

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to education; modifying the education savings accounts program; changing the name of the program to the steamboat legacy scholarship act; creating the steamboat legacy scholarship program account; modifying definitions; increasing the maximum scholarship award; modifying eligibility requirements; repealing provisions; providing appropriations; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 21-2-901, 21-2-903(a), (b), (c) and by creating a new subsection (d), 21-2-904(b)(i)(J), by creating a new subparagraph (Q), (ii)(A) and (e), 21-2-905(e) and (f)(intro), 21-2-906(a)(i), (ix), (xi), by creating a new paragraph (xiii) and by creating new subsections (d) and (e) and 21-2-909, as amended by 2024 Wyoming Session Laws, Chapter 108, Section 1 and effective January 1, 2025, are amended to read:

ARTICLE 9
STEAMBOAT LEGACY SCHOLARSHIP ACT

21-2-901. Short title.

This act shall be known as the "~~Wyoming Education Savings Accounts~~Steamboat Legacy Scholarship Act." The program created by this act shall be known as the "ESA program."

21-2-903. Education savings accounts; steamboat legacy scholarship program account.

(a) For school year 2025-2026 and each school year thereafter, the total amount to be deposited in an education savings account ~~for an ESA student~~ each year

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

shall be ~~determined by the student's household income compared to the federal poverty levels, using the most recent federal poverty guidelines for the student's household size and income, as follows; six thousand dollars (\$6,000.00) for students~~ as follows:

(i) For students eligible for an ESA under W.S. 21-2-904(a)(i), seven thousand dollars (\$7,000.00);

(ii) For students eligible for an ESA under W.S. 21-2-904(a)(ii), whose household income is ~~at or below one hundred fifty percent (150%)~~ equal to or less than two hundred fifty percent (250%) of the federal poverty level using the student's household income compared to the federal poverty guidelines for the student's household size and income, seven thousand dollars (\$7,000.00).

(b) Payments to ESAs under this act shall be made by the state superintendent of public instruction from the ~~Wyoming education savings accounts expenditure~~ steamboat legacy scholarship program account, which is hereby created. The ~~Wyoming education savings accounts expenditure~~ steamboat legacy scholarship program account shall consist of funds transferred to the ~~expenditure~~ account and other funds appropriated by the legislature to the ~~expenditure~~ account. All earnings from investment of the ~~expenditure~~ steamboat legacy scholarship program account shall be credited to the ~~expenditure~~ account. Any unencumbered, unobligated balance of the ~~expenditure~~ steamboat legacy scholarship program account at the end of each fiscal year shall not revert but shall remain in the ~~expenditure~~ account and shall be expended to fund ESAs as provided by this act.

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(c) Payments to each approved ESA shall be disbursed on a quarterly basis by the state superintendent or another state agency or person designated by the state superintendent to administer and disburse funds to education savings accounts.

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

21-2-904. ESA parent agreement; ESA administration.

(b) To participate in the ESA program, the custodial parent of an ESA student shall sign an agreement with the state superintendent that:

(i) Requires use of the ESA funds for the following qualifying expenses to educate the ESA student:

(J) Tuition and fees for summer education programs and specialized after school education programs, but not including after school childcare programs;

(Q) Tuition and fees for nongovernmental online learning programs.

(ii) For students eligible for an ESA under paragraph (a)(i) of this section:

(A) Requires that the ESA student receive instruction in, ~~at minimum,~~ reading, writing, mathematics, civics, including studies of the United States constitution and the constitution of the state of Wyoming, history, literature and science and is assessed on academic progress. No parent shall be required to include any

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

instruction that conflicts with the parent's or the ESA student's religious doctrines;

(e) An ESA shall remain active and any unused funds shall not revert until the parent withdraws the ESA student from the ESA program or until the ESA student is no longer eligible for the ESA program, unless the ESA is closed because of a substantial misuse of funds. When an ESA is closed, any unused funds shall revert to the Wyoming education savings accounts expenditure steamboat legacy scholarship program account.

21-2-905. Application.

