

HOUSE BILL NO. HB0242

Wyoming learning and work program.

Sponsored by: Representative(s) Greear and Sommers and
Senator(s) Kinskey and Nethercott

A BILL

for

1 AN ACT relating to education and labor; establishing the
2 Wyoming learning and labor program; providing for students
3 to take career technical education programs while also
4 working; specifying requirements for approving programs and
5 for student and employer participation in the programs;
6 providing for payments to community colleges providing
7 approved programs and for payments to employers providing
8 work experience and training; providing for agreements
9 between colleges, high schools and employers; providing for
10 administration by the community college commission;
11 creating accounts; providing a sunset for the program;
12 providing an appropriation and for a continuous
13 appropriation; and providing for effective dates.

14

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

1

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

4

5

ARTICLE 5

6

WYOMING LEARNING AND LABOR PROGRAM

7

8

21-18-501. Definitions.

9

10 (a) As used in this article:

11

12 (i) The terms "academic term," "college,"
13 "community college," and "commission" shall mean as defined
14 in W.S. 21-18-402;

15

16 (ii) "Credential" means a license, permit,
17 certificate or other government or industry recognized
18 qualification for working in the fields of instrumentation
19 technology, welding or as a machinist or mechanic.

20

21 **21-18-502. Wyoming learning and labor program**
22 **created; requirements; administration; student eligibility.**

23

1 (a) The Wyoming learning and labor program is created
2 to allow students attending a Wyoming high school or
3 Wyoming community college to earn wages from participating
4 employers while participating in an approved post-secondary
5 career technical education program. The Wyoming learning
6 and labor program shall be administered by the Wyoming
7 community college commission. The commission shall
8 promulgate rules and regulations to govern the program.
9 The rules shall include criteria under which to approve
10 programs. The process for approving programs for funding
11 shall reflect the primary goal of developing technical
12 skills for a credential program for which there is employer
13 demand in the college's service area or an established
14 college consortium combined service areas.

15

16 (b) The commission shall approve post-secondary
17 career technical education programs for funding under this
18 article. To be eligible a program shall:

19

20 (i) Provide students with employer paid career
21 technical education experience in a post-secondary career
22 technical education program in a field specified in W.S.
23 21-18-501(a)(ii) during the period in which the student

1 remains enrolled in the participating high school or
2 college and is a participant in the program. For purposes
3 of this paragraph a student commencing participation in an
4 approved program while enrolled in a high school or
5 community college shall be considered to be enrolled in a
6 high school until he is disenrolled or graduates, including
7 those days the school is not in session;

8

9 (ii) Be provided under an agreement between at
10 least one (1) employer and one (1) or more community
11 colleges. For students enrolled in a high school there
12 shall also be an agreement between the high school and the
13 employer;

14

15 (iii) Provide college academic credit or
16 educational credit necessary for a post-secondary
17 credential. The receipt of college academic credit shall
18 not be a requirement for an approved program;

19

20 (iv) Require active participation by the
21 employer to ensure necessary rigor for a credit or
22 credential program;

23

1 (v) Meet other criteria established by rule of
2 the commission to ensure the requirements of this article
3 are met.

4

5 (c) To participate in the Wyoming learning and labor
6 program students shall:

7

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

10

11 (ii) Make application in the form and manner as
12 required by commission rule;

13

14 (iii) Agree to allow verification by the high
15 school or community college in which the student is
16 enrolled, and by the commission, of the hours worked for,
17 and training provided by, the employer and wages paid by
18 the employer under the program;

19

20 (iv) Not be ineligible under subsection (d) of
21 this section.

22

1 (d) No payment shall be made for a student's
2 participation in an approved program under this article for
3 more than four (4) semesters while enrolled in a high
4 school and six (6) academic terms while enrolled in a
5 community college. No payment shall be made for a
6 student's participation in an approved program under this
7 article if the student:

8

9 (i) Is not a United States citizen or a
10 permanent resident alien who meets the definition of an
11 eligible noncitizen under federal Title IV requirements or
12 requirements of a subsequent similar federal enactment;

13

14 (ii) Has not complied with United States
15 selective service system requirements for registration, if
16 the requirements are applicable to the student;

17

18 (iii) Is currently in default on a federal Title
19 IV education loan;

20

21 (iv) Owes a refund under a federal Title IV
22 student financial aid program or a subsequently enacted

1 similar federal student financial aid program, or a student
2 financial aid program administered through the state.

