



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised May 2018

1. General Information

a. Agency/Board Name* School Facilities Commission		
b. Agency/Board Address 700 West 21st St.	c. City Cheyenne	d. Zip Code 82001
e. Name of Agency Liaison George Galida	f. Agency Liaison Telephone Number 307-777-8536	
g. Agency Liaison Email Address george.galida@wyo.gov		
h. Date of Public Notice 07/12/2018	i. Comment Period End Date 08/31/2018	
j. Public Comment URL or Email Address: anthony.hughes@wyo.gov		
k. Program General Agency, Board or Commission Rules		
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.		

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 Chapter Numbers and Years Enacted
(eg: 2015 Session Laws Chapter 154):

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: 0	Chapter Name: Uniform Adequacy Standards -Appendices	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: Rules of Practice and Procedure for Contested Case Proceedings	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 3	Chapter Name: Uniform Adequacy Standards	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: Facility Plans (Facility Planning)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 5	Chapter Name: Emergency Funding Procedures	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 6	Chapter Name: Square Footage Guidelines for Major Maintenance (Square Footage Guidelines for Major Maintenance Payments)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 7	Chapter Name: Annual Reports (Annual Reports and Major Building and Facility Repair and Replacement Requests)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 8	Chapter Name: Criteria for Identifying and Prioritizing Remedies (Criteria for Identifying and Prioritizing Remedies, and Establishing Project Budgets)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. ☒ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

☒ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

☒ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ☒ No. ☐ Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:	
Indicate one (1):	
<input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements.	
<input type="checkbox"/> The proposed rules exceed minimum federal requirements.	
Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:	
<input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above.	
<input type="checkbox"/> At the following URL: _____	

6. State Statutory Requirements

a. Indicate one (1):

☒ The proposed rule change *MEETS* minimum substantive statutory requirements.

☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

☒ The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

☒ By contacting the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

☐ Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

☐ These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

☒ The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

Chapters 1-2

(Provide chapter numbers)

☐ These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

b. Checklist

☒ The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

☐ If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	Delbert McOmie
<i>Title of Authorized Individual</i>	Director, State Construction Department
<i>Date of Authorization</i>	07/10/2018



Additional Rule Information

Revised November 2016

1. General Information

a. Agency/Board Name* School Facilities Commission		
b. Agency/Board Address 700 West 21st. St.	c. City Cheyenne	d. Zip Code 82001
e. Name of Agency Liaison George Galida	f. Agency Liaison Telephone Number 307-777-8536	
g. Agency Liaison Email Address george.galida @wyo.gov		
h. Program General Agency, Board or Commission Rules		

2. Rule Type and Information, Cont.

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

Chapter Number: 9	Chapter Name: Project Contracts	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 10	Chapter Name: Project Process and Selection of Professionals Contractors and Delivery Methods	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 10	Chapter Name: Annual Report Form for Major Maintenance	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 12	Chapter Name: Annual Reports for New Construction	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 13	Chapter Name: Emergency Funding Procedures	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 14	Chapter Name: Implementation of Remedies and Project Management	<input checked="" 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
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
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

If Needed



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: July 6, 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 fifteen-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;
- (7) Incorporate by reference the Commission's methodologies and design guidelines;
- (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 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 in response to HEA 125 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.



Chapter 0
Uniform Adequacy Standards - Appendices

REPEALED

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 Commission 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) “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.

(l) “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.

(m) “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:

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

(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. The formula is:

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

(o) “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.

(p) “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.

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

(r) “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.

(s) “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.

(t) “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.

(u) “Project budget” means the amount of Commission 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 Commission funds and are not an entitlement of any district.

(v) “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.

(w) “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 understandings 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 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, 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

Section 1. Authority.

This Chapter is promulgated by the Commission under the authority of Wyoming Statute 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. 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.

Chapter 3

Uniform Adequacy Standards

Section 1. Authority.

This Chapter is promulgated pursuant to Wyoming Statute 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, 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.

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.

Chapter 4

Facility Plans (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.

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 ~~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) 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.

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;
- (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.

Section 502- International Building Code, 2006 Edition

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

Section 1502 - International Building Code, 2006 Edition

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

Also, for the type of construction, 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.

Chapter 7
Annual Reports (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 and a component-by-component 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.

Chapter 8

Criteria for Identifying and Prioritizing Remedies (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 all district-owned school buildings and facilities. Each structure in the inventory shall be assigned scores, as applicable, to denote its building condition.

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.

(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 and capacity 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.

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

funded by the Legislature.

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.

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 Commission-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.

Chapter 9
Project Contracts

REPEALED

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

REPEALED

Chapter 10
Annual Report Form for Major Maintenance

REPEALED

Chapter 12
Annual Reports for New Construction

REPEALED

Chapter 13
Emergency Funding Procedures

REPEALED

Chapter 14

Implementation of Remedies and Project Management

Section 1. Authority.

This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv), W.S. 21-15-117, W.S. 21-15-118(c) and W.S. 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. Commission facility design guidelines, policies and methodologies shall govern planning and development of the design of any school building and facility remedy.

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.

(ii) Efforts should be undertaken in developing facility plans and remedies to reduce the excess acreage of sites which exceed the Commission's design guidelines.

- (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. The Commission does not fund the development needs of the municipalities, other local governmental entities, or private parties.

(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 Commission funded remedy, planning and design of the enhancement(s) shall be identified in the most cost effective remedy. 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 Commission 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 Commission 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 Commission 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 Commission 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 Commission funding:

(i) Verify value engineering recommendations have been followed. In the absence of demonstrable good cause, value engineering recommendations shall be 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.

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.~~

TABLE OF CONTENTS

I.	Purpose
II.	Site Requirements
III.	Gross Square Feet Standards
IV.	Enrollment Projections
V.	Design Capacity
VI.	Classroom Design
VII.	Assembly Space
VIII.	Media Centers
IX.	Physical Education
X.	Administrative, Staff and Student Support Areas
XI.	Food Service
XII.	Sustainability, Energy Efficiency and Lighting
XIII.	Safety and Security
XIV.	Lifecycle Cost Analysis
Appendix A	Programmatic Models
Appendix B	Safety and Security Checklist
Appendix C	Life Cycle Cost Analysis

~~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 Feet 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.

