



Certification Page

Regular and Emergency Rules

Revised June 2020

☒ **Emergency Rules** (Complete Sections 1-3 and 5-6)

☐ **Regular Rules**

1. General Information

a. Agency/Board Name* State Construction Department		
b. Agency/Board Address 700 W. 21st Street	c. City Cheyenne	d. Zip Code 82001
e. Name of Agency Liaison Mel Muldrow		f. Agency Liaison Telephone Number 307-777-8660
g. Agency Liaison Email Address mel.muldrow@wyo.gov		h. Adoption Date December 16, 2020
i. Program School Facilities Commission		
Amended Program Name (if applicable):		

* ☐ 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 (non-emergency) 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 non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☒ **No.** ☐ **Yes.** If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number: 3	Chapter Name: Uniform Adequacy Standards	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
	Amended Chapter Name (if applicable):	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
	Amended Chapter Name (if applicable):	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
	Amended Chapter Name (if applicable):	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
	Amended Chapter Name (if applicable):	

4. Public Notice of Intended Rulemaking

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

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

Date:	Time:	City:	Location:

5. Checklist

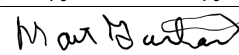
a. ☐ For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and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

b. ☒ For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and a clean copy of each chapter of rules.

Signature of Authorized Individual



Printed Name of Signatory

5497F71068A8472...
Matt Garland

Signatory Title

Chairman, School Facilities Commission

Date of Signature

1/13/2021

7. Governor's Certification

I have reviewed these rules and determined that they:

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

Therefore, I approve the same.

Governor's Signature

Date of Signature



Wyoming State Construction Department

Governor Mark Gordon

Mel Muldrow, Interim Director

To: The Honorable, Mark Gordon, Governor

From: Mel Muldrow, Interim Director of the State Construction Department
Matt Garland, Chairman of the School Facilities Commission

Subject: School Facilities Commission **Emergency** Rules. Amending Chapter 3 – Uniform Adequacy Standards

Date: January 14, 2021

Priority: **HIGH** - The Governor should sign these rules as soon as possible.

Summary: On December 16, 2020, the School Facilities Commission authorized the State Construction Department to proceed with emergency rulemaking for the Chapter 3, Uniform Adequacy Standards. This is the second set of substantively similar emergency rules.

The Commission is adopting these rules on an emergency basis to resolve ongoing disputes with school districts and to remediate inconsistencies between the Commission's current design guidelines and adequacy standards.

Additional reasons for emergency rules are as follows:

1. School districts and other stakeholders were fully engaged above and beyond the normal rulemaking process, and the proposed standards are the result of a collaborative process that benefited from significant input and resulted in consensus for the recommendations.
2. The standards are more advantageous to the Department and school districts than the current standards in many ways. For example, the adequacy standards are tied more directly to educational conditions and match much more closely issues with which school districts were concerned. Furthermore, they are much simpler and easier to evaluate than previously. This will impact ongoing and newly appropriated projects.
3. The normal process for rulemaking will begin as soon as possible to ensure that these new standards are made permanent after consultation with the Select Committee on School Facilities.



Wyoming State Construction Department

Governor Mark Gordon

• Mel Muldrow, Interim Director

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State Construction Department Contact Phone: cell 307-757-5047
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Chapter 3

Uniform Adequacy Standards

Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules.

Section 1. Authority. This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv), (ix) and 21-15-115.

Section 2. Applicability. This Chapter applies to all buildings and facilities subject to the Commission's rules and regulations. The Wyoming statewide adequacy standards establish uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for the public schools.

Section 3. Safety of the Educational Environment. School buildings shall be in compliance with federal, state and local building and fire codes and laws that are applicable to the particular building. Code compliance includes the completion of system improvements or site improvements that are mandated in writing by an authority having jurisdiction for the continued use of a school building or facility. School buildings shall comply with all lawful environmental regulations promulgated by the Wyoming Department of Environmental Quality, the Wyoming Environmental Quality Council, the federal Environmental Protection Agency, and any other governmental entity with jurisdiction over the building. An existing school building may be deemed adequate with respect to this provision if it complies with the International Existing Building Code.

Section 4. Building Site Requirements.

(a) Size requirements. For schools that intend to organize and operate more than one of the following school types on a single site, the higher of the site sizes serves as the applicable requirement. Sites larger than those in the following requirements are permissible but exceed these adequacy standards. If an alternative school shares a site with another school, the alternative school students shall contribute toward the site size calculation for the combined school site.

(i) For elementary schools, an adequate site size is up to four (4) acres, plus an additional acre for each one hundred (100) students.

(ii) For middle schools, an adequate site size is up to ten (10) acres, plus an additional acre for each one hundred (100) students.

(iii) For senior high schools, an adequate site size is up to twenty (20) acres, plus an additional acre for each one hundred (100) students.

(b) Many schools pre-date the Commission's authority to promulgate adequacy standards. Existing school sites smaller than the minimum size sites in subsection (a) of this section that pre-date the original adoption of these standards are deemed adequate unless the Commission determines otherwise.

- (c) Sites shall:
 - (i) Have play areas that are relatively flat and level;
 - (ii) Have a playground(s) for grades K-6 accessible to students;
 - (iii) Have access to parking for staff, students, and visitors that enables the school to deliver the required statewide educational program;
 - (iv) Have separate areas for bus loading and unloading and student pickup and dropoff;
 - (v) Be accessible to emergency vehicles;
 - (vi) Have positive water drainage away from the building such that runoff does not undermine the structural integrity of the school buildings located on the site or create flooding, ponding or erosion resulting in a threat to health, safety or welfare; and
 - (vii) Have exterior lighting at entrance(s), parking area(s), bus loading and unloading area(s), and student pickup and dropoff area(s).

Section 5. Building Performance Standards. A building shall:

- (a) Have an FCI score between 0.0 and 0.65;
- (b) Have exterior finishes that repel wind, snow, ice, and water intrusion;
- (c) Have roofing with positive water drainage;
- (d) Be structurally sound. A school building shall be considered structurally sound and safe if the building presents no imminent danger or major visible signs of decay or distress;
- (e) Be deemed adequate if the building systems are capable of maintaining an acceptable level of room comfort as determined by the Classroom Temperature Psychometric Chart adopted by the Commission and effective on August 27, 2020; and
- (f) Utilize one (1) or more of the following energy efficiency features:
 - (i) Energy-efficient lighting;
 - (ii) Light level control;
 - (iii) Occupancy sensors;
 - (iv) Multiple pane windows; and
 - (v) HVAC setback control.

Section 6. Special Needs Students. School buildings and facilities shall be deemed adequate if the building or facility meets the special needs of students enrolled in the school as identified in their individualized education plans. If a special needs student enrolls in a district and the educational buildings and facilities that correspond to that student's needs are not adequate for the education and use of that student, the district shall notify the Department. The Department shall work with the Commission to develop a remedy to comply with the student's individualized education plan.

Section 7. Building and Facility Accessibility. The Department shall assess existing educational buildings and facilities with respect to accessibility and special needs requirements. The Department shall deem any building or facility that complies with local accessibility codes and is capable of complying with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Accessibility Guidelines as being adequate with respect to accessibility.

Section 8. Adequacy of Educational Space for Required Programs. Educational buildings shall provide adequate educational space. Educational space shall be deemed adequate if a district is able to provide the educational programs required by Wyoming Statute § 21-1-101. If a district is unable to provide the required programs because its educational space is inadequate, it shall immediately notify the Department and provide a detailed report explaining how the current space is not adequate for the delivery of the required educational programming. In the event the Department receives such a report, it shall make recommendations to the Commission evaluating the deficiency and suggesting remedies to alleviate the situation. The Department may satisfy its obligation under this section by utilizing the assessment of the adequacy of existing school buildings and facilities in developing its recommendation to the Commission.

(a) Instructional spaces shall be sufficient for the required educational programs. Temporary educational space shall not be considered in evaluating Subsections (b) through (e) of this Section.

(b) Elementary school buildings shall provide the following educational spaces:

(i) General classrooms.

(ii) Space for specific curriculum. Buildings shall have space adequate to deliver the required educational program for the following subjects at the elementary school level, whether in general classrooms or specialized spaces:

(A) Art;

(B) Music;

(C) Science; and

(D) Other parts of the required state educational program necessitating specialized instructional space.

(iii) Physical education spaces. Physical education space shall include:

- (A) A gymnasium or multipurpose space; and
- (B) A playfield and playground.

(c) Middle school and high school buildings shall provide the following types of educational spaces:

- (i) General classrooms;
- (ii) Science classrooms. Science classrooms shall:

(A) Have adequate lab space to deliver the required educational program;

(B) Have adequate infrastructure to support the equipment necessary to deliver the required educational program; and

(C) Be equipped with code required safety equipment.

(iii) Fine and performing arts spaces. Fine and performing art spaces shall include adequate space capable of being used to deliver the required Fine and Performing Arts Standards.

(iv) Career and technical education (CTE) space. Middle and high schools shall have adequate space to deliver the required CTE standards.

(d) Middle schools shall provide or have access to sufficient facilities capable of delivering the required physical education standards:

(i) A gymnasium with a basic scoreboard capable of tracking score, time, and period;

(ii) A playfield. Standard playfields are natural seed or sod with an automatic irrigation system. Districts may opt for alternative surfaces, such as turf, but alternative surfaces exceed these adequacy standards unless the Commission approves the use of an artificial surface based on a lifecycle cost analysis comparing the cost of maintaining turf and a natural seed or sod surface; and

(iii) Locker rooms are not mandatory, but, when present, may include the following items without exceeding these adequacy standards:

- (A) Lockers and benches;
- (B) Shower facilities; and
- (C) Restroom facilities.

(e) High schools shall provide or have access to sufficient facilities capable of delivering the required physical education standards:

(i) A gymnasium with a basic scoreboard capable of tracking score, time, and period;

(ii) A soccer or football field; and

(A) Standard soccer or football fields are natural seed or sod with an automatic irrigation system. Districts may opt for alternative surfaces, such as turf, but alternative surfaces exceed these adequacy standards unless the Commission approves the use of an artificial surface based on a lifecycle cost analysis comparing the cost of maintaining turf and a natural seed or sod surface;

(B) The field may have football goal posts and/or fixed soccer goals;

(C) A basic scoreboard capable of tracking score, time, and period; and

(D) Additional features such as bleachers, upgraded scoreboards, concession stands, and field houses are allowed but exceed these adequacy standards.

(iii) Track and field facilities;

(A) High schools designated 3A and 4A in track and field may have up to eight (8) lanes with running surface width of thirty feet (30');

(B) High schools designated 1A and 2A in track and field may have up to six (6) lanes with running surface width of twenty-three feet (23');

(C) Allowable surfaces include synthetic impermeable textured surfaces, dirt, cinder, or asphalt;

(D) One of the "D" areas of the track infield may have a surface matching the athletic track; and

(E) Facilities to conduct field events, are not mandatory, but, when present, may include the items listed in this subparagraph without exceeding these adequacy standards. To the extent a district opts to include field event facilities, those facilities should be located in an appropriate area on the available site, use appropriate surfaces for the intended use, and be constructed consistent with National High School Field Standards. Districts may build facilities in excess of those allowable under this subparagraph, however those facilities exceed these adequacy standards. The allowable facilities include one (1) of each of the following:

(I) Two-way long jump;

(II) Triple jump runway with a landing pit at each end;

(III) Shot put pad;

(IV) Discus pad with cage;

(V) Pole vault runway and/or vaulting box;

(VI) Landing area; and

(VII) High jump approach and landing area.

(iv) Locker rooms are not mandatory, but, when present, may include the following items without exceeding these adequacy standards:

(A) Lockers and benches;

(B) Shower facilities; and

(C) Restroom facilities.

(f) All school buildings shall provide or have access to infrastructure, fixtures, and storage necessary to deliver the required educational program. “Infrastructure” does not include furniture or other furnishings.

(i) Educational spaces shall have the infrastructure and fixtures necessary for the normal activities of the required educational programs offered in the room and appropriate storage for classroom materials or access to appropriate storage.

(ii) Administrative, educational support, and facility support spaces in educational buildings shall have the minimum infrastructure and fixtures required for the necessary functions performed within. The following spaces, if present, should have the minimum infrastructure and fixtures needed to perform their necessary functions:

(A) Administrative offices;

(B) Student health, counseling and educational support space for the delivery of student health, counseling, and testing programs. The student health or nurse’s suite may have space to isolate sick students. It shall include secure storage for records, medications, and supplies, and a working communications system. The student health or nurse’s suite shall have a connected accessible restroom;

(C) Faculty workspace or teachers’ lounge, which may have more than one function, and may include a break area with a kitchenette;

(D) Network distribution space, which shall be accessible, securable, well-ventilated, temperature-controlled to accommodate routers, switches, servers and other devices to support school technology operational needs;

(E) Technology support space(s), which shall be sufficient to store and/or service user devices;

(F) Library, media, and research center, which shall have internet connectivity and fixtures, equipment, technology, and other resources necessary to provide the statewide educational program;

(G) Maintenance or janitorial space, which may include janitorial sinks;

(H) Assembly space, circulation space, and entry vestibules; and

(I) Enough space, equipment, and storage necessary to provide regular meals to students during the school day.

(g) School buildings shall have plumbing fixtures in the minimum number as shown below in the chart adapted from the 2018 International Building Code.

Water Closets		Lavatories	
Male	Female	Male	Female
1 per 50		1 per 50	

(h) Alternate delivery methods. Notwithstanding Section 7(b)-(g) of this chapter, if a school district chooses to use an alternate delivery method for instruction, any space used for the alternate method shall be considered adequate so long as the district can deliver the required state educational program.

(i) For schools that intend to organize and operate more than one of the preceding school types on a single site or within a single building, each portion of the school shall meet the minimum standards for the grade levels served.

(j) Rural schools. Notwithstanding Section 7(b)-(f) of this chapter, rural schools are not required to have any of the spaces identified above provided that they have sufficient general classrooms.

Section 9. Capacity and Square Footage Requirements.

(a) The following methodologies are incorporated by reference in these Commission rules:

(i) Enrollment Projection Methodology adopted by the Commission and effective on August 27, 2020;

(ii) Capacity Calculation Methodology, adopted by the Commission and effective on August 27, 2020;

(iii) Maximum Allowable Educational Building Square Footage Methodology, adopted by the Commission and effective on August 27, 2020; and

(b) A district-initiated project or element exceeds these adequacy standards if:

(i) It results in square footage in excess of the amount calculated under paragraphs (a)(iii), (iv), or (v) of this section;

(ii) It increases the capacity of a building or facility which had a pre-project capacity score of less than one hundred percent (100%) as calculated under paragraph (a)(ii) of this section; or

(iii) The project results in a ratio of district non-educational to educational square footage, as calculated in W.S. § 21-15-109(c)(vii)(A), that exceeds twenty-one to seventy-nine (21:79).

