

## HOUSE BILL NO. HB0106

Wyoming education options act.

Sponsored by: Representative(s) Wilson, Andrew, Duncan,  
Gray, Jennings and Zwonitzer and Senator(s)  
Boner, Ellis and Steinmetz

A BILL

for

1 AN ACT relating to education; establishing the Wyoming  
2 education options act; authorizing reimbursement of private  
3 school costs for students; providing rulemaking authority;  
4 requiring reports; and providing for effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 21-4-507 is created to read:

9

10 **21-4-507. Wyoming education options act.**

11

12 (a) As used in this section "private school" means  
13 education provided in person or by virtual or  
14 correspondence methods and includes any nonpublic school  
15 providing a basic academic educational program for a

1 resident child in any grade of kindergarten through grade  
2 twelve (12). "Private school" may include parochial, church  
3 or religious schools, or education provided by a parent,  
4 guardian, tutor or instructor in the home of the student,  
5 in the home of another student or in another agreed upon  
6 location through a cooperative arrangement with another  
7 parent or guardian.

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9 (b) The board of trustees of every school district in  
10 the state shall, in consideration of the cost savings to  
11 the district and upon a request submitted pursuant to this  
12 section, reimburse parents or guardians for the educational  
13 expenses of any student who is a resident in the school  
14 district and who is enrolled in a private school within  
15 that district or another district if the parent or guardian  
16 desires for the student to attend the private school. Any  
17 student who was not previously enrolled in the school  
18 district shall provide proof of residency and age.

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20 (c) The parent or guardian of a student attending  
21 private school may request reimbursement for educational  
22 expenses on a quarterly basis from the school district in  
23 which the student resides, including documented expenses

1 for tutoring, tuition, fees, curriculum, supplemental  
2 materials and activities. The cumulative amount of  
3 reimbursement for a school year under this section shall be  
4 the lesser of the actual educational expenses or fifty  
5 percent (50%) of the per student amount received by the  
6 school district from the school foundation program computed  
7 under W.S. 21-13-309(p) and less adjustments made under  
8 W.S. 21-13-309(m)(v)(E). The department of education shall  
9 prescribe a form and shall adopt rules for requesting  
10 reimbursement that a school district shall use for purposes  
11 of this section. Based on reports provided to the  
12 department under subsection (f) of this section, the  
13 department may establish and maintain a database of  
14 expenses previously approved by districts for reimbursement  
15 under this section. The database shall not be construed to  
16 limit any expenses otherwise eligible for reimbursement  
17 under this section. Allowable expenses shall include any  
18 educational expenditure that is similar to an expenditure  
19 made by a school district, excluding purchases of vehicles  
20 or expenses for building construction or maintenance. The  
21 school district shall reimburse the parent or guardian  
22 within thirty (30) days of application. Requests for  
23 reimbursement under this subsection:

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2 (i) Shall include an itemized list of expenses  
3 on a form as specified by the department, including  
4 receipts or other proof of expenses as required by rule of  
5 the department;

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7 (ii) May include fees paid under W.S. 21-4-506  
8 for participation in school district activities;

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10 (iii) Shall not include costs of uniforms or  
11 clothing that the student would not be required to wear if  
12 attending a public school and shall not include any cost or  
13 expense for the time of a parent or guardian to provide  
14 instruction;

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16 (iv) Shall not include tuition paid to attend  
17 any school which receives funding from the state for  
18 educational instruction. This paragraph shall not apply to  
19 fees paid pursuant to W.S. 21-4-506 for participation in  
20 school district activities;

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22 (v) Shall certify compliance with the  
23 requirements of W.S. 21-4-102(b). A curriculum submitted by

1 a parent or guardian shall be presumed to meet the  
2 requirements of a basic academic educational program unless  
3 demonstrated otherwise by the school district. No parent or  
4 guardian shall be required to use any curriculum used by  
5 the school district.

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7 (d) Parents intending to request reimbursement under  
8 this section shall notify the school district of their  
9 intent in writing no later than August 1 of each year for  
10 the fall semester of that year and December 1 of each year  
11 for the immediately following spring semester.

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13 (e) Except as otherwise provided in this subsection,  
14 a student who is attending private school under this  
15 section shall not enroll as a student in the school  
16 district during that same semester and shall not use  
17 transportation services of the school district except for  
18 activities for which the student has paid fees under W.S.  
19 21-4-506. A student who is attending private school under  
20 this section may take statewide or district assessments  
21 administered under W.S. 21-2-304, but those scores shall  
22 not be included in the school level performance ratings  
23 under W.S. 21-2-204. If a student for any reason enrolls in

1 a public school district in a semester for which the parent  
2 or guardian received reimbursement for private school under  
3 this section, the district may require the parent or  
4 guardian to remit a proportionate amount of that  
5 reimbursement to be paid back to the district for the costs  
6 of public school education.

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8 (f) If reimbursement is denied or not issued by the  
9 school district within thirty (30) days of an application:

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11 (i) The school district shall provide the  
12 applicant a written explanation of the reasons for denial.  
13 If the expense was not properly documented, the school  
14 district shall provide an opportunity to resubmit the  
15 reimbursement request and shall provide reimbursement  
16 within thirty (30) days of receiving a corrected report  
17 with eligible expenses;

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19 (ii) An applicant may appeal to the state  
20 department of education for expenses that are denied by a  
21 school district. The department shall approve reimbursement  
22 within ten (10) days of an appeal under this paragraph for

1 all expenses that the department finds are allowable for  
2 reimbursement;

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4 (iii) The school district shall not withhold  
5 reimbursement for any expense due to the rejection of  
6 reimbursement for any other expense submitted by the same  
7 applicant.

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9 (g) If a school district determines that any expense  
10 reimbursed by the school district was in error or due to  
11 fraud by the applicant, the school district shall withhold  
12 that amount from any future valid claims for reimbursement  
13 by the same applicant.

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15 (h) A school district reimbursing a parent or  
16 guardian for the enrollment of a student in a private  
17 school under this section shall:

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19 (i) Include the student within its average daily  
20 membership (ADM) under W.S. 21-13-309(m)(iv) in accordance  
21 with rules and regulations of the department and shall  
22 receive all foundation program amounts associated with that  
23 student;

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2 (ii) Keep records of the number of students  
3 enrolled in private school under this section and the  
4 amounts reimbursed, with aggregated non-personally  
5 identifiable data available to the public;

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7 (iii) Not be responsible for developing an  
8 individualized education program (IEP) for a student who is  
9 attending a private school under this section;

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11 (iv) Report to the state department of education  
12 the number of students receiving reimbursement under this  
13 section and the amounts reimbursed by the district.

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15 (j) The department of education shall report the data  
16 required in paragraph (f)(iv) to the joint education  
17 committee not later than June 30 of every year.

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19 **Section 2.** The department of education shall adopt  
20 rules and forms pursuant to the provisions of W.S. 21-4-507  
21 as created by section 1 of this act not later than July 1,  
22 2021.

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