



Notice of Intent to Adopt Rules

1. General Information

a. Agency/Board Name See attached list for references

Wyoming Department of Education

b. Agency/Board Address

2300 Capitol Ave. Hathaway Bldg. 2nd Floor

c. Agency/Board City

Cheyenne

d. Agency/Board Zip Code

82002

e. Name of Contact Person

Elaine Marcos

f. Contact Telephone Number

307-777-6210

g. Contact Email Address

elaine.marcos@wyo.gov

h. Date of Public Notice:

January 15, 2013

i. Comment Period Ends:

March 11, 2013

j. Program(s) See attached list for references

General Agency, Board or Commission Rules

2. Rule Type and Information

a. Choose all that apply: New Rules* Amended Rules Repealed Rules

*"New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.

If "New," provide the Enrolled Act number and year enacted:

b. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed (if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)

Chapter Number: 18	Short Title: Private School Licensing for Students in Non-Religious K-12 Schools
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Chapter Number:	Short Title:
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Chapter Number:	Short Title:
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Chapter Number:	Short Title:
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Chapter Number:	Short Title:
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c. The Statement of Reasons is attached to this certification.

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:

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

At the following URL: http://www.sde.wyoming.gov/Programs/schools/private_school_licensing/chapter_18_rules.aspx

* If item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

If "Yes"	Date:	Time:	City:	Location:

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

- By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: https://www.edu.wyoming.gov/Programs/schools/private_school_funding/chapter-16-rules.aspx#commentform

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

Requests for a public hearing may be submitted:

- To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL:

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

4. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. Yes No

If "Yes"	Applicable Federal Law or Regulation Citation: Section 9501 - Participation by Private School Children and Teachers of the ESEA as amended by NCLB
Indicate one (1):	<input checked="" type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:	<input checked="" type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL:

5. State Statutory Requirements

a. Indicate one (1):

- The proposed rule change **MEETS** minimum substantive statutory requirements.
 The proposed rule change **EXCEEDS** minimum substantive statutory requirements. Please provide a statement explaining the reason the rules exceeds the requirements:

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Cindy Hill
Title of Authorized Individual	Superintendent of Public Instruction
Date of Authorization	12/27/12

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; Clean copy of the rules; and Strike-through and underline version of rules (if applicable).
- Secretary of State: Electronic version of Notice of Intent sent to rules@state.wy.us

CHAPTER 18
PRIVATE SCHOOL LICENSING
STATEMENT OF REASONS

Pursuant to Wyo. Stat §21-2-401, the Wyoming Department of Education shall administer and set minimum standards for licensure of Private Schools. Additionally, Section 9501 of ESEA as amended by No Child Left Behind (NCLB), requires provision of equitable services and other benefits in comparison to services and other benefits for public school children, teachers, and other educational personnel.

Chapter 18 Rules and Regulations have been amended to include updated annual reporting requirements as approved by the Wyoming State Board of Education (SBE) and required by ESEA. The Wyoming Department of Education (WDE) consulted with the SBE relative to the annual reporting requirements of Private K-12 Non-Religious schools in Wyoming. 2012 Federal Monitoring of Title III - English Language Learners (ELL) requires WDE to implement a process for collecting ELL student information. This requirement is met through the addition of Section 15(g) of the Rules.

Additionally, adjustments have been made to the authority and the common core of knowledge and skills to ensure alignment with Wyoming State Statute. The current Chapter 18 Rules and Regulations refer to older statute which granted authority of Private School Licensing to the Wyoming State Board of Education. Current Private School Licensing Statute §21-2-401 charges WDE with administering and setting minimum standards for licensure. Common core of knowledge and skills has also been revised to align with the adjusted description in Wyo. Stat §21-9-101.

These rules meet the minimum substantive state statutory requirements and are within the Department's statutory authority.

WYOMING DEPARTMENT OF EDUCATION
RULES AND REGULATIONS ON PRIVATE SCHOOL LICENSING FOR
STUDENTS IN NON-RELIGIOUS ELEMENTARY AND SECONDARY
SCHOOLS

CHAPTER 18

Section 1. Purposes.

The purposes of the rules are:

(a) To ensure that consistent with W.S. 21-4-101 through 21-4-107 any child attending a private non-religious elementary and/or secondary school shall satisfy the compulsory attendance laws, and to ensure that consistent with W.S. 21-2-401 through 21-2-407 such schools shall be licensed by the Wyoming Department of Education.

(b) To establish minimum licensing standards for private non-religious elementary and secondary schools.

Section 2. Authority.

These rules are promulgated pursuant to W.S. 21-4-101 through 21-4-107 and W.S. 21-2-401 through 21-2-407 and have been adopted by the Wyoming Department of Education as authorized by the Wyoming Administrative Procedures Act (W.S. 16-3-102 through 16-3-115).

Section 3. Applicability.

These rules govern the operation of private elementary and secondary schools operating for the purpose of satisfying W.S. 21-4-101 through 21-4-107 and W.S. 21-2-401 through 21-2-407 in the State of Wyoming. These rules do not apply to any parochial, church or religious school as defined by W.S. 21-4-101(a)(iv), or home-based educational programs as defined by W.S. 21-4-101(a)(v), aircraft flight training schools approved and authorized by the federal aviation agency of the United States of America, or a nondegree-granting school teaching techniques of outdoor recreation, leadership, ecology, or conservation domiciled in the state of Wyoming. Any changes in school accreditation rules and regulations, Chapter 6, will apply to these rules and regulations also.

Section 4. **Amendment of Rules.**

Any amendments to these rules shall become effective as provided by the Administrative Procedures Act (W.S. 16-3-103).

Section 5. **Definitions.**

(a) **Common Core of Knowledge.** Areas of knowledge each student is expected to acquire at levels established by the school.

(b) **Common Core of Skills.** Skills each student is expected to demonstrate at levels established by the school.

(c) **License.** A non-transferable certificate issued by the Wyoming Department of Education to a private school located within this state that permits the school to solicit, offer, and maintain courses of instruction in compliance with the provisions of the private school licensing act and the rules and regulations of the Wyoming Department of Education promulgated pursuant to the act.

(d) **Private School.** Any nonpublic, elementary or secondary school providing a basic academic educational program for children in grades K-12. See also Section 3, Applicability.

(e) **Program.** Any or all of the private school-sponsored or supported educational opportunities for students either within or beyond the school day.

Section 6. **Wyoming Statutes.**

All private school education programs and the personnel within those programs shall comply with the applicable safety and health statutes of Wyoming including but not limited to W.S. 14-3-201 through 14-3-215, W.S. 21-4-309, W.S. 35-1-102, W.S. 35-9-107, W.S. 35-9-121, W.S. 35-9-505.

Section 7. **Common Core of Knowledge.**

All students shall meet the student performance standards at the level set by the school in the following areas of knowledge:

- a) Reading/Language arts;
- b) Social studies;
- c) Mathematics;
- d) Science;
- e) Fine arts and performing arts;
- f) Physical education;
- g) Health and safety;
- h) Humanities;

- i) Career/vocational education;
- j) Foreign cultures and language;
- k) Applied technology;
- l) Government and civics including state and federal constitutions pursuant to W.S. 21-9-102.

Section 8. Common Core of Skills.

All students shall meet student performance standards at the level set by the school in the following skills:

- a) Problem solving;
- b) Interpersonal communications;
- c) Keyboarding and computer applications;
- d) Critical thinking;
- e) Creativity;
- f) Life Skills, including personal financial management skills.

Section 9. Instruction in State and Federal Constitutions.

Schools shall give instruction in the essentials of the United States Constitution and the Constitution of the State of Wyoming, including the study of and devotion to American institution and ideals.

Section 10. Transfer of Records.

The private school's educational program shall ensure the transfer of all pertinent educational records to a public, private, or parochial education institution that requests these records for the admission or re-admission of a student.

Section 11. Special Education.

The private school shall have a written procedure for notifying parents if the school suspects a child may have a disabling condition and that a disabled child has a right to public school services under W.S. 21-2-501 and P.L. 101-476 and amendments.

Section 12. Teacher Certification and Administration.

(a) Except as provided in (c), all professional educational staff members assigned to the private school's educational program must have certificates with the necessary endorsements covering specific assignment(s) and all educational staff members must be assigned in accordance with the certificates and endorsements as specified in the certification regulations set by the Professional Teaching Standards Board.

(b) A chief administrator for the educational programs must be certified as an administrator under the certification regulations established by the Professional Teaching Standards Board.

(c) Should any professional staff member or administrator not qualify for certification or endorsement by the Professional Teaching Standards Board, the private school shall provide notification to all parents and the public that their teachers are not certified by the state.

Section 13. **Administrative Responsibilities.**

(a) Transportation used for students as part of the private school's educational program shall comply with the most recent edition of Wyoming Pupil Transportation Manual.

(b) The private school's educational program shall be covered by an Emergency Operating Plan.

Section 14. **School Year.**

The private school's education program shall be operated in conformance with W.S. 21-4-102(a).

Section 15. **Annual Reporting.**

The private school shall provide an annual report to the State Board of Education which shall include the following:

(a) Number of students enrolled in the school on October 1st of the school year by grade (K-12); number of students dropping out of grades 9-12 during the school year; number of students completing high school and receiving a diploma issued by your school during the end of the school year;

(b) Performance metrics on assessments;

(c) Number of days students are in school; number of instructional hours each day;

(d) The school's recommended course of study for college-bound students and percent of students who have successfully completed the course of study;

(e) The number of students involved in extra-curricular activities and events;

(f) School improvement goals;

(g) Number of English Learner Students enrolled in the school; name of English language proficiency assessment used to determine English language status; score for each student reported.

Section 16. Monitoring.

The private school shall submit to on-site investigation and evaluation by the State Department of Education.

Section 17. Licensing.

The private school shall submit evidence of compliance with licensing requirements of W.S. 21-2-401 through W.S. 21-2-407. The school shall submit an application for license renewal and the school's annual report before July 1 of each year on forms prescribed by the Wyoming Department of Education. With the forms, the school shall also submit an application or renewal fee of two hundred dollars (\$200.00) by check or money order made payable to the State of Wyoming, Wyoming State Department of Education.

Section 18. Appeal.

Applicants whose licenses are denied or suspended may appeal through procedures outlined by the Wyoming Administrative Procedures Act, W.S. 16-3-113.

WYOMING DEPARTMENT OF EDUCATION
RULES AND REGULATIONS ON PRIVATE SCHOOL LICENSING FOR
STUDENTS IN NON-RELIGIOUS ELEMENTARY AND SECONDARY
SCHOOLS

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These rules ~~and amendments thereto shall~~ govern the operation of private elementary and/or secondary schools operating for the purpose of satisfying W.S. 21-4-101 through 21-4-107 and W.S. 21-2-401 through 21-2-407 in the State of Wyoming. These rules do not apply to any parochial, church or religious school as defined by W.S. 21-4-101(a)(iv), or home-based educational programs as defined by W.S. 21-4-101(a)(v), aircraft flight training schools approved and authorized by the federal aviation agency of the United States of America, or a nondegree-granting school teaching techniques of outdoor recreation, leadership, ecology, or conservation domiciled in the state of Wyoming. Any changes in school accreditation rules and regulations, Chapter 6 ~~VI~~, will apply to these rules and regulations also.

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(c) **License.** A non-transferable certificate issued by the **State-Wyoming** Department of Education to a private school located within this state **which that** permits the school to solicit, offer, and maintain courses of instruction in compliance with the provisions of the private school licensing act and the rules and regulations of the **State-Board Wyoming Department of Education** promulgated pursuant to the act.

(d) **Private School.** Any nonpublic, elementary or secondary school providing a basic academic educational program for children in grades K-12. See also Section 3, Applicability.

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- b) **Social S**-studies;
- c) **Mathematics**;
- d) **Science**;
- e) **Fine A** arts and **P**-performing **A**-arts;
- f) **Physical E**-education;²
- g) **Health and S**-safety;

- h) Humanities;
- i) Career ~~Options~~/vocational education;
- j) Foreign ~~C~~cultures and ~~including L~~ language;
- k) Applied ~~T~~technology;
- l) ~~Government and civics including state and federal constitutions pursuant to W.S. 21-9-102.~~

Section 8. **Common Core of Skills.**

All students shall meet student performance standards at the level set by the school in the following skills:

- a) Problem ~~S~~olving;
- b) Interpersonal ~~C~~ommunications;
- c) Keyboarding and ~~C~~omputer ~~A~~pplications;
- d) Critical ~~T~~hinking;
- e) Creativity;
- f) Life Skills, ~~I~~ncluding ~~Cardiopulmonary-Resuscitation (CPR)-training~~ personal financial management skills.

Section 9. **Instruction in State and Federal Constitutions.**

Schools shall give instruction in the essentials of the United States Constitution and the Constitution of the State of Wyoming, including the study of and devotion to American institution and ideals.

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The private school's educational program shall ensure the transfer of all pertinent educational records to a public, private, or parochial education institution that requests these records for the admission or re-admission of a student.

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The private school shall have a written procedure for notifying parents if the school suspects a child may have a disabling condition and that a disabled child has a right to public school services under W.S. 21-2-501 and P.L. 101-476 and amendments.

Section 12. **Teacher Certification and Administration.**

(a) Except as provided in (c), all professional educational staff members assigned to the private school's educational program ~~shall~~ **must** have certificates with the necessary endorsements covering specific assignment(s) and all educational staff members must be assigned in accordance with the certificates

and endorsements as specified in the certification regulations set by the Professional Teaching Standards Board.

(b) A chief administrator for the educational programs ~~shall~~ **must** be certified as an administrator under the certification regulations established by the Professional Teaching Standards Board.

(c) Should any professional staff member or administrator not qualify for certification or endorsement by the Professional Teaching Standards Board, the private school shall provide notification to all parents and the public that their teachers are not certified by the state.

Section 13. Administrative Responsibilities.

(a) Transportation used for students as part of the private school's educational program shall comply with the most recent edition of Wyoming Pupil Transportation Manual.

(b) The private school's educational program shall be covered by an Emergency Operating Plan.

Section 14. School Year.

The private school's education program shall be operated in conformance with W.S. 21-4-102(a).

Section 15. Annual Reporting.

The private school shall provide an annual report to the State Board of Education which shall include the following:

(a) ~~Dropout rates for grades 9 through 12~~ Number of students enrolled in the school on October 1st of the school year by grade (K-12); number of students dropping out of grades 9-12 during the school year; number of students completing high school and receiving a diploma issued by your school during the end of the school year;

(b) ~~School averages for standard achievement tests given to all students or classes within the school~~ Performance metrics on assessments;

(c) ~~The number of hours of classroom instruction during the school year by grade level kindergarten through 12~~ Number of days students are in school; number of instructional hours each day;

(d) The school's recommended course of study for college-bound students and percent of students who have successfully completed the course of study;

~~(e) The types of and number of participants in parent and community involvement programs within the school;~~

~~(f) The number of parental visits to the schools;~~

~~(e g) The number of students involved in extra-curricular activities, and events;~~

~~(h) The percentage of the school's budget spent on instruction, instructional support, general support and community support;~~

~~(i) School goals for the year;~~

~~(j) A description of efforts being made to reform, restructure and improve the educational quality and equity in the school, including teacher recommendations;~~

~~(f) School improvement goals;~~

~~(g) Number of English Learner Students enrolled in the school; name of English language proficiency assessment used to determine English language status; score for each student reported.~~

~~(k) Any other information the school believes relevant to the parents' understanding of the performance of the school.~~

Section 16. Monitoring.

The private school shall submit to on-site investigation and evaluation by the State Department of Education.

Section 17. Licensing.

The private school shall submit evidence of compliance with licensing requirements of W.S. 21-2-401 through W.S. 21-2-407. ~~The school and shall submit an application on such forms as the State Department of Education shall require. An application for the renewal of a license shall be submitted by July 1 of each year on forms prescribed by the State Department of Education along with Two Hundred (\$200.00) application or renewal fee by check or money order made payable to the State of Wyoming, Wyoming State Department of Education and accompanied by the school's annual report, for license renewal and the school's annual report before July 1 of each year on forms prescribed by the Wyoming Department of Education. With the forms, the school shall also submit an application or renewal fee of two hundred dollars (\$200.00) by check or money order made payable to the State of Wyoming, Wyoming State Department of Education.~~

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