

SENATE FILE NO. SF0143

Wyoming freedom scholarship act-2.

Sponsored by: Senator(s) Steinmetz, Baldwin, Biteman, Boner, Brennan, Cooper, Driskill, Hutchings, Kinskey, Laursen, D and Salazar and Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Davis, Eklund, Haroldson, Heiner, Hornok, Jennings, Knapp, Lawley, Locke, Neiman, Niemiec, O'Hearn, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Stith, Strock, Styvar, Tarver, Trujillo, Ward, Washut and Winter

A BILL

for

1 AN ACT relating to education; creating the Wyoming Freedom
 2 Scholarship Act; authorizing education savings accounts;
 3 specifying legal proceedings; creating an account;
 4 providing for a transfer of funds to the account; providing
 5 for the use and administration of education savings
 6 accounts for education; providing powers and duties of the
 7 state treasurer; providing rulemaking authority; specifying
 8 that a qualified school is not an agent of the state or
 9 federal government; establishing an oversight committee;
 10 making conforming amendments; authorizing a temporary

1 committee as specified; providing an appropriation; and
2 providing for effective dates.

3

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

5

6 **Section 1.** W.S. 21-2-901 through 21-2-910 are created
7 to read:

8

9

ARTICLE 9

10

WYOMING FREEDOM SCHOLARSHIP ACT

11

12 **21-2-901. Short title.**

13

14 This act shall be known as the Wyoming Freedom Scholarship
15 Act." The program created by this act shall be known as the
16 "ESA program."

17

18 **21-2-902. Definitions.**

19

20 (a) As used in this act, unless the context otherwise
21 requires:

22

1 (i) "Curriculum" means a course of study for
2 content areas or grade levels, including any supplemental
3 materials required or recommended by the curriculum;

4
5 (ii) "Education savings account" or "ESA" means
6 the spending account for a child's education to which funds
7 are allocated by the state treasurer, for which a parent of
8 an ESA student enters into an agreement with the state
9 treasurer to choose and pay for qualifying education
10 expenses to educate the ESA student, subject to the
11 requirements and conditions of this act;

12
13 (iii) "Education service provider" means a person
14 or organization that receives payments authorized by a
15 parent from education savings accounts to provide
16 educational goods and services to ESA students;

17
18 (iv) "Eligible student" means a child who is a
19 Wyoming resident, who has not graduated from high school,
20 received a high school equivalency certificate or completed
21 the equivalent of high school through a home-based
22 educational program and who is eligible to attend a public
23 school in this state;

1

2 (v) "ESA student" means an eligible student who
3 is participating in the ESA program;

4

5 (vi) "Parent" means a resident of this state who
6 is the parent, stepparent or legal guardian of an eligible
7 student or ESA student and may include an eligible student
8 or ESA student who is an emancipated minor;

9

10 (vii) "Qualified school" means a nongovernmental
11 primary or secondary school that is located in or that
12 provides education services in this state and that does not
13 discriminate on the basis of race, color or national
14 origin;

15

16 (viii) "State treasurer" may include an
17 organization that the state treasurer has contracted with
18 to carry out the purposes of this act under W.S.
19 21-2-906(a)(iv);

20

21 (ix) "This act" means W.S. 21-2-901 through
22 21-2-910.

23

1 **21-2-903. Education savings accounts; Wyoming freedom**
2 **scholarship program account.**

3

4 (a) The total amount to be deposited in an education
5 savings account for an ESA student each year shall be six
6 thousand dollars (\$6,000.00) as adjusted annually by the
7 state treasurer for the costs of inflation.

8

9 (b) Payments to ESAs under this act shall be made by
10 the state treasurer from the Wyoming freedom scholarship
11 program account, which is hereby created. The account shall
12 consist of funds transferred to the account and other funds
13 appropriated by the legislature to the account. All
14 earnings from investment of the account shall be credited
15 by the state treasurer to the account. Except as provided
16 by subsection (c) of this section, any unencumbered,
17 unobligated balance of the account at the end of each
18 fiscal year shall not revert but shall remain in the
19 account and shall be expended to fund ESAs as provided by
20 this act.

21

22 (c) If at the end of a fiscal year the state
23 treasurer determines that the amount in the Wyoming freedom

1 scholarship program account is more than thirty million
2 dollars (\$30,000,000.00) and is more than one hundred and
3 fifty percent (150%) of the amount required to fund all
4 approved ESAs for that fiscal year, the state treasurer
5 shall transfer the excess amount determined under this
6 subsection to the school foundation program account.