Section 10. Technological Capacity Criteria. Any school building or facility capable of being utilized to provide the required educational program under the state education technology plan is deemed adequate. An educational building or facility shall have technology infrastructure to support all aspects of the educational, operational, and administrative processes, with access to internet connectivity and telecommunications services.

Section 11. Adequacy Standards for Alternative Schools.

(a) Net educational space, at minimum, shall equal sixty-seven (67) sq. ft. per student. Because of the diversity of teaching strategies and the selective use of instructional areas, no designated type or size of space usage shall be mandatory, however the district must have access to sufficient space to deliver the required educational program.

(b) For alternative schools on an independent site, the educational facilities shall comply with the following provisions in this Chapter: §§ 3; 4(c)(iii), (iv), (vi), (vii); 5; 6; 7; and 10.

Section 12. Site Security. Security features included in the Facility Design Guidelines do not exceed these adequacy standards. School buildings shall have:

- (a) The following locking systems and hardware:
 - (i) Locks on the inside of classroom doors;
 - (ii) Exterior door locks; and
 - (iii) Door keying systems;
- (b) The following access control features:
 - (i) A single point of entry for visitors;
 - (ii) A secured vestibule;
 - (iii) Main entry control systems; and
 - (iv) A visitor management system;
- (c) The following communications systems:
 - (i) Two-way communication; and

- (ii) Mass notification systems;
- (d) The following site and perimeter features:
 - (i) Site landscaping;
 - (ii) Site vehicle barricades;
 - (iii) A secure site perimeter to protect students from hazards and to discourage unauthorized access to the campus;
 - (iv) Clearly marked loading, unloading, drop-off zones, and fire zones;
 - (v) Security signage; and
 - (vi) Site lighting;
- (e) Video surveillance at the following locations, with recording capability in place:
 - (i) Main entry and other building entrances, with both front and back views of approach; and
 - (ii) Key exterior and interior areas, including but not limited to:
 - (A) The area outside restrooms, locker rooms, counseling offices, and administrative offices,
 - (B) Bus drop-off and pick up areas;
 - (C) Stairwells;
 - (D) Main hallways;
 - (E) Cafeteria;
 - (F) The entrance to gymnasium and athletic fields;
 - (G) Parking lots; and
 - (H) Library;
- (f) The following egress and refuge features:
 - (i) Classroom doors constructed of durable material; and
 - (ii) The ability to lockdown the following areas:
 - (A) All classrooms;

- (B) Main entrances;
- (C) Library; and
- (D) Gymnasium.

Section 13. Nonstudent-related buildings and facilities. All nonstudent-related buildings and facilities shall comply with the following provisions in this Chapter: §§ 3, 4(c)(v) and (vi), 5, 7, and 10, as applicable. Any building or facility other than a student-related or nonstudent-related building or facility exceeds these adequacy standards.

Section 14. Definitions. As used in this chapter:

(a) “Adequate” means a building, room, or other educational space is both sufficient and appropriate, as those terms are defined in this section.

(b) “Appropriate” means a building, room, or other educational space that has the necessary infrastructure, storage, fixtures, and critical adjacencies to be compatible with the delivery of the required educational program.

(c) “Critical adjacency” refers to an educational, administrative, educational support, or facility support space within an educational building that must be located near another space in order to be functional as intended.

(d) “Elementary school” means any school with a grade configuration of kindergarten through fifth or sixth grade. A sixth-grade class that is part of an elementary school shall be treated as an elementary grade for purposes of these rules, unless the grade configuration of the school is kindergarten through seventh grade or higher, in which case the standards applicable to the higher-grade level control.

(e) “High school” means any school with a grade configuration of ninth or tenth grade through twelfth grade.

(f) “Middle school” means any school with any grade configuration of the sixth through ninth grades that includes both seventh and eighth grade, and is inclusive of schools denoted as “junior high schools” by districts. A sixth-grade class that is part of a middle school shall be treated as a middle school grade for purposes of these rules.

(g) “Nonstudent-related buildings and facilities” means any building or facility that is either an “office building” or a “warehouse building,” as those terms are defined in W.S. 21-15-109(a)(iv) and (a)(viii).

(h) “Rural school” means a school located outside the main metropolitan area in which the district is located and from which the district does not bus students into the metropolitan area.

(i) “Sufficient” means that a building, room, or other educational space is of such a size that it has enough space to enable delivery of the required educational program.

Chapter 3

Uniform Adequacy Standards

Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules.

Section 1. Authority.— This Chapter is promulgated pursuant to Wyoming Statutes 21-15-114(a)(xv), (ix) and 21-15-115(a).