(e) ~~Except as provided under this subsection, eighty percent (80%) of the ESAs shall be awarded to students eligible pursuant to W.S. 21-2-904(a)(i) and the remaining twenty percent (20%) shall be awarded to students eligible pursuant to W.S. 21-2-904(a)(ii) each year. Any funds allocated under this subsection for the award of ESAs to students eligible pursuant to W.S. 21-2-904(a)(ii) that are not awarded in any school year may be awarded to students eligible pursuant to W.S. 21-2-904(a)(i).~~ If the number of applications for ESAs exceeds the available funds for any school year, the students shall be selected on a first-come, first-served basis, except preference shall be given to the following students:

(i) An eligible student who received funds under the ESA program in the immediately preceding school year;
or

(ii) A sibling of an eligible student who:

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

(B) Received an ESA in the school year immediately preceding the school year in which the sibling applies for an ESA.

(f) For students ~~eligible for receiving~~ an ESA under W.S. 21-2-904(a)(i), the following shall apply:

21-2-906. Duties of the state superintendent.

(a) The state superintendent of public instruction shall:

(i) Establish a certification process for education service providers, which shall, ~~at minimum,~~ ensure ESA students attending qualified schools in kindergarten through grade twelve (12) receive instruction in reading, writing, mathematics, civics, ~~including studies of the United States constitution and the constitution of the state of Wyoming,~~ history, literature and science throughout their kindergarten through grade twelve (12) tenure, and for pre-kindergarten ensure ESA students at minimum receive instruction necessary for preparation to enter kindergarten;

(ix) Investigate reports of intentional and substantial misuse of ESA funds and prohibit an eligible ESA student from receipt of ESA funds if the state superintendent determines that the ESA student or ESA student's parent intentionally and substantially misused ESA funds. The state superintendent shall by rule create procedures to ensure that a fair process exists to determine whether an intentional and substantial misuse of

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

ESA funds has occurred. If an ESA student is free from personal misconduct, that student shall be eligible for an ESA in the future if placed with a different parent or other person with the legal authority to act on behalf of the student. The state superintendent shall have the authority to refer suspected cases of intentional and substantial misuse of ESA funds to the department of audit or to law enforcement and the attorney general for investigation and prosecution if evidence of fraudulent use of ESA funds is obtained. A parent or ESA student may appeal a final decision of the state superintendent to make the parent or ESA student ineligible for the ESA program as provided by the Wyoming Administrative Procedures Act;

(xi) ~~Notify parents and ESA students within ten (10) business days if the state superintendent prohibits~~ By rule create procedures to ensure that a fair process exists to determine whether an education service provider should be prohibited from receiving ESA funds under paragraph (x) of this subsection. Education service providers may appeal a final decision of the state superintendent under this paragraph as provided by the Wyoming Administrative Procedures Act;

(xiii) If the state superintendent determines it is necessary, withhold from the funds to be deposited in ESAs, a maximum of five percent (5%) annually of the funds to be deposited in ESAs in the first two (2) school years of the ESA program and a maximum of three percent (3%) annually of the funds to be deposited in ESAs thereafter to pay for the costs of administering the ESA program.

(d) Rules adopted by the state superintendent under subsection (c) of this section shall focus on simplifying parental access to the program and encouraging educational

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

service providers to provide parents and ESA students with a broad array of educational options.

(e) The state superintendent may accept gifts and grants from any source to cover administrative costs of the program, to inform the public about the ESA program or to fund ESAs.

21-2-909. Legal proceedings.

(a) No liability shall arise on the part of the state superintendent of public instruction or the state or any public school or school district based on the award of or use of an ESA pursuant to this act.

(b) In any legal proceeding challenging the application of this act or rule adopted under this act to an education service provider, the state bears the burden of proof to establish that the law is necessary and does not impose any undue burden on the education service provider.

(c) If any part of this act is challenged in a state court as violating either the state or federal constitutions, parents of eligible students and parents of ESA students shall be permitted to intervene in any lawsuit for the purposes of defending the ESA program's constitutionality.

(d) If any provision of this act or its application to an individual or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

Section 2. 2024 Wyoming Session Laws, Chapter 108, Section 3 and Section 6(c) is repealed.

Section 3. There is appropriated thirty million dollars (\$30,000,000.00) from the general fund to the steamboat legacy scholarship program account created by section 1 of this act for the purposes of the Steamboat Legacy Scholarship Act. It is the intent of the legislature that this appropriation be included in the standard budget of the Wyoming department of education for the immediately succeeding fiscal biennium.

ORIGINAL HOUSE
BILL NO. HB0199

ENGROSSED

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk