

HOUSE BILL NO. HB0201

Special education savings accounts.

Sponsored by: Representative(s) Styvar, Andrew, Baker and Wilson and Senator(s) Hutchings

A BILL

for

1 AN ACT relating to special education; providing for the  
2 creation of accounts to provide for the costs of special  
3 education programs and services delivered outside of a  
4 public K-12 school; providing for a continuous  
5 appropriation; providing for a criminal offense and  
6 penalties; and providing for an effective date.

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

9

10 **Section 1.** W.S. 21-4-701 is created to read:

11

ARTICLE 7

12

SPECIAL EDUCATION SAVINGS ACCOUNTS

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1           **21-4-701. Education savings accounts for special**  
2 **education programs and services; appropriation; penalties.**

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4           (a) The state superintendent shall create a system to  
5 provide education savings accounts for students receiving  
6 special education programs and services in accordance with  
7 this section.

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9           (b) The state superintendent shall create an  
10 education savings account for a student, upon request of a  
11 parent or guardian, for any student age five (5) years to  
12 twenty-one (21) years who:

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14           (i) Is a student with disabilities as identified  
15 under the federal Individuals with Disabilities Education  
16 Act, 20 U.S.C. § 1400 et seq; or

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18           (ii) Has been diagnosed within the preceding  
19 three (3) years as having an acute or chronic condition  
20 that significantly impedes the student's ability to succeed  
21 in school, including deafness, blindness, orthopedic  
22 disability or neurodevelopmental disability.

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1           (c) Before July 1 of each year, the state  
2 superintendent shall annually calculate an appropriate  
3 amount with which to fund each account. The amount for each  
4 account shall be sufficient to pay for the expected costs  
5 incurred by the parents or guardians for special education  
6 programs and services of the eligible student. The state  
7 superintendent by August 1 of each year shall deposit an  
8 appropriate amount into each education savings account.  
9 Funds within the school foundation program account derived  
10 from federal mineral royalties are continuously  
11 appropriated to the state superintendent for purposes of  
12 funding the education savings accounts created under this  
13 section.

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15           (d) Funds within the education savings accounts shall  
16 be available to the parents or guardians of the eligible  
17 students to pay for special education programs and services  
18 provided to the students outside of a public K-12 school.  
19 The state superintendent shall make funds within the  
20 accounts available to parents and guardians by use of a  
21 debit card and other appropriate means. Unexpended funds  
22 within each account shall rollover annually, until the  
23 student is no longer an eligible student as provided by

1 this section, at which time the funds shall revert to the  
2 school foundation program account.

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4 (e) The state superintendent may request that parents  
5 and guardians provide documentation to show that funds  
6 expended from accounts have been made in accordance with  
7 law.

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9 (f) Knowingly using account funds for any purpose  
10 other than to pay for special education programs and  
11 services shall be a misdemeanor punishable by imprisonment  
12 for not more than six (6) months, a fine of not more than  
13 one thousand dollars (\$1,000.00), or both.

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15 **Section 2.** This act is effective July 1, 2021.

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(END)