

ENROLLED ACT NO. 56, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2024 BUDGET SESSION

AN ACT relating to developmental preschool funding; modifying the per child amounts used to calculate payments to service providers; modifying requirements for the department of health's budget request for developmental preschool services as specified; modifying the date utilized to count the number of children that participate in the program; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 21-2-705(c)(i) and (iii) and 21-2-706(b), (d)(intro), (e) and by creating a new subsection (g) are amended to read:

**21-2-705. Fund allocation.**

(c) All funds received by the state from the federal government pursuant to section 611(d) and reserved by the state pursuant to section 611(e)(2) of the federal Individuals with Disabilities Education Act shall be retained by the department of education for state level activities authorized by federal law. The department of education shall expend these amounts in accordance with the following:

(i) A per student allocation shall be determined by dividing the retained amount, less funds allowed to be retained in the state's high risk pool under section 611(e)(3)(A) of the federal Individuals with Disabilities Education Act, by the number of students aged three (3) through twenty-one (21) years receiving special education services on ~~December~~May 1 of the ~~preceding~~ school year immediately preceding the budget request;

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(iii) For purposes of this subsection, "children aged three (3) through five (5) years receiving special education services through the division" means the actual number of students receiving services through the division on ~~December~~May 1 of the ~~preceding~~ school year immediately preceding the budget request;

**21-2-706. Developmental preschool funding.**

(b) For purposes of calculating payments to service providers for the subsequent fiscal year and preparing the division's budget request to the legislature, the division shall multiply the number of children age birth through five (5) years of age with developmental disabilities who are eligible for and placed on an individualized education program or individualized family service plan through developmental preschool services on ~~or before December~~May 1 of the school year ~~in which immediately preceding~~ the budget request ~~is being prepared by eight thousand five hundred three dollars (\$8,503.00)~~eleven thousand seven hundred ninety-six dollars (\$11,796.00) per child per year. Eligibility for developmental preschool services shall be determined by the state rules and regulations governing an individualized education program or an individualized family service plan.

(d) The per child amount specified in subsection (b) of this section shall be increased by the amount of ~~three hundred sixty three dollars (\$363.00)~~five hundred four dollars (\$504.00) to provide:

(e) Commencing with the budget request for the fiscal year ~~2010~~2026 and for each fiscal year thereafter, the department shall prepare an exception budget request necessary to adjust the amounts calculated pursuant to

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subsections (b) and (d) of this section and as previously adjusted pursuant to this subsection, to reflect the most recent external cost adjustment enacted by the legislature pursuant to W.S. 21-13-309(o). The intent of this subsection is for each budget request to incorporate all previous adjustments made pursuant to this subsection.

(g) For purposes of calculating payments to service providers made under this section for the subsequent fiscal year, if the per child amounts specified in this section would result in service providers receiving payments that are different from the available appropriation, the payments shall be adjusted on a pro rata basis so each service provider receives the same percentage of the per child amounts without exceeding the total available appropriation.

## **Section 2.**

(a) For purposes of calculating payments to service providers under W.S. 21-2-705 and 21-2-706, as amended by section 1 of this act, for the fiscal year beginning July 1, 2024, the division shall multiply the number of children age birth through five (5) years of age with developmental disabilities who are eligible for and placed on an individualized education program or individualized family service plan through developmental preschool services on May 1, 2023.

(b) There is appropriated sixteen million three hundred eighty-seven thousand one hundred four dollars (\$16,387,104.00) from the general fund to the department of health to be allocated pursuant to W.S. 21-2-706, as amended by section 1 of this act. This appropriation shall be for the period beginning July 1, 2024 and ending June

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30, 2026. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2026. It is the intent of the legislature that this appropriation be included in the standard budget for the department of health for the immediately succeeding fiscal biennium.

**Section 3.** This act is effective July 1, 2024.

(END)

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

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

\_\_\_\_\_  
Governor

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

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

I hereby certify that this act originated in the Senate.

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