Section 2. ~~Uniform Statewide Adequacy Standards.~~ Applicability. This Chapter applies to all buildings and facilities subject to the Commission's rules and regulations. ~~The Commission adopts the following uniform Wyoming statewide adequacy standards establish uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by reference. Recognizing that many Wyoming law for the public schools were constructed prior.~~

Section 3. Safety of the Educational Environment. School buildings shall be in compliance with federal, state and local building and fire codes and laws that are applicable to the particular building. Code compliance includes the completion of system improvements or site improvements that are mandated in writing by an authority having jurisdiction for the continued use of a school building or facility. School buildings shall comply with all lawful environmental regulations promulgated by the Wyoming Department of Environmental Quality, the Wyoming Environmental Quality Council, the federal Environmental Protection Agency, and any other governmental entity with jurisdiction over the building. An existing school building may be deemed adequate with respect to this provision if it complies with the International Existing Building Code.

Section 4. Building Site Requirements.

(a) Size requirements. For schools that intend to organize and operate more than one of the following school types on a single site, the higher of the site sizes serves as the applicable requirement. Sites larger than those in the following requirements are permissible but exceed these adequacy standards. If an alternative school shares a site with another school, the alternative school students shall contribute toward the site size calculation for the combined school site.

(i) For elementary schools, an adequate site size is up to four (4) acres, plus an additional acre for each one hundred (100) students.

(ii) For middle schools, an adequate site size is up to ten (10) acres, plus an additional acre for each one hundred (100) students.

(iii) For senior high schools, an adequate site size is up to twenty (20) acres, plus an additional acre for each one hundred (100) students.

(b) Many schools pre-date the Commission's authority to promulgate adequacy standards. Existing school sites smaller than the minimum size sites in subsection (a) of this section that pre-date the original adoption of these standards, and that are deemed adequate unless the Commission determines otherwise.

(c) Sites shall:

- (i) Have play areas that are relatively flat and level;
- (ii) Have a playground(s) for grades K-6 accessible to students;
- (iii) Have access to parking for staff, students, and visitors that enables the school to deliver the required statewide educational program;
- (iv) Have separate areas for bus loading and unloading and student pickup and dropoff;
- (v) Be accessible to emergency vehicles;
- (vi) Have positive water drainage away from the building such that runoff does not undermine the structural integrity of the school buildings located on the site or create flooding, ponding or erosion resulting in a threat to health, safety or welfare; and
- (vii) Have exterior lighting at entrance(s), parking area(s), bus loading and unloading area(s), and student pickup and dropoff area(s).

Section 5. Building Performance Standards. A building shall:

- (a) Have an FCI score between 0.0 and 0.65;
- (b) Have exterior finishes that repel wind, snow, ice, and water intrusion;
- (c) Have roofing with positive water drainage;
- (d) Be structurally sound. A school building shall be considered structurally sound and safe if the building presents no imminent danger or major visible signs of decay or distress;
- (e) Be deemed adequate if the building systems are capable of maintaining an acceptable level of room comfort as determined by the Classroom Temperature Psychometric Chart adopted by the Commission and effective on August 27, 2020; and
- (f) Utilize one (1) or more of the following energy efficiency features:
 - (i) Energy-efficient lighting;
 - (ii) Light level control;
 - (iii) Occupancy sensors;

(iv) Multiple pane windows; and

(v) HVAC setback control.

Section 6. Special Needs Students. School buildings and facilities shall be deemed adequate if the building or facility meets the special needs of students enrolled in the school as identified in their individualized education plans. If a special needs student enrolls in a district and the educational buildings and facilities that correspond to that student's needs are not adequate for the education and use of that student, the district shall notify the Department. The Department shall work with the Commission to develop a remedy to comply with the student's individualized education plan.

Section 7. Building and Facility Accessibility. The Department shall assess existing educational buildings and facilities with respect to accessibility and special needs requirements. The Department shall deem any building or facility that complies with local accessibility codes and is capable of complying with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Accessibility Guidelines as being adequate with respect to accessibility.

Section 8. Adequacy of Educational Space for Required Programs.

Educational buildings shall provide adequate educational space. Educational space shall be deemed adequate if a district is able to provide the educational programs required by Wyoming Statute § 21-1-101. If a district is unable to provide the required programs because its educational space is inadequate, it shall immediately notify the Department and provide a detailed report explaining how the current space is not adequate for the delivery of the required educational programming. In the event the Department receives such a report, it shall make recommendations to the Commission evaluating the deficiency and suggesting remedies to alleviate the situation. The Department may satisfy its obligation under this section by utilizing the assessment of the adequacy of existing school buildings and facilities in developing its recommendation to the Commission.

(a) Instructional spaces shall be sufficient for the required educational programs. Temporary educational space shall not be considered in evaluating Subsections (b) through (e) of this Section.

(b) Elementary school buildings shall provide the following educational spaces:

(i) General classrooms.

(ii) Space for specific curriculum. Buildings shall have space adequate to deliver the required educational program for the following subjects at the elementary school level, whether in general classrooms or specialized spaces:

(A) Art;

(B) Music;

(C) Science; and

(D) Other parts of the required state educational program necessitating specialized instructional space.