3

4 (e) Each participating community college shall
5 determine a student's eligibility for participation in an
6 approved program.

7

8 (f) Any school district within the state may allow
9 students enrolled in the district to receive a portion of a
10 student's education pursuant to an agreement with a
11 community college providing an approved program under this
12 article and consistent with existing dual and concurrent
13 agreements. The agreement shall expand to include noncredit
14 dual and concurrent enrollment under this article. The
15 district in which the student is enrolled shall include the
16 student within its average daily membership (ADM) for
17 purposes of the foundation program under W.S. 21-13-309.
18 The community college providing a portion of the student's
19 education may assess the school district for the classes
20 the student attends and training the student receives. The
21 amount assessed by the college shall not exceed the amount
22 of wages earned by the student in the program, together
23 with the cost incurred by the college for education and by

1 the employer for training provided under the program. The
2 tuition shall be equal to or less than the per ADM amount
3 the enrolling district receives. The high school student
4 shall not be charged any additional tuition or fees for
5 participation in the program.

6

7 (g) Any community college may enter into agreements
8 with one (1) or more employers seeking to participate in an
9 approved program. Any high school may enter agreements
10 with one (1) or more employers for students enrolled in
11 high school. All agreements shall:

12

13 (i) Meet the requirements for student learners
14 under 29 Code of Federal Regulations part 570.50 for those
15 students under eighteen (18) years of age;

16

17 (ii) Provide that the student shall be an
18 employee of the employer while participating in the
19 program;

20

21 (iii) Require the employer to provide wages to
22 the student participating in the program while working for
23 the employer;

1

2 (iv) May require the employer to provide
3 training to the student in addition to payment for hours
4 worked;

5

6 (v) May provide for reimbursement to an employer
7 for time spent by the employer providing training to a
8 student under an approved program when the student is not
9 receiving wages. The reimbursement shall be at a
10 predetermined rate agreed to by the college or high school
11 and employer;

12

13 (vi) Shall require the employer to allow
14 verification by the college and commission of hours worked,
15 wages paid and training provided to the student by the
16 employer.

17

18 (h) The commission in collaboration with community
19 colleges and school districts shall determine the credit to
20 be granted by community colleges for hours of student
21 program participation. The commission shall develop and
22 maintain a common course numbering system among community

1 colleges and school districts for programs approved by the
2 commission.

3

4 **21-18-503. Payments to colleges; use of funds;**
5 **audits.**

6

7 (a) Subject to availability, funds within the Wyoming
8 learning and labor account shall be provided to a community
9 college providing an eligible program as follows:

10

11 (i) Colleges shall apply to the commission for
12 payment for eligible students for approved programs. The
13 commission shall provide funding to each college based upon
14 the actual enrollment in the approved program and
15 verification of employer wages paid to eligible students in
16 each approved program;

17

18 (ii) Each community college shall certify to the
19 commission not later than thirty (30) days after each
20 academic term in which an approved program is provided, a
21 list of eligible students enrolled in each program, whether
22 as a high school enrollee through agreement with the
23 college or as an enrollee of the college. The college shall

1 also include in the list for all eligible students the
2 wages paid to those students by employers for hours worked
3 in the program, identifying separately wages paid to
4 students enrolled in high school and the college's enrolled
5 students. The executive director of the community college
6 commission shall verify whether there is any duplication of
7 students on the community college list with student lists
8 from other colleges for the same academic term. The
9 executive director shall certify to the commission the
10 amount of wages paid to the college's enrolled students
11 under each approved program. The commission shall
12 authorize payment from the Wyoming learning and labor
13 account an amount equal to certified wages paid to the
14 college's enrolled eligible students in the approved
15 program.

16

17 (b) Funds received by colleges under this section and
18 from assessments under W.S. 21-18-502(f) shall be expended
19 for staff, resource materials and classroom equipment
20 necessary to support the Wyoming learning and labor
21 program, including reimbursement to employers training
22 students as provided in W.S. 21-18-502(g). Community
23 colleges may collaborate on the use of funds received from

1 the Wyoming learning and labor program account, entering
2 into consortium agreements for operation of approved
3 programs.

4

5 (c) The commission may conduct an audit of any
6 college participating in the program under this article to
7 determine compliance with any provision of this article.

