

## TITLE 21 - EDUCATION

### CHAPTER 1 - GENERAL PROVISIONS AND DEFINITIONS

#### **21-1-101. Short title.**

This act shall be known and may be cited as the Wyoming Education Code of 1969.

#### **21-1-102. Repealed by Laws 2019, ch. 186, § 2.**

#### **21-1-103. "State superintendent", "state board" defined.**

(a) As used in this act, unless the context otherwise requires or unless otherwise specifically noted:

(i) "State superintendent" means the state superintendent of public instruction;

(ii) "State board" means the state board of education;

(iii) Repealed by Laws 2015, ch. 30, § 4.

#### **21-1-104. Repealed by Laws 2015, ch. 30, § 4.**

### CHAPTER 2 - THE ADMINISTRATION OF THE STATE SYSTEM OF EDUCATION AT THE STATE LEVEL

#### ARTICLE 1 - GENERAL PROVISIONS

#### **21-2-101. Application of Wyoming Administrative Procedure Act.**

The Wyoming Administrative Procedure Act shall apply to this code and no hearing shall be held or adjudications made except in compliance with its provisions.

#### **21-2-102. Effect on functions and powers of board of trustees of University of Wyoming.**

Nothing in this code shall be construed to limit or contravene the functions and powers of the board of trustees of the University of Wyoming as established by law in conformity with the constitution and laws of the state of Wyoming and the laws of the United States.

**21-2-103. Effect on functions and powers of community college commission.**

Nothing in this code shall be construed to limit or contravene the functions and powers of the community college commission of Wyoming as established by law.

**21-2-104. State department of education established; personnel; facilities.**

There shall be a separate and distinct state department designated as the state department of education which shall be under the supervision of the state superintendent and consist of the state superintendent and such divisions, staffed by personnel and provided with facilities the state superintendent determines necessary to assist him in the proper and efficient discharge of his respective duties.

**21-2-105. Delegation of duties of state superintendent.**

The state superintendent may delegate ministerial and nondiscretionary duties within the department of education.

ARTICLE 2 - SUPERINTENDENT OF PUBLIC INSTRUCTION AND DEPARTMENT OF EDUCATION

**21-2-201. General supervision of public schools entrusted to state superintendent.**

(a) The general supervision of the public schools shall be entrusted to the state superintendent who shall be the administrative head and chief executive officer of the department of education.

(b) Repealed by Laws 2015, ch. 30, § 4.

(c) Repealed by Laws 2015, ch. 30, § 4.

**21-2-202. Duties of the state superintendent.**

(a) In addition to any other duties assigned by law, the state superintendent shall:

(i) Make rules and regulations, consistent with this code, as may be necessary or desirable for the proper and effective administration of the state educational system and the statewide education accountability system pursuant to W.S.

21-2-204. Nothing in this section shall be construed to give the state superintendent rulemaking power in any area specifically entrusted to the state board;

(ii) Consult with and advise the state board, local school boards, local school administrators, teachers and interested citizens, and seek in every way to develop public support for a complete and uniform system of education for the citizens of this state;

(iii) Maintain adequate files and records of matters pertaining to the business of his office;

(iv) Enforce the provisions of this code and the administrative rules and regulations provided for in this code, in accordance with procedures provided by law;

(v) Repealed by Laws 1994, ch. 17, § 2.

(vi) Repealed by Laws 1994, ch. 17, § 2.

(vii) Assist the state board in the performance of its duties and responsibilities, including providing information to the board upon request;

(viii) Prepare and maintain a list of accredited schools in Wyoming;

(ix) Print and distribute to local boards of trustees, local school administrators and other persons and agencies within or without the state the school laws, regulations, forms, necessary reports of the state board, state committee, state superintendent and state department. The state superintendent may require the payment of reasonable costs of publication, handling and postage by persons or agencies outside the state requesting publications and shall deposit all payments into the general fund;

(x) Promulgate rules for the acceptance and disbursement of federal funds apportioned to the state for school lunch, milk and other commodities distribution programs. For purposes of these programs, the state superintendent may enter into agreements, employ personnel, direct disbursement of funds in accordance with federal law to be used by districts to operate the programs along with funds from gifts and the sale of school lunches or other commodities, assist in the training of personnel in the programs and accept gifts in connection with

the programs. Districts shall maintain records and report to the state superintendent in accordance with rules promulgated under this paragraph, but accounts and records need not be preserved more than five (5) years. The state superintendent shall audit and conduct reviews and inspections of accounts, records and operations of programs to ensure effective administration and compliance with applicable law and rules. To the extent funds are available, the state superintendent shall conduct studies to determine methods to improve and expand school lunch programs and to promote nutritional education in the schools, including appraising nutritive benefits of school lunch programs. For school lunch program funds, the state superintendent shall utilize a revolving account with a balance of at least five thousand dollars (\$5,000.00) to cover any operating expenditures incurred by the school lunch division of the department under 7 U.S.C. section 1431, the United States department of agriculture commodity program offered to the state and accepted by the participating schools and institutions. The schools and institutions shall be billed for their share pro rata of transportation and allied charges with the receipts to be used in replenishing the revolving account. If the United States department of agriculture removes all commodities from this program, the revolving account shall be discontinued and the balance shall be transferred to the general fund;

(xi) Repealed by Laws 1994, ch. 17, § 2.

(xii) Promulgate rules and provide a biennial plan and budget for the maintenance and operation of the Wyoming school for the deaf in Casper;

(xiii) Repealed By Laws 2000, Ch. 73, § 3.

(xiv) For purposes of the statewide assessment of students and reporting student performance under W.S. 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be consolidated, combined and analyzed in accordance with W.S. 21-2-204(j) and shall be provided within a reasonable time in accordance with rules and regulations of the state board;

(xv) Repealed by Laws 1994, ch. 17, § 2.

(xvi) Assist the Wyoming professional teaching standards board in the performance of its duties and

responsibilities under W.S. 21-2-801 and 21-2-802, including providing information to the board upon request;

(xvii) Include in the agency's budget request:

(A) Recommendations to the governor for appropriations from the school foundation program account and for appropriations to the account necessary to fund payments to school districts as required by law; and

(B) Recommendations to the governor for appropriations from the foundation program for special programs.

(C) Repealed By Laws 2002, Ch. 99, § 3.

(xviii) In accordance with W.S. 21-2-501 and 21-2-701(a)(ii) and subject to W.S. 21-2-304(a)(iii) and 21-9-101(c), promulgate rules to assure that each child with disabilities receives a free and appropriate education in accordance with his capabilities, including persons who are deaf, blind or have other physical disabilities which prevent them from reading in a normal manner;

(xix) Serve as the state agency to accept all federal funds for aid to education, except as provided in W.S. 21-2-307 and 21-2-601, and as the agency to administer or supervise the administration of any state plan established or federal funds subject to federal requirements. Each acceptance is restricted in its effect to the specific situation involved. The state superintendent may:

(A) Enter into an agreement with the proper federal agency to procure for the state the benefits of the federal statute;

(B) Establish a state plan, if required by the federal statute, to qualify the state for the benefits of the federal statute;

(C) Provide for reports to be made to the federal agency as may be required;

(D) Provide for reports to be made to the state department of education from local educational agencies receiving federal funds;

(E) Make surveys and studies in cooperation with other agencies to determine the needs of the state with respect to the application of federal funds;

(F) Establish standards to which agencies shall conform in receiving federal funds;

(G) Give technical advice and assistance to any local educational agency in connection with that agency obtaining federal funds;

(H) Take any other action as may be necessary to secure the benefits of the federal statute to the schools of this state. Nothing in this paragraph shall be construed as conferring any authority to the state superintendent with respect to the University of Wyoming or the various community colleges of the state;

(J) Repealed By Laws 2013, Ch. 1, § 3.

(xx) In cooperation with the state board, the Wyoming community college commission, University of Wyoming, public service commission, department of transportation, department of enterprise technology services, public libraries, school district boards of trustees, classroom teachers and other appropriate groups identified by the superintendent, develop and implement a statewide education technology plan which shall address staff training, curriculum integration and network connectivity in and between schools, communities and between the state and the world, and which shall have as its goal the provision of equal access to educational instruction and information. The statewide technology education plan may include telecommunications services provided by the department of enterprise technology services pursuant to W.S. 9-2-2906(g);

(xxi) Establish and maintain a uniform statewide reporting system based upon requirements of the statewide education accountability system established under W.S. 21-2-204 and the statewide student assessment implemented by the state board under W.S. 21-2-304(a)(v);

(xxii) In consultation with the department of environmental quality and school districts, establish guidelines for school districts for the proper and safe storage and disposal of toxic chemicals and other hazardous substances used by schools in educational programs;

(xxiii) Establish statewide guidelines for adequate special education staffing levels, to be used in assessing special education programs and services provided by school districts;

(xxiv) Monitor school district special education identification and service delivery practices, assess the appropriateness of district variations in services provided or the delivery of services and assist districts in developing alternatives to service delivery as necessary;

(xxv) Measure and track district special education programs based upon student performance and develop procedures to monitor student progress over time;

(xxvi) Establish criteria and guidelines for the identification of career and technical education courses by districts, for the computation of full-time equivalent (FTE) students participating in career and technical education courses and for the determination of full-time equivalent (FTE) career and technical education teachers, and provide for the annual collection of information necessary to implement and administer W.S. 21-13-309(m)(v)(D);

(xxvii) Develop a process and procedures necessary for consideration of district waivers from specified instructional and career and technical education program requirements specified under W.S. 21-13-309(m)(v)(D), including incentives encouraging teacher certification and program course sequencing compliance, subject to district submission of the following:

(A) Verification of the alignment of the proposed course or program with the state content and performance standards for career and technical education programs;

(B) Documentation of the additional costs associated with the proposed course or program including class size and specialized equipment needs; and

(C) If applicable, documentation of experiences and education of a noncertified teacher that would otherwise qualify the teacher to instruct the proposed course.

(xxviii) Establish necessary procedural and monitoring requirements for implementation of the career-

technical education demonstration project grant program authorized under W.S. 21-12-105, including coordination with Wyoming post secondary education institutions and industry in developing program procedures and components;

(xxix) By rule and regulation, provide for the reporting of district career and technical education expenditures;

(xxx) Effective school year 2017-2018 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a standardized college entrance examination and a career readiness examination selected by the state superintendent to all students in the eleventh and twelfth grades throughout the state in accordance with this paragraph. The examinations selected by the state superintendent shall be administered throughout the United States and shall be relied upon by institutions of higher education. The college entrance examination shall at a minimum test in the areas of English, reading, writing and mathematics for all students in grade eleven (11). The career readiness examination shall be optional for all students in grade eleven (11) or twelve (12). The state superintendent shall pay all costs associated with administering the college entrance examination and the career readiness examination and shall schedule a day or days during which examinations shall be provided. The date or dates for statewide administration of the college entrance examination in grade eleven (11) and the career readiness examination shall be established by the state superintendent in a manner that best meets the needs of students and school districts. The state superintendent may enter into agreements with an administrator of the college entrance examination and the career readiness examination and adopt rules as necessary to ensure compliance with any requirements of an administrator, such as a secure environment. Alternate assessments and accommodations shall be offered by the state superintendent in accordance with rule and regulation;

(xxxi) By rule and regulation and in consultation with the state board of education and the Wyoming professional teaching standards board, provide guidance and oversight of virtual education. Courses taught pursuant to an agreement entered into under W.S. 21-13-330(m) or pursuant to W.S. 21-13-330(n) shall not be subject to this paragraph. The rules and regulations promulgated pursuant to this paragraph shall meet the requirements of this paragraph by:



(A) Establishing, approving, facilitating and monitoring a state network of virtual education courses that meet state standards for course content and delivery by Wyoming certified teachers or postsecondary faculty who meet the requirements of W.S. 21-7-303(b). The state superintendent shall annually publish a course catalog identifying the courses available and the tuition to be assessed on a per course basis as established by the school district instructing the course;

(B) Providing training and technical assistance to school districts, including professional development for teachers and school administrators, for the delivery of virtual education. In consultation with the professional teaching standards board, the rules shall specify minimum professional development requirements for teachers utilizing virtual education methods to instruct students;

(C) Monitoring the design, content, delivery and the accreditation of virtual education programs provided by school districts under W.S. 21-13-330;

(D) Establishing a centralized learning management system districts may utilize to administer, document, track, report and deliver virtual education courses. The centralized learning management system established pursuant to this subparagraph shall be made available for the use of all public school districts in the state. Districts may choose to establish individual or independent learning management systems. The rules and regulations shall specify criteria and necessary components of individual school district learning management systems;

(E) Implementing a comprehensive reporting process as necessary for federal and state funding requirements and establishing necessary data collection instruments and systems to monitor and improve virtual education programs statewide. Reporting and data collection requirements shall, at a minimum, allow for the disaggregation of assessment data and other measures of academic performance of students attending full-time virtual education programs from students physically attending class in a school facility;

(F) Establishing an advisory committee consisting of not less than seven (7) members. The advisory committee shall have representatives from among Wyoming school districts and other state agencies involved in the delivery of

virtual education or providing technological expertise related to virtual education. The advisory committee shall recommend modifications to rules, policies, practices and procedures and serve in an advisory capacity to school districts to improve the delivery of virtual education courses across the state.

(xxxii) By rule and regulation, establish requirements for school district policies and training regarding the use of seclusion and restraint in schools as required under W.S. 21-3-110(a)(xxxi). The state superintendent shall review the policy of each district for compliance with the requirements of W.S. 21-3-110(a)(xxxi) and rules and regulations promulgated pursuant to this paragraph. If the state superintendent determines that the policy is not in compliance under this paragraph the superintendent shall direct the board of trustees to revise the policy and shall, upon request, assist the board in the adoption of the policy;

(xxxiii) To assist local school districts in developing protocols under W.S. 21-3-110(a)(xxxii) and in sufficient time to enable school districts to adopt and implement protocols commencing school year 2011-2012, develop model protocols for addressing risks associated with concussions and other head injuries resulting from athletic injuries. No district shall be required to adopt any part of the model protocols;

(xxxiv) With the department of enterprise technology services, establish criteria for the collection, storage, management and reporting of department of education data including, but not limited to teacher certification, statewide education accountability and assessment and the administration of the school finance system. In carrying out this paragraph, the state superintendent and the department of enterprise technology services shall develop a data privacy and security plan that includes:

(A) Guidelines for authorizing access to student data, including authentication of authorized access;

(B) Privacy compliance standards;

(C) Privacy and security audits;

(D) Breach planning, notification and procedures pertaining thereto;

(E) Data retention and disposition policies;

(F) Data security policies including electronic, physical and administrative safeguards such as data encryption and employee training;

(G) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (FERPA) and other privacy laws and policies;

(H) Prohibition of the sale or trade of student data to private entities or organizations;

(J) All personally identifiable student information being reported to the department of education or the department of enterprise technology by a student's Wyoming student record identification and locator number as issued by the department of education; and

(K) Standards and protocols to remove personally identifiable information in order to provide for data collection and analysis without disclosing the identity of the student whose data is being collected and used.

(xxxv) Review and make available suitable materials for suicide prevention education as required for school district teachers and school administrators under W.S. 21-3-110(a) (xxxi);

(xxxvi) Commencing school year 2015-2016, in conjunction with the school district accreditation process required under W.S. 21-2-304(a) (ii) and as a component of the statewide education accountability system created under W.S. 21-2-204, conduct a review of each school district's assessment system once every five (5) years to ensure alignment with the uniform state education standards promulgated by the state board, and to ensure district adherence to the uniform graduation standards prescribed by the state board under W.S. 21-2-304(a) (iii). Reviews undertaken pursuant to this paragraph, together with findings, shall be reported to the state board and any deficiencies determined by the review shall be addressed through the statewide system of support established under W.S. 21-2-204(h);

(xxxvii) In consultation with the department of enterprise technology, the department of audit and school districts, establish and maintain guidelines for school

districts for the collection, access, privacy, security and use of student data by school districts. The guidelines shall, at a minimum, be in compliance with the federal Family Educational Rights and Privacy Act and other relevant federal and state laws and include the following:

(A) Authorization and authentication mechanisms for accessing student data;

(B) Administrative, physical and logical security safeguards, including employee training and data encryption;

(C) Privacy and security compliance standards;

(D) Processes for identification of and response to data security incidents, including breach notification and mitigation procedures;

(E) Standards for retention and verified destruction of student data.

(xxxviii) When nonstate funds are received by the department of education that provide for one hundred percent (100%) of the cost, the state superintendent may hire the state school nurse as an at-will contract employee or may contract for nursing services to carry out the duties assigned under this paragraph. The state school nurse shall hold a Wyoming license as a registered nurse. The state school nurse shall:

(A) Identify professional development needs for Wyoming school nurses, with focus on caring for students with behavioral health needs and chronic diseases and make available training resources to meet the professional development needs identified;

(B) In consultation with the state health officer and the district boards of trustees, write or obtain standing orders for medication administration or treatment for students without a primary care physician who have urgent needs during the school day;

(C) Assist the superintendent in drafting recommendations for school district use to help facilitate care for behavioral health needs, enhance collaboration among school district personnel and community medical and behavioral health providers, and to prevent disease, substance abuse and bullying;

(D) Provide information to school nurses and school district boards of trustees on public health issues;

(E) In a manner to maintain student confidentiality, collect aggregated data from school districts on medical and behavioral health diagnoses, vision and hearing impairment, special education needs, and other nursing challenges that impact schools and students. The state superintendent, in consultation with the board of nursing, shall determine consistent, cost-effective outcomes that can be achieved through the requirements of the state school nurse as provided in this paragraph. The state superintendent shall use the data collected to determine progress toward and success of achieving the outcomes identified in this subparagraph. The state superintendent shall report annually to the joint education interim committee and the joint appropriations committee on the progress toward achieving the identified outcomes;

(F) In consultation with the board of nursing, develop best practice standards for school nursing;

(G) At the request of district boards of trustees, advise on the child sexual abuse education, prevention and response program under W.S. 21-3-133.

(xxxix) Solicit nonstate funds for costs associated with the position of the state school nurse;

(xl) Design and establish a Wyoming seal of biliteracy and an advanced distinction Wyoming seal of biliteracy for conferral by a school district to a graduating high school student who is proficient in English and one (1) or more world languages. The superintendent may establish a committee of language educators to identify or approve assessments and levels of proficiency on assessments as necessary to implement this paragraph. The superintendent shall develop policies as necessary regarding the use and appearance of the Wyoming seal of biliteracy and an advanced distinction Wyoming seal of biliteracy on student transcripts. "World language" as used in this paragraph means any language other than English and includes American Sign Language, also known as ASL, classical languages and indigenous languages.

(b) The state superintendent shall designate an employee of the department of education to serve as liaison to the state

board through which requests for staff assistance shall be directed.

(c) In addition to subsection (a) of this section, the state superintendent may take appropriate administrative action with the state board as necessary, including but not limited to the changing of accreditation status, against any school district or state institution failing to comply with any applicable law or with the uniform educational program standards specified under W.S. 21-9-101 and 21-9-102 and the student content and performance standards prescribed by the state board.

(d) Any school district aggrieved by an act of the state superintendent may seek review in accordance with the Wyoming Administrative Procedure Act.

(e) In addition to paragraph (a)(i) of this section, the state superintendent shall promulgate rules and regulations governing the administration of the Wyoming education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-309, and governing the operation of the model in determining school district foundation program payments in accordance with chapter 13, article 3 of this title and other applicable law. The block grant model, as defined under W.S. 21-13-101(a)(xiv) and as maintained under this subsection, shall be made available for public inspection by the state superintendent in electronic format. Copies of the block grant model spreadsheets as administered under department rule and regulation shall be provided to school districts by the state superintendent for district use in district budgeting and in complying with mandatory financial reporting requirements imposed under W.S. 21-13-307(b) and by other provisions of law. To maintain the integrity of the block grant model, copies of the model and model spreadsheets made available under this subsection for public inspection and school district use shall be by protected version only, prohibiting the editing of model components, model data and model formulas. Following adoption of any recalibration of or modification to the block grant model by the Wyoming legislature, and prior to computing the foundation program amount for each school district under W.S. 21-13-309(p) and determining the amount to be distributed to a district under W.S. 21-13-311 or recaptured from a district subject to W.S. 21-13-102(b), the state superintendent shall certify to the legislature that the block grant model as enacted by the legislature is properly incorporated into the administration of the model for the appropriate school year of model application and is made available for public inspection. Technical

corrections to model spreadsheets necessary for model administration between any session of the legislature shall be implemented by the state superintendent, shall be in accordance with procedures specified by rule and regulation filed with the secretary of state, shall be reported to the legislature together with the associated fiscal and technical impact of the correction, and shall be incorporated into the electronic version of the model available for public inspection. As used in this subsection, "technical corrections to model spreadsheets" means corrections necessary to ensure model operation and current school year district payments are in accordance with law and the model is properly computing school foundation program payments to school districts as required by law. Notwithstanding W.S. 16-3-114(c), no judicial review of rules promulgated and adopted under this subsection shall hold unlawful or set aside action of the state superintendent in promulgating or adopting rules unless the rules are by clear and convincing evidence, shown to exceed statutory authority.

(f) The state superintendent shall identify professional development needs for Wyoming schools and teachers, establish a plan to address the professional development needs, contract with necessary expertise to provide professional development to Wyoming certified teachers and conduct up to five (5) regional workshops each year providing the identified professional development needs.

(g) Paragraphs (a)(xxxviii) and (xxxix) of this section are repealed July 1, 2026.

(h) The state superintendent shall designate an employee of the department of education to serve as the liaison to the Wyoming charter school authorizing board through which requests for staff assistance shall be directed.

**21-2-203. School district data collection and funding model administration; duties and responsibilities specified; data advisory committee; school district compliance.**

(a) The department shall collect data for the state's school finance system and in accordance with rule and regulation of the state superintendent, administer the Wyoming education resource block grant model adopted by the Wyoming legislature pursuant to W.S. 21-13-309. As used in this section, "school finance system" means all statutes related to the terms and conditions under which funds from Wyoming sources are made available under Wyoming law to the public schools for school

operations. The school finance system established following a 1995 Wyoming supreme court decision, and subsequently modified and recalibrated as required under W.S. 21-13-309(t), is extremely complex and requires timely and accurate data to be administered fairly and accurately. It is essential that a single entity be established to ensure that fair and accurate administration is accomplished.

(b) Repealed By Laws 2006, Chapter 37, § 2.

(c) The duties of the department are, in accordance with rules promulgated by the state superintendent, to:

(i) Administer the school finance, data management and reporting system for the funding of the public schools, including enforcement of rules for compliance with submission of data to the department by school districts;

(ii) Collect data from school districts necessary for the department to administer the school finance system and the statewide education accountability system established under W.S. 21-2-204. In accomplishing this, the department shall:

(A) Coordinate its work with all other functions of the department so as to consolidate data reporting requirements for school districts and eliminate duplication in reporting to the greatest extent possible, including reporting of assessment results required for determinations under W.S. 21-2-204;

(B) Consult with the advisory committee created under subsection (d) of this section with respect to the type and format of data to be reported and the administration of the system generally;

(C) Use existing data to establish longitudinal data systems as necessary for the statewide education accountability system.

(iii) Specify formats, uniform accounting standards, procedures and processes under which districts are required to account for and report data to the department. Electronic reporting shall be required wherever possible;

(iv) Recommend to the state superintendent proposed rules to improve the accuracy and reliability of data and the general efficiency of the operation of the school finance



system, including requiring training for district personnel with respect to accounting and reporting related to the administration of the school finance system;

(v) Provide for the training of school district personnel with respect to rules, policies and procedures with which districts are required to comply in order for the department to administer the school finance system. The department may charge reasonable fees necessary to defray the costs of training;

(vi) Cooperate with and consult with other state agencies which have responsibilities related to the operation of the school finance system. This cooperation may include providing recommendations for modification to rules, practices and procedures of other agencies;

(vii) Ensure that comprehensive school finance system information is available in useful formats to state policymakers in both the executive and legislative branches of government, as well as to the school districts and the general public;

(viii) Assist the state superintendent in implementing W.S. 21-13-309(m) (v) (D) and assist districts with computations necessary for reporting student career and technical education participation and career and technical education instruction information;

(ix) Pursuant to W.S. 21-2-202(e), make the education resource block grant model available for public inspection.

(d) The state superintendent of public instruction shall establish an advisory committee consisting of not less than seven (7) members. This advisory committee shall have representatives from among Wyoming school districts, other state agencies involved in the administration of the school finance system, shall include the director of the department of audit or his designee, and shall include at least one (1) representative from the independent auditor community within the state. The committee shall meet at least twice annually and at the call of the state superintendent or his designee. The duties of the advisory committee are to:

(i) Recommend modifications to department rules, policies, practices and procedures to improve the accuracy of data and to improve the efficiency of the data collection

process and the administration of the school finance system generally;

(ii) Since accurate, timely data is essential for fair administration of the school finance system, recommend rules or other means to ensure districts comply with data reporting and other requirements necessary for administration of the school finance system, including proposing modifications to subsection (e) of this section;

(iii) Serve as ongoing forum for communications between the department and school districts with respect to the administration of the school finance system.

(e) The following shall apply:

(i) Repealed by Laws 2020, ch. 24, § 2.

(ii) If a district fails to provide data or reports in compliance with law or rules regarding timeliness, format, completeness or accuracy, without good cause, the state superintendent shall:

(A) Advise the district's board of trustees of the noncompliance and require the district's board to submit a plan to correct the noncompliance and prevent future instances of noncompliance.

(B) Repealed by Laws 2005, ch. 99, § 2.

(C) Repealed By Laws 2005, ch. 99, § 2.

**21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.**

(a) This section shall be cited as the "Wyoming Accountability in Education Act."

(b) A statewide education accountability system shall be established by the state board through the department of education in accordance with this section, which implements the components of the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) and as contained in Attachment "A" as defined under W.S. 21-13-101(a)(xvii). The first phase of this system shall be a school-based system that is based on student performance as determined through multiple measures of

school performance. The goals of the Wyoming Accountability in Education Act are to:

- (i) Repealed By Laws 2012, ch. 101, § 2.
  - (ii) Repealed By Laws 2012, ch. 101, § 2.
  - (iii) Become a national education leader among states;
  - (iv) Ensure all students leave Wyoming schools career or college ready;
  - (v) Recognize student growth and increase the rate of that growth for all students;
  - (vi) Recognize student achievement and minimize achievement gaps;
  - (vii) Improve teacher, school and district leader quality. School and district leaders shall include superintendents, principals and other district or school leaders serving in a similar capacity;
  - (viii) Maximize efficiency of Wyoming education;
  - (ix) Increase credibility and support for Wyoming public schools.
- (c) School level performance shall be determined by measurement of performance indicators and attainment of student performance as specified by this section. To the extent applicable, each measure shall be aggregated to the school level based upon those grades served inclusive to each school as reported by the respective school district to the department of education. Except as provided in subsection (n) of this section, the indicators of school level performance shall be:
- (i) Student longitudinal academic growth in English language arts and mathematics as measured by assessments administered under paragraph (ii) of this subsection, beginning in grade four (4) and for all subsequent grades for which a state summative achievement assessment is administered in the immediately preceding grade, including a standardized college readiness test in grade eleven (11);

(ii) Student academic achievement in English language arts, mathematics and science as measured by:

(A) The statewide assessment administered under W.S. 21-2-304(a)(v) in:

(I) English language arts and mathematics in grades three (3) through ten (10);

(II) Science in grades four (4), eight (8) and ten (10);

(III) Repealed by Laws 2015, ch. 99, § 2.

(B) Repealed by Laws 2017, ch. 95, § 5.

(iii) Repealed by Laws 2016, ch. 113, § 2.

(iv) Post secondary readiness, as defined to include college readiness and career readiness. School level performance shall be based upon the percentage of students meeting either college or career readiness. College readiness shall be measured by a standardized college entrance examination administered pursuant to W.S. 21-2-202(a)(xxx) in grade eleven (11) and other college readiness indicators as determined by the state board of education in consultation with the state superintendent. Career readiness shall be measured by student performance in accordance with other provisions of this title as determined by the state board of education in consultation with the state superintendent;

(v) Readiness, as defined by graduation or high school completion rates;

(vi) Readiness, as defined by ninth grade credit accumulation;

(vii) Equity as defined by a measure of academic student growth for students that score below the proficient standard in English language arts and mathematics, subject to a standard for academic progress that is linked to attainment of proficiency within a reasonable period of time. If a school is without a sufficient sequence of assessment scores to support growth computations, another approach to equity may be used subject to approval of the state superintendent;

(viii) English language proficiency as measured by student longitudinal progress on the Wyoming English language proficiency assessments used to evaluate and monitor the English language proficiency of students identified as English language learners.

(d) The department of education shall compute and report an overall school performance rating measured by student performance on those performance indicators specified under subsection (n) of this section for alternative schools and subsection (c) of this section for all other schools. Any school through its school district may seek informal review of any overall school performance rating or other performance determination in accordance with the following:

(i) Repealed By Laws 2012, Ch. 101, § 2.

(ii) Repealed By Laws 2012, Ch. 101, § 2.

(iii) Repealed By Laws 2012, Ch. 101, § 2.

(iv) Repealed by Laws 2015, ch. 179, § 3.

(v) Not later than fifteen (15) days after a school receives its overall performance rating or other performance determination from the department of education, the school district may seek an informal review with the state board. The state board shall make a final determination as to the overall performance rating or other performance determination within thirty (30) days after receipt of the request for review;

(vi) The state board shall promulgate rules and regulations governing the informal review process before the board as conducted under this subsection. The informal review process shall only examine whether the department properly computed and reported a school's overall performance rating or other performance determination or whether the school was unable to administer the statewide assessment. The state board may grant an exception to the state's accountability system requirements for a school for one (1) school year when the school demonstrates that it was unable to administer the statewide assessment for good cause. Except as otherwise provided by this paragraph, the informal review process shall not be used to grant exceptions to the state's accountability system or change components of the accountability model.

(e) The state board, through the department of education, shall establish long term and interim performance targets for all Wyoming schools for the indicators measured pursuant to subsections (c) and (n) of this section. The performance targets may be developed in consultation with one (1) or more advisory committees of education stakeholders. The state board shall utilize the performance targets in carrying out the duties and the deliberative process required under subsection (f) of this section.

(f) The state board, through the department of education, shall compile, evaluate and determine target levels for an overall school performance rating and for indicator level performance. The board shall execute this determination when a significant aspect of the school accountability system changes through a prescribed deliberative process informed by a panel selected by the state board comprised of broad based representation from both public education and the community at-large. The target levels for school performance shall be used by the state board through the department to:

(i) Identify four (4) levels of school performance tied to the overall school performance rating that demonstrate a range of performance levels as follows:

(A) Exceeding expectations including those schools performing above standards in all measured areas;

(B) Meeting expectations;

(C) Partially meeting expectations; and

(D) Not meeting expectations.

(ii) Further measure performance specified under paragraph (i) of this subsection by identifying indicator level performance in all areas specified by subsection (n) of this section for alternative schools and subsection (c) of this section for all other schools and from this analysis determine schools that are exceeding, meeting or are below targets in each content area;

(iii) Coordinate the target levels, school and indicator level determinations with the availability of the system of support, including comprehensive and targeted support and interventions administered in accordance with subsection (h) of this section.

(g) Repealed By Laws 2013, Ch. 195, § 4.

(h) For all schools a progressive system of support and intervention to assist schools shall be established by the state board through the department. The system shall increase the ability of schools and school districts to improve achievement and growth indicator performance and expand the ability for schools and school districts within the state to continuously improve. The system shall clearly identify and prescribe the actions for each level of support, including comprehensive and targeted support and intervention. The state superintendent shall take action based upon system results according to the following:

(i) Repealed By Laws 2012, Ch. 101, § 2.

(ii) Repealed By Laws 2012, Ch. 101, § 2.

(iii) Repealed by Laws 2017, Ch. 95, § 5.

(iv) Repealed by Laws 2017, Ch. 95, § 5.

(v) Schools designated as partially meeting expectations shall file an improvement plan with the school district superintendent and the department that identifies and addresses all content and indicator areas where performance is below target levels. The plan shall be based upon an evaluation of the strengths and deficiencies of specific indicator scores that identifies appropriate improvement goals with an explanation of the measures and methods chosen for improvement, the processes to be implemented to deliver the improvement measures, identification of relevant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The plan shall also include review of the design and implementation of the district's leader evaluation system developed pursuant to W.S. 21-2-304(b)(xvi) and 21-3-110(a)(xxx). The state superintendent shall appoint a representative in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing the necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2)

consecutive years may require that the school be subject to paragraph (vi) of this subsection;

(vi) Schools designated as not meeting expectations shall file an improvement plan in accordance with paragraph (v) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The plan shall include review of the design and implementation of the district's leader evaluation system developed pursuant to W.S. 21-2-304(b)(xvi) and 21-3-110(a)(xxx). In addition, the evaluation of a district's student assessment system as provided by paragraph (vii) of this subsection may be undertaken in that school year immediately following any school year in which a school within the district has been designated as not meeting expectations. The state superintendent shall appoint a representative in accordance with paragraph (vii) of this subsection to assist in drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall be recommended by the school district superintendent and approved by the local board of trustees prior to submission to the department. The plan shall describe the personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance;

(vii) A representative shall be appointed by the state superintendent, in consultation with the local board of trustees, for all schools designated under paragraphs (v) and (vi) of this subsection to serve as a liaison between the school district leadership and the department. The representative shall be an employee of the department, an employee of a Wyoming school district or any combination, and may require more than one (1) individual for schools requiring substantial intervention and support. Additionally, one (1) representative may be assigned to more than one (1) school. Among other duties as may be requested by the district or department, the representative shall review and provide suggestions on the improvement plans submitted by schools in accordance with paragraphs (v) and (vi) of this subsection, and may review and evaluate district student assessment systems implemented under W.S. 21-3-110(a)(xxiv) to ensure alignment with the uniform state education standards. After one (1) year of a school not meeting expectations under paragraph (vi) of this subsection,



approval of the improvement plan by the representative appointed under this subsection shall be required. Requested resources for improvement plan implementation, or the reallocation of existing resources for plan implementation, shall be based upon a comprehensive review of the available research. Justification for resource allocation or reallocation shall be incorporated within the written improvement plan. The representative shall possess expertise appropriate to particular strategies incorporated within improvement plans to enable necessary plan evaluation, and shall be commensurate with the level of intervention and support to be administered under this subsection. The state superintendent shall annually report to the state board on the progress of each school in meeting annual goals and overall improvement targets, fully describing the effectiveness and deficiencies of efforts to improve school performance in performance categories prescribed by this section;

(viii) To the extent permitted by law and rule and regulation, plans submitted in compliance with paragraphs (v) and (vi) of this subsection shall serve to comply with similar requirements administered by the state superintendent and the department, and the state board shall ensure the plans minimize submission of duplicative information, material and the administrative burdens placed upon schools. In addition, the following shall apply to the plans submitted under this subsection:

(A) All plans submitted under this subsection shall be made available for public inspection through internet access as defined by W.S. 9-2-3219(a)(iii);

(B) Schools designated as partially meeting expectations under paragraph (v) of this subsection or designated as not meeting expectations under paragraph (vi) of this subsection shall file the required improvement plan the first year of designation and submit yearly updates on the progress towards the goals and strategies outlined in the improvement plan so long as the school maintains the same performance designation.

(ix) In addition to paragraphs (v) through (viii) of this subsection, the state board shall administer this subsection as part of school district accreditation required under W.S. 21-2-304(a)(ii), through appropriate administrative action taken in accordance with W.S. 21-2-304(b)(ii).

(j) Measured performance results obtained and collected pursuant to this section, together with subsequent actions responding to results, shall be combined with other information and measures maintained and acquired under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H), 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement compared to established targets. The statewide accountability system shall include a process for consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of student achievement incorporated into the statewide system. In establishing a reporting system under this subsection, the department shall describe the performance of each public school in Wyoming. The performance report shall:

(i) Include an overall school performance rating along with ratings for each of the indicators and content levels in the accountability system that:

(A) Supports the overall school performance rating; and

(B) Provides detailed information for analysis of school performance on the various components of the system.

(ii) In a manner to maintain student confidentiality, be disaggregated as appropriate by content level, target level, grade level and appropriate subgroups of students. For purposes of this paragraph, reported subgroups of students shall include at minimum, economically disadvantaged students, English language learners, identified racial and ethnic groups, students with a parent or guardian who is a member of the armed forces of the United States whether full-time or part-time, students with disabilities and full-time virtual education students;

(iii) Provide longitudinal information to track student performance on a school, district and statewide basis;

(iv) Include, through the use of data visualization techniques, the development of longitudinal student-level reports of assessment and other relevant readiness indicators that provide information to parents, teachers and other school personnel regarding student progress toward college and career readiness and other relevant outcomes. These reports shall be

maintained by the district in each student's permanent record within the district's student data system; and

(v) Provide valid and reliable data on the operation and impact of the accountability system established under this section for use by the legislature to analyze system effectiveness and to identify system improvements that may be necessary.

(k) Not later than September 1 of each year, or November 1 in years in which there is a significant change to the statewide assessment system or the statewide accountability system, as determined by the state board, the state board through the state superintendent shall report to the joint education interim committee the results of the accountability system for each school in the state. In addition, beginning with the 2020-2021 school year, after any significant change to the statewide assessment system or the statewide accountability system as determined by the state board, the state board may evaluate the state's accountability system to ensure that:

(i) System components remain reliable, valid and fair;

(ii) System stakeholders receive, understand and use accountability information to improve student outcomes; and

(iii) The system remains as stable as possible.

(m) As used in this section:

(i) "Alternative school" means a school approved under W.S. 21-13-309(m) (v) (B);

(ii) Repealed by Laws 2019, ch. 109, § 2.

(n) For alternative schools, the indicators of school level performance shall be:

(i) Academic achievement and growth;

(ii) Readiness for college and careers;

(iii) Measures of school quality including climate;

(iv) Measures of engagement including implementation of student success plans.

### ARTICLE 3 - STATE BOARD OF EDUCATION

#### **21-2-301. Appointment; qualifications, terms and removal of members; meetings; chairman.**

(a) There is created a state board of education composed of fourteen (14) members, eleven (11) of whom shall be appointed members with at least one (1) member appointed from each appointment district pursuant to W.S. 9-1-218. Appointments from each appointment district shall be rotated among the several counties comprising the district. The remaining voting member of the board shall be the state superintendent of public instruction. The executive director of the Wyoming community college commission and the president of the University of Wyoming, or their designees, shall be ex-officio members and shall not have the right to vote. One (1) appointed member shall be appointed at large and shall be a certified classroom teacher at the time of appointment. One (1) appointed member shall also be appointed at large and shall be a certified school administrator at the time of appointment. Two (2) appointed members shall be appointed at large and shall be representative of private business or industry in Wyoming. On and after March 1, 2013 and upon expiration of their respective terms, the appointments of the two (2) members previously designated to be representative of business or industry shall be at large, one (1) a representative of Wyoming private business or industry and one (1) a member of a school district board of trustees at the time of appointment. The first appointment to the term of such member which expires on or after March 1, 2013, shall be a school district board member at the time of appointment. The remaining seven (7) appointed members of the board shall be appointed from among the lay citizens of the state who are electors of the state, known for their public spirit, business or professional ability and interest in education. Not more than seventy-five percent (75%) of the appointed members of the board shall be from one (1) political party. Members shall be appointed for six (6) year terms, except those who may be appointed to fill unexpired terms. Members shall be appointed by the governor with the approval of the senate. Vacancies shall be filled by the governor without senate approval until the next session of the legislature. No member is eligible to reappointment, except any member appointed to fill an unexpired term of less than six (6) years may be reappointed for one (1) additional six (6) year term. Appointed members of the board may be removed by the governor as provided in W.S. 9-1-202.

(b) During the first quarter of the calendar year a meeting shall be held at which a chairman shall be elected. Meetings may be held at regular intervals as often as the duties of the board require and the board shall meet at the call of the state superintendent of public instruction or the governor or the chairman whenever in the opinion of these officials, or any of them, the need for such meeting exists.

(c) Notwithstanding subsection (a) of this section, the superintendent of public instruction shall not participate in board deliberations on or vote on any matter relating to a contested case involving actions of the department of education.

**21-2-302. Quorum; majority vote.**

A majority of the number of voting members of the state board shall constitute a quorum for the transaction of business. A majority vote of the entire state board shall be required for official action.

**21-2-303. Expenses.**

All appointed members of the state board shall receive compensation, per diem, and mileage for actual time spent in performance of their duties and traveling expenses while in attendance, and going to and from board meetings in the same manner and amount as members of the Wyoming legislature.

