



Wyoming Department of Education

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MEMORANDUM 2008 - 096

TO: School District Superintendents

FROM: Mary Kay Hill
Administration Unit Director 

DATE: July 18, 2008

SUBJECT: Chapter 33, Rules on Wyoming Bridges Summer School, Enrichment, and Extended Day Grant Program

PLEASE READ AND RESPOND AS NECESSARY

Please find enclosed Notice of Intent to Adopt Rules for Chapter 33 Rules on Wyoming Bridges Summer School, Enrichment, and Extended Day Grant Program. The public comment period runs from July 11, 2008 through August 24, 2008.

If you have any questions or need further information, please contact Jennifer Duncan at (307) 777-6213.

Thank you.

JD: jd

Enclosures

Wyoming Department of Education
Wyoming Bridges Summer School and Extended Day Grant Program

CHAPTER 33

Section 1. Authority.

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

Section 2. Applicability.

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

Section 3. Promulgation, Amendment or Repeal of Rules.

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

Section 4. Definitions.

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

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

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

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

(e) “Individual Learning Plan for Summer School or Extended Day” means the plan developed for each student receiving summer school or extended

day supplemental instruction through this grant and identifies the specific area(s) of proficiency needed to be improved in order to meet statewide content and performance standards or to recover credits for graduation. The plan shall focus on a limited number of specific goals that can reasonably be met within the specified time of the program and can be measured in accordance with prescribed guidelines. A clear, concise action plan on how instruction will be delivered should be included.

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

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

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

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

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

(j) “Remediation” means the provision of alternative additional instruction to students who have not met a minimum acceptable standard of achievement or required core content and skills. Remedial instruction is to be tailored to the individual needs of each student with the goal of mastering identified deficiencies to improve the knowledge, competency, and skill of the student. Remedial instruction focuses on areas specifically targeted for each student, incorporating various and multiple effective educational strategies, and is:

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

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

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

Section 5. General Programmatic Requirements of the Grant.

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

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

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

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

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

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

Section 6. Application Requirements.

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

(b) The Department shall notify districts of eligibility and the amount of funds for which they qualify no later than 15 days after the date set by the Department for submission of grant applications.

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

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

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

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

Section 7. Summer School and Extended Day Program Requirements.

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

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

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

(iii) Remedial instruction shall be tailored to the individual needs of each student with the goal of mastering identified deficiencies to improve the knowledge, competency, and skill of the student. Remedial instruction focuses on

areas specifically targeted for each student, incorporating various and multiple effective education strategies and is diagnostic, prescriptive, and intensive.

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

(v) Individual student learning plans must be developed, implemented, and evaluated for each student;

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

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

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

(ix) Students utilizing computer-based educational learning programs which supplement classroom instruction must do so in an environment supervised and attended by a person with at least the minimum credentials of an instructional paraprofessional as defined in these rules;

(b) Summer school programs must additionally assure:

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

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

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

(c) Extended day programs must additionally assure:

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

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

Section 8. **Allowable Funding.**

(a) Grant amounts available under this program are for one (1) year only and shall be determined for applicant districts every year utilizing each individual district's average teacher compensation as computed by the education resource block grant model as of April 15 prior to the issuance of award letters to districts May 1. Grant amounts to each district operating a comprehensive K-12 summer program will be based upon the larger of the following amounts:

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

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

(b) The Department shall modify a district's full-time equivalent (FTE) teacher position calculation to reflect a district's actual summer program offering when that program is made available to only elementary or only secondary students. The modified grant shall be calculated to proportionately reflect the grades offered, based on the district's proxy count, and shall not be less than twenty-five percent (25%) of one (1) full time equivalent (FTE) teacher position.

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

Section 9. Allocation of Funds.

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

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

(i) Reimbursement to each district shall be equal to grant funds actually expended by the district for programs approved by the Department under this authority, subject to maximum allowable grant amounts computed.

NOTICE OF INTENT TO ADOPT RULES

1. Agency: Wyoming Department of Education
Address: Hathaway Bldg., 2nd Fl., 2300 Capitol Ave., Cheyenne, Wyoming 82002-0050
Agency Contact Person for these Rules: Laurel Ballard
Work Phone: 307-777-7016

2. Statement of the terms and substance of the proposed rule or a description of the subjects and issues involved: The Wyoming Department of Education is required by W.S. § 21-13-334 to promulgate rules and regulations to implement the Wyoming Bridges Summer School and Extended Day Grant Program. The Department requests promulgation of these rules in order that rules reflect the material and significant statutory changes made to the grant program by the 60th Legislature. The amended statutes modify the basis upon which grants to districts are calculated, moving from a percentage of student enrollment to a percentage of a district's at-risk student count. Additionally, funding for independent enrichment programs was removed from the grant, reiterating the target group of students to those who are academically at-risk. The proposed rules are requested to reflect these statutory changes.

3. Citation to each agency rule being **amended** or repealed: Chapter 33, Wyoming Bridges Summer School, Enrichment, and Extended Day Grant Program

4. If the proposed rules amend existing rules, a copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at: Copies of the proposed rules can be obtained at the Wyoming Department of Education, c/o Jennifer Duncan, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050.

5. Statement of the time when, the place where, and the manner in which interested persons may present their views on the intended action: Please submit comments to Laurel Ballard, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050. The public comment period for these rules runs from July 11, 2008 through August 24, 2008.

6. A public hearing will be held if requested by 25 persons, a governmental subdivision or by an association having not less than 25 members. Requests for a public hearing may be addressed to: Laurel Ballard, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050.

7. Yes No A public hearing on the proposed rules has been scheduled. If Yes: Date, time and place of scheduled hearing: _____

8. Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response under this item must be made prior to, or within (thirty) 30 days after adoption of the rule, addressed to: Laurel Ballard, Hathaway Building, 2nd Floor, 2300 Capitol Avenue, Cheyenne, Wyoming 82002-0050.

9. Yes No These are New Rules (i.e., these are the first set of rules to be promulgated by the agency after the Legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct

response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules or the repeal or amendment of an existing rule.)

If Yes: Citation to the specific legislation resulting in promulgation of these rules:
2007 Wyoming Session Laws, Chapter 147, Section 2 (Enrolled Act 86) and 2006 Wyoming Session Laws, Chapter 37, Section 3 (Enrolled Act 23).

10. Yes No These rules are adopted, amended or repealed to comply with federal law or regulatory requirements.

If Yes:

(a) Citation to applicable federal law or regulation:

(b) Indicate one:

The proposed rules meet but do not exceed minimum federal requirements;

or

The proposed rules exceed minimum federal requirements;

(c) Any person wishing to object to the accuracy of any information provided by the agency under this Item 10 should submit their objections prior to final adoption to: _____

If timely objections are submitted the agency will provide the objecting person with a written response explaining and substantiating the agency's position by reference to federal law or regulations.

11. Indicate one: (Required by W.S. 16-3-103(a)(i)(G))

The proposed rule change meets minimum substantive state statutory requirements.

The proposed rule change exceeds the minimum substantive state statutory requirements.

If the rule change exceeds the minimum substantive state statutory requirements, the agency shall include a statement explaining the reason the rule exceeds minimum substantive statutory requirements.