(ii) Physical education spaces. Physical education space shall include:

(A) A gymnasium or multipurpose space; and

(B) A playfield and playground.

(c) Middle school and high school buildings shall provide the following types of educational spaces:

(i) General classrooms;

(ii) Science classrooms. Science classrooms shall:

(A) Have adequate lab space to deliver the required educational program;

(B) Have adequate infrastructure to support the equipment necessary to deliver the required educational program; and

(C) Be equipped with code required safety equipment.

(iii) Fine and performing arts spaces. Fine and performing art spaces shall include adequate space capable of being used to deliver the required Fine and Performing Arts Standards.

(iv) Career and technical education (CTE) space. Middle and high schools shall have adequate space to deliver the required CTE standards.

(d) Middle schools shall provide or have access to sufficient facilities capable of delivering the required physical education standards:

(i) A gymnasium with a basic scoreboard capable of tracking score, time, and period;

(ii) A playfield. Standard playfields are natural seed or sod with an automatic irrigation system. Districts may opt for alternative surfaces, such as turf, but alternative surfaces exceed these adequacy standards unless the Commission approves the use of an artificial surface based on a lifecycle cost analysis comparing the cost of maintaining turf and a natural seed or sod surface; and

(iii) Locker rooms are not mandatory, but, when present, may include the following items without exceeding these adequacy standards:

(A) Lockers and benches;

(B) Shower facilities; and

(C) Restroom facilities.

(e) High schools shall provide or have access to sufficient facilities capable of delivering the required physical education standards:

(i) A gymnasium with a basic scoreboard capable of tracking score, time, and period;

(ii) A soccer or football field; and

(A) Standard soccer or football fields are natural seed or sod with an automatic irrigation system. Districts may opt for alternative surfaces, such as turf, but alternative surfaces exceed these adequacy standards unless the Commission approves the use of an artificial surface based on a lifecycle cost analysis comparing the cost of maintaining turf and a natural seed or sod surface;

(B) The field may have football goal posts and/or fixed soccer goals;

(C) A basic scoreboard capable of tracking score, time, and period; and

(D) Additional features such as bleachers, upgraded scoreboards, concession stands, and field houses are allowed but exceed these adequacy standards.

(iii) Track and field facilities:

(A) High schools designated 3A and 4A in track and field may have up to eight (8) lanes with running surface width of thirty feet (30');

(B) High schools designated 1A and 2A in track and field may have up to six (6) lanes with running surface width of twenty-three feet (23');

(C) Allowable surfaces include synthetic impermeable textured surfaces, dirt, cinder, or asphalt;

(D) One of the "D" areas of the track infield may have a surface matching the athletic track; and

(E) Facilities to conduct field events, are not mandatory, but, when present, may include the items listed in this subparagraph without exceeding these adequacy standards. To the extent a district opts to include field event facilities, those facilities should be located in an appropriate area on the available site, use appropriate surfaces for the intended use, and be constructed consistent with National High School Field Standards. Districts may build facilities in excess of those allowable under this subparagraph, however those facilities exceed these adequacy standards. The allowable facilities include one (1) of each of the following:

(I) Two-way 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. jump;

€ _____ (II) Triple jump runway with a) — landing pit at each end;

_____ (III) Shot put pad;

_____ (IV) Discus pad with cage;

_____ (V) Pole vault runway and/or vaulting box;

_____ (VI) Landing area; and

_____ (VII) High jump approach and landing area.

_____ (iv) Locker rooms are not mandatory, but, when present, may include the following items without exceeding these adequacy standards:

_____ (A) Lockers and benches;

_____ (B) Shower facilities; and

_____ (C) Restroom facilities.

_____ (f) All school buildings shall provide or have access to infrastructure, fixtures, and storage necessary to deliver the required educational program. “Infrastructure” does not include furniture or other furnishings.

_____ (i) Educational spaces shall have the infrastructure and fixtures necessary for the normal activities of the required educational programs offered in the room and appropriate storage for classroom materials or access to appropriate storage.

_____ (ii) Administrative, educational support, and facility support spaces in educational buildings shall have the minimum infrastructure and fixtures required for the necessary functions performed within. The following ~~rules~~ spaces, if present, should have the minimum infrastructure and fixtures needed to perform their necessary functions:

_____ (A) Administrative offices;

_____ (B) Student health, counseling and educational support space for the delivery of student health, counseling, and testing programs. The student health or nurse’s suite may have space to isolate sick students. It shall include secure storage for records, medications, and supplies, and a working communications system. The student health or nurse’s suite shall have a connected accessible restroom;

_____ (C) Faculty workspace or teachers’ lounge, which may have more than one function, and may include a break area with a kitchenette;

(D) Network distribution space, which shall be accessible, securable, well-ventilated, temperature-controlled to accommodate routers, switches, servers and other devices to support school technology operational needs;

(E) Technology support space(s), which shall be sufficient to store and/or service user devices;

(F) Library, media, and research center, which shall have internet connectivity and fixtures, equipment, technology, and other resources necessary to provide the statewide educational program;

(G) Maintenance or janitorial space, which may include janitorial sinks;

(H) Assembly space, circulation space, and entry vestibules; and

(I) Enough space, equipment, and storage necessary to provide regular meals to students during the school day.