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(i) Establish policies for public education in this state consistent with the Wyoming Constitution and statutes and may promulgate rules necessary or desirable for the proper and effective implementation of this title and its responsibilities under this title. Nothing in this section shall give the state board rulemaking authority in any area specifically delegated to the state superintendent;

(ii) Through the evaluation and accreditation of school districts, implement and enforce the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 in the public schools of this state, including any educational institution receiving any state funds except for the University of Wyoming and Wyoming community colleges, and implement and enforce the statewide education accountability

system pursuant to W.S. 21-2-204. The board shall ensure that educational programs offered by public schools in accordance with these standards provide students an opportunity to acquire sufficient knowledge and skills, at a minimum, to enter the University of Wyoming and Wyoming community colleges, to prepare students for the job market or postsecondary career and technical training and to achieve the general purposes of education that equips students for their role as a citizen and participant in the political system and to have the opportunity to compete both intellectually and economically in society. In addition, the board shall require school district adherence to the statewide education accountability system;

(iii) By rule and regulation and in consultation and coordination with local school districts, prescribe uniform student content and performance standards for the common core of knowledge and the common core of skills specified under W.S. 21-9-101(b), and promulgate uniform standards for programs addressing the special needs of student populations specified under W.S. 21-9-101(c) that ensure these student populations are provided the opportunity to learn the common core of knowledge and skills as prescribed by the uniform student content and performance standards pursuant to this paragraph. Student content and performance standards prescribed under this paragraph shall include standards for graduation from any high school within any school district of this state. The ability to prescribe content and performance standards shall not be construed to give the state board of education the authority to prescribe textbooks or curriculum which the state board is hereby forbidden to do. Graduation standards imposed under this paragraph shall require the successful completion of the following components, as evidenced by passing grades or by the successful performance on competency-based equivalency examinations:

(A) Four (4) school years of English;

(B) Three (3) school years of mathematics;

(C) Three (3) school years of science, one (1) year of which may be satisfied by one (1) year of computer science; and

(D) Three (3) school years of social studies, including history, American government and economic systems and institutions, provided business instructors may instruct classes on economic systems and institutions.

(iv) In consultation with local school districts, establish requirements for students to earn a high school diploma as evidenced by course completion and as measured by each district's assessment system prescribed by rule of the state board and required under W.S. 21-3-110(a)(xxiv). The board shall also, in consultation with local districts, establish requirements by rule for students with disabilities as identified under the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. to obtain a high school certificate of completion to be issued by school districts. The requirements to obtain a high school certificate of completion shall be consistent with the student's individual education program. Once every five (5) years and on a staggered basis, the state board shall through the department, review and approve each district's assessment system designed to determine the various levels of student performance as aligned with the uniform state standards and the attainment of high school graduation requirements as evidenced by course completion. In addition and following review, refinement and revision of student content and performance standards adopted under paragraph (a)(iii) of this section and reviewed under subsection (c) of this section, the board shall establish a process to ensure district assessment systems are aligned with the refined and revised standards within three (3) full school years following adoption of revised standards;

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(A) Measure individual student performance and progress in a manner substantially aligned with the uniform educational program and student content and performance standards imposed by law and by board rule and regulation;

(B) Effective school year 2017-2018, and each school year thereafter, be administered in specified grades aligned to the student content and performance standards, specifically assessing student performance in English language arts and mathematics in grades three (3) through ten (10). In addition, the statewide assessment system shall assess student performance in science in grades four (4), eight (8) and ten (10);

(C) Measure student performance in Wyoming on a comparative basis with student performance in other states;

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section. The assessment system shall ensure the student performance measurements used at each grade level are valid for the purposes for which they are being used, including valid year-to-year comparisons of student and school level results, and shall be sufficient to produce necessary data to enable application of measures of performance indicators as required under W.S. 21-2-204;

(E) Include interim assessments aligned to the statewide content and performance standards and the statewide summative assessment. The interim assessments required by this subparagraph shall be optional for school districts to administer as a part of the district assessment system. The state board shall ensure results from the optional interim assessments are provided to school districts as soon as possible after completion of an interim assessment. All item types used on the statewide student summative assessment shall be included in interim assessments to the extent practical within the reporting timeline;

(F) Provide a fair and unbiased assessment of student performance without regard to race, ethnicity, limited English proficiency and socioeconomic status;

(G) Provide appropriate accommodations or alternative assessments to enable the assessment of students with disabilities as specified under W.S. 21-9-101(c)(i) and students with limited English proficiency;

(H) Provide a measure of accountability to enhance learning in Wyoming and in combination with other measures and information, assist school districts in determining



individual student progress as well as school level achievement, growth and readiness targets. In addition to reporting requirements imposed under W.S. 21-2-204, the assessment results shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner. For schools with students enrolled in full-time virtual education programs, assessment results for students attending full-time virtual education programs shall be reported in aggregate form and separate from students physically attending class in a school facility. Assessment results shall be used in conjunction with each school district's assessments to design educational strategies for improvement and enhancement of student performance required under W.S. 21-2-204. Assessment results shall also be used to guide actions by the state board and the department in providing and directing a progressive system of support and intervention to districts in developing school improvement plans in response to student performance to attain target levels measured and established under W.S. 21-2-204. In consultation and coordination with school districts, the board shall subject to W.S. 21-2-204, review and evaluate the assessment system regularly and based upon uniform statewide reports, annually report to the legislature as required under W.S. 21-2-204;

(J) Require no more than one percent (1%) of the total pupil-teacher contact time, as defined by the state board for each school year, for student participation in a nonaccommodated administration of the statewide summative assessment. The statewide summative assessment shall be administered as late as practical in the instructional year and shall be administered to allow for the return of results in sufficient time for schools and districts to utilize the results for improvement strategies. To the extent possible, the statewide summative assessment shall be administered utilizing an online platform;

(K) Include a reporting system utilizing best practices to ensure useful, high quality and transparent reports to support improvement strategies.

(vi) Subject to and in accordance with W.S. 21-2-204, through the state superintendent and in consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate school level performance indicators as required by W.S. 21-2-204. The state board shall establish performance

targets as required by W.S. 21-2-204(e), target levels for an overall school performance rating and for indicator level performance pursuant to W.S. 21-2-204(f), a progressive system of supports and interventions as required by W.S. 21-2-204(h) and a statewide reporting system pursuant to W.S. 21-2-204(j). As part of the statewide accountability system, and for purposes of complying with requirements under the federal Every Student Succeeds Act, the board shall by rule and regulation provide for annual accountability determinations based upon measures imposed by federal law for all schools and school districts imposing a range of educational interventions and supports resulting from accountability determinations;

(vii) Repealed By Laws 2012, Ch. 101, § 2.

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(i) Repealed By Laws 1997 Special Session, ch. 3, § 302; 1994, ch. 17, § 2.

(ii) Enforce the uniform state educational program standards imposed by W.S. 21-9-101 and 21-9-102 and the uniform student content and performance standards established by rules and regulations adopted under subsection (a) of this section, together with student performance indicators established and measured pursuant to W.S. 21-2-204, by taking appropriate administrative action with the state superintendent, including but not limited to the changing of accreditation status;

(iii) Repealed by Laws 1993, ch. 217, § 3.

(iv) Repealed by Laws 1987, ch. 190, §§ 2, 5.

(v) Initiate or facilitate discussions regarding the needs of and the means for improving education;

(vi) Repealed by Laws 1987, ch. 190, §§ 2, 5.

(vii) Repealed by Laws 1994, ch. 17, § 2.

(viii) Approve or disapprove alternative scheduling for school districts requesting to operate for fewer than one hundred seventy-five (175) days in school year, but no schedule shall be approved which reduces the minimum pupil-teacher contact time defined by the state board. The state board shall establish by rule for grades kindergarten through twelve (12)

minimum pupil-teacher contact time requirements, which may include instruction outside of the physical classroom through virtual education or other equivalent methods the state board deems appropriate;

(ix) Repealed by Laws 1994, ch. 17, § 2.

(x) Repealed by Laws 2006, Chapter 34, § 2.

(xi) Repealed by Laws 1994, ch. 17, § 2.

(xii) Repealed by Laws 1994, ch. 17, § 2.

(xiii) Repealed by Laws 1994, ch. 17, § 2.

(xiv) Based upon student performance levels determined under W.S. 21-2-204, establish improvement goals for public schools for assessment of student progress based upon the national assessment of educational progress testing program and the statewide assessment system established under paragraph (a)(v) of this section;

(xv) Promulgate rules and regulations for the submission and approval of comprehensive school district teacher performance evaluation systems. The state board shall, in consultation with local school districts, establish general criteria for school district teacher performance evaluation systems that provide school districts flexibility in designing teacher evaluations to improve classroom instruction;

(xvi) Not later than July 1, 2018, promulgate rules and regulations for implementation and administration of a comprehensive performance evaluation system for school and district leadership, including superintendents, principals and other district or school leaders serving in a similar capacity. The performance evaluation system shall identify professional standards prescribed by board rule and regulation. The system shall also allow districts opportunity to refine the system to meet the individual needs of each district. Any alternative leader evaluation system shall be approved by the state board, through the department, before adoption;

(xvii) Through the state superintendent, implement, administer and supervise education programs and services for adult visually handicapped and adult hearing impaired persons within the state.

(c) The state board shall perform an ongoing review of state board duties prescribed by law and may make recommendations to the legislature on board duties. In addition and not less than once every nine (9) years, the board shall evaluate and review the uniformity and quality of the educational program standards imposed under W.S. 21-9-101 and 21-9-102 and the student content and performance standards promulgated under paragraph (a)(iii) of this section. The state board, in consultation with the state superintendent, shall establish a process to receive input or concerns related to the student content and performance standards from stakeholders, including but not limited to parents, teachers, school and district administrators and members of the public at large, at any time prior to the formal review by the state board. The state board shall report findings and recommendations to the joint education interim committee of the legislature on or before December 1 of the year in which the formal review and evaluation of the student content and performance standards was undertaken. The joint education interim committee shall report its recommendations, based upon findings and recommendations of the state board, to the legislature during the immediately following legislative session.

(d) Repealed by Laws 1994, ch. 17, § 2.

(e) In addition to subsections (a) and (b) of this section, the state board shall establish statewide goals for Wyoming public education.

**21-2-305. Reports and assistance from local boards and officials.**

(a) In addition to any other powers assigned to it by law, the state board may:

(i) Repealed by Laws 1993, ch. 217, § 3.

(ii) Require such reports and other assistance from school boards and officials as it may from time to time deem necessary and advisable.

**21-2-306. Reports of state superintendent and state board.**

The state superintendent and the state board shall, in accordance with W.S. 9-2-1014, report to the governor and recommend such legislation concerning education and

appropriations for educational activities as they may deem appropriate.

**21-2-307. State board of career and technical education; duties.**

(a) The state board of education acts as the state board of career and technical education and may promulgate rules necessary to implement this section. The executive director of the community college commission is designated an ex officio member of the state board of career and technical education.

(b) In addition to other duties assigned under W.S. 21-2-304, the state board shall review career and technical education programs offered by school districts to ensure the programs satisfactorily serve the needs of students within the state and are aligned with state content and performance standards prescribed in accordance with W.S. 21-2-304(a)(iii).

ARTICLE 4 - PRIVATE SCHOOL LICENSING

**21-2-401. License required; registration required for private degree granting post secondary education institutions; department of education to administer and set minimum standards for licensure.**

(a) Except as provided by subsection (b) of this section, all trade, correspondence, distance education, technical, vocational, business or other private schools which are located within the state or have their principal place of business out of state but are doing business in the state, shall be licensed under this article before operating or doing business in this state.

(b) Any private degree granting post secondary education institution shall prior to operating or doing business in this state or continuing to operate or do business in this state, notify the department of education pursuant to W.S. 21-2-402(f) or be registered with the department in accordance with this article.

(c) The department of education shall administer and enforce this article.

(d) The department shall establish minimum standards for all schools described in subsection (a) of this section and

provide for the investigation and evaluation of the schools as necessary to administer this article.

**21-2-402. Licensure; registration of private degree granting post secondary education institutions; fees; suspension and revocation; notification upon entry into state.**

(a) Schools specified under W.S. 21-2-401(a) excluding those schools exempt under W.S. 21-2-406 and private degree granting post secondary education institutions subject to subsections (b) and (f) of this section, shall pay an annual license fee established by rule and regulation of the department in an amount that, to the extent practicable, generates a total revenue from the fees collected that approximates but does not exceed the direct and indirect costs of administering the regulatory provisions required under this article.

(b) Except as provided by subsection (f) of this section, private degree granting post secondary education institutions shall annually apply to the department of education for registration under this article. Application shall be in a manner and on a form prescribed by the department and shall include documentation or other verification of accreditation by an accrediting association recognized by the United States department of education or verification of candidacy or verification of otherwise being in the application process status for accreditation. Except as otherwise provided under this subsection, an annual registration fee of one hundred dollars (\$100.00) shall be collected by the department prior to issuing a registration certificate under this article. If the applicant is a candidate for accreditation or is otherwise in the application process for accreditation, and the applicant submits verification of candidacy or application status together with a performance bond or other form of security required under W.S. 21-2-405, the department shall collect an annual registration fee of one thousand dollars (\$1,000.00) for each year the applicant institution remains a candidate or continues the application process, up to a period of not to exceed five (5) years, until the institution receives accreditation or upon refusal of accreditation by the accrediting association, whichever first occurs. The period of candidacy or otherwise in the application process status expires at the end of the five (5) year period or at the time the applicant is refused candidacy or application status or accreditation by the accrediting association, or otherwise loses candidacy or application status, whichever occurs first, and the applicant shall not operate or conduct business in this state unless, upon

a showing of good cause by the applicant, the department finds the five (5) year period of candidacy or applicant status should be extended. As used in this article, "candidate for accreditation or otherwise in the application process" means that within three (3) months of first enrolling students, or by July 1, 2006, for any private degree granting post secondary education institution licensed to operate or do business under this article prior to July 1, 2006, the private degree granting post secondary education institution has applied for accreditation by an accrediting association recognized by the United States department of education and is being considered for candidacy status or for accreditation by that association and is in the process of gathering information and performing activities requested by that association to complete the application process.

(i) Repealed by Laws 2006, Chapter 34, § 2.

(ii) Repealed By Laws 2006, Chapter 34, § 2.

(iii) Repealed By Laws 2006, Chapter 34, § 2.

(iv) Repealed By Laws 2006, Chapter 34, § 2.

(v) Repealed By Laws 2006, Chapter 34, § 2.

(vi) Repealed By Laws 2006, Chapter 34, § 2.

(vii) Repealed By Laws 2006, Chapter 34, § 2.

(viii) Repealed By Laws 2006, Chapter 34, § 2.

(ix) Repealed By Laws 2006, Chapter 34, § 2.

(x) Repealed By Laws 2006, Chapter 34, § 2.

(xi) Repealed By Laws 2006, Chapter 34, § 2.

(xii) Repealed By Laws 2006, Chapter 34, § 2.

(c) Repealed By Laws 2006, Chapter 34, § 2.

(d) Subject to the requirements of the Wyoming Administrative Procedure Act, the department may suspend or revoke a registration certificate issued under this section to any private degree granting post secondary education institution

for loss of accreditation status or loss of accreditation candidacy or application status during any registration period.

(e) All fees collected under this section shall be deposited into the general fund.

(f) Any private degree granting post secondary education institution entering this state after July 1, 2006, with the intent of operating and doing business in this state, shall notify the department of education in a manner and within the time prescribed by rule and regulation of the department. Notification shall include submission of a performance bond or other form of security in an amount and in the manner prescribed by W.S. 21-2-405.

**21-2-403. Licensing and regulation of qualifications of agents of private schools and institutions; fee.**

(a) Agents of those schools or institutions specified under W.S. 21-2-401(a) or (b) who operate in the state and agents employed to solicit resident students by schools or institutions located outside the state which are similar to schools or institutions specified under W.S. 21-2-401(a) or (b), shall be licensed under this article before soliciting students and representing schools or institutions in this state.

(b) The department of education shall regulate qualifications of agents licensed under this section and shall establish a license fee in an amount that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions required for the administration of this article. Fees collected under this subsection shall be deposited in the general fund.

**21-2-404. Operation without license or registration unlawful; soliciting business in public schools; furnishing list of students.**

(a) No person shall operate a school or institution as defined in W.S. 21-2-401 in Wyoming and no private school or institution shall conduct business in Wyoming without first obtaining a license, registration or providing notification under this article.

(b) Unless the school or institution, proprietor or its agent has been licensed, registered or has provided notification



as required under this article, no official or employee of the Wyoming state department of education, any college or university within the state or any school district within the state, shall:

(i) Permit the school or institution, or proprietor or agent thereof, to solicit business in any public school within this state; and

(ii) Provide any list of students or other list of prospects to the school, institution or proprietor or agent thereof.

(c) Repealed By Laws 2006, Chapter 34, § 2.

(d) No school or institution licensed, registered or providing notification under this article shall claim or advertise to prospective or enrolled students that it is accredited in the United States unless the named accrediting association, commission or other entity is approved by the United States department of education, and if an institution described under W.S. 21-2-401(b), is accepted by the department.

**21-2-405. Performance bond or other security; amount; exemption.**

(a) Before any school is issued a license under this article and before any private degree granting post secondary education institution operates in this state under a registration issued under accreditation candidacy or application status or under notification pursuant to W.S. 21-2-402(f), it shall submit to the department of education a performance bond or other form of security prescribed by rule and regulation of the department. The bond or other form of security shall be in an amount specified by department rule and regulation subject to limitations prescribed by this subsection. The bond for private schools and for private degree granting post secondary education institutions applying for registration under accreditation candidacy or application status pursuant to W.S. 21-2-402(b) or notifying the department under W.S. 21-2-402(f), except those schools excluded under subsection (b) of this section and accredited private degree granting post secondary education institutions registered under this article, shall be not more than ten thousand dollars (\$10,000.00). The bonds or other form of security shall be approved by the attorney general and shall be renewed annually as long as the school retains its license to do business in Wyoming or until the institution receives accreditation. The performance bond or other form of security is

to assure protection of all persons enrolled in a course of study who may be aggrieved by any school doing business or operating in the state. The department of education is custodian of all bonds and other securities filed under this section and may render administrative but not legal assistance to all aggrieved persons who may be entitled to relief under the bond.

(b) This section shall not apply to private elementary or secondary schools described under W.S. 21-2-401(a) and otherwise subject to this article.

**21-2-406. Schools exempted; definition.**

(a) This article does not apply to:

(i) Any parochial, church or religious school as defined by W.S. 21-4-101(a)(iv) which is maintained by a church, religious denomination or religious organization comprised of multid denominational members of the same recognized religion, lawfully operating the school or institution pursuant to applicable laws governing its organization, and the school or institution:

(A) Offers elementary and secondary education programs only; or

(B) Repealed By Laws 2006, Chapter 34, § 2.

(C) Operates as a degree granting post secondary education institution, provides instruction through means not defined as distance education and the institution:

(I) Issues diplomas or degrees restricted to the beliefs and practices of the affiliated church, religious denomination or religious organization and includes a statement on the face of issued diplomas or degrees and course transcripts referencing the theological or religious nature of the subject area for which any diploma or degree is awarded, clearly reflecting the nature of the diploma title as "Diploma of Religious Studies" or degree title as "Associate of Religious Studies", "Associate of Arts of Religious Studies", "Bachelor of Religious Studies" or "Bachelor of Arts of Religious Studies";

(II) Annually files with the department evidence of nonprofit religious organization status for purposes

of federal taxation and organization under the laws of this state; and

(III) On and after the effective date of this act for any institution not currently operating in this state, not less than sixty (60) days prior to first issuing any degree under this subparagraph, reports to the department any degree which the institution will award and the religious affiliation the institution maintains.

(ii) A home-based educational program as defined by W.S. 21-4-101(a)(v);

(iii) Aircraft flight training schools approved and authorized by the federal aviation agency of the United States of America;

(iv) A nondegree granting school teaching techniques of outdoor recreation, leadership, ecology or conservation domiciled in the state of Wyoming; or

(v) A post secondary education institution admitted, authorized and in good standing under the state authorization reciprocity agreement pursuant to W.S. 21-18-226.

(b) Repealed By Laws 2006, Chapter 34, § 2.

(c) For the purposes of this section, "distance education" means the teacher and student are physically separated by time or space and connected by means of a communications source used to provide synchronous or asynchronous instruction.

#### **21-2-407. Penalties; injunction.**

Any person violating the provisions of this article is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment in the county jail not to exceed six (6) months, or both. Each solicitation of enrollment or each transaction of business without a license, registration certificate or without providing notification to the department constitutes a separate offense. Any person violating the provisions of this article may also be enjoined from the continuation of the violation by proceedings brought by the attorney general, any district attorney, any school official or any aggrieved citizen, regardless of whether criminal proceedings have been instituted.

## ARTICLE 5 - EDUCATION OF CHILDREN WITH DISABILITIES

### **21-2-501. Children with disabilities entitled to free and appropriate education.**

Every child of school age in the state of Wyoming having a mental, physical or psychological disability which impairs learning, shall be entitled to and shall receive a free and appropriate education in accordance with his capabilities.

### **21-2-502. Duties of school districts; interdistrict contracts; assistance of state superintendent; attendance beyond school age.**

(a) Each school district of this state having any school age children residing in the district who possess any of the disabilities covered under this article shall, subject to the rules and regulations of the state superintendent, provide for the appropriate diagnosis, evaluation, education or training and necessary related services and may include, but is not limited to room and board, for those children. If the school district is unable to provide the necessary and appropriate programs and services, it shall contract with another school district or agency to obtain them. If the programs and services cannot reasonably be provided by the district or by interdistrict contracts, the state superintendent shall assist local boards of trustees in arranging for the appropriate educational programs and services either within or without the state pursuant to its rules and regulations and financed as provided by law.

(b) Notwithstanding W.S. 21-2-501, 21-4-301, and subsection (a) of this section, any child with a mental, physical or psychological disability receiving programs and services within district facilities who attains the age of twenty-one (21) during any school year shall be provided the opportunity to complete that school year.

## ARTICLE 6 - FEDERAL AID

### **21-2-601. Designation of boards as agencies to receive federal funds; powers of boards.**

The board of trustees of the University of Wyoming is hereby authorized to accept any funds or grants made to the University of Wyoming by the United States to be used for education, research or other purposes. The board of trustees of the University of Wyoming is hereby authorized to accept the terms

and provisions of any act of congress relating to any federal grants made for the purposes herein provided and said funds so granted or allocated to the said university shall be under the control of and expended by the said board of trustees of said university.

**21-2-602. Acceptance of funds not mandatory; local control of schools not to be surrendered.**

Nothing in this article shall be construed to make acceptance of funds provided herein mandatory to any school district, nor shall anything herein contained be considered as a directive or authority to surrender any degree of local control of the schools of the state by the state board of education or any other school authority.

**21-2-603. Powers of state treasurer; monies donated to state.**

Whenever the state of Wyoming shall be entitled to receive any monies or funds from the United States of America, or from any other source or authority, to be expended for the benefit of the public schools of the state, or held or in any manner applied for their benefit, the state treasurer is hereby authorized to receive and receipt for such monies or funds, and to make such application and use of the same as may be required by law. Should such monies or funds be donated to the state, and should the act of donation require such monies or funds to be applied or held, or used in a particular manner, they shall be so applied.

**ARTICLE 7 - SERVICES TO PRESCHOOL CHILDREN WITH DISABILITIES**

**21-2-701. Definitions.**

(a) As used in this act:

(i) "Division" means a division or section as assigned responsibilities for programs of developmental disabilities, department of health;

(ii) "Preschool children with disabilities" means any children three (3) through five (5) years of age in the state of Wyoming having a mental, physical or psychological disability which impairs learning, subject to rules and regulations of the state superintendent;

(iii) "Regional developmental preschool system" means the regional developmental programs and the operating units or centers of those programs in this state which through contracts with the division, provide services to preschool children with disabilities;

(iv) "This act" means W.S. 21-2-701 through 21-2-705.

**21-2-702. Intermediate educational unit.**

The division is deemed an intermediate educational unit as defined in 20 U.S.C. § 1401(23), Education of the Handicapped Act, as amended as of January 1, 1989.

**21-2-703. Superintendent duties; division duties.**

(a) The state superintendent shall:

(i) Promulgate reasonable rules and regulations necessary to carry out the purpose of this act;

(ii) Monitor the division in carrying out its duties as an intermediate educational unit; and

(iii) Insure that activities under this act comply with the Education of the Handicapped Act, 20 U.S.C. §§ 1400 through 1485, as amended as of January 1, 1989.

(b) The division in carrying out its duties as an intermediate educational unit, shall:

(i) Insure that preschool children with disabilities receive services through the regional developmental preschool system or other appropriate institutions, except as provided in W.S. 21-2-704;

(ii) Monitor the regional developmental preschool system; and

(iii) Administer the rules and regulations promulgated by the state superintendent under this act.

(c) The state superintendent and the administrator of the division shall enter an interagency agreement which shall define the duties of the division and the superintendent.

**21-2-704. School district responsibility.**

Notwithstanding any other provisions of this act, any preschool children with disabilities who are five (5) years of age on or before August 1, or September 15 if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of the year in which they may register in kindergarten as provided in W.S. 21-4-302(b) and who are receiving services from a school district shall be the responsibility of that school district.

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

(a) Repealed By Laws 2001, Ch. 143, § 2.

(b) Repealed By Laws 2006, Chapter 86, § 2.

(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 1 of the preceding school year;

(ii) The department of education shall distribute to the division an amount determined by multiplying the per student allocation, determined pursuant to paragraph (i) of this subsection, by the number of children aged three (3) through five (5) years receiving special education services through the division;

(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 1 of the preceding school year;

(iv) Any remaining funds shall be expended for state level activities authorized by section 611(e)(2) and (3) of the federal Individuals with Disabilities Education Act.

(d) All funds received by the state from the federal government pursuant to section 619(c) and reserved by the state pursuant to section 619(f) of the federal Individuals with Disabilities Education Act shall be distributed by the state department of education to the division. To the extent not prohibited by federal law, funds distributed under this subsection shall be expended in a manner jointly determined by the department of education and the division for direct services to children with disabilities eligible for services under federal law.

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

(a) Expenditures by the division for developmental preschool services shall be subject to the following:

(i) Contractual payments to developmental preschool service providers shall be sufficient for the providers to provide adequate services for children age birth through five (5) years of age with developmental disabilities and delays, including compensation levels for early childhood special educators, occupational therapists, physical therapists and speech-language therapists that are competitive with local school district compensation levels for those categories;

(ii) Contractual payments to developmental preschool service providers shall be sufficient for the providers to pay for professional development activities of their professional employees and for a statewide program to identify children age birth through five (5) years of age in need of developmental preschool services;

(iii) Contracts with developmental preschool service providers shall require that the providers adopt evidence-based best practices, as defined by the division by rule and regulation;

(iv) Three percent (3%) matching local funds shall be required in contracts with any developmental preschool service provider.

(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 1 of the year in which the budget request is being prepared by eight thousand five hundred three dollars (\$8,503.00) 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.

(c) Repealed By Laws 2008, Ch. 86, § 2.

(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) to provide:

(i) Professional social-emotional development services as a component of service providers' individualized education programs or individualized family service plans; and

(ii) Training and technical assistance in early childhood social-emotional development to early childhood service providers in the developmental preschools' service areas.

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

(f) Funds appropriated under subsection (d) of this section shall only be distributed to developmental preschool service providers that have established collaborative service agreements with professional social-emotional development service providers to provide early intervention services.

#### ARTICLE 8 - WYOMING PROFESSIONAL TEACHING STANDARDS BOARD

**21-2-801. Creation of board; appointment and composition; terms; vacancies; compensation.**

(a) The Wyoming professional teaching standards board is created to consist of thirteen (13) members appointed by the state superintendent and the governor as follows:

(i) Six (6) certified public school employee members, two (2) of which shall be classroom teachers in grades kindergarten through six (6), three (3) of which shall be classroom teachers in grades seven (7) through twelve (12) and one (1) of which shall be a certified professional employee not assigned to classroom teaching but providing auxiliary professional services such as librarian, guidance counselor or educational diagnostician;

(ii) One (1) member to be a faculty member employed in an approved teacher preparation program in Wyoming offering approved preparation programs in the district;

(iii) One (1) member to be a dean of a post-secondary education preparation program appointed from an approved teacher preparation program within Wyoming post-secondary education institutions;

(iv) One (1) member to be a community college faculty member appointed from a Wyoming community college;

(v) Three (3) members currently employed in public school administration as follows:

(A) One (1) elementary principal;

(B) One (1) secondary school principal;

(C) One (1) central office administrator.

(vi) One (1) member who is a current member of a Wyoming school district board of trustees.

(b) Board members shall be appointed to a term of four (4) years. No person shall be appointed for more than two (2) four (4) year terms. Vacancies shall be filled by the state superintendent and the governor on a rotating basis from the appropriate group pursuant to subsection (a) of this section. Any board member may be removed as provided under W.S. 9-1-202.

(c) The members shall receive per diem and mileage as provided in W.S. 33-1-302(a)(vii) while attending board

meetings. The board shall meet not less than once every three (3) months.

**21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.**

(a) The board shall promulgate rules and regulations:

(i) For the certification of school administrators, teachers and other personnel to require either examination in specified subjects or the completion of courses in approved institutions, or both. However, nothing in this article shall be construed as permitting the board to impose any additional requirements beyond licensure in his own profession on any person licensed pursuant to title 33 in order for that person to practice his own profession in the schools as an employee of or contractor for a school district. Board rules and regulations shall require the following minimum qualifications and any additional qualifications for additional training in a broad general education as the board may designate:

(A) For teachers, a degree from an accredited college or university;

(B) For administrators, qualification as a teacher pursuant to subparagraph (a)(i)(A) of this section in addition to appropriate experience as a teacher and additional training in educational administration.

(ii) In addition to paragraph (a)(i) of this section, the board shall by rule and regulation provide for:

(A) Certification of teachers of the Arapaho, Shoshone, or both, languages and in its discretion, the board may make other exceptions as to both teachers and administrators it determines necessary and proper in special circumstances;

(B) Temporary employment as instructors of persons with extensive training or experience in a particular discipline if a certified teacher is not available. Those instructors shall be monitored and supervised by certified personnel;

(C) School district establishment of courses taught primarily by electronic transmission such as broadcast

through satellites which do not require the presence of a teacher certified in the subject matter being taught by this alternative method.

(iii) Providing that business instructors may instruct classes on economic systems and institutions.

(b) The board may enter into reciprocal agreements with other states for the purposes of granting certification pursuant to this section.

(c) The board may revoke, suspend, deny or refuse to renew certification for incompetency, conviction of a felony committed after July 1, 1996, immorality and other reprehensible conduct or gross neglect of duty or knowing misrepresentation of information on an application or resume, upon its own motion or upon the petition of any local board of trustees. Except as provided in subsection (k) of this section, no certificate shall be revoked or suspended without a hearing conducted in accordance with the Wyoming Administrative Procedure Act, unless the person holding the certification waives the right to a hearing.

(d) The board may establish reasonable fees for application and issuance of certification under this section and may require the payment of fees as a condition for issuing any certificate. The fees may include the costs associated with the criminal history background check required by paragraph (e)(ii) of this section. Fees collected by the board pursuant to this subsection shall be deposited with the state treasurer. Upon receipt, the state treasurer shall credit the revenues to a separate account. Expenditures from the account shall be for expenses incurred by the board in administering this article.

(e) No certification shall be issued under this section until a criminal history background check has been filed with and received by the board, the applicant provides a release of information and the applicant consents to the release of any criminal history information to the board and if applicable, to the employing school district. Upon receipt of a background report pursuant to this subsection indicating that the applicant has a conviction equal to a felony under Wyoming law or any conviction for an act which would constitute a violation under chapter 2 or chapter 4 of title 6 of the Wyoming statutes, the board shall immediately provide a copy of the report to the employing local school board if the information involves a certified individual employed by that local board and if the

local board has requested a copy of the report. For all persons seeking initial certification under this section on or after July 1, 1996:

(i) The applicant shall be required to verify under oath whether he has been convicted of a felony. The board may deny certification of any applicant who has been convicted of a felony that relates to the practice of teaching or to the ability to practice as a teacher and may annul a certificate for misrepresentation by an applicant of his criminal history. Any felony related to a sexual offense shall be considered to relate to the practice of teaching. Action by the board to annul a certificate shall be taken following a hearing conducted in accordance with the Wyoming Administrative Procedure Act, unless the person holding the certification waives the right to a hearing;

(ii) The applicant shall provide to the board fingerprints and other information necessary for a criminal history record background check as provided in W.S. 7-19-201(a).

(f) Any local school board dismissing or accepting the resignation of a person holding certification under this section shall notify the professional standards teaching board of the dismissal or resignation, if the dismissal or acceptance of the resignation was based in whole or in part upon the person's conviction of a felony.

(g) For purposes of this section:

(i) "Convicted" or "conviction" means an unvacated determination of guilt by any court having legal jurisdiction of the offense and from which no appeal is pending. Pleas of guilty and nolo contendere shall be deemed convictions for the purposes of this section. Dispositions pursuant to W.S. 7-13-301 or 35-7-1037 shall not be convictions for purposes of this section;

(ii) "Felony" means a criminal offense for which the penalty authorized by law includes imprisonment in a state penal institution for more than one (1) year. "Felony" includes an offense committed in another jurisdiction which, if committed in this state, would constitute a felony as defined in this paragraph.

(h) The board shall establish qualifications of persons teaching driver education in a public school in this state in accordance with W.S. 21-7-303(c).

(j) Nothing in this section authorizes the board to establish qualifications of persons exempt from certification requirements pursuant to W.S. 21-7-303(b).

(k) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

(m) In accordance with criteria and guidelines established by the state superintendent of public instruction, the board shall submit data elements collected from school administrators, teachers and other school district personnel certified under this article to the department of education for housing in the department's data base repository.

## CHAPTER 3 - SCHOOL DISTRICTS IN GENERAL

### ARTICLE 1 - IN GENERAL

#### **21-3-101. School districts bodies corporate.**

Each school district now or hereafter legally organized within this state shall be a body corporate.

#### **21-3-102. Elementary school districts.**

Every school district in the state offering an educational program in grades kindergarten through eight (8) only is hereby declared to be an elementary school district. The name of an elementary school district shall be in form as follows: "Elementary School District No. ...., in the County of ...., and State of Wyoming."

#### **21-3-103. High school districts.**

Every school district in the state offering an educational program in grades nine (9) through twelve (12) only is hereby declared to be a high school district. The name of a high school district shall be in form as follows: ".... High School District, State of Wyoming."

**21-3-104. Unified school districts.**

Every school district in the state offering an educational program in grades kindergarten through twelve (12) is hereby declared to be a unified school district. The name of a unified school district shall be in form as follows: ".... County School District Number ....., State of Wyoming."

**21-3-105. Board of trustees to be governing body; quorum; majority vote.**

The board of trustees of a school district shall be the governing body of the school district. A majority of the number of members of the board of trustees shall constitute a quorum for the transaction of business at any meeting of the board of trustees. No action of the board of trustees shall be valid unless such action shall receive the approval of a majority of the members elected to the board of trustees.

**21-3-106. Oath of trustees.**

The trustees of each school district shall, within ten (10) days after receiving notification of their election or appointment and before assuming the duties of their offices, appear before some person qualified to administer oaths and take an oath for the faithful performance of their duties as required by law.

**21-3-107. Trustees to serve without compensation; mileage.**

The members of the boards of trustees of each school district shall serve without compensation; provided, that the members may receive mileage to and from board meetings at a rate not to exceed the maximum allowed by law for state employees.

**21-3-108. Filling vacancy on board of trustees.**

A vacancy occurring for any cause upon the board of trustees of any school district shall be filled within thirty (30) days by action of the remaining members of the board. A person chosen to fill a vacancy shall serve until the next election of school district trustees. An election shall then be held to fill the unexpired term.

**21-3-109. When vacancy on board deemed to have occurred.**

(a) A vacancy shall have occurred in the membership of any board of trustees of any school district if any member:

(i) Dies;

(ii) Resigns;

(iii) Becomes a nonresident of the school district;

or

(iv) Becomes a nonresident of the trustee residence area from which elected in those districts subdivided into trustee residence areas.

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(i) Prescribe and enforce rules, regulations and policies for its own government and for the government of the schools under its jurisdiction. Rules and regulations shall be consistent with the laws of the state and rules and regulations of the state board and the state superintendent and shall be open to public inspection;

(ii) Keep minutes of all meetings at which official action is taken and a record of all official acts including a record of all warrants issued against the monies belonging to the school district. The minutes and records shall be public records. A list of each warrant over five hundred dollars (\$500.00) shall be published one (1) time in a legal newspaper of general circulation within the respective county within thirty (30) days of the date of the meeting. Individual yearly gross salary payments need be published only once in March of each year:

(A) Each individual annual gross salary shall be identified by category and each individual salary shall be published as a gross dollar amount without identification other than by category. Categories shall include superintendent, assistant superintendent, high school principal, assistant high school principal, junior high principal, junior high assistant principals, elementary principals, elementary assistant principals, first grade teachers, second grade teachers, third grade teachers, fourth grade teachers, fifth grade teachers, sixth grade teachers, kindergarten teachers, high school departmental teachers (business, language arts, world languages, science, social studies, mathematics, or other), vocal music, instrumental music, elementary music, secondary art, elementary



art, secondary physical education, elementary physical education, career and technical education, secondary guidance counselors, secondary librarians, elementary librarians, driver education, special education teachers, remedial teachers, nurses, teacher's aides, head coaches, assistant coaches, dramatics, secondary secretarial, junior high secretarial, elementary secretarial, business managers, janitorial, bus drivers, and other categories which may be selected so that every individual salary may be categorized. Each category shall show a cumulative subtotal and there shall be a grand total of all categories. At the end of the salary publication there shall be printed the district salary schedule;

(B) Forms shall be furnished to the school districts by the state department of education for such publications which shall be the same in all unified districts.

(iii) Elect from its membership at the first regular meeting after December 1 of each year, a chairman, a vice-chairman, a clerk and a treasurer;

(iv) Fix the time and place of regular meetings; provided, that there shall be at least one (1) meeting per month. Any meeting which is not a regular meeting shall be a special meeting;

(v) Submit reports concerning finances or any other matter as the state board, state superintendent or state law may require;

(vi) Estimate the amount of funds required to be raised for public school purposes through a tax levy upon the property lying within the district and in accordance with the Uniform Municipal Fiscal Procedures Act present to the board of county commissioners of each county included in whole or in part within the district a certified copy of the budget as finally adopted with a certified estimate of the tax required to raise the appropriate amount. This tax shall be levied, collected and distributed as prescribed by law;

(vii) Control and disburse all moneys received from any source to maintain the schools within the district;

(viii) Obtain competitive bids when any purchase of insurance, supplies or materials other than textbooks costing more than twenty-five thousand dollars (\$25,000.00) and less than fifty thousand dollars (\$50,000.00) is contemplated unless

precluded by other regulation or statute. If the amount of the purchase of insurance, supplies or materials other than textbooks is equal to or exceeds fifty thousand dollars (\$50,000.00), a call for bids shall be published at least once in a newspaper of general circulation in the district and on the state procurement website, as defined in W.S. 9-2-3001(b)(vii). For any contract for a capital construction project with an estimated value in excess of fifty thousand dollars (\$50,000.00), the board shall publish a call for bids in a newspaper of general circulation in the district at least once each week for two (2) consecutive weeks. All contracts for capital construction projects shall be let in accordance with W.S. 9-2-3004 and 9-2-3006 except as provided in this paragraph. The district shall reserve the right to reject any and all bids and to waive irregularities and informalities in any bid, as defined in W.S. 9-2-3001(b)(v). No contract shall be divided for the purpose of avoiding this paragraph. Items for which bids must be obtained may be described in the published call for bids by stating general requirements and making detailed specifications available to prospective bidders at the district's administrative headquarters. A district shall independently meet the requirements of this paragraph when procuring goods or services that are subject to this paragraph through a board of cooperative educational services;

(ix) Require the treasurer of the board of trustees and the school district superintendent to give such bond in such penalty and with such sureties as the board may direct, conditioned upon the faithful application of all moneys and property which may come into his hands by virtue of his office. The bond shall not exceed one and one fourth of the amount of all school moneys handled by such officer in any one (1) year. Such bonds after being approved by the board and by an attorney selected by the board as to form and execution shall be filed with the county treasurer and no disbursements shall be made until such bonds shall have been approved and filed as required by this section. In case of breach of conditions of such bonds, suit shall be brought thereon by the board for the benefit of the district;

(x) Subject to review by the school facilities commission under W.S. 21-15-117 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within

the statewide database maintained by the state construction department under W.S. 21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district or a charter school operating within the boundaries of the district enters into an agreement to lease buildings and facilities under which the district or the charter school is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. The lease agreement shall separately identify the amount to be expended on the major maintenance of the building or facility during the term of the lease. The amount of the total lease agreement to be expended on the major maintenance shall be accounted for and reported separately and shall not be transferred or expended for any purpose other than major maintenance of the leased building or facility. No expenditure shall be made from the funds dedicated for major maintenance of a leased facility without the approval of the district or the charter school. A district or charter school may request review of the amount to be expended on major maintenance for a lease by the school facilities division of the state construction department to determine the reasonableness of the major maintenance expense. The district shall be reimbursed for the lease payment of the district or the charter school if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

(A) If the lease payment is for educational facilities used in the actual operation of a charter school, the state construction department shall pay the district the contract amount approved by the department for the lease payment by the charter school if:

(I) The charter is approved under W.S. 21-3-301 through 21-3-314;

(II) The department determines no adequate educational facilities exist within the applicable district for operation of the charter school;

(III) The charter school has been approved and has successfully operated for a period of not less than three (3) years; and

(IV) The district pays the charter school the amount of the reimbursement received under this subparagraph.

