

SENATE FILE NO. SF0112

Wyoming Freedom Scholarship Act-2.

Sponsored by: Senator(s) Boner, Biteman, Brennan, Salazar
and Steinmetz and Representative(s) Andrew

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
11 committee as specified; providing standing in a lawsuit
12 challenging this act; providing an appropriation; and
13 providing for effective dates.

14

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

1

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

4

5

ARTICLE 9

6

WYOMING FREEDOM SCHOLARSHIP ACT

7

8 **21-2-901. Short title.**

9

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

13

14 **21-2-902. Definitions.**

15

16 (a) As used in this act, unless the context otherwise
17 requires:

18

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

22

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

8

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

14

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

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 this state
9 or that provides education services in this state and that
10 does not discriminate on the basis of race, color or
11 national 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 using the
5 consumer price index or its successor index of the United
6 States department of labor, bureau of labor statistics.

7

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

20

21 (c) If at the end of a fiscal year the state
22 treasurer determines that the amount in the Wyoming freedom
23 scholarship program account is more than thirty million

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

6

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

12

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

15

16 **21-2-904. ESA program parent agreement; ESA**
17 **administration.**

18

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

22

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 nongovernmental
8 online learning programs;

9
10 (C) Tutoring services provided by a person
11 or a tutoring facility. The tutoring services shall not be
12 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 instruction in
18 at least reading, writing, mathematics, civics, history,
19 literature and science. No parent shall be required to
20 include any instruction that conflicts with the parent's or
21 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 paid, refunded,
21 rebated or shared with a parent or ESA student in any
22 manner. Any refund or rebate for goods or services

1 purchased with ESA funds shall be credited directly to the
2 student's ESA.

3

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

8

9 (d) Funds deposited in an ESA shall not constitute
10 taxable income to the parent or the ESA student except to
11 the extent required by federal law.

12

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

21

22 (f) Nothing in this act shall be construed to require
23 an ESA student to be enrolled, full-time or part-time, in a

1 private school or a nonpublic online school as long as the
2 ESA student is receiving instruction as required under
3 paragraph (a)(ii) of this section.

4

5 **21-2-905. Application.**

6

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

9

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

12

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

19

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

22

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 amount available from the Wyoming freedom scholarship
12 account for a school year, the students shall be selected
13 on a first come, first served basis, except enrollment
14 preference shall be given to the following students:

15

16 (A) An eligible student who in the previous
17 school year used an ESA; or

18

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

20

21 (I) Receives scholarship funds from an
22 ESA at the time the sibling applied for an ESA; or

23

1 (II) Received an ESA in the school
2 year immediately preceding the school year in which the
3 sibling applies for an ESA.

4

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

7

8 (e) A signed agreement between the parent and state
9 treasurer under W.S. 21-2-904(a) shall satisfy the
10 compulsory school attendance requirements of W.S. 21-4-102
11 if the parent provides the student's resident school
12 district annual notice of intent to participate in the ESA
13 program.

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 a process for ESA students who choose to stop
6 receiving ESA payments to enroll full-time in a public
7 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, including qualified schools, and ensure
17 that the list is available to parents of ESA students. The
18 list shall enable the education service provider to
19 indicate if the education service provider is accepting new
20 students;

21

22 (ii) Provide parents with a written explanation
23 of the allowable uses of ESA funds, the responsibilities of

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

6

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

14

15 (iv) If determined necessary by the state
16 treasurer, contract with one (1) or more private
17 organizations to administer the ESA program or specific
18 functions of the ESA program including, without limitation,
19 contracting with private financial management firms to
20 manage ESAs. Any contract under this paragraph shall comply
21 with the selection procedures required by W.S. 9-23-105;

22

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

7
8 (vi) Implement a commercially viable,
9 cost-effective and user-friendly system for payment of
10 services from ESAs to education service providers by
11 electronic or online funds transfer. The payment system
12 shall not rely exclusively on requiring parents to be
13 reimbursed for out-of-pocket expenses. The payment system
14 shall provide maximum flexibility to parents by
15 facilitating direct payments to education service providers
16 as well as requests for pre-approval of and reimbursements
17 for qualifying expenses listed in W.S. 21-2-904(a)(i). The
18 state treasurer may contract with private organizations to
19 develop the payment system;

20

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

23

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

3

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

7

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

10

11 (D) The ESA student enrolls full-time in a
12 public school, including a charter school; or

13

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

18

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

22

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

20

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

1

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

5

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

8

9 (xi) By rule create procedures to ensure that a
10 fair process exists to determine whether an education
11 service provider should be prohibited from receiving
12 payments from ESAs under paragraph (x) of this subsection.
13 If the state treasurer bars an education service provider
14 from receiving payments from ESAs, it shall notify parents
15 and ESA students of the decision within ten (10) days.
16 Education service providers may appeal a final decision of
17 the state treasurer under this paragraph as provided in the
18 Wyoming Administrative Procedure Act.

19

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

1 the partial payment prior to the start of the school year
2 in which the ESA is awarded and deduct that amount from
3 subsequent quarterly ESA deposits. If an ESA student
4 decides not to use the education service provider, the
5 partial payment made under this subsection shall be
6 returned to the state treasurer by the education service
7 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 an online anonymous fraud
19 reporting service;

20

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

23

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

4

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

7

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

13

14 **21-2-907. Parent review commission.**

15

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

23

1 (b) The parent review commission shall consist of
2 seven (7) members appointed by the state treasurer plus a
3 nonvoting chairperson as provided in this subsection. The
4 voting members of the commission shall be parents of ESA
5 students and shall represent not less than four (4)
6 different counties. Members shall serve at the pleasure of
7 the state treasurer for a term of four (4) years 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 this act and procedures established by the
18 state 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, upon request, provide a
4 qualified school that has enrolled an ESA student with a
5 complete copy of the ESA student's school records, while
6 complying with 20 U.S.C. § 1232g, the Family Educational
7 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 its application
10 to an individual or circumstance is held invalid, the
11 invalidity does not affect other provisions or applications
12 of this act which can be given effect without the invalid
13 provision or application, and to this end the provisions of
14 this act are severable.

15
16 **Section 2.** W.S. 9-4-601(a)(ii), as amended by 2023
17 Wyoming Session Laws, Chapter 175, Section 1, and effective
18 July 1, 2024, is 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) Forty-seven and one-half percent (47.5%),
19 ~~to the public school foundation program account~~ subject to
20 allocations under W.S. 9-4-605, as follows:

21

1 (A) Fifty-two and eight-tenths percent
 2 (52.8%) of the amount to the public school foundation
 3 program account; and

4
 5 (B) Forty-seven and two-tenths percent
 6 (47.2%) of the amount to the Wyoming freedom scholarship
 7 program account created by W.S. 21-2-903(b).

8
 9 **Section 3.** W.S. 21-4-102 by creating a new subsection
 10 (d), 21-4-301 and 21-13-310(a)(ix) are amended to read:

11
 12 **21-4-102. When attendance required; exemptions;**
 13 **withdrawal.**

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

20
 21 **21-4-301. Schools to be free and accessible to all**
 22 **children; minimum school year.**

23

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

22

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

6
7 **21-13-310. Annual computation of district revenues.**

8
9 (a) To ensure revenues available to each district are
10 uniformly sufficient to enable compliance with the uniform
11 standards for educational programs prescribed under W.S.
12 21-9-101 and 21-9-102 and to secure state board
13 accreditation of educational programs under W.S.
14 21-2-304(a)(ii), the revenues specified under this
15 subsection shall be deemed state revenues and shall be
16 considered in determining the amount to be distributed to
17 each district under W.S. 21-13-311. A district shall make
18 an annual computation of the following revenues:

19
20 (ix) The amount of tuition paid to the district
21 during the previous school year, including any amount
22 charged under W.S. 21-4-501 and any amount assessed in
23 excess of the costs incurred for adult education programs,

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

16

17 **Section 4.** There is appropriated thirty million
18 dollars (\$30,000,000.00) from the general fund to the
19 Wyoming freedom scholarship program account created by W.S.
20 21-2-903(b) for purposes of the Wyoming Freedom Scholarship
21 Act.

22

23 **Section 5.**

1

2 (a) The state treasurer shall adopt rules and take
3 other actions as necessary to enable students to enroll in
4 the ESA program created by this act for school year
5 2025-2026. The state treasurer shall begin accepting
6 applications for the ESA program not later than January 1,
7 2025.

8

9 (b) The state treasurer may establish and appoint a
10 temporary committee of up to five (5) members for the
11 purpose of advising and assisting with the promulgation of
12 rules under subsection (a) of this section. The members of
13 the committee shall serve without compensation and the
14 committee, if formed, shall dissolve not later than January
15 1, 2026.

16

1 **Section 6.**

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 through 3 of this act are effective
9 January 1, 2025.

10

11

(END)