: 6-12 Secondary School Total Square Footage Guideline Graph

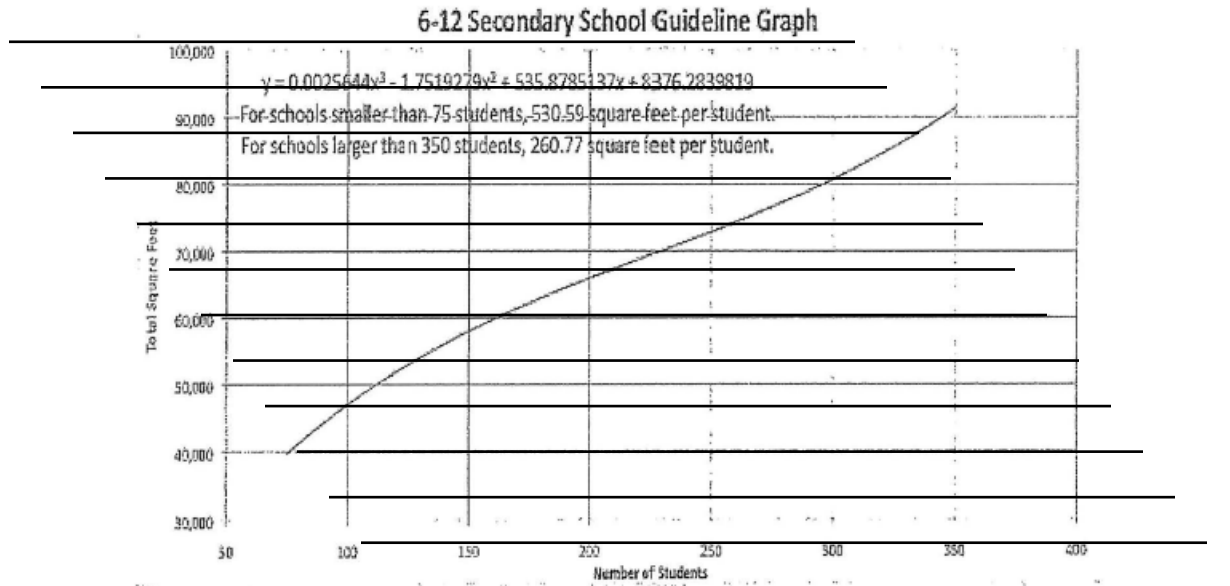
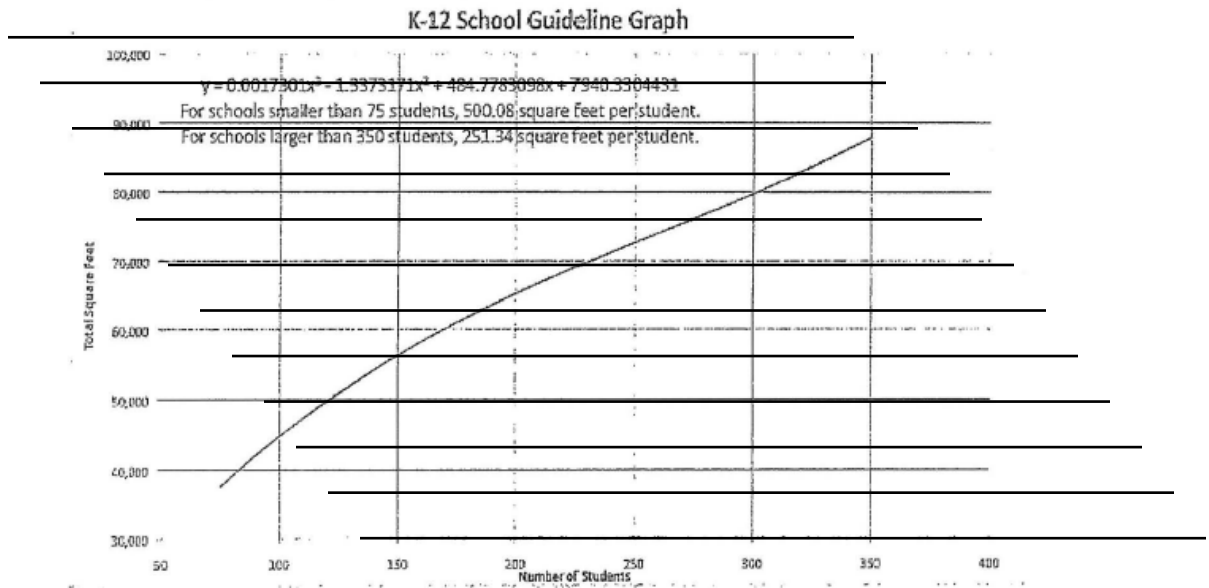


Figure A-6: K-12 School Total Square Footage Guideline Graph



~~APPENDIX B:
School Facilities Commission Approved Design Standards for Outdoor
Athletic Facilities Per Wyoming High School Activities Association Divisions
April 2009~~

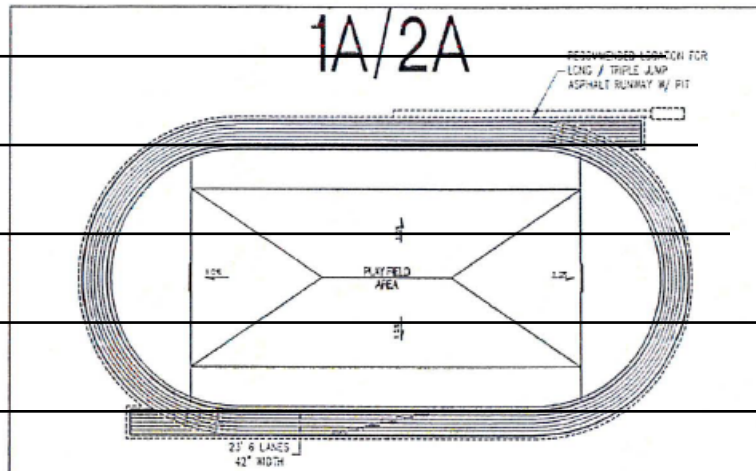


WYOMING
SFC **School Facilities**
Commission
Building Schools & Building Futures.



~~SCHOOL FACILITIES COMMISSION APPROVED~~
DESIGN STANDARDS FOR
OUTDOOR ATHLETIC FACILITIES
PER
WYOMING HIGH SCHOOL ACTIVITIES ASSOCIATION DIVISIONS
APRIL 2009

1A/2A



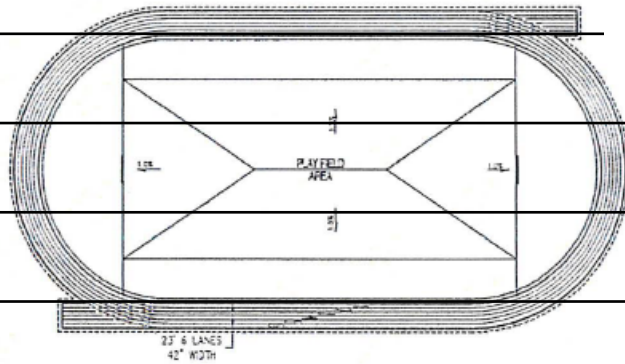
FEATURES:

- 6-LANE 42" WIDTH W/ 6' SHOULDERS 400M - 380M LENGTH
- ASPHALT SURFACING OPTIONAL SEAL COAT STR. - 7 YR. LIFE CYCLE
- DOUBLE START POINTS
- STRIPING
- FRENCH DRAIN
- INFIELD TURF VIA SEED / SOG AND INCLUDES GOAL POSTS. SYNTHETIC TURF SHALL BE CONSIDERED AN ENHANCEMENT.
- LONG JUMP ASPHALT RUNWAY W/ PIT
- OPTIONAL DRAIN ROCK UNDER TRACK PAVT. SECTION DEPENDING ON SITE SOILS
- SHOT PUT AREA
- 1/4" SURFACE DEMATCH
- HIGH JUMP
- DOES NOT MEET HIGH SCHOOL TRACK CERTIFICATION
- NO 12' AREA IMPROVEMENTS
- 42' CHAIN LINK FENCE

This track and field facility will consist of a six (6) lane asphalt 380 meter to 400 meter running track with a top width of 23 feet and including two (2) starting areas. The track will have six lanes being 42" in width with 6" thickened edge shoulders on each side. The surface will either be a fine graded top lift of asphalt (3/8" minus) or have a fog seal applied. Pavement surfacing thickness should be a minimum of 2 1/2" - 3" over a minimum of 4" of crushed base. The pavement section may increase as unique site soils conditions dictate. A 42" perimeter chain link fence will be provide to control field access. This level of track will not receive any additional surfacing treatment. An interior seeded / sod playfield will be provided with an appropriate irrigation system tied to an existing water system. Field drainage will be a series of French drains and the track surface will slope away from the infield. Field events will consist of a single runway with a long / triple jump pit at each end, a single shot put and discuss areas with cage, and a high jump area. No pole vault will be provided. District enhancements to be bid as alternate. Enhancements to be reviewed by commission prior to awarding contract.

Estimated Construction cost for this facility and component will vary regionally as the availability of asphalt plants within reasonable haul distance will be one item that will impact construction costs.

3A



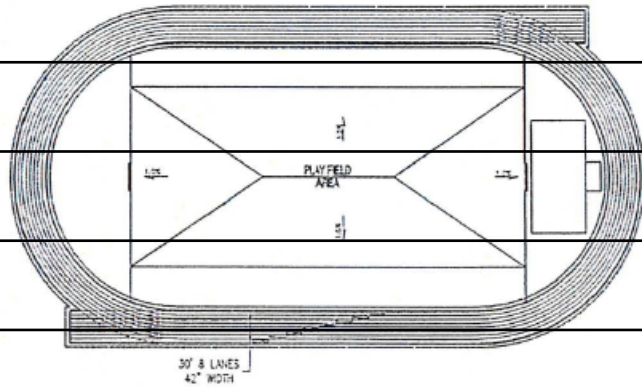
FEATURES:

- 6-LANE 42" WIDTH, 400 M
- ASPHALT W/ 2-PART POLY
- CONCRETE CURB - INTERIOR
- One foot THICKENED EDGE ASPHALT - EXTERIOR
- TURF PENDING WATER USAGE AND AVAILABILITY
- INFIELD DRAINAGE SYSTEM PENDING - TURF OR ASTRO
- ALL FIELD EVENTS, SHOT PUT, HIGH JUMP, AND LONG JUMP
- POLE VAULT - PENDING IN BIDDING SECTION
- INFIELD TURF OR SEED / SOG AND INCLUDES GOAL POSTS. SYNTHETIC TURF SHALL BE CONSIDERED AN ENHANCEMENT.
- 42" CHAIN LINK FENCE TO DELINEATE 3' CLEAR ZONE
- 1/4" IN 10' SURFACE DEVIATION SPEC.
- MEETS HIGH SCHOOL TRACK CERTIFICATION

This track and field facility will consist of a six (6) lane asphalt 400 meter running track with a top width of 23 feet and including two (2) starting areas. The track will have six lanes being 42" in width with 6" thickened edge shoulders on the outside with a concrete curb on the interior. ~~The surface will be a two part polyurethane surfacing. Pavement surfacing thickness should be a minimum of 2 1/2" - 3" over a minimum of 4" of crushed base.~~ The pavement section may increase as unique site soils conditions dictate. A 42" perimeter chain link fence will be provide to control field access. An interior seeded / sod playfield will be provided with an appropriate irrigation system tied to an existing water system. Field drainage will be a series of drainage inlets and the track surface will slope toward from the infield. All field events will be provided, including multiple runways with a long / triple jump pit at each end, shot put and discus areas with cages, a high jump area and a pole vault pit & runway. District enhancements to be bid as alternate. Enhancements to be reviewed by commission prior to awarding contract.

Estimated Construction cost for this facility and components should be fairly consistent statewide as most 3A site locations have reasonable availability of asphalt plants. It is estimated that the 3A track facility is approximately 40% more than the 1A/2A track facility mainly due to the type of track surfacing.

4A



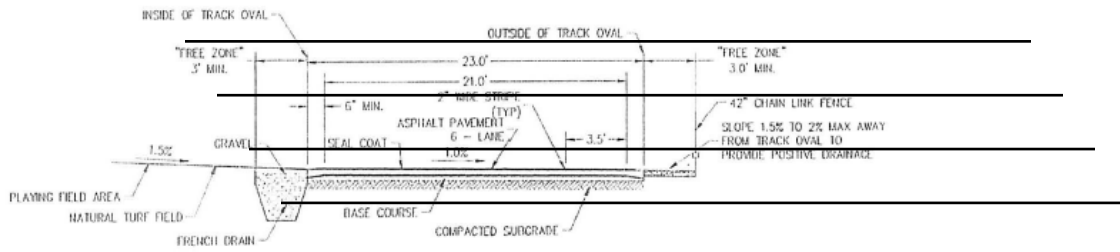
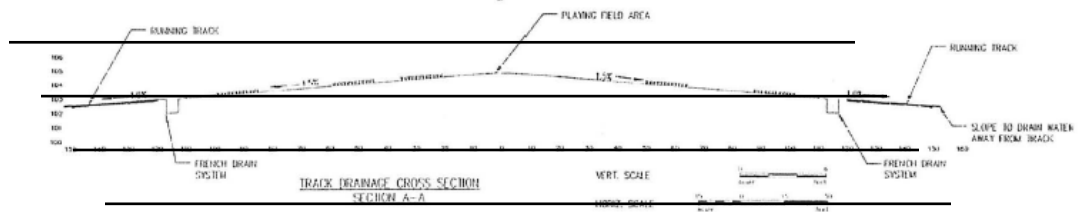
FEATURES:

- 8 LANES- 42" WIDTH, 400 M
- POLE VAULT OPTIONAL PER WSHAA
- 2 PART POLY SURFACING SYSTEM
- EXTERIOR CONCRETE CURB
- INTERIOR CURB W/ PERIMETER TRENCH DRAIN
- INFIELD TURF VIA SEED / SOO AND INCLUDES GOAL POSTS. SYNTHETIC TURF SHALL BE CONSIDERED AN ENHANCEMENT.
- 42" CHAIN LINK FENCE TO DEFINE 3' CLEAR ZONE
- 1/4" IN 10' SURFACE DEVIATION SPEC.
- MEETS HIGH SCHOOL TRACK CERTIFICATION

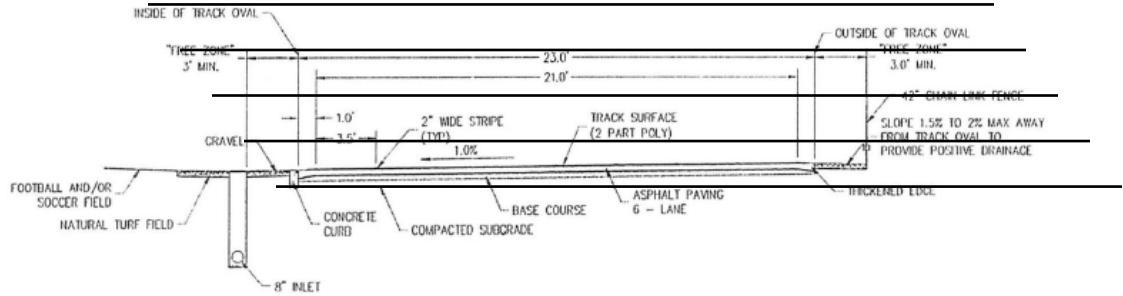
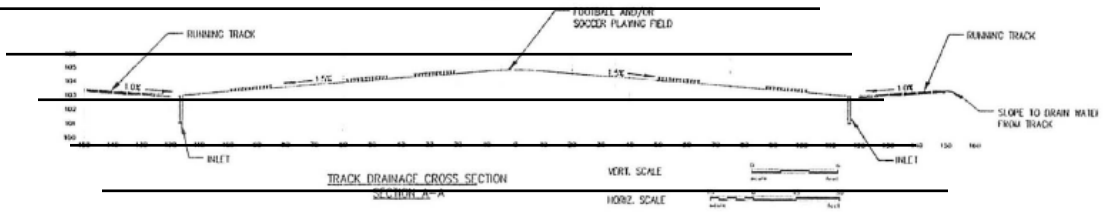
This track and field facility will consist of an eight (8) lane asphalt 400 meter running track with a top width of 30 feet and including two (2) starting areas. The track will have eight lanes being 42" in width with concrete curbing on each side. The surface will be two part polyurethane. Pavement surfacing thickness should be a minimum of 2 1/2" - 3" over a minimum of 4" of crushed base. The pavement section may increase as unique site soil conditions dictate. A sodded playfield area with full irrigation system consisting of pop up heads tied to an existing water system will be provided. Field drainage will be a controlled with an interior perimeter trench drain and the track surface will slope toward the infield. All field events consisting of a multiple runways with a long / triple jump pits at each end, shot put and discus areas w/ cages, pole vault w/ runway and pit, and a "D" area high jump. District enhancements to be bid as alternate. Enhancements to be reviewed by commission prior to awarding contract.

Estimated Construction cost for this facility and component will be generally consistent statewide as most all 4A facilities have local asphalt plants. Construction cost increase will be approximately 28% more than the 3A track facility with the increase in cost coming from the increase in track quantities for the additional two lanes and the drainage system.

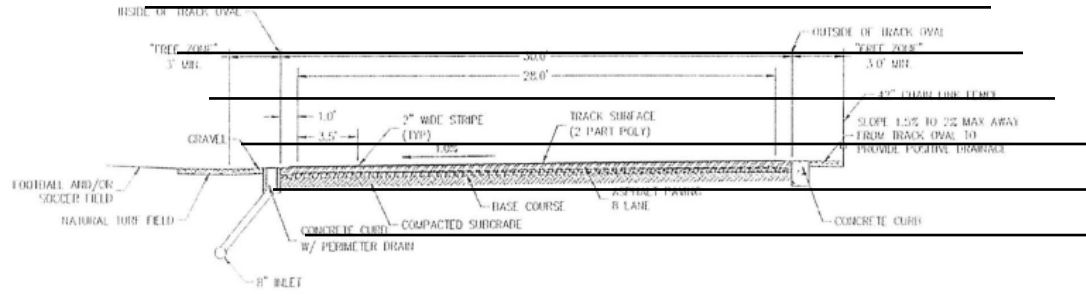
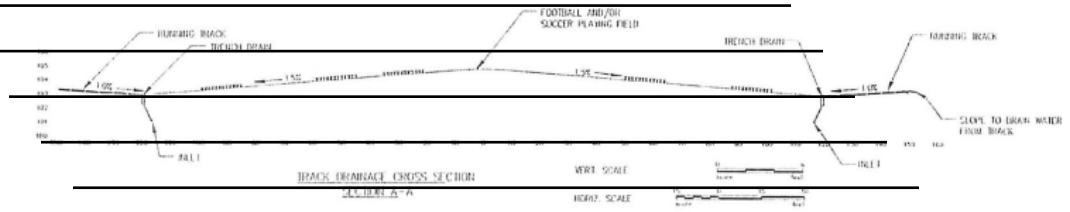
1A/2A



3A



4A



Chapter 4 Facility Planning

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv) and 21-15-116.