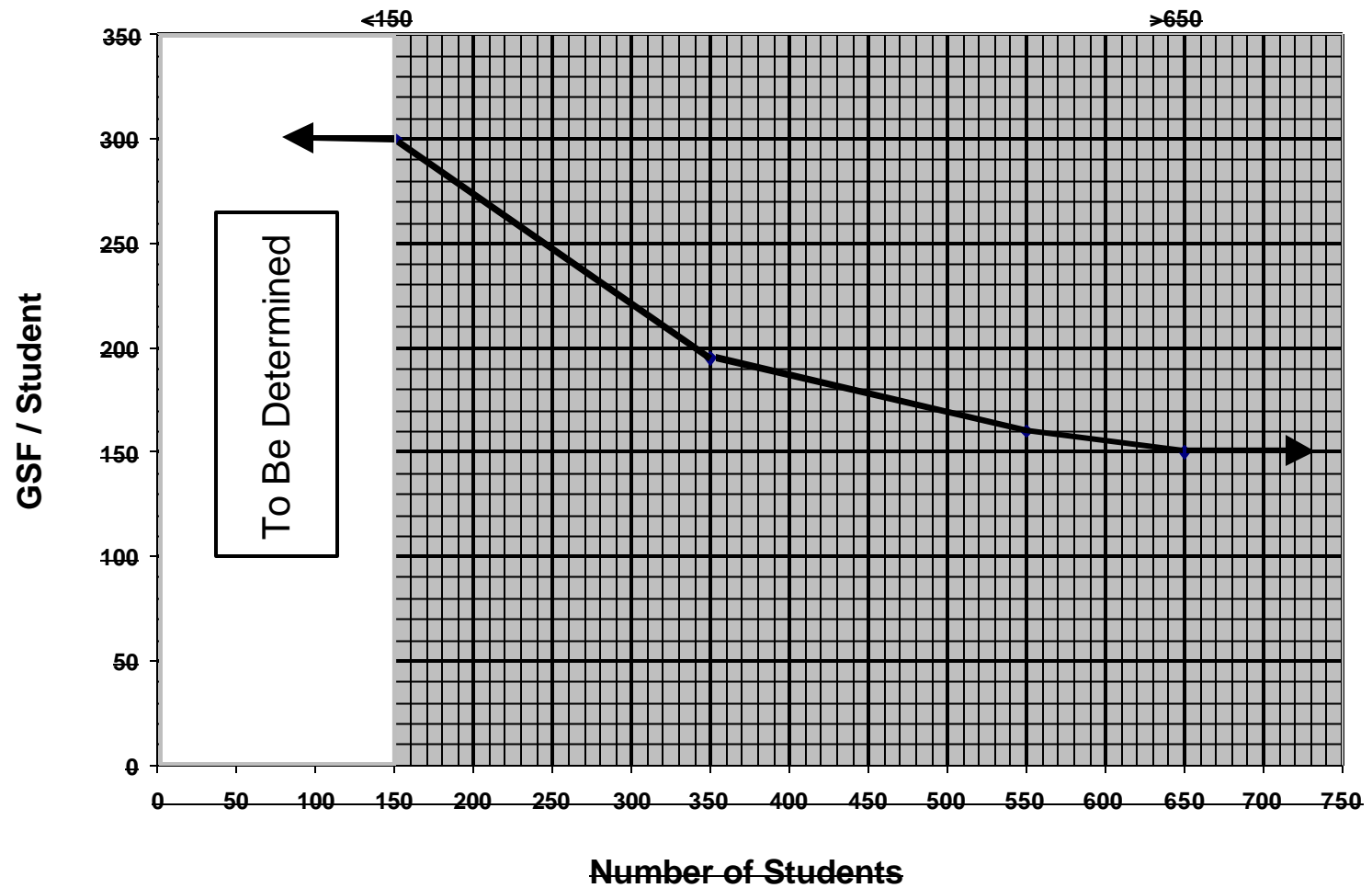
DESIGN GUIDELINES

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

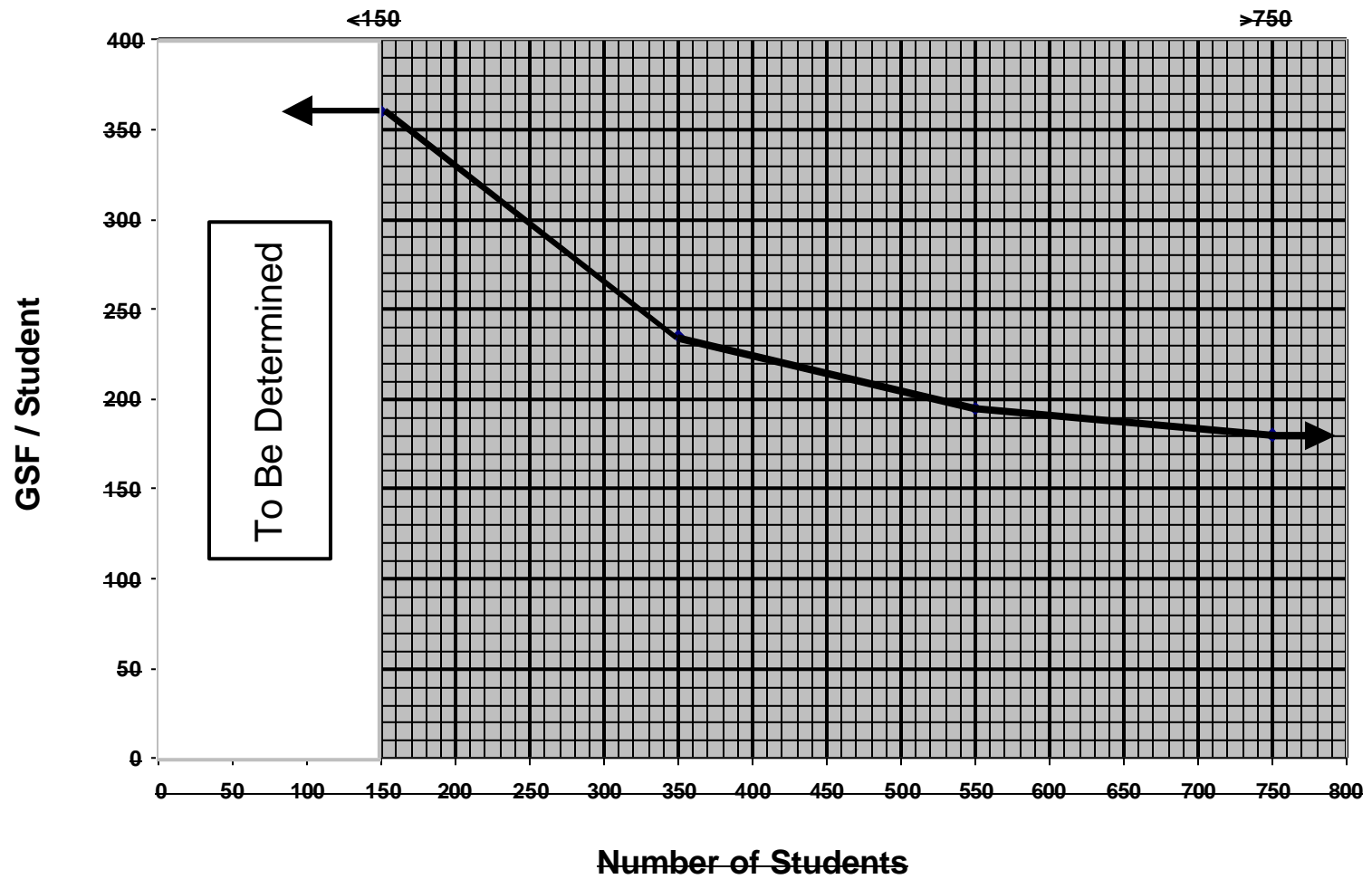


DESIGN GUIDELINES HIGH SCHOOL MODEL COMPARISON

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	70	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	1,600	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	150	150	150
Vice Principal		-	
Secretary	100	200	300
Reception	50	100	150
Nurse/Toilet	150	150	225
Counselor		100	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		1115	1115
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	1250
Table / Chair Storage	100	150	350
Sub-total Core	9473	14570	17570
Sub-total	20828	32850	48370
Net to Gross Ratio	7706	42154	17897
Total	28534	45004	66267
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	1120	1370	1920
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	13719	15192	19370	23620	26100
Sub-total	25489	31307	41630	51320	65000
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

