

HOUSE BILL NO. HB0123

Education savings accounts.

Sponsored by: Representative(s) Clouston, Andrew, Davis and
Larson, JT and Senator(s) Boner

A BILL

for

1 AN ACT relating to education; authorizing education savings
2 accounts; creating the Wyoming education savings account
3 expenditure account; providing for a transfer of funds to
4 the Wyoming education savings accounts expenditure account;
5 providing for the use and administration of education
6 savings accounts for education; specifying duties of the
7 state superintendent of public instruction; providing
8 rulemaking authority; making conforming amendments;
9 providing appropriations; authorizing full-time positions;
10 repealing provisions; providing a contingent effective date
11 pending certification by the governor of actions of the
12 Wyoming supreme court; and providing for an effective date.

13

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

15

1 **Section 1.** W.S. 21-2-1001 through 21-2-1010 are
2 created to read:

3

4

ARTICLE 10

5

WYOMING EDUCATION SAVINGS ACCOUNTS ACT

6

7

21-2-1001. Short title.

8

9 This act shall be known as the "Wyoming Education Savings
10 Accounts Act." The program created by this act shall be
11 known as the "ESA program."

12

13

21-2-1002. Definitions.

14

15 (a) As used in this act:

16

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

20

21 (ii) "Education savings account" or "ESA" means
22 the spending account for an eligible student's education
23 where funds are allocated by the state superintendent of

1 public instruction, where a parent of an ESA student enters
2 into an agreement with the state superintendent to choose
3 and pay for qualifying education expenses to educate the
4 ESA student, subject to the requirements and conditions of
5 this act;

6

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

12

13 (iv) "ESA student" means a student eligible for
14 an ESA pursuant to W.S. 21-2-1004(a) who is participating
15 in the ESA program;

16

17 (v) "Expenditure account" means the Wyoming
18 education savings account expenditure account created by
19 this act;

20

21 (vi) "Parent" means a resident of this state who
22 is the parent or legal guardian of an eligible student or
23 ESA student and may include an eligible student not less

1 than eighteen (18) years of age or an ESA student who is an
2 emancipated minor;

3

4 (vii) "Pre-kindergarten" means an educational
5 program with the primary goal of preparing children for
6 kindergarten that provides not more than one (1) school
7 year of education prior to entry into kindergarten;

8

9 (viii) "Qualified school" means a
10 pre-kindergarten or a nonpublic primary or secondary school
11 certified by the state superintendent of public instruction
12 pursuant to W.S. 21-2-1006(a) and located in or that
13 provides education services in this state. "Qualified
14 school" may include instruction provided through online
15 means;

16

17 (ix) "This act" means W.S. 21-2-1001 through
18 21-2-1010.

19

20 **21-2-1003. Education savings accounts; Wyoming**
21 **education savings accounts expenditure account.**

22

1 (a) The total amount to be deposited in an education
2 savings account for an ESA student each year shall be
3 determined by the student's household income compared to
4 the federal poverty levels, using the most recent federal
5 poverty guidelines for the student's household size and
6 income, as follows:

7

8 (i) Six thousand dollars (\$6,000.00) for
9 students whose household income is at or below one hundred
10 fifty percent (150%) of the federal poverty level;

11

12 (ii) Four thousand eight hundred dollars
13 (\$4,800.00) for students whose household income is at or
14 below two hundred percent (200%) of the federal poverty
15 level but more than one hundred fifty percent (150%) of the
16 federal poverty level;

17

18 (iii) Three thousand six hundred dollars
19 (\$3,600.00) for students whose household income is at or
20 below two hundred fifty percent (250%) of the federal
21 poverty level but more than two hundred percent (200%) of
22 the federal poverty level;

23

1 (iv) Three thousand dollars (\$3,000.00) for
2 students whose household income is at or below three
3 hundred percent (300%) of the federal poverty level but
4 more than two hundred fifty percent (250%) of the federal
5 poverty level.

6

7 (b) Payments to ESAs under this act shall be made by
8 the state superintendent of public instruction from the
9 expenditure account, which is hereby created. The
10 expenditure account shall consist of funds transferred to
11 it and other funds appropriated by the legislature. All
12 earnings from investment of the expenditure account shall
13 be credited to the expenditure account. Any unencumbered,
14 unobligated balance of the expenditure account at the end
15 of each fiscal year shall not revert but shall remain in
16 the expenditure account and shall be expended to fund ESAs
17 as provided by this act.

18

19 (c) Payments to each approved ESA shall be disbursed
20 on a quarterly basis by the state superintendent.

21

22 **21-2-1004. ESA program eligibility; parent agreement;**
23 **ESA administration.**

1

2 (a) Subject to the availability and appropriation of
3 funds as determined by the legislature, any child who is a
4 Wyoming resident, who meets one (1) of the following
5 qualifications, and subject to W.S. 21-2-1003(a), shall be
6 eligible to receive an ESA subject to the provisions of
7 this act:

8

9 (i) The child has not graduated from high school
10 or received a high school equivalency certificate and is
11 eligible to attend a public school in this state; or

12

13 (ii) The child is not less than four (4) years
14 of age as of August 1 of the year in which the application
15 for an ESA is made and is not yet eligible or ready to
16 attend kindergarten in this state.

17

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

21

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

1

2 (A) Tuition and fees at a qualified school;

3

4 (B) Tutoring services provided by a person
5 or a tutoring facility. The tutoring services shall not be
6 provided by an ESA student's immediate family;

7

8 (C) Services contracted for and provided by
9 a public school district, including services provided by a
10 public charter school. Services under this subparagraph may
11 include, without limitation, individual classes and
12 extracurricular activities and programs;

13

14 (D) Textbooks, curriculum and other
15 instructional materials, including, but not limited to, any
16 supplemental materials or associated online instruction
17 required by either a curriculum or an education service
18 provider;

19

20 (E) Computer hardware or other
21 technological devices that are primarily used to help meet
22 an ESA student's educational needs;

23

1 (F) Educational software and applications;

2

3 (G) School uniforms;

4

5 (H) Fees for nationally standardized
6 assessments, advanced placement examinations, examinations
7 related to college or university admission and tuition and
8 fees for preparatory courses for the exams;

9

10 (J) Tuition and fees for summer education
11 programs and specialized after school education programs;

12

13 (K) Tuition, fees, instructional materials
14 and examination fees at a career or technical school;

15

16 (M) Educational services and therapies
17 including, but not limited to, occupational, behavioral,
18 physical, speech-language and audiology therapies;

19

20 (N) Tuition and fees at an institution of
21 higher education;

22

1 (O) Fees for transportation paid to a
2 fee-for-service transportation provider for the student to
3 travel to and from an education service provider;
4

5 (P) Any other educational expense approved
6 by the state superintendent.
7

8 (ii) For students found eligible for an ESA
9 under paragraph (a)(i) of this section, the student shall:
10

11 (A) Receive instruction in, at minimum,
12 reading, writing, mathematics, civics, including studies of
13 the United States constitution and the constitution of the
14 state of Wyoming, history, literature and science. No
15 parent shall be required to allow their child to receive
16 any instruction that conflicts with the parent's or child's
17 religious doctrines;
18

19 (B) Take the statewide assessments
20 administered pursuant to W.S. 21-2-304(a) or a nationally
21 recognized achievement exam;
22

1 (C) Certify that the ESA student is not, or
2 will not be, enrolled in a public school district upon
3 receipt of the ESA and release the applicable school
4 district from all obligations to educate the ESA student.
5 This subparagraph shall not:

6

7 (I) Require an eligible student to
8 withdraw from a public school district before applying for
9 or receiving an ESA if the student withdraws from the
10 public school district before receiving or expending any
11 monies in the student's ESA;

12

13 (II) Prevent a qualified student from
14 applying in advance for an ESA to be funded beginning the
15 following school year; or

16

17 (III) Prevent a public school district
18 from charging an ESA for any services provided to the
19 qualified student to the extent authorized by law.

20

21 (c) Funds in an ESA shall not be refunded, rebated or
22 shared with a parent of an ESA student in any manner. Any

1 refund or rebate for goods or services purchased with ESA
2 funds shall be credited directly to the student's ESA.

3

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

16

17 (f) Nothing in this act shall be construed to require
18 an ESA student to be enrolled, full-time or part-time, in a
19 nonpublic school. An ESA student receiving individualized
20 instruction in a nonschool setting shall not be construed
21 to be a student of a home-based educational program as
22 defined in W.S. 21-4-101(a)(v).

23

1 **21-2-1005. Application, award and allocation of ESAs.**

2

3 (a) A parent may apply to the state superintendent of
4 public instruction to establish an ESA for an eligible
5 student.

6

7 (b) The state superintendent shall establish
8 procedures for approving applications in an expeditious
9 manner.

10

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

17

18 (d) Except as provided under subsection (e) of this
19 section, the state superintendent shall approve an
20 application for an ESA if:

21

1 (i) The parent submits an application for an ESA
2 in accordance with application procedures established by
3 the state superintendent;

4

5 (ii) The student is an eligible student pursuant
6 to W.S. 21-2-1004(a);

7

8 (iii) Funds are available for the ESA; and

9

10 (iv) The parent signs an agreement with the
11 state superintendent as provided in W.S. 21-2-1004(b).

12

13 (e) Except as provided under this subsection, eighty
14 percent (80%) of the ESAs shall be awarded to students
15 eligible pursuant to W.S. 21-2-1004(a)(i) and the remaining
16 twenty percent (20%) shall be awarded to students eligible
17 pursuant to W.S. 21-2-1004(a)(ii) each year. Any funds
18 allocated under this subsection for the award of ESAs to
19 students eligible pursuant to W.S. 21-2-1004(a)(ii) that
20 are not awarded in any school year may be awarded to
21 students eligible pursuant to W.S. 21-2-1004(a)(i). If the
22 number of applications for ESAs exceeds the available funds
23 for any school year, the students shall be selected on a

1 first-come, first-served basis, except preference shall be
2 given to an eligible student who received funds under the
3 ESA program in the immediately preceding school year.

4

5 (f) For students eligible for an ESA under W.S.
6 21-2-1004(a)(i), the following shall apply:

7

8 (i) A signed agreement between the parent and
9 state superintendent under W.S. 21-2-1004(b) shall satisfy
10 the compulsory school attendance requirements of W.S.
11 21-4-102 and the parent shall annually provide the
12 student's resident public school district notice of intent
13 to participate in the ESA program;

14

15 (ii) Upon notice to the state superintendent, an
16 ESA student may choose to stop receiving an ESA 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 to the student's
20 ESA and the state superintendent may close the ESA. If an
21 eligible student applies to the state superintendent 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 an eligible
2 student's ESA was closed;

3

4 (iii) The state superintendent may adopt rules
5 and policies to provide a process for ESA students who
6 choose to withdraw from the ESA program and enroll
7 full-time in a public school.

8

9 **21-2-1006. Duties of the state superintendent of**
10 **public instruction to administer the education savings**
11 **accounts program.**

12

13 (a) The state superintendent of public instruction
14 shall:

15

16 (i) Establish a certification process for
17 education service providers, that shall, at minimum, ensure
18 ESA students attending qualified schools in kindergarten
19 through grade twelve (12) receive instruction in reading,
20 writing, mathematics, civics, including studies of the
21 United States constitution and the constitution of the
22 state of Wyoming, history, literature and science and for
23 pre-kindergarten ensure ESA students at minimum receive

1 instruction necessary for preparation to enter
2 kindergarten;

3

4 (ii) Maintain a list of certified education
5 service providers and ensure the list is available to
6 parents of ESA students. The list shall enable the
7 education service provider to indicate if the education
8 service provider is accepting new ESA students;

9

10 (iii) Provide parents with a written explanation
11 of the qualified expenses for ESA funds, the
12 responsibilities of parents and the duties of the state
13 superintendent related to administration of the ESA
14 program;

15

16 (iv) For students eligible for an ESA under W.S.
17 21-2-1004(a)(i), ensure that parents of ESA students with
18 disabilities receive notice that participation in the ESA
19 program is a parental placement under 20 U.S.C. § 1412,
20 Individuals with Disabilities Education Act (IDEA), along
21 with an explanation of the rights that parentally placed
22 students possess under IDEA and any applicable state laws
23 and regulations;

1

2 (v) If determined necessary by the state
3 superintendent, contract with one (1) or more private
4 organizations to administer the ESA program or specific
5 functions of the ESA program including, without limitation,
6 contracting with private financial management firms to
7 manage ESAs. The state superintendent shall comply with
8 applicable procurement statutes and rules in securing
9 services under this paragraph;

10

11 (vi) Implement a commercially viable,
12 cost-effective and user-friendly system for payment of
13 services from ESAs to education service providers by
14 electronic or online funds transfer. The payment system
15 shall not rely exclusively on requiring parents to be
16 reimbursed for out-of-pocket expenses. The payment system
17 shall provide maximum flexibility to parents by
18 facilitating direct payments to education service providers
19 as well as requests for pre-approval of and reimbursements
20 for qualifying expenses listed in W.S. 21-2-1004(b)(i). The
21 state superintendent may contract with private
22 organizations to develop the payment system;

23

1 (vii) Continue certifying deposits into a
2 student's ESA until:

3

4 (A) The state superintendent determines
5 that the ESA student is no longer an eligible student;

6

7 (B) The state superintendent determines
8 there was an intentional and substantial misuse of the
9 funds in the ESA;

10

11 (C) The ESA student withdraws from the ESA
12 program; or

13

14 (D) The ESA student enrolls full-time in a
15 public school.

16

17 (viii) Conduct or contract for the auditing of
18 individual ESAs and shall at a minimum conduct or contract
19 for audits of not less than two percent (2%) of all ESAs,
20 selected randomly, on an annual basis;

21

22 (ix) Investigate reports of intentional and
23 substantial misuse of ESA funds and prohibit an eligible

1 ESA student from receipt of ESA funds if the state
2 superintendent determines that the ESA student or ESA
3 student's parent intentionally and substantially misused
4 ESA funds. The state superintendent shall by rule create
5 procedures to ensure that a fair process exists to
6 determine whether an intentional and substantial misuse of
7 ESA funds has occurred. The state superintendent shall have
8 the authority to refer suspected cases of intentional and
9 substantial misuse of ESA funds to the attorney general for
10 investigation if evidence of fraudulent use of ESA funds is
11 obtained;

12

13 (x) Establish rules to prohibit an education
14 service provider from accepting payments from ESAs if the
15 state superintendent determines the education service
16 provider has:

17

18 (A) Intentionally and substantially
19 misrepresented information or failed to refund any
20 overpayments in a timely manner; or

21

22 (B) Routinely failed to provide students
23 with required educational goods or services.

1

2 (xi) Notify parents and ESA students within ten
3 (10) business days if the state superintendent prohibits an
4 education service provider from receiving ESA funds under
5 paragraph (x) of this subsection;

6

7 (xii) Students eligible for an ESA under W.S.
8 21-2-1004(a)(i) shall participate in statewide assessments
9 administered pursuant to W.S. 21-2-304(a). The results of
10 the statewide assessments taken by ESA students shall be
11 compiled to analyze student proficiency and academic
12 progress, including an analysis of graduation rates,
13 proficiency and progress based on grade level. The results
14 of the analysis under this paragraph shall be included in
15 the annual report required pursuant to W.S. 21-2-204(k).

16

17 (b) If an education service provider requires partial
18 payment of tuition or fees prior to the start of the school
19 year to reserve space for an ESA student admitted to the
20 education service provider, the state superintendent may
21 certify the partial payment prior to the start of the
22 school year in which the ESA is awarded and deduct that
23 amount from subsequent quarterly ESA deposits. If an ESA

1 student decides not to use the education service provider,
2 the partial payment made under this subsection shall be
3 returned to the state superintendent by the education
4 service provider and credited to the student's ESA.

5

6 (c) The state superintendent may adopt rules that are
7 consistent with this act and that are necessary for its
8 administration including rules:

9

10 (i) Establishing or contracting for the
11 establishment of an online anonymous fraud reporting
12 service;

13

14 (ii) Establishing an anonymous telephone hotline
15 for fraud reporting;

16

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

20

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

23

1 **21-2-1007. Education service providers.**

2

3 (a) Before receiving payment from an ESA, a
4 prospective education service provider shall:

5

6 (i) Be certified by the state superintendent of
7 public instruction pursuant to W.S. 21-2-1006(a) to receive
8 payments from ESAs;

9

10 (ii) Agree not to refund, rebate or share ESA
11 funds with parents or ESA students in any manner, except
12 that funds may be remitted or refunded to an ESA in
13 accordance with procedures established by the state
14 superintendent.

