

HOUSE BILL NO. HB0138

Wyoming hope scholarship program.

Sponsored by: Representative(s) Laursen, Andrew, Bear, Blackburn, Fortner, Hallinan, Haroldson, Heiner, Jennings, Neiman and Ottman and Senator(s) Biteman, Boner, French, Kinskey, Kolb and McKeown

A BILL

for

1 AN ACT relating to education; creating the Hope scholarship
 2 program; providing eligibility requirements; establishing a
 3 board; authorizing administration and rulemaking; creating
 4 an account; establishing a fund; providing for continuous
 5 appropriation; providing for a transfer of funds; making
 6 conforming amendments; specifying compulsory attendance
 7 exemptions; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 21-2-901 through 21-2-914 are created
 12 to read:

13

14

ARTICLE 9

1 HOPE SCHOLARSHIP PROGRAM

2

3 **21-2-901. Short title.**

4

5 This article shall be known as the "Hope scholarship act."

6 The program created by this act shall be known as the "Hope
7 scholarship program."

8

9 **21-2-902. Definitions.**

10

11 (a) As used in this article:

12

13 (i) "Account" or "scholarship" means a Hope
14 scholarship account, awarded pursuant to this article, to
15 which funds are allocated by the board to the parent or
16 parents of an eligible Hope scholarship student in order to
17 pay qualifying education expenses to educate the student
18 pursuant to the requirements and conditions of this
19 article;

20

21 (ii) "Board" means the Hope scholarship board
22 created pursuant to W.S. 21-2-904;

23

1 (iii) "Curriculum" means a complete course of
2 study for a particular content area or grade level,
3 including any supplemental curriculum materials required by
4 the curriculum;

5

6 (iv) "Education service provider" means a person
7 or organization that receives payments from Hope
8 scholarship accounts to provide educational goods and
9 services to Hope scholarships students;

10

11 (v) "Eligible recipient" means a child who is a
12 Wyoming resident and:

13

14 (A) Is enrolled full-time and attending a
15 public elementary or secondary school program in Wyoming
16 for not less than forty-five (45) calendar days during an
17 instructional term at the time of application and until an
18 award letter is issued by the board under W.S. 21-2-906(c);

19

20 (B) Was enrolled full-time in a public
21 elementary or secondary school program in Wyoming for the
22 entire instructional term the previous year; or

23

1 (C) Is eligible at the time of application
2 to enroll in a Wyoming school district pursuant to W.S.
3 21-4-301 and 21-4-302.

4

5 (vi) "Hope scholarship funds" means the funds
6 deposited in the Hope scholarship student's account in
7 accordance with the requirements of this article;

8

9 (vii) "Hope scholarship student" means a student
10 who receives a scholarship pursuant to this article;

11

12 (viii) "Parent" means a parent, legal guardian,
13 custodian or other person having control or charge of an
14 eligible recipient or Hope scholarship student;

15

16 (ix) "Participating schools" means any private
17 school that provides education to elementary or secondary
18 students and has notified the board of its intention to
19 participate in the program and comply with the program's
20 requirements;

21

22 (x) "Resident school district" means the Wyoming
23 school district in which the student resides.

1

2 **21-2-903. Hope scholarship expense account created;**
3 **use and transfer of funds.**

4

5 (a) The Hope scholarship expense account is created
6 to consist of funds transferred pursuant to subsection (b)
7 of this section and other funds appropriated by the
8 legislature to the expense account. Earnings from
9 investment of the expense account shall be credited by the
10 state treasurer to the expense account. Any unencumbered,
11 unobligated balance of the expense account at the end of
12 each fiscal year shall not revert to the general fund but
13 shall remain in the account and shall be expended as
14 provided by this section. All expenses incurred by the
15 state treasurer or the board in developing and
16 administering the Hope scholarship program shall be payable
17 from the Hope scholarship expense account.

18

19 (b) An amount not to exceed five percent (5%) of the
20 Hope scholarship program fund, as created under W.S.
21 9-4-204(u)(ix), shall be transferred by the state auditor
22 annually to the Hope scholarship program expense account
23 established in subsection (a) of this section for the

1 annual administrative costs of the Hope scholarship
2 program. If the number of Hope scholarship accounts
3 increases significantly after any fiscal year, the state
4 treasurer may request the state auditor transfer an amount
5 equal to the increased administrative costs associated with
6 the additional Hope scholarship accounts from the Hope
7 scholarship program fund to the Hope scholarship expense
8 account.

9

10 (c) For the fiscal year beginning on July 1, 2023,
11 and each fiscal year thereafter, in addition to other
12 amounts for state financial support for public education
13 required under W.S. 21-13-301 et seq., the Wyoming
14 department of education shall include in its budget request
15 an amount equal to the greater of:

16

17 (i) Two percent (2%) of the immediately
18 preceding school year's total statewide average daily
19 membership multiplied by the school foundation program
20 amount allocated on a per average daily membership basis
21 pursuant to W.S. 21-13-301 et seq.; or

22

1 (ii) The number of Hope scholarship recipients
2 for the immediately preceding year multiplied by the school
3 foundation program amount allocated on a per average daily
4 membership basis pursuant to W.S. 21-13-301 et seq.

5
6 (d) Any amount appropriated by the legislature as
7 requested by the Wyoming department of education pursuant
8 to subsection (c) of this section shall be transferred
9 immediately by the state auditor to the Hope scholarship
10 program fund created under W.S. 9-4-204(u)(ix) to be
11 expended by the board pursuant to this article.

12

13 **21-2-904. Hope scholarship board; members; terms;**
14 **compensation; authority.**

15

16 (a) The Hope scholarship program shall be
17 administered by the Hope scholarship board.

18

19 (b) The Hope scholarship board shall consist of nine
20 (9) members to include the following:

21

22 (i) The state treasurer;

23

1 (ii) The state auditor, or his designee;

2

3 (iii) The state superintendent of public
4 instruction, or his designee;

5

6 (iv) The chairman of the state board of
7 education;

8

9 (v) The executive director of the Wyoming
10 community college commission;

11

12 (vi) The attorney general of the state of
13 Wyoming, or his designee;

14

15 (vii) Three (3) members appointed by the
16 governor with the advice and consent of the senate, who are
17 Wyoming residents and parents of Hope scholarship students,
18 or for the initial appointment of board members following
19 the effective date of this article, are Wyoming residents
20 and parents who intend to apply for the Hope scholarship on
21 behalf of an eligible recipient. The members shall be
22 appointed as follows:

23

1 (A) The members shall reside in
2 geographically diverse areas of the state;

3

4 (B) The members shall be initially
5 appointed to staggered terms as follows:

6

7 (I) One (1) member appointed for a one
8 (1) year term;

9

10 (II) One (1) member appointed for a
11 two (2) year term;

12

13 (III) One (1) member appointed for a
14 three (3) year term.

15

16 (C) After the initial staggered terms,
17 appointed board members shall serve three (3) year terms
18 and are eligible for reappointment at the expiration of
19 their terms;

20

21 (D) If there is a vacancy among appointed
22 members, the vacancy shall be filled by appointment to the
23 unexpired term of a person meeting the requirements of this

1 section by the governor with the advice and consent of the
2 senate. Appointed members of the board shall serve until
3 the later of the expirations of the term for which the
4 member was appointed or the appointment of his successor.

5

6 (c) Members of the board shall serve without
7 compensation. The board may reimburse members for all
8 reasonable and necessary expenses, including travel
9 expenses actually incurred by board members in the conduct
10 of their official duties required under this article. Any
11 reimbursements under this subsection shall be made from the
12 Hope scholarship expense account.

13

14 (d) The state treasurer is the chairman and presiding
15 officer of the board. The state treasurer may provide
16 office space and staff to the board upon request of the
17 board.

18

19 (e) The state superintendent of public instruction
20 may provide staff to the board upon request of the board.

21

1 (f) A majority of the members of the board
2 constitutes a quorum for the transaction of the business of
3 the board.