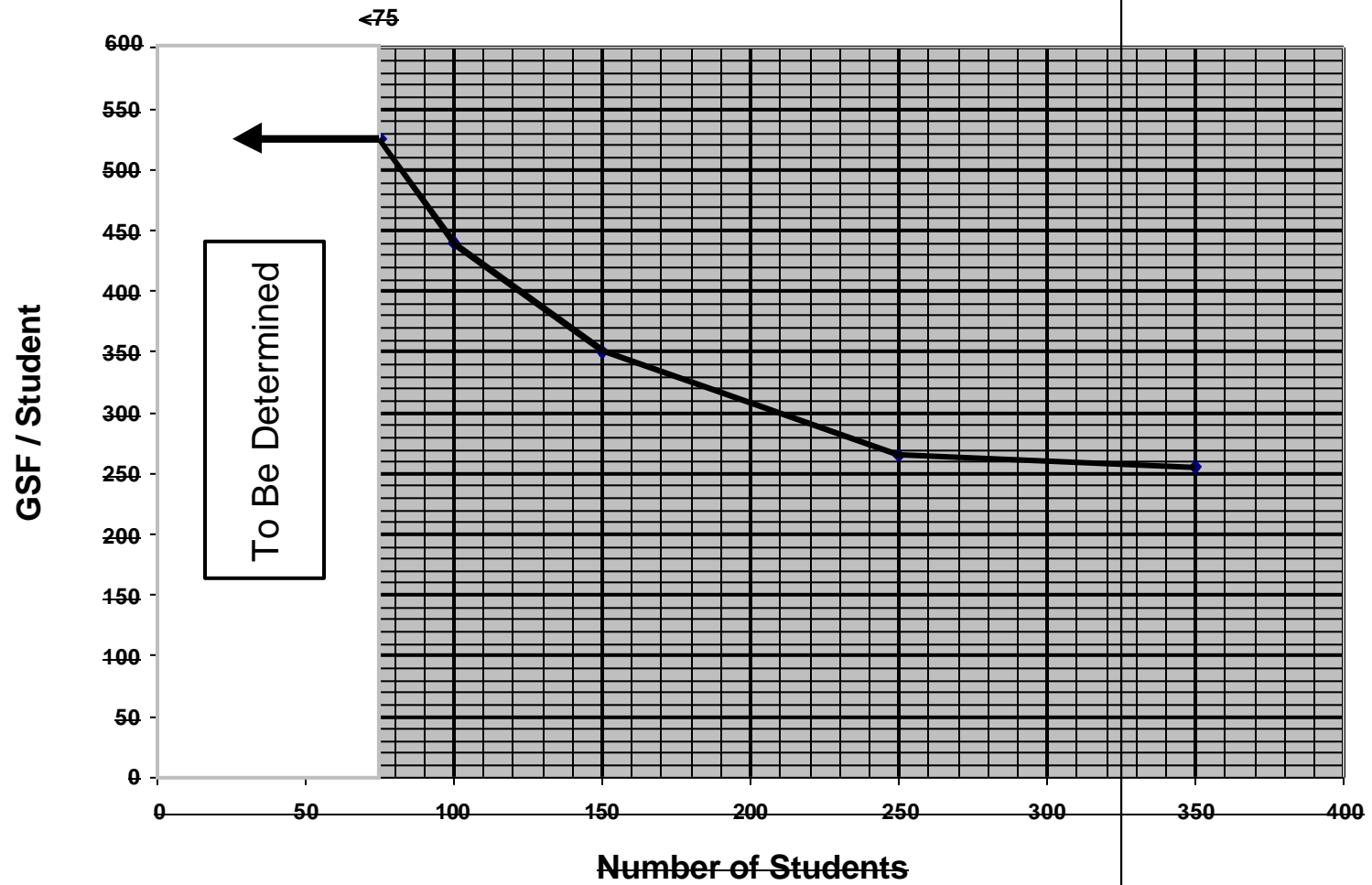
Note: Models are for planning guidance only. The actual design programs will be developed by the district in conjunction with the School Facilities Commission for each proposed facility.

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	8,855
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	39,380	43,986	52,210	66,311	89,515
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%.~~

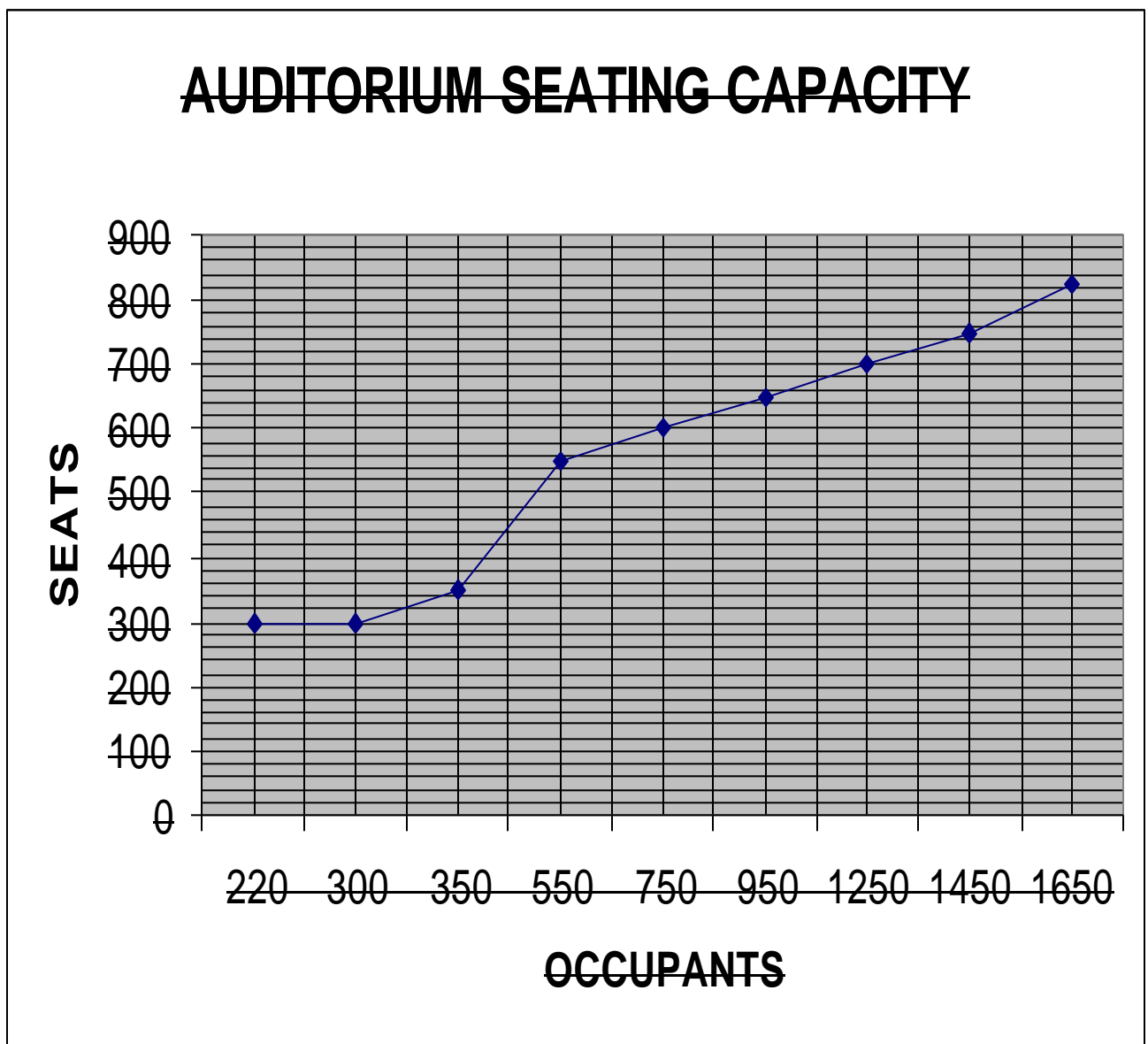
~~Auditoriums can be incorporated in school with occupancy over 220.~~

~~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	
Describe:										
Study Title:			Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth
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
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										
Study Title:	Describe:		Sloped Metal Roof		Minimum Slope Membrane		Asphalt Shingles												
			Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth	Estimated Costs	Present Worth									
Initial Capital Costs	Description of Component/Item																		
	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	Replacement Cost (Single Expenditure)	# of Years																	
	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	Description of O&M/Annual Cost																		
	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										
<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>20</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):	20		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):	20																		
Escalation on Annual Costs	2%	(The escalation factor is the inflation factor and is a variable.)																	

