

ENROLLED ACT NO. 59, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to education; amending the minimum school age; conforming provisions; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 21-2-704, 21-3-110(a) by creating a new paragraph (xxxvii), 21-4-102(a)(intro), 21-4-301, 21-4-302(a), (b) and (c)(ii) and 21-13-315(k) are amended to read:

**21-2-704. School district responsibility.**

Notwithstanding any other provisions of this act, any preschool children with disabilities who are five (5) years of age on or before August 1, or September 15 if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of the year in which they may register in kindergarten as provided in W.S. 21-4-302(b) and who are receiving services from a school district shall be the responsibility of that school district.

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xxxvii) Establish a process in policy to approve or deny requests made by a pupil's parent or guardian based on the pupil's kindergarten readiness assessment score to assess whether the pupil is sufficiently mature to be admitted to the applicable grade.

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

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(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before August 1, or September 15 if the child started kindergarten pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of any year and who has not yet attained his sixteenth birthday or completed the tenth grade shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

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

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

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present the proposed alternative schedule and respond to public questions and comments. Any school district operating under an alternative schedule shall annually evaluate the effectiveness of that schedule in meeting the educational goals and purposes for which the schedule was adopted.

**21-4-302. Age for registration in first grade and kindergarten; preschool programs.**

(a) A pupil may register in the first grade in the public schools of this state in the year in which his sixth birthday falls on or before August 1, or September 15 if the child started kindergarten pursuant to an approved request under W.S. 21-3-110(a)(xxxvii).

(b) A pupil may register in kindergarten in the public schools of this state in the year in which his fifth birthday falls on or before August 1, or September 15 if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii).

(c) The board of trustees of a school district may permit the enrollment of pupils in a part-time preschool program with a curriculum based on developmentally appropriate practices funded by the district. The school district may:

(ii) Establish a minimum attendance age for the program, but a pupil must have attained at least his third birthday on or before September 15-August 1 of the year in which that pupil enrolls. A pupil who enrolls in such a preschool program shall not be included within the district's average daily membership (ADM) for purposes of receiving state funds or within any other school funding

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formula for purposes of receiving funds from the state, unless the pupil has attained the minimum age for registration in kindergarten as provided in subsection (b) of this section;

**21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and juvenile detention facilities.**

(k) Except as otherwise provided by law, this section applies to children who are at least five (5) years of age as of August 1, or September 15 ~~of the applicable school year~~ if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of the year in which they may register in kindergarten as provided in W.S. 21-4-302(b) but who are under twenty-one (21) years of age.

**Section 2.** The change in the age requirement for registering in the first grade as provided in this act shall not apply to students who were registered to attend kindergarten in the public schools of this state during school year 2020-2021.

ORIGINAL HOUSE  
BILL NO. HB0174

ENGROSSED

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**Section 3.** This act is effective August 1, 2021.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk