

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 the fields of instrumentation
4 technology, welding or as a machinist or mechanic.

5

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

9

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

20

21 (b) A community college district board may establish
22 a learn while you earn program in accordance with the
23 provisions of this article. Any community college district

1 board that establishes a program shall not utilize any
2 funding available in the Wyoming learn while you earn
3 account created by W.S. 21-18-504 unless:

4

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

7

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

11

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

14

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

1 enrolled in a high school until he is disenrolled or
2 graduates, including those days the school is not in
3 session;

4

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

10

11 (iii) Provide college academic credit or
12 educational credit necessary for a post-secondary
13 credential. The receipt of college academic credit shall
14 not be a requirement for a program under this article;

15

16 (iv) Require active participation by the
17 employer to ensure necessary rigor for a college academic
18 credit or credential program.

19

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

23

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

3
4 (ii) Make application in the form and manner as
5 provided by the community college offering the program;

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

12
13 (iv) Be a United States citizen or a permanent
14 resident alien who meets the definition of an eligible
15 noncitizen under federal Title IV requirements or
16 requirements of a subsequent similar federal enactment;

17
18 (v) Comply with United States selective service
19 system requirements for registration, if the requirements
20 are applicable to the student;

21
22 (vi) Not be currently in default on a federal
23 Title IV education loan;

1

2 (vii) Not owe a refund under a federal Title IV
3 student financial aid program or a subsequently enacted
4 similar federal student financial aid program, or a student
5 financial aid program administered through the state;

6

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

9

10 (e) No payment shall be made for a student's
11 participation in a program under this article for more than
12 four (4) semesters while enrolled in a high school and six
13 (6) academic terms while enrolled in a community college.

14

15 (f) Each participating community college shall
16 determine a student's eligibility for participation in a
17 program under this article.

18

19 (g) Any school district within the state may allow
20 students enrolled in the district to receive a portion of a
21 student's education pursuant to an agreement with a
22 community college providing a program under this article
23 and consistent with existing dual and concurrent enrollment

1 agreements. The agreement shall be expanded to include
2 noncredit dual and concurrent enrollment under this
3 article. The district in which the student is enrolled
4 shall include the student within its average daily
5 membership (ADM) for purposes of the foundation program
6 under W.S. 21-13-309. The community college providing a
7 portion of the student's education may assess the school
8 district for the classes and training provided through the
9 program. The amount assessed by the college shall not
10 exceed the amount of wages earned by the student in the
11 program, together with the cost incurred by the college for
12 education and by the employer for training provided under
13 the program. The tuition charged to the participating
14 student shall be equal to or less than the per-ADM amount
15 the enrolling district receives. The high school student
16 shall not be charged any additional tuition or fees for
17 participation in the program.

18

19 (h) Any community college may enter into agreements
20 with one (1) or more employers seeking to participate in a
21 program created under this article. Any high school may
22 enter into agreements with one (1) or more employers for

1 students enrolled in high school and enrolled in a program.

2 All agreements shall:

3

4 (i) Meet the requirements for student learners
5 under 29 C.F.R. part 570.50 for those students under
6 eighteen (18) years of age;

7

8 (ii) Provide that the student shall be an
9 employee of the employer while participating in the
10 program;

11

12 (iii) Require the employer to provide wages to
13 the student participating in the program while working for
14 the employer and when the student is not receiving unpaid
15 training;

16

17 (iv) Require or include an option for the
18 employer to provide unpaid training to the student in
19 addition to payment for hours worked;

20

21 (v) Provide or allow the option for
22 reimbursement to an employer for time spent by the employer
23 providing training to a student under a program when the

1 student is not receiving wages. The reimbursement shall be
2 at a predetermined rate agreed to by the college or high
3 school and the employer;

4

5 (vi) Require the employer to allow verification
6 by the college of hours worked, wages paid and training
7 provided to the student by the employer.