~~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 funding. -Capital Construction generally does not include major building and facility repair (Mmajor Mmaintenance) 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) “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.

(l) “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.

(m) “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:

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

(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. The formula is:

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

(o) “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.

(p) “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.

(q) “Leased Facilities” means any land, building or equipment or other capital asset

that has been leased by or to a district.

(r) "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.

(s) "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.

(t) "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.

(u) "Project budget" means the amount of Commission 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 Commission funds and are not an entitlement of any district.

(v) "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.

(w) "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. 21-115-113(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(c) 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, memorandums 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 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, 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.

~~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 Wyoming Statute 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), d~~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~~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 ~~D~~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 ~~D~~district, via ~~WEN~~ video or teleconference. The review shall be scheduled at the earliest convenience of the ~~D~~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:
~~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.~~

~~(e) — 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.~~

~~(c) — The taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26 and 28 through 37 (excepting 37(b)(1) and (2)(D) there from) of the Wyoming Rule of Civil Procedure. The mandatory disclosure provisions of Rule 26 of the Wyoming Rules of Civil Procedure are applicable to contested case proceedings before the Commission. The Petitioner 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.~~

~~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 Wyoming Statute 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 purposed 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, 2017.

(iii) Enrollment Projection Methodology, adopted by the Commission and effective on May 24, 2012 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.

~~(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
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 1/4 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.~~

(e) ~~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

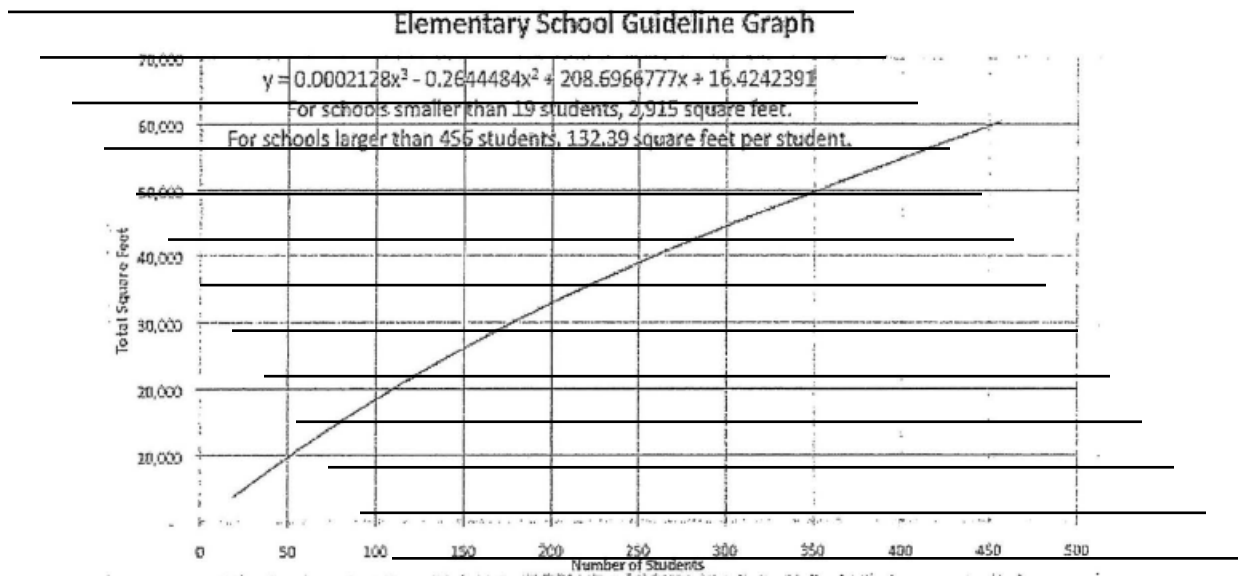


Figure A-2: Middle School Total Square Footage Guideline Graph

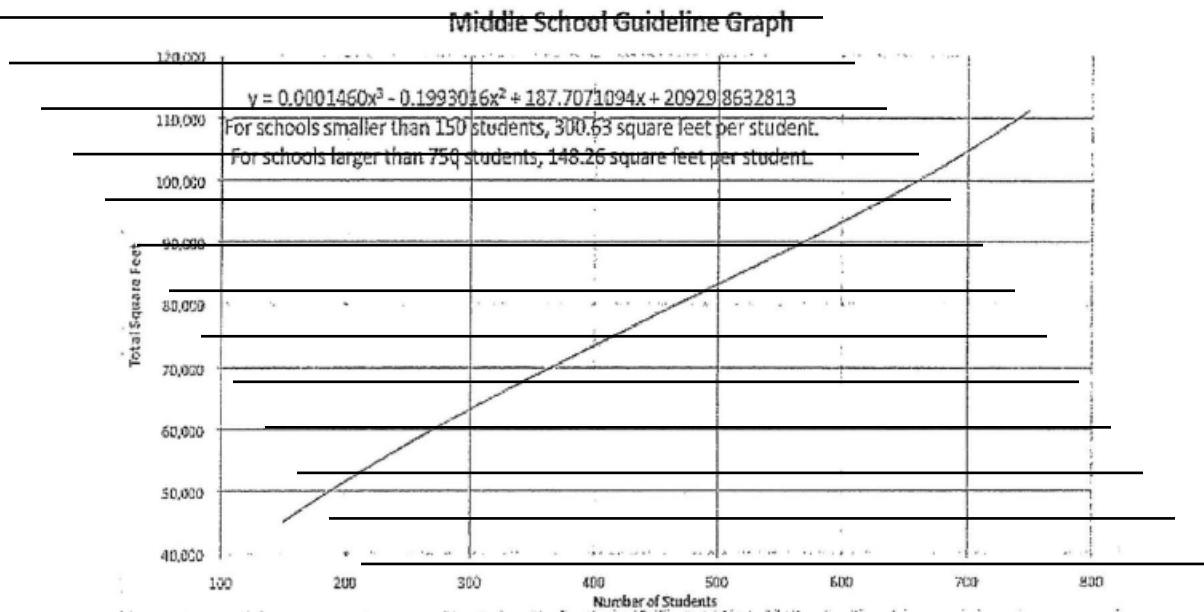


Figure A-3: High School Total Square Footage Guideline Graph

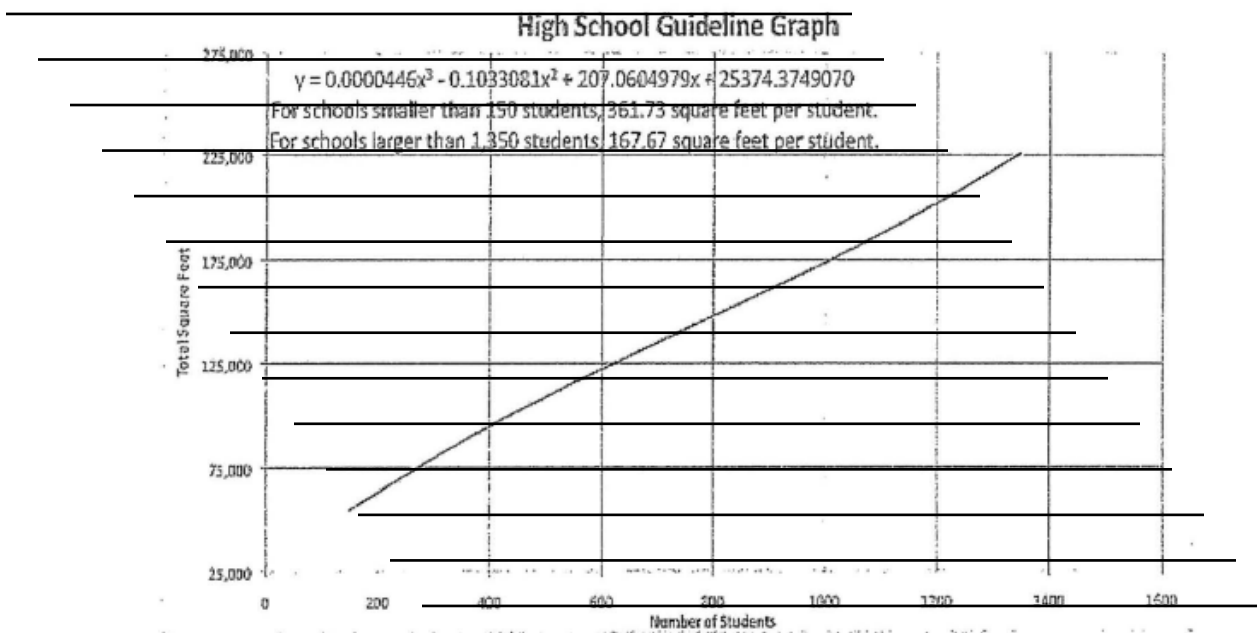


Figure A-4: K-8 School Total Square Footage Guideline Graph

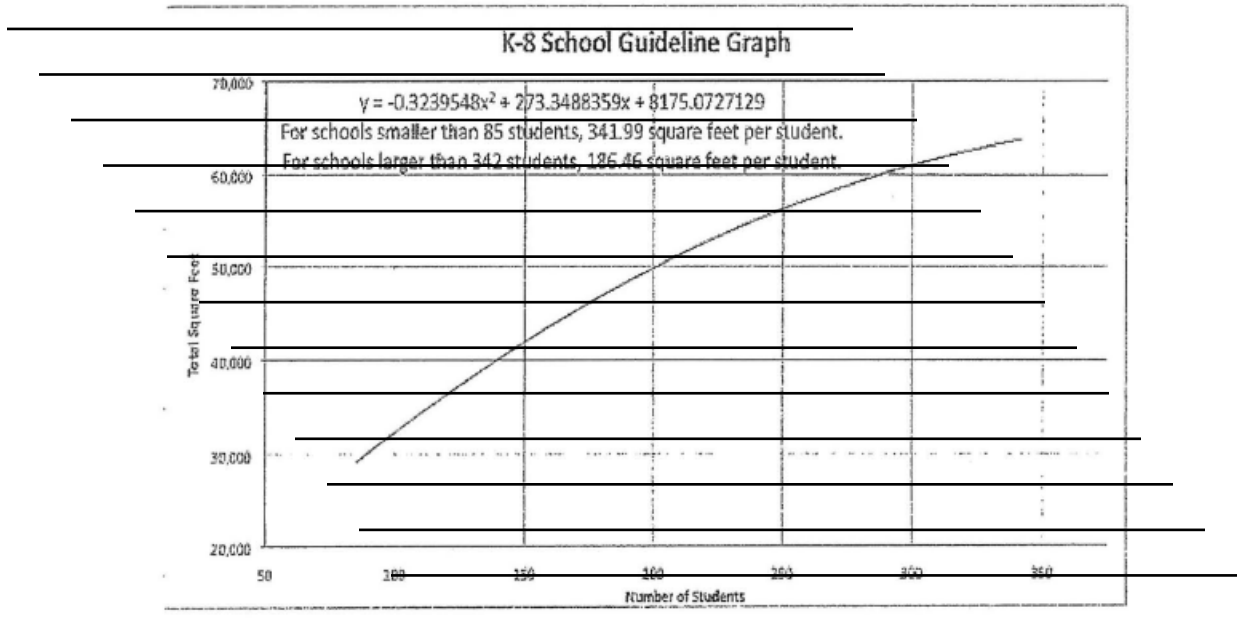


Figure A-5: 6-12 Secondary School Total Square Footage Guideline Graph

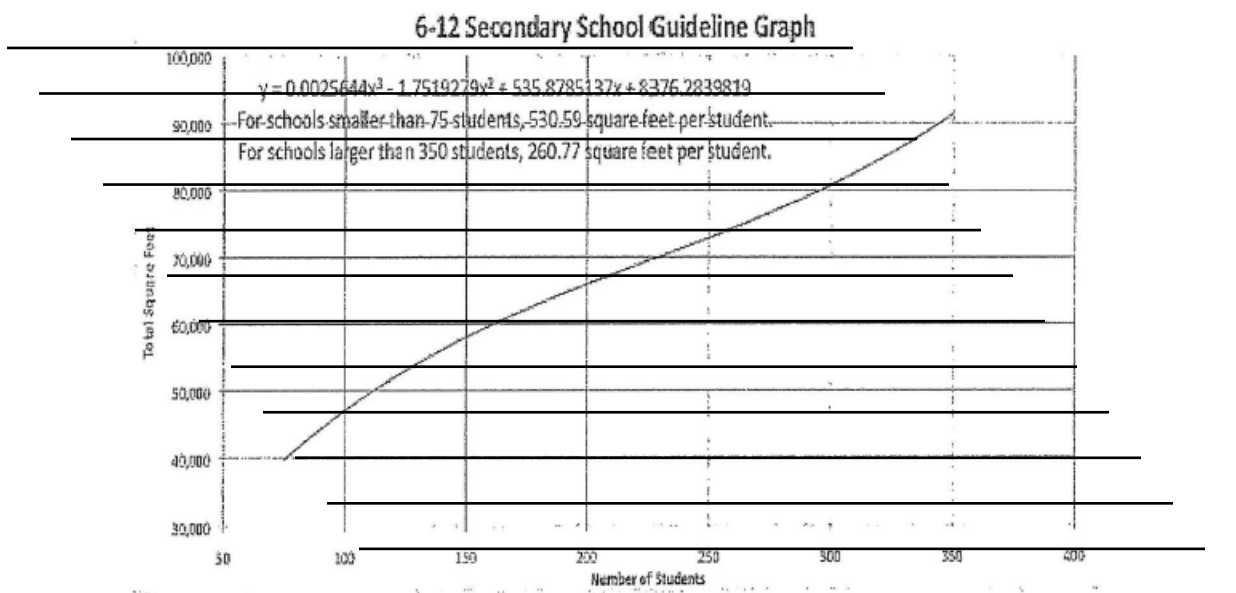
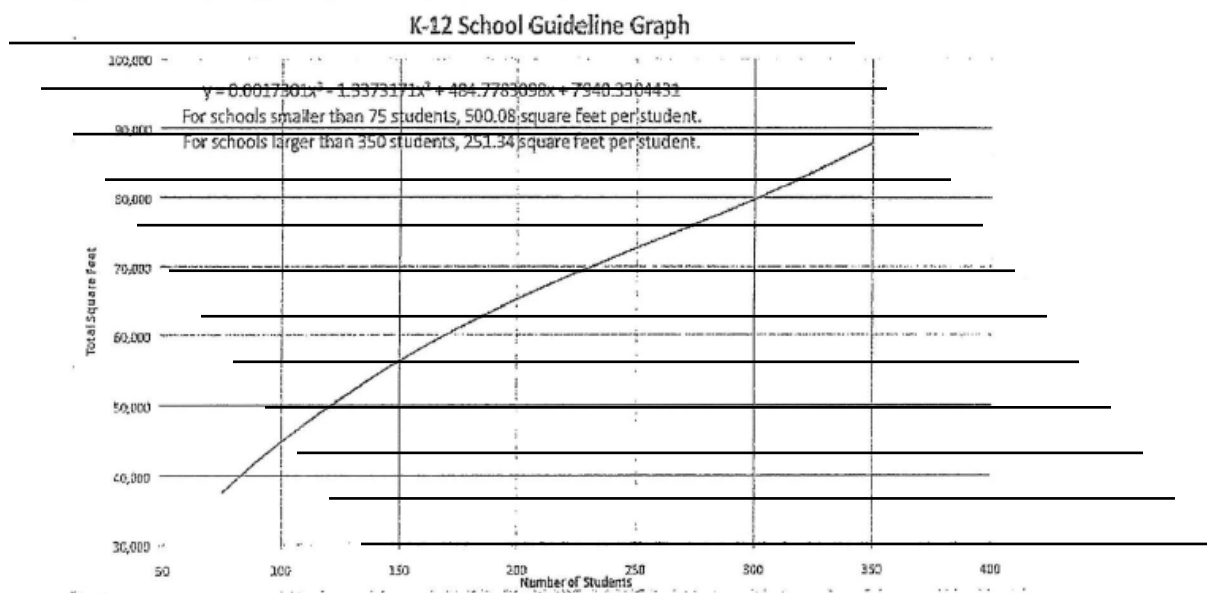


Figure A-6: K-12 School Total Square Footage Guideline Graph



~~APPENDIX B:~~

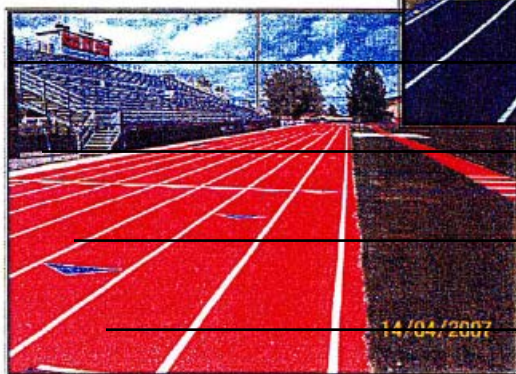
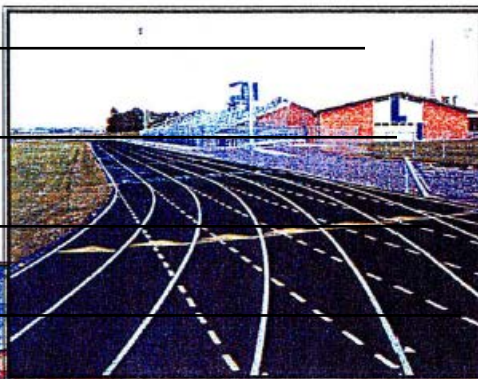
~~School Facilities Commission Approved Design Standards for Outdoor
Athletic Facilities Per Wyoming High School Activities Association Divisions
April 2009~~



WYOMING
SFC

School Facilities
Commission

Building Schools & Building Futures.



SCHOOL FACILITIES COMMISSION APPROVED

DESIGN STANDARDS FOR

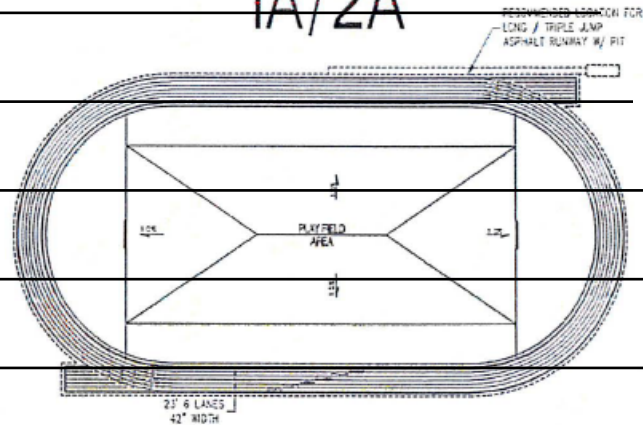
OUTDOOR ATHLETIC FACILITIES

PER

WYOMING HIGH SCHOOL ACTIVITIES ASSOCIATION DIVISIONS

APRIL 2009

1A/2A



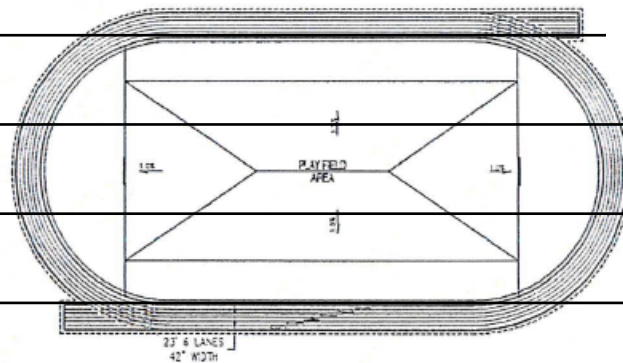
FEATURES:

- 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
- INFELD TURF VIA SEED / SOD AND INCLUDES GOAL POSTS. SYNTHETIC TURF SHALL BE CONSIDERED AN ENHANCEMENT.
- LONG JUMP ASPHALT RUNWAY W/ PIT
- OPTIONAL DRAIN ROCK UNDER TRACK FMT. SECTION DEPENDING ON SITE SOILS
- SHOT PUT AREA
- 1/4" SURFACE DEVIATION
- 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 discus 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



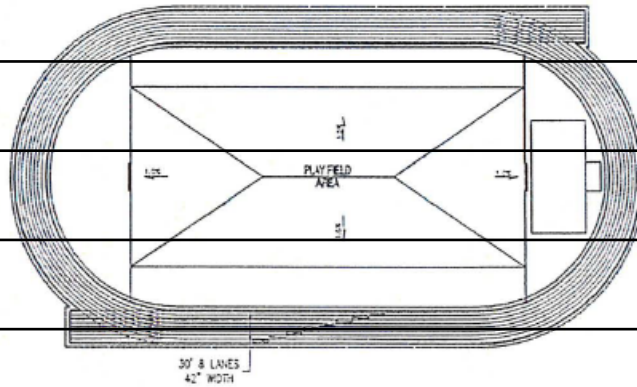
FEATURES:

- 8-LANE 42" WIDTH, 400 M
- ASPHALT W/ 2-PART POLY
- CONCRETE CURBS - 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 IRIGAN DIRECTION
- INFIELD TURF VIA SEED / SOG AND INCLUDES GOAL POSTS. SYNTHETIC TURF SHALL BE CONSIDERED AN ENHANCEMENT.
- 42" CHAIN LINK FENCE TO DELINEATE 9' 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 discuss 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



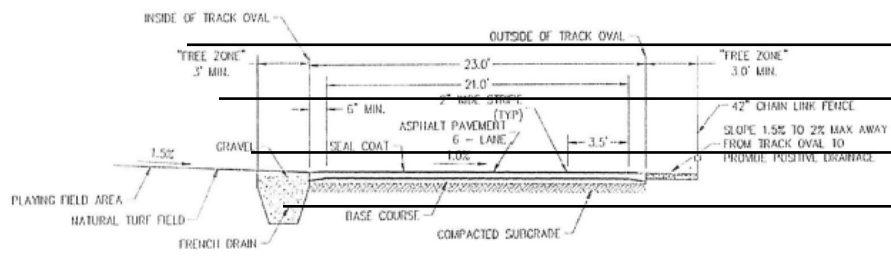
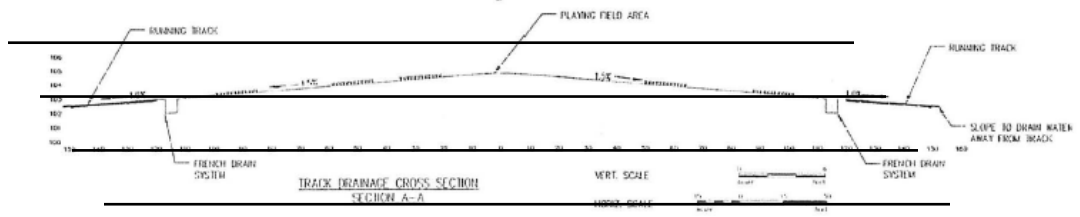
FEATURES:

- 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

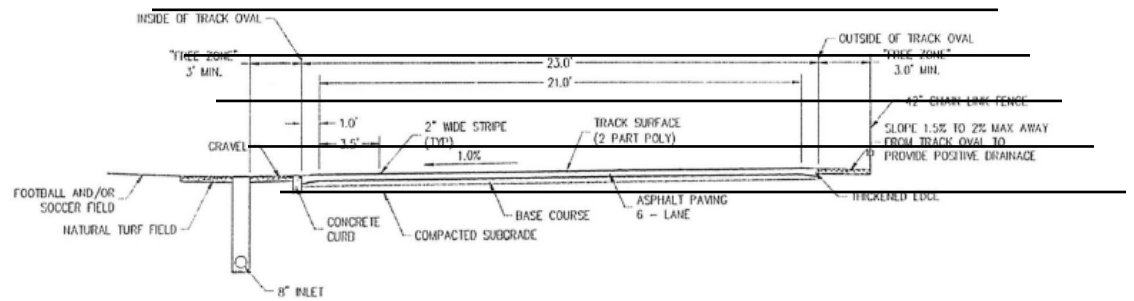
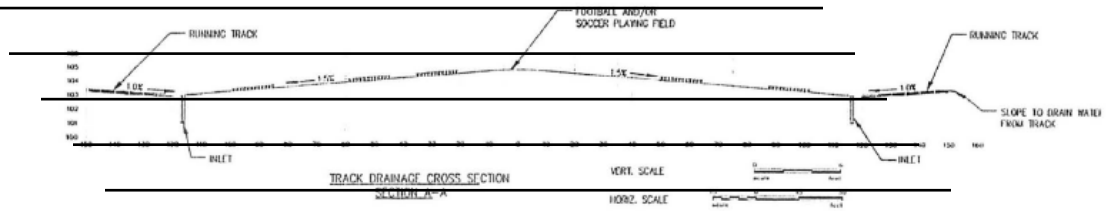
This track and field facility will consist of an eight (8) lane asphalt 400 meter running track with a top width of 30 feet and including two (2) starting areas. The track will have eight lanes being 42" in width with concrete curbing on each side. The surface will be two part polyurethane. Pavement 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.

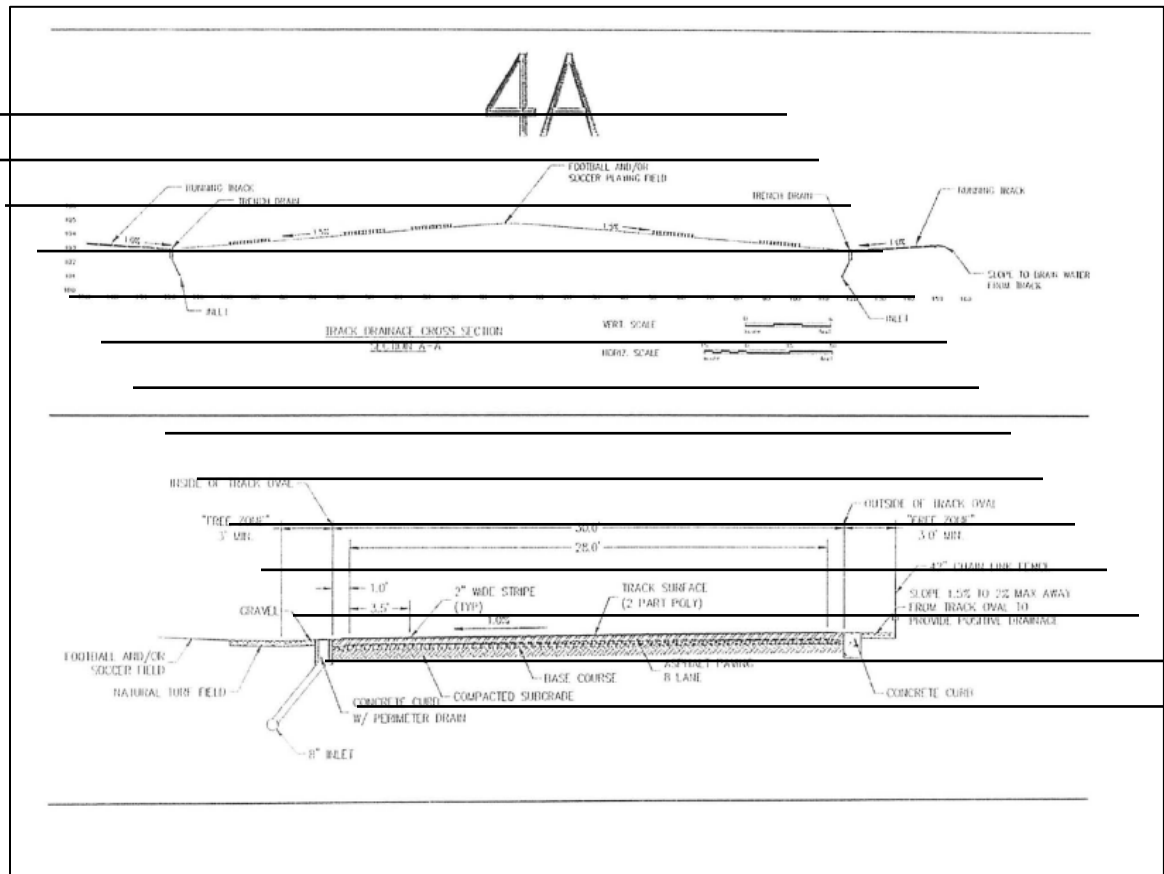
Estimated Construction cost for this facility and component will be generally consistent statewide as most all 4A facilities have local asphalt plants. Construction cost increase will be approximately 28% more than the 3A track facility with the increase in cost coming from the increase in track quantities for the additional two lanes and the drainage system.

1A/2A



3A





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

~~CHAPTER 4 FACILITY PLANS~~

~~Chapter 4 Facility Planning~~

Section 1. Authority.

This ~~e~~Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv) and 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;~~

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION
CHAPTER 5
EMERGENCY FUNDING PROCEDURES

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. 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 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.