8

9 **21-18-504. Account created; funds continuously**
10 **appropriated.**

11

12 (a) The Wyoming learning and labor account is
13 created. The account shall consist of funds appropriated
14 by the legislature, gifts and grants accepted by the state
15 and such other funds as directed by law. Monies within the
16 account are continuously appropriated to the commission for
17 distribution as provided in this article. Interest and
18 other earnings on funds within the account shall be
19 credited to the account. Unexpended and unencumbered monies
20 within the account at the end of each fiscal year shall not
21 lapse but shall remain in the account.

22

1 (b) Appropriated state funds within the Wyoming
2 learning and labor account shall be accounted for
3 separately from all other funds within the account.

4

5 **21-18-505. Legislative oversight and authority.**

6

7 Nothing in this article shall be construed to constitute an
8 entitlement to funding by the legislature. Wyoming learning
9 and labor funding shall be subject to legislative
10 appropriation and the legislature reserves the right to
11 modify or terminate the program established under this
12 article at any time.

13

14 **21-18-506. Sunset of program.**

15

16 W.S. 21-18-501 through 21-18-505 are repealed effective
17 June 30, 2024. The commission shall not authorize funding
18 for the operation of any approved program under this
19 article beyond June 30, 2024.

20

21 **Section 2.** W.S. 21-3-111(a) by creating a new
22 paragraph (xxii), 21-13-309(m)(v)(D)(II),

1 21-18-102(a)(xxiii) and 21-18-205 by creating a new
2 subsection (j) are amended to read:

3

4 **21-3-111. Powers of boards of trustees.**

5

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

8

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

12

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

15

16 (m) In determining the amount to be included in the
17 foundation program for each district, the state
18 superintendent shall:

19

20 (v) Based upon ADM computations and identified
21 school configurations within each district pursuant to
22 paragraph (iv) of this subsection, compute the foundation
23 program amount for each district as prescribed by the

1 education resource block grant model adopted by the Wyoming
2 legislature as defined under W.S. 21-13-101(a)(xiv), as
3 contained within the spreadsheets and accompanying reports
4 referenced under W.S. 21-13-101(a)(xvii). The following
5 criteria shall be used by the state superintendent in the
6 administration of the education resource block grant model:

7

8 (D) Career-vocational education
9 computations within the education resource block grant
10 model shall be based upon:

11

12 (II) Career-vocational education
13 programs offered in grades nine (9) through twelve (12)
14 consisting of a sequence of three (3) or more vocational
15 courses in an occupational area or career cluster that
16 provides students with the technical knowledge, skills or
17 proficiencies necessary to obtain employment in current or
18 emerging occupations or to pursue advanced skill training.
19 To qualify under this subdivision, a vocational course
20 shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and
21 aligned with state content and performance standards
22 prescribed by the state board of education under W.S.
23 21-2-304(a)(iii), and except as provided under W.S.

1 21-2-202(a)(xxvii) and for training provided in programs
2 approved by the community college commission under W.S.
3 21-18-502, shall be provided by a teacher certified by the
4 Wyoming professional teaching standards board for the
5 vocational subject area associated with the course;

6

7 **21-18-102. Definitions.**

8

9 (a) As used in this act:

10

11 (xxiii) "This act" means W.S. 21-18-101 through
12 ~~21-18-409~~ 21-18-506.

13

14 **21-18-205. Appropriation and distribution of state**
15 **funds; restrictions; budget authority.**

16

17 (j) The commission may request funding for and shall
18 distribute funds to colleges as provided in the Wyoming
19 learning and labor program. Funds requested for the Wyoming
20 learning and labor program shall be requested by an
21 exception budget and designated as separate special funding
22 for the Wyoming learning and labor program only. Funds
23 distributed pursuant to the Wyoming learning and labor

1 program shall be accounted for and distributed separately
2 from the funding allocation model under subsection (c) of
3 this section, from special funding distributed pursuant to
4 subsection (e) of this section and from the funding for the
5 Wyoming works program under subsection (h) of this section.

6

7 **Section 3.** There is appropriated five hundred
8 thousand dollars (\$500,000.00) from the general fund to the
9 Wyoming learning and labor account. This appropriation
10 shall not be transferred or expended for any purpose other
11 than as provided in this act.

12

13 **Section 4.**

14

15 (a) This section and the rulemaking authority granted
16 to the Wyoming community college commission under this act
17 are effective immediately upon completion of all acts
18 necessary for a bill to become law as provided by Article
19 4, Section 8 of the Wyoming Constitution.

20

1 (b) Except as provided in subsection (a) of this
2 section, this act is effective July 1, 2020.

3

4

(END)