7

8 (d) Payments to each approved ESA shall be disbursed
9 on a quarterly basis by the state treasurer or another
10 state agency or person designated by the state treasurer to
11 administer and disburse funds to education savings
12 accounts.

13

14 (e) The ESA program shall not be funded with county,
15 city or school district tax revenues.

16

17 **21-2-904. ESA program parent agreement; ESA**
18 **administration.**

19

20 (a) Before participation in the ESA program, parents
21 of an ESA student shall sign an agreement with the state
22 treasurer to do all of the following:

23

1 (i) Use the funds deposited in the ESA only for
2 any of the following qualifying expenses to educate the ESA
3 student:

4

5 (A) Tuition and fees at a qualified school;

6

7 (B) Tuition and fees for non-public online
8 learning programs;

9

10 (C) Tutoring services provided by an
11 individual or a tutoring facility. The tutoring services
12 shall not be provided by an ESA student's immediate family;

13

14 (D) Services contracted for and provided by
15 a public school district including at a charter school.
16 Services under this subparagraph may include, without
17 limitation, individual classes and extracurricular
18 activities and programs;

19

20 (E) Textbooks, curriculum and other
21 instructional materials, including, but not limited to, any
22 supplemental materials or associated online instruction

1 required by either a curriculum or an education service
2 provider;

3

4 (F) Computer hardware or other
5 technological devices that are primarily used to help meet
6 an ESA student's educational needs;

7

8 (G) Educational software and applications;

9

10 (H) School uniforms;

11

12 (J) Fees for nationally standardized
13 assessments, advanced placement examinations, examinations
14 related to college or university admission and tuition and
15 fees for preparatory courses for the exams;

16

17 (K) Tuition and fees for summer education
18 programs and specialized after school education programs,
19 but not after school childcare;

20

21 (M) Tuition, fees, instructional materials
22 and examination fees at a career or technical school;

23

1 (N) Educational services and therapies
2 including, but not limited to, occupational, behavioral,
3 physical, speech-language and audiology therapies;

4

5 (O) Tuition and fees at an institution of
6 higher education;

7

8 (P) Fees for transportation paid to a
9 fee-for-service transportation provider for the student to
10 travel to and from an education service provider;

11

12 (Q) Any other educational expense approved
13 by the state treasurer.

14

15 (ii) As provided in this section, use Wyoming
16 freedom scholarship program account monies to provide an
17 education for the ESA student that provides fundamental
18 instruction in at least reading, writing, mathematics,
19 civics, history, literature and science. No parent shall be
20 required to include any instruction that conflicts with the
21 parent's or ESA student's religious doctrines; and

22

1 (iii) Not enroll the qualified student in a
2 school district or charter school and to release the
3 applicable school district from all obligations to educate
4 the qualified student. This paragraph shall not:

5

6 (A) Require an eligible student to withdraw
7 from a school district or charter school before applying
8 for or receiving an ESA if the eligible student withdraws
9 from the school district or charter school before receiving
10 or expending any monies in the student's ESA;

11

12 (B) Prevent a qualified student from
13 applying in advance for an ESA to be funded beginning the
14 following school year;

15

16 (C) Prevent the school district or charter
17 school from charging an ESA for any services provided to
18 the qualified student to the extent authorized by law.

19

20 (b) Funds in an ESA shall not be refunded, rebated or
21 shared with a parent or ESA student in any manner. Any
22 refund or rebate for goods or services purchased with ESA
23 funds shall be credited directly to the student's ESA.

1

2 (c) Parents may make payments for costs of
3 educational goods and services not covered by the funds in
4 the ESA. Personal deposits into an ESA shall not be
5 permitted.

6

7 (d) Funds deposited in an ESA shall not constitute
8 taxable income to the parent or the ESA student.

9

10 (e) An ESA shall remain active and any unused funds
11 shall roll over from quarter to quarter and from year to
12 year until the parent withdraws the ESA student from the
13 ESA program or until the ESA student is no longer eligible
14 for the ESA program, unless the ESA is closed because of a
15 substantial misuse of funds. When an ESA is closed, any
16 unused funds shall revert to the Wyoming freedom
17 scholarship program account.

18

19 (f) Nothing in this act shall be construed to require
20 an ESA student to be enrolled, full-time or part-time, in a
21 private school or a nonpublic online school. An ESA student
22 receiving individualized instruction in a non-school

1 setting shall not be construed to be a home-based
2 educational program as defined in W.S. 21-4-101(a)(v).

3

4 **21-2-905. Application.**

5

6 (a) A parent may apply to the state treasurer to
7 establish an ESA for an eligible student.

8

9 (b) The state treasurer shall establish procedures
10 for approving applications in an expeditious manner.

11

12 (c) The state treasurer shall create a standard form
13 that parents can submit to establish their student's
14 eligibility for the ESA program and shall ensure that the
15 application form is publicly available and that completed
16 applications may be submitted through various sources,
17 including the internet.

18

19 (d) The state treasurer shall approve an application
20 for an ESA if:

21

1 (i) The parent submits an application for an ESA
2 in accordance with any application procedures established
3 by the state treasurer;

4

5 (ii) The student on whose behalf the parent is
6 applying is an eligible student;

7

8 (iii) Funds are available for the ESA;

9

10 (iv) If the number of applications exceeds the
11 available scholarship funds for a school year, the students
12 shall be selected on a first come, first served basis,
13 except enrollment preference shall be given to the
14 following students:

15

16 (A) An eligible student who in the previous
17 school used a scholarship account; or

18

19 (B) A sibling of an eligible student who:

20

21 (I) Receives scholarship funds from a
22 scholarship account at the time the sibling applied for a
23 scholarship account; or

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(II) Received scholarship funds in the school year immediately preceding the school year in which the sibling applies for a scholarship account.

(v) The parent signs an agreement with the state treasurer as provided in W.S. 21-2-904(a).

(e) A signed agreement between the parent and state treasurer under W.S. 21-2-904(a) shall satisfy the compulsory school attendance requirements of W.S. 21-4-102. The agreement shall stipulate that an ESA student receiving individualized instruction in a non-school setting is not receiving a home-based educational program as defined in W.S. 21-4-101(a)(v). The parent shall annually provide the student's resident school district notice of intent to participate in the ESA program.

(f) Upon notice to the state treasurer, an ESA student may choose to stop receiving ESA funding and enroll full-time in a public school. Enrolling as a full-time student in a public school shall result in the immediate suspension of payment of additional funds into the

1 student's ESA and the state treasurer may close the ESA. If
2 an eligible student applies to the state treasurer to
3 return to the ESA program, payments into the student's
4 existing ESA may resume if the ESA is still open and
5 active. A new ESA may be established if the student's ESA
6 was closed.

7

8 (g) The state treasurer may adopt rules and policies
9 to provide the least disruptive process for ESA students
10 who choose to stop receiving ESA payments and enroll
11 full-time in a public school.

12

13 **21-2-906. Duties of the state treasurer.**

14

15 (a) In addition to the state treasurer's duties,
16 obligations and authority specified in other sections of
17 this act, the state treasurer shall:

18

19 (i) Maintain an updated list of education
20 service providers and ensure that the list is available to
21 parents of ESA students. The list shall enable the
22 education service provider to indicate if the education
23 service provider is accepting new students;

1

2 (ii) Provide parents with a written explanation
3 of the allowable uses of ESA funds, the responsibilities of
4 parents and the duties of the state treasurer including the
5 role of any private financial management firms or other
6 private organizations that the state treasurer may contract
7 with to administer the ESA program or any aspect of the ESA
8 program;

9

10 (iii) Ensure that parents of students with
11 disabilities receive notice that participation in the ESA
12 Program is a parental placement under 20 U.S.C. § 1412,
13 Individuals with Disabilities Education Act (IDEA), along
14 with an explanation of the rights that parentally placed
15 students possess under IDEA and any applicable state laws
16 and regulations;

17

18 (iv) If determined necessary by the state
19 treasurer, contract with one (1) or more private
20 organizations to administer the ESA program or specific
21 functions of the ESA program including, without limitation,
22 contracting with private financial management firms to
23 manage ESAs. Notwithstanding any other provisions of law,

1 if the state treasurer contracts with private organizations
2 to administer the ESA program under this paragraph, the
3 state treasurer shall seek good faith bids from not less
4 than three (3) private organizations;

5

6 (v) If determined necessary by the state
7 treasurer, withhold from deposits or deduct from ESAs an
8 amount to cover the costs of administering the ESA program,
9 up to a maximum of five percent (5%) annually in the first
10 two (2) years of the ESA Program and up to a maximum of
11 three percent (3%) annually thereafter;

12

13 (vi) Implement a commercially viable,
14 cost-effective and user-friendly system for payment of
15 services from ESAs to education service providers by
16 electronic or online funds transfer. The payment system
17 shall not rely exclusively on requiring parents to be
18 reimbursed for out-of-pocket expenses. The payment system
19 shall provide maximum flexibility to parents by
20 facilitating direct payments to education service providers
21 as well as requests for pre-approval of and reimbursements
22 for qualifying expenses listed in W.S. 21-2-904(a)(i). The

1 state treasurer may contract with private organizations to
2 develop the payment system;

3

4 (vii) Continue making deposits into a student's
5 ESA until:

6

7 (A) The state treasurer determines that the
8 ESA student is no longer an eligible student;

9

10 (B) The state treasurer determines that
11 there was an intentional and substantial misuse of the
12 funds in the ESA;

13

14 (C) The parent or ESA student withdraws
15 from the ESA program;

16

17 (D) The ESA student enrolls full-time in a
18 public school; or

19

20 (E) The ESA student graduates from high
21 school, receives a high school equivalency certificate or
22 completes the equivalent of high school through a
23 home-based educational program.

1

2 (viii) Conduct or contract for the auditing of
3 individual ESAs and shall at a minimum conduct or contract
4 for random audits of ESAs on an annual basis;

5

6 (ix) If the state treasurer finds an intentional
7 and substantial misuse of ESA funds, determine that the
8 parent or ESA student is ineligible for participation in
9 the ESA program. The state treasurer shall by rule create
10 procedures to ensure that a fair process exists to
11 determine whether an intentional and substantial misuse of
12 ESA funds has occurred. If an ESA student is free from
13 personal misconduct, that student shall be eligible for an
14 ESA in the future if placed with a new guardian or other
15 person with the legal authority to act on behalf of the
16 student. The state treasurer shall have the authority to
17 refer suspected cases of intentional and substantial misuse
18 of ESA funds to the department of audit or the attorney
19 general for investigation if evidence of fraudulent use of
20 ESA funds is obtained. A parent or ESA student may appeal
21 the state treasurer's decision to make the parent or ESA
22 student ineligible for the ESA program;

23

1 (x) Prohibit an education service provider from
2 accepting payments from ESAs if the state treasurer
3 determines that the education service provider has:

4

5 (A) Intentionally and substantially
6 misrepresented information or failed to refund any
7 overpayments in a timely manner; or

8

9 (B) Routinely failed to provide students
10 with promised educational goods or services.

11

12 (xi) By rule create procedures to ensure that a
13 fair process exists to determine whether an education
14 service provider should be prohibited from receiving
15 payments from ESAs under paragraph (x) of this subsection.
16 If the state treasurer bars an education service provider
17 from receiving payments from ESAs, it shall notify parents
18 and ESA students of the decision as quickly as possible.
19 Education service providers may appeal the state
20 treasurer's decision to bar them from receiving payments
21 from ESAs.

22

1 (b) If an education service provider requires partial
2 payment of tuition or fees prior to the start of the school
3 year to reserve space for an ESA student admitted to the
4 education service provider, the state treasurer may make
5 the partial payment prior to the start of the school year
6 in which the ESA is awarded and deduct that amount from
7 subsequent quarterly ESA deposits to ensure adequate funds
8 remain available in the ESA throughout the school year. If
9 an ESA student decides not to use the education service
10 provider, the partial payment made under this subsection
11 shall be returned to the state treasurer by the education
12 service provider and credited to the student's ESA.

13

14 (c) The state treasurer may accept gifts and grants
15 from any source to cover administrative costs of the
16 program, to inform the public about the ESA Program or to
17 fund ESAs.

18

19 (d) The state treasurer may adopt rules that are not
20 inconsistent with this act and that are necessary for the
21 administration of this act including rules:

22

1 (i) Establishing or contracting for the
2 establishment of an online anonymous fraud reporting
3 service;

4

5 (ii) Establishing an anonymous telephone hotline
6 for fraud reporting;

7

8 (iii) Requiring a surety bond for education
9 service providers receiving more than one hundred fifty
10 thousand dollars (\$150,000.00) in ESA funds; and

11

12 (iv) Establishing a procedure for refunding
13 payments from education service providers to ESAs.

14

15 (e) Rules adopted by the state treasurer under
16 subsection (d) of this section shall focus on easing
17 parental involvement in the program and encouraging
18 educational service providers to provide parents and ESA
19 students with a broad array of educational options.

20

21 **21-2-907. Parent review commission.**

22

1 (a) There is created the parent review commission to
2 assist the state treasurer in determining whether
3 questionable expenditures meet the requirements to be
4 considered qualifying expenses to educate the ESA student
5 under W.S. 21-2-904(a)(i) and to provide recommendations to
6 the state treasurer on how to implement, administer and
7 improve the ESA program.

8

9 (b) The parent review commission shall consist of
10 seven (7) members appointed by the state treasurer. The
11 members of the commission shall be parents of ESA students
12 and shall represent not less than four (4) different
13 counties. Members shall serve at the pleasure of the state
14 treasurer for a term of four (4) years and may be
15 reappointed. The state treasurer or his designee shall
16 serve as the nonvoting chairperson of the commission.

17

18 (c) The state treasurer may request the commission to
19 meet, in person or virtually, to determine whether an
20 expenditure of ESA funds is or was a qualifying expense to
21 educate an ESA student. The commission may by majority vote
22 recommend that the expenditure be denied or approved.

23

1 (d) The state treasurer may request the commission to
2 meet, in person or virtually, to review appeals of
3 education service provider denials pursuant to W.S.
4 21-2-906(a)(x) and to provide a recommendation as to
5 whether an education service provider should be allowed to
6 receive payments from ESAs.

7

8 **21-2-908. Education service providers.**

9

10 (a) The state treasurer may approve education service
11 providers on his own initiative, at the request of parents
12 or by receipt of notice provided by prospective education
13 service providers under this section.

14

15 (b) Before receiving payment from an ESA, a
16 prospective education service provider shall:

17

18 (i) Register with the state treasurer to receive
19 payments from ESAs;

20

21 (ii) Agree not to refund, rebate or share ESA
22 funds with parents or ESA students in any manner, except
23 that funds may be remitted or refunded to an ESA in

1 accordance with procedures established by the state
2 treasurer.

3

4 (c) Nothing in this act shall be deemed to limit the
5 independence or autonomy of an education service provider
6 or to make the actions of an education service provider the
7 actions of state government.

8

9 (d) Education service providers shall be given
10 maximum freedom to provide instruction and services in
11 their usual and customary manner to meet the educational
12 needs of ESA students.

13

14 (e) Nothing in this act shall be construed to expand
15 the regulatory authority of the state, its officers, or any
16 school district to impose any additional regulation of
17 education service providers beyond those necessary to
18 enforce the requirements of the ESA Program.

19

20 (f) An education service provider that accepts
21 payment from an ESA pursuant to this act is not an agent of
22 the state or federal government.

23

1 (g) An education service provider shall not be
2 required to alter its creed, practices, admission policy or
3 curriculum to accept payments authorized by a parent from
4 an ESA.

5

6 **21-2-909. Responsibilities of public schools and**
7 **school districts.**

8

9 A public school, or school district, that previously
10 enrolled an ESA student shall provide a private school that
11 is also an education service provider and that has enrolled
12 an ESA student with a complete copy of the ESA student's
13 school records, while complying with 20 U.S.C. § 1232g, the
14 Family Educational Rights and Privacy Act of 1974.

15

16 **21-2-910. Legal proceedings.**

17

18 (a) In any legal proceeding challenging the
19 application of this act or a rule adopted under this act to
20 an education service provider, the state bears the burden
21 of establishing that the law is necessary and does not
22 impose any undue burden on the education service provider.

23

1 (b) No liability shall arise on the part of the state
2 treasurer or the state or any public school or school
3 district based on the award of or use of an ESA pursuant to
4 this act.

5
6 (c) If any part of this act is challenged in a state
7 court as violating either the state or federal
8 constitutions, parents of eligible students and parents of
9 ESA students shall be permitted to intervene as of right in
10 any lawsuit for the purposes of defending the ESA program's
11 constitutionality. However, for the purposes of judicial
12 administration, a court may require that all parents file a
13 joint brief as long as the parents are not required to join
14 any brief filed on behalf of any named state defendant.

15
16 (d) If any provision of this act, or the application
17 thereof to any person or circumstances, is held invalid,
18 the invalidity shall not affect other provisions or
19 applications of this act which can be given effect without
20 the invalid provision or application, and to this end the
21 provisions of this act are declared to be severable.