Section 2. Facility Plan. The Department shall schedule facility plan review meetings with each district. Facility plan review meetings shall be conducted every two years at a minimum. Districts shall participate in the facility planning process and supply information requested by the Department in the prescribed format.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION
CHAPTER 4
FACILITY PLANS
Chapter 4
Facility Planning

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

Section 2. Purpose of Rule.

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

Section 32. Facility Plan. The Department shall schedule facility plan review meetings with each district. Facility plan review meetings shall be conducted every two years at a minimum. Districts shall participate in the facility planning process and supply information requested by the Department in the prescribed format.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 5

Emergency Funding Procedures

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv) and 21-15-120(a).

Section 2. Basis for Declaration of Emergency. The Commission recognizes that emergencies may occur with respect to the adequacy of buildings and facilities and which immediately and substantially impact the ability of the district to provide educational programs required by law. Districts respond to emergencies in order to mitigate damages and restore the District's ability to provide educational programs required by law by first utilizing insurance coverage and then major building and facility repair and replacement payments. Emergency funding for temporary measures may become necessary under certain circumstances when insurance funding is not available or major building and facility repair and replacement payments are not sufficient. Emergency funding for temporary remedies may be available when the Commission, in consultation with the district(s) determines that the situation immediately and substantially affects or affected the ability of one or more districts to provide the educational programs required by law and that no other reasonable alternative exists to address the situation other than emergency funding.

Section 3. Application.

(a) Applications for emergency funding shall be presented to the Department for submittal to the Commission and shall at a minimum include:

(i) A detailed description of the circumstances giving rise to the emergency and how it immediately and substantially affects or affected the ability of the district to provide the educational programs required by law, including the expected duration of the emergency;

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

(iii) The district's proposed remedy or action taken by the district that was determined to be immediately necessary to temporarily resolve the emergency and why it is, or was, the most cost effective temporary measures to remediate the emergency, including all alternatives considered;

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

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

(vi) Any other reasonable documentation and information pertinent to the request; and

(vii) Documentation that the district has notified their insurance carrier of a claim and of the status of payments for loss and reimbursement for costs incurred to the district's major building and facility repair and replacement separate account;

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

(c) The remedy adopted by the Commission shall be the most cost-effective, means of addressing the emergency.

Section 4. Disbursement of Funds.

(a) For any emergency for which major building and facility repair and replacement payments are not sufficient to provide temporary measures and other responses, or if such payments would severely compromise implementation of the district's facility plan, as determined by the Commission, the Commission shall determine if the temporary measures and other responses require a capital outlay. The Commission shall only request capital outlay for an emergency after consideration of all other remedies. In providing temporary measures and other responses for an emergency, the Commission shall ensure the adoption of the most cost effective method of remediation that is in the best financial and educational interests of the state. The Commission shall implement this subsection in carrying out temporary measures and other responses, giving proper consideration to the prevention of unnecessary delays.

(b) Expenditures from the school capital construction account shall be for necessary temporary measures and other responses and related costs. Any commitment by the Commission may only be made to the extent that funds have been appropriated by the Legislature for the purpose of addressing facility emergency measures or are otherwise available in the school capital construction account.

(c) The Commission recognizes that the remediation of emergencies may require immediate action. Under certain circumstances, it may be impractical for the Commission to convene in a timely manner. Upon request for emergency funding from a district, the Director may determine if the request requires immediate action, or if the request may require action by the Commission.

(i) If the Director determines the request requires immediate action, the Director shall consult with the Chair as soon as practicable concerning the request for emergency funding. Any commitment by the Director may only be made to the extent that funds have been appropriated by the Legislature for the purpose of addressing facility emergency temporary measures or are otherwise available in the school capital construction account. The Director may not commit more than \$100,000.00 for emergency measures, subject to availability of funds in the account.

(ii) The Director shall inform the Commission of any action taken with regard to the request as soon as possible and shall provide a full report of the emergency and any funding commitment at the following Commission meeting.

(d) Disbursements shall not be made for any unauthorized expenses.

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~
~~CHAPTER 5~~
~~EMERGENCY FUNDING PROCEDURES~~

Chapter 5
Emergency Funding Procedures

Section 1. Authority. This ~~e~~Chapter is promulgated pursuant to ~~W.S.~~ Wyoming Statutes 21-15-114(a)(xv) and W.S. 21-15-120(a).

Section 2. Purpose of Rule.

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

Section 32. Availability of Funds. Basis for Declaration of Emergency.~~The Commission recognizes that emergencies may occur with respect to the adequacy of buildings and facilities and which immediately and substantially impact the ability of the district to provide educational programs required by law. Districts respond to emergencies in order to mitigate damages and restore the District's ability to provide educational programs required by law by first utilizing insurance coverage and then major building and facility repair and replacement payments. Emergency funding for temporary measures may become necessary under certain circumstances when insurance funding is not available or major building and facility repair and replacement payments are not sufficient. Emergency funding for temporary remedies may be available when under the following circumstances: (i) ~~—~~ ~~The Commission, in consultation with the D~~district(s) determines that the situation immediately and substantially affects or affected the ability of one or more ~~the~~ districts to provide the educational programs required by law and that no other reasonable alternative exists to address the situation other than emergency funding;~~
~~or,~~

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

Section 43. Application.

(a) Applications for emergency funding ~~must~~ shall be presented to the Department for submittal to the Commission and shall at a minimum include:

(i) A detailed description of the circumstances giving rise to the emergency and how it immediately and substantially affects or affected the ability of the district to provide the educational programs required by law, including the expected duration of the emergency;

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

(iii) The district's proposed remedy to cure or action taken by the district that was determined to be immediately necessary to temporarily resolve the emergency and why it is, or was, the most cost effective temporary measures to remediate the emergency, including all alternatives considered;

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

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

(vi) Such Any other reasonable documentation and information pertinent to the request Commission may require.; and

(vii) Documentation that the district has notified their insurance carrier of a claim and of the status of payments for loss and reimbursement for costs incurred to the district's major building and facility repair and replacement separate account.;

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

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

Section 54. Disbursement of Funds.

(a) The district shall contract for the commission approved remedy. For any emergency for which major building and facility repair and replacement payments are not sufficient to provide temporary measures and other responses, or if such payments would severely compromise implementation of the district's facility plan, as determined by the Commission, the Commission shall determine if the temporary measures and other responses require a capital outlay. The Commission shall only request capital outlay for an emergency after consideration of all other remedies. In providing temporary measures and other responses for an emergency, the Commission shall ensure the adoption of the most cost effective method of remediation that is in the best financial and educational interests of the state. The Commission shall implement this subsection in carrying out temporary measures and other responses, giving proper consideration to the prevention of unnecessary delays.

(b) The district shall submit written funding requests, accompanied by supporting invoices and other documentation reasonably required by the commission. Upon approval of the funding request as complying with the contract and this chapter, funds shall be disbursed. Expenditures from the school capital construction account shall be for necessary temporary measures and other responses and related costs. Any commitment by the Commission may only be made to the extent that funds have been appropriated by the Legislature for the purpose of addressing facility emergency measures or are otherwise available in the school capital

construction account.

(c) The Commission recognizes that the remediation of emergencies may require immediate action. Under certain circumstances, it may be impractical for the Commission to convene in a timely manner. Upon request for emergency funding from a district, the Director may determine if the request requires immediate action, or if the request may require action by the Commission.

(i) If the Director determines the request requires immediate action, the Director shall consult with the Chair as soon as practicable concerning the request for emergency funding. Any commitment by the Director may only be made to the extent that funds have been appropriated by the Legislature for the purpose of addressing facility emergency temporary measures or are otherwise available in the school capital construction account. The Director may not commit more than \$100,000.00 for emergency measures, subject to availability of funds in the account.

(ii) The Director shall inform the Commission of any action taken with regard to the request as soon as possible and shall provide a full report of the emergency and any funding commitment at the following Commission meeting.

(ed) Disbursements shall not be made for any unauthorized expenses.

Chapter 6
Square Footage Guidelines for Major Maintenance Payments

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-111(a)(xv) and 21-15-109(c)(i).

Section 2. Calculation.

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

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

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

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

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

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

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

- (i) Educational
 - (A) Standard educational space
 - (B) Educational portables
 - (C) Educational non-portables
 - (D) Qualified educational leases per W.S. 21-15-109(c)(i)(B)

- (E) Other non-qualified educational leases
- (F) Mothballed
- (ii) Office
 - (A) Portable building used as an office
 - (B) Leased offices
 - (C) All other offices
- (iii) Warehouse
 - (A) Bus barn (transportation facility)
 - (B) Portable building used as storage
 - (C) Warehouse leases
 - (D) All other warehouses

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

(i) Section 502- International Building Code, 2006 Edition. Equipment Platform: An unoccupied, elevated platform used exclusively for mechanical systems or individual process equipment, including the associated elevated walkway, stairs and ladders necessary to access the platform. (See also Section 505.5).

(ii) Section 1502 - International Building Code, 2006 Edition. Penthouse: An enclosed, unoccupied structure above the roof of a building, other than a tank, tower, spire, dome copula or bulkhead, occupying not more than 1/3 of the roof area. (See also Section 1509.2)

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

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~

~~CHAPTER 6
SQUARE FOOTAGE GUIDELINES
FOR MAJOR MAINTENANCE PAYMENTS~~

~~**Chapter 6**
Square Footage Guidelines for Major Maintenance Payments~~

~~**Section 1. Authority.** This eChapter is promulgated pursuant to W.S. Wyoming Statutes 21-15-111(a)(xv) and W.S. 21-15-109(c)(i).~~

~~**Section 2. Purpose of Rule.**~~

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

~~**Section 3. Definitions.**~~

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

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

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

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

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

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

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

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

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

Section 4. Maintenance.

~~Each district in consultation with its assigned Project Manager shall maintain the total square footage of each building within the district.~~

Section 52. Calculation.

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

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

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

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

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

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

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

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

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

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

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

(i) Section 502- International Building Code, 2006 Edition. Equipment Platform: An unoccupied, elevated platform used exclusively for mechanical systems or individual process equipment, including the associated elevated walkway, stairs and ladders necessary to access the platform. (See also Section 505.5).

(ii) Section 1502 - International Building Code, 2006 Edition. Penthouse: An enclosed, unoccupied structure above the roof of a building, other than a tank, tower, spire, dome

copula or bulkhead, occupying not more than 1/3 of the roof area. (See also Section 1509.2)

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

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

~~(i) — Commission approval is obtained per W.S. 21-15-109(c)(1)(A);~~

~~(ii) — Facility must be surplus or closed per W.S. 21-15-109(c)(iv);~~

~~(iii) — Square footage is not being used for delivery of required educational program;~~

~~(iv) — Square footage is being used for one of three approved programs:~~

~~(A) — Certified child care per W.S. 14-4-101 et seq.~~

~~(B) — Developmental preschool receiving state aid.~~

~~(C) — BOCES program per W.S. 21-20-101 et seq.~~

~~(v) — District incorporates use of this closed or surplus space into its facility plan;~~

~~(vi) — District reports any fees received for use of this closed or surplus space as a local resource per W.S. 21-13-310(a)(xv);~~

~~(vii) — District limits lease agreement to one year subject to early termination if necessary for provision of district educational programs.~~

Section 6. Computations and Adjustments.

The Commission shall adjust the total district gross square footage by excluding or reducing the gross square footage of newly constructed buildings and facilities using the following percentages:

Year 1 ————— 0%

Year 2 ————— 10%

Year 3 ————— 10%

Year 4 ————— 40%

Year 5 ————— 60%
Year 6 ————— 80%
Year 7 and after ————— 100%

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

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

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

Chapter 7
Annual Reports and Major Building and Facility Repair and Replacement Requests

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv), 21-15-109(e) and 21-15-115(b).

Section 2. New Construction Report.

(a) Each district shall annually report on a building-by-building basis, all expenditures made during the prior fiscal year for new construction.

(b) Each district shall make its annual report under this Chapter on such form or forms as the Commission requires.

(c) All district submissions under this section shall be certified by the district's superintendent as being true, correct, and complete.

Section 3. Major Building and Facility Repair and Replacement Requests and Report.

(a) Amounts distributed for major building and facility repair (major maintenance) shall be deposited by each district into a separate account, the balance of which may accumulate from year to year. This account is subject to periodic audit by the Commission.

(b) Districts shall make requests for major maintenance expenditures through the Department, identifying the building and component(s) affected.

(c) Requests shall include information required by the Department and shall be submitted through the Department's financial accounting database system.

(d) Each district shall annually report on a building-by-building basis all expenditures made from its separate major maintenance account.

(i) Each district shall submit an annual report under this Chapter in such form as the Department requires.

(ii) Each district shall report major maintenance expenditures by July 31 of each year to the Department. Reports shall be submitted in such form as the Department requires.

(iii) District reports under this section shall be certified by the district superintendent as being true, correct and complete.

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~
~~CHAPTER 7~~
~~ANNUAL REPORTS~~

Chapter 7
Annual Reports and Major Building and Facility Repair and Replacement Requests

Section 1. Authority. This Chapter is promulgated pursuant to ~~W.S.~~ Wyoming Statutes 21-15-114(a)(xv), 21-15-109(e) and ~~W.S.~~ 21-15-115(b).

Section 2. Purpose of Rule.

~~This Chapter is generally intended to govern the submission of annual reports related to new construction and major maintenance account expenditures by the Districts.~~

Section 32. New Construction Report.

(a) Each ~~D~~district ~~shall must~~ annually report on a building-by-building basis, all expenditures made during the prior fiscal year for new construction.

(b) Each ~~D~~district shall make its annual report under this Chapter on such form or forms as the Commission requires.

~~(c) When new construction for a building includes labor and materials, the total amount of labor and materials shall be separately stated.~~

~~(d)~~ All district submissions under this ~~S~~section shall be certified by the ~~D~~district's superintendent as being true, correct, and complete.

Section 43. Major Maintenance Building and Facility Repair and Replacement Requests and Report.

(a) Amounts distributed for major building and facility repair (major maintenance) shall be deposited by each district into a separate account, the balance of which may accumulate from year to year. This account is subject to periodic audit by the Commission.

(b) Districts shall make requests for major maintenance expenditures through the Department, identifying the building and component(s) affected.

(c) Requests shall include information required by the Department and shall be submitted through the Department's financial accounting database system.

~~(d)~~ Each district ~~shall must~~ annually report on a building-by-building basis, all expenditures made from its separate major maintenance account.

(b) (i) Each ~~D~~district shall ~~make its~~ submit an annual report under this

Chapter ~~on~~ in such form ~~or forms~~ as the Department Commission requires.

(e) (ii) Each ~~D~~District shall report major maintenance expenditures by July 31 of each year to the Department. Reports shall be submitted in such form as the Department requires. ~~to the Commission any building or facility project(s) or major repair and maintenance project(s) which change the square footage of its school buildings and facilities. This reporting shall include the demolition, closure or mothballing of any school building or facility and all leased space as the lessee or lessor.~~

(d) (iii) District reports under this section shall be certified by the District superintendent as being true, correct and complete.

(e) ~~—Amounts distributed for major maintenance and repair must be deposited by each school district into a separate account, the balance of which may accumulate from year to year. This account is subject to periodic audit by the commission.~~

Chapter 8
Criteria for Identifying and Prioritizing Remedies, and Establishing Project Budgets

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv), 21-15-117(a)(i), 21-15-119(a), (c), 21-15-121(a), and 28-11-301(c)(iv).

Section 2. Inventory: Assignment of Building Condition. The Commission shall prepare and maintain an inventory of district-owned school buildings and facilities. Each structure in the inventory shall be assigned scores, as applicable, to denote building condition, educational suitability, and capacity in accordance with these rules and regulations. Technology readiness shall be considered in arriving at a score for educational suitability. These scores shall be used to establish a state-wide needs index, which shall then be used in conjunction with District facility plans to arrive at a prioritization schedule for building and facility remediation.

Section 3. Prioritization of Building Remediation. In prioritizing projects for the schedule of remedies and submission to the Legislature for funding, the highest needs shall be addressed first. Buildings shall be ranked from highest need to lowest need as follows:

(a) Capacity Prioritization.

(i) Districts with capacity exceeding 100% (high capacity) shall be determined to be in need of immediate attention and shall take precedence before other capacity needs.

(ii) Districts with a capacity between 100% and 95% (medium capacity) may be considered for funding only after high capacity school needs have been addressed.

(iii) Districts with a capacity between 95% and 90% (low capacity) may be considered for planning funding.

(b) Condition Prioritization.

(i) Schools with an FCI score exceeding 0.65 (high condition) shall take precedence before other condition needs and may be forwarded for capital construction funding based on the determination of the most cost effective remedy.

(ii) Schools with an FCI score between 0.55 and 0.65 (medium condition) may be forwarded for consideration for planning funds and possible capital construction funding after high condition school needs have been addressed.

(iii) Schools with an FCI score below 0.55 (low condition) shall be remedied primarily using routine maintenance or major building and facility repair and replacement (major maintenance) funding.

(c) Educational suitability is addressed through routine maintenance, major maintenance, or capital construction projects funded by the Legislature.

(d) An updated method of calculating suitability has been adopted by the Commission and may be found in the “Educational Suitability Score Report” prepared by the Commission and attached hereto as Appendix C.

(e) The Commission may periodically review and verify needs assessment data and building and facility ratings for condition, capacity and suitability to ensure the assessments provide timely and uniform data in accordance with W.S. 21-15-115(b).

(f) At least biennially, a new prioritized needs index shall be developed by Commission and that needs index shall be the basis upon which legislatively funded remedies shall be determined. Calculation of the relative weights of the three scoring tools for purposes of developing that needs index shall be 50% weighting to facility condition, 35% weighting to facility capacity, and 15% weighting to educational suitability.

Section 4. Project Budgets.

(a) Budgets for prioritized projects shall be established as follows:

(i) The Department shall prepare budgets based on the schedule of building and facility remediation. Each budget shall include, but is not limited to, land, project planning, design, construction, and on-site and off-site infrastructure.

(ii) The Commission shall develop a schedule for building and facility remediation for each budget period. The schedule shall identify the remedies attached to each need for funding to include planning, design, and construction projects by category as follows: capacity, condition, and other needs determined by the Commission.

(iii) Using accepted accounting standards and the principles outlined above the Commission shall, not later than September 1 of each year, prepare and submit to the Governor and the Select Committee on School Facilities, a proposed budget, the prioritized list of projects proposed for funding, the amount of funding allocated to each project, the assessments conducted by the Commission of condition, capacity and suitability, and the annual building status report specified under W.S. 21-15-121.

Section 5. Identification and Determination of Remedy.

(a) The Commission considers various criteria to identify and determine the most cost effective method of remediation of building and facility needs to deliver quality educational services and to meet adequacy standards.

(i) Facility design guidelines, methodologies, procedures and policies of the Commission shall be considered by the Department, in consultation with the district, and appropriate data and facts shall be reported, which may be presented as a formal study identifying possible remedies to assist the Commission. The Department may utilize outside consultants to conduct studies.

(ii) The most cost effective method of remediation will initially be determined during the planning / budgeting phase of a legislatively-funded project but may be revised by the Commission to reflect changed conditions.

(iii) The Commission may consider the following non-exclusive list of factors in determining the most cost effective method of remediation:

- (A) School district facility plan;
- (B) Non-construction alternatives, including grade reconfiguration;
- (C) Non-capital remedies;
- (D) Availability of major building and facility repair and replacement funds;
- (E) Enrollment projections, design capacity, and square footage;
- (F) Immediacy of the need;
- (G) Compliance with statewide adequacy standards;
- (H) Educational specifications;
- (I) Total project cost and budget; and
- (J) Site, utilities, streets, and other physical data and characteristics that may impact a proposed method of remediation, including availability of existing school sites or district owned land or the need to acquire land.

APPENDIX C:
Education Suitability Score Report

Introduction

The Wyoming School Facilities Commission (SFC) has developed an assessment of Education Functionality of its school buildings. This facility assessment will help the SFC and the Wyoming's school districts to understand how well the school facility support the ability to deliver a quality educational program begin cognitive of the districts' delivery of those programs.

The results of this assessment will be used by the SFC and Wyoming school districts to assist in the development of a Needs Prioritization Index to help identify where there are school facility issues in the stat and begin the process of identifying potential remedies. The Needs Prioritization Index utilizes three pieces of information about school facilities including a Facility Condition Score. Enrollment-to-Capacity Score, and the Education Functionality Score.

A. School Building Areas and Activities

The Functionality Assessment looks at the different areas of the school building based on a variety of activities. For purposes of this assessment, these activity areas are grouped together into broad categories. These categories include:

- Site
- Technology & Communications
- Administration & Support
- Student Dining
- Health & Physical Education
- Custodial & Maintenance
- Common Spaces
- General Learning Spaces
- Special Education
- Library & Media
- Arts & Performing Arts
- Applied Lab Learning (e.g., science, career-technical education, etc.)

B. Functionality Characteristics

The Functionality Assessment looks at several functionality characteristics of the building as a whole, its site, and the individual activity areas. The primary functionality characteristics observed in the assessment include:

- A. Safety, Security, & Supervision
 - 1. Accessible, clear sight lines
 - 2. Windows and doors are securable
- B. Space Appropriateness
 - 1. Space if appropriately sized for the activity
 - 2. Teacher staff have workspace
- C. Environmental Conditions
 - 1. Lighting
 - 2. Acoustics
 - 3. Heating, Cooling, & Ventilation
 - 4. Flexibility of the space
 - 5. Student personalization
- D. Utilities, Fixed Equipment, Surfaces, and Storage
 - 1. Chalkboards, whiteboards, smartboards, and projector screens
 - 2. Storage
 - 3. Flooring materials
 - 4. Wall materials
 - 5. Availability and placement of electrical outlets

Additional functionalities will be assessed that are specific to the different areas when appropriate.

C. Assessment Scoring Methodology

Throughout the functionality assessment, the assessment team will use a four-point scale to score the criteria. As a way to anchor the assessment, the four-point scale provides some guidance as to the nature of the remedy to some key functionality indicators. This four-point scale is:

4 = EXCELLING: DESIGN AND STRUCTURE FACILITATES TEACHING AND LEARNING; SUPPORTS THE ABILITY TO DELIVER A QUALITY EDUCATIONAL PROGRAM

3 = ACCOMMODATIONS IDENTIFIED TO BE ADDRESSED: PRIMARILY “DESIGN” ISSUES; MAY REQUIRE MINOR DESIGN OR STRUCTURAL CHANGES AS A REMEDY

2 = MODIFICATIONS IDENTIFIED TO BE ADDRESSED: DETRACTING FROM TEACHING AND LEARNING MAY REQUIRE MAJOR DESIGN OR STRUCTURAL CHANGES AS A REMEDY; HEALTH & SAFETY NEGATIVELY IMPACTED

1 = SIGNIFICANT MODIFICATIONS IDENTIFIED TO BE ADDRESSED: SIGNIFICANT DETRACTIONS TO TEACHING AND LEARNING; PROBABLY REQUIRES MAJOR STRUCTURAL CHANGES AS A REMEDY; HEALTH & SAFETY ISSUES PRESENT SEVERE NEGATIVE IMPACT

As the assessment team finds that the functionality of a given criteria could be improved to better support the delivery of a quality educational program, the assessor will perform a first-order approximation of the type of remedy that would be needed to improve the education functionality of that criteria within that space. The assessment is incomplete without an approximation of the nature of the remedy associated with scores of 2 or less.

SITE SIZE, ORIENTATION, & APPROPRIATENESS OF LOCATION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size and utilization of the site accommodates the school learning and learning support activities (SFC site guidelines as a general reference point)			
Orientation of the building minimizes effects of wind and noise on classrooms and internal/external learning environments and makes the best use of natural light for the building			
Site has drainage so as to minimize inconveniences to pedestrian and vehicle traffic and long-term effects on school building and other learning environments			

SITE SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Vehicular traffic patterns to/from school provide easy and safe access to school entrances including busses, parent pickup/dropoff, and pedestrian traffic</p> <ul style="list-style-type: none"> • Pickup/dropoff areas for busses and parents are separate, off-street, and allow for easy, safe access to school entrances; material and condition are appropriate • Sized to allow coordinated pickup/dropoff activities including extra time needed for special education • Pedestrian traffic does not directly cross heavy vehicle traffic areas 			
<i>Signage</i> for pedestrian traffic including crosswalks and for visitors directing them towards the main entrance; vehicle traffic for busses, parent pickup/dropoff areas, appropriate, parking areas, and fire lanes			
Clear sightlines around the site with minimal concealed spaces and obstructed views including landscaping			

Explicitly from building perimeter perspective the school building has main entrance that is clearly identifiable; limited entryways and multiple exitways; door monitoring system on all exterior doors is highly desirable			
Off-street parking available for staff, parents/visitors, and students (in high schools) is adequate with clear signage designating appropriate areas for each; lighting provides safe wayfinding to and from the school; materials and condition are appropriate			

SITE UTILITIES & SHIPPING/RECEIVING

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Electrical, plumbing, sewage and other utilities serving the building and site are sufficient to handle the activities of the school			
Shipping and receiving, refuse collection, and food services areas have clear signage; are removed from the main entrance and exitways to minimize student and other pedestrian contact during the school day			

TECHNOLOGY & COMMUNICATIONS SITE CAPACITY

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Telecommunications systems (television, high-speed internet, telephone, etc.) are sufficient to accommodate learning activities for size of school			
Sufficient back-up power for telecommunications and security systems; sufficient to carry out communications and security plan in case of emergency			

ADMINISTRATION & LEARNING SUPPORT SPACES

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Technology connectivity and access, bandwidth to perform administrative and support activities (computer and internet)			
Telecommunications technology (telephone, internet, etc.) connectivity and access appropriate for administration and student support activities: <ul style="list-style-type: none"> • Office-to-classrooms and classrooms-to-office communications systems; • Office-to-outside and classrooms-to-outside communication systems; • Emergency Management Communication System; alarms and/or surveillance systems (passive and active security) 			

LEARNING SPACES

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Technology connectivity and access, bandwidth to deliver education program (audio, visual, computer, and internet); access to audio/visual equipment			

SCHOOL SERVER and COMMUNICATION ROOM(S)

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Computer server rooms</i> are in functionally appropriate space and location in the building (should not be a shared space with HVAC, electrical, or other services); appropriately ventilated, cooled, sound isolated, and secured			
Computer, technology, and communications equipment and supplies storage is appropriate and secure; ideal IT only space and include a work surface for equipment maintenance			

<p>Communications room</p> <ul style="list-style-type: none"> • Appropriate space in school (not shared space with HVAC, mechanical, or custodial services) • Walls and flooring surfaces appropriate (floor should be hard surface, wall surfaces should accommodate panel board installation) • Storage for equipment and supplies; ideally have space for servicing equipment • HVAC on separate control system 			
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ADMINISTRATION & STUDENT SUPPORT SPACES SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Administration offices provide ease of supervision and aid in safety and security of school building;</p> <ul style="list-style-type: none"> • Main entrance is visible from administrative office with clear signage for administrative offices • Controlled access with clear signage directing visitor sign-in; • Secretary/receptionist near/adjacent to the main building entrance to serve as a buffer between the outside and internal spaces 			
<p>Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)</p>			
<p>Building allows controlled access to different parts of the facility (e.g., gym, auditorium, library/media center) during after-hours for school and community use</p>			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Administration and receptionist/secretary spaces sufficient to accommodate typical administrative and support activities</p> <ul style="list-style-type: none"> • Appropriate guest seating in waiting • Appropriate student seating and standing area for students • Administrative and receptionist/secretary work areas have sufficient buggers to waiting areas • Enough space in administration and administrative support areas to accommodate copier, printer(s), fax machine, and other specialized equipment 			
<p>Conference room is in proximity to administration and/or other student support services; location and space serves the school well</p>			
<p>Proximity of office to student support spaces such nurse's room and counselor's office provides easy access and supervision</p> <ul style="list-style-type: none"> • Direct access to nurse's office from both the main office and the corridor is highly desirable and within easy view of the secretary/receptionist • Counselor's office may be close to, but separate from, the main office; space should provide ease of student access and is inviting to students 			
<p>Workroom space is easily accessed by staff; allows for small group work as well as individual work areas; Workroom is proximate to general office; in larger schools flexible space OR positioned in areas frequented by staff</p>			
<p>Nurse's room has sufficient space for work space, adequate beds for size of school with screening curtains, and base and wall cabinets for equipment and records storage</p>			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p><i>Natural and artificial lighting</i></p> <ul style="list-style-type: none"> • Appropriate for these spaces • Lighting is easily controlled through convenient placement of switches and window coverings 			
<p><i>Acoustics</i> are appropriate for each of the spaces; conversations and noise within these spaces do not spill into adjacent classrooms/offices; noise from adjacent areas do not adversely affect these rooms</p>			
<p><i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; <i>Ventilation</i> provides good air circulation and quality of the room</p>			

UTILITIES, FIXED EQUIPMENT, SURFACES, AND STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Administrative & support space buffer includes a front counter, workstations, and cabinetry for storage of supplies; lockable cabinetry for sensitive materials</p>			
<p>Workroom has mailboxes for staff; workstations for individual and small group work; surfaces for messages (e.g., white board, tackable surfaces, etc.)</p>			
<p>Nurse's room includes single bowl, hot and cold water sink in a base cabinet; space for an undercounter refrigerator; accessible toilet room with handheld shower and shower drain; water-resistant flooring and wall materials the entire height of the walls</p>			

STUDENT DINING & FOOD SERVICE SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student dining area is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			
Communications system between student dining area and office sufficient to overcome greater levels of noise associated with the space			
Secured buffer between student dining and food preparation areas; secured food preparation and service areas			
Kitchen <ul style="list-style-type: none"> • Loading area with unobstructed outside access from the service drive • Service drive should not be in proximity to student pathways between cafeteria and playground areas 			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Cafeteria space is appropriately sized and defined by efficient traffic flows <ul style="list-style-type: none"> • Located adjacent to the kitchen • Direct access to the main corridor with direct line to the kitchen serving line • Dish return circulation should not cross the serving line • Access to outdoor activity areas as far as possible from the serving line • Minimum ceiling height of 12 feet 			
Dining space is flexible for multiple purposes and configurations			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> (natural and artificial) an: easily controlled through convenient lighting control systems; daylighting is uniform throughout the dining space			
<i>Acoustical</i> isolation of mechanical, electrical and communications rooms and sound attenuation from adjacent rooms (both an issue of location and sound-damping materials)			
<i>Heating & cooling; ventilation and air quality</i> are appropriated in dining space, kitchen space			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Floor and wall materials in dining space and kitchen are durable and easily cleaned			
Drinking fountain or water cooler in the corridor within 25 feet of the cafeteria door			
Appropriate and convenient storage of tables, chairs, and other equipment in alcoves or closets; preferable that tables and chairs are non-fixed for maximum flexibility in use of space			
Appropriate and secured equipment and storage for food preparation activities including freezers, coolers, heating equipment, ventilation hoods, tables/counters, etc.			

HEALTH, WELLNESS, & PHYSICAL EDUCATION SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			

Communication system between classroom and office and outside is sufficient to overcome greater noise levels associated with this space			
Ability to secure area separate from classrooms if made open to public during non-schooling hours			

SPACE APPROPRIATENESS

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Space is appropriately sized for health and wellness instruction			
Teacher has appropriate workspace area			
Changing areas and restrooms adjacent to physical education room			

ENVIRONMENTAL CONDITIONS

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
<i>Lighting controls are easily accessible and controllable; adjustable lighting; artificial, non-harsh lighting</i>			
<i>Acoustics</i> within the gym space appropriate for the learning spaces and other spaces around the gym			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; <i>Ventilation</i> provides good air circulation			
<i>Flexibility and Adaptability</i> of learning space to allow for multiple uses – limited fixed equipment and furniture			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Number and placement of electrical allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Equipment and supplies • Storage for teacher supplies and equipment 			

Flooring is appropriate for learning environment; flooring of restrooms, changing areas, and showers are appropriate with necessary drainage			
Wall surfaces appropriate for learning spaces allowing for display of student work where appropriate; hard surfaces are easily cleaned			
Hydration stations in close proximity to activities area; appropriate height for age group			

**SITE EXTERIOR ACTIVE/PASSIVE STUDENT LEARNING SPACES
SAFETY, SECURITY, & SUPERVISION**

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Access to/from exterior learning spaces is controlled and easily supervised; teachers have communication ability with administration			
Students have access to exterior curricular/co-curricular learning environments and social spaces including playgrounds for age-appropriate activities; areas are adjacent to the school but separated from vehicular traffic			

SPACE APPROPRIATENESS

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Space is appropriately sized and placed for student activities (primary students - Kindergarten and 1st grade – have separate playground) as well as having appropriate equipment for age of children			

CUSTODIAL & MAINTENANCE SPACE SAFETY, SECURITY, & SUPERVISION

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Safety and security of space for storage of equipment and materials associated with maintenance and custodial work; all areas including operations areas such as boilers and chillers have limited key access			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Primary custodial and maintenance spaces are combination of office and receiving and storage space; located near the service entrance for receiving			
Custodial space is conveniently located throughout the building to serve the academic areas, physical education spaces, and administration and learning support spaces			
Mechanical, electrical, and communication rooms should have direct exterior access through doors with enough space to pass largest piece of equipment and equipment maintenance items			
Communications room is centrally located in the building			
Electrical transformers, panels, and sub-panels not to be located in custodial closets			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is appropriate for the spaces and switches are conveniently located; natural light is not required in these areas			
<i>Acoustical</i> isolation of mechanical, electrical, and sound attenuation from adjacent (both an issue of location and sound-dampening materials)			
Ventilation as well as heating and cooling of spaces is appropriate			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Custodial closets <ul style="list-style-type: none"> • Have floor-mounted sinks with industrial faucets with hot and cold water • Painted concrete flooring and painted walls • Mop holder with shelving above sink • Adjustable shelving for storage • Storage room for indoor floor cleaning and supplies 			
Appropriate roof access			

**COMMON SPACE – RESTROOMS, HALLWAYS, & STAIRWAYS
SAFETY, SECURITY, & SUPERVISION**

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Spaces are easily accessed by students and staff, clear lines of sight, and easily supervised; free of obstructions and concealed spaces accessible, clear lines of sight, and easily supervised; layout does not impede supervision; ADA compliance is preferable			
Windows and doors are secured; locking doors internal to school building and to external areas			
Circulation spaces should be direct, simple, and logical as a wayfinding systems into and through the building; clear directional signs to the main areas of the building and to restrooms			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Hallways and common spaces</p> <ul style="list-style-type: none"> • Appropriately sized for age of students for efficient and safe movement including handrails in stairwells; • Promotes student socialization; • Ability to showcase student work and other school announcements; • Width of corridors are appropriate for age of students and number of students; lockers in hallways require more hallway space – narrow and congested corridors result in excessive noise, student behavior issues, and increased 			
Restrooms are sufficient in number and locations are convenient to the various learning spaces with the school			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> controls are easily accessible and controllable: adjustable lighting; artificial, non-harsh lighting			
<i>Acoustics</i> in entryways, lobby, and corridors minimized to avoid disturbances to classroom learning areas through use of barriers and sound-dampening materials; acoustical separation between instructional areas and restrooms			
<i>Ventilation</i> and <i>heating/cooling</i> of common spaces and restrooms are appropriate; <i>Ventilation</i> provides good air circulation and quality of air			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Flooring <ul style="list-style-type: none"> • Lobby flooring should be hard surfaces • Entryway floors have walk-off carpets/mats • Corridor flooring either resilient flooring or • Restroom flooring is hard surface with appropriate drainage 			
Walls <ul style="list-style-type: none"> • Entryway walls should be of durable materials, similar to exterior walls • Corridor walls are durable material, easily cleaned with high-impact corner guards • Tackboards throughout the building 			
Electrical power outlets available throughout the corridors			
Doors opening into corridors recessed			
Restroom fixture are appropriate in number and height (sink, toilet); Drinking fountains are available throughout the school and at appropriate heights			

GENERAL LEARNING SPACES SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clean lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where application such as Kindergarten learning spaces)			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning spaces can accommodate multiple learning activities			
Teacher has workspace area and storage			

Learning spaces have good proximity to restrooms (Kindergarten rooms are directly adjacent to dedicated restroom for grade level)			
Learning spaces have reasonable access to entry/exitways (multiple access for fire safety, access to playgrounds/fields. Kindergarten learning spaces located in a party of the building to allow easy parental pickup and dropoff)			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable; adjustable lighting			
<i>Acoustics</i> within the learning spaces appropriate for the learning space; acoustics of surrounding classrooms and non-classroom spaces have minimal effects on classroom			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; <i>Ventilation</i> provides good air circulation and quality of the room			
<i>Flexibility and Adaptability</i> of learning space to allow for multiple uses – limited fixed equipment and			
<i>Student personalization</i> including space on the walls and student personal spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electrical outlets allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Student storage space for belongings such as coats and backpacks, Primary grade (K-2) have cubby spaces; • Shelving for books and other learning materials • Storage for teacher supplies and equipment 			

Flooring is appropriate for the learning environment (Kindergarten classroom has mixture of carpet and other "wet area" flooring; restroom flooring is hard surface with appropriate drainage); classroom entrance flooring accommodates clothing and footwear for Wyoming weather			
Wall surfaces allow for display of student work; hard surfaces are easily cleaned			
Chalkboards, whiteboards, smartboards, and projector screens are at an appropriate height for students			

LIBRARY & MEDIA CENTER SERVICES SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Library & media space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision; Entrance to the room visible from the circulation desk			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning spaces can accommodate multiple learning activities; Space allows for safe, smooth, efficient traffic through the entire area <ul style="list-style-type: none"> • Stacks area • Individual and small group activity; separated from large group instruction area • Large group instructional area • Computer lab/workstations 			
Office area for media center specialist; storage of supplies and materials			
One or more entrances from the mail corridor; main entrance preferably double doors			
Direct access between media center and computer lab/workstations			

ENVIROMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is mix of natural and artificial lights; as much natural daylight as possible is encouraged; lighting controls easily accessible; adjustable lighting; blinds and blackout capability; separate lighting controls for each learning area			
<i>Acoustics</i> so as to minimize noise within the space as well as limited effects on learning areas outside of the space			
<i>Heating and cooling</i> controls easily accessible; good ventilation and air quality; computer labs should be maintained at 68 degrees			

UTILITIES, FIXED EQUIPMENT, SURGACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electorcal outlets and data outlets are conveniently accessed in all the learning areas			
Storage <ul style="list-style-type: none"> • Equipment and supplies; • Lockable cabinets with adjustable shelves in computer lab; • Open adjustable shelving for stacks; • Base cabinets around circulation desk for processing activities • Wall cabinets; • Adjustable shelving behind circulation 			
HVAC requirements special for these areas to control temperature			
Storage for large and small equipment and supplies (computers, peripherals, etc.)			

SPECIAL EDUCATION CLASSROOMS SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision; Access is appropriate for student with special needs (ADA)			
Windows and doors are secured; locking doors internal to school building			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning space can accommodate multiple learning activities, allows for observation of students without directly interfering with learning activities; Space to accommodate large equipment and supplies required to deliver the education program			
Restroom adjacent to classroom; includes shower and changing area; restroom and facilities are appropriately designed to accommodate students with special needs			
Teacher has workspace area and access to accommodate multiple related service activities			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable			
<i>Acoustics</i> within the classroom appropriate for the learning space; acoustics of surrounding classrooms and non-classroom spaces have minimal effects on classroom			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; Ventilation provides good air circulation and quality of the room			

<i>Flexibility and Adoptability</i> of classroom space to allow for multiple uses – limited fixed equipment and furniture			
<i>Student personalization</i> including space on the walls and student cubby spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of protected electrical outlets allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Cubby space for student belongings: • Shelving for books and other learning materials • Storage for teacher supplies and equipment 			
<i>Flooring</i> is mixture of carpet and other “wet area” flooring; restroom flooring is hard surface with appropriate drainage; classroom entrance flooring accommodates clothing and footwear for Wyoming weather			
Restroom fixture are appropriate height (sink, toilet, drinking fountain)			
Wall surfaces allow for display of student work; hard surfaces are easily cleaned			
Chalkboards, whiteboards, smartboards, and projector screens are at an appropriate height for students			
When appropriate, ceiling supports and other structural supports to accommodate equipment			

ARTS, PERFORMING ARTS, & MUSIC SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			

Communication system between classroom and office and outside is sufficient to overcome greater noise levels associated with this space			
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SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning space can accommodate multiple learning activities; appropriate performance space is available			
Teacher has workspace area and storage			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable; adjustable lighting; avoid lighting that produces a 60-cycle hum			
<i>Acoustics</i> within the classroom appropriate for the learning space; acoustics of surrounding learning spaces and learning support spaces have minimal effects on classroom; use of lower absorption materials for acoustical treatments; teacher must be able to hear the individual as well as the balance within the ensemble			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; Ventilation provides good air circulation and quality of the space			
<i>Flexibility and Adoptability</i> of classroom space to allow for multiple uses; moveable/operable walls to divide spaces – limited fixed equipment and furniture			
<i>Student personalization</i> including space on the walls and student display spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electrical outlets allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Student storage space for belongings; • Supplies for equipment • Storage for teacher supplies and equipment 			
<i>Flooring</i> is appropriate for learning environment			
Chalkboards, whiteboards, smartboards, and projector screens are at an appropriate height for students			
Lockable space for supplies storage; Base and wall cabinets in arts space; stacking area for wall			
Sinks with appropriate drainage in arts and music spaces to clean equipment			

APPLIES LAB LEARNING SPACES (e.g., SCIENCE, CTE) SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			
Communication system between classroom and office and outside is sufficient to overcome greater noise levels associated with this space			
Lockable space for supplies storage; lockable space for science chemicals and other hazardous materials			
Health and safety treatment mechanisms are easily accessible, such as eyewash, chemical showers, and first aid kits			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning space can accommodate multiple learning activities; Space to accommodate large equipment and supplies required to deliver the education program: Lab stations can accommodate student activities			
Teacher has workspace area			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable			
<i>Acoustics</i> within the classroom appropriate for the learning space; acoustics of surrounding classrooms and non-classroom spaces learning have minimal effects on classroom			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; Ventilation provides good air circulation and quality of the learning space and chemical storage area			
<i>Flexibility and Adoptability</i> of classroom space to allow for multiple uses; appropriate fixed equipment and furniture			
<i>Student personalization</i> including space on the walls and student storage spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electrical outlets allows for use of technology throughout the learning space			

<p><i>Storage:</i></p> <ul style="list-style-type: none"> • Student storage space for belongings; • Supplies for equipment & supplies and other learning materials; • Storage for teacher supplies and equipment 			
<p><i>Flooring</i> is appropriate for learning environment; classroom entrance flooring accommodates clothing and footwear for Wyoming weather</p>			
<p>Lab station surfaces appropriate for instructional activities</p>			
<p>Ventilation systems in lab area to control air quality</p>			
<p>Wall surfaces allow for display of student work; hard surfaces are easily cleaned</p>			
<p>Blackboards, whiteboards, smartboards, and projector screens are at an appropriate height for students</p>			

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION
CHAPTER 8
CRITERIA FOR IDENTIFYING AND PRIORITIZING REMEDIES, AND
ESTABLISHING PROJECT BUDGETS

Chapter 8
Criteria for Identifying and Prioritizing Remedies, and Establishing Project Budgets

Section 1. Authority. This Chapter is promulgated pursuant to W.S. Wyoming Statutes 21-15-114(a)(xv), W.S. 21-15-117(a)(i), W.S. 21-15-119(a), and (c), W.S. 21-15-121(a), and W.S. 28-11-301(c)(iv).

Section 2. Purpose of Rule.

~~This Chapter is intended to establish criteria for building capacity, building condition, educational suitability and technology readiness, and apply those criteria in a process which prioritizes building needs on a statewide basis, then refines the statewide prioritization into a list of prioritized projects to which proposed funding will be attached and approval of the Commission budget obtained.~~

Section 32. Inventory: Assignment of Building Condition Score. The Commission shall prepare and maintain an inventory of all district-owned school buildings and facilities, used by districts, which are connected to one or more utilities including plumbing, electrical or heating source. Each structure in the inventory shall be assigned scores, as applicable, to denote its building condition, educational suitability, and capacity in accordance with these rules and regulations. Technology readiness shall be considered in arriving at a score for educational suitability. ~~(b) These scores shall be used to establish a state-wide needs index, which shall then be used in conjunction with District facility plans to arrive at a prioritization schedule for building and facility remediation.~~

~~(c) — As educational suitability and capacity assessments are generally not applicable to non-educational facilities state-wide needs list of non-educational structures shall be based upon the condition of the facility.~~

~~(i) A maximum of three percent (3%) of the biennial statewide Capitol Construction budget may be used to address the needs of non-educational facilities, excluding athletic track and field facilities and swimming pools/natatoriums.~~

~~(ii) A maximum of one percent (1%) of biennial statewide Capital Construction budget may be used to address the needs of athletic track and field facilities.~~

Section 43. Prioritized Project Budgeting Prioritization of Building Remediation. In prioritizing projects for the schedule of remedies and submission to the Legislature for funding, the highest needs shall be addressed first. Buildings shall be ranked from highest need to lowest need as follows:

(a) Capacity Prioritization.

(i) Districts with capacity exceeding 100% (high capacity) shall be determined to be in need of immediate attention and shall take precedence before other capacity needs.

(ii) Districts with a capacity between 100% and 95% (medium capacity) may be considered for funding only after high capacity school needs have been addressed.

(iii) Districts with a capacity between 95% and 90% (low capacity) may be considered for planning funding.

(b) Condition Prioritization.

(i) Schools with an FCI score exceeding 0.65 (high condition) shall take precedence before other condition needs and may be forwarded for capital construction funding based on the determination of the most cost effective remedy.

(ii) Schools with an FCI score between 0.55 and 0.65 (medium condition) may be forwarded for consideration for planning funds and possible capital construction funding after high condition school needs have been addressed.

(iii) Schools with an FCI score below 0.55 (low condition) shall be remedied primarily using routine maintenance or major building and facility repair and replacement (major maintenance) funding.

(c) Educational suitability is addressed through routine maintenance, major maintenance, or capital construction projects funded by the Legislature.

~~On an ongoing basis, the Commission shall review, analyze, and adjust regionally, the cost data that may have an impact on project budgets. These adjustments shall ensure that the data which established the Needs Index is honored. Following approval of the Commission budget in accordance with W.S. 9-2-103, W.S. 21-15-119(e) and W.S. 28-11-301(e), any changes to project budget or the prioritization of project remedies shall be reported at least quarterly to the Select Committee on School Facilities in accordance with W.S. 28-11-301(c)(iv).~~

~~(a) Needs Index and Prioritization.~~

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

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

~~(iii) Facility condition shall be scored by a tool which uses a nationally recognized Facility Condition Index as approved by the Commission. This tool is contained in~~

~~the Maximus database program of the Commission and is incorporated herein by reference due to its size. This condition scoring tool shall not be modified except in accordance with the Wyoming Administration Procedures Act.~~

~~(iv) Capacity shall be calculated by first generating statewide district capacity analyses. For facilities constructed with Commission funding, the assigned capacity analysis shall be derived assuming the actual capacity of the facility is the same as the design capacity of the facility. For existing facilities, the capacity analysis shall be developed by updating the previous capacity analysis with new student enrollment numbers, correcting and updating teaching station data, adjusting the utilization/loading factors to eliminate "false positives", and eliminating any cliff effects in the formula.~~

~~(A) Once statewide capacity analyses are generated statewide, a more thorough analysis of capacity at school and district level shall be conducted. This analysis shall consider, but not be limited to:~~

~~(I) district wide capacity;~~

~~(II) actual vs. allowable square footage at either the district or school level;~~

~~(III) net to gross ratios;~~

~~(IV) efficiency of use of facilities;~~

~~(V) district choices affecting capacity;~~

~~(VI) etc.;~~

~~and may result in a recalculation of the statewide analysis if necessary.~~

~~(B) **Loading/Utilization.** Loading and utilization factors shall be calculated in accordance with the following where Y represents the factor and X represents the enrollment:~~

~~(I) for elementary schools
(1) $Y = 0.6470$ for schools with enrollments of 19 or fewer~~

~~(2) $Y = 1.00$ for schools with enrollments of 456 or greater~~

~~(3) $Y = 0.1035 \ln(X) + 0.3085$ for all other elementary schools~~

~~(II) for middle level schools~~

fewer (1) $Y = 0.4932$ for schools with enrollments of 150 or

greater (2) $Y = 1.00$ for schools with enrollments of 750 or

schools (3) $Y = 0.3235 \ln(X) - 1.1306$ for all other middle-level

(III) for high schools

fewer (1) $Y = 0.4635$ for schools with enrollments of 150 or

greater (2) $Y = 1.00$ for schools with enrollments of 1350 or

schools (3) $Y = 0.2528 \ln(X) - 0.7992$ for all other high

(IV) for K-8 schools

fewer (1) $Y = 0.5452$ for schools with enrollments of 85 or

greater (2) $Y = 1.00$ for schools with enrollments of 342 or

schools (3) $Y = 0.3154 \ln(X) - 0.8859$ for all other K-8

(V) for K-12 schools

fewer (1) $Y = 0.5026$ for schools with enrollments of 75 or

greater (2) $Y = 1.00$ for school with enrollments of 350 or

(3) $Y = 0.3259 \ln(X) - 0.93$ for all other K-12 schools

(VI) for 6-12 schools

fewer (1) $Y = 0.4915$ for schools with enrollments of 75 or

greater (2) $Y = 1.00$ for schools with enrollments of 350 or

~~———— (3) ——— Y = 0.3416Ln(X) — 1.0033 for all other 6-12 schools~~

~~(d)(v)~~ An updated method of calculating suitability has been adopted by the Commission and may be found in the “Educational Suitability Score Report” prepared by the Commission and ~~attached hereto~~ included herein as Appendix C.

~~(e)(vi)~~ The Commission may periodically review and verify needs assessment data and building and facility ratings for condition, capacity and suitability to ensure the assessments provide timely and uniform data in accordance with W.S. 21-15-115(b).

~~(f)(vii)~~ At least biennially, a new prioritized needs index shall be developed by Commission and that needs index shall be the basis upon which legislatively funded remedies shall be determined. Calculation of the relative weights of the three scoring tools for purposes of developing that needs index shall be 50% weighting to facility condition, 35% weighting to facility capacity, and 15% weighting to educational suitability.

Section 4. Project Budgets.

~~(a)(b)~~ **Budgeting.** ~~In accordance with statutes W.S. 9-2-103, W.S. 21-15-119(e) and W.S. 28-11-301(e),~~ Budgets for prioritized projects shall be established as follows:

~~(i)~~ The Department shall prepare budgets based on the schedule of building and facility remediation. Each budget shall include, but is not limited to, land, project planning, design, construction, and on-site and off-site infrastructure.

~~(ii)~~ Upon review of the fully updated Needs Index, the Commission shall develop a specified project list schedule for building and facility remediation in accordance with W.S. 21-15-117 for each budget period; the Commission shall develop a specified project list which represents the schedule shall identify the remedies attached to each need for funding; to include planning, design, and construction projects by category as follows: capacity, condition, and other needs determined by the Commission.

~~(iii)~~ The specified project list shall be further subdivided into two phases: planning and design phase projects; and, construction phase projects.

~~(iv)~~ Each project identified for funding shall separately set forth the entire cost of the project including all phases and stages, together with the amount of funding proposed for each, and, if applicable, the amount already expended for each.

~~(v)~~ Using accepted accounting standards and the principles outlined above the Commission shall, not later than September 1 of each year, prepare and submit to the Governor and the Select Committee on School Facilities, a proposed budget, the prioritized list of projects proposed for funding, the amount of funding allocated to each project, the assessments conducted by the Commission of condition, capacity and suitability, and the annual building status report specified under W.S. 21-15-121.

~~(v) — In addition to identifying funding for specified projects, the Commission may also include in its proposed budget those amounts it recommends to cover inflation, unanticipated costs, off site infrastructure costs, and other contingency or special project costs.~~

~~(vi) — Any amounts appropriated by the legislature shall not be construed to an entitlement or guaranteed amount and shall be expended by the Commission in accordance with the facility guidelines to ensure adequate, efficient and cost effective school buildings.~~

~~(e) — **Changes to Budgeted Funding.** In the event that any particular project budget appears to be insufficiently to fully fund that project remedy, the following non-exclusive and non-prioritized list of factor shall be considered in determining whether, and how, that project will be allowed to proceed with Commission funding:-~~

~~(i) — Ascertain whether all value engineering recommendations have been followed, and if not, why not. In the absence of demonstrable good cause, value engineering recommendations should be followed;~~

~~(ii) — Thoroughly reexamine all aspects of the design of the project to identify cost savings which may be generated within the project. In this regard, all parties are encouraged to reexamine earlier assumptions in the search for viable, cost effective and efficient design changes;~~

~~(iii) — Thoroughly examine the scheduling, or phasing, of the project to determine when budgeted funds will be required, and if cost savings or cost deferrals may be obtained by that scheduling. In this regard, decision making must also take into account the funding cycles of the legislature and the uncertainty of future funding.~~

~~(iv) — Thoroughly examine the possibility of reallocating existing funding within the district;~~

~~(v) — In the event the factors noted above, in addition to other relevant factors which are identified on a case by case basis, are insufficient to bring anticipated project funding within the identified project budget (including any adjustment for inflation), then the following additional factors shall be considered:~~

~~(A) — Other policies of the Commission directed toward the funding of cost effective and efficient facility remedies;~~

~~(B) — Other potential sources of funding;~~

~~(C) — Delayed start date of the project;~~

~~(D) — Complete, or partial, re-design of the project;~~

~~(E) — Application of reserve funding held by the SFC;~~

~~(F) — Reallocation of funding on the prioritized list of projects from those with a lower Needs Index number to those with higher number. Reallocations from one prioritized project to another prioritized project may be made by the Commission upon a demonstration of extraordinary circumstances.~~

(d) Changes to Project Prioritization. In accordance with W.S. 28-11-301(c)(iv) and W.S. 21-15-119(c), changes to project prioritization may only occur as follows:

~~(i) — With the approval of the Governor, the Commission may transfer up to fifteen percent (15%) of the total funds appropriated for any budget period between the planning and design phase and the construction phase budgets.~~

~~(ii) — Changes to the scope of a project to the phasing of a project, to the projected budget of a project or any subpart thereof, or to the position of a prioritized project relative to the other projects proposed for funding in a budget period may occur if the Commission determines that circumstances require the change, but all such changes must be fully documented by the Commission.~~

~~(ii) — Any such changes to project prioritization or the budgets attendant to those projects shall be reported to the select committee in accordance with W.S. 28-11-301(c)(iv).~~

~~(iv) — Changes to project prioritization or project budgets are a nondelegable responsibility of the Commission.~~

Section 5. Project Reallocation. Surplus funding balances on projects, or any subpart thereof, shall revert to the Commission for reallocation as needed, and in accordance with these rules.

Section 5. Identification and Determination of Remedy.

(a) The Commission considers various criteria to identify and determine the most cost effective method of remediation of building and facility needs to deliver quality educational services and to meet adequacy standards.

(i) Facility design guidelines, methodologies, procedures and policies of the Commission shall be considered by the Department, in consultation with the district, and appropriate data and facts shall be reported, which may be presented as a formal study identifying possible remedies to assist the Commission. The Department may utilize outside consultants to conduct studies.

(ii) The most cost effective method of remediation will initially be determined during the planning / budgeting phase of a legislatively-funded project but may be revised by the Commission to reflect changed conditions.

(iii) The Commission may consider the following non-exclusive list of factors in determining the most cost effective method of remediation:

(A) School district facility plan;

(B) Non-construction alternatives, including grade reconfiguration;

(C) Non-capital remedies;

(D) Availability of major building and facility repair and replacement funds;

(E) Enrollment projections, design capacity, and square footage;

(F) Immediacy of the need;

(G) Compliance with statewide adequacy standards;

(H) Educational specifications;

(I) Total project cost and budget; and

(J) Site, utilities, streets, and other physical data and characteristics that may impact a proposed method of remediation, including availability of existing school sites or district owned land or the need to acquire land.

APPENDIX C:
Education Suitability Score Report

Introduction

The Wyoming School Facilities Commission (SFC) has developed an assessment of Education Functionality of its school buildings. This facility assessment will help the SFC and the Wyoming's school districts to understand how well the school facility support the ability to deliver a quality educational program begin cognitive of the districts' delivery of those programs.

The results of this assessment will be used by the SFC and Wyoming school districts to assist in the development of a Needs Prioritization Index to help identify where there are school facility issues in the stat and begin the process of identifying potential remedies. The Needs Prioritization Index utilizes three pieces of information about school facilities including a Facility Condition Score. Enrollment-to-Capacity Score, and the Education Functionality Score.

A. School Building Areas and Activities

The Functionality Assessment looks at the different areas of the school building based on a variety of activities. For purposes of this assessment, these activity areas are grouped together into broad categories. These categories include:

- Site
- Technology & Communications
- Administration & Support
- Student Dining
- Health & Physical Education
- Custodial & Maintenance
- Common Spaces
- General Learning Spaces
- Special Education
- Library & Media
- Arts & Performing Arts
- Applied Lab Learning (e.g., science, career-technical education, etc.)

B. Functionality Characteristics

The Functionality Assessment looks at several functionality characteristics of the building as a whole, its site, and the individual activity areas. The primary functionality characteristics observed in the assessment include:

- A. Safety, Security, & Supervision
 - 1. Accessible, clear sight lines
 - 2. Windows and doors are securable
- B. Space Appropriateness
 - 1. Space if appropriately sized for the activity
 - 2. Teacher staff have workspace
- C. Environmental Conditions
 - 1. Lighting
 - 2. Acoustics
 - 3. Heating, Cooling, & Ventilation
 - 4. Flexibility of the space
 - 5. Student personalization
- D. Utilities, Fixed Equipment, Surfaces, and Storage
 - 1. Chalkboards, whiteboards, smartboards, and projector screens
 - 2. Storage
 - 3. Flooring materials
 - 4. Wall materials
 - 5. Availability and placement of electrical outlets

Additional functionalities will be assessed that are specific to the different areas when appropriate.

C. Assessment Scoring Methodology

Throughout the functionality assessment, the assessment team will use a four-point scale to score the criteria. As a way to anchor the assessment, the four-point scale provides some guidance as to the nature of the remedy to some key functionality indicators. This four-point scale is:

4 = EXCELLING: DESIGN AND STRUCTURE FACILITATES TEACHING AND LEARNING; SUPPORTS THE ABILITY TO DELIVER A QUALITY EDUCATIONAL PROGRAM

3 = ACCOMMODATIONS IDENTIFIED TO BE ADDRESSED: PRIMARILY “DESIGN” ISSUES; MAY REQUIRE MINOR DESIGN OR STRUCTURAL CHANGES AS A REMEDY

2 = MODIFICATIONS IDENTIFIED TO BE ADDRESSED: DETRACTING FROM TEACHING AND LEARNING MAY REQUIRE MAJOR DESIGN OR STRUCTURAL CHANGES AS A REMEDY; HEALTH & SAFETY NEGATIVELY IMPACTED

1 = SIGNIFICANT MODIFICATIONS IDENTIFIED TO BE ADDRESSED: SIGNIFICANT DETRACTIONS TO TEACHING AND LEARNING; PROBABLY REQUIRES MAJOR STRUCTURAL CHANGES AS A REMEDY; HEALTH & SAFETY ISSUES PRESENT SEVERE NEGATIVE IMPACT

As the assessment team finds that the functionality of a given criteria could be improved to better support the delivery of a quality educational program, the assessor will perform a first-order approximation of the type of remedy that would be needed to improve the education functionality of that criteria within that space. The assessment is incomplete without an approximation of the nature of the remedy associated with scores of 2 or less.

SITE SIZE, ORIENTATION, & APPROPRIATENESS OF LOCATION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size and utilization of the site accommodates the school learning and learning support activities (SFC site guidelines as a general reference point)			
Orientation of the building minimizes effects of wind and noise on classrooms and internal/external learning environments and makes the best use of natural light for the building			
Site has drainage so as to minimize inconveniences to pedestrian and vehicle traffic and long-term effects on school building and other learning environments			

SITE SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Vehicular traffic patterns to/from school provide easy and safe access to school entrances including busses, parent pickup/dropoff, and pedestrian traffic</p> <ul style="list-style-type: none"> • Pickup/dropoff areas for busses and parents are separate, off-street, and allow for easy, safe access to school entrances; material and condition are appropriate • Sized to allow coordinated pickup/dropoff activities including extra time needed for special education • Pedestrian traffic does not directly cross heavy vehicle traffic areas 			
<i>Signage</i> for pedestrian traffic including crosswalks and for visitors directing them towards the main entrance; vehicle traffic for busses, parent pickup/dropoff areas, appropriate, parking areas, and fire lanes			
Clear sightlines around the site with minimal concealed spaces and obstructed views including landscaping			

Explicitly from building perimeter perspective the school building has main entrance that is clearly identifiable; limited entryways and multiple exitways; door monitoring system on all exterior doors is highly desirable			
Off-street parking available for staff, parents/visitors, and students (in high schools) is adequate with clear signage designating appropriate areas for each; lighting provides safe wayfinding to and from the school; materials and condition are appropriate			

SITE UTILITIES & SHIPPING/RECEIVING

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Electrical, plumbing, sewage and other utilities serving the building and site are sufficient to handle the activities of the school			
Shipping and receiving, refuse collection, and food services areas have clear signage; are removed from the main entrance and exitways to minimize student and other pedestrian contact during the school day			

TECHNOLOGY & COMMUNICATIONS SITE CAPACITY

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Telecommunications systems (television, high-speed internet, telephone, etc.) are sufficient to accommodate learning activities for size of school			
Sufficient back-up power for telecommunications and security systems; sufficient to carry out communications and security plan in case of emergency			

ADMINISTRATION & LEARNING SUPPORT SPACES

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Technology connectivity and access, bandwidth to perform administrative and support activities (computer and internet)			
Telecommunications technology (telephone, internet, etc.) connectivity and access appropriate for administration and student support activities: <ul style="list-style-type: none"> • Office-to-classrooms and classrooms-to-office communications systems; • Office-to-outside and classrooms-to-outside communication systems; • Emergency Management Communication System; alarms and/or surveillance systems (passive and active security) 			

LEARNING SPACES

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Technology connectivity and access, bandwidth to deliver education program (audio, visual, computer, and internet); access to audio/visual equipment			

SCHOOL SERVER and COMMUNICATION ROOM(S)

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Computer server rooms</i> are in functionally appropriate space and location in the building (should not be a shared space with HVAC, electrical, or other services); appropriately ventilated, cooled, sound isolated, and secured			
Computer, technology, and communications equipment and supplies storage is appropriate and secure; ideal IT only space and include a work surface for equipment maintenance			

<p>Communications room</p> <ul style="list-style-type: none"> • Appropriate space in school (not shared space with HVAC, mechanical, or custodial services) • Walls and flooring surfaces appropriate (floor should be hard surface, wall surfaces should accommodate panel board installation) • Storage for equipment and supplies; ideally have space for servicing equipment • HVAC on separate control system 			
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ADMINISTRATION & STUDENT SUPPORT SPACES SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Administration offices provide ease of supervision and aid in safety and security of school building;</p> <ul style="list-style-type: none"> • Main entrance is visible from administrative office with clear signage for administrative offices • Controlled access with clear signage directing visitor sign-in; • Secretary/receptionist near/adjacent to the main building entrance to serve as a buffer between the outside and internal spaces 			
<p>Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)</p>			
<p>Building allows controlled access to different parts of the facility (e.g., gym, auditorium, library/media center) during after-hours for school and community use</p>			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Administration and receptionist/secretary spaces sufficient to accommodate typical administrative and support activities</p> <ul style="list-style-type: none"> • Appropriate guest seating in waiting • Appropriate student seating and standing area for students • Administrative and receptionist/secretary work areas have sufficient buggers to waiting areas • Enough space in administration and administrative support areas to accommodate copier, printer(s), fax machine, and other specialized equipment 			
<p>Conference room is in proximity to administration and/or other student support services; location and space serves the school well</p>			
<p>Proximity of office to student support spaces such nurse's room and counselor's office provides easy access and supervision</p> <ul style="list-style-type: none"> • Direct access to nurse's office from both the main office and the corridor is highly desirable and within easy view of the secretary/receptionist • Counselor's office may be close to, but separate from, the main office; space should provide ease of student access and is inviting to students 			
<p>Workroom space is easily accessed by staff; allows for small group work as well as individual work areas; Workroom is proximate to general office; in larger schools flexible space OR positioned in areas frequented by staff</p>			
<p>Nurse's room has sufficient space for work space, adequate beds for size of school with screening curtains, and base and wall cabinets for equipment and records storage</p>			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p><i>Natural and artificial lighting</i></p> <ul style="list-style-type: none"> • Appropriate for these spaces • Lighting is easily controlled through convenient placement of switches and window coverings 			
<p><i>Acoustics</i> are appropriate for each of the spaces; conversations and noise within these spaces do not spill into adjacent classrooms/offices; noise from adjacent areas do not adversely affect these rooms</p>			
<p><i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; <i>Ventilation</i> provides good air circulation and quality of the room</p>			

UTILITIES, FIXED EQUIPMENT, SURFACES, AND STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Administrative & support space buffer includes a front counter, workstations, and cabinetry for storage of supplies; lockable cabinetry for sensitive materials</p>			
<p>Workroom has mailboxes for staff; workstations for individual and small group work; surfaces for messages (e.g., white board, tackable surfaces, etc.)</p>			
<p>Nurse's room includes single bowl, hot and cold water sink in a base cabinet; space for an undercounter refrigerator; accessible toilet room with handheld shower and shower drain; water-resistant flooring and wall materials the entire height of the walls</p>			

STUDENT DINING & FOOD SERVICE SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student dining area is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			
Communications system between student dining area and office sufficient to overcome greater levels of noise associated with the space			
Secured buffer between student dining and food preparation areas; secured food preparation and service areas			
Kitchen <ul style="list-style-type: none"> • Loading area with unobstructed outside access from the service drive • Service drive should not be in proximity to student pathways between cafeteria and playground areas 			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Cafeteria space is appropriately sized and defined by efficient traffic flows <ul style="list-style-type: none"> • Located adjacent to the kitchen • Direct access to the main corridor with direct line to the kitchen serving line • Dish return circulation should not cross the serving line • Access to outdoor activity areas as far as possible from the serving line • Minimum ceiling height of 12 feet 			
Dining space is flexible for multiple purposes and configurations			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> (natural and artificial) an: easily controlled through convenient lighting control systems; daylighting is uniform throughout the dining space			
<i>Acoustical</i> isolation of mechanical, electrical and communications rooms and sound attenuation from adjacent rooms (both an issue of location and sound-damping materials)			
<i>Heating & cooling; ventilation and air quality</i> are appropriated in dining space, kitchen space			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Floor and wall materials in dining space and kitchen are durable and easily cleaned			
Drinking fountain or water cooler in the corridor within 25 feet of the cafeteria door			
Appropriate and convenient storage of tables, chairs, and other equipment in alcoves or closets; preferable that tables and chairs are non-fixed for maximum flexibility in use of space			
Appropriate and secured equipment and storage for food preparation activities including freezers, coolers, heating equipment, ventilation hoods, tables/counters, etc.			

HEALTH, WELLNESS, & PHYSICAL EDUCATION SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			

Communication system between classroom and office and outside is sufficient to overcome greater noise levels associated with this space			
Ability to secure area separate from classrooms if made open to public during non-schooling hours			

SPACE APPROPRIATENESS

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Space is appropriately sized for health and wellness instruction			
Teacher has appropriate workspace area			
Changing areas and restrooms adjacent to physical education room			

ENVIRONMENTAL CONDITIONS

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
<i>Lighting controls are easily accessible and controllable; adjustable lighting; artificial, non-harsh lighting</i>			
<i>Acoustics</i> within the gym space appropriate for the learning spaces and other spaces around the gym			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; <i>Ventilation</i> provides good air circulation			
<i>Flexibility and Adaptability</i> of learning space to allow for multiple uses – limited fixed equipment and furniture			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Number and placement of electrical allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Equipment and supplies • Storage for teacher supplies and equipment 			

Flooring is appropriate for learning environment; flooring of restrooms, changing areas, and showers are appropriate with necessary drainage			
Wall surfaces appropriate for learning spaces allowing for display of student work where appropriate; hard surfaces are easily cleaned			
Hydration stations in close proximity to activities area; appropriate height for age group			

**SITE EXTERIOR ACTIVE/PASSIVE STUDENT LEARNING SPACES
SAFETY, SECURITY, & SUPERVISION**

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Access to/from exterior learning spaces is controlled and easily supervised; teachers have communication ability with administration			
Students have access to exterior curricular/co-curricular learning environments and social spaces including playgrounds for age-appropriate activities; areas are adjacent to the school but separated from vehicular traffic			

SPACE APPROPRIATENESS

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Space is appropriately sized and placed for student activities (primary students - Kindergarten and 1st grade – have separate playground) as well as having appropriate equipment for age of children			

CUSTODIAL & MAINTENANCE SPACE SAFETY, SECURITY, & SUPERVISION

	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
DEFINING CHARACTERISTICS			
Safety and security of space for storage of equipment and materials associated with maintenance and custodial work; all areas including operations areas such as boilers and chillers have limited key access			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Primary custodial and maintenance spaces are combination of office and receiving and storage space; located near the service entrance for receiving			
Custodial space is conveniently located throughout the building to serve the academic areas, physical education spaces, and administration and learning support spaces			
Mechanical, electrical, and communication rooms should have direct exterior access through doors with enough space to pass largest piece of equipment and equipment maintenance items			
Communications room is centrally located in the building			
Electrical transformers, panels, and sub-panels not to be located in custodial closets			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is appropriate for the spaces and switches are conveniently located; natural light is not required in these areas			
<i>Acoustical</i> isolation of mechanical, electrical, and sound attenuation from adjacent (both an issue of location and sound-dampening materials)			
Ventilation as well as heating and cooling of spaces is appropriate			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Custodial closets <ul style="list-style-type: none"> • Have floor-mounted sinks with industrial faucets with hot and cold water • Painted concrete flooring and painted walls • Mop holder with shelving above sink • Adjustable shelving for storage • Storage room for indoor floor cleaning and supplies 			
Appropriate roof access			

**COMMON SPACE – RESTROOMS, HALLWAYS, & STAIRWAYS
SAFETY, SECURITY, & SUPERVISION**

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Spaces are easily accessed by students and staff, clear lines of sight, and easily supervised; free of obstructions and concealed spaces accessible, clear lines of sight, and easily supervised; layout does not impede supervision; ADA compliance is preferable			
Windows and doors are secured; locking doors internal to school building and to external areas			
Circulation spaces should be direct, simple, and logical as a wayfinding systems into and through the building; clear directional signs to the main areas of the building and to restrooms			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<p>Hallways and common spaces</p> <ul style="list-style-type: none"> • Appropriately sized for age of students for efficient and safe movement including handrails in stairwells; • Promotes student socialization; • Ability to showcase student work and other school announcements; • Width of corridors are appropriate for age of students and number of students; lockers in hallways require more hallway space – narrow and congested corridors result in excessive noise, student behavior issues, and increased 			
Restrooms are sufficient in number and locations are convenient to the various learning spaces with the school			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> controls are easily accessible and controllable: adjustable lighting; artificial, non-harsh lighting			
<i>Acoustics</i> in entryways, lobby, and corridors minimized to avoid disturbances to classroom learning areas through use of barriers and sound-dampening materials; acoustical separation between instructional areas and restrooms			
<i>Ventilation</i> and <i>heating/cooling</i> of common spaces and restrooms are appropriate; <i>Ventilation</i> provides good air circulation and quality of air			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Flooring <ul style="list-style-type: none"> • Lobby flooring should be hard surfaces • Entryway floors have walk-off carpets/mats • Corridor flooring either resilient flooring or • Restroom flooring is hard surface with appropriate drainage 			
Walls <ul style="list-style-type: none"> • Entryway walls should be of durable materials, similar to exterior walls • Corridor walls are durable material, easily cleaned with high-impact corner guards • Tackboards throughout the building 			
Electrical power outlets available throughout the corridors			
Doors opening into corridors recessed			
Restroom fixture are appropriate in number and height (sink, toilet); Drinking fountains are available throughout the school and at appropriate heights			

GENERAL LEARNING SPACES SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clean lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where application such as Kindergarten learning spaces)			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning spaces can accommodate multiple learning activities			
Teacher has workspace area and storage			

Learning spaces have good proximity to restrooms (Kindergarten rooms are directly adjacent to dedicated restroom for grade level)			
Learning spaces have reasonable access to entry/exitways (multiple access for fire safety, access to playgrounds/fields. Kindergarten learning spaces located in a party of the building to allow easy parental pickup and dropoff)			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable; adjustable lighting			
<i>Acoustics</i> within the learning spaces appropriate for the learning space; acoustics of surrounding classrooms and non-classroom spaces have minimal effects on classroom			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; <i>Ventilation</i> provides good air circulation and quality of the room			
<i>Flexibility and Adaptability</i> of learning space to allow for multiple uses – limited fixed equipment and			
<i>Student personalization</i> including space on the walls and student personal spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electrical outlets allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Student storage space for belongings such as coats and backpacks, Primary grade (K-2) have cubby spaces; • Shelving for books and other learning materials • Storage for teacher supplies and equipment 			

Flooring is appropriate for the learning environment (Kindergarten classroom has mixture of carpet and other "wet area" flooring; restroom flooring is hard surface with appropriate drainage); classroom entrance flooring accommodates clothing and footwear for Wyoming weather			
Wall surfaces allow for display of student work; hard surfaces are easily cleaned			
Chalkboards, whiteboards, smartboards, and projector screens are at an appropriate height for students			

LIBRARY & MEDIA CENTER SERVICES SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Library & media space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision; Entrance to the room visible from the circulation desk			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning spaces can accommodate multiple learning activities; Space allows for safe, smooth, efficient traffic through the entire area <ul style="list-style-type: none"> • Stacks area • Individual and small group activity; separated from large group instruction area • Large group instructional area • Computer lab/workstations 			
Office area for media center specialist; storage of supplies and materials			
One or more entrances from the mail corridor; main entrance preferably double doors			
Direct access between media center and computer lab/workstations			

ENVIROMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is mix of natural and artificial lights; as much natural daylight as possible is encouraged; lighting controls easily accessible; adjustable lighting; blinds and blackout capability; separate lighting controls for each learning area			
<i>Acoustics</i> so as to minimize noise within the space as well as limited effects on learning areas outside of the space			
<i>Heating and cooling</i> controls easily accessible; good ventilation and air quality; computer labs should be maintained at 68 degrees			

UTILITIES, FIXED EQUIPMENT, SURGACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electorol outlets and data outlets are conveniently accessed in all the learning areas			
Storage <ul style="list-style-type: none"> • Equipment and supplies; • Lockable cabinets with adjustable shelves in computer lab; • Open adjustable shelving for stacks; • Base cabinets around circulation desk for processing activities • Wall cabinets; • Adjustable shelving behind circulation 			
HVAC requirements special for these areas to control temperature			
Storage for large and small equipment and supplies (computers, peripherals, etc.)			

SPECIAL EDUCATION CLASSROOMS SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision; Access is appropriate for student with special needs (ADA)			
Windows and doors are secured; locking doors internal to school building			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning space can accommodate multiple learning activities, allows for observation of students without directly interfering with learning activities; Space to accommodate large equipment and supplies required to deliver the education program			
Restroom adjacent to classroom; includes shower and changing area; restroom and facilities are appropriately designed to accommodate students with special needs			
Teacher has workspace area and access to accommodate multiple related service activities			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable			
<i>Acoustics</i> within the classroom appropriate for the learning space; acoustics of surrounding classrooms and non-classroom spaces have minimal effects on classroom			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; Ventilation provides good air circulation and quality of the room			

<i>Flexibility and Adoptability</i> of classroom space to allow for multiple uses – limited fixed equipment and furniture			
<i>Student personalization</i> including space on the walls and student cubby spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of protected electrical outlets allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Cubby space for student belongings: • Shelving for books and other learning materials • Storage for teacher supplies and equipment 			
<i>Flooring</i> is mixture of carpet and other “wet area” flooring; restroom flooring is hard surface with appropriate drainage; classroom entrance flooring accommodates clothing and footwear for Wyoming weather			
Restroom fixture are appropriate height (sink, toilet, drinking fountain)			
Wall surfaces allow for display of student work; hard surfaces are easily cleaned			
Chalkboards, whiteboards, smartboards, and projector screens are at an appropriate height for students			
When appropriate, ceiling supports and other structural supports to accommodate equipment			

ARTS, PERFORMING ARTS, & MUSIC SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			

Communication system between classroom and office and outside is sufficient to overcome greater noise levels associated with this space			
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SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning space can accommodate multiple learning activities; appropriate performance space is available			
Teacher has workspace area and storage			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable; adjustable lighting; avoid lighting that produces a 60-cycle hum			
<i>Acoustics</i> within the classroom appropriate for the learning space; acoustics of surrounding learning spaces and learning support spaces have minimal effects on classroom; use of lower absorption materials for acoustical treatments; teacher must be able to hear the individual as well as the balance within the ensemble			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; Ventilation provides good air circulation and quality of the space			
<i>Flexibility and Adoptability</i> of classroom space to allow for multiple uses; moveable/operable walls to divide spaces – limited fixed equipment and furniture			
<i>Student personalization</i> including space on the walls and student display spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electrical outlets allows for use of technology throughout the learning space			
<i>Storage:</i> <ul style="list-style-type: none"> • Student storage space for belongings; • Supplies for equipment • Storage for teacher supplies and equipment 			
<i>Flooring</i> is appropriate for learning environment			
Chalkboards, whiteboards, smartboards, and projector screens are at an appropriate height for students			
Lockable space for supplies storage; Base and wall cabinets in arts space; stacking area for wall			
Sinks with appropriate drainage in arts and music spaces to clean equipment			

APPLIES LAB LEARNING SPACES (e.g., SCIENCE, CTE) SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Student learning space is easily accessed by students and staff, clear lines of sight, and easily supervised; location and layout do not impede supervision			
Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			
Communication system between classroom and office and outside is sufficient to overcome greater noise levels associated with this space			
Lockable space for supplies storage; lockable space for science chemicals and other hazardous materials			
Health and safety treatment mechanisms are easily accessible, such as eyewash, chemical showers, and first aid kits			

SPACE APPROPRIATENESS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Size of learning space can accommodate multiple learning activities; Space to accommodate large equipment and supplies required to deliver the education program: Lab stations can accommodate student activities			
Teacher has workspace area			

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Lighting</i> is mix of natural and artificial lighting; artificial, non-harsh lighting; lighting controls are easily accessible and controllable			
<i>Acoustics</i> within the classroom appropriate for the learning space; acoustics of surrounding classrooms and non-classroom spaces learning have minimal effects on classroom			
<i>Heating/cooling</i> controls are accessible to keep room temperature at appropriate levels; Ventilation provides good air circulation and quality of the learning space and chemical storage area			
<i>Flexibility and Adoptability</i> of classroom space to allow for multiple uses; appropriate fixed equipment and furniture			
<i>Student personalization</i> including space on the walls and student storage spaces			

UTILITIES, FIXED EQUIPMENT, SURFACES, & STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST-ORDER APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Number and placement of electrical outlets allows for use of technology throughout the learning space			

<p><i>Storage:</i></p> <ul style="list-style-type: none"> • Student storage space for belongings; • Supplies for equipment & supplies and other learning materials; • Storage for teacher supplies and equipment 			
<p><i>Flooring</i> is appropriate for learning environment; classroom entrance flooring accommodates clothing and footwear for Wyoming weather</p>			
<p>Lab station surfaces appropriate for instructional activities</p>			
<p>Ventilation systems in lab area to control air quality</p>			
<p>Wall surfaces allow for display of student work; hard surfaces are easily cleaned</p>			
<p>Blackboards, whiteboards, smartboards, and projector screens are at an appropriate height for students</p>			

Chapter 9
Project Contracts

REPEALED

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~

~~CHAPTER 9
PROJECT CONTRACTS~~

~~Section 1. Authority.~~

~~This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-118(e).~~

~~Section 2. Purpose of Rule.~~

~~This Chapter is intended to establish criteria for contracts relating to construction projects and for state funding related to those projects.~~

~~Section 3. Commission Requirements.~~

~~(a) — **Approval as to Form.** All contracts for which state funding is sought shall be approved as to form by the commission prior to their execution. All contracts shall contain an "approval as to form" signature line which shall be signed by the Director or his designee and shall contain the following language explaining the role of the Commission:~~

~~**Role of the School Facilities Commission (Commission).** The Commission provides funding to the District for the development of school sites and the construction of schools. All actions of the district regarding such efforts are subject to the approval of the Commission. The Commission bears no responsibility for the actual development or construction of school sites, but approves the form of this agreement as the supplier of funding to the District.~~

~~(b) — **Form Contracts.** The following contracts have been approved by the Commission and may be used by the District for any contract for which state funding will be utilized. Due to the large size of these contracts, they are incorporated herein by reference and may be found on the Commission website, or may be obtained from Commission staff. If the District wishes to use an alternate contract, the District must submit the contract to the Commission for Attorney General and Commission approval.~~

~~(i) — Design Bid Build Contracts —~~

~~————— (A) — Contract for Professional A&E Services Between District and Architect~~

~~(B) — Addendum to Contract for Professional A&E Services Between District and Architect~~

~~(C) — General Addendum to District Contracts Regarding Role of SFC~~

~~(ii) — CMAR (Construction Manager At Risk) Contracts~~

~~(A) — Design Contracts~~

~~(I) — Contract for Professional A&E Services Between District and Architect~~

~~(II) — Addendum to Contract for Professional A&E Services Between District and Architect~~

~~(III) — General Addendum to District Contracts Regarding Role of SFC~~

~~(B) — Construction Contracts~~

~~(I) — Revised AIA Document A121~~

~~(II) — General Conditions of the Contract for Construction (Revised AIA A201)~~

~~(III) — Addendum to AIA Documents A121 and A201~~

~~(IV) — General Addendum to District Contracts Regarding Role of SFC~~

Chapter 10
Project Process and Selection of Professionals Contractors and Delivery Method

REPEALED

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~

~~CHAPTER 10~~

**~~PROJECT PROCESS AND SELECTION OF PROFESSIONALS, CONTRACTORS
AND DELIVERY METHOD~~**

~~Section 1. Authority.~~

~~This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv), W.S. 21-15-114(b), and W.S. 21-15-116 through 21-15-119.~~

~~Section 2. Purpose of Rule.~~

~~This chapter is intended to establish criteria and a mandatory process through which all capital construction remedies shall proceed to obtain funding by the Commission.~~

~~Section 3. Definitions.~~

~~(a) — "Educational specifications" or "Ed specs" means those specifications used to define the programmatic, educational and functional goals of the educational facility. Draft educational specifications for elementary, middle and high schools may be found on the Commission website at <http://sfc.state.wy.us/Foms>, and can be used as a starting point for development of project specific specifications.~~

~~(b) — "Design Charrette" means a facilitated interactive process used by the Commission, the districts, and their architects and designers to better understand the educational requirements, needs, concerns, trade offs and unacceptable solutions so that there is a much higher chance the criteria and concept for the design is closer to what best fulfills the district's educational needs within the project budget when the initial design is done.~~

~~(c) — "Kick off Meeting" means a meeting between personnel of the Commission and personnel of the District, in addition to such other persons as may be necessary to accomplish the goals of Section 4(p) of this Chapter.~~

~~(d) — "Facility plan" means the long range, comprehensive plan developed by the Commission in consultation with each district in accordance with W.S. 21-15-116 and Chapter 4 of these Rules and Regulations.~~

~~(e) — "Needs Index prioritization", "NI prioritization", "Prioritized Needs Index", "Needs Index" or "NI" is that index, periodically adopted by the Commission that identifies needs throughout the state based upon capacity, condition, and educational suitability. The index shall be used in conjunction with each district's facility plan to create a statewide prioritized schedule for building and remediation.~~

~~(f) — "Project budget" means the amount of Commission funding allocated to a~~

~~specific remedy, calculated according to Chapter 3, Section 6(e)(iv) and Section 7 of this Chapter of these Rules and Regulations. The project budget for any specific remedy shall be an amount determined by the Commission to be sufficient to fund the total project cost of the remedy. Funds allocated to a specific remedy remain Commission funds and are not an entitlement of any district. Such funds may be reallocated by the Commission in accordance with these Rules and Regulations.~~

~~(g) — "Design professionals" means the architect or other professional contracted with the Commission and/or the District to design the remedy.~~

~~(h) — "Delivery method" means "Design bid build" in addition to those alternate design and construction delivery methods described in W.S. 16-6-701.~~

~~(i) — "Commission funding", "Project funding" or "funding" means those revenues approved by the Commission that are dedicated to the remedy, or any particular aspect of the remedy.~~

~~(j) — "Contractor" means any person who is a party to a contract with the Commission or a District to design, construct, erect, alter, install or repair any Commission approved remedy.~~

~~(k) — "Construction Manager" or "Construction Manager Agent" means a type of construction management delivery where the professional service is procured under existing statutes for professional services. The construction manager agent is a construction consultant providing administrative and management services to the Commission and/or district throughout the design and construction phases of a project. Under this delivery method, the construction manager is not responsible for purchase orders.~~

~~(l) — "Construction Manager At Risk" means a type of construction management delivery in which the construction manager at risk is an advocate for the Commission and/or district as determined by the contracts throughout the preconstruction phase of a project. In the construction phase of a project, the construction manager at risk is responsible for all project subcontracts and purchase orders and may conduct all or a portion of the construction project work. Under this delivery method, the construction manager at risk is responsible for providing a guaranteed maximum price for the project to the Commission and/or district prior to commencing the construction project and the construction manager at risk shall be required to bond any project with a guaranteed maximum price in excess of one hundred thousand dollars (\$100,000.00) in accordance with W.S. 16-6-112.~~

~~(m) — "Design Build" means a type of construction delivery method in which there is a single contract between the public entity and a design builder who furnishes architectural, engineering and other related design services as required for the Commission and/or district project, as well as labor, materials and other construction services necessary to construct the project. The selection of a design builder shall comply with W.S. 16-6-701(a)(ix).~~

~~(n) — "Decision making matrix" means that matrix adopted by the Commission, to be~~

~~utilized when hiring a Contractor for any Commission-funded remedy.~~

~~(o) — "Commission-funded remedies" or "capital construction remedies" are remedies for those projects identified on the Prioritized Needs Index, approved by the Commission and for which funding is in place.~~

~~(p) — "Total project cost" means all project costs, including but not limited to: land acquisition, site preparation, design, construction, contingencies, FF&E, special studies (e.g. traffic, lighting), surveys, environmental assessments, geotechnical investigations, demolition, commissioning, owner's representative fees, testing and inspections, plan review, and building permit/occupancy fees.~~

Section 4. Project Process.

~~All Commission-funded remedies shall use the following process, and each step of the process shall be fully documented and the documentation maintained at the business office of the Commission.~~

~~(a) — Before receiving any funding from the Commission, each district shall have a current Commission-approved facility plan in accordance with these Rules and Regulations and W.S. 21-15-116.~~

~~(b) — The Prioritized Needs Index developed at least annually by the Commission shall form the basis upon which Commission-funded remedies are chosen.~~

~~(c) — The Prioritized Needs index prioritizes issues related to school facilities. The Needs Index does not specify the remedy to be applied to the identified issue.~~

~~(d) — The Commission-funded remedy to be applied to each issue on the Needs Index shall be identified in each respective district's facility plan. No remedy will be funded by the Commission that is not contained in a Commission-approved facility plan. The remedy shall be determined only upon examination of the district's approved facility plan as well as upon consideration of the total square footage allotted to the district by the Facility Design Guidelines.~~

~~(e) — Once the remedy is identified from the district's facility plan, the student population of the school shall be calculated (if applicable), the footprint of allowable square footage shall be computed and a project budget shall be established, all in accordance with these Rules and Regulations.~~

~~(f) — Unless waived by the Commission, every proposed remedy to be funded by the Commission shall be preceded by the development of educational specifications specific to that remedy.~~

~~(g) — Unless waived by the Commission, every proposed remedy to be funded by the Commission shall be preceded by a design charrette specific to that remedy.~~

~~(h) — The Commission may employ design professionals to assist in developing educational specifications and performing a design charrette for Commission funded remedies.~~

~~(i) — The affected district(s) may receive funding to employ design professionals to assist in developing educational specifications and performing a design charrette only upon approval of the Commission and upon use of the Commission's approved process for the retention of design professionals described in this Chapter.~~

~~(j) — The Commission shall determine which delivery method shall be applied to the proposed remedy as described in this Chapter.~~

~~(k) — The project budget shall be established in accordance with these Rules and Regulations, and a thorough written record shall be maintained by the Commission of the basis supporting the budget, and the amounts of the budget in compliance with W.S. 21-15-114(a)(v) and Chapter 3, Section 6(c)(iv) and Chapter 10, Section 7 of these Rules and Regulations.~~

~~(l) — The district shall be funded for and may contract with design professional(s), which may include a Construction Manager (CM) or Construction Manager at Risk (CMAR), to convert the product of the educational specifications and design charrette into a preliminary facility design within the established project budget.~~

~~(m) — For remedies proceeding on the design bid build method, the CM method, or the CMAR method, on contracts approved by the Commission in accordance with these Rules and Regulations, upon availability of funds, and upon approval of the Commission, the district shall be funded for design of the project by the Commission and shall contract with design professional(s) selected in accordance with these Rules and Regulations to design the remedy.~~

~~(n) — For the delivery methods identified in paragraph (l), value engineering shall occur throughout the process of design in accordance with these Rules and Regulations and W.S. 21-15-118(a)(ii)(B). Unless specifically waived or altered by the Commission, all value engineering recommendations shall be followed and incorporated into the design. Any value engineering recommendations which are not followed and incorporated into the design shall become local enhancements and be paid for by the district without funding by the Commission. The Commission retains the power to order a cessation of work on design if value engineering recommendations are not followed and incorporated.~~

~~(o) — Upon completion of a design in accordance with these Rules and Regulations with a total project cost within the project budget, upon availability of funds, and upon approval of the Commission, the district shall be funded for construction of the project by the Commission and shall contract with Contractor(s) selected in accordance with these Rules and Regulations to construct the remedy.~~

~~(p) — For remedies proceeding on the design build method, the district shall be~~

~~funded and shall contract with appropriate parties only in accordance with these Rules and Regulations.~~

~~(q) — Every Commission funded remedy shall begin with a kick off meeting between the District and Commission staff (and others as needed) which addresses and resolves the following issues. Additional issues may also be addressed and resolved as needed. Multiple meetings at varied times may also be necessary to address and resolve all issues.~~

~~(i) — Student population forecasts and corresponding design square footage;~~

~~(ii) — Delivery method;~~

~~(iii) — Educational specifications;~~

~~(iv) — Design charrette results;~~

~~(v) — Total project cost and project budget;~~

~~(vi) — Sources of funding;~~

~~(vii) — Enhancements;~~

~~(viii) — District facility plan;~~

~~(ix) — RFQ (request for qualifications) for A/E (architectural/engineering) services;~~

~~(x) — RFP (request for proposals) for A/E firms; (xi) RFQ for CMAR services, if applicable;~~

~~(xii) — Contract executions, including but not necessarily limited to:~~

~~(A) — The contract for professional Architectural and Engineering services between the District and the Architect;~~

~~(B) — The CMAR (or construction) contract between the District and the CM (or contractor);~~

~~(C) — The funding contract between the Commission and the District.~~

~~(D) — Approved contract forms may be found on the Commission website at <http://sfc.state.wy.us/Forms>.~~

~~(xiii) — Coordination meeting with A/E, Commission staff, CM (or contractor) and District to resolve project boundaries, schedule, project budget(s), allowable square footage, roles of each project team member, general scope of work.~~

~~(xiv) — Value engineering.~~

~~(r) — The district and the Commission shall coordinate to ensure that both the design professional(s) and the construction contractor(s) fulfill their respective obligations and that a high quality, appropriate, and cost-effective facility remedy is designed and constructed.~~

Section 5. Selection of Delivery Method.