(g) School buildings shall have plumbing fixtures in the minimum number as shown below in the chart adapted from the 2018 International Building Code.

<u>Water Closets</u>		<u>Lavatories</u>	
<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
<u>1 per 50</u>		<u>1 per 50</u>	

(h) Alternate delivery methods. Notwithstanding Section 7(b)-(g) of this chapter, if a school district chooses to use an alternate delivery method for instruction, any space used for the alternate method shall be considered adequate so long as the district can deliver the required state educational program.

(i) For schools that intend to organize and operate more than one of the preceding school types on a single site or within a single building, each portion of the school shall meet the minimum standards for the grade levels served.

(j) Rural schools. Notwithstanding Section 7(b)-(f) of this chapter, rural schools are not required to have any of the spaces identified above provided that they have sufficient general classrooms.

Section 9. Capacity and Square Footage Requirements.

(a) The following methodologies are incorporated by reference in these Commission rules;:

Maximum Allowable Square Footage Allotment(i) Enrollment Projection Methodology; adopted by the Commission and effective on ~~October 20, 2016.~~ ____, 2020;

~~-(ii) Capacity Calculation Methodology, adopted by the Commission and effective on June 22, 2016, updated on October 20, 2016, and updated on September 20, 2018. __, 2020;~~

~~Furniture Fixtures and Equipment (FF&E) Budget and Funding (iii)~~
~~Maximum Allowable Educational Building Square Footage Methodology, adopted by the Commission and effective on June 22, 2017. __, 2020; and~~

~~Wyoming School Facilities Commission Design Standards for Outdoor Athletic Facilities, adopted by the Commission and effective on April 21, 2016.~~

~~Wyoming School Facilities Commission School Bus Maintenance and Parking Facility Design Guidelines, adopted by the Commission and effective on July 16, 2013.~~

~~Wyoming School Facilities Commission Design Guidelines, (iv) Maximum Allowable Office Building Square Foot Methodology adopted by the Commission and effective on __, 2020 .January 26, 2010.~~

~~(b) — The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rule.~~

~~(c) — The incorporation by reference does not include any later amendments or edition of the incorporated matter beyond the applicable dates identified in subsection (a) of this section.~~

~~(d) — The incorporated matter is maintained at the Department's office in Cheyenne and is available for public inspection and copying at cost at the same location or on the Commission's website.~~

~~(e) — Enrollment Projection Methodology. Student enrollment changes shall be analyzed as follows:~~

~~—— (i) — Identify present and potential grade configuration levels.~~

~~—— (ii) — Identify rural schools and in-town schools (busing for a particular grade configuration is not taking place from in-town to out-of-town and vice versa). In these instances, a rural school stands on its own for analysis, in-town schools stand on their own.~~

~~—— (A) — District in-town attendance boundaries are not accounted for individually, but as a whole.~~

~~—— (iii) — Kindergarten enrollment is based upon a simple linear forecast using ten (10) years of trailing data.~~

~~—— (iv) — Based on the survival rate from each grade (K through 11) to the next grade (1 through 12) using the ten (10) year trailing data average, calculate projected enrollment for each year by applying the prior year's enrollment in the previous grade.~~

~~_____ (v) The department in making recommendations to the commission for determining the most cost effective remedy may use the following:~~

~~_____ (A) Increasing Enrollment When the school district's past and projected enrollments show an increasing population trend, the enrollment shall be based on a five-year cohort survival calculation after substantial completion.~~

~~_____ (B) Stable Enrollment When the school district's past and projected enrollments show a stable population trend (when the pattern has multiple increases and decreases), the enrollment shall be based on the average of the cohort survival calculation for a period of five years starting from the anticipated date of occupancy.~~

~~_____ (C) Best Available Data In certain situations, other data (e.g. historical, economic or social) may be considered to most accurately predict population trends. In all cases, only data considered by the Commission as reliable should be used and documented upon which projected enrollment is calculated for all recommended remedies.~~

~~(f) Classroom and Other Spaces. The Uniform Adequacy Standards do not prescribe the size of the various spaces which may be included in the design of any particular school facility. The Maximum Allowable Square Footage Allotment Methodology provides an allowable square footage within which a facility is to be designed. The design process shall seek out the most efficient and effective manner of allocating classroom and other spaces within the allowable square footage to provide buildings and facilities necessary for delivering educational programs prescribed by law and the student capacity in the school as determined by the Capacity Calculation Methodology or as approved by the Commission.~~

~~Section 3. Enhancements and Adequacy Standards.~~

~~_____ (a) The following criteria and procedures are to identify local enhancements to school buildings and facilities which are in excess of state building adequacy standards and to determine whether and how any local enhancements should be incorporated into the statewide adequacy standards.~~

~~The Department shall maintain a record identifying all local enhancements.~~

~~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.~~

(b) A district-initiated project or element exceeds these adequacy standards if:

(i) It results in square footage in excess of the amount calculated under paragraphs (a)(iii), (iv), or (v) of this section;

(ii) It increases the capacity of a building or facility which had a pre-project capacity score of less than one hundred percent (100%) as calculated under paragraph (a)(ii) of this section; or

(iii) The project results in a ratio of district non-educational to educational square footage, as calculated in W.S. § 21-15-109(c)(vii)(A), that exceeds twenty-one to seventy-nine (21:79).

