

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; providing an appropriation;
 11 and providing for effective dates.

1

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

3

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

6

7

ARTICLE 9

8

WYOMING FREEDOM SCHOLARSHIP ACT

9

10 **21-2-901. Short title.**

11

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

15

16 **21-2-902. Definitions.**

17

18 (a) As used in this act, unless the context otherwise
19 requires:

20

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

1

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

9

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

14

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

21

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

1

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

6

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

12

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

17

18 (ix) "This act" means W.S. 21-2-901 through
19 21-2-910.

20

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

23

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

5
6 (b) Payments to ESAs under this act shall be made by
7 the state treasurer from the Wyoming freedom scholarship
8 program account, which is hereby created. The account shall
9 consist of funds transferred to the account and other funds
10 appropriated by the legislature to the account. All
11 earnings from investment of the account shall be credited
12 by the state treasurer to the account. Except as provided
13 by subsection (c) of this section, any unencumbered,
14 unobligated balance of the account at the end of each
15 fiscal year shall not revert but shall remain in the
16 account and shall be expended to fund ESAs as provided by
17 this act. If the funds in the account are insufficient to
18 provide all approved ESAs in any fiscal year and if the
19 legislative stabilization reserve account has a balance of
20 more than five hundred million dollars (\$500,000,000.00),
21 the state treasurer is authorized to transfer an amount
22 from the legislative stabilization reserve account as is
23 necessary to fund ESAs under this act.

1

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

10

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

16

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

19

20 **21-2-904. ESA program parent agreement; ESA**
21 **administration.**

22

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

4

5 (i) Use the funds deposited in the ESA only for
6 any of the following qualifying expenses to educate the ESA
7 student:

8

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

10

11 (B) Tuition and fees for non-public online
12 learning programs;

13

14 (C) Tutoring services provided by an
15 individual or a tutoring facility;

16

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

22

1 (E) Textbooks, curriculum and other
2 instructional materials, including, but not limited to, any
3 supplemental materials or associated online instruction
4 required by either a curriculum or an education service
5 provider;

6

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

10

11 (G) Educational software and applications;

12

13 (H) School uniforms;

14

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

19

20 (K) Tuition and fees for summer education
21 programs and specialized after school education programs,
22 but not after school childcare;

23

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

3

4 (N) Educational services and therapies
5 including, but not limited to, occupational, behavioral,
6 physical, speech-language and audiology therapies;

7

8 (O) Tuition and fees at an institution of
9 higher education;

10

11 (P) Fees for transportation paid to a
12 fee-for-service transportation provider for the student to
13 travel to and from an education service provider;

14

15 (Q) Any other educational expense approved
16 by the state treasurer.

17

18 (ii) As provided in this section, use Wyoming
19 freedom scholarship program account monies to provide an
20 education for the ESA student that provides fundamental
21 instruction in at least reading, writing, mathematics,
22 civics, history, literature and science. No parent shall be

1 required to include any instruction that conflicts with the
2 parent's or ESA student's religious doctrines; and

3

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

8

9 (A) Relieve the school district or charter
10 school that the qualified student previously attended from
11 the obligation to comply with the federal Individuals with
12 Disabilities Education Act;

13

14 (B) Require an eligible student to withdraw
15 from a school district or charter school before applying
16 for or receiving an ESA if the eligible student withdraws
17 from the school district or charter school before receiving
18 or expending any monies in the student's ESA;

19

20 (C) Prevent a qualified student from
21 applying in advance for an ESA to be funded beginning the
22 following school year;

23

1 (D) Prevent the school district or charter
2 school from charging an ESA for any services provided to
3 the qualified student to the extent authorized by law.

4

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

9

10 (c) Parents may make payments for costs of
11 educational goods and services not covered by the funds in
12 the ESA. Personal deposits into an ESA shall not be
13 permitted.

14

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

17

18 (e) An ESA shall remain active and any unused funds
19 shall roll over from quarter to quarter and from year to
20 year until the parent withdraws the ESA student from the
21 ESA program or until the ESA student is no longer eligible
22 for the ESA program, unless the ESA is closed because of a
23 substantial misuse of funds. When an ESA is closed, any

1 unused funds shall revert to the Wyoming freedom
2 scholarship program account.

3

4 (f) Nothing in this act shall be construed to require
5 an ESA student to be enrolled, full-time or part-time, in a
6 private school or a nonpublic online school. An ESA student
7 receiving individualized instruction in a non-school
8 setting shall not be construed to be a home-based
9 educational program as defined in W.S. 21-4-101(a)(v).

10

11 **21-2-905. Application.**

12

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

15

16 (b) The state treasurer shall accept and approve ESA
17 applications year-round and shall establish procedures for
18 approving applications in an expeditious manner.

19

20 (c) The state treasurer shall create a standard form
21 that parents can submit to establish their student's
22 eligibility for the ESA program and shall ensure that the
23 application form is publicly available and that completed

1 applications may be submitted through various sources,
2 including the internet.

3

4 (d) The state treasurer shall approve an application
5 for an ESA if:

6

7 (i) The parent submits an application for an ESA
8 in accordance with any application procedures established
9 by the state treasurer;

10

11 (ii) The student on whose behalf the parent is
12 applying is an eligible student;

13

14 (iii) Funds are available for the ESA; and

15

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

18

19 (e) A signed agreement between the parent and state
20 treasurer under W.S. 21-2-904(a) shall satisfy the
21 compulsory school attendance requirements of W.S. 21-4-102.

22 The agreement shall stipulate that an ESA student receiving
23 individualized instruction in a non-school setting is not

1 receiving a home-based educational program as defined in
2 W.S. 21-4-101(a)(v). The parent shall provide the student's
3 resident school district:

4

5 (i) Notice of intent to participate in the ESA
6 program; and

7

8 (ii) Annually, if the ESA student is
9 participating in an individualized instructional program
10 provided in a setting other than a qualified school, the
11 ESA student's test results or a determination that the
12 student is making academic progress commensurate with the
13 student's age and ability.

14

15 (f) Upon notice to the state treasurer, an ESA
16 student may choose to stop receiving ESA funding and enroll
17 full-time in a public school. Enrolling as a full-time
18 student in a public school shall result in the immediate
19 suspension of payment of additional funds into the
20 student's ESA and the state treasurer may close the ESA. If
21 an eligible student applies to the state treasurer to
22 return to the ESA program, payments into the student's
23 existing ESA may resume if the ESA is still open and

1 active. A new ESA may be established if the student's ESA
2 was closed.

3

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

8

9 **21-2-906. Duties of the state treasurer.**

10

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

14

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

20

21 (ii) Provide parents with a written explanation
22 of the allowable uses of ESA funds, the responsibilities of
23 parents and the duties of the state treasurer including the

1 role of any private financial management firms or other
2 private organizations that the state treasurer may contract
3 with to administer the ESA program or any aspect of the ESA
4 program;

5

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

13

14 (iv) If determined necessary by the state
15 treasurer, contract with one (1) or more private
16 organizations to administer the ESA program or specific
17 functions of the ESA program including, without limitation,
18 contracting with private financial management firms to
19 manage ESAs. Notwithstanding any other provisions of law,
20 if the state treasurer contracts with private organizations
21 to administer the ESA program under this paragraph, the
22 state treasurer shall seek good faith bids from not less
23 than three (3) private organizations;

1

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

8

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

21

22 (vii) Continue making deposits into a student's
23 ESA until:

1

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

4

5 (B) The state treasurer determines that
6 there was an intentional and substantial misuse of the
7 funds in the ESA;

8

9 (C) The parent or ESA student withdraws
10 from the ESA program;

11

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

14

15 (E) The ESA student graduates from high
16 school, receives a high school equivalency certificate or
17 completes the equivalent of high school through a
18 home-based educational program.

19

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

23

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

18

19 (x) Prohibit an education service provider from
20 accepting payments from ESAs if the state treasurer
21 determines that the education service provider has:

22

1 (A) Intentionally and substantially
2 misrepresented information or failed to refund any
3 overpayments in a timely manner; or

4

5 (B) Routinely failed to provide students
6 with promised educational goods or services.

7

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

18

19 (b) If an education service provider requires partial
20 payment of tuition or fees prior to the start of the school
21 year to reserve space for an ESA student admitted to the
22 education service provider, the state treasurer may make
23 the partial payment prior to the start of the school year

1 in which the ESA is awarded and deduct that amount from
2 subsequent quarterly ESA deposits to ensure adequate funds
3 remain available in the ESA throughout the school year. If
4 an ESA student decides not to use the education service
5 provider, the partial payment made under this subsection
6 shall be returned to the state treasurer by the education
7 service provider and credited to the student's ESA.

8

9 (c) The state treasurer may accept gifts and grants
10 from any source to cover administrative costs of the
11 program, to inform the public about the ESA Program or to
12 fund ESAs.

13

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

17

18 (i) Establishing or contracting for the
19 establishment of an online anonymous fraud reporting
20 service;

21

22 (ii) Establishing an anonymous telephone hotline
23 for fraud reporting;

1

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

5

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

8

9 (e) Rules adopted by the state treasurer under
10 subsection (d) of this section shall focus on easing
11 parental involvement in the program and encouraging
12 educational service providers to provide parents and ESA
13 students with a broad array of educational options.

14

15 **21-2-907. Parent review commission.**

16

17 (a) There is created the parent review commission to
18 assist the state treasurer in determining whether
19 questionable expenditures meet the requirements to be
20 considered qualifying expenses to educate the ESA student
21 under W.S. 21-2-904(a)(i) and to provide recommendations to
22 the state treasurer on how to implement, administer and
23 improve the ESA program.

1

2 (b) The parent review commission shall consist of
3 seven (7) members appointed by the state treasurer. The
4 members of the commission shall be parents of ESA students
5 and shall represent not less than four (4) different
6 counties. Members shall serve at the pleasure of the state
7 treasurer for a term of one (1) year and may be
8 reappointed. The state treasurer or his designee shall
9 serve as the nonvoting chairperson of the commission.

10

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

16

17 (d) The state treasurer may request the commission to
18 meet, in person or virtually, to review appeals of
19 education service provider denials pursuant to W.S.
20 21-2-906(a)(x) and to provide a recommendation as to
21 whether an education service provider should be allowed to
22 receive payments from ESAs.

23

1 **21-2-908. Education service providers.**

2

3 (a) The state treasurer may approve education service
4 providers on his own initiative, at the request of parents
5 or by receipt of notice provided by prospective education
6 service providers under this section.

7

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

10

11 (i) Register with the state treasurer to receive
12 payments from ESAs;

13

14 (ii) Agree not to refund, rebate or share ESA
15 funds with parents or ESA students in any manner, except
16 that funds may be remitted or refunded to an ESA in
17 accordance with procedures established by the state
18 treasurer.

19

20 (c) Nothing in this act shall be deemed to limit the
21 independence or autonomy of an education service provider
22 or to make the actions of an education service provider the
23 actions of state government.

1

2 (d) Education service providers shall be given
3 maximum freedom to provide instruction and services in
4 their usual and customary manner to meet the educational
5 needs of ESA students.

6

7 (e) Nothing in this act shall be construed to expand
8 the regulatory authority of the state, its officers, or any
9 school district to impose any additional regulation of
10 education service providers beyond those necessary to
11 enforce the requirements of the ESA Program.

12

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

16

17 (g) An education service provider shall not be
18 required to alter its creed, practices, admission policy or
19 curriculum to accept payments authorized by a parent from
20 an ESA.

21

22 **21-2-909. Responsibilities of public schools and**
23 **school districts.**

1

2 A public school, or school district, that previously
3 enrolled an ESA student shall provide a private school that
4 is also an education service provider and that has enrolled
5 an ESA student with a complete copy of the ESA student's
6 school records, while complying with 20 U.S.C. § 1232g, the
7 Family Educational Rights and Privacy Act of 1974.

8

9 **21-2-910. Legal proceedings.**

10

11 (a) In any legal proceeding challenging the
12 application of this act or a rule adopted under this act to
13 an education service provider, the state bears the burden
14 of establishing that the law is necessary and does not
15 impose any undue burden on the education service provider.

16

17 (b) No liability shall arise on the part of the state
18 treasurer or the state or any public school or school
19 district based on the award of or use of an ESA pursuant to
20 this act.

21

22 (c) If any part of this act is challenged in a state
23 court as violating either the state or federal

1 constitutions, parents of eligible students and parents of
2 ESA students shall be permitted to intervene as of right in
3 any lawsuit for the purposes of defending the ESA program's
4 constitutionality. However, for the purposes of judicial
5 administration, a court may require that all parents file a
6 joint brief as long as the parents are not required to join
7 any brief filed on behalf of any named state defendant.

8

9 (d) If any provision of this act, or the application
10 thereof to any person or circumstances, is held invalid,
11 the invalidity shall not affect other provisions or
12 applications of this act which can be given effect without
13 the invalid provision or application, and to this end the
14 provisions of this act are declared to be severable.

15

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

19

20 **9-4-601. Distribution and use; funds, accounts,**
21 **cities and towns benefited; exception for bonus payments.**

22

1 (a) All monies received by the state of Wyoming from
2 the secretary of the treasury of the United States under
3 the provisions of the act of congress of February 25, 1920
4 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or
5 from lessees or authorized mine operators and all monies
6 received by the state from its sale of production from
7 federal mineral leases subject to the act of congress of
8 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,
9 191) as amended, except as provided by subsection (b) of
10 this section, shall be deposited into an account and the
11 first two hundred million dollars (\$200,000,000.00) of
12 revenues received in any fiscal year shall be distributed
13 by the state treasurer as provided in this subsection. One
14 percent (1%) of these revenues shall be credited to the
15 general fund as an administrative fee, and the remainder
16 shall be distributed as follows:

17

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

22

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

3
4 (B) Fifty percent (50%) of the amount to
5 the Wyoming freedom scholarship program account created by
6 W.S. 21-2-903(b).

7
8 **21-4-102. When attendance required; exemptions;**
9 **withdrawal.**

10
11 (d) A child participating in the ESA program
12 specified by W.S. 21-2-901 and who provides notice of
13 participation in the ESA program to the child's school
14 district shall be deemed to be in compliance with the
15 compulsory attendance requirement under this section.

16
17 **21-4-301. Schools to be free and accessible to all**
18 **children; minimum school year.**

19
20 (a) Except as otherwise provided by law, the public
21 schools of each school district in the state shall at all
22 times be equally free and accessible to all children
23 resident therein of five (5) years of age as of August 1,

1 or September 15 if pursuant to an approved request under
2 W.S. 21-3-110(a)(xxxviii), of the year in which they may
3 register in kindergarten as provided in W.S. 21-4-302(b)
4 and under the age of twenty-one (21), subject to
5 regulations of the board of trustees. Each school district
6 shall operate its schools and its classes for a minimum of
7 one hundred seventy-five (175) days each school year unless
8 an alternative schedule has been approved by the state
9 board. Prior to submission of a proposed alternative
10 schedule to the state board, the board of trustees shall
11 hold at least two (2) advertised public meetings within the
12 district, at which the board shall present the proposed
13 alternative schedule and respond to public questions and
14 comments. Any school district operating under an
15 alternative schedule shall annually evaluate the
16 effectiveness of that schedule in meeting the educational
17 goals and purposes for which the schedule was adopted.

18

19 (b) A parent, guardian or other person having control
20 or charge of any child eligible to attend public school in
21 Wyoming under subsection (a) of this section shall have the
22 option to apply for the ESA program specified by W.S.
23 21-2-901 on behalf of the child.

1

2 **21-13-310. Annual computation of district revenues.**

3

4 (a) To ensure revenues available to each district are
5 uniformly sufficient to enable compliance with the uniform
6 standards for educational programs prescribed under W.S.
7 21-9-101 and 21-9-102 and to secure state board
8 accreditation of educational programs under W.S.
9 21-2-304(a)(ii), the revenues specified under this
10 subsection shall be deemed state revenues and shall be
11 considered in determining the amount to be distributed to
12 each district under W.S. 21-13-311. A district shall make
13 an annual computation of the following revenues:

14

15 (ix) The amount of tuition paid to the district
16 during the previous school year, including any amount
17 charged under W.S. 21-4-501 and any amount assessed in
18 excess of the costs incurred for adult education programs,
19 summer school programs, programs provided under an
20 agreement for cooperative educational programs under W.S.
21 21-20-101 through 21-20-111 and any amount assessed for
22 programs and services for children with disabilities, but
23 excluding any tuition assessed by a district for the

1 provision of virtual education programs to participating
2 students pursuant to W.S. 21-13-330, any tuition assessed
3 by a district for the provision of part-time educational
4 programs to participating students pursuant to W.S.
5 21-2-904(a)(i)(D) and 21-4-502(c), any revenues received by
6 a district from post secondary education option programs
7 provided under W.S. 21-20-201 or for the provision of
8 educational programs to a nonresident student placed in a
9 juvenile detention facility pursuant to an agreement with
10 the student's resident school district;

11

12 **Section 3.** There is appropriated thirty million
13 dollars (\$30,000,000.00) from the general fund to the
14 Wyoming freedom scholarship program account created by W.S.
15 21-2-903(b) for purposes of the Wyoming Freedom Scholarship
16 Act.

17

18 **Section 4.** The state treasurer shall adopt rules and
19 take other actions as necessary to enable students to
20 enroll in the ESA program created by this act for the
21 school year beginning in 2024. The state treasurer shall
22 begin accepting applications for the ESA program not later
23 than January 1, 2024.