(B) Any payment made by the department pursuant to this paragraph for a leased building or facility shall not exceed the average cost per square foot to lease buildings or facilities comparable to those appropriate for public K-12 education multiplied by the total square feet leased by the district or charter school necessary to deliver the required educational program. The average cost per square foot for comparable buildings or facilities shall:

(I) Be as determined by the department;

(II) Be comparable in location and type to the building or facility leased by the district or charter school; and

(III) Not include any cost for utilities or routine maintenance.

(C) If the lease payment is for facilities leased to the district or a charter school by a state institution which meets state adequacy standards prescribed by rule and regulation of the commission, the amount of the lease reimbursement paid by the state construction department shall not include the amount received by the institution from the state for major building and facility repair and replacement costs attributable to the facility, as computed by the department.

(xi) Adopt and use an official seal when required to authenticate official acts;

(xii) Cause the United States and Wyoming flags to be properly displayed in, upon, or around school buildings within the district;

(xiii) Consider every petition presented to the board and subscribed by at least five (5) citizens of the school district and take some action on such petition within thirty (30) days after it is received; provided, that no action shall

be required if the precise question presented by the petition has been considered and acted upon by the board of trustees at any meeting held within the current fiscal year;

(xiv) Require an accounting of all receipts and expenditures to be made by each organization, function, or other group sponsored by, or functioning in any way within the schools of the district, such accounting to be made by each such organization, function, or group at least once each year and a copy thereof posted in each school building connected with such organization, function, or group;

(xv) Provide an educational program within the schools under its jurisdiction in compliance with uniform state standards prescribed under W.S. 21-9-101 and 21-9-102 and by rule and regulation of the state board and on or before November 1 of each school year, report to the department evidence of the alignment of its assessment system with the uniform state standards provided within its schools;

(xvi) (A) Publish the following notice in a newspaper of general circulation in the school district at least two (2) times each year, once within a week after the first regular meeting in December and once as a part of the statement of revenue and expenditures of the district:

Notice of School Board Meetings and Availability of Minutes

Notice is hereby given that regular meetings of the board of trustees of .... County School District Number ....., State of Wyoming, are held each month, at .... o'clock on .... (here insert days or dates) in Room .... of the .... school building in .... (city or town), Wyoming, and such meetings are open to the public.

Notice is also given that official minutes of each regular or special meeting of such board, including a record of all official acts and of all warrants issued, are available for inspection by any citizen during regular office hours at the office of the clerk of said district, at .... (here insert address of office).

.....

Chairman, Board of Trustees

..... County School

District, Number .....

(B) If the board changes the time and place of its regular meetings, then such notice shall also be published in a newspaper of general circulation in the school district, once before such change shall become effective;

(C) All meetings of the board are subject to W.S. 16-4-401 through 16-4-408.

(xvii) Require the performance of each initial contract teacher to be evaluated once a year against the school district's standards for performance, as submitted and approved pursuant to W.S. 21-2-304(b)(xv). The evaluation shall be in writing and an opportunity for feedback to improve performance shall be provided. The teacher shall receive a copy of each evaluation of his performance;

(xviii) Establish a teacher performance evaluation system and require the performance of each continuing contract teacher to be evaluated against the school district's standards for performance, as submitted and approved pursuant to W.S. 21-2-304(b)(xv), once a year until the teacher has been classified as effective under the performance evaluation system utilized by the school district for two (2) consecutive years. Upon a classification of effective for two (2) consecutive years, evaluation shall occur at minimum once every three (3) years. The teacher shall receive a copy of each evaluation of his performance;

(xix) Performance evaluations required under paragraphs (a)(xvii) and (xviii) of this section shall serve as a basis for improvement of instruction, enhancement of curriculum program implementation, measurement of both individual teacher performance and professional growth and development and the performance level of all teachers within the school district, and as documentation for unsatisfactory performance that may lead to dismissal, suspension and termination proceedings under W.S. 21-7-110;

(xx) Establish and maintain kindergartens in connection with the public schools of the district with at least one (1) full-day kindergarten program available within the district;

(xxi) Report to the state department of education the actual average class size and range of class sizes for grades kindergarten through five (5) and for reading or English and language arts and mathematics classes for grades six (6) through twelve (12). These reports shall be publicly available;

(xxii) In accordance with guidelines established by the state superintendent under W.S. 21-2-202(a)(xxii), implement standards for the storage and disposal of toxic chemicals and other hazardous substances used by schools within the district for educational programs;

(xxiii) Implement and administer the reading screening and intervention program for students in kindergarten through grade three (3) as required by W.S. 21-3-401;

(xxiv) Adopt a student assessment system to measure student performance relative to the uniform student content and performance standards in all content areas for which the state board has promulgated standards pursuant to W.S. 21-2-304(a)(iii). To the extent required by W.S. 21-2-204 and 21-2-304(a)(vi), the district assessment system shall be integrated with the statewide assessment system and the statewide accountability system. Components of the district assessment system required by this paragraph shall be designed and used to determine the various levels of student performance in all content areas of the uniform student content and performance standards relative to the common core of knowledge and skills prescribed under W.S. 21-9-101(b). The district shall report to the state board in accordance with W.S. 21-2-304(a)(iv) on its assessment system adopted under this paragraph;

(xxv) At minimum and on or before November 1 of each school year, report to the department of education evidence that the district is compliant with high school graduation standards imposed by the state board under W.S. 21-2-304(a)(iii) and the high school certificate of completion requirements imposed by the state board under W.S. 21-2-304(a)(iv);

(xxvi) Provide access to district records and other information by the department of audit as necessary to conduct audits and studies under W.S. 9-1-513 and otherwise cooperate with the department of audit when conducting audits and studies of the district pursuant to W.S. 9-1-513. The board shall also submit a written response to the department of audit on each

audit and report conducted on the district in accordance with W.S. 9-1-513;

(xxvii) Cooperate with the state construction department in developing facility plans for the district addressing district-wide building and facility needs in accordance with W.S. 21-15-116 and rule and regulation of the school facilities commission;

(xxviii) Annually report to the state superintendent on district expenditures for career and technical education programs, broken down by school, and submitted in a manner and form required by rule and regulation of the state superintendent;

(xxix) Beginning in school year 2017-2018, and each school year thereafter, administer a program where all students enrolled in the eleventh and twelfth grades in the district shall be required to take or be provided the opportunity to take, on a date or dates specified by the state superintendent, a standardized college entrance examination or a career readiness examination in accordance with W.S. 21-2-202(a)(xxx). Each school district shall provide the opportunity for all home school and private school students in the eleventh and twelfth grades and residing within the district to take the examinations at no cost to the student on the same date or dates administered to all eleventh and twelfth grade public school students in the state. The results of the examinations may be included in each student's transcript;

(xxx) Not later than school year 2018-2019 and each school year thereafter, in addition to paragraphs (xvii), (xviii) and (xix), require the performance of each school district leader, including superintendents and principals and other district or school leaders serving in a similar capacity to be evaluated each year in accordance with the professional standards established by the state board of education under W.S. 21-2-304(b)(xvi);

(xxxi) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked



seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii), after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(A) "Restraint" means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student's body. "Restraint" does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. "Seclusion" does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

(xxxii) Commencing school year 2011-2012, adopt protocols to address risks associated with concussions and other head injuries resulting from athletic injuries. Implementation of this paragraph shall be subject to the immunity provisions of the Wyoming Governmental Claims Act. The protocols shall:

(A) Include training of coaches and athletic trainers to facilitate the recognition of symptoms of concussions;

(B) Address restrictions concerning participation in school athletic events after suffering a concussion or head injury;

(C) Include means for providing to students and parents information on head injuries and concussions and related restrictions on participation in athletic activities.

(xxxiii) Commencing with school year 2014-2015 and each school year thereafter, with funds made available to the district under the Wyoming education resource block grant model as defined under W.S. 21-13-101(a)(xiv), require each teacher and school administrator within the district to receive at least eight (8) hours of suicide prevention education every four (4)

school years using suitable materials reviewed and recommended by the state superintendent under W.S. 21-2-202(a)(xxxv). Any teacher or school administrator shall receive at least two (2) hours of suicide prevention education during the initial school year of employment with the district if the teacher or school administrator has not received suicide prevention training complying with this paragraph prior to employment. Suicide prevention education may consist of self-review of approved suitable materials. The board shall make all suicide prevention education materials and classes available to interested community members;

(xxxiv) Effective school year 2015-2016, in conjunction with district accreditation, as a component of the statewide education accountability system and in accordance with W.S. 21-2-202(a)(xxxvi), be subject to a review by the department of education once every five (5) years on the alignment of the district's assessment system with the uniform state education standards promulgated by the state board, and the district's adherence to the uniform graduation standards prescribed by the state board under W.S. 21-2-304(a)(iii);

(xxxv) Effective January 1, 2018, adopt and enforce a policy regarding the collection, access, privacy, security and use of student data in accordance with guidelines established by the state superintendent under W.S. 21-2-202(a)(xxxvii);

(xxxvi) Participate in programs of the department of workforce services necessary to receive premium discounts for the state worker's compensation program;

(xxxvii) Procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-101 through 9-23-107.

(xxxviii) Establish a process in policy to approve or deny requests made by a pupil's parent or guardian based on the pupil's kindergarten readiness assessment score to assess whether the pupil is sufficiently mature to be admitted to the applicable grade;

(xxxix) Define "unexcused absence", "habitual truant" and "willful absenteeism" for all students who are attending public schools and establish rules regarding student attendance. For purposes of this paragraph, an absence preapproved by the district or an absence due to an illness, injury or the health care needs of the student or a death or serious illness in the

student's family shall not constitute an unexcused absence. Students participating in programming or competitions sponsored by nationally recognized organizations and clubs that promote youth agricultural education, the annual state fair held under W.S. 11-10-101 as an exhibitor or events associated with participation in the annual state fair shall be considered as participating in a district cocurricular activity program and the student's absence shall be defined by the board as an excused absence. Nothing in this paragraph shall prohibit a school district from requesting verification of the reasons for an absence.

(xl) Upon receipt of the information that the department of workforce services is required to provide under W.S. 9-2-2602(b)(ix) and not later than sixty (60) days after July 1, 2023:

(A) Establish guidelines to implement student training and employment programs in schools in the district;

(B) Take all necessary steps to provide appropriate school credit to students who complete student training and employment programs offered in the district and comply with the guidelines established pursuant to subparagraph (A) of this paragraph;

(C) Annually give to each high school student in the district information on apprenticeships, student learner agreements and on-the-job training opportunities;

(D) Provide information as requested by the department of workforce services to ensure compliance with reports required under W.S. 9-2-2602(e).

(xli) Review and make a written determination whether a transfer of enrollment shall be granted or denied under W.S. 21-4-302.2. The written determination shall be made within ten (10) business days after receiving a request to transfer a pupil to a particular public school under W.S. 21-4-302.2.

(b) Repealed by Laws 2019, ch. 84, § 2.

### **21-3-111. Powers of boards of trustees.**

(a) The board of trustees in each school district within the state may:

(i) Sue and be sued in the name by which the district is designated;

(ii) Acquire, hold, convey, lease, rent, and manage property, real and personal, for the benefit of the school district in the name by which the district is designated, either alone or jointly with another public or private agency, institution, person, or corporation. This includes leasing of real property under W.S. 21-15-112;

(iii) Enter into agreements with any public or private agency, institution, person, or corporation for the performance of acts or furnishing of services or facilities by or for the school district;

(iv) Employ legal counsel and bear the cost of litigation;

(v) Accept or reject any federal or other gift, grant, bequest, or devise;

(vi) Employ and determine the salaries and duties of:

(A) A superintendent of schools who shall be the chief administrative officer of the district;

(B) Principals who shall assume the administrative responsibility and instructional leadership of any schools to which they are assigned in accordance with policies adopted by the board of trustees, provided that in the event a superintendent of schools shall request recommendations from a principal concerning the suspension, dismissal, assignment, transfer or termination of any teacher employed in the school to which the principal is assigned, such recommendation shall be given only after periodic evaluation of the teacher's classroom performance;

(C) Teachers who shall provide the expertise in their areas of instruction;

(D) Other certified professional employees; and

(E) Other personnel.

(vii) Discharge any employee subject to the provisions of any applicable law governing the procedure for terminating the employment of school district employees;

(viii) Insure against loss of property;

(ix) Repealed By Laws 1997 Special Session, ch. 3, § 502.

(x) Become members of county, state, and national school board associations and pay dues to such associations. A board of trustees may at its discretion pay necessary travel expenses and per diem of members and personnel attending meetings of such associations at a rate not to exceed that paid state employees;

(xi) Provide for the operation of school lunch programs in schools under its jurisdiction;

(xii) Require any officer or employee whose duty it is to handle funds or property of the district, including activity accounts, to be bonded under a suitable individual or blanket bond indemnifying the district against loss. The board shall determine the amount and type of the bond;

(xiii) Acquire for the school district, by condemnation, the fee simple title to any real estate situated within the district as a site for any public school buildings or school grounds or for any other necessary or beneficial school purpose, or any lesser interest, including easements and rights-of-way, when necessary in the proper maintenance and operation of the school system;

(xiv) Subject to W.S. 21-6-217(b), convey, with or without consideration, title to real property which is not being used and will not be used by the district to the state or its political subdivisions for public use;

(xv) Convey or otherwise divest, with or without consideration, title to personal property which is not being used and will not be used by the district to the extent not prohibited by Article 16, Section 6, Wyoming Constitution;

(xvi) Repealed by Laws 2021, ch. 163, § 2.

(xvii) Establish a school bus driver training program in accordance with W.S. 21-3-131(a);

(xviii) Establish and maintain a program of adult education;

(xix) Develop policies and pest control methods including emergency policies, to minimize risk to students and employees, school property and the environment;

(xx) Enter into school building construction and renovation project agreements with the state construction department as authorized under W.S. 21-15-123(f) (v);

(xxi) Request the fingerprints of any employee initially hired by a school district on or after July 1, 1996, who may have access to minors in the course of the employee's employment, as provided by W.S. 7-19-106(a) (xxvi) and 7-19-201(a) (iii). The school district shall pay for the costs associated with the request;

(xxii) Enter into or authorize the district superintendent to enter into student learner agreements as defined by W.S. 27-14-102(a) (xxxiv) with any employer pursuant to W.S. 27-14-110;

(xxiii) Confer a Wyoming seal of biliteracy or an advanced distinction Wyoming seal of biliteracy upon a graduating high school student in accordance with W.S. 21-2-202(a) (xl). Not later than October 15 of each year, each school district shall report to the state superintendent the number of seals of biliteracy issued during the prior school year, the languages the students learned and the type of seal conferred.

(b) Not later than January 1, 1998, the board of trustees of each school district that has established trustee residence areas before that date shall:

(i) Establish by resolution that all trustees shall be elected at-large from the entire district; or

(ii) Establish by resolution a structure for electing members to the board through trustee residence areas with not less than two (2) members of the board elected at-large from the entire district. If the board establishes trustee residence areas under this paragraph, one (1) or more members shall be elected from each area. The boundaries of the trustee residence areas shall be established so that the total deviation in the population between the areas with the greatest and least population shall not, to the extent practicable, exceed ten percent (10%). Data from the last federal census shall be used in determining population within an area for the purpose of

implementing this paragraph. The resolution shall include a process for implementing this change so that all elected trustees may serve their full term but that any vacancy shall be filled so as to implement the change as soon as practicable.

(c) Not later than January 1 of any year in which a general election will be held, the board of trustees of any school district may elect to adopt a resolution under paragraph (b)(i) of this section to have all trustees elected at-large. A board of trustees for a district in which all members are elected at-large may adopt a resolution to establish trustee residence areas under paragraph (b)(ii) of this section only as of January 1 of the first year which follows a decennial federal census and in which a general election will be held.

**21-3-112. Fiscal year.**

The fiscal year for each school district in the state shall begin July 1 and terminate the following year on June 30.

**21-3-113. Signing of warrants and checks.**

(a) All warrants or other orders to pay money drawn on the school district treasury, and all checks on a depository, shall bear the signature of the clerk or treasurer and the chairman of the board of trustees. The signatures may be reproduced as provided in W.S. 16-2-101 through 16-2-103.

(b) All warrants or other orders to pay money drawn on activity or special funds shall be signed and administered in the manner provided in subsection (a) above, and in accordance with the written policy of the board of trustees. Activity or special funds shall be subject to supervision and examination by the director of the state department of audit.

**21-3-114. Chairman of board of trustees.**

The chairman of the board of trustees of each school district shall preside at all meetings of the board of trustees at which he is present.

**21-3-115. Vice-chairman and temporary chairman of board of trustees.**

The vice-chairman shall preside at all meetings of the board of trustees at which the chairman is not present. If neither the chairman nor the vice-chairman is present at any meeting of the

board of trustees, the members who are present shall elect a temporary chairman for the purposes of the meeting.

**21-3-116. Vacancy in office of board.**

If a vacancy in any office of the board of trustees shall occur for any reason the board of trustees shall elect one of their number to fill the vacancy.

**21-3-117. Duties of clerk of school district.**

(a) The clerk of each school district within the state shall:

(i) Within thirty (30) working days after the close of each fiscal year, submit all fiscal reports to the state superintendent of public instruction for the past fiscal year. The reports shall contain information required by the state superintendent. A copy of the reports shall also be filed with the county clerk of each county in which the school district is located;

(ii) Cause to be filed copies of all reports made to the state superintendent and all papers transmitted to him by school officers or other persons pertaining to the business of the district. After two (2) years have elapsed from the date of filing, microfilm copies may be treated as originals;

(iii) Cause a certificate to be endorsed upon every bond or evidence of debt, issued pursuant to law, that the same is within the lawful debt limit of such school district and is issued according to law;

(iv) Record all proceedings of the board in books to be kept for that purpose.

**21-3-118. Duties of treasurer of school district.**

(a) The treasurer of each school district within the state shall:

(i) Have custody of all moneys belonging to the district and pay out the same on order of the clerk, countersigned by the chairman;

(ii) Cause an account to be kept of the receipts and expenditures of the district;



(iii) Render a statement of the finances of the district at any time when required by the district board of trustees; and cause a detailed report showing the sources of revenue and the purposes for which moneys were expended to be published at the close of each fiscal year in some newspaper of general circulation within the school district.

**21-3-119. How special meetings of board of trustees called.**

The clerk of the board of trustees of each school district shall call a special meeting of the board of trustees upon the request of the chairman of the board of trustees or the request of any two (2) members of the board of trustees.

**21-3-120. Notice of special or emergency meetings.**

(a) The clerk of the board of trustees of each school district shall cause notice of each special or emergency meeting of the board of trustees to be given in accordance with W.S. 16-4-404.

(b) The notice shall contain the purpose, time and place of the meeting, and a statement that the official minutes of such meeting will be available for inspection by any citizen at the office of the clerk of said district.

**21-3-121. Members of board of trustees to deliver records to successors.**

At the close of their official terms, the officers of the board of trustees of each school district shall deliver to their successors all books, documents, papers, and records belonging to their offices.

**21-3-122. Members of board of trustees may administer oaths.**

Each member of the board of trustees of each school district may administer oaths within his respective school district in all matters pertaining to official school district business.

**21-3-123. Repealed by Laws 1979, ch. 83, § 2.**

**21-3-124. Failure to perform duty by officer or member of board of trustees.**

Any member or officer of a board of trustees of a school district who willfully fails, refuses, or neglects to perform any duty imposed upon him by the provisions of this code shall be guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for a period of not more than thirty (30) days or by both such fine and imprisonment.

**21-3-125. Application of Municipal Budget Act.**

The Uniform Municipal Fiscal Procedures Act applies to every school district within the state.

**21-3-126. Liability insurance on vehicles.**

The board of trustees of any school district in the state of Wyoming or the owner of any vehicle contracted to the school district under the statutes of this state is hereby required to procure liability insurance covering any vehicle used for the transportation of school children or used in the operation of the school district. When private vehicles are contracted to the school district, the contract shall not be fully executed until the owner of the vehicle has filed with the school district the required insurance policy. The defense of governmental immunity is expressly waived in any action to the extent of any insurance coverage of the district involving such an insured vehicle.

**21-3-127. Accident insurance for pupils; fund in lieu of such insurance.**

The board of trustees of any school district may arrange to make accident insurance for medical, hospital, injury, or death benefits available to any or all pupils. The cost of such insurance may be paid from the funds of the district, or by the parent or guardian of the pupil, or on a proportionate basis between the district and the parent or guardian of the pupil. In lieu of such insurance, the board of trustees of such a district either separately or in conjunction with other boards of trustees of one or more such districts of the state may establish and maintain a fund sufficient to defray the medical, hospital, or other expenses resulting from injuries suffered by such pupils. This section shall not be construed as creating or tending to create a liability of the school district so insuring its pupils; nor shall the failure to procure such accident

insurance as is authorized by this section be construed as creating any liability of the school district.

**21-3-128. Protection or insurance of board members, teachers and other personnel against personal liability.**

The board of trustees of each school district within the state may save harmless and protect all board members, teachers, and other personnel from financial loss arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental bodily injury or death to any person within or without the school building; provided, such board member, teacher, or other personnel at the time of the accident was acting in the discharge of his duties within the scope of his employment. Each board of trustees may procure appropriate policies of insurance to maintain this protection, or it may elect in its discretion to act as a self-insurer. This section shall not be construed as creating or tending to create a liability of the school district so protecting or insuring board members, teachers, or other personnel, nor shall the failure to procure such insurance as is authorized by this section be construed as creating any liability of the school district.

**21-3-129. Comprehensive liability insurance; waiver of governmental immunity; property insurance.**

(a) The board of trustees of each school district within the state may procure a policy or policies of comprehensive liability insurance as provided in W.S. 1-39-118(b), self-insure as provided in W.S. 1-39-118(c) (i) or join with other school districts as provided in W.S. 1-39-118(c) (ii).

(b) Repealed By Laws 2008, Ch. 50, § 2.

(c) Repealed By Laws 2008, Ch. 50, § 2.

(d) The board of trustees of each school district within the state shall procure a policy or policies for property insurance covering all education, administrative and transportation facilities owned or maintained by the school district in an amount adequate to cover against loss or damage to those facilities, and against loss consequential upon that loss or damage, other than noncontractual legal liability for that loss or damage. The board of trustees of a school district may elect not to provide property insurance coverage for any facility valued at fifty thousand dollars (\$50,000.00) or less

upon a per facility determination that the cost of insurance for the facility is disproportionately high when compared to the value of the facility to the school district. Coverage provided by a school district joint powers board pursuant to W.S. 1-39-118(c)(ii) and subsection (a) of this section shall satisfy the requirement of this subsection.

(e) Repealed by Laws 2019, ch. 186, § 2.

**21-3-130. From whom insurance obtained.**

No school district shall obtain, sponsor, arrange, or handle insurance of any kind except from the companies which maintain an office in this state and are authorized to do business in Wyoming subject to the supervision of the state insurance commissioner.

**21-3-131. School bus standards; operators; vehicle operation; liability limited.**

(a) Each district shall establish and maintain minimum standards for persons involved in the operation of school buses, including:

(i) Developing a written plan for the selection, training and supervision of persons whose duties involve the transporting of pupils;

(ii) Requiring each applicant for a position which duties involve the transporting of pupils to complete and submit an application form that includes a personal and occupational history;

(iii) Completing a check of the successful applicant's driving record;

(iv) Ensuring the successful applicant has on file with the district a copy of the medical examiner's certificate required by the United States department of transportation, federal motor carrier safety regulations, 49 C.F.R. Part 391.41;

(v) Requiring annual training consisting of not less than six (6) hours for persons whose duties involve the operation of school buses.

(b) Each district shall establish and maintain minimum standards for the operation of school buses, including:

(i) All school buses shall undergo a safety inspection not less than two (2) times each school year, with one (1) inspection conducted by a person not employed by the school district. A copy of the inspection reports shall be filed with the local school district;

(ii) School bus operators shall perform a daily pre-trip inspection of their vehicles and report promptly any defect or deficiency discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown. Documentation of the inspections shall be submitted weekly and retained on file with the school district for a period of one (1) year;

(iii) Operators of school buses equipped with lap belts shall wear a properly secured lap belt at all times the vehicle is in motion;

(iv) Passengers in type A school buses equipped with factory installed lap belts shall wear a properly secured lap belt at all times the vehicle is in motion;

(v) At least twice during each school year the driver of each school bus shall hold an emergency evacuation drill. Proper documentation for each drill shall be maintained on file with the school district;

(vi) School bus routing and seating plans shall be coordinated to eliminate standing passengers or exceeding the manufacturer's rating capacity for the school bus;

(vii) School buses shall operate with lighted headlamps at all times the vehicle is in motion;

(viii) The service door of the school bus shall remain closed at all times the vehicle is in motion;

(ix) Any accident involving a school bus which is required to be reported under W.S. 31-5-1106 shall also be reported to the state department of education on forms approved by the department;

(x) Effective school year 2016-2017, and each school year thereafter, all school buses transporting students to and from school and to and from student activities, as defined under W.S. 21-13-320(b)(i) and (ii), shall be equipped with an

external video system and may be equipped with an internal video system. Equipment specifications shall be prescribed by rule and regulation of the department. Recordings or images from a video system installed under this paragraph shall not be a public record under the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205. Recordings or images may be entered into evidence for a violation of W.S. 31-5-507(a) as provided in W.S. 31-5-507(e) and may be discoverable for other criminal actions. Recordings or images made from a video system under this paragraph shall be destroyed within one (1) year of the date the recording was made.

(c) Evidence of a person's failure to wear a lap or seat belt on a school bus if required under state or federal law or the failure of a school bus driver to require a passenger to wear a lap or seat belt as required under W.S. 31-5-1402(a), shall not be admissible in any civil action or for the purposes of W.S. 31-5-1402(a).

### **21-3-132. Possession of firearms on school property.**

(a) The board of trustees in each school district may adopt rules and regulations, in consultation with local law enforcement, to allow the possession of firearms by employees possessing a valid concealed carry permit under W.S. 6-8-104 on or in any property or facility owned or leased by the school district. Employees of a school district who hold a valid concealed carry permit issued under W.S. 6-8-104 may carry a concealed firearm on or into school facilities or other areas designated by the board of trustees, provided the employing school district has adopted rules and regulations that allow possession of firearms on school property and the employee has received approval by the board of trustees as required by this section.

(b) For purposes of this section, "employee" means any person employed by a school district, including but not limited to, superintendents, assistant superintendents, principals, assistant principals, teachers, guidance counselors, librarians, teacher's aids, coaches, business managers, secretaries or administrative assistants, janitors, bus drivers or other employees of a school district.

(c) The rules required by subsection (a) of this section shall at a minimum:

(i) Establish an application and approval process for employees possessing a valid concealed carry permit under W.S. 6-8-104 to carry a firearm on school property;

(ii) Require any person carrying a firearm pursuant to this section to maintain the firearm on his person at all times or in a concealed biometric container or lock box within the direct control of the individual at all times;

(iii) Establish ongoing training requirements, curricula and instructor qualifications, subject to approval by local law enforcement, including:

(A) An initial course of training comprised of not less than sixteen (16) hours of live fire handgun training, and eight (8) hours of scenario based training using nonlethal training, firearms and ammunition; and

(B) Annual firearm qualification and documented recurrent training of not less than twelve (12) hours with an approved instructor.

(iv) Provide a process for the revocation or suspension of the authorization under this section for an employee to carry a firearm on school property.

(d) The board of trustees in any school district may waive all or part of the training requirements of subsection (c) of this section for isolated rural schools and employees in those schools.

(e) The superintendent of the district shall notify the parents and guardians of students attending school in the district of the ability of employees to carry firearms and the rules and regulations governing possession.

(f) The superintendent of the district shall notify all law enforcement agencies with jurisdiction over the area of the location and names of all employees who receive permission to carry firearms from the district's board of trustees. The identities of the employees who receive permission to carry firearms from the district's board of trustees shall be confidential and are not public records for purposes of W.S. 16-4-201 through 16-4-205.

(g) Nothing in this section shall authorize an employee to carry a firearm, concealed or otherwise, on or into any facility

or other school district property without the express approval of the board of trustees and notification of parties as required by this section.

(h) Nothing in this section shall authorize a student of a school district to carry a firearm, concealed or otherwise, on or into any facility of a school district.

(j) Any rules and regulations adopted under this section shall only apply to persons who are employees, as defined in subsection (b) of this section.

**21-3-133. Child sexual abuse education, prevention and response.**

(a) A school district that has not already taken similar action is authorized to take the following actions relating to child sexual abuse education, prevention and response:

(i) Provide parents with information on the warning signs of child sexual abuse and any available resources for education, prevention and response;

(ii) Provide training to teachers and other school district employees, including:

(A) Instructional methods relating to the provisions of W.S. 21-9-104;

(B) Child abuse or neglect reporting requirements specified in W.S. 14-3-205;

(C) Methods to respond to a student's disclosure of sexual abuse in a supportive and appropriate manner.

(iii) Consult with federal, state and local entities and community based organizations, including the child welfare information gateway internet website maintained by the United States department of health and human services, to identify evidence based tools and programs to prevent and respond to child sexual abuse;

(iv) Develop community based strategies to promote education, collaboration and accountability among persons and entities who are responsible for child sexual abuse education, prevention and response, including parents and guardians, law



enforcement, judicial officers, health care providers and other members of the community;

(v) Coordinate with the local child protection team in accordance with W.S. 14-3-212(b)(ii);

(vi) Accept funds from private and public sources for programs relating to this section.

#### **21-3-134. Purple star schools.**

(a) As used in this section, "military connected student" means a student who is a dependent of a current or former member of the uniformed services of the United States including members of the national guard and reserve or who was a dependent of a member of the uniformed services of the United States, including a member of the national guard or reserve, who was killed in the line of duty.

(b) The department shall designate a school as a purple star school if the school applies to the department and qualifies as a purple star school under this section.

(c) To qualify as a purple star school under this section the school shall:

(i) Have a staff member designated as a military liaison who shall:

(A) Identify military connected students enrolled at the school;

(B) Serve as the point of contact between the school and military connected students and their families or guardians;

(C) Assist in developing and coordinating appropriate services and programs relevant to military connected students.

(ii) Maintain on the school website an easily accessible web page that includes resources for military connected students and their families or guardians, including information regarding:

(A) Relocation to, enrollment at, registration at and transferring records to and from the school;

(B) Academic planning, course sequences and advanced classes available at the school;

(C) Counseling and other support services available for military connected students enrolled at the campus; and

(D) The name and contact information of the military liaison designated by the school under paragraph (i) of this subsection and the liaison's duties.

(iii) Maintain a transition program, which may be led by students if appropriate, that assists military connected students in transitioning into the school;

(iv) Offer professional development for staff members on issues related to military connected students;

(v) Do at least one (1) of the following:

(A) Have a resolution adopted by the board of trustees of the school district of the school showing support for military connected students and their families;

(B) Provide recognition of the month of the military child or military family month with relevant events hosted by the school;

(C) Partner with a local military installation that provides opportunities for active duty military members to volunteer at the school, speak at a school assembly or host a field trip.

(d) A school may partner with the school district as necessary to comply with the requirements of this section including providing for a web page on the school district website if the school does not have a website, providing for professional development and the adoption of a resolution as provided in subparagraph (c) (v) (A) of this section.

(e) The department shall adopt rules necessary to administer this section.

## ARTICLE 2 - CHARTER SCHOOLS

**21-3-201. Repealed By Laws 2001, Ch. 207, § 3.**

**21-3-202. Repealed By Laws 2001, Ch. 207, § 3.**

**21-3-203. Repealed By Laws 2001, Ch. 207, § 3.**

**21-3-204. Repealed By Laws 2001, Ch. 207, § 3.**

**21-3-205. Repealed By Laws 2001, Ch. 207, § 3.**

**21-3-206. Repealed By Laws 2001, Ch. 207, § 3.**

**21-3-207. Repealed By Laws 2001, Ch. 207, § 3.**

### ARTICLE 3 - CHARTER SCHOOLS

#### **21-3-301. Purpose.**

(a) It is the purpose of this article to provide opportunities for teachers, parents, pupils and community members to establish and maintain schools that operate independently from existing school districts as a method to:

(i) Improve pupil learning;

(ii) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences;

(iii) Encourage the use of different and innovative teaching methods;

(iv) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; and

(v) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

#### **21-3-302. Definitions.**

(a) As used in this article:

(i) "A charter school within a school" means a charter school operating within a facility or portion of a facility currently operated by the district as a public school or operated as an adjunct to a public school or schools with

students attending both the charter school and the public school;

(ii) "A converted charter school" means a charter school converted from an existing public school operating within the district;

(iii) "District board" means the board of trustees of a school district elected as the governing body of the school district;

(iv) "New charter school" or "charter school" means a public school established and operating under the terms of a charter contract between the charter school's board and its authorizer;

(v) "School district" means each school district now or hereafter legally organized as a body corporate pursuant to W.S. 21-3-101, et seq.;

(vi) "State board" means the state board of education appointed pursuant to W.S. 21-2-301.

(vii) "Authorizer" means a school district board or the Wyoming charter school authorizing board as created by W.S. 21-3-302.2(a);

(viii) "Charter" or "charter contract" means the charter contract executed between a charter school and an authorizer;

(ix) "Charter application" means the application submitted by a proposed charter school to an authorizer for the creation of a charter school;

(x) "Department" means the Wyoming department of education;

(xi) "Education service provider" means a for-profit or nonprofit education management organization, charter management organization, or any other partner entity that a charter school contracts with for educational program implementation or for comprehensive management.

(xii) "Full-time virtual charter school" means a charter school that offers educational services primarily or completely through an online program;

(xiii) "Governing board" means the independent board of a charter school that is a party to a charter contract with the authorizer, whose members have been selected pursuant to the charter application and who are subject to the Ethics and Disclosure Act, W.S. 9-13-101 through 9-13-109.

**21-3-302.1. Charter school authorizers; powers and duties.**

(a) Authorizers shall:

(i) Review charter school applications made to the authorizer and make a written determination on the application;

(ii) Monitor charter schools approved by the authorizer;

(iii) Make decisions on the renewal, nonrenewal and revocation of charters granted by the authorizer.

(iv) Establish and maintain policies and practices consistent with the principles and professional standards for authorizers of charter schools related to all of the following:

(A) Requirements for organizational capacity and infrastructure of the charter school;

(B) Soliciting and evaluating charter applications;

(C) Ongoing charter school oversight and evaluation;

(D) Charter application approval, renewal and revocation decision making.

(v) In determining whether to approve a charter application, the authorizer shall:

(A) Grant charters to applicants that possess competence in the elements of the charter application requirements identified in this article;

(B) Base decisions on documented evidence collected through the charter application review process.

(vi) Act as the local education agency for charter schools authorized to operate under this article to apply for, receive or administer grants through a grant program created by a federal or state statute or program which requires local education agency status.

(b) Funding for authorizers shall consist of administrative fees collected from the charter school. Fees shall not exceed three percent (3%) of the charter school's annual state funding. Authorizers shall restrict the expenditure of funds received under this subsection for the purpose of fulfilling duties under this article and shall annually publish and submit to the state superintendent of public instruction a report detailing expenditure of funds.

(c) Repealed by Laws 2023, ch. 179, § 3.

#### **21-3-302.2. Wyoming charter school authorizing board.**

(a) There is created the Wyoming charter school authorizing board. The mission of the board is to authorize high quality public charter schools.

(b) The Wyoming charter school authorizing board shall consist of the following eight (8) members:

(i) Three (3) members appointed by the superintendent of public instruction. Each member appointed under this paragraph shall have at minimum five (5) years of experience in Wyoming in education;

(ii) The chairman of the state board of education, or the chairman's designee;

(iii) Three (3) members appointed by the governor and confirmed by the senate;

(iv) The dean of the University of Wyoming's college of education, or his designee.

(c) Each member appointed shall represent the public interest and satisfy all of the following requirements:

(i) Be a resident of the state;

(ii) Possess experience and expertise in public or nonprofit governance, management and finance, public school

leadership, assessment, curriculum or instruction or public education law.

(d) Of the initial members appointed to the board, the members appointed under paragraph (b)(i) of this section shall serve two (2) year terms and the members appointed under paragraph (b)(iii) of this section shall serve four (4) year terms. Thereafter, all appointments shall be for four (4) year terms. The initial appointments shall be made not later than July 1, 2023.

(e) Members appointed to the board under paragraph (b)(i) of this section may be removed by the superintendent of public instruction. Members appointed to the board by the governor under paragraph (b)(iii) of this section may be removed in accordance with W.S. 9-1-202.

(f) Vacancies shall be appointed pursuant to subsection (b) of this section.

(g) The board shall meet not less than two (2) times each year.

(h) All appointed members of the board shall receive compensation, per diem and mileage for actual time spent in performance of their duties and traveling expenses while in attendance and going to and from board meetings in the same manner and amount as members of the Wyoming legislature.

(j) Members shall be subject to the Ethics and Disclosure Act, W.S. 9-13-101 through 9-13-109.

### **21-3-303. Charter school prohibitions.**

(a) This article shall not prohibit any private person or organization from funding or providing other assistance for the establishment or operation of a charter school established pursuant to this article.

(b) No charter shall be granted under this article if it is determined that its sole purpose is to avoid consolidation or closure of any school or district. For purposes of this subsection, consolidation or closure applies regardless of grade configuration, building location or school or district name.

(c) No charter application shall be considered from any person, group or organization proposing to convert a private

school or a nonpublic home-based educational program into a charter school.

(d) No charter school shall enter into a contract with an independent management company or education service provider without the prior written consent of the authorizer.

(e) Repealed by Laws 2021, ch. 169, § 4.

**21-3-304. Charter school; requirements; authority.**

(a) A charter school shall be a public, nonsectarian, nonreligious, nonhome-based school which operates within a public school district. Tuition shall not be charged by a charter school to any student in grades kindergarten through twelve (12).

(b) If a charter is granted by a school district, the charter school shall be a public school within the school district that grants its charter. If a charter is granted by the Wyoming charter school authorizing board, the charter school shall be an independent public school within the district where the charter school is located. The charter school shall be accountable to its authorizer for purposes of ensuring compliance with applicable laws and charter provisions and the requirements of the state constitution.

(c) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application. Enrollment decisions shall not discriminate against at-risk students or students with special education needs. A charter school sponsored jointly or separately by the Eastern Shoshone or the Northern Arapaho Indian tribes may give preference to a student who is a member or eligible for membership in an Indian tribe.

(d) A charter school shall be administered and governed by a governing body in a manner agreed to by the charter contract. A charter school may organize as a nonprofit corporation pursuant to the Wyoming Nonprofit Corporation Act, which shall not affect its status as a public school for any purposes under Wyoming law. A charter school organized by a school district may



include school board members or school district employees on its governing board.

(e) A charter school, as a public school, is a governmental entity. Direct leases and financial obligations of a charter school shall not constitute debt or financial obligations of the authorizer unless the authorizer expressly assumes the obligations in writing.

(f) Notwithstanding the provisions of this article to the contrary, a charter school and the authorizer may agree to extend the length of the charter beyond five (5) years.

(g) A charter school may operate free from specified school district policies and state regulations. Pursuant to contract, a school district may waive locally imposed school district requirements, without seeking approval of the state board. The state board may waive state statutory requirements or rules promulgated by the state board, except that the state board shall not waive any statute or rule relating to the assessments or standards required to be administered. Upon request of the charter applicant, the state board shall provide summaries of such regulations and policies to use in preparing a charter school application. The department of education shall prepare the summary of state regulations within existing appropriations. Any waiver of state or local school district regulations made pursuant to this subsection shall be for the term of the charter for which the waiver is made, except that a waiver of state statutes or regulations by the state board shall be subject to review every two (2) years and may be revoked if the waiver is deemed no longer necessary by the state board. Nothing in this subsection shall be deemed to exempt the charter school from:

(i) Any civil rights, health or safety requirements applicable to other public schools in the state except as specifically provided in this article;

(ii) The student assessment and accountability requirements applicable to other public schools, provided that this paragraph shall not prohibit a charter school from establishing additional student assessment measures;

(iii) The public records act and public meeting requirements applicable to public schools and school districts and any federal or state privacy laws applicable to public schools or school districts.

(h) A charter school shall be responsible for its own operation including, but not limited to, preparation of a budget, contracting for services and personnel matters.

(j) A charter school may negotiate and contract with a school district, the governing body of a community college or the University of Wyoming, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity or undertaking that the charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a charter school contracts with a school district shall be provided by the district at the incremental cost and may be negotiated as an agreement separate from a charter contract between the charter school and the authorizer. For school district capital facilities that are rented at the time of the charter school application and had been rented for the immediately preceding six (6) months by a third party, the net loss of rental income shall be considered an incremental cost. The charter school shall have standing to sue and be sued in its own name for the enforcement of any contract created pursuant to this subsection.

(k) Except as provided in subsection (j) of this section, a charter school shall not be required to pay rent for space which is deemed available and adequate by the state construction department within the applicable district for operation of the charter school. All other costs for the improvement, modification, operation and maintenance of school district facilities used by the charter school shall be subject to negotiation between the charter school and the district board and may be negotiated as an agreement separate from a charter contract between the charter school and the authorizer.

(m) A charter school shall be authorized to offer any educational program that may be offered by a school district unless expressly prohibited by its charter or by state law.