~~(a) — The Commission shall choose from the following list which delivery method shall be used on each individual Commission-funded remedy.~~

~~(i) — Design bid-build;~~

~~(ii) — Construction Manager;~~

~~(iii) — Construction Manager At Risk;~~

~~(iv) — Design build.~~

~~(b) — The Commission shall consider the following non-exclusive and non-prioritized list of factors to make its decision which delivery method should be used for each Commission-funded remedy. A thorough written record shall be created of the basis upon which the Commission makes its decision for each remedy.~~

~~(i) — Size and complexity of the remedy;~~

~~(ii) — Availability of funds;~~

~~(iii) — Urgency of time;~~

~~(iv) — Remoteness of the remedy from needed materials and/or expertise;~~

~~(v) — Commission experience with the delivery method in the geographical locale of the remedy;~~

~~(vi) — Anticipated cost of the various delivery methods;~~

~~(vii) — Available personnel or other professionals to provide supervision and monitoring of design and/or construction;~~

~~(viii) — District desires regarding delivery method.~~

~~(ix) — A thorough analysis of the requirements of W.S. 21-15-117(b) and (c) that the Commission shall determine the most cost-effective method of remediation of building and facility needs to deliver quality educational services and ensure compliance~~

with the statewide adequacy standards.

Section 6. Selection of Design Professionals. ~~All design professionals shall be selected in accordance with this section and these Rules and Regulations. A thorough written record shall be maintained of the basis upon which design professionals are chosen or rejected for every Commission-funded remedy.~~

~~(a) — All design professionals shall be as approved by the Commission. No design professional shall be contracted with, or employed in any capacity, on Commission-funded remedies without the approval of the Commission.~~

~~(b) — All design professionals must be qualified by education, training and experience for their proposed participation in the contemplated remedy.~~

~~(c) — The Commission shall inquire into the education, training and experience of proposed design professionals contemplated for Commission-funded remedies and shall not approve the retention of a design professional with a demonstrable record of design failures, design disputes, insufficient experience for the scope of the remedy or other factors deemed relevant by the Commission.~~

~~(d) — No qualified design professional shall be excluded from consideration for the provision of services on Commission-funded remedies except as noted in paragraphs (b) and (c), above, and properly documented.~~

~~(e) — The Commission may by rule adopt further requirements for selection of design professionals, including development of a scoring matrix for selection determination.~~

~~(f) — All selected design professionals shall execute contracts with the affected district in order to receive Commission funding. Such contracts shall be in a form approved by the Commission in accordance with these Rules and Regulations.~~

Section 7. Establishment of Project Budgets. ~~Project budgets shall be established in accordance with this rule.~~

~~(a) — Cost per square foot guidelines. In accordance with W.S. 21-15-114(a)(v), the Commission adopts the following cost per square foot guidelines:~~

~~(i) — These guidelines shall be used on all Commission-funded remedies to establish the project budget.~~

~~(ii) — The Commission shall record in an electronic database all information pertaining to the cost of Commission-funded remedies, with a breakdown by construction division, and including site acquisition, site preparation, off site infrastructure and design costs.~~

~~(iii) — The Commission shall maintain access to, or record in an electronic~~

~~database, information pertaining to the current RS Means Construction index for Wyoming, including all inflation adjustments.~~

~~(iv) — The Commission shall have the ability, on an ongoing basis, to combine these sources of information to arrive at a projected cost per square foot for anticipated remedies to be funded by the Commission in various geographical areas of the State of Wyoming.~~

~~(v) — The cost per square foot guideline for construction of any specific remedy may be modified as necessary to address remedy specific issues, including but not necessarily limited to: land acquisition, site preparation, design, contingencies, FF&E, special studies (e.g. traffic, lighting), surveys, environmental assessments, geotechnical investigations, demolition, commissioning, owner's representative fees, testing and inspections, plan review, and building permit/occupancy fees.~~

~~(vi) — All data used to develop a remedy specific cost per square foot guideline shall be preserved at the business office of the Commission.~~

~~(b) — As accurately as the data will allow, project budgets shall be developed at the time the remedy is identified and proposed for funding. The project budget shall be based upon the allowable square footage generated by the Facility Design Guidelines multiplied by the cost per square foot guideline applicable to the remedy plus any remedy specific items identified pursuant to Chapter 10, Section 7(a)(v) of these Rules and Regulations.~~

~~(c) — Subject to Commission approval, project budgets may be modified once established only upon a showing of unanticipated circumstances, including change of project scope, unanticipated inflation in labor and/or materials, unexpected site conditions or other factors deemed relevant by the Commission.~~

~~(d) — Project budgets, and all amounts contracted for, or spent on, the remedy, shall form the basis for the required budget submission to the Governor in accordance with W.S. 21-15-119(a).~~

~~**Section 8. Decision-making Matrix.** The Commission shall by rule adopt a matrix of relevant scoring factors which shall control selection of Contractor(s) for all Commission-funded remedies. This matrix may be developed as the result of an interest-based session (IBS) to obtain as much statewide consensus on the proper approach as possible. Until such time as a matrix is adopted in rule, scoring matrices and other contractor selection tools shall only be as approved by the Commission on a remedy specific basis. The Commission shall develop and maintain a thorough written record of the bases upon which all contractor selection decisions are made.~~

Chapter 10
Annual Report Form for Major Maintenance

REPEALED

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~

~~CHAPTER 10 ANNUAL REPORT FORM FOR MAJOR MAINTENANCE~~

~~Section 1. Authority; Scope.~~

~~(a) — This chapter is promulgated pursuant to W.S. 21-15-114(a)(xiv) (general rule making authority) and W.S. 21-15-109, which requires the commission to adopt rules specifying the form to be used by school districts to annually report building by building expenditures made from the separate major maintenance account during the applicable reporting period.~~

~~(b) — This chapter applies only to major building and facility repair and replacement (major maintenance).~~

~~Section 2. Report Submission.~~

~~(a) — Amounts distributed for major maintenance and repair must be deposited by each school district into a separate account, the balance of which may accumulate from year to year. Expenditures from this separate account, shall be limited to projects detailed in the commission approved five year plan / update. This account is subject to periodic audit by the commission.~~

~~(b) — Each district must through the Department Project Manager annually report on forms provided by the commission, on a building by building basis, all expenditures made from the separate major maintenance account.~~

~~(c) — Reports shall be submitted in an electronic format.~~

~~(d) — District reports under this section shall be certified by each superintendent as being true, correct and complete.~~

~~(e) — Each district shall report major maintenance to the commission in the five year plan / update any building or facility project(s); or major repair and maintenance project(s) which change the square footage of its school buildings and facilities. This reporting shall include the demolition, closure or mothballing of any school building or facility and all leased space as the lessee or lessor.~~

Chapter 12
Annual Reports for New Construction

REPEALED

~~RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION~~

~~CHAPTER 12 ANNUAL REPORTS OF NEW CONSTRUCTION~~

~~Section 1. Authority; Scope.~~

~~This chapter is promulgated pursuant to W.S. 21-15-114(a)(xiv) (general rulemaking authority) and W.S. 21-15-115(b).~~

~~Section 2. Form; Submission.~~

~~(a) Each district must include in the five year plan / update, on a building by building basis, all expenditures made during the prior fiscal year for new construction.~~

~~(b) Each district shall make its annual report under this chapter on such other form or forms as the commission requires.~~

~~(c) Districts shall submit each annual report under this chapter to the director simultaneously with the report required under chapter 9, using information applicable to the prior fiscal year.~~

~~(d) The commission shall require districts to make submissions in an electronic format based upon a template provided by the commission.~~

~~(e) All district submissions under this chapter shall be certified by the district's superintendent as being true, correct, and complete.~~

~~Section 3. Special Disclosure of Labor and Materials Costs.~~

~~(a) When new construction for a building includes labor and materials, the total amount of labor and materials shall be separately stated.~~

Chapter 13
Emergency Funding Procedures

REPEALED

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 13 EMERGENCY FUNDING PROCEDURES

Section 1. Authority; Scope.

~~(a) This chapter is promulgated pursuant to W.S. 21-15-114(a)(xiv) (general rulemaking authority); W.S. 21-15-120(a), which requires the commission to adopt rules and regulations for procedures to determine when an emergency exists with respect to the adequacy of the school buildings and facilities of any school district such that the ability of the district to provide educational programs required by law is immediately and substantially impacted and no reasonable alternative exists to address it other than emergency funding under W.S. 21-15-120; and W.S. 21-15-120(b).~~

~~(b) The commission recognizes that not all school building and facility improvement needs have the same level of importance. This chapter establishes a process to identify and prioritize the relative importance of each school building and facility improvement need on a statewide basis.~~

Section 2. Application.

~~(a) To obtain emergency funding for temporary remedies under this chapter, a district must apply to the commission on forms provided by the commission. The application for funding under this chapter must include:~~

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

~~(ii) A detailed description of the immediacy of the need for a temporary remedy;~~

~~(iii) A description of the approximate ages and/or grade levels of the students affected;~~

~~(iv) An explanation of whether the emergency had been anticipated, including a detailed description of the efforts made by the district to ameliorate or otherwise cure the circumstances giving rise to the emergency;~~

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

~~(vi) Identification of the educational programs required by law that are affected by the emergency, including an explanation as to the extent to which the district is rendered unable to deliver the required educational programs;~~

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

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

~~(ix) — Bids or estimates received from contractors to address the emergency;~~

~~(x) — An estimate of the time necessary to remedy the emergency and the expected duration of the interruption or reduction in the district's ability to provide the affected required educational programs; and~~

~~(xi) — Such other reasonable documentation and information the commission may require.~~

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

~~(c) — Applications may be submitted by fax or email, provided they are complete when received and provided the original application is delivered to the commission office by the fastest available means.~~

~~Section 3. Investigation and Review.~~

~~(a) — Upon receipt of a completed application, the commission shall review and evaluate the application, including any site visits as may be determined necessary.~~

~~(b) — The district shall promptly provide upon request of the commission, all additional materials and information that may be required by the commission.~~

~~Section 4. Staff Recommendation.~~

~~(a) — Upon completing the review and evaluation of an application, the commission shall notify the district in regard to approval or denial of the application.~~

~~(b) — The recommendation should be the most cost-effective, temporary means of restoring the adequacy of the district's school buildings and facilities such that it is able to provide required educational programs.~~

~~Section 5. Disbursement of Funds.~~

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

~~(b) — The district shall submit written funding requests, accompanied by supporting invoices and other documentation reasonably required by the commission. Upon approval of the funding request as complying with the contract and this chapter and after any inspection required, funds shall be disbursed from the emergency contingency account within the school capital construction account.~~

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

~~(d) In addition to disbursements to a district for authorized expenses, disbursement of funds from the emergency contingency account within the school capital construction account may be made to the general operating funds account of the commission as reimbursement for the cost and expense of reviewing, evaluating, inspecting, and otherwise handling an application approved for funding, which disbursements may be effected by B-11 or other internal transfer.~~

Chapter 14

Implementation of Remedies and Project Management

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv), 21-15-117, 21-15-118(c) and 21-15-123(f)(v).

Section 2. Relationship Between the State Construction Department and School Districts.

(a) Master Memoranda of Understanding (MOU's) and Project Agreements shall be developed to establish the working relationship between the Department and the district.

(i) Master MOUs. The Master MOU defines the duties and responsibilities of the Department and the district for non-capital construction functions, including, but not limited to, major building and facility repair and replacement, facility planning, condition assessments, and annual reporting.

(ii) Project Agreements. Project Agreements define the duties and responsibilities of the Department and the district for construction and renovation of school buildings and facilities, including, but not limited to, determination of the most cost effective remedy, land purchase, design, procurement and construction. No work or disbursement of funds shall proceed on projects until a Project Agreement is executed between the Department and the district. Districts shall not expend any appropriated project funds until authorized by the Director.

(b) Departmental Review. The Department shall review school construction projects for compliance with uniform statewide adequacy standards. This review shall be ongoing throughout the planning, budgeting, design, and construction process.

Section 3. Program Planning. Upon determination of the most cost effective remedy, the Department shall develop a detailed scope of the work and estimated budget for the remedy in consultation with the district. The scope of the work and estimated budget shall form the basis of any future budget request. A request to change the scope of the work shall be presented to the Commission along with all financial implications and justification for the change. If approved by the Commission, the Department shall amend the scope of work and estimated budget.

Section 4. Prototypical Designs.

(a) To further the concept of value-added projects, the Commission encourages using prototypical designs and prototypical components. When appropriate and feasible to meet the needs of a district, prototypes may shorten design time, simplify value engineering, decrease costs, and increase construction efficiency.

(b) The Department shall maintain a database of school floor plans that districts may consider for re-use.

(c) School districts may consider the use of prototype designs (past designs) from the Department database or other designs that may be available from architects. The district may utilize the services of a design consultant to determine whether prototype designs may be appropriate or whether modifications of prototype plans are feasible to meet the needs of the district.

Section 5. Determination of Delivery Method.

(a) Projects shall be designed and constructed using the design-bid-build delivery method unless extenuating circumstances exist that necessitate the adoption of an alternate method. District requests for the Commission to approve an alternate design and construction delivery method shall explain the reason(s) an alternate project delivery method is preferable to the design-bid-build delivery method.

(b) The Commission shall consider the following non-exclusive and non-prioritized list of factors in making a determination to allow alternate design and construction delivery methods:

- (i) Size and complexity of the remedy;
- (ii) Budget and availability of funds;
- (iii) Urgency of time;
- (iv) Past experience with the delivery method;
- (v) Anticipated cost of the possible various delivery methods;
- (vi) Market conditions, including access to and availability of personnel to provide design or construction services; and
- (vii) District input and recommendations regarding delivery method.

Section 6. Site Analysis and Land Acquisition.

(a) Requests for land acquisition may originate with a request by a district to the Department or as a Department recommendation. The Commission shall determine if there is a need based on capacity, condition, health, safety, determination of the most cost effective remedy, or the best interests of the State.

(i) Many Wyoming schools pre-date the adoption of current standards. School sites which pre-date the original adoption of standards in 2003 may be larger or smaller than the recommended sizes. School sites smaller than these recommendations are presumed to be adequately sited unless the Commission determines otherwise.

- (b) If the Commission determines a need exists, the Commission shall:
 - (i) Examine availability of current district land;
 - (ii) If a replacement building or facility renovation or addition, determine if the current site is appropriate;
 - (iii) If new land is required, consider land swaps and acquisition of publicly-owned land or land in conjunction with a development prior to considering other private land.

- (c) If the Commission determines that land acquisition is necessary, the district in consultation with the Department shall conduct an analysis of potential sites or land. Prior to initiating non-confidential site analysis activities the district in consultation with the Department shall obtain a proposed purchase agreement fixing the purchase price and other conditions of purchase, subject to site analysis and due diligence investigation results that are acceptable to the district and Department. Site analysis shall be conducted in accordance and comply with the Commission rules and design guidelines and shall be approved by the Commission. Prior to acquisition the district in consultation with the Department shall conduct a due diligence investigation, which includes the following:
 - (i) Legal description of property;
 - (ii) Title commitment;
 - (iii) Two (2) land appraisals (using the average of two if within 5% of each other, otherwise a 3rd appraisal will be obtained and the average of the two (2) closest appraisals will be used);
 - (iv) Site survey to include soil conditions, traffic patterns, utilities and site topography;
 - (v) Phase 1 environmental assessment;
 - (vi) Annexation and zoning issues;
 - (vii) Local development requirements; and
 - (viii) Preliminary and final plat.

- (d) The Commission may grant a waiver to any of the above due diligence requirements for good cause.

- (e) All phases of the land acquisition process shall be kept confidential. Neither the district nor the Commission will divulge information on proposed land acquisitions until such time as all due diligence has been completed and the land purchase price has been negotiated.

Section 7. Services and Contracts.

(a) General.

(i) Districts shall use Commission contracts for capital projects, unless otherwise approved by the Commission and Attorney General's Office.

(ii) Modifications to Commission contracts, including adjustments to further stipulate services and reflect the scope of the particular project, on a project-by-project basis may be submitted to the Department for review and approval in consultation with the Attorney General's Office. Major modifications, as determined by the Department, or alternatives to Commission contracts require approval by the Department, Attorney General's Office, and the Commission.

(iii) Contracts shall be executed by the district and other parties and routed to the Department for its review and approval as to form.

(iv) Contracts modified and executed without the necessary approvals shall not be eligible for State funding.

(b) Owner's Representative.

(i) Owner's representatives are individuals or entities contracted on a project-specific basis to assist the district and State in ensuring the project is managed and completed in accordance with the contracts related to the project.

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

Section 8. Value Engineering.

(a) Value engineering is a process to achieve the best balance of cost-to-value in projects for districts and the State. In addition to value engineering required by design or construction contracts, the Department shall conduct a value engineering analysis using a collaborative process to objectively consider the best approach to design and construct projects. Value engineering shall include life cycle cost analysis of all major systems in the facility.

(i) Value engineering review shall occur at the schematic design phase (10% Design) and the design documents phase (35% Design) or as otherwise determined by the Department. The design of the facility shall conform to value engineering recommendations before it proceeds into the next phase of development unless waived in writing by the Director.