~~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

Section 1. Authority.

This chapter 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;
- (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.~~

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

Section 502- International Building Code, 2006 Edition

Equipment Platform - An unoccupied, elevated platform used exclusively for

mechanical systems or individual process equipment, including the associated elevated walkway, stairs and ladders necessary to access the platform. (See also Section 505.5).

Section 1502 - International Building Code, 2006 Edition

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

Also, for the type of construction, 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.

~~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 Wyoming Statutes 21-15-114(a)(xv), 21-15-109(e) and 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.

~~(ad)~~ Each district shall ~~must~~ annually report on a building-by-building and a component-by-component 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 ~~D~~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.~~

~~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 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. 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 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.

(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 and capacity 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.

(iv) Educational suitability and technology readiness measures are 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(e)(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) $Y = 0.1035\text{Ln}(X) + 0.3085$ for all other elementary schools~~

fewer
greater
schools

(II) ~~for middle level schools~~
 (1) ~~$Y = 0.4932$ for schools with enrollments of 150 or~~
 (2) ~~$Y = 1.00$ for schools with enrollments of 750 or~~
 (3) ~~$Y = 0.3235\text{Ln}(X) - 1.1306$ for all other middle level~~

fewer
greater

(III) ~~for high schools~~
 (1) ~~$Y = 0.4635$ for schools with enrollments of 150 or~~
 (2) ~~$Y = 1.00$ for schools with enrollments of 1350 or~~
 (3) ~~$Y = 0.2528\text{Ln}(X) - 0.7992$ for all other high schools~~

fewer
greater
schools

(IV) ~~for K-8 schools~~
 (1) ~~$Y = 0.5452$ for schools with enrollments of 85 or~~
 (2) ~~$Y = 1.00$ for schools with enrollments of 342 or~~
 (3) ~~$Y = 0.3154\text{Ln}(X) - 0.8859$ for all other K-8~~

fewer
greater

(V) ~~for K-12 schools~~
 (1) ~~$Y = 0.5026$ for schools with enrollments of 75 or~~
 (2) ~~$Y = 1.00$ for school with enrollments of 350 or~~
 (3) ~~$Y = 0.3259\text{Ln}(X) - 0.93$ for all other K-12 schools~~

fewer
greater

(VI) ~~for 6-12 schools~~
 (1) ~~$Y = 0.4915$ for schools with enrollments of 75 or~~
 (2) ~~$Y = 1.00$ for schools with enrollments of 350 or~~

~~———— (3) ——— Y = 0.3416Ln(X) — 1.0033 for all other 6-12 schools~~

~~(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 as Appendix C.~~

~~(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).~~

~~(vii) — At least biennially, a new prioritized needs index shall be developed by Commission and that needs index shall be the basis upon which Commission-funded remedies shall be determined. Calculation of the relative weights of the three scoring tools for purposes of developing 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.

~~(b)(a) **Budgeting.** In accordance with statutes W.S. 9-2-103, W.S. 21-15-119(c) and W.S. 28-11-301(e), b~~**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.~~

~~(iii) — Upon review of the fully updated Needs Index, tThe 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.~~

~~(ii) — The specified project list shall be further subdivided into two phases: planning and design phase projects; and, construction phase projects.~~

~~(iii) — 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.~~

~~(iv) — 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.~~

~~(c) — **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 Commission-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 			
Signage 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			

**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
Computer server rooms 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			
Communications room <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 			

ADMINISTRATION & STUDENT SUPPORT SPACES SAFETY, SECURITY, & SUPERVISION

DEFINING CHARACTERISTICS	SCORE/ NATURE- OF REMEDY	COMMENTS	FIRST ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Administration offices provide ease of supervision and aid in safety and security of school building; <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 			

Windows and doors are secured; locking doors internal to school building and to external areas (where applicable)			
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			

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 			
Conference room is in proximity to administration and/or other student support services; location and space serves the school well			
<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 			
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			

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			
--	--	--	--

ENVIRONMENTAL CONDITIONS

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
<i>Natural and artificial lighting</i> <ul style="list-style-type: none"> Appropriate for these spaces Lighting is easily controlled through convenient placement of switches and window coverings 			
<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			
<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			

UTILITIES, FIXED EQUIPMENT, SURFACES, AND STORAGE

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Administrative & support space buffer includes a front counter, workstations, and cabinetry for storage of supplies; lockable cabinetry for sensitive materials			
Workroom has mailboxes for staff; workstations for individual and small group work; surfaces for messages (e.g., white board, tackable surfaces, etc.)			
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			

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) are 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

DEFINING CHARACTERISTICS	SCORE/ NATURE- OF- REMEDY	COMMENTS	FIRST-ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
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

DEFINING CHARACTERISTICS	SCORE/ NATURE- OF- REMEDY	COMMENTS	FIRST-ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
Lighting controls are easily accessible and controllable; adjustable lighting; artificial, non-harsh lighting			

Acoustics within the gym space appropriate for the learning spaces and other spaces around the gym			
Heating/cooling controls are accessible to keep room temperature at appropriate levels; Ventilation provides good air circulation			
Flexibility and Adaptability of learning space to allow for multiple uses—limited fixed equipment and furniture			

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 allows for use of technology throughout the learning space			
Storage: <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**

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
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

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
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**

DEFINING CHARACTERISTICS	SCORE/ NATURE OF REMEDY	COMMENTS	FIRST ORDER — APPROXIMATION OF REMEDY TO IMPROVE FUNCTIONALITY
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
Lighting is appropriate for the spaces and switches are conveniently located; natural light is not required in these areas			
Acoustical isolation of mechanical, electrical, and sound attenuation from adjacent (both an issue of location and sound dampening)			
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 and 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 part of the building to allow easy parental pickup and dropoff			
---	--	--	--

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; 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 furniture			
<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 			
<i>Flooring</i> 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 electrical 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			

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 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; adjustable lighting; avoid lighting that produces a 60-cycle burn			
<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			

Flexibility and Adoptability of classroom space to allow for multiple uses;— moveable/operable walls to divide spaces— limited fixed equipment and furniture			
Student personalization 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			
Storage: <ul style="list-style-type: none"> • Student storage space for belongings; • Supplies for equipment • Storage for teacher supplies and equipment 			
Flooring 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			
Storage: <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 			
<i>Flooring</i> is appropriate for learning environment; classroom entrance flooring accommodates clothing and footwear for Wyoming weather			
Lab station surfaces appropriate for instructional activities			
Ventilation systems in lab area to control air quality			
Wall surfaces allow for display of student work; hard surfaces are easily cleaned			
Blackboards, whiteboards, smartboards, and projector screens are at an appropriate height for students			

~~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~~

~~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(c)(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 I 0, 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.~~

~~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.~~

~~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.~~

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 W.S. 21-15-114(a)(xv), W.S. 21-15-117, W.S. 21-15-118(c) and W.S. 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. Commission facility design guidelines, policies and methodologies shall govern planning and development of the design of any school building and facility remedy.

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.

(ii) Efforts should be undertaken in developing facility plans and remedies to reduce the excess acreage of sites which exceed the Commission's design guidelines.

- (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. The Commission does not fund the development needs of the municipalities, other local governmental entities, or private parties.

(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 Commission funded remedy, planning and design of the enhancement(s) shall be identified in the most cost effective remedy. 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 Commission 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 Commission 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 Commission 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 Commission 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 Commission funding:

(i) Verify value engineering recommendations have been followed. In the absence of demonstrable good cause, value engineering recommendations shall be 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.