(n) Repealed by Laws 2021, ch. 169, § 4.

(o) Repealed by Laws 2021, ch. 169, § 4.

(p) Admission to a charter school shall not be determined solely on academic abilities or achievements, including minimum test scores or intelligence quotient scores.

(q) Individuals compensated by an education service provider shall be prohibited from serving as a voting member on the governing board of any charter school that contracts with the education service provider unless waived by the authorizer.

(r) A charter school governing board shall have access to education service provider records as necessary to oversee the education service provider contract.

**21-3-305. Charter schools; contract contents; renewal; revocation; closure; appeal; regulations.**

(a) An approved charter application shall serve as the basis for a contract between the charter school and the authorizer. Within seventy-five (75) days of the final approval of a charter application, the governing board and the authorizer shall execute the charter contract. The charter contract shall:

(i) Be a written instrument which is a separate document from the charter application and shall be the final authorizing document for the charter school;

(ii) Be executed by an authorizer and a charter school, with a copy submitted to the state superintendent of public instruction within five (5) days after the signature of both parties;

(iii) Confer certain rights, privileges and obligations on the charter school pursuant to this article;

(iv) Confirm the status of the charter school as a public school;

(v) Be granted for five (5) years;

(vi) Provide for a review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in the first year of operation and one (1) time in each five (5) year period that the charter is in effect thereafter;

(vii) Provide for renewal of the charter if the authorizer and the charter school agree to renew the charter pursuant to a renewal application. The renewal application shall meet the requirements of subsection (b) of this section;

(viii) Specify the grounds for the authorizer to:

(A) Revoke the charter before the term for which the charter is granted;

(B) Not renew a charter.

(ix) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of adequate performance or improvement in:

(I) Assessment measures, including the statewide assessment system measures;

(II) Attendance rates;

(III) Graduation rates, if applicable;

(IV) Statewide education accountability system measures;

(V) Financial performance and stability;  
and

(VI) Governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the charter school.

(x) Describe the method to be used to monitor the charter school's:

(A) Compliance with applicable law; and

(B) Progress in meeting targeted educational performance.

(xi) Specify that the authorizer and the charter school may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter;

(xii) Describe specific operating requirements, including all the matters set forth in the application for the charter;

(xiii) Specify dates for the charter school to:

(A) Begin school operations; and

(B) Have students attending the charter school.

(xiv) Specify that records of a charter school relating to the school's operation and the school's charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying;

(xv) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the charter school with the terms of the charter or applicable state or federal laws are subject to inspection and copying;

(xvi) Require a charter school to set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state and authorizer requirements.

(xvii) Specify closure protocols to ensure students receive educational services without interruption to the greatest extent reasonably possible in the event the charter school closes for any reason.

(b) The contract between the charter school and the authorizer may be renewed pursuant to a renewal application. The renewal application shall:

(i) Include any guidance provided by the authorizer specifying performance criteria that will guide the authorizer's renewal decisions;

(ii) At a minimum, provide an opportunity for the charter school to:

(A) Present evidence, beyond the data contained in the performance report, supporting charter renewal;

(B) Describe improvements undertaken or planned for the charter school; and

(C) Detail the charter school's plans for the next charter term.

(iii) Be submitted by the governing board of a charter school seeking renewal not later than December 31 of the year preceding the start of the school year that the charter expires, under the renewal application guidance issued by the authorizer.

(c) Repealed by Laws 2021, ch. 169, § 4.

(d) Repealed by Laws 2021, ch. 169, § 4.

(e) Repealed by Laws 2021, ch. 169, § 4.

(f) The authorizer shall make a final decision on the renewal application not later than thirty (30) days after the filing of the renewal application under this subsection.

(g) Repealed by Laws 2023, ch. 179, § 3.

**21-3-306. Application for establishing charter schools; conversion of existing schools.**

(a) Any person may apply to an authorizer for the establishment of a new charter school. The applicant shall have the right to determine which authorizer to apply to and may apply to a different authorizer for renewal of a charter. The Wyoming charter school authorizing board may reject a renewal application from an existing charter school if the renewal is to avoid necessary corrective measures, including closure of the charter school, identified by the authorizer.

(b) Administrators and teachers employed by the district, parents of students enrolled in the district and any special district advisory group comprised of district residents may apply to the district board to convert an existing public school operating within the school district to a charter school. An application filed under this subsection shall demonstrate the support of not less than fifty percent (50%) of the teachers employed by the school who teach at the school proposed to be converted, and the parents of fifty percent (50%) of all students attending the school proposed to be converted. A

converted charter school operated under this subsection is a separate school and shall have the rights and obligations provided under this article, including but not limited to the ability to hire its own employees.

(c) Instead of establishing a new charter school or a converted charter school under this section, a district board and a charter school applicant may by mutual agreement establish a charter school within a school. A charter school operated under this subsection is a separate school and shall have the rights and obligations provided under this article for new and converted charter schools. The agreement between the school board and the charter school may provide that faculty and staff at the charter school may work in both the charter school established under this subsection and other district schools. If district students attend both the charter school established under this subsection and another district school, the students shall be counted for each school in proportion to the percentage of their time spent in each school.

(d) Repealed by Laws 2023, ch. 179, § 3.

**21-3-307. Charter application; contents; phased-in application process.**

(a) The charter school application shall be on a form prescribed by the state superintendent pursuant to subsection (d) of this section, and shall include:

(i) A description of the educational program of the school, designed to identify those whom the school is attempting to educate, what it means to be an educated person in the twenty-first century and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent and lifelong learners;

(ii) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes" for purposes of this paragraph means the extent to which all pupils of the school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program. "Pupil outcomes" shall include state assessments and standards;

(iii) The method by which pupil progress in meeting those pupil outcomes is to be measured;

(iv) The governance structure of the school, including but not limited to the process to be followed by the school to ensure parental, teacher and community involvement;

(v) The qualifications to be met by individuals to be employed by the school;

(vi) The procedure that the school will follow to ensure the health and safety of pupils and staff;

(vii) Admission requirements, if applicable, provided that enrollment shall be open to all to the extent seats are available within the applicable grade level, subject to W.S. 21-3-304(c). If the number of applicants for enrollment exceeds the available seats, the charter school shall, subject to W.S. 21-3-304(c), hold a blind lottery to determine enrollment. Students enrolled in the previous year shall be guaranteed a seat, and applicants with a sibling enrolled in the charter school shall receive a preference. For converted charter schools, students who attended the converted charter school the previous school year shall be given an enrollment preference. If the number of students enrolled in the converted charter school does not exceed the capacity of the school, secondary preference shall be given to students who reside within the district boundary in which the charter school is located;

(viii) The manner in which an annual audit of the financial and programmatic operations of the school, including any services provided by the authorizer, is to be conducted;

(ix) The procedure by which pupils can be suspended or expelled;

(x) In accordance with this article, the manner by which staff members of the charter schools will be covered under the Wyoming retirement system and federal social security;

(xi) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school and of any rights upon returning to the school district after employment at a charter school;

(xii) Minimum enrollment requirements;

(xiii) Evidence of adequate community support;



(xiv) Evidence that the plan for the charter school is economically sound;

(xv) A proposed budget for the term of the charter;

(xvi) Repealed by Laws 2021, ch. 169, § 4.

(xvii) Repealed by Laws 2021, ch. 169, § 4.

(xviii) The employment policies of the proposed charter school;

(xix) A proposed agreement or summary of a proposed agreement between the charter school governing board and the authorizer and, if applicable, the district regarding their respective legal liability and applicable insurance coverage;

(xx) A description of how the charter school plans to meet the transportation needs of its pupils and whether the charter school plans to provide transportation for pupils;

(xxi) In accordance with this article, a description of the rights of any employee of the school district upon commencing employment in a charter school;

(xxii) A financial feasibility statement providing evidence of charter school viability following the first three (3) years of charter school operation;

(xxiii) In the case of a proposed charter school that plans to establish a full-time virtual charter school, the application shall additionally require the applicant to provide a description regarding the methods by which the charter school will:

(A) Ensure adequate supports are available to the students in their homes or regions, including parent teacher conferences and interactions;

(B) Monitor student outcomes and administer state required assessments to all students in a proctored setting;

(C) Establish and implement legally permissible criteria and processes for enrollment based on the existence of supports needed for student success;

(D) Provide the desired enrollment level of the school for each year of the charter contract, not to exceed two hundred fifty (250) students in any given year, with any increases in enrollment from one (1) year to the next based on whether the school meets its performance requirements;

(E) Provide a detailed budget for the school and propose a funding level per student for the school that is based upon that budget;

(F) Provide data for oversight, funding, renewal and closure decisions for full-time virtual charter school specific goals regarding student enrollment, attendance, engagement, achievement, truancy and attrition that demonstrates the school meets agreed upon benchmarks;

(G) Provide that no more than twenty percent (20%) of its enrollment shall be from outside of the school district where the charter school is located without prior approval of the authorizer.

(xxiv) In the case of a proposed charter school that intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to:

(A) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(B) Provide a term sheet setting forth the proposed duration of the education service contract, the roles and responsibilities of the governing board, the school staff and the service provider, the scope of services and resources to be provided by the service provider, the performance evaluation measures and timelines for the service provider, the compensation structure for the service provider including clear identification of all fees to be paid to the education service provider, methods of contract oversight and enforcement, investment disclosures and conditions for renewal and termination of the contract; and

(C) Disclose and explain any existing or potential conflicts of interest between the school governing board, the school's leadership and management team and the

proposed education service provider or any affiliated business entities.

(xxv) In the case of a proposed charter public school from an applicant that currently operates one (1) or more additional schools inside or outside of Wyoming, the application shall additionally require the applicant to provide evidence of past performance and the capacity for the operation of the additional school.

(xxvi) The school's plans for identifying and providing an education to all students enrolled or to be enrolled in the charter school, including but not limited to students with special education needs, students who are English language learners and gifted and talented students.

(b) Upon submission of an application under W.S. 21-3-307(a), the authorizer shall notify the applicant within thirty (30) days of submission whether the application is complete. If the authorizer determines that the application is incomplete, the authorizer shall advise the applicant of the reasons for the determination in sufficient detail for the applicant to make changes for resubmission of the application to the authorizer.

(c) Repealed by Laws 2021, ch. 169, § 4.

(d) The state superintendent shall through rule and regulation prescribe a uniform charter school application and renewal application form to be used by each authorizer and charter school applicant for purposes of this article, and shall establish charter school application review procedures, including timelines for application components specified under subsection (a) of this section. The phased application process prescribed by state superintendent rule and regulation may provide a process for mediation of disputes concerning completeness of an application between the applicant and authorizer, which would be subject to W.S. 1-43-101 through 1-43-104, would allow either party to initiate mediation and would impose costs of mediation equally upon both parties. Any mediation process prescribed by rule shall specify professional requirements for the impartial third party facilitating mediation. If either party refuses to mediate, the dispute may be appealed to the state board.

(e) The Wyoming charter school authorizing board shall submit all applications received under this section to the department of education for review of compliance with the

accreditation requirements. The department of education shall submit a report of this review to the Wyoming charter school authorizing board.

**21-3-308. Hearing by authorizer; prohibited actions by authorizer; criteria; compliance with state standards; contractual authority.**

(a) Not later than sixty (60) days after receiving an application for any charter school which has been determined to be complete pursuant to W.S. 21-3-307(b), the authorizer shall hold a public hearing on the application, at which time the authorizer shall consider the level of community and parental support for the application if an application for a new charter school, or the level of teacher and parental support if an application for a converted charter school or charter school within a school. The application review process shall also include an in-person interview of the applicant or applicant group. Following review of the application and the public hearing, if applicable, and in accordance with subsection (d) of this section, the authorizer shall either approve or deny the application within ninety (90) days of receipt. In addition, the authorizer may approve an application for the operation of a converted charter school only if it determines teacher and parental support for the conversion are established at the levels required by W.S. 21-3-306(b). Prior to approving an application for a charter school under this section, the authorizer shall approve and adopt the content and terms of the charter as provided in W.S. 21-3-307.

(b) No district board of trustees or agent of the board shall require any employee of the school district to be employed in a charter school or any pupil enrolled in the school district to attend a charter school. No district board or its agent shall harass, threaten, discipline, discharge, retaliate or in any manner discriminate against any district employee involved directly or indirectly with an application to establish a charter school as authorized under this article.

(c) The applicant shall provide with the application information regarding the proposed operation and potential effects of the school, including but not limited to the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided and a demonstration that the school is adequately insured for liability, including errors and omissions coverage, and that the authorizer is indemnified to the fullest extent possible. A

district board may upon request of the applicant and approval of the charter school application, make available for use by the charter school any district facility which is closed, not operational and otherwise feasible for use as an educational building as defined under W.S. 21-15-109(a)(ii).

(d) Upon the approval of any application by the authorizer, the applicant shall provide written notice of that approval including a copy of the application to the state superintendent. If the authorizer denies the application, the authorizer shall not later than forty-five (45) days following the date of its decision, notify the applicant of the denial in writing together with its reasons for denial.

(e) A charter school may contract for the provision of services and property subject to the following:

(i) The contract shall be executed in the same manner and subject to the same restrictions as contracts by a school district;

(ii) The charter school shall be subject to all competitive bidding laws which apply to a school district;

(iii) The contract shall not exceed funds available to the charter school;

(iv) The contract shall not exceed the remaining length of operation for which the charter school was approved pursuant to W.S. 21-3-309;

(v) Repealed by Laws 2021, ch. 169, § 4.

(f) A school district shall not discriminate against a charter school in publicizing the district's educational options through advertising, direct mail, availability of mailing lists or other informational activities.

(g) Charter schools shall meet the state uniform educational program standards imposed upon public schools by W.S. 21-9-101 and 21-9-102 and the uniform state student content and performance standards prescribed by the state board of education under W.S. 21-2-304, including compliance with requirements under the statewide assessment system pursuant to W.S. 21-2-304(a)(v).

(h) Those teachers employed on a full-time basis in the charter school system shall be subject to the same requirements with respect to certification by the Wyoming professional teaching standards board under W.S. 21-2-802 and other qualifications as any other teachers authorized to teach in Wyoming public schools.

**21-3-309. Length of operation under charter; renewal; revocation.**

(a) A charter contract may be granted pursuant to this article for a period of five (5) years. A charter contract may be renewed for successive five (5) year terms, provided that the authorizer may vary the duration of the term based on the performance, demonstrated capacities and particular circumstances of the charter school. An authorizer may grant renewal of the charter contract with specific conditions for necessary improvements to the charter school.

(b) A charter school renewal application submitted to the authorizer shall be on a form prescribed by the state superintendent pursuant to W.S. 21-3-307(d) and in accordance with W.S. 21-3-305(b) and shall contain:

(i) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards and other terms of the initial approved charter application; and

(ii) A financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the general public and that will allow comparison of such costs to other schools or other comparable organizations, in a format required by the state board.

(c) A charter may be revoked or not renewed by the authorizer if the authorizer determines that the charter school did any of the following:

(i) Committed a material violation of any of the conditions, standards or procedures set forth in the charter application;

(ii) Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter application;

(iii) Failed to meet generally accepted standards of fiscal management; or

(iv) Violated any provision of law from which the charter school was not specifically exempted.

(d) Repealed by Laws 2021, ch. 169, § 4.

(e) If an authorizer revokes or does not renew a charter, the authorizer shall state its reasons for the revocation or nonrenewal.

(f) Repealed by Laws 2021, ch. 169, § 4.

(g) The charter school may appeal the authorizer's decision to revoke or not renew a charter application first to the office of administrative hearings, then to the district court where the charter school is located.

**21-3-310. Repealed by Laws 2021, ch. 169, § 4.**

**21-3-311. Participation in retirement system.**

(a) Repealed by Laws 2021, ch. 169, § 4.

(b) Any charter school shall participate in the Wyoming retirement system to the extent as if it were a public school within the district as designated in the charter.

**21-3-312. Authorizer to report to state board.**

Each authorizer granting a charter pursuant to this article shall annually report to the state board on each charter school operating under its authorization and compliance with the provisions of the charter.

**21-3-313. Charter schools; employee options.**

(a) Repealed by Laws 2021, ch. 169, § 4.

(b) The employment status of school district employees employed by the charter school who seek to return to employment with noncharter schools in the school district shall be negotiated with the school district and included in the charter contract.

(c) Repealed by Laws 2021, ch. 169, § 4.

**21-3-314. Students counted among district ADM; determination of charter school funding.**

(a) Each student attending a charter school shall be counted among the average daily membership of the school district in which the school is located and the school shall be included in the district's configuration of schools reported to the state superintendent under W.S. 21-13-309(m)(iv). Average daily membership of the charter school shall be calculated as follows:

(i) Notwithstanding W.S. 21-13-309(m)(iv)(A), in the first year of operation, the average daily membership for the charter school shall be based on the following:

(A) Initial average daily membership shall be calculated based upon the March 1 list of students who intend to enroll in the charter school as required under subsection (b) of this section;

(B) The average daily membership of the charter school computed under subparagraph (i)(A) of this subsection shall be adjusted by the enrollment count taken on October 1 of the first year of operation;

(C) Repealed by Laws 2023, ch. 179, § 3.

(ii) In the second year and all subsequent years and except as otherwise provided under paragraph (iv) of this subsection, the average daily membership of the charter school shall be counted only among the average daily membership of the school district;

(iii) Repealed by Laws 2023, ch. 179, § 3.

(iv) Notwithstanding W.S. 21-13-309(m)(iv)(A), in the second and third year of charter school operation, the average daily membership of a charter school shall be based upon the prior school year average daily membership adjusted by the enrollment count taken on October 1 of the applicable school year;

(v) Notwithstanding W.S. 21-13-309(m)(iv)(A), for any charter school in its fourth or subsequent year of charter school operation and the charter school expands its enrollment



to include one (1) or more consecutive grade levels above its current school configuration of grades, the average daily membership for the charter school shall be adjusted by the enrollment count taken on October 1 of the first year of operation under the expanded grade level or levels.

(b) Any approved charter school shall provide the local school district with the names, grades and school of current enrollment for all students who plan to enroll in the proposed charter school. The information shall be provided no later than March 1 of the school year preceding the school year in which the charter school plans to begin operation.

(c) The charter school shall be entitled to the following amounts:

(i) One hundred percent (100%) of the foundation program amount computed under W.S. 21-13-309(m) based upon the average daily membership of the charter school, less amounts generated by the charter school's membership under paragraphs (b)(xxix) and (xxx) of "Attachment A" as defined in W.S. 21-13-101(a)(xvii) and less amounts specified under W.S. 21-13-309(m)(v)(E)(III) through (V);

(A) Repealed By Laws 2006, Chapter 37, § 2.

(B) Repealed By Laws 2006, Chapter 37, § 2.

(ii) One hundred percent (100%) of the amount to be contributed to the school district under major maintenance payments pursuant to W.S. 21-15-109 based upon the proportion that the charter school educational building gross square footage contributes to the district educational building gross square footage;

(iii) Repealed by Laws 2023, ch. 179, § 3.

(iv) One hundred percent (100%) of the amount expended by the charter school that is eligible for reimbursement under W.S. 21-13-320 and 21-13-321 as computed under W.S. 21-13-309(m);

(v) One hundred percent (100%) of the amount expended by the charter school that is eligible for reimbursement by the department of education under W.S. 9-3-413.

(d) The charter school may also contract with the school district for centralized services provided by the district including curriculum, media services, libraries and federally required educational services such as special education.

(e) The district and the charter school may by mutual agreement fund the charter school through a specific budget for the charter school.

(f) Repealed by Laws 2023, ch. 179, § 3.

#### ARTICLE 4 - READING ASSESSMENT AND INTERVENTION

##### **21-3-401. Reading assessment and intervention.**

(a) Each school district shall select and implement a reading assessment and intervention program that uses an instrument identified by the state superintendent under subsection (d) of this section that screens for signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies, not less than three (3) times per year in kindergarten through grade three (3) and that implements with fidelity an evidence based intervention program. The program shall include instruments identified by the state superintendent under subsection (d) of this section that monitor and measure reading progress and assess student reading skills and progress to provide data that informs any intervention. The assessment and intervention program shall be administered to all students in kindergarten through grade three (3). The program shall also include implementation of evidence based core curricula aligned to the uniform content and performance standards and evidenced based interventions to meet the needs of all students. The program shall be multi-tiered and shall include evidence based interventions to facilitate remediation of any reading difficulty as early as possible.

(b) As soon as practicable after the assessment or screening is conducted under the program established in subsection (a) of this section, each school district shall provide a copy of the screening results, including an explanation of the screening results, to the parent, guardian or other person having control of a student showing signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies, or not showing appropriate reading competence under this section. Students not showing appropriate reading competence under this section shall be placed on an individualized reading plan to remedy the reading related

difficulty utilizing an appropriate evidence based intervention program, which may include a group reading plan. The district shall provide a copy of a student's individualized reading plan to the student's parent, guardian or other person having control of the student. For students under an individualized education program (IEP) which addresses reading difficulties, the IEP shall be deemed sufficient to meet the requirements of this subsection and no additional plan shall be required.

(c) Each district shall annually report to the department of education on the progress of each of its schools toward achieving the goal of eighty-five percent (85%) of all students reading at grade level upon completion of the third grade. This report shall include cohort analysis for kindergarten through grade three (3) for those students identified by the screening instruments as having signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies. The report shall include the percentage of students meeting or exceeding proficiency levels for the annual reporting period. The reporting shall also include the aggregate number of students identified by the screening instruments as having signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies, in addition to listing the evidence based interventions implemented in each district by grade. This report shall include kindergarten through grade three (3) progress toward achieving the goal of eighty-five percent (85%) proficiency in the specific skills known to be predictive of grade three (3) reading proficiency and that are listed in subsection (d) of this section. Grade three (3) reading proficiency shall be determined by the grade three (3) statewide assessment administered pursuant to W.S. 21-2-304(a)(v). Each school not meeting the eighty-five percent (85%) goal specified under this subsection shall submit an improvement plan to the school district, and the school district shall submit an overall improvement plan to the department. At a minimum, each school and district improvement plan shall outline its general strategy for increasing reading proficiency for the next school year and shall specifically address the evidence based program of instruction, assessment and intervention being implemented, the specific training in those programs that reading teachers have received, the student-teacher ratio, the use of certified tutors and the use of instructional facilitators and paraprofessionals in kindergarten through grade three (3) trained in the delivery of the evidence based instruction and intervention program selected by the district.

(d) The state superintendent, in consultation with Wyoming school districts, professionals in the area of reading difficulties, including but not limited to dyslexia and other reading deficiencies, and other appropriate stakeholders, shall promulgate rules as necessary to assist each school district to administer its reading assessment and intervention program pursuant to this section and to assess the skills in paragraphs (i) through (v) of this subsection using a curriculum-independent assessment. The rules shall contain criteria to identify instruments that screen for signs of reading difficulties, including but not limited to dyslexia and other reading deficiencies, required under subsection (a) of this section. Based on the criteria incorporated by rule, the state superintendent shall identify instruments approved for use by school districts that monitor and measure reading progress and assess student reading skills and progress to provide data that informs any intervention required under subsection (a) of this section. The rules shall provide mechanisms for the state superintendent to directly support schools and school districts in meeting the goals of improvement plans developed pursuant to subsection (c) of this section including, but not limited to, professional development in evidence based literacy instruction and intervention and professional development in identifying the signs of reading difficulties, including but not limited to dyslexia and other reading deficiencies. To accomplish the purposes of this subsection, the department of education shall collect kindergarten through grade three (3) statewide longitudinal data from assessments selected and performed by each school district, which measures the following specific skills that evidence based research has concluded are predictive of grade three (3) reading proficiency:

- (i) Phonological awareness;
- (ii) Phonics;
- (iii) Decoding words and nonwords;
- (iv) Oral reading fluency; and
- (v) Reading comprehension.

(e) Commencing with school year 2022-2023, each school district shall require each district employee providing instruction in grades kindergarten through three (3) within the district to have received or receive professional development in evidence based literacy instruction and intervention and in

identifying the signs of reading difficulties, including but not limited to dyslexia and other reading deficiencies, using suitable materials reviewed and required pursuant to rule by the state superintendent. The rules required under subsection (d) of this section shall establish minimum reading assessment and intervention professional development requirements to be completed not less than once every three (3) years as required under this subsection for district employees providing instruction in grades kindergarten through three (3). The rules shall contain criteria to identify appropriate and suitable professional development materials for district employees in evidence based literacy instruction and intervention and in detection of reading difficulties, including but not limited to dyslexia and other reading deficiencies.

## ARTICLE 5 - DRIVER'S EDUCATION PROGRAMS

### **21-3-501. Driver's education programs.**

(a) Subject to subsection (b) of this section, any school district providing instruction in grades nine (9) through twelve (12) for driver's education shall upon application to the department of transportation through the department of education in accordance with subsection (c) of this section, be reimbursed an amount equal to one hundred percent (100%) of the amount actually expended by the district during the immediately preceding school year for driver's education programs relating to alcohol-impaired driving. Reimbursement under this section shall be paid by the department of transportation to the qualifying district on or before October 15 of any school year.

(b) Reimbursement to school districts under this section shall be limited by the amount of federal or state funds made available for this program for any school year.

(c) Application under subsection (a) of this section shall be in a manner and form prescribed by department of transportation rule and regulation, shall include driver's education program expenditures for the applicable reporting period and shall be submitted to the department of education not later than September 1 of the appropriate school year. Expenditures qualifying for reimbursement under this section shall be subject to guidelines and standards established by department of transportation rule and regulation.

(d) The school finance section of the department of audit established under W.S. 9-1-513 shall conduct periodic audits of

the information submitted within applications filed under this section and shall include the resulting audit findings within the department's annual report to the legislature required by W.S. 9-1-513(b) (viii).

(e) The department of education in consultation with the department of transportation shall provide by rule and regulation standards for driver education programs in high schools, private schools as defined in W.S. 21-4-101(a) (iii), community colleges, boards of cooperative educational services, community education programs and drivers' education schools. The department of transportation in consultation with the department of education shall adopt procedures by rule and regulation to implement the provisions of W.S. 31-7-108(a).

(f) The department shall designate and may employ a state coordinator of driver education programs to provide oversight of all driver education programs throughout the state. The responsibilities of the coordinator shall include, but not be limited to:

(i) Assuring quality driver education programs in this state;

(ii) Serving as a liaison between the department of education and the department of transportation;

(iii) Promoting driver safety throughout the state;  
and

(iv) Reviewing and approving driver education programs in accordance with the rules and regulations issued by the departments of education and transportation.

(g) No driver education program identified in subsection (e) of this section shall issue a certificate for purposes of W.S. 31-7-108(a) unless the school's program has first been reviewed and issued a certificate of approval by the state coordinator of driver education. Certificates of approval shall be issued only upon written application of the school, and shall be issued for such periods and in such manner as provided in rules and regulations of the department of education.

#### CHAPTER 4 - PUPILS

##### ARTICLE 1 - COMPULSORY ATTENDANCE

## **21-4-101. Definitions.**

(a) For the purposes of this article:

(i) "Unexcused absence" means the absence, as defined in the rules of the local board of trustees pursuant to W.S. 21-3-110(a) (xxxix);

(ii) "Habitual truant" means any child who disobeys reasonable and lawful demands of the child's parent, guardian, custodian or other proper authority to attend school if required under W.S. 21-4-102 and as further defined in the rules of the local board of trustees pursuant to W.S. 21-3-110(a) (xxxix);

(iii) "Private school" is any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs;

(iv) "Parochial, church or religious school" is one operated under the auspices or control of a local church or religious congregation or a denomination established to promote and promulgate the commonly held religious doctrines of the group though it may also include basic academic subjects in its curriculum. Nothing contained in W.S. 21-4-102(b), 21-2-401 or 21-2-406 grants to the state of Wyoming or any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestions as to the control, management or supervision of any parochial, church or religious school which meets the requirements of W.S. 21-2-406(a);

(v) A home-based educational program means a program of educational instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian;

(vi) "Basic academic educational program" is one that provides a sequentially progressive curriculum of fundamental instruction in reading, writing, mathematics, civics, history, literature and science. These curriculum requirements do not require any private school or home-based educational program to include in its curriculum any concept, topic or practice in conflict with its religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with its religious doctrines;

(vii) "Willful absenteeism" means exceeding the limit of unexcused absences as defined in the rules of the local board of trustees pursuant to W.S. 21-3-110(a)(xxxix) when the excess absences are the result of a parent's, guardian's or custodian's willful failure, neglect or refusal to require a child's regular attendance at school in accordance with W.S. 21-4-102.

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

(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before August 1, or September 15 if the child started kindergarten pursuant to an approved request under W.S. 21-3-110(a)(xxxviii), of any year and who has not yet attained his sixteenth birthday or completed the tenth grade shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

(i) The board believes that compulsory attendance in school would be detrimental to the mental or physical health of such child or the other children in the school; provided, the board may designate at the expense of the district a medical doctor of its choice to guide it and support it in its decision;

(ii) The board feels that compulsory school attendance might work undue hardship. The board may conduct a hearing on issues pursuant to this paragraph by executive session; or

(iii) The child has been legally excluded from the regular schools pursuant to the provisions of W.S. 21-4-306.

(b) A home-based educational program shall meet the requirements of a basic academic educational program pursuant to W.S. 21-4-101(a)(vi). It shall be the responsibility of every person administering a home-based educational program to submit a curriculum to the local board of trustees each year showing that the program complies with the requirements of this subsection. Failure to submit a curriculum showing compliance is prima facie evidence that the home-based educational program does not meet the requirements of this article.



(c) In addition to subsection (a) of this section, the parent, guardian or other person having control or charge of any child under the age of eighteen (18), who has not otherwise notified the district of enrolling that child in a different school district or in a private school or home-based educational program, shall meet in person with a school district counselor or administrator to provide the school district with written consent to the withdrawal of that child from school attendance. The written consent to withdrawal shall include a separate provision authorizing the release of the student's identity and address to the Wyoming national guard youth challenge program, as established by W.S. 19-9-701, for the sole purpose of recruitment into the Wyoming national guard youth challenge program.

**21-4-103. Enforcement of article; appointment and compensation of attendance officers.**

The primary responsibility for the enforcement of this article shall be upon the board of trustees of the school district, which shall appoint an attendance officer or officers to carry out the provisions of this article. Said officer shall be paid out of the district treasury such sum as may be provided in the order of appointment.

**21-4-104. Duties of attendance officers.**

(a) Subject to the rules and policies of the board of trustees, it shall be the duty of each attendance officer to:

(i) Counsel with students, parents, guardians or custodians and teachers; and to investigate the causes of unexcused absences, habitual truancy and willful absenteeism;

(ii) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law under W.S. 21-4-102 and local board rules pursuant to W.S. 21-3-110(a)(xxxix). If after such notice has been given, the child has continued unexcused absences in violation of W.S. 21-4-102 or local board of trustees rules under W.S. 21-3-110(a)(xxxix) and the attendance officer reasonably believes that the unexcused absences were due to neglect as defined in W.S. 14-3-202(a)(vii), willful absenteeism or habitual truancy, the attendance officer shall proceed in accordance with W.S. 21-4-107.

**21-4-105. Penalty for failure of parent, guardian or custodian to comply with article.**

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects or refuses to comply with the provisions of this article may be punished by not more than ten (10) days of community service and subject to proceedings under the Child Protection Act, W.S. 14-3-401 et seq., or the Children In Need of Supervision Act, W.S. 14-6-401 et seq., or both.

**21-4-106. List of children of school age to be furnished; notice of unexcused absences.**

At the beginning of each school year, the board of trustees shall furnish each district attendance officer a list of the names of the children of compulsory school age within the district who are enumerated on the regular enumeration lists. The person in charge of each school within the district shall notify each district attendance officer promptly in writing of all cases of unexcused absence so that the attendance officer may proceed according to the provisions of this article.

**21-4-107. Notice to district attorney and tribe of habitual truancy or willful absenteeism; duty of district attorney.**

When the attendance officer of any school district determines that a child is an habitual truant or has been absent due to willful absenteeism as defined by this article the attendance officer shall notify the board of trustees and the district attorney who may initiate proceedings in the interest of the child under the Child Protection Act, W.S. 14-3-401 et seq., or the Children In Need of Supervision Act, W.S. 14-6-401 et seq., as appropriate. If the child is an Indian child as defined in the federal Indian Child Welfare Act, 25 U.S.C. 1901 et seq. or as defined by W.S. 14-6-702(a)(iv), the district attorney shall notify the child's tribe and any other person or entity entitled to notice under the Wyoming Indian Child Welfare Act and may initiate proceedings in the interest of the child if authorized to do so under state and federal law. If the Indian child resides on the Wind River Indian Reservation, the attendance officer shall notify the Wind River Tribal Court prosecutor and the tribal prosecutor may initiate proceedings pursuant to applicable tribal law and order codes.

ARTICLE 2 - ENUMERATION

**21-4-201. Repealed by Laws 1979, ch. 75, § 2.**

**21-4-202. Repealed by Laws 1979, ch. 75, § 2.**

**21-4-203. Repealed by Laws 1979, ch. 75, § 2.**

ARTICLE 3 - RIGHT TO ATTEND SCHOOL

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

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

**21-4-302. Age for registration in first grade and kindergarten; preschool programs.**

(a) A pupil may register in the first grade in the public schools of this state in the year in which his sixth birthday falls on or before August 1, or September 15 if the child started kindergarten pursuant to an approved request under W.S. 21-3-110(a) (xxxviii).

(b) A pupil may register in kindergarten in the public schools of this state in the year in which his fifth birthday falls on or before August 1, or September 15 if pursuant to an approved request under W.S. 21-3-110(a) (xxxviii).

(c) The board of trustees of a school district may permit the enrollment of pupils in a part-time preschool program with a curriculum based on developmentally appropriate practices funded by the district. The school district may:

(i) Contract with a preschool program to operate the preschool. The program may use school district facilities or facilities which are provided by others and may utilize the services of personnel who are not school district personnel and which are provided by others;

(ii) Establish a minimum attendance age for the program, but a pupil must have attained at least his third birthday on or before August 1 of the year in which that pupil enrolls. A pupil who enrolls in such a preschool program shall not be included within the district's average daily membership (ADM) for purposes of receiving state funds or within any other school funding formula for purposes of receiving funds from the state, unless the pupil has attained the minimum age for registration in kindergarten as provided in subsection (b) of this section;

(iii) Provide, or contract with an outside organization to provide, technical assistance, including occasional classroom instruction regardless of the regularity of such occasional classroom instruction, to preschool programs. Technical assistance may be provided to preschool programs on the basis of location, date of application for such assistance by a program, random selection of a program, or family income, home location, eligibility for a federal program or other socioeconomic characteristics which correlate with risk for unsuccessful academic performance of pupils attending the program. No preschool program shall be required to receive such technical assistance. A district shall not receive any additional financial assistance from the state if the district chooses to provide technical assistance to a preschool program under this paragraph.

(d) A program shall not discriminate in enrollment on the basis of sex, race, religion or national origin.

(e) A school district which provides a preschool program under subsection (c) of this section biennially shall assess, through the fourth grade when practical, the school readiness and academic performance of pupils who participate in the program as compared with those who do not participate in the

program. The results of any assessment required by this subsection shall be open for public inspection.

(f) Nothing in this section supersedes W.S. 21-2-701 through 21-2-705.

**21-4-302.1. Advance enrollment for children of transferred military personnel.**

(a) For purposes of registration with a school district, a pupil shall be considered a resident of this state if the pupil's parent or guardian is transferred to or is pending transfer to the state while on active military duty pursuant to an official military order.

(b) For pupils qualifying under subsection (a) of this section, school districts shall accept enrollment requests electronically. If a school district allows enrollment requests for a pupil to attend a specific school or program, the school district shall allow the enrollment request to be submitted electronically for a pupil qualifying under subsection (a) of this section.

(c) For pupils qualifying under subsection (a) of this section, a parent or guardian shall provide proof of residence to the pupil's school district within ten (10) days after the pupil first attends the school district.

(d) As used in this section, "active military duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders.

**21-4-302.2. Enrollment and transfer for children of active duty military members; discrimination.**

(a) As used in this section, "active duty military" means full-time duty status in the active uniformed services of the United States. The term does not include members of the national guard and reserve on active duty orders.

(b) Once enrolled in a public school within the school district, any pupil whose parent or guardian is an active duty military member may transfer enrollment from one (1) public school within the school district where the pupil resides to another public school within the same district at any time, except as otherwise provided in subsection (c) of this section.

A transfer of enrollment under this subsection shall require that the active duty military member provide proof of having filed an official complaint with a military base equal opportunity office describing discrimination against the pupil seeking the transfer of enrollment.

(c) A school district may decline to transfer a pupil seeking a transfer under this section in a particular public school within the district if the pupil seeking a transfer of enrollment has been suspended or expelled or is in the process of being suspended or expelled under W.S. 21-4-305 through 21-4-306.

(d) Not later than ten (10) days after a school district declines to transfer a pupil seeking a transfer under subsection (c) of this section, a school district shall report its denial to the state superintendent of public instruction.

(e) Nothing in this section shall be construed to require a particular public school to offer additional programs, alter the structure or equipment of the necessary facilities to meet any special needs of a pupil, offer a particular program or alter eligibility criteria for participation in a particular program including age requirements, course prerequisites and required levels of performance.

(f) Any parent or guardian who is an active duty military member aggrieved by a decision of the school district under subsection (c) of this section, may seek review in accordance with the Wyoming Administrative Procedure Act. In accordance with W.S. 16-3-112, the review of a decision of the school district shall be before the state superintendent of public instruction.

**21-4-303. Right not denied on account of sex, race or religion.**

No child shall be denied the right to attend the public schools of this state on account of sex, race, or religion.

**21-4-304. Repealed by Laws 1991, ch. 138, § 1.**

**21-4-305. Suspension or expulsion; authority; procedure.**

(a) The board of trustees of any school district is authorized to suspend or expel a student subject to the requirements to provide notice and an opportunity to be heard as

set forth in this section. The board of trustees may delegate the authority to suspend or expel a student to disciplinarians chosen from the administrative and supervisory staff.

(b) No student shall be suspended or expelled from school without notice as set forth in this subsection and an opportunity to be heard as set forth in subsection (c) of this section. To provide notice the disciplinarian shall:

(i) Give the student to be suspended or expelled oral or written notice of the charges against him and an explanation of the evidence the authorities have;

(ii) In good faith attempt to notify the student's parents, guardians or custodians within twenty-four (24) hours of the student's suspension or expulsion and the reasons for the suspension or expulsion, using contact information on record with the school or district. The disciplinarian shall keep record of the efforts to provide notice under this paragraph and whether the notice was provided successfully;

(iii) Give the student to be suspended or expelled an opportunity to be heard and to present his version of the charges against him as set forth in subsection (c) of this section;

(c) To provide an opportunity to be heard the disciplinarian shall give every student to be suspended or expelled the opportunity to be heard as soon as practicable after the misconduct, and in accordance with the following, unless a student requests an extension of time and the board of trustees or the disciplinarian designee of the board approves the extension:

(i) For a suspension of ten (10) school days or less, notice shall be provided in accordance with paragraph (b)(ii) of this section and a student shall be provided an opportunity to be heard before a student is removed unless the student's presence endangers persons or property or threatens disruption of the academic process, in which case his immediate removal from school may be justified, but the opportunity to be heard shall follow as soon as practicable, and not later than seventy-two (72) hours after his removal, not counting Saturdays and Sundays;

(ii) For a suspension or expulsion longer than ten (10) school days a hearing shall be held in accordance with the

Wyoming Administrative Procedure Act and, unless the student requests an extension and the board or the disciplinarian designee of the board approves an extension, the hearing shall be held within ten (10) business days, or as soon thereafter as is reasonably practicable, after the supervisory staff disciplinarian recommends suspension or expulsion to the appropriate administrator. The student's suspension shall continue until the hearing is held.

(d) Repealed by Laws 2019, ch. 164, § 2.

(e) Suspension or expulsion shall not be imposed as an additional punishment for offenses punishable under the laws of the state, except for expulsion by a district superintendent under subsection (a) of this section, or where the offense was committed at a school function, against the property of the school, or is of such nature that continuation of the child in school would clearly be detrimental to the education, welfare, safety or morals of other pupils. No suspension or expulsion shall be for longer than one (1) year.

(f) Any decision of the board, or of a designated superintendent, shall be considered a final decision which may be appealed to the district court of the county in which the school district is located, pursuant to provisions of the Wyoming Administrative Procedure Act. The court may, on application or on its own motion, stay the decision of the board or superintendent pending appeal, considering both the best interests of the child and the need to maintain an orderly environment conducive to learning for other children.

(g) As used in this chapter, an "opportunity to be heard" means at a minimum a meeting in which the disciplinarian or his designee provides the substantive information regarding the suspension or expulsion to the student to be suspended, and the student to be suspended may dispute the substantive information provided. An opportunity to be heard does not require a formal hearing in accordance with the provisions of the Wyoming Administrative Procedure Act except as provided in paragraph (c)(ii) of this section.