(ii) The Department shall consider the recommendations of value engineering in assessment of enhancements. Any aspect of a design which does not conform to value engineering recommendations approved by the Department and proceeds without approval will

be deemed an enhancement and will be the sole financial responsibility of the district.

(iii) Value engineering strategies learned on previous projects shall be considered for subsequent projects.

Section 9. Project Closeout. Absent extenuating circumstances, fund balances remaining from project budgets that are unencumbered or unobligated are subject to reversion no later than one year after the date of Substantial Completion.

Section 10. On-site or Off-site Infrastructure.

(a) On-site or off-site infrastructure includes streets, sidewalks, traffic signals, bike / walk paths, electric, gas, water, sewage systems, storm systems, telephone, data, and other facilities approved by the Commission.

(i) On-site infrastructure solely attributable to the needs of the project and of the capacity required to serve the school facility remedy in accordance with the Commission's design guidelines shall be included in the cost per square foot budget for the building.

(ii) The Department shall budget for the cost of the development of on-site or off-site infrastructure solely attributable to the needs of the project and additional infrastructure costs attributable to shared use.

(b) Requests for on-site or off-site infrastructure to be shared with others shall be made by the district in writing and shall include a full description of the project, including the cost of the proposed infrastructure, the functional capacity properly attributable to the needs of the project, contemplated excess functional capacity, and a dedicated source of repayment.

(i) Requests shall be presented to the Department during the initial planning and budgeting for the proposed project. The Department shall make a determination whether further information, such as design engineering or cost data, is required before the request is presented to the Commission for its consideration as part of its budget recommendation. The district shall notify the affected municipality or local governmental entity of the request and of the time and location at which it will be considered by the Commission.

(ii) Requests will only address infrastructure needed for the school building and facility.

(iii) The Department, in consultation with the Attorney General's Office, shall determine if a contractual agreement is required for cost-sharing, repayment, or operation agreement(s) with the affected parties. Cost-sharing or repayment agreements shall include provisions for reimbursement of departmental expenditures for functional capacity beyond the capacity properly attributable to the needs of the project to be repaid to the Department over time with interest. Amounts repaid shall be deposited by the Department into the school capital construction account.

(iv) The functional capacity needs of school buildings and facilities shall take precedence over the needs of others.

(c) If extensions to municipal or other Department-approved utilities are not available or are cost prohibitive, then on-site systems may be constructed.

(d) The district shall notify the affected municipality or other local governmental entity in writing of Commission action taken related to on-site or off-site infrastructure and reasons for the action.

Section 11. Local Enhancements.

(a) Identifying Enhancements. The district's intent to pursue enhancements shall be brought to the attention of the Department by the district during facility planning or as early as feasible prior to design. Preliminary information shall indicate the nature, scope, cost and schedule of the enhancement. Enhancements shall be identified as:

(i) Inclusion of a design feature(s) which exceeds or fails to comply with the statewide adequacy standards or is not in compliance with recommendations of value engineering.

(ii) Inclusion of additional square footage of school building and facilities which exceeds the total square footage allowed by statewide adequacy standards.

(b) Enhancement Acknowledgement. The district shall request Commission acknowledgment of enhancements to any school building and facility during project or enhancement planning on a form provided by the Department. This documentation shall identify dedicated sources of funding for the enhancement(s), the contractual arrangements and the means intended to account for the costs of the enhancement(s) separate from any Commission funded remedy. If the enhancement is associated with a legislatively-funded remedy, planning and design of the enhancement(s) shall be identified in the most cost effective remedy if an enhancement is contemplated at that time. The Department will include the information in the project agreement. The district's acknowledgment request shall establish the anticipated impact to the design and construction schedule and cost to the legislatively-funded remedy. As the project progresses and information changes, the district shall update the enhancement acknowledgement, which the Department shall then present to the Commission.

(c) Enhancement Cost Allocation. When local enhancements occur in conjunction with legislatively-funded remedies and the cost of those local enhancements become part of a comprehensive school project, the Department shall determine the appropriate method of allocating costs between the enhancement(s) and the legislatively-funded portion of the project. The cost of the enhancement shall include all design and other consultant costs and construction costs attributable to the enhancement. The district shall bear all costs associated with the enhancement. The Department may require that the enhancements be bid separately as an alternate, that the enhancements be calculated as a percentage of the overall project cost, or a combination thereof, as follows:

(i) When the enhancement is the result of a design preference, it shall be bid as an alternate, the alternate shall include all costs attributable to the enhancement plus all costs for modifications to the legislatively-funded portion of the project that are attributable to the enhancement. Examples include, but are not limited to, additional building height, finishes, or features;

(ii) When the enhancement is the result of additional square footage, the difference between the allowable square footage and the project total square footage shall be computed as a percentage. Project costs will be attributed on the basis of the percentage as identified, or as subsequently revised in the event of a change in the square footage. When changes affect the project that result in additional costs, the costs shall be shared based on this percentage.

(d) Costs associated with leadership in energy and environmental design (LEED) design certification and commissioning will be considered an enhancement and shall be funded by the district.

Section 12. Changes to Budgeted Funding.

(a) In accordance with W.S. 21-15-119(c) and W.S. 28-11-301(c)(iv), budgets for prioritized projects may be adjusted by the Commission and transfers between project phases may be made by the Department.

(b) In the event that any particular project budget is or appears to be insufficient to fully fund that project remedy, the following non-exclusive and non-prioritized list of factors shall be considered by the Department in recommending whether, and how, that project will be allowed to proceed with legislative funding:

(i) Verify value engineering recommendations have been followed;

(ii) Verify aspects of the design of the project to identify cost savings which may be generated within the project. In this regard, all parties shall reexamine earlier assumptions in the search for viable, cost-effective and efficient design changes;

(iii) Verify the scheduling, or phasing, of the project to determine if budgeted funds will be required and cost-savings or cost-deferrals may be obtained by that scheduling. Decision-making shall take into account the funding cycles of the Legislature and the uncertainty of future funding.

(c) If these non-prioritized factors are insufficient to achieve project costs within the project budget, including adjustment for inflation, the Commission shall consider the following additional factors:

(i) Change of delivery method;

- (ii) Other sources of funding, including funding held by the Commission;
- (iii) Delayed start date of the project;
- (iv) Complete or partial re-planning or re-design of the project.

Chapter 14
Implementation of Remedies and Project Management

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv), 21-15-117, 21-15-118(c) and 21-15-123(f)(v).

Section 2. Relationship Between the State Construction Department and School Districts.

(a) Master Memoranda of Understanding (MOU's) and Project Agreements shall be developed to establish the working relationship between the Department and the district.

(i) Master MOUs. The Master MOU defines the duties and responsibilities of the Department and the district for non-capital construction functions, including, but not limited to, major building and facility repair and replacement, facility planning, condition assessments, and annual reporting.

(ii) Project Agreements. Project Agreements define the duties and responsibilities of the Department and the district for construction and renovation of school buildings and facilities, including, but not limited to, determination of the most cost effective remedy, land purchase, design, procurement and construction. No work or disbursement of funds shall proceed on projects until a Project Agreement is executed between the Department and the district. Districts shall not expend any appropriated project funds until authorized by the Director.

(b) Departmental Review. The Department shall review school construction projects for compliance with uniform statewide adequacy standards. This review shall be ongoing throughout the planning, budgeting, design, and construction process.

Section 3. Program Planning. Upon determination of the most cost effective remedy, the Department shall develop a detailed scope of the work and estimated budget for the remedy in consultation with the district. The scope of the work and estimated budget shall form the basis of any future budget request. A request to change the scope of the work shall be presented to the Commission along with all financial implications and justification for the change. If approved by the Commission, the Department shall amend the scope of work and estimated budget.

Section 4. Prototypical Designs.

(a) To further the concept of value-added projects, the Commission encourages using prototypical designs and prototypical components. When appropriate and feasible to meet the needs of a district, prototypes may shorten design time, simplify value engineering, decrease costs, and increase construction efficiency.

(b) The Department shall maintain a database of school floor plans that districts may consider for re-use.

(c) School districts may consider the use of prototype designs (past designs) from the Department database or other designs that may be available from architects. The district may utilize the services of a design consultant to determine whether prototype designs may be appropriate or whether modifications of prototype plans are feasible to meet the needs of the district.

Section 5. Determination of Delivery Method.

(a) Projects shall be designed and constructed using the design-bid-build delivery method unless extenuating circumstances exist that necessitate the adoption of an alternate method. District requests for the Commission to approve an alternate design and construction delivery method shall explain the reason(s) an alternate project delivery method is preferable to the design-bid-build delivery method.

(b) The Commission shall consider the following non-exclusive and non-prioritized list of factors in making a determination to allow alternate design and construction delivery methods:

- (i) Size and complexity of the remedy;
- (ii) Budget and availability of funds;
- (iii) Urgency of time;
- (iv) Past experience with the delivery method;
- (v) Anticipated cost of the possible various delivery methods;
- (vi) Market conditions, including access to and availability of personnel to provide design or construction services; and
- (vii) District input and recommendations regarding delivery method.

Section 6. Site Analysis and Land Acquisition.

(a) Requests for land acquisition may originate with a request by a district to the Department or as a Department recommendation. The Commission shall determine if there is a need based on capacity, condition, health, safety, determination of the most cost effective remedy, or the best interests of the State.

(i) Many Wyoming schools pre-date the adoption of current standards. School sites which pre-date the original adoption of standards in 2003 may be larger or smaller than the recommended sizes. School sites smaller than these recommendations are presumed to be adequately sited unless the Commission determines otherwise.

(b) If the Commission determines a need exists, the Commission shall:

(i) Examine availability of current district land;

(ii) If a replacement building or facility renovation or addition, determine if the current site is appropriate;

(iii) If new land is required, consider land swaps and acquisition of publicly-owned land or land in conjunction with a development prior to considering other private land.

(c) If the Commission determines that land acquisition is necessary, the district in consultation with the Department shall conduct an analysis of potential sites or land. Prior to initiating non-confidential site analysis activities the district in consultation with the Department shall obtain a proposed purchase agreement fixing the purchase price and other conditions of purchase, subject to site analysis and due diligence investigation results that are acceptable to the district and Department. Site analysis shall be conducted in accordance and comply with the Commission rules and design guidelines and shall be approved by the Commission. Prior to acquisition the district in consultation with the Department shall conduct a due diligence investigation, which includes the following:

(i) Legal description of property;

(ii) Title commitment;

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

(iv) Site survey to include soil conditions, traffic patterns, utilities and site topography;

(v) Phase 1 environmental assessment;

(vi) Annexation and zoning issues;

(vii) Local development requirements; and

(viii) Preliminary and final plat.

(d) The Commission may grant a waiver to any of the above due diligence requirements for good cause.

(e) All phases of the land acquisition process shall be kept confidential. Neither the district nor the Commission will divulge information on proposed land acquisitions until such time as all due diligence has been completed and the land purchase price has been negotiated.

Section 7. Services and Contracts.

(a) General.

(i) Districts shall use Commission contracts for capital projects, unless otherwise approved by the Commission and Attorney General's Office.

(ii) Modifications to Commission contracts, including adjustments to further stipulate services and reflect the scope of the particular project, on a project-by-project basis may be submitted to the Department for review and approval in consultation with the Attorney General's Office. Major modifications, as determined by the Department, or alternatives to Commission contracts require approval by the Department, Attorney General's Office, and the Commission.

(iii) Contracts shall be executed by the district and other parties and routed to the Department for its review and approval as to form.

(iv) Contracts modified and executed without the necessary approvals shall not be eligible for State funding.

(b) Owner's Representative.

(i) Owner's representatives are individuals or entities contracted on a project-specific basis to assist the district and State in ensuring the project is managed and completed in accordance with the contracts related to the project.

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

Section 8. Value Engineering.

(a) Value engineering is a process to achieve the best balance of cost-to-value in projects for districts and the State. In addition to value engineering required by design or construction contracts, the Department shall conduct a value engineering analysis using a collaborative process to objectively consider the best approach to design and construct projects. Value engineering shall include life cycle cost analysis of all major systems in the facility.

(i) Value engineering review shall occur at the schematic design phase (10% Design) and the design documents phase (35% Design) or as otherwise determined by the Department. The design of the facility shall conform to value engineering recommendations before it proceeds into the next phase of development unless waived in writing by the Director.

(ii) The Department shall consider the recommendations of value engineering in assessment of enhancements. Any aspect of a design which does not conform to value engineering recommendations approved by the Department and proceeds without approval will

be deemed an enhancement and will be the sole financial responsibility of the district.

(iii) Value engineering strategies learned on previous projects shall be considered for subsequent projects.

Section 9. Project Closeout. Absent extenuating circumstances, fund balances remaining from project budgets that are unencumbered or unobligated are subject to reversion no later than one year after the date of Substantial Completion.

Section 10. On-site or Off-site Infrastructure.

(a) On-site or off-site infrastructure includes streets, sidewalks, traffic signals, bike / walk paths, electric, gas, water, sewage systems, storm systems, telephone, data, and other facilities approved by the Commission.

(i) On-site infrastructure solely attributable to the needs of the project and of the capacity required to serve the school facility remedy in accordance with the Commission's design guidelines shall be included in the cost per square foot budget for the building.

(ii) The Department shall budget for the cost of the development of on-site or off-site infrastructure solely attributable to the needs of the project and additional infrastructure costs attributable to shared use.

(b) Requests for on-site or off-site infrastructure to be shared with others shall be made by the district in writing and shall include a full description of the project, including the cost of the proposed infrastructure, the functional capacity properly attributable to the needs of the project, contemplated excess functional capacity, and a dedicated source of repayment.

(i) Requests shall be presented to the Department during the initial planning and budgeting for the proposed project. The Department shall make a determination whether further information, such as design engineering or cost data, is required before the request is presented to the Commission for its consideration as part of its budget recommendation. The district shall notify the affected municipality or local governmental entity of the request and of the time and location at which it will be considered by the Commission.

(ii) Requests will only address infrastructure needed for the school building and facility.

(iii) The Department, in consultation with the Attorney General's Office, shall determine if a contractual agreement is required for cost-sharing, repayment, or operation agreement(s) with the affected parties. Cost-sharing or repayment agreements shall include provisions for reimbursement of departmental expenditures for functional capacity beyond the capacity properly attributable to the needs of the project to be repaid to the Department over time with interest. Amounts repaid shall be deposited by the Department into the school capital construction account.

(iv) The functional capacity needs of school buildings and facilities shall take precedence over the needs of others.

(c) If extensions to municipal or other Department-approved utilities are not available or are cost prohibitive, then on-site systems may be constructed.

(d) The district shall notify the affected municipality or other local governmental entity in writing of Commission action taken related to on-site or off-site infrastructure and reasons for the action.

Section 11. Local Enhancements.

(a) Identifying Enhancements. The district's intent to pursue enhancements shall be brought to the attention of the Department by the district during facility planning or as early as feasible prior to design. Preliminary information shall indicate the nature, scope, cost and schedule of the enhancement. Enhancements shall be identified as:

(i) Inclusion of a design feature(s) which exceeds or fails to comply with the statewide adequacy standards or is not in compliance with recommendations of value engineering.

(ii) Inclusion of additional square footage of school building and facilities which exceeds the total square footage allowed by statewide adequacy standards.

(b) Enhancement Acknowledgement. The district shall request Commission acknowledgment of enhancements to any school building and facility during project or enhancement planning on a form provided by the Department. This documentation shall identify dedicated sources of funding for the enhancement(s), the contractual arrangements and the means intended to account for the costs of the enhancement(s) separate from any Commission funded remedy. If the enhancement is associated with a legislatively-funded remedy, planning and design of the enhancement(s) shall be identified in the most cost effective remedy if an enhancement is contemplated at that time. The Department will include the information in the project agreement. The district's acknowledgment request shall establish the anticipated impact to the design and construction schedule and cost to the legislatively-funded remedy. As the project progresses and information changes, the district shall update the enhancement acknowledgement, which the Department shall then present to the Commission.

(c) Enhancement Cost Allocation. When local enhancements occur in conjunction with legislatively-funded remedies and the cost of those local enhancements become part of a comprehensive school project, the Department shall determine the appropriate method of allocating costs between the enhancement(s) and the legislatively-funded portion of the project. The cost of the enhancement shall include all design and other consultant costs and construction costs attributable to the enhancement. The district shall bear all costs associated with the enhancement. The Department may require that the enhancements be bid separately as an alternate, that the enhancements be calculated as a percentage of the overall project cost, or a combination thereof, as follows:

(i) When the enhancement is the result of a design preference, it shall be bid as an alternate, the alternate shall include all costs attributable to the enhancement plus all costs for modifications to the legislatively-funded portion of the project that are attributable to the enhancement. Examples include, but are not limited to, additional building height, finishes, or features;

(ii) When the enhancement is the result of additional square footage, the difference between the allowable square footage and the project total square footage shall be computed as a percentage. Project costs will be attributed on the basis of the percentage as identified, or as subsequently revised in the event of a change in the square footage. When changes affect the project that result in additional costs, the costs shall be shared based on this percentage.

(d) Costs associated with leadership in energy and environmental design (LEED) design certification and commissioning will be considered an enhancement and shall be funded by the district.

Section 12. Changes to Budgeted Funding.

(a) In accordance with W.S. 21-15-119(c) and W.S. 28-11-301(c)(iv), budgets for prioritized projects may be adjusted by the Commission and transfers between project phases may be made by the Department.

(b) In the event that any particular project budget is or appears to be insufficient to fully fund that project remedy, the following non-exclusive and non-prioritized list of factors shall be considered by the Department in recommending whether, and how, that project will be allowed to proceed with legislative funding:

(i) Verify value engineering recommendations have been followed;

(ii) Verify aspects of the design of the project to identify cost savings which may be generated within the project. In this regard, all parties shall reexamine earlier assumptions in the search for viable, cost-effective and efficient design changes;

(iii) Verify the scheduling, or phasing, of the project to determine if budgeted funds will be required and cost-savings or cost-deferrals may be obtained by that scheduling. Decision-making shall take into account the funding cycles of the Legislature and the uncertainty of future funding.

(c) If these non-prioritized factors are insufficient to achieve project costs within the project budget, including adjustment for inflation, the Commission shall consider the following additional factors:

(i) Change of delivery method;

- (ii) Other sources of funding, including funding held by the Commission;
- (iii) Delayed start date of the project;
- (iv) Complete or partial re-planning or re-design of the project.