

SENATE FILE NO. SF0127

Wyoming learn while you earn program.

Sponsored by: Senator(s) Kinskey, Dockstader, Nethercott
and Steinmetz and Representative(s) Greear,
Harshman, Kinner and Sommers

A BILL

for

1 AN ACT relating to education; establishing the Wyoming
2 learn while you earn program; providing for students to
3 take career technical education while also working;
4 specifying requirements for approving programs and for
5 student and employer participation in the programs;
6 providing funding of the program as specified; providing
7 for payments to community colleges providing approved
8 programs and for payments to employers providing work
9 experience and training; providing for agreements between
10 colleges, high schools and employers; requiring review by
11 the community college commission; requiring the creation of
12 an account for the program; providing a sunset for the
13 program; providing an appropriation and for a continuous
14 appropriation; and providing for effective dates.

15

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

2

3 **Section 1.** W.S. 21-18-501 through 21-18-506 are
4 created to read:

5

6

ARTICLE 5

7

WYOMING LEARN WHILE YOU EARN PROGRAM

8

9 **21-18-501. Definitions.**

10

11 (a) As used in this article:

12

13 (i) "Academic term" means as defined by W.S.
14 21-18-402(a)(i);

15

16 (ii) "College" or "community college" means an
17 institution established under the Wyoming Community College
18 System Code;

19

20 (iii) "Commission" means the Wyoming community
21 college commission;

22

1 (iv) "Credential" means a license, permit,
2 certificate or other government or industry recognized
3 qualification for working in a skilled trade.

4

5 **21-18-502. Wyoming learn while you earn program;**
6 **creation; requirements; administration; student**
7 **eligibility.**

8

9 (a) The Wyoming learn while you earn program is
10 created to allow students attending a Wyoming high school
11 or Wyoming community college to earn wages from
12 participating employers while participating in an approved
13 post-secondary career technical education program. The
14 primary goal of the program is to encourage development of
15 technical skills for a credential program for which there
16 is employer demand in the community college's service area
17 or in an established college consortium combined service
18 area.

19

20 (b) A community college district board may establish
21 a learn while you earn program in accordance with the
22 provisions of this article. Any community college district
23 board that establishes a program shall not utilize any

1 funding available in the Wyoming learn while you earn
2 account created by W.S. 21-18-504 unless:

3

4 (i) The program complies with the provisions of
5 this article; and

6

7 (ii) The board sends a written report of the
8 program and its standards to the commission for review to
9 assure compliance with this article.

10

11 (c) Each program established by a community college
12 district board under this article shall:

13

14 (i) Provide students with employer-paid career
15 technical education experience in a post-secondary career
16 technical education program in a field specified in W.S.
17 21-18-501(a)(iv) during the period in which the student
18 remains enrolled in the participating high school or
19 community college and is a participant in the program. For
20 purposes of this paragraph, a student commencing
21 participation in a program under this article while
22 enrolled in a high school shall be considered to be
23 enrolled in a high school until he is disenrolled or

1 graduates, including those days the school is not in
2 session;

3

4 (ii) Be provided under an agreement between at
5 least one (1) employer and at least one (1) community
6 college. For students enrolled in a high school, there
7 shall also be an agreement between the high school and the
8 employer;

9

10 (iii) Be eligible for lawful employment within
11 the United States;

12

13 (iv) Require active participation by the
14 employer to ensure necessary rigor for a college academic
15 credit or credential program.

16

17 (d) To participate in the Wyoming learn while you
18 earn program and to be eligible for payment for
19 participation in the program, students shall:

20

21 (i) Be enrolled in a Wyoming high school or
22 community college participating in the program;

23

1 (ii) Make application in the form and manner as
2 provided by the community college offering the program;

3

4 (iii) Agree to allow verification by the high
5 school or community college in which the student is
6 enrolled, and by the community college that is operating
7 the program, of the hours worked for, training paid by and
8 wages paid by the employer under the program;

9

10 (iv) Be eligible for lawful employment within
11 the United States;

12

13 (v) Comply with United States selective service
14 system requirements for registration, if the requirements
15 are applicable to the student;

16

17 (vi) Not be currently in default on a federal
18 Title IV education loan;

19

20 (vii) Not owe a refund under a federal Title IV
21 student financial aid program or a subsequently enacted
22 similar federal student financial aid program, or a student
23 financial aid program administered through the state;

1

2 (viii) Not have received the number of payments
3 specified in subsection (e) of this section.

4

5 (e) No payment shall be made for a student's
6 participation in a program under this article for more than
7 six (6) semesters while enrolled in a high school and six
8 (6) academic terms while enrolled in a community college.

9

10 (f) Each participating community college shall
11 determine a student's eligibility for participation in a
12 program under this article.

13

14 (g) Any school district within the state may allow
15 students enrolled in the district to receive a portion of a
16 student's education pursuant to an agreement with a
17 community college providing a program under this article
18 and consistent with existing dual and concurrent enrollment
19 agreements. The agreement shall be expanded to include
20 noncredit dual and concurrent enrollment under this
21 article. The district in which the student is enrolled
22 shall include the student within its average daily
23 membership (ADM) for purposes of the foundation program

1 under W.S. 21-13-309. The community college providing a
2 portion of the student's education may assess the school
3 district for the classes and training provided through the
4 program. The community college in which a student is
5 enrolled in a noncredit program shall include the student
6 full-time equivalent in calculations pursuant to the
7 funding allocation model as provided by W.S.
8 21-18-202(c)(i).

9

10 (h) Any community college may enter into agreements
11 with one (1) or more employers seeking to participate in a
12 program created under this article. Any high school may
13 enter into agreements with one (1) or more employers for
14 students enrolled in high school and enrolled in a program.
15 All agreements shall:

16

17 (i) Meet the requirements for student learners
18 under federal law for those students under eighteen (18)
19 years of age;

20

21 (ii) Provide that the student shall be an
22 employee of the employer while participating in the
23 program;

1

2 (iii) Require the employer to provide wages to
3 the student participating in the program while working for
4 the employer and when the student is not receiving unpaid
5 training;

6

7 (iv) Require or include an option for the
8 employer to provide unpaid training to the student in
9 addition to payment for hours worked;

10

11 (v) Provide or allow the option for
12 reimbursement to an employer for time spent by the employer
13 providing training to a student under a program when the
14 student is not receiving wages. The reimbursement shall be
15 at a predetermined rate agreed to by the college or high
16 school and the employer;

17

18 (vi) Require the employer to allow verification
19 by the college of hours worked, wages paid and training
20 provided to the student by the employer.

21

22 (j) The commission in collaboration with community
23 colleges and school districts shall determine the credit to

1 be granted by community colleges for hours of student
2 program participation. The commission shall develop and
3 maintain a common course numbering system among community
4 colleges and school districts for programs established
5 under this article.

6

7 **21-18-503. Payments to colleges; use of funds;**
8 **audits.**

9

10 (a) Subject to W.S. 21-18-504, funds for the program
11 under this article shall be expended as follows:

12

13 (i) Funds deposited into the Wyoming learn while
14 you earn account pursuant to W.S. 21-18-504 shall be
15 allocated and expended based upon the actual enrollment in
16 the program and verification of employer wages paid to
17 eligible students in each program;

18

19 (ii) Each college utilizing funds for the
20 program shall prepare a list of eligible students enrolled
21 in each program, whether as a high school enrollee through
22 agreement with the college or as an enrollee of the
23 college. Each college shall submit the list required by

1 this paragraph for each academic term at a date prescribed
2 by rule of the commission. Each college shall review the
3 lists compiled by the commission to ensure that there is no
4 duplication of students between the programs of different
5 colleges.

6

7 (b) Funds for the program shall be expended for
8 staff, resource materials and classroom equipment necessary
9 to support the program, including reimbursement to
10 employers training students as provided in W.S.
11 21-18-502(h). Community colleges may enter into consortium
12 agreements for operation of programs established under this
13 article.

14

15 (c) The commission may conduct an audit of any
16 college establishing and operating a program under this
17 article to determine compliance with any provision of this
18 article.

19

20 (d) In addition to any funds received from the
21 Wyoming learn while you earn account, each college may
22 accept any available funds from the federal government,

1 gifts and grants to establish and operate a program under
2 this article.

3

4 **21-18-504. Account created; funds continuously**
5 **appropriated; distribution.**

6

7 (a) The Wyoming learn while you earn account is
8 created. The account shall consist of funds appropriated by
9 the legislature, gifts and grants accepted by the state or
10 the commission and such other funds as directed by law.
11 Monies within the account are continuously appropriated to
12 the commission for distribution as provided in this
13 article. Interest and other earnings on funds within the
14 account shall be credited to the account. Unexpended and
15 unencumbered monies within the account shall not lapse but
16 shall remain in the account, subject to W.S. 21-18-506.

17

18 (b) Appropriated state funds within the Wyoming learn
19 while you earn account shall be accounted for separately
20 from all other funds within the account.