4

5 **21-2-905. Powers of the Hope scholarship board.**

6

7 (a) The board is authorized to take any action
8 necessary to effectuate the provisions of this article and
9 to successfully administer the Hope scholarship program,
10 subject to applicable state and federal law, including but
11 not limited to:

12

13 (i) Adopt and amend bylaws;

14

15 (ii) Execute contracts and other instruments for
16 necessary goods and services, employ necessary personnel
17 and engage the services of private consultants, actuaries,
18 auditors, counsel, managers, trustees and any other
19 contractors or professionals needed for rendering
20 professional and technical assistance and advice;

21

1 (iii) Implement the program through the use of
2 financial organizations as account depositories and
3 managers;

4

5 (iv) Promulgate rules to impose requirements,
6 policies, procedures and guidelines to implement and manage
7 the program;

8

9 (v) Determine whether the expenditure of Hope
10 scholarship funds is or was a qualifying expense to educate
11 a Hope scholarship recipient pursuant to W.S. 21-2-908. The
12 board may approve or deny any expenditure by a majority
13 vote;

14

15 (vi) Review requests for informal reviews under
16 W.S. 21-2-911(b) or (d);

17

18 (vii) Establish the method by which funds in the
19 Hope scholarship expense account shall be allocated to pay
20 for administrative costs and assess, collect and expend
21 administrative fees, charges and penalties;

22

1 (viii) Authorize the assessment, collection and
2 retention of fees and charges against the amounts paid into
3 and the earnings of the funds and accounts under the
4 board's control by a financial institution investment
5 manager, fund manager or other professional who is managing
6 or investing the funds and accounts;

7

8 (ix) Invest and reinvest any of the funds and
9 accounts under the board's control with a financial
10 institution, an investment manager, a fund manager or other
11 professional who is investing the funds and accounts;

12

13 (x) Solicit and accept gifts, including bequests
14 and other testamentary gifts made by will, trust or other
15 disposition, grants, loans, aid, and property, real or
16 personal of any nature and from any source or to
17 participate in any other way in any federal, state or local
18 government programs in carrying out the purposes of this
19 article. The board shall use any property received to
20 effectuate the desires of the donor to the extent practical
21 and shall convert the property received into cash within
22 one hundred eighty (180) days of receipt.

23

1 **21-2-906. Hope scholarship program established;**
2 **application for Hope scholarships; parental agreement**
3 **required.**

4

5 (a) The Hope scholarship program is established to
6 provide the option for a parent to better meet the
7 individual education needs of an eligible student. The
8 program shall be operational no later than July 1, 2023.

9

10 (b) The board shall create a standard application
11 form that a parent can submit to establish a student's
12 eligibility for the award of Hope scholarship funds, to be
13 placed in a personal education savings account to be used
14 for qualifying education expenses on behalf of the eligible
15 recipient as provided for under W.S. 21-2-908. Information
16 about scholarship funds and the application process shall
17 be made available on the board's website.

18

19 (c) The board shall make applications available no
20 later than March 1, 2023, and shall begin accepting
21 applications immediately thereafter. The board may update
22 the application as needed. The board shall issue an award
23 letter to eligible recipients within forty-five (45) days

1 of receipt of a completed application and all required
2 documentation.

3

4 (d) The board shall approve an application for a Hope
5 scholarship if all of the following are met:

6

7 (i) The parent submits an application for a Hope
8 scholarship in accordance with rules promulgated by the
9 board;

10

11 (ii) The student on whose behalf a parent is
12 applying is an eligible recipient, as provided in W.S.
13 21-2-902(a)(v);

14

15 (iii) The parent signs an agreement with the
16 board, agreeing to do all of the following:

17

18 (A) Provide an education for the eligible
19 recipient in at least the subjects of reading, language,
20 mathematics, science and social studies;

21

1 (B) Use the Hope scholarship funds
2 exclusively for qualifying expenses as provided in W.S.
3 21-2-908;

4

5 (C) Comply with the rules and requirements
6 of the Hope scholarship program;

7

8 (D) Offer the Hope scholarship student
9 opportunities for educational enrichment, which may include
10 organized athletics, art, music or literature.

11

12 (iv) The board confirms with the Wyoming
13 department of education that the student satisfies the
14 requirements of W.S. 21-2-902(a)(v). If the department
15 fails to reply within thirty (30) days to the request for
16 verification under this subparagraph, this criteria is
17 considered satisfied.

18

19 (e) A student is not eligible for a Hope scholarship
20 if the student has graduated from high school, received a
21 high school equivalency certificate or has completed the
22 equivalent of high school graduation through a home based
23 educational program.

1

2 (f) An application for a Hope scholarship is
3 confidential and is not a public record subject to release
4 pursuant to the Public Records Act under W.S. 16-4-201 et
5 seq.