22

1 **Section 2.** W.S. 9-4-601(a)(ii), 21-4-102 by creating
2 a new subsection (d), 21-4-301 and 21-13-310(a)(ix) are
3 amended to read:

4

5 **9-4-601. Distribution and use; funds, accounts,**
6 **cities and towns benefited; exception for bonus payments.**

7

8 (a) All monies received by the state of Wyoming from
9 the secretary of the treasury of the United States under
10 the provisions of the act of congress of February 25, 1920
11 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or
12 from lessees or authorized mine operators and all monies
13 received by the state from its sale of production from
14 federal mineral leases subject to the act of congress of
15 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,
16 191) as amended, except as provided by subsection (b) of
17 this section, shall be deposited into an account and the
18 first two hundred million dollars (\$200,000,000.00) of
19 revenues received in any fiscal year shall be distributed
20 by the state treasurer as provided in this subsection. One
21 percent (1%) of these revenues shall be credited to the
22 general fund as an administrative fee, and the remainder
23 shall be distributed as follows:

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(ii) ~~Subject to paragraph (xi) of this section,~~
~~Forty-four and eight-tenths percent (44.8%), to the public~~
~~school foundation program account~~ subject to allocations
under W.S. 9-4-605, as follows:

(A) Fifty percent (50%) of the amount to
the public school foundation program account; and

(B) Fifty percent (50%) of the amount to
the Wyoming freedom scholarship program account created by
W.S. 21-2-903(b).

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

(d) A child participating in the ESA program
specified by W.S. 21-2-901 and who provides notice of
participation in the ESA program to the child's school
district shall be deemed to be in compliance with the
compulsory attendance requirement under this section.

1 **21-4-301. Schools to be free and accessible to all**
2 **children; minimum school year.**

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

1 effectiveness of that schedule in meeting the educational
2 goals and purposes for which the schedule was adopted.

3

4 (b) A parent, guardian or other person having control
5 or charge of any child eligible to attend public school in
6 Wyoming under subsection (a) of this section shall have the
7 option to apply for the ESA program specified by W.S.
8 21-2-901 on behalf of the child.

9

10 **21-13-310. Annual computation of district revenues.**

11

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

22

1 (ix) The amount of tuition paid to the district
2 during the previous school year, including any amount
3 charged under W.S. 21-4-501 and any amount assessed in
4 excess of the costs incurred for adult education programs,
5 summer school programs, programs provided under an
6 agreement for cooperative educational programs under W.S.
7 21-20-101 through 21-20-111 and any amount assessed for
8 programs and services for children with disabilities, but
9 excluding any tuition assessed by a district for the
10 provision of virtual education programs to participating
11 students pursuant to W.S. 21-13-330, any tuition assessed
12 by a district for the provision of part-time educational
13 programs to participating students pursuant to W.S.
14 21-2-904(a)(i)(D) and 21-4-502(c), any revenues received by
15 a district from post secondary education option programs
16 provided under W.S. 21-20-201 or for the provision of
17 educational programs to a nonresident student placed in a
18 juvenile detention facility pursuant to an agreement with
19 the student's resident school district;

20

21 **Section 3.** There is appropriated thirty million
22 dollars (\$30,000,000.00) from the general fund to the
23 Wyoming freedom scholarship program account created by W.S.

1 21-2-903(b) for purposes of the Wyoming Freedom Scholarship
2 Act.

3

4 **Section 4.**

5

6 (a) The state treasurer shall adopt rules and take
7 other actions as necessary to enable students to enroll in
8 the ESA program created by this act for the school year
9 beginning in 2024. The state treasurer shall begin
10 accepting applications for the ESA program not later than
11 January 1, 2024.

12

13 (b) The state treasurer may establish and appoint a
14 temporary committee of up to five (5) members for the
15 purpose of advising and assisting with the promulgation of
16 rules under subsection (a) of this section. The members of
17 the committee shall serve without compensation and the
18 committee, if formed, shall dissolve not later than January
19 1, 2025.

20

1 **Section 5.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective immediately upon completion
5 of all acts necessary for a bill to become law as provided
6 by Article 4, Section 8 of the Wyoming Constitution.

7

8 (b) Sections 1 and 2 of this act are effective
9 January 1, 2024.

10

11

(END)