Section 10. Technological Capacity Criteria. Any school building or facility capable of being utilized to provide the required educational program under the state education technology plan is deemed adequate. An educational building or facility shall have technology infrastructure to support all aspects of the educational, operational, and administrative processes, with access to internet connectivity and telecommunications services.

Section 11. Adequacy Standards for Alternative Schools.

(a) Net educational space, at minimum, shall equal sixty-seven (67) sq. ft. per student. Because of the diversity of teaching strategies and the selective use of instructional areas, no designated type or size of space usage shall be mandatory, however the district must have access to sufficient space to deliver the required educational program.

(b) For alternative schools on an independent site, the educational facilities shall comply with the following provisions in this Chapter: §§ 3; 4(c)(iii), (iv), (vi), (vii); 5; 6; 7; and 10.

Section 12. Site Security. Security features included in the Facility Design Guidelines do not exceed these adequacy standards. School buildings shall have:

(a) The following locking systems and hardware:

(i) Locks on the inside of classroom doors;

(ii) Exterior door locks; and

(iii) Door keying systems;

(b) The following access control features:

(i) A single point of entry for visitors;

(ii) A secured vestibule;

(iii) Main entry control systems; and

(iv) A visitor management system;

(c) The following communications systems:

(i) Two-way communication; and

- (ii) Mass notification systems;
- (d) The following site and perimeter features:
 - (i) Site landscaping;
 - (ii) Site vehicle barricades;
 - (iii) A secure site perimeter to protect students from hazards and to discourage unauthorized access to the campus;
 - (iv) Clearly marked loading, unloading, drop-off zones, and fire zones;
 - (v) Security signage; and
 - (vi) Site lighting;
- (e) Video surveillance at the following locations, with recording capability in place:
 - (i) Main entry and other building entrances, with both front and back views of approach; and
 - (ii) Key exterior and interior areas, including but not limited to:
 - (A) The area outside restrooms, locker rooms, counseling offices, and administrative offices,
 - (B) Bus drop-off and pick up areas;
 - (C) Stairwells;
 - (D) Main hallways;
 - (E) Cafeteria;
 - (F) The entrance to gymnasium and athletic fields;
 - (G) Parking lots; and
 - (H) Library;
- (f) The following egress and refuge features:
 - (i) Classroom doors constructed of durable material; and
 - (ii) The ability to lockdown the following areas:
 - (A) All classrooms;

_____ (B) Main entrances;

_____ (C) Library; and

_____ (D) Gymnasium.

Section 13. Nonstudent-related buildings and facilities. All nonstudent-related buildings and facilities shall comply with the following provisions in this Chapter: §§ 3, 4(c)(v) and (vi), 5, 7, and 10, as applicable. Any building or facility other than a student-related or nonstudent-related building or facility exceeds these adequacy standards.

Section 14. Definitions. As used in this chapter: _____

(a) “Adequate” means a building, room, or other educational space is both sufficient and appropriate, as those terms are defined in this section.

(b) “Appropriate” means a building, room, or other educational space that has the necessary infrastructure, storage, fixtures, and critical adjacencies to be compatible with the delivery of the required educational program.

(c) “Critical adjacency” refers to an educational, administrative, educational support, or facility support space within an educational building that must be located near another space in order to be functional as intended.

(d) “Elementary school” means any school with a grade configuration of kindergarten through fifth or sixth grade. A sixth-grade class that is part of an elementary school shall be treated as an elementary grade for purposes of these rules, unless the grade configuration of the school is kindergarten through seventh grade or higher, in which case the standards applicable to the higher-grade level control.

(e) “High school” means any school with a grade configuration of ninth or tenth grade through twelfth grade.

(f) “Middle school” means any school with any grade configuration of the sixth through ninth grades that includes both seventh and eighth grade, and is inclusive of schools denoted as “junior high schools” by districts. A sixth-grade class that is part of a middle school shall be treated as a middle school grade for purposes of these rules.

(g) “Nonstudent-related buildings and facilities” means any building or facility that is either an “office building” or a “warehouse building,” as those terms are defined in W.S. 21-15-109(a)(iv) and (a)(viii).

(h) “Rural school” means a school located outside the main metropolitan area in which the district is located and from which the district does not bus students into the metropolitan area.

(i) “Sufficient” means that a building, room, or other educational space is of such a size that it has enough space to enable delivery of the required educational program.