6

7 **21-2-907. Award and expenditure of Hope scholarships;**
8 **conditions of continued eligibility and termination.**

9

10 (a) The amount of Hope scholarship funds made
11 available to an eligible recipient on a yearly basis shall
12 be equal to the school foundation program amount allocated
13 on a per average daily membership basis pursuant to W.S.
14 21-13-301 et seq. for the immediately preceding school year
15 for one (1) student. The amount of the funding to an
16 eligible recipient who is awarded a Hope scholarship
17 account for less than a full school year shall be prorated
18 based on the percentage of total instruction to be provided
19 by the education service provider to the student. On or
20 before the submission of the Wyoming department of
21 education's budget request each year, the board shall
22 notify the department of education of the total number of
23 eligible Hope scholarship applications received by the

1 board in the prior year for purposes of facilitating the
2 necessary transfer of funds pursuant to W.S. 21-2-903(c).

3

4 (b) Expenditures from the Hope scholarship fund shall
5 be limited to the purposes set forth in this article. To
6 the extent sufficient funds are not available in the Hope
7 scholarship program fund created under W.S. 9-4-204(u)(ix)
8 to fund all scholarships provided under this article,
9 payment to scholarship recipients shall be reduced on a
10 first come first served basis using the student's
11 application date for the scholarship.

12

13 (c) The first deposit of Hope scholarship funds into
14 an eligible recipient account shall be subject to the
15 execution of the parental agreement required under W.S.
16 21-2-906. Upon execution of the required agreement, and
17 subject to the provisions of W.S. 21-2-910(e), one-half
18 (1/2) of the total annually required deposit shall be made
19 not later than August 15 of the fiscal year into an
20 eligible recipient's Hope scholarship account, and one-half
21 (1/2) of the total annually required deposit shall be made
22 not later than January 15 of the fiscal year. Any funds
23 remaining in a Hope scholarship account at the end of the

1 fiscal year may be carried over to the next fiscal year
2 upon successful renewal of the account.

3

4 (d) Subject to applicable federal law, funds
5 deposited in a student's Hope scholarship account shall not
6 constitute taxable income to the parent or to the Hope
7 scholarship student.

8

9 (e) The board shall continue to make deposits into an
10 eligible recipient's Hope scholarship account each year in
11 accordance with the provisions of this article unless the
12 following conditions have occurred:

13

14 (i) A parent of an eligible recipient fails to
15 renew a Hope scholarship account or withdraws from the Hope
16 scholarship program;

17

18 (ii) The board determines that a student is no
19 longer eligible for a Hope scholarship;

20

21 (iii) The board suspends or revokes
22 participation in the Hope scholarship program for failure
23 to comply with the requirements of this article;

1

2 (iv) The Hope scholarship student successfully
3 completes a secondary education program; or

4

5 (v) The Hope scholarship student reaches
6 twenty-one (21) years of age.

7

8 (f) If any of the conditions in subsection (e) of
9 this section occur, the board shall notify the parent that
10 the eligible recipient's account will be closed in
11 forty-five (45) calendar days. If a parent fails to
12 adequately address the condition or conditions upon which
13 closure is based or does not respond within thirty (30)
14 calendar days of receipt of notice, the board shall close
15 the account and any remaining funds shall be returned to
16 the state and deposited in the Hope scholarship program
17 fund.

18

19 **21-2-908. Qualifying expenses for Hope scholarship**
20 **accounts.**

21

22 (a) Parents of a Hope scholarship student shall agree
23 to use the funds deposited in their student's Hope

1 scholarship account only for the following qualifying
2 expenses to educate the student:

3

4 (i) Tuition for services provided by a public
5 school district pursuant to W.S. 21-2-909(f), including
6 without limitation, individual classes and extracurricular
7 activities and programs;

8

9 (ii) Tuition and fees at a participating school;

10

11 (iii) Tutoring services provided by an
12 individual or a tutoring facility, provided that tutoring
13 services shall not be provided by a member of the Hope
14 scholarship student's immediate family;

15

16 (iv) Fees for nationally standardized
17 assessments, advanced placement examinations, any
18 examinations related to college or university admission and
19 tuition or fees for preparatory courses for those exams;

20

21 (v) Tuition and fees for programs of study or
22 the curriculum of courses that lead to an

