



Wyoming Department of Education

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MEMORANDUM NO. 2008 - 081

TO: School District Superintendents

FROM: Fred Hansen, Director
Finance Unit *FH*

DATE: May 23, 2008

SUBJECT: Early Release of Graduating High School Seniors

INFORMATION TO SHARE

With the school year coming to a close across the state, we have received several questions from districts regarding the early release of graduating high school seniors. Attached is a policy document on early release that the Department has followed since 2003. It is our understanding that the Department of Audit also uses these guidelines in reviewing ADM reporting by the districts.

If you have any questions about the guidelines on ADM reporting for early release of seniors, please do not hesitate to contact me at 307-777-7804.

Attachment

Early Release of Graduating High School Seniors

Question

How should Average Daily Membership (ADM) be counted for graduating seniors released from school prior to the official end of the school year?

Background

A school district has raised the question of how to count ADM for graduating high school seniors released prior to the official end of the school year. Most school districts have long held the practice of releasing graduating high school seniors earlier than other students. This usually involves a release prior to completion of the full 175 days of pupil-teacher contact time as required in the statutes.

Should the early release days not count toward the ADM for those students, districts could potentially lose a significant amount of funding. Assume for purposes of example that there are 6,500 graduating seniors statewide. The average funding per ADM for the 2002-2003 school year was \$7,506, before any 100% reimbursements. If districts statewide lost 5 ADM days, the estimated reduction in funding would be approximately \$1.4 million.

$$6,500 \text{ seniors} \times \$7,506/175 \text{ days} \times 5 \text{ days} = \$1,393,971$$

The question appears to center on the conditions under which the districts can count the early-release seniors in the ADM. The definitions of ADM, the language in Chapter 8 of the WDE rules, and other statutory language may impact the question.

Statutory and Rule Language

W.S. 21-13-101(a)(i) defines ADM as follows:

“Average daily membership “ or “ADM” means the aggregate number of pupils present plus the aggregate number of pupils absent, divided by the actual number of days the school is in session for the year. Pupils who have withdrawn from school or who have been absent for more than ten (10) consecutive days shall not be counted as members;

W.S. 21-4-301 requires districts to operate schools for a minimum of 175 days each year.

“.... Each school district shall operate its schools and its classes for a minimum of one hundred seventy-five (175) days each school year unless an alternative schedule has been approved by the state board....”

In *Johnson v. Board of Trustees*, 661.P.2d 1045 (Wyo. 1983), the court affirmed that the legislature intended that students be at school on 175 separate days during the school year.

Chapter 8 of the WDE rules also address the ADM in several areas. Section 3, Definitions, defines the term "Membership" as follows:

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

Section 9(b) of the Chapter 8 rules also addresses ADM by identifying exclusions, as follows:

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

- (i) Withdraw from school;
- (ii) Are absent more than ten (10) consecutive school calendar days;
- (iii) Transfer from one school to another within a district (the sending school shall cease to include the transferred student in its membership);
- (iv) Move out to the area, or are otherwise no longer receiving appropriate district instructional service

The definitions in statutes and rules, and the exclusions in Section 9 of the rules both seem to have bearing.

In W.S. 21-13-101(a)(i), the language of the statutory definition of ADM clearly allows for the counting of students who are absent. However, it also goes on to exclude students who are absent for more than ten (10) consecutive days. In the case of the early release seniors, these students are not attending class, and are clearly absent. The statute offers no mitigation based on the reason for the absence or if the absence is excused or unexcused. If that early release absence is more than ten (10) consecutive days, the district must cease including those seniors in their ADM.

The definition of Membership in the Chapter 8 rules also allows for inclusion of students who are absent from school. However, the definition does not mention the ten (10) day rule.

The exclusion language of Section 9(b) of the Chapter 8 rules indicates the district cannot count students for whom the district is "no longer actively or prospectively providing appropriate instructional services." That same section also provides examples of four possible exclusions.

Regarding the question of actively or prospectively providing appropriate services, some districts have made the argument that instructional services are available to seniors, if the seniors choose to attend. This argument is weak for classes with only seniors enrolled. I suspect teaching staff would not be in those seniors-only classes unless there was an expectation that the seniors would be attending. However, the argument could hold for classes with enrollments of seniors and other students. Even though graduating seniors enrolled in those classes would be excused, the other students would be expected to attend. The district would still have instructional services available to the seniors, even though they are absent.

This leaves the question of appropriate instructional services. To graduate, seniors must have completed all instructional requirements of the district. Appropriate instructional services have already been provided to the seniors, allowing them to meet the graduation requirements.

Section 9 (b) of the Chapter 8 Rules goes on to provide a series of examples of exclusions. The first example is withdrawal from school. In the case of early-release seniors, the students have not withdrawn from school, but have completed educational requirements as specified by the district.

The second example addresses the ten (10) day rule. As indicated earlier, this may apply if the students are absent for more than ten (10) consecutive days.

The third example is that of intra-district transfer. This would not apply to graduating seniors.

The final example covers students who have moved out of the area or are no longer receiving appropriate district instructional services. The first part of the example - moved out of the area - was originally meant to address situations where a district knew a family moved out of the area permanently but continued to claim ADM under the ten (10) day rule. Graduating seniors would not fall into this category.

The second part of the last example speaks to students who are no longer receiving appropriate instructional services. Graduating seniors have typically completed all instructional requirements of the district, and already received all appropriate instructional services.

Conclusions

The statutory definition of ADM allows for counting students who are absent until the ten day period is reached. No mention is made in the definition of the reason for the absence, only that ADM can continue during a ten-day absence. From a reading of the statutory definition and the court case cited above, it appears the early-release graduating seniors are absent.

As to the issue of providing appropriate services, the graduating seniors have met all graduation requirements of the district, and have received all appropriate instructional services.

Early-release graduating seniors can continue to be counted in district ADM until they reach the limit of the ten-day rule. Once that limit is reached, they must be dropped from the ADM counts.