

CREATING  
OPPORTUNITIES  
FOR STUDENTS TO  
KEEP WYOMING  
STRONG

## MEMORANDUM NO. 2019-049

**TO:** Superintendents  
School Principals

**FROM:** Kari Eakins, Chief Policy Officer

**DATE:** March 23, 2019

**SUBJECT:** Important Information on Education Legislation



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## IMPORTANT INFORMATION ON EDUCATION LEGISLATION

The Wyoming Department of Education (WDE) will begin implementing statutory changes from the 2019 legislative session across its programs, and will provide guidance and transition plans for the 2019-20 school year. The most relevant changes are discussed below. The WDE will continue to provide updates as it works with various stakeholder groups on implementation.

### **Education Accountability ([HEA 0043](#))**

As part of the already existing Wyoming Accountability in Education Act (WAEA), the 2019 legislation includes narrower parameters for schools wishing to contest their annual school performance rating under WAEA. Specifically, schools may seek an informal review when a) they believe the WDE incorrectly applied the accountability model to the school score or b) they can show good cause that prevented them from administering the state assessments.

This legislation also compels the State Board of Education (SBE) to continue using a professional judgement panel to establish cut scores for the model whenever there is a significant change to the system, such as a new assessment.

Education rules for WAEA will be promulgated by July 1, 2020.

### **Teacher Accountability ([HEA 0061](#))**

House Enrolled Act 0061 made significant changes to the requirements associated with teacher evaluation systems.

The SBE will be required to promulgate rules and regulations focused on the submission and approval of comprehensive district teacher evaluation systems. The SBE is also required to provide general criteria for school district teacher performance evaluation systems.

W.S. 21-3-110(b) was repealed removing the requirement of districts to report to their board all of the teachers and leaders who are identified as ineffective along with summary of mentoring and other professional development activities made available to those teachers and leaders.

### **Virtual Education ([HEA 0005](#) and [HEA 0118](#))**

House Enrolled Act 0005 amends W.S. 21-2-202(a)(xxxi)(A) and W.S. 21-13-330(g) to allow more flexibility to school districts when providing virtual education opportunities for students. The first amendment allows districts to utilize postsecondary faculty to instruct virtual education courses when a Wyoming certified teacher isn't available. The second amendment allows for an agreement between districts so the resident district can maintain enrollment even if the student is participating in a virtual education program for more than 50 percent of their classes.

House Enrolled Act 0118 excludes school districts from virtual education program requirements when they enter an agreement for a classroom teacher to remotely instruct students of the other district. The teachers in these instances must be employed by the district offering the course and they must teach the class(es) in person at their district, as well as through remote learning to the students located in the other district. The new legislation, W.S. 21-13-330(m), provides specific guidelines and requirements for remote learning agreements and school district responsibilities.

### **National Board Certified Teachers ([HEA 0120](#))**

House Enrolled Act 0120 updated the National Board Certified Teacher (NBCT) program statute to match the way the program has been administered in accordance with Session Laws. In addition to the clean up language of the prior statute, the legislature made two additional changes. The first is to include NBCT speech-language pathologists to the definition of teacher in order for them to be eligible for the stipend. The second change was to add a cap of 15 years for any teacher certified on or after January 1, 2021 to receive the \$4,000 stipend. Anyone certified before that date will not have the 15-year cap and will continue to receive the \$4,000 stipend as long as they meet the criteria in the statute.

### **Hathaway Scholarship Program ([HEA 0039](#) and [SEA 0020](#))**

House Enrolled Act 0039 creates the Hathaway Expand Wyoming Scholarship Program, which will be funded through private donations. Once the balance of the newly-created account reaches \$10,000,000, scholarships may be awarded to up to two students per year from each of Wyoming's six contiguous states. The language of this bill limits active scholarships to no more than 24 at a time.

Senate Enrolled Act 0020 provides more flexibility for students in meeting the Hathaway Success Curriculum requirements. The mandate that two of the four required electives include two sequenced years of a foreign language at the Honors and Performance levels has been rescinded. Instead, students may choose to take two sequenced years of foreign language or career/technical education or fine/performing arts followed by two years of additional electives. Additionally, students earning a

Provisional Opportunity scholarship may qualify by passing a career-technical aptitude assessment, including but not limited to the WorkKeys.

For 2019 and 2020 high school graduates, students can take either the current Success Curriculum or the new amended curriculum. The new Success Curriculum will take full effect in the 2021 school year.

The Chapter 38 Education rules will be updated to reflect these changes.

### **K-3 Reading Assessment & Intervention ([HEA 0098](#))**

House Enrolled Act 0098 amended W.S. 21-3-401 to modify requirements for school districts in the development and implementation of an intervention program designed to remediate reading difficulties for students in kindergarten through third grade. School districts are required to develop a multi-tiered reading program that includes a screening tool, evidence-based interventions, and progress monitoring that aligns to uniform content and performance standards.

House Enrolled Act 0098 granted more flexibility to school districts in their selection of screeners, progress monitoring tools and assessments. It also changed some of the reporting requirements of districts. Each school/district not meeting the established 85 percent reading proficiency goal is required to annually report to WDE on the progress of each of their schools toward achieving reading proficiency of all students reading at grade level upon completion of the second grade.

The annual report will include the district's overall general strategy for increasing reading proficiency, the number of students identified by screening instruments as having signs of dyslexia or other reading difficulties, the evidence-based interventions being utilized, the evidence-based intervention being implemented, the specific training in those programs that reading teachers have received, the student-teacher ratio, the use of certified tutors, and the use of instructional facilitators and paraprofessional who have been trained in the delivery of the evidence-based instruction and intervention selected by the school district.

In addition, the WDE will collect kindergarten through second grade data from assessments selected and performed by each district which measures specific skills that are predictive of third grade reading proficiency: Phonological awareness, Phonics, Decoding and nonwords, Oral reading fluency, and Reading comprehension.

### **Modernizing and Balancing Wyoming's School Funding Streams ([HEA 0125](#))**

While House Enrolled Act 0125 amended how mineral royalties are deposited to various state accounts, the primary change of this legislation for the WDE is the change to student transportation.

This law resumes the purchase or lease of school buses by the most cost-effective method and requires districts first utilize any funds that might be available through the Diesel Emissions Reduction Act (DERA) or other similar program. The reimbursement of these student transportation vehicle purchases goes back to a five-year reimbursement schedule through the funding model, dependent on actual expenditures. The cap on transportation operations and maintenance was removed allowing districts to be 100 percent reimbursed for eligible expenses the following year. The

provisions of HEA 0125 will be implemented on July 1, 2019. The WDE plans to issue revised rules for both Chapters 2 (Rules for Minimum Standards for Wyoming Student Transportation Vehicles) and 20 (Rules for the Student Transportation Component within the Education Resource Block Grant Model) in order to implement new procurement guidelines and update existing replacement schedules for student transportation vehicles.

All initial references to lifting the special education funding cap were removed late in the session during committee work. Therefore, the special education cap on expenditures remains in effect based on what districts spent in fiscal year 2017-18. The \$2 million extra appropriation for out-of-district placements still exists for fiscal years 2019-20 and 2020-21. One-half of the appropriation, or \$1 million dollars each year, will be available to those districts with an increase in both total special education expenditures and out-of-district placements on a proportionate basis. The WDE will issue rules regarding the extra appropriation soon.

### **General Government Appropriations ([HEA 0051](#))**

Section 205 from House Enrolled Act 0051 includes funding for an external cost adjustment to the education resource block grant model (model) for the school year 2019-20. The category components of the model along with the respective increases are as follows: professional labor at 1.415 percent, non-professional labor at 1.536 percent, education materials at 3.335 percent, and energy at 10.823 percent.

Section 339 appropriates \$250,000 to the WDE for grants available to school districts or other nonprofit service providers during school year 2019-2020 to facilitate community early childhood collaboratives promoting high standards for early learning opportunities and maximizing use of resources. Grants awarded require matching funds in a ratio of four matching dollars to every one dollar of grant funding.

The Legislature modified appropriations related to K-12 capital construction for the FY 2019-2020 biennium by appropriating an additional \$33,181,175, effective immediately. The Legislature appropriated \$26,805,732 for two capital construction related projects, \$4,950,000 for safety and security projects, \$1,000,000 for FY20 major maintenance payments, and \$439,751 for charter school leases. In addition, remaining funds of approximately \$6,152,811 in school safety funding from the 2014 and 2015 sessions were reappropriated for school safety and security projects. The Legislature also added a reporting requirement applicable to all school districts that relates to the funding of school buildings and facilities for the period beginning July 1, 1997 through June 30, 2019.

Additionally, section 344 authorizes the Wyoming Department of Health (WDH), with the help of the governor, to work with the United States Department of Health to modify the state's Medicaid plan. The modification should allow school based services, provided to eligible students through an individualized education plan for speech and language therapy, physical therapy, nursing, occupational therapy, mental health interventions and services provided by a school psychologist, to be billed from the state Medicaid plan as of the 2020-21 school year.

**Passing Stopped School Bus - Recorded Images ([SEA 0042](#))**

Senate Enrolled Act 0042 amends W.S. 31-5-507 to allow images produced by school bus video systems to be used as prima facie evidence in judicial or administrative proceedings to adjudicate liability for passing a school bus that has stopped and whose alternating red lights are active. If the identity of the driver of a vehicle that violates this law is unknown, the registered owner of the vehicle can be fined for the violation.

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