#### **21-4-306. Suspension or expulsion; grounds.**

(a) The following shall be grounds for suspension or expulsion of a child from a public school during the school year:



(i) Continued willful disobedience or open defiance of the authority of school personnel;

(ii) Willful destruction or defacing of school property during the school year or any recess or vacation;

(iii) Any behavior which in the judgment of the local board of trustees is clearly detrimental to the education, welfare, safety or morals of other pupils, including the use of foul, profane or abusive language or habitually disruptive behavior as defined by subsection (b) of this section;

(iv) Torturing, tormenting, or abusing a pupil or in any way maltreating a pupil or a teacher with physical violence;

(v) Possession, use, transfer, carrying or selling a deadly weapon as defined under W.S. 6-1-104(a)(iv) within any school bus as defined by W.S. 31-7-102(a)(xl) or within the boundaries of real property used by the district primarily for the education of students in grades kindergarten through twelve (12).

(b) As used in paragraph (a)(iii) of this section, "habitually disruptive behavior" means overt behavior willfully initiated by a student causing disruption in the classroom, on school grounds, on school vehicles or at school activities or events, which requires the attention of a teacher or other school personnel.

(c) The board of trustees shall, subject to the case-by-case modification permitted by subsection (d) of this section, require the district superintendent to expel from school for a period of one (1) year any student determined to violate paragraph (a)(v) of this section.

(d) The superintendent with the approval of the board of trustees may modify the period of any expulsion on a case-by-case basis based upon the circumstances of the violation. Upon a violation of paragraph (a)(v) of this section and following notice and hearing requirements of W.S. 21-4-305, the superintendent shall notify the district attorney of the violation together with the specific act in violation of paragraph (a)(v) of this section and the name of the student violating paragraph (a)(v) of this section. Nothing in this section prohibits a district from providing educational services to the expelled student in an alternative setting.

**21-4-307. Denial of admission to school.**

(a) The board of trustees of any school district within the state may deny admission to any child who:

(i) Has completed the twelfth grade; or

(ii) Has such a mental or physical disability that based upon a physician's certificate the board believes such child could not reasonably benefit from the programs available or the attendance of such child would be inimical to the health, safety, or welfare of other pupils; provided, that the board shall make the best possible provision for suitable and adequate education of such child in accordance with the laws of this state.

**21-4-308. Punishment and disciplinary measures; denial of diploma or credit.**

(a) Each board of trustees in each school district within the state may adopt rules for reasonable forms of punishment and disciplinary measures. Subject to such rules, teachers, principals, and superintendents in such district may impose reasonable forms of punishment and disciplinary measures for insubordination, disobedience, and other misconduct.

(b) Teachers, principals and superintendents in each district shall be immune from civil and criminal liability in the exercise of reasonable corporal discipline of a student as authorized by board policy.

(c) No diploma or credit for a course which has been completed successfully shall be denied a pupil who has earned it; provided, such diploma or credit shall not be deemed earned until payment has been made for all indebtedness due to the school district.

**21-4-309. Mandatory immunizations for children attending schools; exceptions.**

(a) Any person attending, full or part time, any public or private school, kindergarten through twelfth grade, shall within thirty (30) days after the date of school entry, provide to the appropriate school official written documentary proof of immunization. For purposes of this section, documentary proof of immunization is written certification by a private licensed physician or his representative or by any public health

authority, that the person is fully immunized. Documentation shall include month, day and year of each required immunization received against vaccine preventable disease as designated by the state health authority. No school administrator shall permit a student to attend school for more than thirty (30) calendar days without documentary proof of immunization. If immunization requires a series of immunizations over a period of more than thirty (30) calendar days, the child shall be permitted to attend school while receiving continuing immunization if the school administrator receives written notification by a private licensed physician or his representative or by a public health official, specifying a written schedule for necessary immunization completion within the medically accepted time period. Waivers shall be authorized by the state or county health officer upon submission of written evidence of religious objection or medical contraindication to the administration of any vaccine. In the presence of an outbreak of vaccine preventable disease as determined by the state or county health authority, school children for whom a waiver has been issued and who are not immunized against the occurring vaccine preventable disease shall be excluded from school attendance for a period of time determined by the state or county health authority, but not suspended from school as provided in W.S. 21-4-305. Children excluded from school attendance under this section shall not be counted in the aggregate number of pupils absent as defined in W.S. 21-13-101(a)(i).

(b) The school administrator shall be responsible for an audit of the immunization status of any child enrolled in the school in accordance with rules and regulations prescribed by the department of health.

(c) The written documented proof of immunization on a form provided by the state health officer shall be an integral part of the child's school record.

(d) For purposes of this section:

(i) "State health officer" means the person appointed by the governor pursuant to W.S. 9-2-103(e);

(ii) "County health officer" means the licensed medical officer designated by the county commissioners to serve as health officer for his county;

(iii) "Immunized" or "immunization" means initial immunization and any boosters or reimmunizations required to maintain immunization pursuant to the immunization standards and recommendations issued by the state health officer.

**21-4-310. Self-administration of medication for potentially life threatening conditions.**

(a) The district board shall permit a student to possess and self-administer within any school of the district medication required for potentially life threatening conditions if a written statement is submitted to the district containing applicable:

(i) Parental verification that the student is responsible for and capable of self-administration and parental authorization for self-administration of medication required for potentially life threatening conditions;

(ii) Health care provider identification of the prescribed or authorized medication required for potentially life threatening conditions and verification of the appropriateness of the student's possession and self-administration of the medication required for potentially life threatening conditions.

(b) The written statement shall be prescribed by the department of education, with the assistance of the department of health, and shall require the signatures of the parent or guardian of the student and the student's physician or physician's representative.

(c) As used in this section:

(i) "Asthma medication" means prescription or nonprescription inhaled asthma medication;

(ii) "Potentially life threatening conditions" includes, but is not limited to asthma, food allergies and insect bites;

(iii) "Medication required for potentially life threatening conditions" includes, but is not limited to asthma medication and prescription single dose epinephrine pens.

**21-4-311. Safe school climate act; short title.**

This act shall be known and may be cited as the "Safe School Climate Act".

**21-4-312. Definitions.**

(a) As used in this act:

(i) "Harassment, intimidation or bullying" means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of:

(A) Harming a student physically or emotionally, damaging a student's property or placing a student in reasonable fear of personal harm or property damage;

(B) Insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or

(C) Creating an intimidating, threatening or abusive educational environment for a student or group of students through sufficiently severe, persistent or pervasive behavior.

(ii) "School" includes a classroom or other location on school premises, a school bus or other school-related vehicle, a school bus stop, an activity or event sponsored by a school, whether or not it is held on school premises, and any other program or function where the school is responsible for the child;

(iii) "This act" means W.S. 21-4-311 through 21-4-315.

**21-4-313. Prohibition against harassment, intimidation or bullying; reporting to school officials.**

(a) No person shall engage in:

(i) Harassment, intimidation or bullying; or

(ii) Reprisal or retaliation against a victim, witness or person who reports information about an act of harassment, intimidation or bullying.

**21-4-314. School district implementation; state policies, training and technical assistance.**

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(b) The policy prohibiting harassment, intimidation or bullying shall include, without limitation:

(i) A statement prohibiting harassment, intimidation or bullying of a student;

(ii) A definition of "harassment, intimidation or bullying" which includes at minimum the definition as provided in W.S. 21-4-312(a)(i);

(iii) Consequences and appropriate remedial actions for persons committing acts of harassment, intimidation or bullying or engaging in reprisal or retaliation;

(iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely on the basis of an anonymous report. The procedures shall identify the appropriate school personnel responsible for receiving a report and investigating a complaint;

(v) Procedures for prompt investigation of reports or complaints of serious violations;

(vi) A statement that prohibits reprisal or retaliation against a person who reports or makes a complaint of harassment, intimidation or bullying;

(vii) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;

(viii) Consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint;

(ix) A process for discussing the district's harassment, intimidation or bullying policy with students; and

(x) A statement of how the policy is to be publicized, including notice that the policy applies to participation in functions sponsored by the school.

(c) To assist local school districts in developing a policy under subsection (b) of this section, the department of education shall not later than September 1, 2009, develop model policies applicable to grades kindergarten through twelve (12) and teacher preparation program standards on the identification and prevention of bullying. In addition, the department shall provide necessary training programs and technical assistance to districts in carrying out this act.

(d) Each local school board shall include the policy adopted by a school district pursuant to this section in a publication of the comprehensive rules, procedures and standards of conduct for schools of a school district and in each school's student's handbook.

(e) Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students.

(f) School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.

**21-4-315. Applicability; no civil liability created; immunity.**

This article shall not be interpreted to prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This article does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this act.

**21-4-316. Administration of stock epinephrine auto-injectors.**

(a) A district board may adopt and implement a policy whereby the district may acquire, maintain and dispense to schools within the district a supply of epinephrine auto-injectors. Upon authorization by the board, school nurses and assigned school personnel may administer a stock epinephrine auto-injector to a student that the school nurse or assigned school personnel in good faith believes is experiencing a severe allergic reaction. A district board shall not be required to obtain a prescription to acquire, maintain or dispense to schools within the district a supply of epinephrine auto-injectors under this section. A district board may enter into arrangements with manufacturers or third-party suppliers of epinephrine auto-injectors to obtain the epinephrine auto-injectors at fair market, free or reduced prices.

(b) A district board that decides to acquire, maintain and dispense a supply of epinephrine auto-injectors shall:

(i) Implement a plan based on the guidelines developed pursuant to this section for the management of students with life threatening allergies enrolled in the schools within the district;

(ii) Make the plan available on the school district's website or the website of each school within the district, or if such websites do not exist, make the plan publicly available through other practicable means as determined by the board.

(c) Not later than December 31, 2014, the department of education, in consultation with the department of health, shall develop and make available to all schools guidelines for the management of students with life threatening allergies. The guidelines shall include, but not be limited to:

(i) Identification of life threatening allergies or severe allergic reactions qualifying for administration of epinephrine auto-injectors under this act;

(ii) Identification of appropriate and acceptable epinephrine auto-injectors;

(iii) Education and training for school personnel on the management of students with life threatening allergies,



including training related to the administration of epinephrine auto-injectors;

(iv) Procedures for responding to life threatening allergies;

(v) A process for the development of individualized health care and allergy action plans for every student with a life threatening allergy;

(vi) Protocols to prevent exposure to allergens;

(vii) Requirements for each school to keep a record of each incident that involves a life threatening allergy or the administration of stock epinephrine auto-injectors;

(viii) Requirements for schools that have adopted a policy allowing for the administration of stock epinephrine auto-injectors pursuant to this section to maintain a list of employees in the school or school district who have been trained and assigned to administer stock epinephrine auto-injectors;

(ix) Requirements for school nurses and assigned school personnel to confirm completion of a training program approved by the department of education, in consultation with the department of health.

(d) A school that possesses and makes available stock epinephrine auto-injectors and those persons specified in this subsection shall not be liable for damages for any injuries that result from the administration of, self-administration of, or failure to administer epinephrine auto-injectors that may constitute ordinary negligence. This immunity applies regardless of whether authorization was provided by the student's parent or guardian or by the student's health care provider. This immunity does not apply to acts or omissions constituting gross, willful or wanton negligence. The administration of stock epinephrine auto-injectors in accordance with this section is not the practice of medicine. The immunity from liability provided under this section is in addition to and not in lieu of that provided under W.S. 1-1-120. The immunity provided in this subsection extends to:

(i) A district board, school nurses, employees, agents and volunteers of the district;

(ii) An authorized health care provider who prescribes stock epinephrine auto-injectors; and

(iii) An individual or entity that conducts the training described in this section.

(e) As used in this section:

(i) "Administer" or "administration" means the direct application of a stock epinephrine auto-injector;

(ii) "Assigned school personnel" means an employee, agent or volunteer of a school designated by the administrator of the school who has completed the training required under this section to provide or administer stock epinephrine auto-injectors;

(iii) "Authorized health care provider" means an individual authorized by law to prescribe and administer prescription drugs in the course of professional practice;

(iv) "Provide" means the supply of one (1) or more stock epinephrine auto-injectors;

(v) "Stock epinephrine" means injectable medications used for the treatment of severe, life-threatening allergies that schools or districts buy and keep on-site for emergency use.

(f) Nothing in this section shall be held to apply to or affect W.S. 21-4-310.

#### ARTICLE 4 - ISOLATION

##### **21-4-401. Transportation or maintenance for isolated pupils.**

(a) The board of trustees of any school district within the state shall provide transportation or maintenance for isolated elementary, middle, junior high or high school pupils resident within the district, whenever it would be in the best interests of the affected children to provide transportation or maintenance than to establish a school to serve these pupils, and for those isolated pupils resident within the district who are attending a school in another district pursuant to W.S. 21-4-502. Amounts paid under this section shall be subject to

subsections (d) and (e) of this section and shall not exceed the actual costs incurred by parents or pupils.

(b) The state superintendent shall adopt reasonable rules and regulations pertaining to residence requirements establishing eligibility under this section and for provision of tuition and transportation or maintenance. No person is eligible as an isolated pupil under this section unless the pupil's parents or legal guardians demonstrate to the local school board that the family's residing in the isolated location is necessary for the family's financial well being. The burden shall be on the parent or guardian to demonstrate that the family's residing in the isolated location is necessary for the family's financial well being. The final decision as to eligibility shall be made by the district board of trustees.

(c) The rights accorded under this section shall be enforceable by writ of mandamus, and in such event the district shall pay all costs and legal expenses of a petitioner successful in obtaining such writ.

(d) To receive transportation payments under this section, the parent or legal guardian of any isolated pupil eligible under this section shall file a transportation reimbursement claim with the district on a form provided by the district specifying the total round trip miles traveled each day to and from the bus stop or the school, as applicable. The total round trip miles shall be multiplied by the applicable mileage rate prescribed under W.S. 9-3-103(a)(iii) to compute the daily mileage reimbursement amount. Where combined transportation is provided for two (2) or more isolated pupils being transported to the same school, only one (1) reimbursement shall be made. Payments to parents or guardians for transporting students to and from school shall be computed excluding the first two (2) miles traveled each way. No payments shall be paid to a parent or guardian for transportation of students unless the pupil resides in an isolated location as specified under subsection (b) of this section.

(e) Monthly maintenance payments may be paid under this section in lieu of transportation payments if the pupil resides at a location near the school rather than the isolated location. The amount paid shall be the lesser of the amount of maintenance payments claimed or the transportation payments that would have been payable under subsection (d) of this section. Monthly maintenance payments under this section shall reimburse the isolated student's parent or legal guardian for additional

reasonable living expenses for only those months school is in session. A district shall be reimbursed for the full amount of isolation or maintenance payments it makes under this section. Reimbursement shall be made as if the district's total foundation program amount computed under W.S. 21-13-309(p) was increased by the amount of isolation or maintenance payments made during the preceding year.

**21-4-402. Instruction for hospitalized or homebound pupils.**

(a) The board of trustees of each school district shall offer homebound instruction for each pupil in the district who is hospitalized or homebound for more than one (1) week because of injury or illness.

(b) The board shall also offer homebound instruction for each pupil in the district who is hospitalized or placed in a state accredited or state certified treatment facility for more than one (1) week in a hospital or facility located in another Wyoming school district because of injury or illness. The board shall either provide instruction directly or contract with the school district in which the pupil is hospitalized or placed in a facility to provide this instruction. This subsection does not apply to pupils who:

(i) Are hospitalized or placed due to a mental, physical or psychological disability and who are receiving educational services under W.S. 21-2-501; or

(ii) Have been placed in a psychiatric residential treatment facility who are receiving educational services pursuant to W.S. 21-13-315 or 21-13-336.

ARTICLE 5 - TUITION

**21-4-501. Payment of tuition for children resident in districts which maintain no high school; admission of children to high schools in other districts; state board approval for out-of-state placements; duties of admitting districts; tuition amount.**

(a) Any district which does not maintain a high school shall pay tuition, in addition to transportation or maintenance, for any child resident therein who has successfully completed the course offered therein and desires to attend high school, at any public school within or subject to the approval of the state

board of education, without the state, which the district board may designate in the best interest, welfare and convenience of the child. Application for attendance at a high school outside the state shall be filed by the nonunified district board with the state department of education. If the nonunified district provides evidence that the amount of tuition assessed by the out-of-state district for the out-of-state placement shall not exceed one hundred twenty-five percent (125%) of the actual per pupil cost as determined under subsection (c) of this section, state board approval shall be waived under this subsection.

(b) The board of trustees of any school district within the state which maintains a high school shall admit, upon payment of tuition, pupils of districts which do not maintain a high school; provided that nothing in this section shall be construed to require a district to admit nonresident pupils, when to do so would overcrowd the facilities of the admitting district or in any way work a definite hardship upon the educational program offered by the admitting district. The admitting district shall:

(i) Include any pupil admitted under this section among its average daily membership (ADM) for purposes of computing the foundation program under W.S. 21-13-309; and

(ii) Account separately for the portion of the tuition received pursuant to this section which is related to school buildings and facilities, as determined by the district and reported to the state department, and deposit that portion in its debt service account. The remainder shall be reported as revenues for purposes of W.S. 21-13-310(a)(ix).

(c) The amount of tuition assessed under this section shall be determined by dividing the total operating cost of the district for the previous year, plus the cost of bond redemption and interest for the previous year, by the total of the district's average daily membership for the previous year.

(d) Subject to state board approval if an out-of-state placement as required under subsection (a) of this section, nonunified school districts shall be reimbursed from the school foundation program account for tuition paid under subsection (a) of this section as if the district's total foundation program amount for that year as computed under W.S. 21-13-309(p) was increased by the amount of the tuition paid during the preceding year.

(e) Any out-of-state placement under subsection (a) of this section shall include within the agreement with the out-of-state school district, that district's agreement to provide student transcripts as required under W.S. 21-16-1308(a)(ii). The agreement shall also require the out-of-state school district to cooperate with the department of education to identify those courses provided by the out-of-state school district which satisfy the success curriculum requirements established under W.S. 21-16-1307.

**21-4-502. Attendance in another district when convenient or desirable; admission of pupils resident in other districts; attendance for ADM computations specified.**

(a) The board of trustees of every school district within the state may provide for the enrollment of any pupil resident therein in a school within another district if the pupil desires to attend the school and if attendance in such other district would be more convenient or is desirable because of services available in the other district. Except as provided under subsection (c) of this section, the district providing for the enrollment of the pupil in a school within another district shall not include the pupil within its average daily membership (ADM) for purposes of the foundation program under W.S. 21-13-309.

(b) Any district within the state may admit pupils resident in other districts of the state unless the admission overcrowds the classrooms of the admitting district. No district within the state shall be required to admit a pupil who has been suspended or expelled by the board of trustees or designated disciplinarian of any other district located in or outside the state. Except as provided under subsection (c) of this section, the district admitting a pupil under this subsection shall not assess tuition payments upon the district wherein the pupil resides, but shall include the pupil within its average daily membership (ADM) for purposes of determining its foundation program amount under W.S. 21-13-309.

(c) Any district within the state may allow pupils enrolled in another school district in the state to receive a portion of a pupil's education pursuant to an agreement with the district in which the pupil is enrolled. The agreement shall be in writing with a copy kept on file by both districts. The district providing for the enrollment of the pupil shall include the pupil within its average daily membership (ADM) for purposes of the foundation program under W.S. 21-13-309. The district

providing a portion of the pupil's education may assess the district providing for the enrollment of the pupil tuition for the classes the pupil attends. The tuition shall be equal to or less than the per ADM amount for the district providing a portion of the pupil's education prorated to reflect the number of classes attended by the pupil.

**21-4-503. Repealed By Laws 1999, ch. 110, § 103.**

**21-4-504. Cost of maintaining pupil attending school outside district of residence.**

A school district admitting a pupil from a nonunified school district in the state under W.S. 21-4-501 or providing for the enrollment of a pupil in a school within a school district in another state under W.S. 21-4-505 shall, in accordance with rules and regulations of the state department, be reimbursed from the school foundation program account for expenditures for maintaining that pupil in the admitting district for any length of time the pupil is required to reside in the admitting district. Reimbursement under this subsection shall be subject to and reported in accordance with rule and regulation of the state department and shall be administered as if the district's total foundation program amount computed under W.S. 21-13-309(p) is increased by the amount of the expenditure for maintenance during the preceding year for a school district admitting a pupil from a nonunified school district in the state under W.S. 21-4-501 and in the current school year for pupils attending a school in another state under W.S. 21-4-505.

**21-4-505. Payment of tuition for pupil attending school in another state; admission of out-of-state pupils.**

(a) Whenever it shall appear to the board of trustees of any school district within the state that instruction for any pupil residing in the district can be more advantageously or economically furnished by a public school maintained by another state, the board of trustees of such Wyoming district may enter into an agreement for the instruction of such pupils at rates of tuition specified in the agreement. The Wyoming district shall be reimbursed for the full amount of tuition assessed by the out of state district during the current school year subject to the following:

(i) Effective school year 2017-2018 and each year thereafter, the Wyoming school district shall submit a report to the department of education in the manner and form and at times

specified by department rule and regulation, documenting the number of pupils attending a public school maintained by another state and verifying payments to such districts for educational services;

(ii) From amounts appropriated by the legislature from the public school foundation program account for purposes of this subsection, the department of education shall distribute payments to eligible districts in accordance with this subsection on or before May 15 of the applicable school year, together with the district's foundation payment under W.S. 21-13-313(c), if applicable;

(iii) The district shall not include a pupil attending a school within an out of state school district within its average daily membership (ADM) for purposes of computing its foundation program amount under W.S. 21-13-309.

(b) Any school district within the state may enter into agreements to admit pupils from out of state at the rate of tuition at least as high as the actual per pupil cost of the Wyoming district computed as provided in W.S. 21-4-501(c). The admitting district shall:

(i) If it requires payment of tuition at least as high as provided under W.S. 21-4-501(c), include the admitted out of state pupil within its average daily membership (ADM) for purposes of computing its foundation program amount under W.S. 21-13-309; and

(ii) Account separately for the portion of the tuition received pursuant to this subsection which is related to school buildings and facilities, as determined by the district and reported to the state department, and deposit that portion in its debt service account. The remainder shall be reported as revenues for purposes of W.S. 21-13-310(a)(ix).

(c) Any out-of-state placement under subsection (a) of this section shall include within the agreement with the out-of-state school district, that district's agreement to provide student transcripts as required under W.S. 21-16-1308(a)(ii). The agreement shall also require the out-of-state school district to cooperate with the department of education to identify those courses provided by the out-of-state school district which satisfy the success curriculum requirements established under W.S. 21-16-1307.



**21-4-506. Participation in activities by students not enrolled in the district; limitation on fees.**

(a) Any school age child who is a resident of a school district, who is not under suspension or expulsion by a Wyoming school district and who is not enrolled as a full-time student in the district in which he resides, shall be permitted by the district to participate in any activities which are sanctioned by the Wyoming high school activities association and which are offered by the district subject to the following:

(i) The district may require the student to pay any fees for participation which are required by the Wyoming high school activities association;

(ii) The district may charge that student an additional fee for participating, but that fee shall be no more than any fee for participating charged to full-time students of the district. The district shall not require that student to pay tuition or to pay any other fees or charges as a condition of participation;

(iii) As a condition of participation, the student shall be required to comply with all other rules and policies of the district or any school activities association applicable to all students participating in the activity and not related to the assessment of fees or charges.

**ARTICLE 6 - AMERICAN INDIAN EDUCATION PROGRAMS**

**21-4-601. Education programs on the Wind River Indian Reservation.**

(a) The legislature finds that, through education programs provided by the Eastern Shoshone Tribe, the Northern Arapaho Tribe, or the cooperative tribal governing body to school age Indian children residing on the Wind River Indian Reservation, the state can address conditions of unemployment, poverty and lack of adequate job skills which exist on the reservation. Maintenance of these education programs unique to Indian students is of mutual benefit to the tribes and the state, reducing future financial needs of those students as tribal members and as Wyoming residents for public education, job services, substance abuse services and income supplements.

(b) Subject to amounts appropriated by the legislature, the state superintendent of public instruction shall enter into

negotiations with the individual business councils of the Eastern Shoshone and Northern Arapaho tribes or the cooperative tribal governing body to determine the appropriate contractual arrangements for the provision of education programs and services addressing Indian students at risk of failure in school and other programs and services essential to the success and welfare of these students as specified under subsection (a) of this section. Contractual arrangements entered into under this subsection shall include a requirement that the expenditure of contractual amounts, as verified annually in writing, is for programs tied to improvement of student performance on the statewide assessment. For purposes of this section, the state superintendent shall include an amount within his biennial budget request which is computed in accordance with subsection (c) of this section to provide a per student amount that when nonstate funding sources are considered, is comparable to per student amounts provided for public schools under the Wyoming education resource block grant model.

(c) To arrive at a biennial funding amount for purposes of subsection (b) of this section, an estimate shall be computed as follows:

(i) Determine a combined average per student funding level under the Wyoming education resource block grant model for Fremont County school districts number fourteen (14), number twenty-one (21) and number thirty-eight (38);

(ii) Multiply the per student amount determined under paragraph (i) of this subsection by the number of students enrolled in education programs and services provided by the cooperative tribal governing body or each individual tribe pursuant to subsection (a) of this section;

(iii) Subtract from the amount computed under paragraph (ii) of this subsection all Federal Bureau of Indian Affairs funds for K-12 programs received by the cooperative tribal governing body or each individual tribe for education programs and services provided under subsection (a) of this section.

(d) The cooperative tribal governing body or each individual business council shall annually report to the governor and the state superintendent of public instruction on the expenditure of contractual amounts as required under subsection (b) of this section.

**21-4-602. American Indian educational program.**

(a) The state board through the department of education shall, in cooperation with tribes of the region including the Eastern Shoshone and Northern Arapaho Indian tribes, evaluate and review existing state social studies content and performance standards to ensure the cultural heritage, history and contemporary contributions of American Indians are addressed in the Wyoming social studies content and performance standards.

(b) The department shall, in consultation with tribes of the region including the Eastern Shoshone and Northern Arapaho Indian tribes, make available materials and resources on the department's official web site to assist school districts in meeting social studies benchmarks within Wyoming social studies content and performance standards relating to the study of American Indian tribes.

CHAPTER 5 - SCHOOL DISTRICT ORGANIZATION

**21-5-101. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-102. Repealed By Laws, 1997 ch. 189, § 3.**

**21-5-103. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-104. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-105. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-106. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-107. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-108. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-109. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-110. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-111. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-112. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-113. Repealed By Laws 1997, ch. 189, § 3.**

**21-5-114. Repealed By Laws 1997, ch. 189, § 3.**

21-5-115. Repealed By Laws 1997, ch. 189, § 3.

21-5-116. Repealed By Laws 1997, ch. 189, § 3.

21-5-117. Repealed By Laws 1997, ch. 189, § 3.

21-5-118. Repealed By Laws 1997, ch. 189, § 3.

21-5-119. Repealed By Laws 1997, ch. 189, § 3.

21-5-120. Repealed By Laws 1997, ch. 189, § 3.

21-5-121. Repealed By Laws 1997, ch. 189, § 3.

21-5-122. Repealed By Laws 1997, ch. 189, § 3.

21-5-123. Repealed By Laws 1997, ch. 189, § 3.

21-5-124. Repealed By Laws 1997, ch. 189, § 3.

21-5-125. Repealed By Laws 1997, ch. 189, § 3.

21-5-126. Repealed By Laws 1997, ch. 189, § 3.

21-5-127. Repealed By Laws 1997, ch. 189, § 3.

21-5-128. Repealed By Laws 1997, ch. 189, § 3.

21-5-129. Repealed By Laws 1997, ch. 189, § 3.

21-5-130. Repealed By Laws 1997, ch. 189, § 3.

21-5-131. Repealed By Laws 1997, ch. 189, § 3.

21-5-132. Repealed By Laws 1997, ch. 189, § 3.

21-5-133. Repealed By Laws 1997, ch. 189, § 3.

21-5-134. Repealed By Laws 1997, ch. 189, § 3.

21-5-135. Repealed By Laws 1997, ch. 189, § 3.

21-5-136. Repealed By Laws 1997, ch. 189, § 3.

21-5-137. Repealed By Laws 1997, ch. 189, § 3.

## CHAPTER 6 - SCHOOL DISTRICT ORGANIZATION

### ARTICLE 1 - IN GENERAL

- 21-6-101. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-102. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-103. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-104. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-105. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-106. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-107. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-108. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-109. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-110. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-111. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-112. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-113. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-114. Repealed by Laws 1997, ch. 189, § 3.
- 21-6-115. Repealed by Laws 1997, ch. 189, § 3.

### ARTICLE 2 - DISTRICT BOUNDARY BOARD

#### **21-6-201. Purpose.**

(a) The legislature of the state of Wyoming hereby declares that this article is passed to provide for the organization, reorganization and boundary adjustment of the school districts in this state whereby school districts can be organized to:

(i) Provide an improved and more equalized educational opportunity for all of the pupils in the state;

(ii) Provide a wiser and more efficient use of public funds for education, and making allowance for local conditions, special needs and problems and educational cost differentials, to achieve financial parity among school districts;

(iii) Allow the initial planning for the organization, reorganization and adjustment of boundaries of school districts under this article to be conducted on the local level; and

(iv) Simplify the organization, reorganization and adjustment of boundaries of school districts.

(b) The legislature recognizes organization into unified districts under the Wyoming School District Organization Act of 1969 has been completed to the extent contemplated by that act. Further organization, reorganization and adjustment of boundaries of school districts in Wyoming shall be accomplished in accordance with the provisions of this article.

#### **21-6-202. Definitions.**

(a) As used in this article:

(i) "School district" includes unified school districts and elementary school districts pursuant to W.S. 21-3-102;

(ii) "State committee" means the state board of education;

(iii) "Trustee residence area" means a geographical area within a unified school district from which a member or members of the board of trustees of the school district is nominated. Any person desiring to be a candidate for the office of a school district trustee shall be a resident of the residence area which he seeks to represent;

(iv) "Unified school district" means a district supporting at least grades kindergarten or one (1) through twelve (12) under the control of one (1) board of trustees and administered by one (1) superintendent of schools, that offers an adequate and integrated educational program.

#### **21-6-203. District boundary boards; membership; style.**

The county assessor, the board of county commissioners and the county treasurer shall constitute a board for establishing school districts in the county. If two (2) or more counties are involved, the county assessor, the board of county commissioners and the county treasurer from each county shall comprise the board. The board shall be styled "the district boundary board of .... county or counties, Wyoming."

**21-6-204. Quorum; majority vote.**

(a) A majority of the members of the district boundary board shall constitute a quorum for the transaction of business. No action of the district boundary board shall be valid unless the action is approved by a majority of the members.

(b) Expenses incurred by the district boundary board in the performance of its duties required by this article shall be borne by the county treasury.

**21-6-205. Chairman; meetings.**

The district boundary board shall elect a chairman. He shall call a meeting of the district boundary board in the first quarter of each calendar year for the purpose of electing one (1) of the members as secretary. Thereafter, meetings shall be held upon the call of the chairman or of a majority of the members of the board.

**21-6-206. Duties of secretary.**

The secretary shall keep an accurate record showing the boundaries of all the districts in his county. The secretary shall give each member one (1) day written notice before each hearing or meeting and shall publish in a newspaper of general circulation within the county, notice of any hearing or meeting at which a change in boundaries or reorganization of a school district or combining of school districts is to be considered at least once each week for the two (2) weeks immediately preceding the time set for the hearing or meeting.

**21-6-207. Proposal to change boundaries, reorganize or combine districts; criteria.**

(a) Any district boundary board or any two (2) or more district boundary boards acting jointly may, when in the judgment of the board it would be for the benefit of the educational needs of the pupils, and only when each school

district board consents, submit in writing to the state committee a proposal which would:

(i) Alter and change the boundaries of any school district of any kind; or

(ii) Reorganize any school district or portions of districts; or

(iii) Combine any school district or portion thereof with any adjoining school district or districts; provided that no existing district shall be divided in any manner which will leave the total assessed valuation of its property less in proportion to the number of children shown in its census than the average ratio for all school districts in the county unless the trustees for those districts agree thereto.

(b) Except as provided in this subsection, all actions taken under this article shall conform to the following criteria:

(i) School districts shall be organized as efficient administrative units considering primarily the education, convenience and welfare of the children;

(ii) Except as authorized in W.S. 21-6-223, the entire state shall be divided into unified school districts;

(iii) All territory of each school district shall be contiguous;

(iv) All territory within a school district shall be a single area from which trustees are elected at-large or be divided into trustee residence areas. Each trustee residence area shall be contiguous. In establishing trustee residence areas, the structure for election of trustees shall be in accordance with W.S. 21-3-111(b);

(v) In developing proposals for organization, reorganization and adjustment of boundaries the district boundary boards shall consider a ratio of average daily membership to assessed valuation as nearly equalized as practicable among the districts in the various counties;

(vi) Each proposal shall include provisions for educational opportunity and services as nearly equal as possible in all areas of each district;



(vii) A public hearing or hearings shall be held prior to the submission of a proposal by the district boundary boards prior to the organization, reorganization, boundary adjustment or combining of school districts to receive and keep a record of testimony. Notice of each public hearing shall be published in a newspaper of general circulation in the area at least once each week for the two (2) weeks immediately preceding the time set for each hearing. The notice shall contain a statement of the time and place of the hearing and a brief summary of its purpose. In addition, at least ten (10) days and not more than fourteen (14) days before the hearing, a copy of the notice shall be sent by mail to each school district trustee residing in the area involved in the hearing. A subcommittee composed of not less than three (3) members of each district boundary board involved, may hold any hearing required to be held under this paragraph.

(c) Unless the state committee determines the information required by this subsection is not necessary for a proposal, a district boundary board proposal submitted to the state committee shall contain:

(i) A name and number of the proposed district;

(ii) A map showing the boundaries of established school districts and the boundaries proposed;

(iii) A description of the proposed boundaries;

(iv) Recommendations respecting the location of schools, the utilization of existing buildings, allocation of existing indebtedness, the employment of existing personnel, the procedure for the reduction in force of employees and the transportation requirements under the proposal;

(v) A summary of the reasons for the proposal;

(vi) A record of all hearings;

(vii) A summary of anticipated improvement in education; and

(viii) Other reports, records and materials as the district boundary board or the state committee deems appropriate.

**21-6-208. Creation of new unified school districts from within boundaries of existing school districts.**

Whenever at least one hundred (100) qualified electors of any area within an existing school district, which area includes both a high school and one (1) or more elementary schools with a total K-12 enrollment of more than five hundred (500) pupils, petition the district boundary board for creation of the area into a new unified school district, the district boundary board may, after holding a hearing on the petition, submit a proposal to form the area into a new unified school district to the state committee.

**21-6-209. Proposal to abolish or combine district failing to maintain school.**

Whenever any district fails to maintain a school for a period of six (6) months in any school year, a district boundary board shall, within thirty (30) days after the conclusion of the six (6) months, submit to the state committee a proposal to abolish or combine the school district or portion thereof with any adjoining school district or districts.

**21-6-210. Powers and duties of state committee.**

(a) The state committee shall:

(i) Aid the district boundary boards in carrying out the powers and duties vested in and imposed upon those boards by this article, as authorized by the state superintendent, and provide plans for procedure, standards, data, maps and other information and services for district boundary boards throughout the state as it appears to the state committee necessary or desirable to carry out the purposes of this article;

(ii) Receive, file and review all proposals for organization, reorganization and boundary adjustments submitted to it by a district boundary board and either approve the proposals or reject them with reasons for rejection and recommendations for making the proposal acceptable as provided in W.S. 21-6-211.

**21-6-211. Approval or rejection of proposal by state committee.**

Within ninety (90) days after receipt of a proposal from any district boundary board, the state committee shall either

approve or reject the proposal and notify the district boundary board of its action. In approving or rejecting a proposal, the state committee shall consider the effect of the proposal upon the purposes stated in this article. No proposal shall be approved if in the opinion of the state committee it fails to comply with the provisions or purposes of this article. If a proposal is rejected, the state committee shall enter its order with reasons for the rejection and recommendations for making the proposal acceptable. If a proposal is rejected, a district boundary board may resubmit a modified proposal as often as necessary or may appeal the rejection pursuant to W.S. 21-6-224. When a proposal is approved, the state committee shall make an order establishing the school district according to the approved proposal. An order of the state committee pursuant to this section shall be the final administrative determination and shall be filed with the county clerk of each county involved within ten (10) days from the approval or rejection of the proposal, in accordance with W.S. 21-6-212.

**21-6-212. Filing of notice of approval or rejection; proposal effective on filing.**

The district boundary board shall file with the county clerk, within ten (10) days from the date of approval or rejection by the state committee, any notice of approval or rejection received from the state committee. An approved proposal shall take effect upon such filing or a later date if specified in the approved proposal. The final administrative action of the state committee shall be appealable from the date of filing with the county clerk under this section.

**21-6-213. Notice to districts affected by action of committee.**

When a district boundary board proposal organizing or reorganizing a school district or altering or changing the boundaries of any district or districts is approved or rejected by the state committee, the secretary shall promptly notify the clerk of the district board in each of the districts affected, in writing, giving in the notice the number of the district or districts affected and describing their boundaries and other changes approved or rejected.

**21-6-214. City or town to be all in one district; district may include other territory.**

Whenever the district boundary board organizes or reorganizes a school district or changes the boundaries of existing districts, the organization, reorganization or change shall be made so as to keep all territory embraced in any incorporated city or town in one (1) school district. A district boundary board may include in any school district territory not within such corporate boundaries. District boundary boards are hereby authorized to change the boundaries of any school district or districts so that all the territory embraced in a corporate city or town shall be in one (1) district.

**21-6-215. Appointment and terms of trustees for new districts.**

(a) Whenever a new district is created under the provisions of this article, the district boundary board shall appoint a board of trustees for the new district from the combined membership of all the original boards of trustees of the districts involved based upon at-large appointments or through established trustee residence areas in accordance with W.S. 21-3-111(b)(ii). The district boundary board shall make provision for staggering terms so that a proportion of the membership, as nearly equal as possible, will be elected every two (2) years in the manner provided for the regular election of school board members. The appointed board shall consist of five (5), seven (7) or nine (9) members, who shall serve for not less than two (2) years following the effective date of the plan and until December 1 following the first or second regularly scheduled school election following the effective date of the plan. Thereafter, all trustees shall be elected for four (4) year terms, except those who may fill unexpired terms.

(b) All trustees shall be elected by the electorate of the entire school district. According to the approved proposal and except those districts for which membership is based upon at-large appointments pursuant to W.S. 21-3-111(b)(i), each trustee residence area shall be entitled to one (1) or more representatives on the board and the candidate nominated from each trustee residence area receiving the largest number of votes shall be elected. If a member of the board of trustees shall become a nonresident of the district or the trustee residence area from which elected during his term of office, as applicable, he shall be deemed thereby to vacate his office. Any vacancy which for any reason occurs on the board shall be filled by a majority vote of the remaining members by the appointment of a resident of the district or the trustee residence area in which the vacancy occurs, as appropriate, and the appointee

shall hold his office until the next annual election, at which a trustee shall be duly elected and qualified for the remainder of the unexpired term.

**21-6-216. Newly organized school district a body corporate; authority of trustees; old districts to cease to exist.**

(a) On the effective date of the proposal, each proposed newly organized school district shall be and become a body corporate under the name and number as indicated in the proposal as a school district, and the new board of trustees shall have full authority and power to act as the board of trustees to do all things necessary with reference to the business and educational affairs of the new school district using the funds on hand or the funds received through existing levies of the old districts as nearly as practicable for the balance of the fiscal year.

(b) When members of the board of trustees of the new school district assume their duties as provided in this article on the effective date of the proposal each of the old districts or portions of districts from which the new district was formed shall cease to exist as a legal entity and the board of trustees of each former district or districts situated within the new district shall cease to function and the terms of office of the members thereof shall automatically expire.

**21-6-217. New districts may draw proportion of funds from old districts; transfer of property.**

(a) Whenever the district boundary board establishes a new district from districts already organized, the board of trustees of the newly organized district may draw its proportion of the public school funds for paying teachers or other legal school expenses from the school treasury of the district or districts from which it was separated until such time as the newly organized district receives its proper apportionment of school monies and taxes. In like manner, any district that is established from two (2) or more districts may draw its proportion of the proper school funds for payment of teachers or other necessary legal school expenses from the treasuries of the former districts.

(b) All real and personal property of any district combined under this article shall be and become the property of the newly organized district. All real and personal property

shall be transferred or conveyed by operation of law unless otherwise provided in the approved proposal. However, real property which was transferred in accordance with this subsection from a then existing school district to a newly organized school district and on which is located a structure used as a school which the district has closed or intends to close shall not be conveyed or offered for sale to any other entity unless the municipality in which the property is located is first offered a right to purchase the property. If the municipality and school board cannot agree on a price for the property, the property shall be sold to the highest bidder at a public auction.

**21-6-218. Allocation of assets and debts upon reorganization of districts.**

Whenever a district boundary board reorganizes any school districts under the provisions of this article, the board shall allocate equitably the assets and debts of the districts affected by the action of the district boundary board.

**21-6-219. Adjustment of state foundation entitlement.**

(a) When two (2) or more districts or parts of districts are organized into a school district and the total fiscal resources of the new school district are less than the combined fiscal resources of the districts the last year before organization, then the state superintendent shall adjust the state foundation entitlement to compensate for the differences in fiscal resources. The adjustment shall be equal to one hundred percent (100%) of the initial difference in each of the first two (2) fiscal years after the new organization, fifty percent (50%) of the initial difference in the third fiscal year and twenty-five percent (25%) of the initial difference in the fourth fiscal year. The adjustment shall also provide reimbursement for expenses incurred by the school districts involved in the new organization. Expenses which are reimbursable shall be determined in accordance with rules adopted by the state superintendent, shall not exceed one hundred thousand dollars (\$100,000.00), and shall be paid in equal amounts over a period not to exceed three (3) fiscal years.

(b) When any district consolidates two (2) or more schools within the district and the total state aid to the district would decrease because of the consolidation, the state

superintendent shall adjust the state foundation entitlement to compensate for the decrease for not more than one (1) year.

**21-6-220. Name or number of newly created district.**

In all cases, where a school district created by the action of the boundary board has been created from the territory of preexisting school districts, or the territory formerly belonging to a school district is annexed to a preexisting district, the district boundary board shall designate a descriptive name and a number for the newly created district or the district to which territory was added.

**21-6-221. School advisory boards.**

(a) Whenever any school within any school district is located twenty (20) road miles or more from the nearest town or city that is the population center of the district and whenever fifty percent (50%) of the parents of children attending the school agree, they may call a meeting at the school for the purpose of electing an advisory board of three (3) members for a term of three (3) years. The initial board shall have one (1) member elected for one (1) year, one (1) member for two (2) years and one (1) member for three (3) years.

(b) The advisory board may aid and advise the board of trustees of the district in all matters concerning the operation of the school in their area. The advisory board may present grievances and recommendations at any regular meeting of the board of trustees of the district.

(c) The advisory board secretary shall keep minutes of the meetings of the advisory board. These minutes shall be submitted to the board of trustees of the district and read at their next scheduled meeting.

(d) There shall be an election held annually for the purpose of electing a successor for the advisor whose term has expired. An advisor may be elected to succeed himself or herself. The election need not comply with the elections provisions of this code.

(e) Following the election of the advisory board the members of the board shall organize themselves by electing one (1) of their members as chairman and one (1) as secretary.

(f) The district trustee, within whose election area the school is located, is an ex officio member of the advisory board but shall not vote.

**21-6-222. Election of elementary school districts to create unified school districts; levy of taxes at maximum rates.**

(a) Any elementary school district not yet organized and unified under the provisions of the Wyoming School District Organization Act of 1969, may petition the district boundary board to be included within a unified school district of the county in which it is located.

(b) Any elementary school district electing to come under the provisions of this section shall levy taxes in the same manner and subject to the same maximum rates as provided for the unified school district.

**21-6-223. Elementary school districts not electing to organize and unify; affiliation with unified high school districts.**

An elementary school district not electing to unify shall affiliate itself with a unified school district and become an elementary supporting district for the high school within that district for purposes as defined by law.

**21-6-224. Judicial review of actions of board.**

(a) Any school district or a district boundary board, if aggrieved by any action of the state committee, may institute proceedings for judicial review thereof in the district court of the county in which an affected school district is located pursuant to provisions of the Wyoming Administrative Procedure Act. No other person shall have standing to appeal a decision of the state committee made under this article. The state committee shall be named defendant, and service of process shall be pursuant to the Wyoming Rules of Civil Procedure.

(b) The appeal shall be heard promptly. Pending the appeal provided by this section, all proceedings regarding the proposal shall be stayed unless otherwise ordered by the court to which appeal is taken.

**21-6-225. Contract rights and benefits of employees and teachers.**



No contract right, fringe benefit, benefit granted under school policies, or continuing contract status of any employee, or any rights under the Wyoming Teachers' Employment Act shall be denied or reduced as a result of school district reorganization, except as provided by W.S. 21-7-111(a)(iv). The new school district shall have the right to establish a uniform salary and benefit schedule for employees of the previous school districts and shall have the right to establish the length of the contract year.

**21-6-226. Boundaries of school districts; filing with the department of revenue.**

(a) Each school district board shall file a copy of an official map or legal description designating the geographical boundaries of the school district or the changes to its geographical boundaries with the department of revenue, the county assessor and the county clerk in the county or counties within which the district is located in accordance with the department's rules adopted pursuant to W.S. 39-11-102(c)(xxiv) regarding tax districts and as follows:

(i) Within ten (10) days after the effective date of formation; and

(ii) Annually, by a date determined by the department, if the school district has changes to its geographical boundaries in the preceding year.

CHAPTER 7 - TEACHERS AND EMPLOYEES

ARTICLE 1 - TEACHER CONTRACTS

**21-7-101. Short title.**

This article shall be known and cited as the Wyoming Teacher Employment Law.

**21-7-102. Definitions.**

(a) As used in this article the following definitions shall apply:

(i) "Board".-The board of trustees of any school district in the state of Wyoming offering instruction in any of the grades kindergarten through twelve (12);

(ii) "Continuing Contract Teacher" means:

(A) Any initial contract teacher who has been employed by the same school district in the state of Wyoming for a period of three (3) consecutive school years and has had his contract renewed for a fourth consecutive school year; or

(B) A teacher who has achieved continuing contract status in one (1) district, and who without lapse of time has taught two (2) consecutive school years and has had his contract renewed for a third consecutive school year by the employing school district.

(iii) "Dismissal".-The cancellation of any teacher's contract of employment by the board of trustees while such contract is in effect. In the case of a continuing contract teacher, dismissal shall mean cancellation of his contract at any time other than at the end of a school year where proper notice has been given;

(iv) "Initial Contract Teacher".-Any teacher who has not achieved continuing contract status;

(v) "Superintendent".-The chief administrative officer of any school district;

(vi) "Suspension" means the removal of a teacher from the classroom during the school year. Unless otherwise agreed to by the teacher and the district superintendent or board, suspension shall be with, or without, pay as follows:

(A) By the superintendent "with pay" pending:

(I) The investigation of an allegation of misconduct which investigation shall not exceed thirty (30) days; and

(II) The final action of the board following completion of the investigation under subdivision (I) of this subparagraph and, if requested, the outcome of a hearing in accordance with W.S. 21-7-110.

(B) By the board "without pay" for a period not to exceed one (1) calendar year following the outcome of a hearing in accordance with W.S. 21-7-110.

(vii) "Teacher".-Any person employed under contract by the board of trustees of a school district as a certified professional employee;

(viii) "Termination".-The failure of the board of trustees of a school district in Wyoming to reemploy a teacher at the end of a school year in any given year;

(ix) "Repealed by Laws 2011, Ch. 182, § 2.

**21-7-103. Absences and leaves not considered interruptions in service.**

Absences and leaves of absence approved by the employing board shall not be considered as interruptions in service for purposes of determining continuing contract status.

**21-7-104. Employment of continuing contract teachers on continuing basis; salary increases.**

(a) A continuing contract teacher shall be employed by each school district on a continuing basis from year to year without annual contract renewal at a salary determined by the board of trustees of each district, said salary subject to increases from time to time as provided for in the salary provisions adopted by the board.

(b) Any teacher hired by a Wyoming school district shall receive credit in accordance with that district's salary schedule for all prior years of service obtained as a teacher in any Wyoming school district or as a teacher in the regional developmental preschool system defined by W.S. 21-2-701(a)(iii).

**21-7-105. Employment of initial contract teachers on annual basis; notice of termination to such teachers.**

An initial contract teacher who has taught in the system continuously for a period of at least ninety (90) days shall be hired on an annual basis and shall be notified in writing of the reasons for termination, if such is the case, no later than April 15 of each year. An initial contract teacher's employment may be terminated for any reason not specifically prohibited by law, and a board is not limited to the reasons set forth in W.S. 21-7-110(a). The notice of termination shall not be disseminated to the public or to prospective employers absent the teacher's consent. Nothing contained in this section shall limit the use of the notice in any hearing.

**21-7-106. Notice of recommendation of termination to teacher; when termination effective.**

(a) A continuing contract teacher shall be notified of a recommendation of termination by the superintendent or any member of the board designated by the superintendent or designated by the board pursuant to a majority vote of the board by giving the teacher written notice together with written reasons for termination on or before April 15 of any year. Upon receipt of notice, the teacher may request a hearing on the recommendation before an independent hearing officer through the office of administrative hearings as provided under W.S. 21-7-110.

(b) If ordered by the board under W.S. 21-7-110(g), termination under recommendation shall be effective at the end of the school year in the year in which notice of termination is given.

**21-7-107. Resignation of teachers.**

Any teacher may resign his position, effective at the end of the school year, by giving written notice on or before May 15 of any year, to the superintendent of schools or any other designated official, of his desire not to be employed by the school district for the following year.

**21-7-108. Repealed by Laws 1993, ch. 219, § 2.**

**21-7-109. When contract offered to and accepted by initial contract teacher.**

The board must offer a contract for the ensuing year to each initial contract teacher if such is to be offered by April 15, and it must be accepted by May 15 of each year or the position will be declared open.

**21-7-110. Suspension or dismissal of teachers; notice; hearing; independent hearing officer; board review and decision; appeal.**

(a) The board may suspend or dismiss any teacher, or terminate any continuing contract teacher, for any of the following reasons:

(i) Incompetency;

(ii) Neglect of duty;

(iii) Immorality including, without limitation, engaging in conduct with a student which would be a violation of W.S. 6-2-314 through 6-2-318, 12-6-101(a) or 35-7-1036;

(iv) Insubordination;

(v) Physical incapacity to perform job duties even with reasonable accommodation;

(vi) Failure to perform duties in a satisfactory manner;

(vii) Repealed by Laws 2019, ch. 84, § 2.

(viii) Conviction of a felony; and

(ix) Any other good or just cause relating to the educational process.

(b) Suspension or dismissal proceedings shall be initiated by the superintendent or any member of the board designated by the superintendent or designated by the board pursuant to a majority vote of the board delivering to the teacher a written notice of suspension or dismissal, together with written reasons.

(c) Any continuing contract teacher receiving notice of a recommendation of termination under W.S. 21-7-106(a), or any teacher against whom dismissal or suspension proceedings are instituted, is entitled to a hearing before an independent hearing officer provided through the office of administrative hearings on the recommendation for termination or the reasons for dismissal or suspension, upon submission of a written request to the superintendent. The request for hearing shall be given within seven (7) days after receipt of notice of termination under W.S. 21-7-106(a) or after receiving notice of dismissal or suspension under subsection (b) of this section. Expenses of the hearing officer shall be paid by the school district in accordance with W.S. 9-2-2202(b)(ii).

(d) Within five (5) days after selection, the hearing officer shall set the date for hearing and notify the teacher and superintendent of the hearing date, time and location. In no event shall the hearing commence on a date later than

forty-five (45) days after notice under W.S. 21-7-106(a) or subsection (b) of this section, as applicable. The hearing shall be conducted in accordance with contested case procedures specified under W.S. 9-2-2202(b). All school district records pertaining to the teacher shall be made available to the hearing officer.

(e) At the hearing, the superintendent shall have the burden of proving that the recommendation for termination is based upon reasons provided in the notice of termination submitted pursuant to W.S. 21-7-106(a) or that suspension or dismissal is based upon reasons specified in the notice given under subsection (b) of this section, as applicable.

(f) Repealed by Laws 2011, Ch. 182, § 2.

(g) The board shall review the findings of fact and recommendation submitted by the hearing officer and within twenty (20) days after receipt, issue a written order to either terminate, suspend or dismiss the teacher, or to retain the teacher. If the board terminates, suspends or dismisses the teacher's employment over a recommendation by the hearing officer for retention, the written order of the board shall include a conclusion together with reasons supported by the record. A copy of the order shall be provided to the teacher and a copy shall be entered into the school district records pertaining to the teacher. Any action by the board pursuant to this subsection shall be approved by a majority of the duly elected members of the board.

(h) Appeals may be taken from the order of the board to the district court as provided by the Wyoming Administrative Procedure Act. An electronic recording of hearing proceedings may serve as the official transcript but upon appeal, the district court may request a written transcript of the proceedings or any portion of the proceedings. The cost of transcribing the record shall be borne equally by the teacher and the school district.

#### **21-7-111. Inapplicability of provisions.**

(a) Nothing in this article shall prohibit:

(i) The transfer of a teacher within a school system to a position of equal or greater salary;

(ii) The retirement of a teacher in accordance with an established policy of retirement;

(iii) The reduction of a salary of a teacher as part of a general salary reduction applicable to at least fifty percent (50%) of the teachers employed by a school district;

(iv) The termination of the contract of a teacher at the end of current school year because of a decrease in the size of faculty due to decreased enrollment, combining of school districts or an event beyond the control of the board if notice of termination is given pursuant to W.S. 21-7-105 and 21-7-106(a) except the request for a hearing does not apply;

(v) The termination of extra services or duties together with a corresponding termination of any pay for such extra services.

(b) Repealed by Laws 2011, Ch. 182, § 2.

**21-7-112. Effect on existing contracts.**

The contracts of all teachers in the state of Wyoming from and after July 1, 2012, shall be subject to the policies, rules, and regulations of the school district not in conflict with this law or the other laws of the state of Wyoming.

**21-7-113. Application to teachers presently employed.**

The provisions of this article shall apply to all teachers who are teaching in Wyoming on and after July 1, 2012, and shall apply regardless of whether the teacher was employed prior to July 1, 2012 as a teacher in Wyoming.

**21-7-114. Repealed by Laws 2011, Ch. 182, § 2.**

ARTICLE 2 - TEACHER SCHOLARSHIPS

**21-7-201. Repealed by Laws 1994, ch. 17, § 2.**

**21-7-202. Repealed by Laws 1994, ch. 17, § 2.**

**21-7-203. Repealed by Laws 1994, ch. 17, § 2.**

**21-7-204. Repealed by Laws 1994, ch. 17, § 2.**

**21-7-205. Repealed by Laws 1994, ch. 17, § 2.**

**21-7-206. Repealed by Laws 1994, ch. 17, § 2.**

**21-7-207. Repealed by Laws 1994, ch. 17, § 2.**

ARTICLE 3 - TEACHERS IN GENERAL

**21-7-301. Insurance and other fringe and employment benefits.**

(a) The board of trustees of each school district within the state may provide health insurance, life insurance, and other fringe and employment benefits of all types for the teachers, administrative personnel and other employees of the school district to such extent as it deems such benefits to be in the best interest of the school district. Benefits under this subsection may be paid for entirely by the school district or partly by the school district and partly by the employee, the degree of participation of each being entirely within the discretion of the board of trustees. Benefits under this subsection may be in addition to any benefits obtained through the group insurance plan if elected by the school district under W.S. 9-3-201(e).

(b) The board of trustees of each school district which is a participating district in the state employees' and officials' group insurance plan, as defined under W.S. 9-3-203(a)(xvi), shall provide insurance under the group plan for the teachers, administrative personnel and other employees meeting the definition of employee under W.S. 9-3-203(a)(iv), as provided by W.S. 9-3-202 through 9-3-218. Each participating school district shall report to the department of administration and information and make payments for employer and employee contributions as provided by W.S. 9-3-210 and 9-3-211. The amount of contributions paid under W.S. 9-3-211 for each employee electing coverage shall be deducted from the employee's monthly salary in accordance with W.S. 9-3-211.

**21-7-302. Discrimination in compensation prohibited.**

No discrimination in the amount of compensation for the teachers in the public schools of this state shall be made on account of sex, race or religious belief.

**21-7-303. Certificate or permit required; exception.**



(a) Except as otherwise provided in subsection (b), (c) or (d) of this section, no person shall teach or supervise in a public school in this state and receive compensation therefor out of any public fund who at the time of rendering such services is not a holder of or a candidate and qualified for a certificate or permit issued or to be issued under the laws of this state and the rules and regulations of the Wyoming professional teaching standards board pursuant to W.S. 21-2-802.

(b) Faculty members employed, even if for less than a calendar year, by any postsecondary education institution accredited by a regional accrediting agency may teach courses offered at a public high school in this state without holding or being qualified for a certificate or permit issued by the Wyoming professional teaching standards board and without meeting the requirements of W.S. 21-7-304 as provided in this subsection. A person teaching at a public school pursuant to this subsection shall teach only if the course is within the same subject area in which he instructs at the accredited postsecondary institution and:

(i) The course provides academic credit for both high school graduation requirements and postsecondary education requirements; or

(ii) The course provides only academic credit for high school graduation requirements and there is no other certified and qualified teacher teaching at that school available to teach the course.

(c) In accordance with the provisions of this subsection, a person may teach driver education in a public school in this state without holding or being qualified for a certificate or permit issued by the Wyoming professional teaching standards board and without meeting the requirements of W.S. 21-7-304. The Wyoming professional teaching standards board shall by rule establish and maintain minimum standards for a permit for that employment which shall be applicable only as provided in this subsection. A person employed by a school district to teach driver education in a public school in this state, shall not be employed for more than three (3) consecutive school years in any period beginning after July 1, 1997, unless the person has met the requirements of the professional teaching standards board for a permit to teach driver education.

(d) A person may be employed as superintendent of schools by any district board of trustees without holding or being

qualified for certification by the Wyoming professional teaching standards board pursuant to W.S. 21-2-802. A person who has not qualified for certification pursuant to W.S. 21-2-802 shall be required to comply with W.S. 21-2-802(e) prior to being employed by any district board as a superintendent of schools.

**21-7-304. Candidate for certificate must pass examination on state and federal constitutions.**

All persons hereafter applying for certificates authorizing them to become administrators or teachers in the public schools of this state shall before receiving such certificate be required to pass a satisfactory examination upon the provisions and principles of the constitutions of the United States and the state of Wyoming or present evidence of having successfully completed a course equivalent to that required in W.S. 21-9-102.

ARTICLE 4 - EMPLOYEE SECURITY REQUIREMENTS

**21-7-401. Boards of trustees to require criminal history background information.**

The board of trustees of each school district within the state shall require any employee initially hired by the school board on or after July 1, 1996, who may have access to minors to submit to fingerprinting for the purpose of obtaining state or national criminal history record information before employment. The provisions of this section shall not apply to persons certificated under W.S. 21-2-802 who have met the requirements of this section pursuant to the certification process.

ARTICLE 5 - NATIONAL CERTIFICATION

**21-7-501. National certification program; program limits and requirements; appropriations requirements; certified teacher pay incentive reimbursement.**

(a) The department of education may enter into an agreement with a nonprofit entity to establish a program under which the department or the nonprofit entity will administer a program to assist teachers in earning national board teacher certification. The agreement between the department and the nonprofit entity shall require annual reporting by the nonprofit entity to the department. The program may provide professional development and mentoring specific to national board teacher certification, along with other activities related to national certification. Additionally, on behalf of teachers employed by

Wyoming school districts the program may make payments directly to an organization that provides national board teacher certification for not more than fifty percent (50%) of the fees to receive national certification, as established by the national board for professional teaching standards. The program shall only make payments if:

(i) The teacher has completed at least three (3) years of teaching in the state of Wyoming;

(ii) The teacher timely pays the teacher's portion of the certification fees and timely completes progress toward certification as required by the program; and

(iii) Repealed by Laws 2019, ch. 192, § 2.

(iv) The teacher agrees to reimburse the program for any certification fee payments the program makes on behalf of the teacher in the event the teacher fails to formally withdraw from the process or to submit an entry that can be scored, as determined by the program.

(b) Repealed by Laws 2019, ch. 192, § 2.

(c) The legislature may appropriate funds to the department to implement subsection (a) of this section. No funds appropriated by the legislature shall be distributed to the program if the nonprofit entity with whom the department has entered into an agreement under subsection (a) of this section does not contribute to the program an amount equal to the amount that will be distributed from funds appropriated by the legislature. The department shall ensure that state funds and funds the nonprofit entity provides to the program shall be accounted for separately.

(d) Repealed by Laws 2019, ch. 192, § 2.

(e) Repealed By Laws 2001, Ch. 193, § 2.

(f) In addition to the program established under subsection (a) of this section, and to promote employment of national board certified teachers by school districts, each district employing a national board certified teacher shall be reimbursed for payments to these teachers subject to the following:

(i) For each year the certificate is valid, the district provides each teacher employed by the district and holding certification by the national board for professional teaching standards a lump sum payment of four thousand dollars (\$4,000.00) which is in addition to the teacher's annual salary as determined by the board, and which is paid to each certified teacher between December 1 and December 31 of the school year for which application is made;

(ii) The teacher holding certification shall be employed by the district full time as a teacher;

(iii) The district submits a report to the department of education in a manner, on a form and at times specified by department rule and regulation, documenting the number of national board certified teachers employed by the district, verifying payments to such teachers in accordance with paragraph (i) of this subsection;

(iv) From amounts appropriated by the legislature from the public school foundation program account for purposes of this subsection, the department of education shall distribute payments to eligible districts in accordance with this subsection on or before February 15 of the applicable school year, together with the district's foundation payment under W.S. 21-13-313(c), if applicable. The department shall not provide reimbursement to a school district for a lump sum payment made in accordance with paragraph (i) of this subsection to a teacher who earned initial national board teacher certification on or after January 1, 2021 and has received fifteen (15) lump sum payments under this subsection;

(v) Not later than January 31 of each year, the department shall report to the joint education interim committee on district reports submitted under paragraph (iii) of this subsection and estimated distributions under this subsection to eligible districts for the applicable reporting period.

(g) For purposes of this section, "teacher" means a school district employee who is employed full time as a teacher, instructional facilitator, certified tutor, librarian, speech-language therapist or counselor.

#### ARTICLE 6 - WYOMING TEACHER SHORTAGE LOAN REPAYMENT PROGRAM

**21-7-601. Wyoming teacher shortage loan repayment program; eligibility criteria; procedures; program reporting.**

(a) The Wyoming teacher shortage loan repayment program is created to be administered by the Wyoming community college commission established under W.S. 21-18-201. Applicants shall have a Wyoming residence, as defined in W.S. 22-1-102(a)(xxx), or shall be graduates of a Wyoming high school and may apply for loans from the program in accordance with this section.

(b) To qualify for a loan under this section, the applicant shall first:

(i) Be enrolled in good standing in a teacher education program at the University of Wyoming leading to:

(A) Certification as a special education, math, science or world language teacher; or

(B) Eligibility for an additional endorsement to teach reading or English as a second language.

(ii) If in a program leading to certification under subparagraph (i)(A) under this subsection, have class standing of at least a junior for the first semester for which application for a loan under this program is made;

(iii) If in a program leading to certification under subparagraph (i)(A) of this subsection, apply for federal financial assistance.

(c) Subject to the availability of funds appropriated for this program, loans under this section may be granted to qualified applicants to pay:

(i) The unmet financial need, as determined by the Wyoming community college commission, of attendance at the teacher education program specified under subparagraph (b)(i)(A) of this section; or

(ii) The cost of attendance at the teacher education program specified under subparagraph (b)(i)(B) of this section.

(d) Except for a loan for teacher education programs specified under subparagraph (b)(i)(B) of this section, a loan provided under this section shall not exceed the cost of attendance for the approved program, reduced by the amount of any Pell or other federal grant and any employer based financial assistance received by the applicant.

(e) A recipient of a loan under this section may repay the loan without cash payment by teaching at least fifty percent (50%) of his working hours as a teacher in special education, math, science, world language, reading or English as a second language as a certified teacher in a Wyoming public school as provided in subsection (f) of this section. To qualify as repayment under this subsection, work shall be performed within the minimum amount of time necessary to repay the loan, plus two (2) years, which shall begin with the calendar month following the month in which the student completed the academic program.

(f) Qualified work under subsection (e) of this section shall be credited such that the student's loan balance is reduced on the basis of one (1) year of full-time employment repaying the loan balance for one (1) academic year of full-time enrollment. Qualified work shall be credited on a proportional basis to the loan balance.

(g) Any recipient of a loan under this section who fails:

(i) To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty-five (45) days after the recipient leaves the academic program;

(ii) To obtain employment in the targeted occupation for which the person received the education within two hundred forty (240) days after successfully obtaining the appropriate certification, shall commence cash repayment of the loan within two hundred eighty-five (285) days after successfully obtaining the appropriate certification;

(iii) To obtain the appropriate certification within one hundred eighty (180) days after completion of the program shall commence cash repayment of the loan.

(h) Loan repayment options under this section may be deferred for a period not to exceed five (5) years while a loan recipient is serving on full-time active duty with any branch of the military services of the United States.

(j) The Wyoming community college commission shall have the powers and duties specified under W.S. 21-18-202(c) to implement this section and shall establish terms and conditions of loans issued under this section, including:

(i) Interest rates and loan terms;

(ii) The form and process for loan application, review and award;

(iii) Criteria under which students may be relieved from having to repay loans and interest thereon, in whole or in part, where the requirement to repay would cause undue hardship;

(iv) Criteria for determining the cost of attendance as used in establishing the loan amount for teacher education programs specified under paragraph (b)(i)(B) of this section, based upon each semester or summer school session of full or part-time program attendance.

(k) Funding of the loan program established under this section shall be by appropriation of the legislature. The community college commission shall transfer approved loan amounts to the University of Wyoming.

(m) Cash repayment of loans and interest thereon shall be credited to the school foundation program account.

(n) The community college commission shall annually review the loan program established under this section and report to the governor and the legislature in accordance with W.S. 9-2-1014, regarding program results, funds received and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program. The report required under this subsection shall include information submitted by the professional teaching standards board regarding the impact of the program on identified teacher shortage areas and recommendations for modifications to the program, including funding levels, to address other identified teacher shortage areas.

(o) This program created by this section shall expire effective June 30, 2016.

(p) Notwithstanding subsection (o) of this section:

(i) Any person who receives a loan under this section shall continue to receive funding for the program as the person remains eligible as required by this section;

(ii) Repayment of loans provided under this section shall continue as specified by this section until all loan obligations have been satisfied.

#### ARTICLE 7 - WYOMING ADJUNCT PROFESSOR LOAN REPAYMENT PROGRAM

##### **21-7-701. Wyoming adjunct professor loan repayment program; eligibility criteria; procedures; program reporting.**

(a) The Wyoming adjunct professor loan repayment program is created to provide assistance to public school teachers in attaining necessary qualifications to provide instruction in concurrent enrollment programs. This program shall be administered by the Wyoming community college commission established under W.S. 21-18-201. The commission shall promulgate rules and regulations to govern the loan program. Application shall be on a form and in a manner prescribed by the commission. Applicants shall have a Wyoming residence, as defined in W.S. 22-1-102(a)(xxx), and may apply for loans from the program in accordance with this section.

(b) To qualify for a loan under this section, the applicant shall first:

(i) Be employed by a Wyoming school district as a teacher, as defined by W.S. 21-7-102;

(ii) Be certified by and in good standing with the professional teaching standards board, as required by W.S. 21-7-303;

(iii) Be nominated by the employing Wyoming school district for consideration by the commission. The nomination shall include a copy of the agreement reached between the teacher, the employing school district and one (1) of the seven (7) Wyoming community colleges or the University of Wyoming that will be a party to the agreement under W.S. 21-20-201 upon the completion of the program;

(iv) The agreement required by paragraph (iii) of this subsection shall include the following:

(A) Identification of the classes approved under W.S. 21-20-201 that will be taught upon successful completion of the program;



(B) Identification of the appropriate accredited college-level educational program, including a list of the specific classes, that will enable the teacher to provide instruction in the agreed upon courses at the high school and college level upon completion;

(C) An estimate of the cost of tuition and fees required to complete the program;

(D) The terms of repayment of the loan, which shall include successful completion of the educational program and teaching of the agreed upon classes for two (2) years in a Wyoming school district.

(c) Subject to the availability of funds appropriated for this program, loans under this section may be granted to qualified applicants to pay the cost of tuition and fees as certified by the accredited educational program for the classes listed in the agreement required under paragraph (b)(iv) of this section.

(d) The employing school district shall certify to the community college commission the amount required to pay tuition and fees in accordance with the agreement reached under paragraph (b)(iv) of this section upon completion of the teacher's coursework. The certification shall include documentation of successful completion of prior coursework paid for by the community college commission under this section.

(e) Any teacher who fails to complete the academic program for which the loan was provided or who fails to maintain employment in accordance with the terms of the agreement required under paragraph (b)(iii) of this section shall commence cash repayment of the loan within forty-five (45) days.

(f) Loan repayment options under this section may be deferred for a period not to exceed five (5) years while a loan recipient is serving full time on active duty with any branch of the military services of the United States.

(g) The Wyoming community college commission shall have the authority specified under W.S. 21-18-202(c) to implement this section and shall establish terms and conditions of loans issued under this section, including:

(i) Interest rates and loan terms;

(ii) The form and process for loan application, review and award;

(iii) Criteria under which students may be relieved from having to repay loans and interest thereon, in whole or in part, where the requirement to repay would cause undue hardship.

(h) Funding of the loan program established under this section shall be by appropriation of the legislature.

(j) Cash repayment of loans and interest thereon shall be credited to the school foundation program account.

(k) The community college commission shall annually review the loan program established under this section and report to the governor and the legislature in accordance with W.S. 9-2-1014, regarding program results, funds received and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program. The report required under this subsection shall include information regarding the impact of the program on courses approved under W.S. 21-20-201.

(m) The loan repayment program created by this section shall expire effective June 30, 2020.

(n) Notwithstanding subsection (m) of this section:

(i) Any person who receives a loan under this section shall continue to receive funding for the program as the person remains eligible as required by this section;

(ii) Repayment of loans awarded under this section shall continue as specified by this section until all loan obligations have been satisfied.

## CHAPTER 8 - COUNTY SUPERINTENDENT OF SCHOOLS

### **21-8-101. Office abolished.**

The office of county superintendent of schools is hereby abolished in every county of this state.

**21-8-102. Transfer of duties; incumbents may serve out terms.**

When the present term of the county superintendent of schools has expired the fiscal duties assigned by law to the county superintendent shall be discharged by the county treasurer, who shall receive no extra pay for the performance of such duties. All duties other than fiscal duties shall be discharged by the clerk of each district board of trustees, who shall receive no further compensation; provided, that any incumbent may serve out his term without reduction in compensation.

CHAPTER 9 - COURSES OF STUDY, TEXTBOOKS,  
SUPPLIES

ARTICLE 1 - COURSES OF STUDY

**21-9-101. Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities.**

(a) The board of trustees of each school district within the state shall cause the schools under its jurisdiction to provide an educational program in accordance with uniform standards defined under this section and rules and regulations promulgated by the state board of education pursuant to W.S. 21-2-304(a).

(b) Each school district within the state shall provide educational programs sufficient to meet uniform student content and performance standards at the level established by the state board of education in the following areas of knowledge and skills:

- (i) Common core of knowledge:
  - (A) Reading/language arts;
  - (B) Social studies;
  - (C) Mathematics;
  - (D) Science;
  - (E) Fine arts and performing arts;
  - (F) Physical education;
  - (G) Health and safety;

(H) Humanities;

(J) Career and technical education;

(K) World cultures and languages;

(M) Repealed by Laws 2018, ch. 123, § 2.

(N) Government and civics including state and federal constitutions pursuant to W.S. 21-9-102;

(O) Computer science.

(ii) For grades one (1) through eight (8), reading, writing and mathematics shall be emphasized under the common core of knowledge specified under paragraph (b)(i) of this section;

(iii) Common core of skills:

(A) Problem solving;

(B) Interpersonal communications;

(C) Computational thinking and computer applications;

(D) Critical thinking;

(E) Creativity;

(F) Life skills, including personal financial management skills.

(c) In addition to subsection (b) of this section, each school district within this state shall provide programs designed for the special needs of those student populations specified within this subsection. Programs under this subsection shall be provided and shall identify special student populations in accordance with rules and regulations of the state board of education. The state board shall monitor the proportion of students in each special needs category, compared to available regional averages. Special needs student populations include:

(i) Children with disabilities evaluated in accordance with rules and regulations of the state board as

having intellectual disability, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deafness and blindness or other multiple disabilities, and who, because of the impairments, need special education and related services; and

(ii) Gifted and talented students identified by professionals and other qualified individuals as having outstanding abilities, who are capable of high performance and whose abilities, talents and potential require qualitatively differentiated educational programs and services beyond those normally provided by the regular school program in order to realize their contribution to self and society.

(d) In addition to subsections (b) and (c) of this section, each school district within this state shall endeavor to maintain when practicable, in kindergarten through grade three (3) within the district, an average class size of no more than sixteen (16) students per teacher, excluding children with disabilities who spend more than fifty percent (50%) of their time outside of regular classroom instruction.

(e) Nothing in this section shall be construed to prohibit school districts from establishing cocurricular activity programs which have as their purpose to provide educational experiences not otherwise provided by the local district. The legislature specifically encourages school districts to establish programs of this type.

(f) It is the intent of the legislature that the funding mechanism established by law for schools encourage school districts to achieve the goal of reduced class sizes.

(g) Not later than the 2002-2003 school year, all school districts shall provide instruction in world languages to students in kindergarten through grade 2 in accordance with standards promulgated by the state board.

**21-9-102. Instruction in state and federal constitutions required; satisfactory examination a prerequisite to graduation.**

All schools and colleges in this state that are supported in any manner by public funds shall give instruction in the essentials of the United States constitution and the constitution of the

state of Wyoming, including the study of and devotion to American institution and ideals, and no student shall receive a high school diploma, associate degree or baccalaureate degree without satisfactorily passing an examination on the principles of the constitution of the United States and the state of Wyoming. The instruction shall be given for at least three (3) years in kindergarten through grade eight (8) and for one (1) year each in the secondary and college grades.

**21-9-103. Penalty for failure to carry out requirements of W.S. 21-9-102.**

Willful failure on the part of any school or college administrator or instructor to carry out the requirements of W.S. 21-9-102 shall be sufficient cause for the removal of such person from his position.

**21-9-104. Child sexual abuse prevention instruction.**

(a) A school district may include child sexual abuse prevention instruction in a health and safety program required under W.S. 21-9-101(b)(i)(G). A school district may provide instruction under this subsection in any appropriate manner, which may include age appropriate, evidence based instruction on:

- (i) Recognizing sexual abuse and assault;
- (ii) Personal boundary violations;
- (iii) Ways in which a sexual offender may groom or desensitize a victim;
- (iv) Strategies relating to:
  - (A) Disclosure of child sexual abuse;
  - (B) Reducing self blame;
  - (C) Mobilizing bystanders to respond to child sexual abuse.

(b) If a school district chooses to provide instruction under subsection (a) of this section, the parent or legal guardian of a student shall provide written permission to the school district authorizing their student to participate before that student shall be allowed to participate in the instruction.

## ARTICLE 2 - FREE TEXTBOOKS AND SUPPLIES

### **21-9-201. Boards of trustees to purchase and lend to pupils; responsibility of pupils; sale of surplus.**

(a) The board of trustees of each school district within the state shall purchase all textbooks necessary to the operation of the schools under its jurisdiction. Each such board may in addition purchase such supplies as it deems necessary. Such textbooks and supplies shall be held as the property of the district and shall be loaned to pupils free of any charge; provided, the pupils shall be held responsible for damage to, loss of, or failure to return such books and supplies except those that by their nature are expended during the course of study.

(b) The board may sell to any pupil or parent, at its cost, any surplus books or supplies it has purchased and which such pupil or parent desires to purchase for his own use.

### **21-9-202. Repealed By Laws 2002, Ch. 19, § 1.**

### **21-9-203. Purchase and use of eye protective devices.**

(a) Every teacher and every pupil except nonparticipating visitors, in any public school participating in any course involving the following: (1) hot molten metals; (2) milling, sawing, turning, shaping, cutting or stamping of any solid materials with stationary power equipment; (3) gas or electric arc welding; (4) caustic or explosive materials; or (5) any other material or activity which creates a substantial risk of harm to the eyes is required to wear industrial quality eye protective devices meeting the standards of the American Standard Safety Code for head, eye, and respiratory protection, Z2.1-1959, promulgated by the American Standards Association, Incorporated.

(b) The board of trustees of each school district shall purchase such eye protective devices and cause them to be available free of charge to all pupils and teachers involved in the activities listed above; provided, that the board of trustees shall not be required to furnish protective corrective lenses.

## CHAPTER 10 - SCHOOL LUNCH PROGRAM

- 21-10-101. Repealed by Laws 1987, ch. 190, § 5.**
- 21-10-102. Repealed by Laws 1987, ch. 190, § 5.**
- 21-10-103. Repealed by Laws 1987, ch. 190, § 5.**
- 21-10-104. Repealed by Laws 1987, ch. 190, § 5.**
- 21-10-105. Repealed by Laws 1987, ch. 190, § 5.**
- 21-10-106. Repealed by Laws 1987, ch. 190, § 5.**
- 21-10-107. Repealed by Laws 1987, ch. 190, § 5.**
- 21-10-108. The school protein enhancement project.**

(a) The school protein enhancement project is created. Under the project and for the 2021-2022 school year and thereafter, the department of education may provide financial assistance to school districts to increase the quantity of Wyoming poultry, lamb, pork, beef and bison used in school meals. Financial assistance shall be provided only to pay for processing costs for Wyoming poultry, lamb, pork, beef or bison donated to a school district. The project shall meet program requirements and criteria established by rule and regulation of the department. The department shall, contingent upon available funding, provide a match of at least one dollar (\$1.00) for every one dollar (\$1.00) contributed by school districts to pay for Wyoming poultry, lamb, pork, beef or bison processing costs. The department may accept any gifts, contributions, donations, grants or federal funds specifically given to the department to support the school protein enhancement project. The department shall, to the extent possible, maintain the structure and requirements of the school protein enhancement pilot project for public school children as created by 2017 Wyoming Session Laws, Chapter 137. The department shall also endeavor to provide funding to as many school districts as possible.

(b) Each school district may apply to the department of education for financial assistance under this section. Application shall be on a form and in a manner prescribed by the department. At a minimum, the application shall include a description of the district's goals for increasing the quantity of Wyoming poultry, lamb, pork, beef or bison used in school lunches.



21-11-101. Repealed by Laws 1987, ch. 190, § 3.

21-11-102. Repealed by Laws 1987, ch. 190, § 3.

21-11-103. Repealed by Laws 1987, ch. 190, § 3.

21-11-104. Repealed by Laws 1987, ch. 190, § 3.

21-11-105. Repealed by Laws 1987, ch. 190, § 3.

21-11-106. Repealed by Laws 1987, ch. 190, § 3.

21-11-107. Repealed by Laws 1987, ch. 190, § 3.

## CHAPTER 12 - CAREER AND TECHNICAL EDUCATION

**21-12-101. "State board" defined; boards of trustees authorized to establish and maintain adult education program.**

(a) As used in this chapter "state board" means the state board of education acting as the state board of career and technical education.

(b) The board of trustees of any unified school district in the state may establish and maintain a program of adult education in connection with the public schools of the district. The program shall be open to adults. No community college shall be established except under W.S. 21-18-101 through 21-18-317.

**21-12-102. Powers of boards of trustees establishing and maintaining programs.**

(a) The board of trustees of any school district within the state establishing and maintaining an adult education program under this chapter, in addition to all other powers provided by law, may:

(i) Fix fee and tuition rates for adult education courses;

(ii) Cooperate with the state department of education, the state board, community college commission and the federal government in administering the program; and

(iii) Do all things necessary to promote the purposes of this article.

**21-12-103. Special school tax; submission to electors authorized; tax in addition to limitations in W.S. 21-13-102.**

For the purpose of maintaining a program of adult education, the board of trustees may submit for vote to the electors of the district, a special school tax of not to exceed two and one-half (2 1/2) mills on the taxable valuation of the district. Said special school tax, if approved, shall be above and in addition to the tax limitations expressed in W.S. 21-13-102.

**21-12-104. Special school tax; election; conduct; levy, collection and disbursement.**

(a) The election shall be conducted under the law governing school elections and on an election date authorized under W.S. 22-21-103. The ballot shall state the proposition to be voted upon, the amount of the proposed special levy and shall contain a form for voting substantially as follows: "Shall an additional special tax of not to exceed .... mills be levied for the purpose of maintaining a program of adult education?"

Special levy-YES ☐

Special levy-NO ☐

(b) If the majority of the votes cast in the election are "special levy-YES", the tax shall be levied, collected and disbursed in the same manner as other school district taxes.

**21-12-105. Career and technical education demonstration project grants; application; criteria; limitations.**

(a) A school district may apply to the state department of education for state assistance to fund expenses associated with the planning, development and implementation of a career and technical education demonstration project as a new or an expansion to any existing high school career and technical education program in the district. As used in this section, "career and technical education program" shall be as specified in W.S. 21-13-309(m)(v)(D)(II). Amounts awarded under this section shall be used to fund curricular development and project design costs, employ certified teachers to provide course instruction during the two (2) years of project implementation and to fund initial purchases of equipment and supplies, all incurred for demonstration projects which:

(i) Prepare high school students for a full range of post secondary options, including two (2) year and four (4) year college, apprenticeship, military and formal employment training;

(ii) Connect academic and technical curriculum grounded in academic and industry standards;

(iii) Provide innovative strategies for ensuring student access to career choices, as well as opportunities for work-based learning and dual enrollment in related post secondary education courses;

(iv) Support workforce, education and economic needs of Wyoming.

(b) Any amount awarded to a district under this section shall be in addition to and not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. A grant awarded under this section shall be for a period of two (2) years and shall not exceed one hundred fifty thousand dollars (\$150,000.00) for the first year of demonstration project planning, and not more than two hundred thousand dollars (\$200,000.00) for project implementation in year two (2) of the project grant. Thereafter, state assistance for the project shall be limited to funds distributed to the district within its foundation program amount as determined under the education resource block grant model. Any school district receiving funds under W.S. 21-13-337 for career and technical supplies, materials and equipment shall be ineligible to receive a grant under this section for the period the district receives funds under W.S. 21-13-337.

(c) Application for a grant under this section shall be on a form and in a manner specified by rule and regulation of the department, shall be filed with the department on or before June 30 to secure a grant during the immediately succeeding school year, and shall at minimum include:

(i) A proposal based upon an existing partnership between the applicant district, the Wyoming post secondary education institution and industry, which clearly documents the need for establishing the proposed career-technical education demonstration project;

(ii) Documentation of integration of industry standards, school redesign and curriculum alignment between high school and post secondary education within the proposed project;

(iii) The purposes, plan and timeline for expenditure of grant amounts;

(iv) Assurance that school facilities appropriately accommodate the proposed demonstration project; and

(v) Other necessary information required by the state department.

(d) Not later than August 15 of the applicable school year and following review of applications submitted under this section, the department shall notify applicant districts of its decision and shall provide each applicant district a written statement of reasons for approving or denying the application. If the application is approved, the department shall award the grant from amounts made available by legislative appropriation within the school foundation program account for purposes of this section.

(e) Each recipient district shall report to the department on the expenditure of amounts awarded under this section, shall in consultation with representatives of partnership post secondary education programs and industry, provide the department an evaluation of project results and shall provide other information as required by rule and regulation of the department to implement this section.

(f) Repealed By Laws 2006, Ch. 37, § 2.

(g) The department shall promulgate rules and regulations necessary to carry out this section and shall work with Wyoming post secondary education institutions and industry in establishing prerequisite school district and post secondary education and industry agreement requirements.

## CHAPTER 13 - SCHOOL FINANCE

### ARTICLE 1 - LOCAL FINANCIAL SUPPORT

#### **21-13-101. Definitions.**

(a) As used in this chapter:

(i) "Average daily membership" or "ADM" means the aggregate number of pupils present plus the aggregate number of pupils absent, divided by the actual number of days the school is in session for the year. Pupils who attend at least eighty percent (80%) of a full time equivalency basis shall be considered full time. For pupils enrolled in school on less than eighty percent (80%) of a full time equivalency basis, the school district shall calculate the pupil's contribution to the ADM on a prorated basis with the hours or class periods of enrollment being the numerator and the hours or class periods of full time equivalency being the denominator. Pupils who have withdrawn from school or who have been absent for more than ten (10) consecutive calendar days shall not be counted as members;

(ii) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(iii) "District" means any school district as defined by law;

(iv) "Elementary school" means a school consisting of kindergarten through grade five (5), or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board of trustees;

(v) "Foundation program" means the level of funding which is to be made available to each district under this article so that each district is able to comply with the state uniform educational program standards imposed under W.S. 21-9-101 and 21-9-102 and the uniform state student content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii);

(vi) "High school" means a school consisting of grades nine (9) through twelve (12), or any combination of grades within this range, as determined by the plan of organization by the district board;

(vii) "Middle school" means a school consisting of grades six (6) through eight (8), or any combination of grades within this range, as determined by the plan of organization by the district board;

(viii) "Kindergarten" means a class of pre-first-grade students;

(ix) "Public school foundation program account" and "foundation account" mean the account created by W.S. 21-13-306 for use in financing education in public schools;

(x) Repealed by Laws 1994, ch. 17, § 2.

(xi) "Teacher" means any member of the teaching or professional staff engaged in the service of the public schools for whom certification is required as a condition of employment;

(xii) Repealed by Laws 1988, ch. 82, § 2.

(xiii) "Year of college training" shall be the successful completion of a one (1) year course of study approved by the state department of education;

(xiv) "Education resource block grant model" means the block grant model for Wyoming school finance contained within the enumeration of model components summarizing and executing recommendations within the 2010 cost of education study as modified by the legislature and as referenced in paragraph (xvii) of this subsection. "Education resource block grant model" or "model" includes model spreadsheets updated with technical corrections, all of which are enacted into law, on file with the secretary of state and are maintained and made available for public inspection by the state superintendent under W.S. 21-2-202(e), and as may be subsequently modified by the legislature prior to future model recalibration required under W.S. 21-13-309(t);

(xv) Repealed By Laws 2006, Chapter 37, § 2.

(xvi) "Prototypical school model" means a school level, comprised of cost, resource and enrollment parameters, as described within the education resource block grant model. The separate school levels identified with the model are as follows:

(A) Elementary school - kindergarten through grade five (5) modeled at cost and resource levels for:

(I) Greater than forty-nine (49) ADM;

(II) Ninety-six (96) ADM;

(III) One hundred ninety-two (192) ADM; and

(IV) Two hundred eighty-eight (288) ADM.

(B) Middle school - grades six (6) through eight (8) modeled at cost and resource levels for:

- (I) Greater than forty-nine (49) ADM;
- (II) One hundred five (105) ADM;
- (III) Two hundred ten (210) ADM; and
- (IV) Three hundred fifteen (315) ADM.

(C) High school - grades nine (9) through twelve (12) modeled at cost and resource levels for:

- (I) Greater than forty-nine (49) ADM;
- (II) One hundred five (105) ADM;
- (III) Two hundred ten (210) ADM;
- (IV) Three hundred fifteen (315) ADM; and
- (V) Six hundred thirty (630) ADM.

(xvii) "Attachment A" to 2011 House Bill 0127 as amended by 2012 Wyoming Session Laws, Chapter 99 consists of an enumeration of model components as enacted into law, summarizing and executing recommendations contained within the 2010 cost of education study, as modified by the legislature, and is hereby incorporated into this chapter by this reference;

(xviii) Repealed By Laws 2011, Ch. 185, § 2(a).

(b) Repealed By Laws 1998, ch. 2, § 203.

(c) The education resource block grant model as defined under paragraph (a)(xiv) of this section and as included in "Attachment A" referenced in paragraph (a)(xvii) of this section, as each are enacted into law, and including any technical correction which may be implemented by rule and regulation of the state superintendent under W.S. 21-2-202(e), shall be filed with the secretary of state.

**21-13-102. Maximum rate of school district tax; recapture of excess; equalization of permissive levies.**

(a) Except as otherwise provided by law, the maximum rate of school district tax that may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each dollar of assessed valuation within the school district is as follows:

(i) In a unified school district:

(A) Twenty-five (25) mills shall be levied for combined elementary, junior high and high school purposes.

(B) Repealed By Laws 1997 Special Session, ch. 3, § 103(a).

(C) Repealed By Laws 1997 Special Session, ch. 3, § 104(a).

(D) Repealed By Laws 2006, Chapter 37, § 2.

(E) Repealed By Laws 2006, Chapter 37, § 2.

(ii) In any nonunified school district consisting of kindergarten through grade eight (8):

(A) Twenty-five (25) mills shall be levied for school purposes.

(B) Repealed By Laws 1997 Special Session, ch. 3, § 103(a).

(C) Repealed By Laws 1999, ch. 110, § 103.

(D) Repealed By Laws 1997 Special Session, ch. 3, § 104(a).

(E) Repealed By Laws 2006, Chapter 37, § 2.

(F) Repealed By Laws 2006, Chapter 37, § 2.

(b) For each school year:

(i) A school district whose revenues from the sources provided by W.S. 21-13-310 exceed the foundation program costs determined under W.S. 21-13-309 by more than three hundred percent (300%), as estimated to the districts on or before August 15 and as subsequently certified to the districts on or before March 1 of the current fiscal year under subsection (e)



of this section, shall rebate fifty percent (50%) of the excess revenues to the department of education by January 15 of the applicable school year. The balance of the excess revenues shall be rebated to the department on or before June 25 of that school year;

(ii) A school district whose revenues specified under W.S. 21-13-310 for any school year exceed the foundation program costs determined under W.S. 21-13-309 by three hundred percent (300%) or less, as estimated and certified under subsection (e) of this section, shall rebate forty percent (40%) of the excess revenues to the department by January 15 of the applicable school year. The balance of the excess revenues shall be rebated to the department on or before June 25 of the applicable school year;

(iii) Amounts rebated under paragraphs (i) and (ii) of this subsection shall be credited to the public school foundation program account defined in W.S. 21-13-101(a)(ix).

(iv) Repealed by Laws 1984, ch. 53, § 2.

(c) Repealed By Laws 2008, Ch. 94, § 2.

(d) Repealed By Laws 1997 Special Session, ch. 3, § 103(a).

(e) Annually on or before August 15 the department shall notify each district subject to recapture of the estimated amount due to the state during the current fiscal year, using data from the previous school year. Upon receipt of the state assessed values by school districts, and not later than March 1 of the current fiscal year, the department shall certify to each district subject to recapture the amount of recapture for the fiscal year to be remitted to the state. The amount certified shall supersede the estimates certified on or before August 15. If a district can demonstrate financial inability to make payments to the state as provided in subsection (b) of this section, the superintendent of public instruction may adjust the schedule of payments provided by subsection (b) of this section if the financial integrity of the foundation program will not be jeopardized.

(f) Repealed By Laws 2006, Chapter 37, § 2.

(g) Repealed by Laws 2015, ch. 29, § 1.

(h) Repealed By Laws 2006, Chapter 37, § 2.

(j) Repealed By Laws 2006, Chapter 37, § 2.

**21-13-103. Cancellation of unpaid warrants; remedy of holders.**

The treasurer of each school district shall on the first Monday in April of each year cancel all unpaid warrants of such school district which have been issued for a period exceeding twelve (12) months, and shall at the same time certify to the board of trustees of such school district the number and amount of each warrant which he has canceled. Such list of canceled warrants shall be entered in the minutes of the board and published at least once in a regular issue of a newspaper published in the county, during the month in which such warrants were canceled. Any person or persons holding a school district warrant which has been canceled under the provisions of this section, may present such warrant to the board of trustees of such school district at any subsequent time, not later than five (5) years after the date such warrant was canceled. The said board of trustees shall issue to the holder of such school district warrant, a new warrant covering the amount due on the original warrant at the time so canceled.

**21-13-104. Repealed by Laws 1980, ch. 49, § 3.**

ARTICLE 2 - COUNTY FINANCIAL SUPPORT

**21-13-201. Levy, collection and distribution of 6 mill school tax.**

(a) Pursuant to article XV, section 17 of the constitution of the state of Wyoming, there shall be levied each year, by the county commissioners in each county in the state, a tax of six (6) mills on the dollar of assessed valuation of the property within the county for the support and maintenance of the public schools. This tax shall be collected by the county treasurer.

(b) On or before September 1 of each year, the state department of education shall notify the treasurer of each county of the percentage proportion to be allocated from the countywide six (6) mill school levy to each school district in his respective county. The computation of the distribution of the countywide six (6) mill levy shall be made by the department of education on the basis of the average daily membership (ADM) for the previous year. This number, for each district, shall be

converted into a percentage of the total average daily membership (ADM) for all school districts within the county. The county treasurer shall distribute the revenue arising from the countywide six (6) mill levy among the school districts of the county according to the percentage computed above and pursuant to W.S. 21-13-207.

**21-13-202. Repealed by Laws 1981, ch. 43, § 2.**

**21-13-203. Repealed by Laws 1981, ch. 43, § 2.**

**21-13-204. Repealed by Laws 1981, ch. 43, § 2.**

**21-13-205. Repealed by Laws 1981, ch. 43, § 2.**

**21-13-206. Disposition of fines, penalties and forfeitures.**

All fines, penalties, and forfeitures provided by the school laws may be recovered by an action by any citizen in the name of the people of the state of Wyoming for the use of the proper school district or county, and when they accrue, shall belong to the school district or county in which they have accrued and shall be deposited with the county treasurer.

**21-13-207. Apportionment of funds by county treasurer.**

On the second Monday of each month, and on June 20 or the last business day immediately preceding June 20 of each year, the county treasurer shall apportion all monies in the county treasury belonging to the county school fund, including all interest earned thereon and including fines and forfeitures, among the various school districts of the county in the same percentages as provided by W.S. 21-13-201(b) and shall immediately pay the amount to each school district.

### ARTICLE 3 - STATE FINANCIAL SUPPORT

**21-13-301. Distribution to school districts of money in common school account for use of public schools.**

Between January 1 and June 30 of each year, if there is any money to the credit of the common school account within the permanent land income fund for the use of the public schools in the state treasury, the state treasurer shall, after making any distributions necessary under W.S. 21-15-108(a), distribute the income in the account to the school foundation program. The

state treasurer may make distributions to the school foundation program under this section at such times and in such amounts as may be advantageous for the state's investment program and cash management, but all income shall be credited to the school foundation program not later than June 30 of each year.

**21-13-302. Repealed by Laws 1989, ch. 260, § 3.**

**21-13-303. Levy of state tax; disposition of funds; reduction of mill levy.**

(a) For the support of the public elementary and secondary schools of the state, there shall be assessed and levied each year a state tax of twelve (12) mills on the dollar of the assessed valuation of the property within the state as certified on August 10 under W.S. 39-11-102.1(c)(v) except as provided in subsection (c) of this section. The tax is in addition to any and all other taxes authorized by law.

(b) The funds that may accrue under this section shall be placed in a separate account. Balances in the account, if any, shall not lapse or be transferred to any other fund or account.

(c) Between July 1 and July 10 of each year the state auditor and the state treasurer shall determine if the unobligated average daily general fund balance over the preceding fiscal year exceeds twenty percent (20%) of the amount of the general fund appropriations for the present biennium. If the unobligated average daily general fund balance exceeds twenty percent (20%) of the amount appropriated, the excess is appropriated and shall be transferred into the foundation program account as soon as possible. The auditor and treasurer shall immediately notify the state board of equalization of the amount to be transferred. Based on the current assessed valuation of the state, the board shall compute the estimated amount of revenue to be produced by a twelve (12) mill levy, subtract the amount transferred to the foundation program account and then compute the mill levy necessary to produce the difference. The board shall certify the recomputed mill levy to the county assessors to be levied and collected in lieu of the twelve (12) mill state levy for the next tax year.

**21-13-304. State treasurer to keep separate account.**

The state treasurer shall keep a separate account and except as otherwise provided by law all monies appropriated for school purposes shall be kept in such account.

**21-13-305. Renumbered by Laws 1983, ch. 136, § 2.**

**21-13-306. Foundation program account established; disposition of monies.**

(a) The public school foundation program account is established to consist of funds appropriated to, or designated to the account by law, or by gift from whatever source, for distribution to districts in accordance with this article.

Note: Effective 7/1/2024 this subsection will read as:

*(a) The public school foundation program account is established to consist of funds appropriated to, or designated to the account by law, or by gift from whatever source, for distribution to districts in accordance with law.*

(b) Within the limits of legislative appropriation, if any, the resources of the public school foundation account shall be paid into the state treasury and shall be drawn out and distributed to the districts upon certification of the state superintendent and upon vouchers approved by the state auditor payable to the treasurer of the several districts.

Note: Effective 7/1/2024 this subsection will read as:

*(b) Within the limits of legislative appropriation, if any, the resources of the public school foundation program account shall be paid into the state treasury and shall be drawn out and distributed to the districts in accordance with this article upon certification of the state superintendent and upon vouchers approved by the state auditor payable to the treasurer of the several districts.*

(c) Repealed by Laws 2017, ch. 205, § 2.

**21-13-306.1. School foundation program reserve account; purposes.**

The school foundation program reserve account created by 2014 Wyoming Session Laws, Chapter 26, Section 300(g) is continued and codified. Funds within the account shall only be expended by legislative appropriation. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

**21-13-307. Eligibility to share in distribution of money from foundation account; mandatory financial reporting.**

(a) Each district which meets the following requirements is eligible to share in the distribution of funds from the foundation account:

(i) Employed and compensated teachers for not less than nine (9) school months during the previous year and has actually employed and is compensating at least one (1) teacher for the current year, except that a newly organized district need not have employed any teachers during the previous year in order to qualify for its first year of operation;

(ii) Operated all schools for a term of at least one hundred eighty-five (185) days or the number of days or equivalent hours authorized under an alternative schedule approved by the state board during the previous school year. If the school term of any school in a district was less than one hundred eighty-five (185) days or less than the total number of days authorized under an alternative schedule approved by the state board, the amount allotted per average daily membership (ADM) under W.S. 21-13-309 for the school shall be in proportion to the length of the term the school actually operated, unless caused by closures of schools:

(A) Due to fuel shortages, fire, construction problems, weather, civil disturbance or threatened civil disturbance, days of national recognition, widespread illnesses; or

(B) Whenever necessary to protect the health, safety or welfare of students, teachers and other employees and closures are approved by the state superintendent or are the result of presidential or gubernatorial executive orders.

(iii) Furnishes to the state superintendent statistical data and information as reasonably required to compute a district's entitlement to share in the foundation account and the extent of the entitlement;

(iv) Repealed by Laws 2017, ch. 205, § 2.

(b) Each district shall provide financial reports to the department on forms and in such manner required by the department under W.S. 21-2-203 and by rules and regulations promulgated by the state superintendent of public instruction

pursuant to this article. In administering this article, the state superintendent may conduct audits of information submitted by districts under this article as necessary to administer and perform computations pertaining to the cost components within the education resource block grant model, and may, after consulting and negotiating with the school district, correct the information reported by districts under this article to fairly and accurately reflect the data type, classification and format necessary to perform computations required to administer the school finance system established under this article.

**21-13-308. Repealed By Laws 1997 Special Session, ch. 3, § 304.**

**21-13-309. Determination of amount to be included in foundation program for each district.**

(a) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(b) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(c) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(d) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(e) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(f) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(g) Repealed by Laws 1993, ch. 168, § 2.

(h) Repealed by Laws 1993, ch. 168, § 2.

(j) Repealed by Laws 1993, ch. 168, § 2.

(k) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(i) Repealed By Laws 2006, Chapter 37, § 2.

(ii) Repealed By Laws 2006, Chapter 37, § 2.

(iii) Repealed By Laws 2006, Chapter 37, § 2.

(iv) Based upon reports from each district on schools operating within that district for the current school year and on grade configurations contained within each reported school during that school year, compute the average daily membership (ADM) for each reported school and each grade within each reported school in accordance with identified grade configurations subject to the following:

(A) If the district's average ADM for the three (3) immediately preceding school years is greater than the district's ADM from the previous school year, each reported school shall be computed based upon the average of the school's ADM counts completed at the end of the three (3) immediately preceding school years, otherwise each reported school within the district shall be computed based on the school's ADM for the previous school year;

(B) For each school year, the configuration of grades for each school shall be based upon the ADM reported for each grade in which students were enrolled for the immediately preceding school year;

(C) Repealed By Laws 2012, Ch. 99, § 2.

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

(A) At-risk students, for purposes of model computations, shall include students within a school who are eligible for participation in the free and reduced price lunch program under the national school lunch program established by 42 U.S.C. 1751 et seq., who are identified as limited English proficiency in accordance with rules and regulations of the department of education or who are mobile students as defined by department rule and regulation and enrolled in grades six (6) through twelve (12) for the applicable school year. A student shall be counted only once for purposes of computing school at-risk student populations even though that student may simultaneously be eligible to participate in the free and



reduced price lunch program, in programs serving students with limited English proficiency or is defined as a mobile student;

(B) Alternative schools qualifying for separate consideration under the education resource block grant model may be established by a school district for offering educational programs to students with educational needs which the district finds are not appropriately met by other schools in the district, excluding charter schools established under W.S. 21-3-301 through 21-3-314. Alternative schools included within a district's configuration of schools identified under paragraph (iv) of this subsection shall for purposes of the education resource block grant model:

(I) Be approved as an alternative school by the department of education prior to July 1, 2006;

(II) Repealed By Laws 2007, Ch. 147, § 102.

(III) Unless otherwise authorized by the state superintendent, be restricted to not more than one (1) alternative school within any school district;

(IV) Except as otherwise provided in subdivision (V) of this subparagraph, on and after July 1, 2014, and if not qualifying under subdivision (I) of this subparagraph, be approved by the state superintendent subject to the following:

(1) Completion of a formal evaluation of the school district's at-risk programs to ensure provision of a continuum of learning supports and classroom interventions addressing the needs of at-risk children within the district which is comprised of the following:

a. Criteria for identifying at-risk students in accordance with and subject to research-based indicators;

b. Use of individual learning plans for each identified at-risk student or an equivalent school-wide plan that defines interventions, programs and services required to address special needs. The plans shall be continuously monitored by the district;

c. Use of quality learning supports and classroom interventions based upon the special

needs of the student population served by the district and the supports and interventions are supported by and based upon research-based practices and strategies;

d. Data based predictors to identify students at-risk of dropping out of school after reaching the age of compulsory attendance pursuant to W.S. 21-4-102 and learning supports and classroom strategies to address this student population.

(2) A formal evaluation is conducted by the district not less than once every two (2) years of the school's programs, comprised of the continuum of learning supports and classroom interventions specified under subdivision (IV) (1) of this subparagraph. The evaluation shall measure the effectiveness of the school's programs in meeting the needs of those student populations attending the school. Formal evaluations conducted under this subparagraph shall be reported to and approved by the district board and reported to the state superintendent together with action plans addressing necessary program improvements;

(3) Student achievement within the school is reported annually by the district to the state superintendent, as measured by quality indicators specified by rule and regulation of the department which reflect the components of the continuum of learning supports and classroom interventions specified under subdivision (IV) (1) of this subparagraph;

(4) Educational space for the school is provided through facilities operated and maintained by the district and approved by the state construction department as meeting statewide adequacy standards. After two (2) evaluations by the state superintendent under subdivision (IV) (3) of this subparagraph that demonstrate academic progress or success of an alternative school's educational program, the alternative school shall be included in the district's five (5) year plan under W.S. 21-15-116 and the school's long-term facility needs shall be evaluated by the state construction department. Notwithstanding subparagraph (m) (vi) (C) of this section, the state construction department shall not approve any district plan which includes educational space for the alternative school within a separate facility unless the district provides sufficient documentation and evidence that the school cannot be collocated within a facility containing educational space for

another school with similar grade configurations operated by the district.

(V) Not be included for purposes of the block grant model if established on or after March 15, 2017 and before June 30, 2019. No new alternative school shall be approved by the department on and after March 15, 2017 and before July 1, 2019.

(C) Salaries for all school and district level staffing categories, including teachers, principals and assistant principals, central office administrators, secretarial and clerical staff, operations and maintenance staff and aides and media technicians, shall be based upon average statewide salary levels calibrated under "Attachment A" for each staffing category, adjusted under subsection (o) of this section, including the experience, education and responsibility level as appropriate and as computed for each staffing category. The statewide average for each staffing category shall be adjusted for each district based upon the district experience, education and responsibility level relative to the statewide average for that category. District experience, education and responsibility level by appropriate staffing category shall be updated each year such that district adjustments reflect the prior school year staffing information. The district adjusted average salary for each staffing category shall be further adjusted for regional cost differences as measured by the greater of the hedonic wage index or the Wyoming cost-of-living index computed by the division of economic analysis, department of administration and information, with a minimum of one hundred (100) index value, as prescribed by the education resource block grant model. For purposes of the education resource block grant model, the version of the Wyoming cost-of-living index used by the division shall be based upon the unrecalibrated housing cost index weights unless otherwise determined by the legislature based upon recommendation of the joint education interim committee. In addition, the version of the Wyoming cost-of-living index applied under this subparagraph for any school year shall be the average of the six (6) consecutive semi-annual index reports completed by January 1 of the immediately preceding school year;

(D) Career and technical education computations within the education resource block grant model shall be based upon:

(I) The number of students enrolled in grades nine (9) through twelve (12) participating in career and technical education programs on a full-time equivalency (FTE) basis, as computed in accordance with guidelines established by the department of education;

(II) Career and technical education programs offered in grades nine (9) through twelve (12) consisting of a sequence of three (3) or more career and technical courses in an occupational area or career cluster that provides students with the technical knowledge, skills or proficiencies necessary to obtain employment in current or emerging occupations or to pursue advanced skill training. To qualify under this subdivision, a career and technical course shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and aligned with state content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii), and except as provided under W.S. 21-2-202(a)(xxvii), shall be provided by a teacher certified by the Wyoming professional teaching standards board for the career and technical subject area associated with the course;

(III) The number of full-time equivalent (FTE) vocational education teachers within the school, as computed in accordance with guidelines prescribed by the department, providing career and technical education instruction in grades nine (9) through twelve (12) and except as provided under W.S. 21-2-202(a)(xxvii), certified by the Wyoming professional teaching standards board to provide instruction at the high school level for career and technical education courses comprising career and technical education programs. Nothing in this subdivision shall require a district to employ teachers certified for high school career and technical education instruction on a full-time basis or to require teachers to teach only high school career and technical education courses on a full-time basis.

(E) Amounts computed under the education resource block grant model for each school district based upon amounts generated by each school within the district and based upon amounts generated at the district level for that district within the block grant model, shall be adjusted by adding the following amounts:

(I) An amount for district transportation of school children as provided under W.S. 21-13-320;

(II) Repealed by Laws 2023, ch. 111, § 2.

(III) An amount for any extra compensation payments to district teachers as provided under W.S. 21-13-324;

(IV) An amount for any isolation and maintenance payments by the district as provided under W.S. 21-4-401;

(V) An amount for any tuition and maintenance payments made by the district pursuant to W.S. 21-4-501(d) and 21-4-504.

(F) Amounts provided within the model for health insurance shall be based upon:

(I) Prior year statewide average district weighted actual participation in district health insurance plans as to the proportion of employee only, split contracts, employee plus spouse or children and family coverage;

(II) The annualized state contribution rate as of January 1 of the preceding school year, on behalf of each employee and official enrolled in the state group health insurance plan, for employee only, split contracts, employee plus spouse or children and family coverage except as provided in subdivision (III) of this subparagraph; and

(III) For school year 2020-2021 and school year 2021-2022, the amount provided to a school district for health insurance shall be calculated using the annualized state contribution rate as of January 1, 2019 for employee only, split contracts, employee plus spouse or children and family coverage based on district weighted actual participation in district health insurance plans for the 2018-2019 school year, plus additional funding as calculated pursuant to 2020 Senate File 0001, Section 334(b) as enacted into law.

(G) Amounts within the block grant model for maintenance and operations shall be based upon actual gross square footage of school buildings and facilities subject to the following:

(I) Actual gross square footage of school buildings and facilities shall be separated into education and noneducation space categories by school and by district, including leased square footage but excluding square footage not

used for delivering the required educational program and the square footage of any building or facility closed and not operational as provided under W.S. 21-15-109(c)(iv);

(II) Actual gross square footage of education space shall be the gross square footage prescribed by statewide building adequacy standards promulgated pursuant to W.S. 21-15-115. Education space capacity in excess of one hundred fifteen percent (115%) of the standard space level shall not be included in actual gross square footage computations under this subdivision;

(1) Repealed By Laws 2011, Ch. 185, §  
2(a).

(2) Repealed By Laws 2011, Ch. 185, §  
2(a).

(III) Actual square footage of noneducation space shall not exceed ten percent (10%) of total gross square footage of education space as prescribed by the statewide building adequacy standards.

(vi) Except for charter schools established under W.S. 21-3-301 through 21-3-314 and alternative schools approved under subdivision (v)(B)(IV) of this subsection, any alteration of the configuration of grades within a district, school or school facility which differs from the configuration of grades during the immediately preceding school year as reported under paragraph (iv) of this subsection shall be considered a reconfiguration and shall be documented by the district and reported to the state superintendent and the director of the state construction department. Following review and evaluation, the state superintendent and the director of the state construction department shall, each acting independently, approve or deny the reconfiguration for purposes of application to the education resource block grant model and the determination of school facility needs and remedies. The following shall apply:

(A) Approval under this paragraph shall be based upon the appropriate delivery of the required educational program, the cost effectiveness of the proposed grade reconfiguration for delivery of adequate educational services to students with block grant resources, district wide capacity of school educational facilities as defined under W.S. 21-15-109(a)(ii) and any extraordinary circumstances related to

the safe and efficient delivery of the education program to students;

(B) Approval under this paragraph shall be required prior to receiving state funds for adding any new school within a district;

(C) Effective for the school year commencing after July 1, 2012, and each school year thereafter, no reconfiguration of grades within any district, school or facility shall differ from the previous school year such that more than one (1) school is included within any one (1) school facility to be reported under paragraph (iv) of this subsection for purposes of determining the foundation program amount for that district;

(D) As used in this paragraph, "configuration" means the approved combination of grades served within a district, school or school facility as reported for purposes of determining the foundation program amount for that district under this section.

(n) Repealed By Laws 2002, Chapter 76, § 3; 2006, Chapter 37, § 2.

(o) To the extent specifically provided by the legislature, and between periods of model recalibration required under subsection (t) of this section, the amount computed for each district under subsection (m) of this section shall be adjusted to provide for the effects of inflation, excluding those amounts specified under subparagraphs (m)(v)(E) and (F) of this section and the assessment component contained in paragraph (b)(xxviii) of "Attachment A" as referenced in W.S. 21-13-101(a)(xvii). The adjustment under this subsection shall not be applied until the expiration of the school year immediately following the first school year of application of the recalibrated model, and shall be adjusted on a cumulative basis each school year thereafter and until the first school year of application of a subsequent model recalibration. Following analysis of information reported under subsection (u) of this section, the joint appropriations interim committee shall submit a recommendation to the legislature and the governor not later than November 1 of each applicable year on an external cost adjustment for purposes of this subsection.

(i) Repealed By Laws 2006, Chapter 37, § 2.

(ii) Repealed By Laws 2006, Chapter 37, § 2.

(p) Except as otherwise provided by law and following the computation and application of any adjustment under subsection (o) of this section, the amount computed for each school within each district shall be combined with the amount computed and provided on a district level for that district, as prescribed by the education resource block grant model, to determine the foundation program amount for each district.

(q) Repealed By Laws 2006, Chapter 37, § 2.

(r) Repealed By Laws 2006, Chapter 37, § 2.

(s) Repealed By Laws 2006, Chapter 37, § 2.

(t) Not less than once every five (5) years, the legislature shall provide for the recalibration of the education resource block grant model to determine if modifications are necessary to ensure it remains cost-based in light of changing conditions and modifications to law.

(u) To ensure model components specified under the education resource block grant model defined under W.S. 21-13-101(a)(xiv), as enumerated and enacted by the legislature and included in "Attachment A" referenced in W.S. 21-13-101(a)(xvii), remain resourced at cost-based levels between periods of model recalibration required under subsection (t) of this section, and prior to adjustment for the effects of inflation for any school year under subsection (o) of this section, the joint education interim committee shall annually receive and review reports in accordance with this subsection and report to the joint appropriations interim committee as required by this subsection. The legislative service office shall assemble information necessary to develop a model monitoring process and other reports for the committee using data maintained by the department of education and other state agencies. For this purpose, the department shall annually update and compile information, in a format contained within reports provided during 2010 model recalibration, reported at the model component level, on school district allocation of model resources, as well as other information provided for purposes of developing and completing the 2010 cost of education studies. Each year excluding the first school year of application of any model recalibration performed under subsection (t) of this section, the information and analysis assembled by the legislative service office under this



subsection shall be reported to the joint education interim committee in sufficient time to allow committee review of and deliberation on the report and the submission of recommendations to the joint appropriations interim committee by October 15 of the applicable school year. Report recommendations shall be used by the joint appropriations interim committee in its determination of legislative recommendation on model adjustment under subsection (o) of this section.

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

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

(i) The revenue collections estimated to be received by each district during the school year as its proportionate share of the county six (6) mill levy imposed under W.S. 21-13-201(a) as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year;

(ii) The required local tax effort in the current school year for the assessment and levy of school taxes by the district according to the following schedule:

(A) Any district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade twelve (12), the amount of revenue collections estimated to be received during the school year under the twenty-five (25) mill local district levy as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year;

(B) Any nonunified district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade eight (8), the amount of revenue collections estimated to be received during the school year under the number of mills levied pursuant to W.S. 21-13-102(a)(ii)(A), as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year.

(iii) Repealed by Laws 1981, ch. 43, § 2.

(iv) Repealed By Laws 2000, Ch. 12, § 3.

(v) The district's share of fines and forfeitures distributed to it during the previous school year, including penalties distributed under W.S. 35-11-424(c);

(vi) The district's share of forest reserve funds distributed to it during the previous year under W.S. 9-4-504;

(vii) The district's share of Taylor Grazing Act funds distributed to it during the previous school year under W.S. 9-4-402;

(viii) The district's share of the county motor vehicle fund distributed to it during the previous school year by the county treasurer under W.S. 31-3-103;

(ix) The amount of tuition paid to the district during the previous school year, including any amount charged under W.S. 21-4-501 and any amount assessed in excess of the costs incurred for adult education programs, summer school programs, programs provided under an agreement for cooperative educational programs under W.S. 21-20-101 through 21-20-111 and any amount assessed for programs and services for children with disabilities, but excluding any tuition assessed by a district for the provision of virtual education programs to participating students pursuant to W.S. 21-13-330, any tuition assessed by a district for the provision of part-time educational programs to participating students pursuant to W.S. 21-4-502(c), any revenues received by a district from post secondary education option programs provided under W.S. 21-20-201 or for the provision of educational programs to a nonresident student placed in a juvenile detention facility pursuant to an agreement with the student's resident school district;

(x) Repealed by Laws 1990, ch. 122, § 2.

(xi) Repealed by Laws 1999, ch. 110, § 209.

(xii) The district's share of interest and penalties on delinquent taxes under W.S. 39-13-108(b)(ii) and (c) distributed to it during the previous school year by the county treasurer;

(xiii) The district's share of railroad car company taxes distributed to it during the previous school year by the county treasurer under W.S. 39-13-111(a) (iii);

(xiv) Except as provided under W.S. 21-15-123(f) (vi), any amount received by the district during the preceding school year from the sale of real or personal property which was not owned by the district prior to July 1, 1997;

(xv) All other revenues received or collected by the district during the previous school year, but excluding any amount received from private contributions and gifts, excluding any revenues dedicated by law to the payment of bonded indebtedness, and any revenues from the disposition of school buildings and land pursuant to W.S. 21-15-123(f) (vi), and excluding fees or other charges imposed by the district for goods or services, such as rental fees and the price paid for admission into any place for recreation, entertainment or an athletic event. Upon application of a district, the department shall exclude from this paragraph revenue received by the district if the department finds that the revenue could not be used by the district to provide educational services to students.

(b) On or before July 10 of each year the county treasurer of each county shall certify to the state superintendent, in such form as the state superintendent shall provide, a report of monies distributed by him to each district within the county during the previous school year.

(c) Annually, commencing on July 30, 1984, the state board of equalization, when determinable, shall certify to the department of education whether or not the level of local assessments for any category in each county is in accord with the requirements of the board of equalization and, if not, the percent by which the assessments are below the board's requirements.

(d) As used in this section, "revenue collections estimated to be received" means nonmineral ad valorem taxes due in accordance with W.S. 39-13-107(b) (i) (D) as certified on August 10 under W.S. 39-11-102.1(c) (v) and monthly payment of ad valorem taxes on mineral production due in accordance with W.S. 39-13-113.

(e) Repealed by Laws 1989, ch. 260, § 3.

(f) Repealed by Laws 1990, ch. 122, § 2.

(g) Repealed by Laws 1993, ch. 107, § 2.

**21-13-311. Determination of amount to be distributed to each district from foundation account; undistributed balance; prohibition on expenditures.**

(a) The amount of money which shall be distributed to each district from the foundation account shall be determined by subtracting the sum of the district revenues computed in accordance with W.S. 21-13-310 from the total amount of the foundation program computed in accordance with W.S. 21-13-309.

Note: Effective 7/1/2024 this subsection will read as:

*(a) The amount of money which shall be distributed to each district in accordance with this article from the public school foundation program account shall be determined by subtracting the sum of the district revenues computed in accordance with W.S. 21-13-310 from the total amount of the foundation program computed in accordance with W.S. 21-13-309.*

(b) Repealed By Laws 1997 Special Session, ch. 3, § 304.

(c) The amount of the foundation account which is not distributed in any year, for any reason, shall be held in the foundation account for distribution in subsequent years in accordance with this article.

(d) Effective school year 2011-2012 and each school year thereafter, no foundation program funds distributed under subsection (a) of this section shall be expended by any district for conducting random drug testing of students within the district without prior approval of the student's parents.

**21-13-312. Prorating payments when income from foundation account insufficient.**

(a) To preserve the integrity of the foundation account for the biennium and so that payments can be made during the full school year for each year of the biennium, if it appears to the state superintendent that the income available to the foundation program account is not sufficient to meet the payments as provided by law:

(i) The state superintendent shall determine a uniform percentage by which the amount guaranteed to each district under W.S. 21-13-309 shall be reduced so that available revenues in the foundation program account for that school year are as nearly as possible equal to the amount necessary to fund payments to districts under W.S. 21-13-313; and

(ii) The revenue to be rebated by a district under W.S. 21-13-102(b) shall be adjusted based upon the guaranteed amount for that district determined under paragraph (a) (i) of this section.

**21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.**

(a) For each school year the state auditor, on the certification of the state superintendent, shall draw warrants on the state treasurer for the amount of money which shall be distributed to each district from the foundation account as computed under W.S. 21-13-311. The warrants, payable to the treasurer of the district concerned, shall be delivered to the state superintendent for distribution to the several school districts.

(b) The state superintendent shall determine on or before August 15 of each year the tentative allotment of foundation funds to which each district is entitled under this article. In making this determination, the state superintendent may, if current fiscal information required by law to compute the tentative allotment is not available for any district by August 1 of that year, use fiscal information available to the state superintendent from the foundation program computations of the previous school year for that district. The previous year's fiscal information shall be adjusted to reflect current fiscal changes and other information known by or available to the state superintendent. Upon receiving actual fiscal information from a district, the state superintendent shall accordingly adjust future foundation program determinations for that district such that foundation program payments appropriately reflect current fiscal information for the applicable school year.

(c) Fifteen percent (15%) of each district's entitlement shall be paid to the district on or before August 15 of each year and subject to any adjustment under subsections (d) and (e) of this section, ten percent (10%) of each district's entitlement shall be paid on or about the fifteenth day of each month through April of each year. The final payment for the

balance of each district's entitlement shall be distributed on or before May 15 of each year. If, after March 1 and before April 1, the state superintendent determines that the entitlement to be paid to a district for that school year is not accurate, the state superintendent shall adjust payments to or payments from that district as necessary to correct the inaccuracy as soon as practicable. Except as provided under W.S. 21-2-202(e), after March 31 of any school year, the state superintendent shall not adjust any district's entitlement or fiscal information used to compute a district's entitlement for that school year, and the entitlement or fiscal information shall only be adjusted thereafter in accordance with audit review pursuant to W.S. 9-1-513.

(d) On or before August 15 of the succeeding fiscal year, each school district shall report the amount of revenue it received during the preceding fiscal year attributable to levies provided by W.S. 21-13-102(a)(i)(A) and (ii)(A) and 21-13-201 regardless of the assessment year, but not to include assessments from years prior to July 1, 1991. If those revenues reported are less than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year, as applicable, and if the district's total revenues computed under W.S. 21-13-310 for that fiscal year continue to be less than the total foundation program amount computed under W.S. 21-13-309, the school district shall be paid the difference by October 15 from the foundation program account. No amount in excess of the total foundation program amount computed for any district for that fiscal year shall be paid from the foundation program account for purposes of this subsection. Any amount paid under this subsection shall not thereafter be relevant to or used for future foundation program calculations. If those revenues reported are greater than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year, as applicable, the excess shall be included as revenues of the district under W.S. 21-13-310 in computing the foundation entitlement for the succeeding fiscal year.

(e) Not later than January 31 of each fiscal year, and except where a different percentage is otherwise specified in this subsection, the department shall compute the amount by which each district's operating balance and cash reserves at the end of the preceding fiscal year exceed fifteen percent (15%) of the total foundation program amount computed under W.S. 21-13-309 for the preceding fiscal year. In making this calculation, the entire operating balance and cash reserves for each district for the fiscal year ending June 30, 1997, as computed by the

department, shall be separately accounted for and excluded, until it has been completely expended by the district. Revenues from settlements of protested amounts attributable to levies assessed under W.S. 21-13-102(a)(i)(A) and (ii)(A) and 21-13-201, regardless of the assessment year, shall be accounted for and excluded from the calculation under this subsection for a period of not more than one (1) year following that fiscal year in which the revenue was received by a district, as verified in writing by the district and certified by the county treasurer. Except as otherwise provided in 1997 Special Session Laws, chapter 3, section 306(e), as amended, and except as excluded under this subsection, that excess shall be deemed to be a state revenue under W.S. 21-13-310(a) for the purpose of determining distributions under W.S. 21-13-311 and amounts to be rebated under W.S. 21-13-102. The department shall promulgate rules, including reporting requirements and procedures for districts, to implement this subsection. As used in this section, "operating balance and cash reserves" means those financial resources of the district which are not encumbered by the district board of trustees for expenditure to meet an existing legal obligation or otherwise restricted by law or regulation for expenditure on specific educational programs. For purposes of this subsection, any balance within a district's separate account established under W.S. 21-15-109(e) for major building and facility repair and replacement shall be deemed restricted by law for expenditure as provided by W.S. 21-15-109(e) and shall not be considered an operating balance and cash reserve under this section. For the fiscal year ending June 30, 2022 through the fiscal year ending June 30, 2026, the department shall compute the amount by which each district's operating balance and cash reserves at the end of the preceding fiscal year exceed thirty percent (30%) of the total foundation program amount computed under W.S. 21-13-309 for the preceding fiscal year. During this period, the amount of a district's operating balance and cash reserves that may be increased from fifteen percent (15%) to thirty percent (30%) of the total foundation program amount computed under W.S. 21-13-309 for the preceding fiscal year shall be accounted for and reported separately and shall not be transferred or expended for purposes of capital construction. For purposes of this subsection, "capital construction" does not include major building and facility repair and replacement as defined under W.S. 21-15-109(a)(iii).