1 industry-recognized credential that satisfies a workforce
2 need;

3

4 (vi) Tuition and fees for nonpublic online
5 learning programs;

6

7 (vii) Tuition and fees for alternative education
8 programs;

9

10 (viii) Fees for after-school or summer education
11 programs;

12

13 (ix) Educational services and therapies,
14 including but not limited to occupational, behavioral,
15 physical, speech-language and audiology therapies;

16

17 (x) Curriculum as defined under W.S.
18 21-2-902(a)(iii);

19

20 (xi) Fees for transportation paid to a
21 fee-for-service transportation provider for the student to
22 travel to and from an education service provider;

23

1 (xii) Any other qualified expenses as approved
2 by the board.

3

4 (b) Hope scholarship funds shall only be used for
5 educational purposes in accordance with subsection (a) of
6 this section. Nothing in this section requires that a Hope
7 scholarship student be enrolled, full-time or part-time, in
8 either a private or nonpublic online school.

9

10 (c) Hope scholarship funds shall not be refunded,
11 rebated or shared with a parent or student in any manner.
12 Any refund or rebate for goods and services purchased with
13 Hope scholarship funds shall be credited directly to a
14 student's Hope scholarship account.

15

16 (d) Nothing in this section prohibits the parents of
17 a Hope scholarship student from making payments for the
18 costs of educational goods and services not covered by the
19 funds in their student's Hope scholarship account. No
20 person shall make personal deposits into a Hope scholarship
21 account.

22

1 **21-2-909. Renewal of Hope scholarships; partial**
2 **participation in public school system.**

3

4 (a) A parent may renew an eligible Hope scholarship
5 on an annual basis. Notwithstanding any changes in
6 eligibility, a Hope scholarship student who has previously
7 qualified for a Hope scholarship account remains eligible
8 to apply for renewal until one (1) of the conditions set
9 forth in W.S. 21-2-907(e) occurs, provided that the board
10 verifies with the Wyoming department of education the
11 following information by July 1 of every year:

12

13 (i) A list of all active Hope scholarship
14 accounts;

15

16 (ii) The resident school district of each Hope
17 scholarship student;

18

19 (iii) For a Hope scholarship student who chooses
20 to attend a participating school, annual confirmation of
21 the student's continued attendance at a nonpublic school
22 that complies with all the requirements that other
23 nonpublic school students are required to comply with;

1

2 (iv) For a Hope scholarship student who chooses
3 an individualized instructional program:

4

5 (A) The student has annually taken a
6 nationally normed standardized achievement test of academic
7 achievement and the mean of the student's test results in
8 the subject areas of reading, language, mathematics,
9 science and social studies for a single year is not less
10 than the fourth stanine or, if below, shows improvement
11 from the previous year's results. The student's test
12 results shall be reported to the student's resident school
13 district; or

14

15 (B) A certified teacher conducts a review
16 of the student's academic work annually and the certified
17 teacher determines that the student is making academic
18 progress commensurate with the student's age and ability.
19 The certified teacher's determination shall be reported to
20 the student's resident school district.

21

22 (b) Each public school district superintendent shall
23 submit the test results and determinations reported

1 pursuant to subsection (a) of this section to the Wyoming
2 department of education each year on or before June 15.

3

4 (c) If a parent fails to renew an eligible
5 recipient's Hope scholarship, the board shall notify the
6 parent that the eligible recipient's account will be closed
7 in forty-five (45) calendar days. If a parent chooses not
8 to renew or does not respond within thirty (30) calendar
9 days of receipt of notice, the board shall close the
10 account and any remaining funds shall be returned to the
11 state and deposited in the Hope scholarship program fund.

12

13 (d) If an eligible recipient decides to return to the
14 Hope scholarship after failing to renew, the parent shall
15 reapply as provided in W.S. 21-2-906(d).

16

17 (e) The board, in consultation with the Wyoming
18 department of education, shall adopt rules and policies to
19 provide the least disruptive process for a Hope scholarship
20 student who desires to stop receiving Hope scholarship
21 payments and return full-time to a Wyoming public school.

22

1 (f) The board, in consultation with the Wyoming
2 department of education, shall adopt rules and policies for
3 Hope scholarship students who want to receive services
4 provided by a public school or district, including
5 individual classes and extracurricular programs, in
6 combination with an individualized instructional program.
7 The board, in consultation with the department of
8 education, shall ensure that any public school or school
9 district providing such services receives the appropriate
10 pro rata share of a student's Hope scholarship funds based
11 on the percentage of total instruction provided to the
12 student by the public school or school district. Wyoming
13 public school districts shall charge tuition to Hope
14 scholarship students who enroll for services in a public
15 school in accordance with the rules required under this
16 subsection. Hope scholarship students who enroll for
17 services part-time in public school shall not be included
18 in the district's average daily membership under W.S.
19 21-13-309(m)(iv). Nothing in this subsection prohibits a
20 Hope scholarship student from using funds deposited in the
21 student's account for services provided by a public school
22 or district and other qualifying expenses under W.S.
23 21-2-908.

1

2 **21-2-910. Administration of Hope scholarship**
3 **accounts.**

4

5 (a) In addition to other duties assigned by law, the
6 board shall:

7

8 (i) Maintain an updated list of participating
9 schools and ensure that the list is publicly available
10 through various sources, including the internet;

11

12 (ii) Provide parents with a written explanation
13 of the allowable uses of Hope scholarship funds, the
14 responsibilities of parents, the duties of the board and
15 the roles of any private financial management firms or
16 other private organizations that the board may contract
17 with to administer the Hope scholarship program or any
18 aspect of the program;

19

20 (iii) Provide parents of students with a
21 disability, notice that participation in the Hope
22 scholarship program is a parental placement under 20 U.S.C.
23 § 1412 of the Individuals with Disabilities Education Act

1 along with an explanation of the rights that parentally
2 placed students possess under the Individuals with
3 Disabilities Education Act and any applicable state laws
4 and regulations.

5

6 (b) The board may contract with private organizations
7 to administer the Hope scholarship program. This includes,
8 but is not limited to, private financial management firms
9 to manage Hope scholarship accounts.

10

11 (c) The board shall implement, or contract with a
12 private organization to implement, a system for payment for
13 services from Hope scholarship accounts to participating
14 schools or education service providers including but not
15 limited to the use of debit cards or other electronic or
16 online fund transfers. No fee shall be charged by private
17 organizations for the use of debit cards or electronic
18 payment from Hope scholarship accounts to participating
19 schools or education service providers.

20

21 (d) The board shall implement a system for publicly
22 rating, reviewing and sharing information about
23 participating schools and education service providers as

1 part of the system that facilitates the electronic or
2 online funds transfers to create a single point for parents
3 and Hope scholarship students to access all relevant Hope
4 scholarship program information.

5

6 (e) If an education service provider requires partial
7 payment of tuition or fees prior to the start of the
8 academic year to reserve a space for a Hope scholarship
9 student admitted to the education service provider, the
10 partial payment may be paid prior to the start of the
11 school year in which the Hope scholarship is awarded and
12 shall be deducted in an equitable manner from subsequent
13 Hope scholarship deposits. If a Hope scholarship student
14 does not use the education service provider, the partial
15 reservation payment shall be returned to the board by the
16 educational service provider and credited to the student's
17 Hope scholarship account.

18

19 (f) The board may accept gifts or grants from any
20 source to pay administrative costs, to inform the public
21 about the Hope scholarship program or to provide additional
22 funding for Hope scholarship accounts.

23

1 (g) The board shall adopt rules that are not
2 inconsistent with this article and that are necessary for
3 the administration of this article, including:

4

5 (i) Establishing or contracting for the
6 establishment of a fraud reporting system;

7

8 (ii) Policies that require a surety bond for
9 education service providers receiving more than one hundred
10 thousand dollars (\$100,000.00) in Hope scholarship funds;

11

12 (iii) Procedures for refunding payments from
13 educational service providers back to Hope scholarship
14 accounts;

15

16 (iv) Procedures for entering into reciprocal
17 agreements with other state education savings account
18 agencies and entities, whether public or private, to
19 recognize and allow education service providers approved in
20 other states to receive payments from Hope scholarship
21 accounts under this article.

22

1 (h) The rules or policies adopted by the board shall
2 encourage participation in the program and shall encourage
3 education service providers to provide parents and Hope
4 scholarship students with a broad array of education
5 options.

6

7 **21-2-911. Auditing of Hope scholarship program;**
8 **suspension of accounts and providers; review of decisions.**

9

10 (a) The board shall conduct or contract for random
11 financial audits of individual Hope scholarship accounts as
12 necessary to ensure compliance with the requirements of
13 this article and rules promulgated by the board.

14

15 (b) As part of the financial audit process, the board
16 may remove a parent or eligible recipient from the Hope
17 scholarship program and close a Hope scholarship account
18 for failure to comply with the terms of the parental
19 agreement required under W.S. 21-2-906, failure to comply
20 with applicable laws and rules, failure of the student to
21 remain eligible or intentional and fraudulent misuse of
22 Hope scholarship funds. The board shall adopt rules to
23 establish a review process for the board to examine whether

1 the parent or eligible recipient was appropriately removed
2 from the Hope scholarship program in accordance with this
3 subsection. The board's decision under this subsection
4 shall be a final agency action subject to judicial review
5 in the district court pursuant to W.S. 16-3-114.

6

7 (c) The board may conduct or contract for the audit
8 of education service providers accepting payments from Hope
9 scholarship accounts if it determines that the education
10 service provider has:

11

12 (i) Intentionally and substantially
13 misrepresented information or failed to refund any
14 overpayments in a timely manner; or

15

16 (ii) Routinely failed to provide students with
17 promised educational goods or services.

18

19 (d) If the board determines that an education service
20 provider has intentionally and substantially misused Hope
21 scholarship funds, the board may prohibit the education
22 service provider from continued receipt of payments. The
23 board shall adopt rules to establish a review process for

1 the board to examine whether the education service provider
2 was appropriately removed from receipt of the Hope
3 scholarship payments in accordance with this subsection. If
4 the board prohibits an education service provider from
5 receiving payments from Hope scholarship accounts, it shall
6 notify parents and students of its decision within five (5)
7 business days of its final determination. The board's
8 decision under this subsection shall be a final agency
9 action subject to judicial review in the district court
10 pursuant to W.S. 16-3-114.

11

12 (e) If the board obtains evidence of potential
13 fraudulent use of Hope scholarship funds by any person, it
14 may refer suspected cases to the state department of audit
15 for purposes of investigation, collection and potential
16 criminal investigation.

17

18 **21-2-912. Requirements for education service**
19 **providers.**

20

21 (a) To be eligible to accept payments from a Hope
22 scholarship account, an education service provider shall:

23

1 (i) Submit notice to the board that it wishes to
2 participate in the Hope scholarship program;

3

4 (ii) Provide participating parents with a
5 receipt for all paid qualifying educational expenses for
6 the Hope scholarship student;

7

8 (iii) Agree not to refund, rebate or share Hope
9 scholarship funds with parents or students in any manner,
10 except that funds may be remitted or refunded to a Hope
11 scholarship account in accordance with W.S. 21-2-908(c);

12

13 (iv) Agree to submit any employee who will have
14 contact with Hope scholarship students to a criminal
15 background check;

16

17 (v) Provide notice of enrollment annually to the
18 student's resident school district.

19

20 (b) This article does not limit the independence or
21 autonomy of an education service provider or make the
22 actions of an education service provider the actions of the
23 state government.

1

2 (c) Education service providers shall be given
3 maximum freedom to provide for educational needs of Hope
4 scholarship students without governmental control.

5

6 (d) A participating school or education service
7 provider is not required to alter its creed, practices,
8 admission policy, hiring policy or curriculum in order to
9 accept eligible recipients whose parents pay tuition or
10 fees from a Hope scholarship account pursuant to this
11 article.

12

13 (e) This article does not expand the regulatory
14 authority of the state, its officers or any school district
15 to impose any additional regulation of education service
16 providers beyond those necessary to enforce the
17 requirements of the Hope scholarship program.

18

19 **21-2-913. Responsibilities of resident school**
20 **districts.**

21

22 The resident school district or school district in which a
23 Hope scholarship student was last enrolled, as applicable,

1 shall provide an educational service provider that has
2 enrolled the student with a complete copy of the student's
3 school records, while complying with the federal Family
4 Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

5

6 **21-2-914. Legal proceedings; severability.**

7

8 (a) No liability arises on the part of the board or
9 the state or of any public school district based on the
10 award or use of a Hope scholarship awarded pursuant to this
11 article.

12

13 (b) It is the intention of the legislature in the
14 enactment of this article that if any part of this article
15 is challenged in court as violating either the state or
16 federal constitution, the parents of eligible Hope
17 scholarship students have standing to be parties to such
18 litigation and shall be permitted by the court to intervene
19 as a party.

20

21 **Section 2.** W.S. 9-4-204(u) by creating a new
22 paragraph (ix), 21-4-102 by creating a new subsection (d),
23 21-4-301 and 21-13-310(a)(ix) are amended to read:

1

2 **9-4-204. Funds established; use thereof.**

3

4 (u) Other funds defined as follows shall be
5 classified by the state auditor pursuant to subsections (s)
6 and (t) of this section:

7

8 (ix) The Hope scholarship fund - to consist of
9 funds appropriated, designated or transferred to the fund
10 by law or by gift from whatever source. Earnings from
11 investment of monies within the fund shall be credited to
12 the fund. Any balance, including accrued interest and other
13 earnings, remaining in the fund at the end of each year
14 shall not revert to the general fund, but shall remain in
15 the fund and be expended as provided by law.

16

17 **21-4-102. When attendance required; exemptions;**
18 **withdrawal.**

19

20 (d) A child is exempt from the compulsory attendance
21 requirement under this section if the child is an eligible
22 recipient participating in the Hope scholarship program, as
23 provided under W.S. 21-2-901 et seq., and provides notice

1 of intent to participate in the Hope scholarship program to
2 the child's resident school district.

3
4 **21-4-301. Schools to be free and accessible to all**
5 **children; minimum school year.**

6
7 (a) Except as otherwise provided by law, the public
8 schools of each school district in the state shall at all
9 times be equally free and accessible to all children
10 resident therein of five (5) years of age as of August 1,
11 or September 15 if pursuant to an approved request under
12 W.S. 21-3-110(a)(xxxviii), of the year in which they may
13 register in kindergarten as provided in W.S. 21-4-302(b)
14 and under the age of twenty-one (21), subject to
15 regulations of the board of trustees. Each school district
16 shall operate its schools and its classes for a minimum of
17 one hundred seventy-five (175) days each school year unless
18 an alternative schedule has been approved by the state
19 board. Prior to submission of a proposed alternative
20 schedule to the state board, the board of trustees shall
21 hold at least two (2) advertised public meetings within the
22 district, at which the board shall present the proposed
23 alternative schedule and respond to public questions and

1 comments. Any school district operating under an
2 alternative schedule shall annually evaluate the
3 effectiveness of that schedule in meeting the educational
4 goals and purposes for which the schedule was adopted.

5

6 (b) A parent, guardian or other person having control
7 or charge of any child eligible to attend public school in
8 Wyoming under subsection (a) of this section shall have the
9 option to apply for a Hope scholarship on behalf of the
10 child under W.S. 21-2-901 et seq.

11

12 **21-13-310. Annual computation of district revenues.**

13

14 (a) To ensure revenues available to each district are
15 uniformly sufficient to enable compliance with the uniform
16 standards for educational programs prescribed under W.S.
17 21-9-101 and 21-9-102 and to secure state board
18 accreditation of educational programs under W.S.
19 21-2-304(a)(ii), the revenues specified under this
20 subsection shall be deemed state revenues and shall be
21 considered in determining the amount to be distributed to
22 each district under W.S. 21-13-311. A district shall make
23 an annual computation of the following revenues:

1

2 (ix) The amount of tuition paid to the district
3 during the previous school year, including any amount
4 charged under W.S. 21-4-501 and any amount assessed in
5 excess of the costs incurred for adult education programs,
6 summer school programs, programs provided under an
7 agreement for cooperative educational programs under W.S.
8 21-20-101 through 21-20-111 and any amount assessed for
9 programs and services for children with disabilities, but
10 excluding any tuition assessed by a district for the
11 provision of virtual education programs to participating
12 students pursuant to W.S. 21-13-330, any tuition assessed
13 by a district for the provision of part-time educational
14 programs to participating students pursuant to W.S.
15 21-2-909(f) and 21-4-502(c), any revenues received by a
16 district from post secondary education option programs
17 provided under W.S. 21-20-201 or for the provision of
18 educational programs to a nonresident student placed in a
19 juvenile detention facility pursuant to an agreement with
20 the student's resident school district;

21

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)