15

16 (b) Nothing in this act shall be deemed to limit the
17 independence or autonomy of an education service provider
18 or to make the actions of an education service provider the
19 actions of state government or public school district.

20

21 (c) Education service providers shall be given
22 maximum freedom to provide instruction and services in

1 their usual and customary manner to meet the educational
2 needs of ESA students.

3

4 (d) An education service provider that accepts
5 payment from an ESA pursuant to this act is not an agent of
6 the state or federal government or a public school
7 district.

8

9 (e) Nothing in this act shall be construed to expand
10 the regulatory authority of the state, its officers or any
11 school district to impose any additional regulation of
12 education service providers beyond those necessary to
13 enforce the requirements of the ESA program.

14

15 (f) Unless a direct conflict with this act exists, an
16 education service provider shall not be required to alter
17 its creed, practices, admission policy or curriculum to
18 accept payments authorized by a parent from an ESA.

19

20 **21-2-1008. Responsibilities of public schools and**
21 **school districts.**

22

1 A public school or school district that previously enrolled
2 an ESA student shall provide an education service provider
3 that has enrolled the ESA student with a complete copy of
4 the ESA student's school records as necessary, while
5 complying with 20 U.S.C. § 1232g, the Family Educational
6 Rights and Privacy Act of 1974.

7

8 **21-2-1009. Legal liability.**

9

10 No liability shall arise on the part of the state
11 superintendent of public instruction or the state or any
12 public school or school district based on the award of or
13 use of an ESA pursuant to this act.

14

15 **21-2-1010. Contingent effective date; sunset date.**

16

17 (a) This act shall be effective five (5) days after
18 the date that the governor, on advice from the attorney
19 general, certifies to the secretary of state that the
20 Wyoming supreme court has found that monetary deposits
21 provided to education savings accounts for ESA students
22 pursuant to W.S. 21-2-903 are unconstitutional or
23 unenforceable. After receiving certification from the

1 governor under this subsection, the secretary of state
2 shall report that fact to the management council of the
3 legislature and the joint education interim committee and
4 shall immediately publish the effective date of this act on
5 the website of the secretary of state's office. The
6 publication under this subsection shall also provide that
7 W.S. 21-2-901 through 21-2-909 are repealed on that date.

8
9 (b) This act shall not be effective if the attorney
10 general certifies to the governor that the Wyoming supreme
11 court has found that the provisions of W.S. 21-2-901
12 through 21-2-909 shall be upheld or are unconstitutional or
13 unenforceable for a reason other than the monetary deposits
14 provided to education savings accounts.

15
16 **Section 2.** W.S. 21-2-901, 21-4-102(d), 21-4-301(b)
17 and 21-13-310(a)(ix) are amended to read:

18
19 **21-2-901. Short title; sunset date.**

20
21 (a) This act shall be known as the "Steamboat Legacy
22 Scholarship Act." The program created by this act shall be
23 known as the "ESA program."

1

2 (b) This act shall be repealed five (5) days after
3 the date that the governor, on advice of the attorney
4 general, certifies to the secretary of state that the
5 Wyoming supreme court has found that monetary deposits
6 provided to education savings accounts for ESA students
7 pursuant to W.S. 21-2-903 are unconstitutional or
8 unenforceable.

9

10 **21-4-102. When attendance required; exemptions;**
11 **withdrawal.**

12

13 (d) A child participating in the ESA program
14 ~~specified by~~ pursuant to W.S. 21-2-901 or 21-2-1001 through
15 21-2-1010, if effective, and who provides notice of
16 participation in the ESA program to the child's school
17 district shall be deemed to be in compliance with the
18 compulsory attendance requirement under this section.

19

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

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~~ under W.S.
5 21-2-901 or 21-2-1001 through 21-2-1010, if effective, on
6 behalf of the child.

7
8 **21-13-310. Annual computation of district revenues.**

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

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

1 excess of the costs incurred for adult education programs,
2 summer school programs, programs provided under an
3 agreement for cooperative educational programs under W.S.
4 21-20-101 through 21-20-111 and any amount assessed for
5 programs and services for children with disabilities, but
6 excluding any tuition assessed by a district for the
7 provision of virtual education programs to participating
8 students pursuant to W.S. 21-13-330, any tuition assessed
9 by a district for the provision of part-time educational
10 programs to participating students pursuant to W.S.
11 21-2-904(b) (i) (C) or 21-2-1004(b) (i) (C), if effective, and
12 21-4-502(c), any revenues received by a district from post
13 secondary education option programs provided under W.S.
14 21-20-201 or for the provision of educational programs to a
15 nonresident student placed in a juvenile detention facility
16 pursuant to an agreement with the student's resident school
17 district;

18

19 **Section 3.** There is appropriated forty million
20 dollars (\$40,000,000.00) from the general fund to the
21 education savings accounts expenditure account created by
22 W.S. 21-2-1003(b) for purposes of the Wyoming education
23 savings accounts program. This appropriation shall be

1 subject to the terms of W.S. 21-2-1003(b). If the state
2 superintendent determines it is necessary, not more than
3 three percent (3%) of the funds appropriated by this
4 section may be withheld to pay for the costs of
5 administering the ESA program. This appropriation shall
6 not be transferred or expended for any other purpose. It
7 is the intent of the legislature that this appropriation be
8 included in the standard budget of the Wyoming department
9 of education for the immediately succeeding fiscal
10 biennium.

11

12 **Section 4.**

13

14 (a) The department of education is authorized two (2)
15 full-time employees for the purposes of this act. There is
16 appropriated four hundred eighty thousand dollars
17 (\$480,000.00) from the general fund to the department of
18 education for the salary and benefits of the positions
19 created by this subsection. This appropriation shall be for
20 the period beginning with the effective date of this act
21 and ending June 30, 2028. This appropriation shall not be
22 transferred or expended for any other purpose and any
23 unexpended, unobligated funds remaining from this

1 appropriation shall revert as provided by law. If this act
2 becomes effective, it is the intent of the legislature that
3 this appropriation and these positions be included in the
4 department of education's standard budget for the
5 immediately succeeding fiscal biennium.

6

7 (b) There is appropriated four hundred thousand
8 dollars (\$400,000.00) from the general fund to the
9 department of education for contractual services (900
10 series) necessary to implement this act. This appropriation
11 shall be for the period beginning with the effective date
12 of this act and ending June 30, 2028. These funds shall not
13 be transferred or expended for any other purpose and any
14 unexpended, unobligated funds remaining from this
15 appropriation shall revert as provided by law. If this act
16 becomes effective, it is the intent of the legislature that
17 this appropriation for contractual services (900 series)
18 necessary to implement this act be included in the
19 department of education's standard budget for the
20 immediately succeeding fiscal biennium.

21

22 (c) The department of education shall report annually
23 on or before September 1 to the joint education interim

1 committee on the expenditures from the appropriation under
2 subsection (b) of this section.

3

4 **Section 5.** The state superintendent of public
5 instruction shall adopt rules and take other actions as
6 necessary to enable students to enroll in the ESA program
7 created by this act for school year 2027-2028. The state
8 superintendent shall begin accepting applications for the
9 ESA program not later than January 1, 2027.

10

1 **Section 6.** This act shall be effective five (5) days
2 after the date that the governor, on advice from the
3 attorney general, certifies to the secretary of state that
4 the Wyoming supreme court has found that monetary deposits
5 provided to education savings accounts for ESA students
6 pursuant to W.S. 21-2-903 are unconstitutional or
7 unenforceable. After receiving certification from the
8 governor under this subsection, the secretary of state
9 shall report that fact to the management council of the
10 legislature and the joint education interim committee and
11 shall immediately publish the effective date of this act on
12 the website of the secretary of state's office. The
13 publication under this subsection shall also provide that
14 W.S. 21-2-901 through 21-2-909 are repealed on that date.

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(END)