8

9 (j) The commission in collaboration with community
10 colleges and school districts shall determine the credit to
11 be granted by community colleges for hours of student
12 program participation. The commission shall develop and
13 maintain a common course numbering system among community
14 colleges and school districts for programs established
15 under this article.

16

17 **21-18-503. Payments to colleges; use of funds;**
18 **audits.**

19

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

22

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

6
7 (ii) Each college utilizing funds for the
8 program shall prepare a list of eligible students enrolled
9 in each program, whether as a high school enrollee through
10 agreement with the college or as an enrollee of the
11 college. Each college shall submit the list required by
12 this paragraph not later than thirty (30) days after the
13 beginning of each academic term to the commission. Each
14 college shall review the lists compiled by the commission
15 to ensure that there is no duplication of students between
16 the programs of different colleges.

17
18 (b) Funds for the program shall be expended for
19 staff, resource materials and classroom equipment necessary
20 to support the program, including reimbursement to
21 employers training students as provided in W.S.
22 21-18-502(h). Community colleges may enter into consortium

1 agreements for operation of programs established under this
2 article.

3

4 (c) The commission may conduct an audit of any
5 college establishing and operating a program under this
6 article to determine compliance with any provision of this
7 article.

8

9 (d) In addition to any funds received from the
10 Wyoming learn while you earn account, each college may
11 accept any available funds from the federal government,
12 gifts and grants to establish and operate a program under
13 this article.

14

15 **21-18-504. Account created; funds continuously**
16 **appropriated; distribution.**

17

18 (a) The Wyoming learn while you earn account is
19 created. The account shall consist of funds appropriated by
20 the legislature, gifts and grants accepted by the state or
21 the commission and such other funds as directed by law.
22 Monies within the account are continuously appropriated to
23 the commission for distribution as provided in this

1 article. Interest and other earnings on funds within the
2 account shall be credited to the account. Unexpended and
3 unencumbered monies within the account shall not lapse but
4 shall remain in the account, subject to W.S. 21-18-506.

5

6 (b) Appropriated state funds within the Wyoming learn
7 while you earn account shall be accounted for separately
8 from all other funds within the account.

9

10 (c) Subject to availability and subject to W.S.
11 21-18-503, funds within the Wyoming learn while you earn
12 account shall be provided to a community college providing
13 a program under this article as follows:

14

15 (i) Community colleges shall apply to the
16 commission for payment for eligible students in a college's
17 program. The commission shall provide funding to each
18 college based upon the actual enrollment in the program and
19 verification of employer wages paid to eligible students in
20 the program;

21

22 (ii) Each community college shall notify the
23 commission not later than thirty (30) days after each

1 academic term in which a program is provided, a list of
2 eligible students enrolled in each program, whether as a
3 high school enrollee through agreement with the college or
4 as an enrollee of the college. The college shall also
5 include in the list for all eligible students the wages
6 paid to those students by employers for hours worked in the
7 program, identifying separately wages paid to students
8 enrolled in high school and the college's enrolled
9 students. The executive director of the commission shall
10 verify whether there is any duplication of students on the
11 community college's list with student lists from other
12 community colleges for the same academic term. The
13 executive director shall certify to the commission the
14 amount of wages paid to the college's enrolled students
15 under each program. Not later than ten (10) days after
16 receipt of the notice required by this paragraph, the
17 commission shall authorize payment from the Wyoming learn
18 while you earn account an amount equal to the certified
19 wages paid to the college's enrolled eligible students in
20 the program.

21

22 **21-18-505. Legislative oversight and authority.**

23

1 Nothing in this article shall be construed to constitute an
2 entitlement to funding by the legislature. Wyoming learn
3 while you earn funding shall be subject to legislative
4 appropriation. The legislature reserves the right to modify
5 or terminate the program established under this article at
6 any time.

7

8 **21-18-506. Sunset of program; reversion of funds.**

9

10 W.S. 21-18-501 through 21-18-505 are repealed effective
11 June 30, 2026. No community college or the commission shall
12 authorize or utilize funding for the operation of any
13 program under this article beyond June 30, 2026.
14 Unexpended, unobligated legislative appropriations to the
15 Wyoming learn while you earn account shall revert as
16 provided by law on June 30, 2026.

17

18 **Section 2.** W.S. 21-3-111(a) by creating a new
19 paragraph (xxii), 21-13-309(m)(v)(D)(II),
20 21-18-102(a)(xxiii) and 21-18-205 by creating a new
21 subsection (j) are amended to read:

22

23 **21-3-111. Powers of boards of trustees.**

1

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

4

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

8

9 **21-13-309. Determination of amount to be included in**
10 **foundation program for each district.**

11

12 (m) In determining the amount to be included in the
13 foundation program for each district, the state
14 superintendent shall:

15

16 (v) Based upon ADM computations and identified
17 school configurations within each district pursuant to
18 paragraph (iv) of this subsection, compute the foundation
19 program amount for each district as prescribed by the
20 education resource block grant model adopted by the Wyoming
21 legislature as defined under W.S. 21-13-101(a)(xiv), as
22 contained within the spreadsheets and accompanying reports
23 referenced under W.S. 21-13-101(a)(xvii). The following

1 criteria shall be used by the state superintendent in the
2 administration of the education resource block grant model:

3

4 (D) Career-vocational education
5 computations within the education resource block grant
6 model shall be based upon:

7

8 (II) Career-vocational education
9 programs offered in grades nine (9) through twelve (12)
10 consisting of a sequence of three (3) or more vocational
11 courses in an occupational area or career cluster that
12 provides students with the technical knowledge, skills or
13 proficiencies necessary to obtain employment in current or
14 emerging occupations or to pursue advanced skill training.
15 To qualify under this subdivision, a vocational course
16 shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and
17 aligned with state content and performance standards
18 prescribed by the state board of education under W.S.
19 21-2-304(a)(iii), and except as provided under W.S.
20 21-2-202(a)(xxvii), shall be provided by a teacher
21 certified by the Wyoming professional teaching standards
22 board for the vocational subject area associated with the
23 course. Programs established and operated in accordance

1 with W.S. 21-18-502 and that are provided by a teacher
2 certified by the Wyoming professional teaching standards
3 board for the vocational subject area associated with the
4 course shall qualify under this subdivision;

5
6 **21-18-102. Definitions.**

7
8 (a) As used in this act:

9
10 (xxiii) "This act" means W.S. 21-18-101 through
11 ~~21-18-409~~ 21-18-506.

12
13 **21-18-205. Appropriation and distribution of state**
14 **funds; restrictions; budget authority.**

15
16 (j) The commission may request funding for and shall
17 distribute funds to colleges as required in W.S. 21-18-501
18 through 21-18-506. Funds requested for the Wyoming learn
19 while you earn program shall be requested by an exception
20 budget and shall be designated as separate special funding
21 for the Wyoming learn while you earn program only. Funds
22 distributed pursuant to the Wyoming learn while you earn
23 program shall be accounted for and distributed separately

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

5
6 **Section 3.** There is appropriated one million dollars
7 (\$1,000,000.00) from the general fund to the Wyoming learn
8 while you earn account created in W.S. 21-18-504(a), as
9 created by section 1 of this act. This appropriation shall
10 not be transferred or expended for any purpose other than
11 as provided in this act. Any unexpended and unobligated
12 funds remaining from this appropriation on June 30, 2026
13 shall revert as provided by law.

14
15 **Section 4.** The Wyoming community college commission
16 shall promulgate any rules necessary to implement the
17 provisions of this act.

18
19 **Section 5.**

20
21 (a) Except as provided in subsection (b) of this
22 section, this act is effective July 1, 2021.

23

1 (b) Sections 4 and 5 of this act are effective
2 immediately upon completion of all acts necessary for a
3 bill to become law as provided by Article 4, Section 8 of
4 the Wyoming Constitution.

5

6

(END)