21

22 (c) Subject to availability and subject to W.S.
23 21-18-503, funds within the Wyoming learn while you earn

1 account shall be provided to a community college providing
2 a program under this article as follows:

3

4 (i) Community colleges shall apply to the
5 commission for payment for eligible students in a college's
6 program. The commission shall provide funding to each
7 college based upon the actual enrollment in the program and
8 verification of employer wages paid to eligible students in
9 the program;

10

11 (ii) Each community college shall notify the
12 commission not later than thirty (30) days after each
13 academic term in which a program is provided, a list of
14 eligible students enrolled in each program, whether as a
15 high school enrollee through agreement with the college or
16 as an enrollee of the college. The college shall also
17 include in the list for all eligible students the wages
18 paid to those students by employers for hours worked in the
19 program, identifying separately wages paid to students
20 enrolled in high school and the college's enrolled
21 students. The executive director of the commission shall
22 verify whether there is any duplication of students on the
23 community college's list with student lists from other

1 community colleges for the same academic term. The
2 executive director shall certify to the commission the
3 amount of wages paid to the college's enrolled students
4 under each program. Not later than ten (10) days after
5 receipt of the notice required by this paragraph, the
6 commission shall authorize payment from the Wyoming learn
7 while you earn account an amount equal to the certified
8 wages paid to the college's enrolled eligible students in
9 the program.

10

11 **21-18-505. Legislative oversight and authority.**

12

13 Nothing in this article shall be construed to constitute an
14 entitlement to funding by the legislature. Wyoming learn
15 while you earn funding shall be subject to legislative
16 appropriation. The legislature reserves the right to modify
17 or terminate the program established under this article at
18 any time.

19

20 **21-18-506. Sunset of program; reversion of funds.**

21

22 W.S. 21-18-501 through 21-18-505 are repealed effective
23 June 30, 2026. No community college or the commission shall

1 authorize or utilize funding for the operation of any
2 program under this article beyond June 30, 2026.
3 Unexpended, unobligated legislative appropriations to the
4 Wyoming learn while you earn account shall revert as
5 provided by law on June 30, 2026.

6

7 **Section 2.** W.S. 21-3-111(a) by creating a new
8 paragraph (xxii), 21-13-309(m)(v)(D)(II),
9 21-18-102(a)(xxiii) and 21-18-205 by creating a new
10 subsection (j) are amended to read:

11

12 **21-3-111. Powers of boards of trustees.**

13

14 (a) The board of trustees in each school district
15 within the state may:

16

17 (xxii) Authorize the superintendent of the
18 district to enter into agreements with employers pursuant
19 to W.S. 21-18-502.

20

21 **21-13-309. Determination of amount to be included in**
22 **foundation program for each district.**

23

1 provides students with the technical knowledge, skills or
2 proficiencies necessary to obtain employment in current or
3 emerging occupations or to pursue advanced skill training.
4 To qualify under this subdivision, a vocational course
5 shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and
6 aligned with state content and performance standards
7 prescribed by the state board of education under W.S.
8 21-2-304(a)(iii), and except as provided under W.S.
9 21-2-202(a)(xxvii), shall be provided by a teacher
10 certified by the Wyoming professional teaching standards
11 board for the vocational subject area associated with the
12 course. Programs established and operated in accordance
13 with W.S. 21-18-502 and that are provided by a teacher
14 certified by the Wyoming professional teaching standards
15 board for the vocational subject area associated with the
16 course shall qualify under this subdivision;

17

18 **21-18-102. Definitions.**

19

20 (a) As used in this act:

21

22 (xxiii) "This act" means W.S. 21-18-101 through
23 ~~21-18-409~~ 21-18-506.

1

2 **21-18-205. Appropriation and distribution of state**
3 **funds; restrictions; budget authority.**

4

5 (j) The commission may request funding for and shall
6 distribute funds to colleges as required in W.S. 21-18-501
7 through 21-18-506. Funds requested for the Wyoming learn
8 while you earn program shall be requested by an exception
9 budget and shall be designated as separate special funding
10 for the Wyoming learn while you earn program only. Funds
11 distributed pursuant to the Wyoming learn while you earn
12 program shall be accounted for and distributed separately
13 from the funding allocation model under subsection (c) of
14 this section, from special funding distributed pursuant to
15 subsection (e) of this section and from the funding for the
16 Wyoming works program under subsection (h) of this section.

17

18 **Section 3.** There is appropriated one million dollars
19 (\$1,000,000.00) from the general fund to the Wyoming learn
20 while you earn account created in W.S. 21-18-504(a), as
21 created by section 1 of this act. This appropriation shall
22 not be transferred or expended for any purpose other than
23 as provided in this act. Any unexpended and unobligated