(f) Repealed By Laws 1998, ch. 2, § 803.

(g) In addition to subsections (b) and (c) of this section, the state superintendent shall, for any district

subject to W.S. 21-13-102(b) as determined by the department for any school year, or for any district not subject to W.S. 21-13-102(b) whose entitlement amount determined under W.S. 21-13-311(a) for any school year is equal to or less than twenty percent (20%) of the foundation program amount computed under W.S. 21-13-309(p), and upon demonstration by the district of financial need as documented by cash flow analysis, provide payments from the school foundation program account in an amount not to exceed one-fifth (1/5) of the foundation program amount computed for that district for that school year in accordance with W.S. 21-13-309. The computed amount shall be paid to each eligible district on or before September 1 based upon tentative computations under W.S. 21-13-309, for which the department may use fiscal information available from foundation program computations for the previous school year in the manner provided under subsection (b) of this section. Any district receiving a payment under this subsection shall repay the foundation program account not later than December 15 of that school year.

**21-13-314. Repealed by Laws 1983, ch. 136, § 3.**

**21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and juvenile detention facilities.**

(a) The department of family services shall establish an account to pay residential and treatment costs excluding educational and medical costs of court ordered placements of children in private residential treatment facilities and group homes located in Wyoming. Programs providing education services including programs for children with disabilities provided by a board of cooperative educational services, shall bill the department of education directly for educational costs of court ordered placements. In addition, costs of all services provided pursuant to a student's individualized education program, including special education services, related services and supplementary aids and services for children with disabilities and costs of education assessment for other children incurred as a result of court order prior to any placement, shall be billed directly to the department of education. The department of family services shall promulgate reasonable rules and regulations to provide procedures for implementing subsection (m) of this section. If the court rejects an in-state placement recommendation of the predisposition report or multidisciplinary team under W.S. 14-6-227 or 14-6-427, the court shall enter on the record specific findings of fact relied upon to support its



decision to deviate from the recommended disposition. No court shall order an out-of-state placement unless:

(i) Evidence has been presented to the court regarding the costs of the out-of-state placement being ordered together with evidence of the comparative costs of any suitable alternative in-state treatment program or facility, as determined by the department of family services pursuant to paragraph (d)(vii) of this section, whether or not placement in the in-state program or facility is currently available;

(ii) The court makes an affirmative finding on the record that no placement can be made in a Wyoming institution or in a private residential treatment facility or group home located in Wyoming that can provide adequate treatment or services for the child; and

(iii) The court states on the record why no in-state placement is available.

(b) Except to the extent costs are covered under subsection (n) of this section, the department of education using federal or foundation funds, or both, shall pay for the allowable education costs of juvenile and district court ordered placements of children residing in private treatment facilities and group homes where a fee is charged, including court ordered placements in programs for children with disabilities provided by a board of cooperative educational services. No district shall receive funds, either directly or indirectly, from any facility or home receiving payment under this section for providing education programs and services to children placed and residing in the facility or home, but the district may count the children among its average daily membership if the district provides education services directly to the children or pays another district to provide education services to the children pursuant to contract. The department of education shall adopt reasonable rules and regulations prescribing standards and allowable costs for educational program services funded under this section. Standards shall be subject to W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and shall be designed to fit the unique populations of residential centers, group homes, programs and services provided by boards of cooperative educational services and out of state placement facilities.

(c) Costs shall be billed monthly by the program provider to:

(i) The department of family services account for residential and treatment services; and

(ii) Except to the extent costs are covered under subsection (n) of this section, the department of education for approved educational services specified under subsection (b) of this section.

(d) If a placement of a child is to be made and funded under this section, the predisposition study required by W.S. 14-6-227 or 14-6-427 shall include:

(i) A description of efforts to provide services to the child in the home prior to placement;

(ii) Contact with other agencies involved with the child. At a minimum, those contacted shall include the child's school and the field office of the department of family services;

(iii) The presence of any preexisting and identified handicapping conditions;

(iv) A review of the financial resources of the child's parent or guardian;

(v) A certification by the department of family services that funding for the placement is available within the appropriation. The placement of the child shall not be funded under this section if the department of family services is unable to make the certification. The department of family services shall make the certification only if unencumbered funds are available within the appropriation making allowance for the costs for children already placed. Funds shall not be certified available if an adequate, less restrictive, less expensive placement is available;

(vi) The names of persons and agencies contacted in preparing the report; and

(vii) If an out-of-state placement is under consideration, the name, address, program description and costs of each Wyoming institution and each private residential treatment facility and group home located in Wyoming that the department of family services has determined can provide adequate treatment or services for the child, and whether

placement in the in-state institution, treatment facility or group home is available.

(e) If at any time the placement is found to be educationally inappropriate or not the least restrictive placement available, the placement shall be referred back to the court with a recommendation on what would be a suitable placement.

(f) Only group homes and residential treatment facilities certified by the department of family services are eligible to receive funding for residential and treatment services under this section. Costs for education services shall be paid by the department of education under this section only if the educational program of the group home or residential treatment facility or the program provided by the board of cooperative educational services meets the standards of subsection (b) of this section and has been approved by the department. The department of family services and the department of education shall provide the courts with a list of approved facilities and services. The court shall determine the parents' or the guardian's contribution to the court ordered placement for all costs excluding necessary education costs based on the parents' or guardian's ability to pay as provided by W.S. 14-6-236 or 14-6-435.

(g) Repealed by Laws 1987, ch. 221, § 2.

(h) In the placement order the court shall declare the child's school district or school districts of residency in any district or districts which it deems proper in the best interests of the child. The declaration by the court shall be binding upon the school districts.

(j) In the placement order the court shall determine that adequate efforts were made to maintain the child in the child's home prior to placement.

(k) Except as otherwise provided by law, this section applies to children who are at least five (5) years of age as of August 1, or September 15 if pursuant to an approved request under W.S. 21-3-110(a)(xxxviii), of the year in which they may register in kindergarten as provided in W.S. 21-4-302(b) but who are under twenty-one (21) years of age.

(m) The department of family services shall regularly monitor the amount of unencumbered funds available within the

appropriation making allowance for the costs for children already placed. If the projected costs exceed the amount available, the division shall terminate its contracts for services under this section after notice of thirty (30) days and reduce the rates it pays to all providers by a uniform percentage. The percentage shall be determined by the division and shall bring the costs and projected fund availability into balance. The division shall readjust rates dependent upon change in availability of funds.

(n) Prior to billing the department of education under paragraph (c)(ii) of this section, program providers shall bill the department of health for costs of approved educational services covered under the school health program under the Wyoming Medical Assistance and Services Act pursuant to W.S. 42-4-103(a) (xxx) .

**21-13-316. Interfund borrowing.**

(a) The state treasurer may utilize interfund loans to the school foundation program account to ensure statutory payments are made when dedicated revenues are not yet received. Interfund loans under this subsection may be made from the legislative stabilization reserve account or, to the extent insufficient funds exist in the legislative stabilization reserve account, the common school account within the permanent land fund. Any interfund loans executed pursuant to this section shall be repaid in whole or in part periodically as soon as school foundation program account revenues permit.

(b) Repealed by Laws 1988, ch. 82, § 2.

**21-13-317. Repealed By Laws 1997 Special Session, ch. 3, § 304.**

**21-13-318. Repealed By Laws 2006, Chapter 37, § 2.**

**21-13-319. Repealed By Laws 2002, Ch. 76, § 3.**

**21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.**

(a) The amount provided for the transportation of school children within the education resource block grant model

pursuant to W.S. 21-13-309(m) (v) (E) (I) shall be computed in accordance with this section.

(b) There shall be an amount computed for each school district equal to the base price amount for bus purchase and lease payment expenditures made by the district during the previous school year pursuant to subsection (g) of this section and for the amount actually expended by the district during the previous school year for:

(i) The maintenance and operation of transportation routes for transporting school children to and from school; and

(ii) The transportation of students to and from student activities authorized by department of education rules. For the purpose of this paragraph, student activities means athletic and nonathletic activities sanctioned by the Wyoming high school activities association and school sponsored athletic and nonathletic activities in grades preceding high school which directly correspond to those high school activities sanctioned by the Wyoming high school activities association. No reimbursement shall be made for transportation expenses for student activities for expenses for transportation in excess of one hundred fifty (150) miles from the Wyoming border into another state.

(c) Repealed by Laws 2019, ch. 204, § 4.

(d) Repealed By Laws 2004, Chapter 74, § 1.

(e) Repealed By Laws 2002, Ch. 76, § 3.

(f) The department of education shall adopt necessary rules and regulations to implement and enforce state standards established under this section and to administer this section. District expenditures computed under subsection (b) of this section shall not include expenditures for employee contributions to the Wyoming retirement system exceeding five and fifty-seven hundredths percent (5.57%) of any member employee's salary. In addition, the department shall, in accordance with procedures prescribed by department rule and regulation, establish a base price for each school bus type or other student transportation vehicle type for the applicable fiscal period that complies with minimum state standards for vehicle specifications and equipment. The department shall also establish a process including competitive bidding which guarantees the acquisition of school buses and other student

transportation vehicles approved for reimbursement and complying with state minimum standards and district fleet size restrictions at the established base price for the applicable fiscal year. Department rules shall establish appropriate restrictions on how and under which conditions a school district may procure a school bus or other student transportation vehicle, either through purchase or lease, to ensure that the procurement method used is the most cost effective. School districts shall notify the department of school bus and other student transportation vehicle needs and requirements for the appropriate fiscal year in the manner and within the times prescribed by department rule and regulation, and shall report expenditures, purchases and lease arrangements for the applicable reporting period, including vehicles replaced by purchases and leases, as required by department rule and regulation. The department shall annually review and conduct audits as necessary of information submitted under this section. As authorized under W.S. 21-13-307(b), the department may correct the information reported by districts under this section as necessary to fairly and accurately reflect the data type, classification and format required to administer this section in accordance with law and department rules and regulations.

(g) In addition to subsection (b) of this section and for purchases and leases conducted in a manner consistent with department rules, the transportation adjustment for each district under this section shall include an amount computed under this subsection for the purchase or lease of school buses and other vehicles used primarily for the transportation of students to and from school and to and from school activities. Computations of amounts reimbursed under this subsection shall be based upon the base price established by the department under subsection (f) of this section for the student transportation vehicle type. Amounts included within the adjustment under this subsection shall be subject to the following:

(i) Buses and other vehicles used primarily for student transportation, for which reimbursement is authorized, shall meet state minimum standards for vehicle specifications and equipment and shall be subject to vehicle replacement schedules specified by department rule and regulation;

(ii) The number of buses and other student transportation vehicles comprising a district's fleet shall comply with fleet size standards established by rule of the department, which shall be established to ensure safe and efficient student transportation;

(iii) In consultation with the pupil transportation committee, the department shall by rule establish a replacement schedule for buses and other student transportation vehicles. The replacement schedule shall establish replacement cycles for mileage and age not less than the applicable national averages for replacement of school buses and other student transportation vehicles;

(A) Repealed by Laws 2019, ch. 204, § 4.

(B) Repealed by Laws 2019, ch. 204, § 4.

(C) Repealed by Laws 2019, ch. 204, § 4.

(iv) Repealed by Laws 2019, ch. 204, § 4.

(v) The adjustment for the purchase or lease of buses and other student transportation vehicles authorized under this subsection shall be equal to:

(A) One-fifth (1/5) of the base price established under subsection (f) of this section for each purchased school bus or other purchased student transportation vehicle for which reimbursement is authorized and which is made by the district during the preceding five (5) years;

(B) The base price established under subsection (f) of this section for lease payments for each school bus or other student transportation vehicle for which reimbursement is authorized and which is made by the district during the prior school year, plus the annual interest charges imposed under the lease arrangement.

(vi) Amounts included within the adjustment for purchases or leases that are fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. § 16131 et seq., or other similar program, shall be made in accordance with department rule and regulation.

(h) As used in this section:

(i) "Lease" means a lease-purchase arrangement entered into by a school district, after a competitive quote or bidding process, for the acquisition and use of a student transportation vehicle approved for reimbursement under this section;

(ii) "Pupil transportation committee" means an advisory committee comprised of school district business managers, student transportation program managers and employees, district superintendents and other district personnel organized by the state department of education to assist the department in developing and maintaining state standards for vehicle specifications and equipment, vehicle fleet regulations and vehicle replacement schedules.

(j) Repealed by Laws 2019, ch. 204, § 4.

(k) Repealed by Laws 2019, ch. 204, § 4.

(m) No district shall purchase or lease a school bus unless it first demonstrates to the department and the department determines that the school district has in good faith attempted to purchase or lease a bus that will be fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program.

(n) Except as needed to ensure shared services for the purpose of efficiency, educational stability for a child taken into protective custody or pursuant to an agreement under W.S. 21-4-502, no district shall send or arrange to send any bus or other form of transportation into another school district for the purposes of loading or discharging students residing in that district.

**21-13-321. Special education; amount provided for special education programs and services; district reporting requirements; billing for Medicaid authorized school based services.**

(a) As used in this section:

(i) "General fund operating expenditures" means those expenditures of the district from the general fund for operation of the district as reported to the department of education under rules promulgated by the department;

(ii) "Special education programs and services" means programs and services for students with disabilities as identified under the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.



(b) The amount provided to a school district for special education shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services, which shall include the amount actually expended by the district during the previous school year for reasonable administrative costs to bill for authorized Medicaid services under subsection (h) of this section. Amounts awarded under this section shall be in addition to and shall not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. The department of education shall distribute the amount computed under this section to each school district in the same proportion and schedule of distributions under W.S. 21-13-313(c).

(i) Repealed by Laws 2006, Ch. 37, § 2.

(ii) Repealed by Laws 2006, Ch. 37, § 2.

(iii) Repealed by Laws 2006, Ch. 37, § 2.

(c) Repealed by Laws 2003, Ch. 208, § 102.

(d) The department of education shall adopt necessary rules and regulations to implement and administer this section. Districts shall report special education program expenditures for the applicable reporting period as required by department rule and regulation. District expenditures computed under subsection (b) of this section shall not include expenditures for employee contributions to the Wyoming retirement system exceeding five and fifty-seven hundredths percent (5.57%) of any member employee's salary. The department shall annually review and report to the joint education interim committee regarding services provided to special education students by school districts. In addition, the department shall when necessary, conduct audits of information submitted by districts under this section and may, in accordance with W.S. 21-13-307(b), correct the information reported by districts as necessary to fairly and accurately reflect the data type, classification and format required to administer this section in accordance with law and department rule and regulation.

(e) Repealed By Laws 2004, Chapter 74, § 1.

(f) In addition to subsection (d) of this section, the state department of education shall assess school district

special education staffing levels based upon staffing guidelines established pursuant to W.S. 21-2-202(a)(xxiii), and report on the adequacy of staffing levels to the joint education interim committee. School districts shall report staffing and other necessary information to the department in accordance with department rules and regulations and shall provide written explanation to the department justifying district special education staffing levels. Based upon information collected under this subsection and following review, the department shall include within its report to the joint education interim committee as required under subsection (d) of this section, recommendations for improving appropriate special education program and service delivery within the state.

(g) Assistive technology equipment included within district expenditures for special education programs and services and reported under subsection (b) of this section, which was acquired to assist a student with a specific disability, shall to the extent practicable, transfer with that student if the student transfers to another school district within the state. Within the report required under subsection (d) of this section, districts shall separately document assistive technology equipment including an inventory of assistive technology equipment and the status of the usage levels of the equipment and shall report to the department equipment which is accordingly transferred to another school district or which is currently unused by the district. The provisions of this subsection requiring transfer of assistive technology equipment apply only if no other student within the district currently uses the equipment and the equipment is capable of transfer to another district.

(h) Beginning July 1, 2022, each school district with Medicaid eligible students receiving special education programs and services, as calculated by the department of education pursuant to subsection (j) of this section, may bill the department of health for the costs of any special education program and service covered under W.S. 42-4-103(a)(xxxiv) through (xxxvi) provided to the district's students. The department of health shall provide payment to each eligible school district that has billed the department of health as soon as reasonably practical for the costs of approved services. By September 1 of each school year, each school district shall remit to the department of education all funds received during the prior school year from the department of health for billed services. The department of education shall remit all funds

received under this subsection to the state treasurer for deposit in the school foundation program account.

(j) A school district may report the number of Medicaid eligible students receiving special education programs and services enrolled within the school district on forms and in such manner required by the department for the 2021-2022 school year. Beginning with the 2022-2023 school year and each school year thereafter, a school district shall report the number of Medicaid eligible students receiving special education programs and services enrolled within the school district on forms and in the manner required by the department. The number of Medicaid eligible students receiving special education programs and services for a school year shall be determined by the department of education using data from October 1 of the immediately preceding school year.

**21-13-322. Repealed By Laws 2002, Ch. 76, § 3.**

**21-13-323. Repealed By Laws 2006, Chapter 37, § 2.**

**21-13-324. Teacher extra compensation adjustment to district total amount per ADM.**

(a) A district may pay extra compensation to a teacher as necessary to employ teachers for providing educational programs at locations which because of their unique circumstances require additional pay. Extra compensation under this section:

(i) Shall not reflect district preference for higher salaries;

(ii) Shall be payment for performing regular duties and not be payment for performing any additional duties assigned to the teacher;

(iii) May be in the form of subsidized expenses other than rent or housing allowances, a cash bonus or a combination.

(b) If compensation is paid to the teacher for costs other than rent or housing allowances, the school district shall provide information to the state department describing the difference in the amount paid by the teacher and the average comparable market rate within the county for the subsidized cost.

(c) Upon application by a district upon a form prescribed and provided by the state department, the department shall reimburse the district from the foundation account for extra compensation paid pursuant to subsection (a) of this section, administered as if the district's total foundation program amount computed under W.S. 21-13-309(p) was increased by the amount of extra compensation paid during the preceding year. The department shall require the district to document the need for extra compensation payments.

**21-13-325. Repealed By Laws 2002, Ch. 76, § 3.**

**21-13-326. Repealed By Laws 2006, Chapter 37, § 2.**

**21-13-327. Repealed By Laws 2002, Ch. 76, § 3.**

**21-13-328. Repealed By Laws 2006, Chapter 37, § 2.**

**21-13-329. Repealed By Laws 2006, Chapter 37, § 2.**

**21-13-330. Virtual education; program content; agreements between districts authorized; remote education.**

(a) Repealed By Laws 2008, Ch. 95, § 502.

(b) Repealed By Laws 2008, Ch. 95, § 502.

(c) Repealed By Laws 2008, Ch. 95, § 502.

(d) Repealed By Laws 2008, Ch. 95, § 502.

(e) Repealed By Laws 2008, Ch. 95, § 502.

(f) As used in this section:

(i) "Virtual education" means instruction primarily through technology outside of the physical classroom in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 through a program accredited by the state board under W.S. 21-2-304(a)(ii);

(ii) Repealed by Laws 2017, ch. 193, § 2.

(iii) Repealed by Laws 2017, ch. 193, § 2.

(iv) Repealed by Laws 2017, ch. 193, § 2.

(v) "Full-time virtual education" means more than fifty percent (50%) of the required educational program is provided through virtual education by a school district established pursuant to the laws of this state;

(vi) "Part-time virtual education" means fifty percent (50%) or less of the required educational program is provided through virtual education by a school district established pursuant to the laws of this state.

(g) Pursuant to rule and regulation of the department, a school district providing full-time virtual education for a student, or a student's resident school district that has entered into an agreement with another school district to provide full-time virtual education for the student, shall:

(i) Repealed by Laws 2017, ch. 193, § 2.

(ii) Enroll and assign the participating student to a school within the district offering appropriate grade level instruction;

(iii) Monitor the participating student's progress and in accordance with the district's assessment policies, administer or ensure his participation in required student performance evaluations and assessments at the same intervals required of other students at the participating student's grade level;

(iv) Facilitate necessary instructional support for the student and notify and assist any student not performing satisfactorily;

(v) Maintain the student's records within the district's permanent student data system including equivalent attendance as specified by department rule and regulation, assessment and other performance evaluation data, immunization and other information required by the district or by rule and regulation of the department;

(vi) Verify the virtual education program received by the participating student complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rule and regulation of the state superintendent under W.S. 21-2-202(a)(xxxi) and that the program otherwise meets district program standards;

(vii) Restrict the student's virtual education to programs approved by the department of education pursuant to W.S. 21-2-202(a)(xxxii) and accredited by the state board.

(h) Pursuant to department rule and regulation, a school district providing part-time virtual education to any student enrolled in another school district shall:

(i) Complete a tuition agreement with the school district in which the student is enrolled. The agreement shall identify the services, classes and the payments to be provided by the respective school districts. The tuition shall be paid on a per course basis and shall be equal to or less than the ADM amount received by the district providing the part-time virtual education prorated to reflect the number of virtual education classes attended by the pupil;

(ii) Monitor the participating student's academic progress in the virtual education courses and provide any necessary academic information to the school district in which the student is enrolled as required by department rule and regulation;

(iii) Facilitate necessary instructional support for the virtual education courses taken by the student and notify and assist any student not performing satisfactorily;

(iv) Maintain the student's record for the virtual education courses taken by the student and, as necessary, share educational information with the district in which the pupil is enrolled;

(v) Verify the virtual education program received by the participating student complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rule and regulation of the state superintendent under W.S. 21-2-202(a)(xxxii) and that the program otherwise meets program standards agreed upon by the district in which the student is enrolled and the district providing the part-time virtual education;

(vi) Restrict the student's virtual education to programs approved by the department of education pursuant to W.S. 21-2-202(a)(xxxii) and accredited by the state board.

(j) Each student participating in virtual education shall be included within the average daily membership (ADM) of the

district in which the student is enrolled as computed under the education resource block grant model pursuant to W.S. 21-13-309(m)(iv). The virtual education program membership may be combined with any classes physically attended by the student at the school to result in a larger fractional ADM of not to exceed one (1.0) ADM as defined by department rule and regulation.

(k) The department of education shall by rule and regulation provide a procedure under which a school district may allow a student whose custodial parent or guardian is in active military service and leaves the state of Wyoming, and whose custodial parent or guardian maintains Wyoming residency, to participate in virtual education programs offered under this section provided the district complies with this section to the extent required by department rule and regulation.

(m) Two (2) school districts may enter into an agreement to allow a teacher in one (1) school district to remotely instruct a student in another school district. A course taught pursuant to an agreement entered into under this subsection shall not be considered virtual education for purposes of determining if a student is receiving part-time virtual education or full-time virtual education. An agreement to provide remote education pursuant to this subsection shall require that the teacher who teaches the course does so in-person, in a physical classroom setting in the district of employment and provides interactive delivery of content to the remote student. The school district providing the remotely taught courses shall:

(i) Complete a tuition agreement with the school district in which the student is enrolled. The agreement shall identify the services, courses and the payments to be provided by the respective school districts. The tuition shall be paid on a per course basis and shall be equal to or less than the ADM amount received by the district providing the remote education prorated to reflect the number of remotely taught courses attended by the student;

(ii) Monitor the participating student's academic progress in the remotely taught courses and provide any necessary academic information to the school district in which the student is enrolled;

(iii) Facilitate necessary instructional support for the remotely taught courses taken by the student and notify and assist any student not performing satisfactorily;

(iv) Maintain the student's record for the remotely taught courses taken by the student and, as necessary, share educational information with the district in which the student is enrolled;

(v) Verify the remotely taught program received by the participating student complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and that the program otherwise meets program standards agreed upon by the district in which the student is enrolled and the district providing the remotely taught courses.

(n) A teacher who teaches a course in-person, in a physical classroom setting in the teacher's district of employment may teach the course remotely to other students in the same district using interactive delivery of course content. A course taught remotely pursuant to this subsection shall not be considered virtual education for purposes of determining if a student is receiving part-time virtual education or full-time virtual education.

#### **21-13-331. Cooperative services incentive.**

(a) If two (2) or more districts enter into an arrangement to combine student transportation services, the district shall receive an amount in addition to the guarantee under W.S. 21-13-309(p) during the succeeding school year, subject to the following:

(i) The combined service arrangement shall result in a reduction in the total expenditures of both participating districts for the portion of total transportation services included within the arrangement. Districts participating in a combined service arrangement may agree to apportion reduced expenditures among themselves for the purposes of paragraph (ii) of this subsection;

(ii) This additional incentive shall be equal to fifty percent (50%) of the total savings but shall not exceed fifty thousand dollars (\$50,000.00) for any one (1) combined service arrangement; and



(iii) Each district participating in a combined service arrangement shall report to and submit documentation regarding the combined service arrangement to the state department.

(b) If two (2) or more districts enter into an arrangement to combine any program or service for children with disabilities, the district shall receive an amount in addition to the guarantee under W.S. 21-13-309(p) during the succeeding school year, subject to the following:

(i) The combined arrangement shall result in a reduction in the total expenditures of all participating districts for that program, service or portion thereof which is included within the arrangement. Districts participating in a combined service arrangement may agree to apportion reduced expenditures among themselves for the purposes of paragraph (ii) of this subsection;

(ii) This additional incentive shall be equal to fifty percent (50%) of the total savings but shall not exceed fifty thousand dollars (\$50,000.00) for any one (1) combined service arrangement; and

(iii) The district reports to and submits documentation on the combined arrangement to the state department.

(c) Districts shall report information necessary to compute any additional payments resulting from combined service agreements under subsection (a) or (b) of this section at the same time they report actual revenue collections for the purpose of reconciliation under W.S. 21-13-313(d). Not later than October 15 of each year, school districts shall be paid from the school foundation program any payments for which the district is eligible under this section. None of the additional incentive payments under this section shall be counted for the purpose of computing a district's entitlement to revenues for any school year.

**21-13-332. Repealed By Laws 2006, Chapter 37, § 2.**

**21-13-333. Repealed By Laws 2006, Chapter 37, § 2.**

**21-13-334. Repealed by Laws 2017, ch. 205, § 2.**

**21-13-335. Repealed by Laws 2017, ch. 205, § 2.**

**21-13-336. Education costs of children certified by the department of health for treatment in psychiatric residential treatment facilities.**

(a) The department of education using federal or school foundation program account funds as appropriated by the legislature, or both, shall pay for the allowable education costs of children placed in psychiatric residential treatment facilities where a fee is charged and the department of health has determined the placement is medically necessary for purposes of benefit eligibility under W.S. 42-4-103(a)(xvi). This section shall not apply to children eligible for services under W.S. 21-13-315. No district shall receive funds, either directly or indirectly, from any facility receiving payment under this section for providing educational programs and services to children placed and residing in the facility. No psychiatric residential treatment facility shall receive funds for educational services under this section unless certified by the department of health for purposes of providing medical services and approved by the department of education under the requirements of this section.

(b) Upon placement or admittance of a child in a psychiatric residential treatment facility, the facility shall notify the department of education and the student's resident school district in writing within seventy-two (72) hours of placement. Within seven (7) days of receiving notice, the resident school district shall notify the facility of the manner in which educational services shall be provided to the child. The district shall either:

(i) Request the facility provide the educational services to the student;

(ii) Deliver the educational services directly to the student; or

(iii) Contract with the school district in which the psychiatric residential treatment facility is located to provide educational services to the student.

(c) If a psychiatric residential treatment facility does not receive notification from the school district regarding educational services for the student as required by subsection (b) of this section, the facility shall provide educational services to the student provided the facility has an education

program certified by the department of education pursuant to department rules and regulations.

(d) A district that provides educational services directly to the student, or contracts with another district to provide the educational services, shall continue to count the student among its ADM. A district shall eliminate students from its ADM if the psychiatric residential treatment facility provides the educational services pursuant to this section.

(e) Educational programs provided by psychiatric residential treatment facilities shall be certified and approved by the department of education prior to the facility billing the department for any educational services provided under this section. A facility providing educational services under this section shall bill the department of education monthly for allowable education costs as defined by department rule and regulation pursuant to W.S. 21-13-315(b).

(f) If at any time the department of health determines the placement is no longer medically necessary for purposes of receiving benefits under W.S. 42-4-103(a)(xvi), the department of education shall discontinue payment for educational services provided by a psychiatric residential treatment facility.

(g) All psychiatric residential treatment facilities providing educational services shall comply with the provisions of the federal Family Education Rights and Privacy Act. Not later than ten (10) days after release of the student from the psychiatric residential treatment facility, all educational records shall be transferred via a secure method to the resident school district or the district in which the student enrolls upon release.

(h) A school district or psychiatric residential treatment facility providing educational services to a student placed in a treatment facility shall create an individualized learning plan for the student, which:

(i) Is appropriate for the learning capabilities of the student and complies with all state and federal education requirements;

(ii) Monitors and measures the student's progress towards meeting defined educational benchmarks and accounts for any applicable assessment requirements;

(iii) Facilitates necessary instructional support for the student and notifies and assists the student if he is not performing satisfactorily or failing to achieve performance benchmarks established within the individualized learning plan;

(iv) Maintains the student's permanent education records, including his individualized learning plan, equivalent attendance as specified by the plan, assessment and other performance evaluation data, immunization and other information required by the state; and

(v) Verifies the individualized learning plan complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and that the plan otherwise meets educational program standards.

(j) The department of education shall adopt reasonable rules and regulations necessary for carrying out its duties under this section, including prescribing standards for educational programs of psychiatric residential treatment facilities and a certification and approval process for educational programs of facilities. Standards shall be subject to W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and shall be designed to fit the unique populations of students placed in psychiatric residential treatment facilities under this section.

(k) For purposes of this section "resident school district" means the district in which the child's custodial parent or guardian resides at the time of the child's placement in the psychiatric residential treatment facility.

**21-13-337. Career and technical education equipment grants; application; criteria; limitations.**

(a) A school district may apply to the state department of education for state assistance to fund the purchase of supplies, materials and equipment for a new or existing career and technical education program in the district. Amounts awarded under this section shall be in addition to and shall not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. Any school district receiving funds under W.S. 21-12-105 for a career and technical education demonstration project grant shall be ineligible to receive funds under this

section for the period the district receives funds under W.S. 21-12-105.

(b) A grant awarded under this section shall be for a period of two (2) years and shall not exceed fifty thousand dollars (\$50,000.00) per year. Applications for a grant under this section shall be submitted on a form and in a manner specified by rule of the department, shall be filed with the department on or before June 30 to secure a grant during the immediately succeeding school year and shall at a minimum include:

(i) A proposal documenting the need for the requested supplies, materials and equipment and the relationship of the career and technical education program to the workforce, education and economic needs of Wyoming;

(ii) The purpose, plan and timeline for expenditure of grant amounts;

(iii) Assurances that school facilities appropriately accommodate the career and technical education program for which the supplies, materials and equipment will be used;

(iv) Other necessary information required by the department.

(c) Not later than August 15 of the applicable school year and following review of applications submitted under this section, the department shall notify applicant districts of its grant awards and shall provide each applicant district a written statement of the reasons for approving or denying the application. No award shall be given to a district unless it has expended, or will expend with the award of the grant requested under this section, the entire amount generated under W.S. 21-13-309(m) (v) (D) for supplies, materials and equipment for career and technical education programs utilizing expenditure data from the immediately preceding five (5) school years from the date of application and amounts from the special reserve fund created under W.S. 21-13-504 for supplies, materials and equipment for career and technical education programs. Second preference shall be given to districts that have not received a grant under this section in the immediately preceding five (5) school years from the date of application. If an application is approved, the department shall award the grant from amounts made available by legislative appropriation from the public school foundation program account for purposes of this section.

(d) Each applicant district shall report to the department on the expenditure of amounts awarded under this section and shall provide other information as required by rule of the department.

(e) The department of education shall promulgate rules necessary to carry out this section.

(f) As used in this section, "career and technical education program" shall be as specified in W.S. 21-13-309(m) (v) (D) (II).

#### ARTICLE 4 - FEDERAL AID

**21-13-401. Repealed and Renumbered by Laws 1987, ch. 190, §§ 4, 5.**

**21-13-402. Renumbered by Laws 1987, ch. 190, § 4.**

**21-13-403. Renumbered by Laws 1987, ch. 190, § 4.**

#### ARTICLE 5 - BUILDING FUND AND RESERVE FUND

**21-13-501. Board of trustees of any school district authorized to hold election; building or repayment fund generally.**

(a) The board of trustees of any school district may, whenever a majority thereof so decide, submit to the electors of the district the question whether the board shall be authorized to start a building fund of a certain amount, to be raised within a certain number of years, for the purpose of acquiring land, erection, enlargement, and equipping of school buildings, teacherages, garages or other such buildings as may be needed for school purposes therein, or submit the question of whether the board is authorized to direct the county treasurer to annually levy against the property of the district to pay off existing school district or school facility authority refunding bonds of a certain amount, not to exceed four percent (4%) on the assessed value of the taxable property therein as shown by the last preceding general assessment. The fund and any interest accruing thereto shall be held by the county treasurer for the purposes herein specified and shall be used for no other purpose. The fund may be voted and raised in addition to the existing bonded indebtedness of the district.

(b) The authority for levies to pay off existing refunding bonds as specifically authorized by this section is only effective for school districts receiving voter approval on or before September 15, 1982.

**21-13-502. Conduct of election; levy of tax; custody and investment of funds raised.**

(a) The election in connection with the question under W.S. 21-13-501 shall be held on a date and in the manner prescribed for elections on the issuance of school bonds, except that the ballots must contain the words "building fund, yes" and "building fund, no" or "levy against the property of the district to pay off existing refunding bonds, yes" and "levy against the property of the district to pay off existing refunding bonds, no". If the majority of the votes at the elections are "building fund, yes" or "levy against the property of the district to pay off existing refunding bonds, yes", the clerk of the district shall immediately notify the board of county commissioners and the county treasurer, and the board of county commissioners shall thereafter levy annually the tax necessary to raise the fund in the number of years specified. The funds as raised shall be kept in the custody of the county treasurer until sufficient funds have been raised to commence the building or to commence the payoff of the existing refunding bonds contemplated by the school district. The board of trustees may require the county treasurer to invest the funds raised under this section as permitted by law and the interest accruing from the investment shall be retained in the building fund and to make payments as directed by the board of trustees.

(b) The authority for levies to pay off existing refunding bonds as specifically authorized by this section is only effective for school districts receiving voter approval on or before September 15, 1982.

**21-13-503. Election on issuance of bonds; discontinuance of tax levy.**

At any time after the raising of a building fund has been commenced by any school district, the board of school trustees may submit to the electors of the district, as provided for bond elections by the Political Subdivision Bond Election Law, W.S. 22-21-101 through 22-21-112, the question whether the board shall be authorized to issue coupon bonds of the district, but in no case shall the amount of bonds exceed the bonded indebtedness permitted by law. If the bonds are authorized, the

annual building fund levy shall be discontinued by the board of county commissioners when the levy is commenced for payment of the bonds.

**21-13-504. Special reserve fund.**

The board of trustees of each Wyoming school district may create a special reserve fund of a specified amount, for the purpose of purchasing or replacing specified equipment or a depreciation reserve for equipment and school building repair. The board may annually include in its budget for the ensuing fiscal year, the amount so designated, as a special fund, expendable only for the purposes stated and segregated as such, from general and other special school funds, disbursements therefrom to be made from time to time by the school clerk's warrants drawn against said special fund, as duly ordered by said board; provided, that said amount so specially budgeted for any fiscal year shall not exceed ten percent (10%) of the total amount budgeted for the same year; and further provided, that any difference in the amount so specially budgeted for any such year and the amount expended from said fund during such year, may be retained in and carried over as a part of the special reserve fund.

ARTICLE 6 - FUNDS FOR EMERGENCY SCHOOL CONSTRUCTION

**21-13-601. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-602. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-603. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-604. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-605. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-606. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-607. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-608. Repealed by Laws 1979, ch. 159, § 3.**

**21-13-609. Repealed by Laws 1979, ch. 159, § 3.**

ARTICLE 7 - BOND ISSUES

**21-13-701. Submission of question to electors authorized; purposes for which indebtedness may be created; required public**



**hearing on bonding proposition; reserve fund for maintenance required.**

(a) The board of trustees of a school district may, after conducting at least two (2) public hearings as required under subsection (c) of this section and subject to subsection (d) of this section, submit to the qualified electors of the district on a date authorized under W.S. 22-21-103, the question of creating an indebtedness for the purpose of:

- (i) Acquiring or improving land;
- (ii) Acquiring or erecting buildings;
- (iii) Enlarging, improving, remodeling, repairing or adding to buildings;
- (iv) Equipping and furnishing buildings;
- (v) Repair and maintenance; and
- (vi) Any combination of the above.

(b) The purposes for which an indebtedness may be created shall be broadly construed. It is the intention of the legislature that school districts be empowered to create indebtedness under this section for any purpose which, directly or indirectly, enables the district to provide facilities which are in excess of the statewide standards for the adequacy of school buildings and facilities.

(c) Prior to submitting a bonding proposition to district voters in accordance with subsection (a) of this section, the school district board of trustees shall hold at least two (2) public hearings within the district at which the board provides an explanation of the need to obtain district funding for building and facility features that are in excess of state standards for buildings and facilities.

(d) In addition to subsection (a) of this section and for any bond proposition submitted to district voters on or after July 1, 2007, the proposition shall provide that not less than three percent (3%) of bond proceeds be used for the creation of reserves or sinking funds for the maintenance and repair of any buildings or facilities or any building or facility features in excess of state building and facility adequacy standards which

are to be constructed or otherwise acquired through the bond issue.

**21-13-702. Construction of school building on leased land; state and its agencies authorized to enter into leases.**

A school building may be constructed on leased land provided that the lease shall be for a term of years not less than the economic life of the building as determined by the board. The state of Wyoming and any board, commission, department, corporation, instrumentality, or agency thereof may enter into such a lease with a school district notwithstanding any other provision of law limiting the term of such a lease.

**21-13-703. Limits on indebtedness.**

Each school district actually and physically operating within its boundaries a school shall have a limit on outstanding indebtedness of ten percent (10%) of the assessed value of the taxable property therein. Nothing in this section shall be construed as permitting any combination of school districts embracing common territory to incur a bonded indebtedness of more than ten percent (10%) of the assessed value of the taxable property therein. The amount in any sinking fund available for the payment of outstanding indebtedness may be deducted for the purpose of computing the debt-incurring power of such district. For this purpose, any general assessment for a particular district shall become effective when the county assessor shall have received notice from the state board of equalization of its final approval of the county valuations; provided, however, that if the county assessor receives such notice after the district has entered into an enforceable contract for the sale of bonds, a new lower assessed valuation shall not become effective until the day following the date of delivery of such bonds.

**21-13-704. Sale of bonds generally.**

If a proposed issue of bonds has been approved in the election and issuance thereof has been authorized by the school district board of trustees as provided by this article, the bonds shall thereafter at one (1) time or from time to time be sold at public or private sale. All costs and expenses incident to the issue and sale of the bonds may be paid out of the proceeds of the sale of the bonds. If the bonds are to be sold at public sale, the school district board of trustees shall give notice of sale by at least one (1) insertion of such notice in some newspaper of general circulation in the district of its

intention to sell the bonds. The notice shall briefly describe the bonds and the time and place where the sale thereof will take place. If there is no newspaper of general circulation in the district, the board may publish the notice of sale in any newspaper published in the county seat of any county in which the district is wholly or partially located. Publication shall be made not less than ten (10) days nor more than thirty (30) days prior to the date designated for the sale of the bonds.

**21-13-705. Printing and numbering of bonds.**

After ascertaining the best terms upon, and the lowest interest at which said bonds can be sold, the board of trustees shall cause said bonds to be suitably printed or lithographed, with coupons, if any, attached, and thereafter shall have said bonds consecutively numbered and otherwise properly prepared and executed.

**21-13-706. Execution, form and contents of bonds.**

(a) Said bonds shall be signed by the chairman of the board of trustees and countersigned by the county treasurer. The coupons, if any, shall be signed by the county treasurer. The clerk of the board shall endorse a certificate upon every bond, that the same is issued pursuant to law and is within the lawful debt limit of the district. The county treasurer may authorize his deputy to sign any bond or coupon on his behalf. The board of trustees may authorize another member of the board to sign any bond or certificate in place of the chairman or clerk. It shall not be necessary for any bond to bear the seal of the district. Said bonds and coupons shall otherwise be in such form as the board may determine; provided, that the board may, at its option, utilize a statutory form of bond which shall include the following details:

(i) The name of the district and the date of the bond;

(ii) The principal amount thereof and interest rate or rates applicable thereto;

(iii) The place or places and time or times of payment of principal and interest;

(iv) The prior redemption option, if any;

(v) A recital that the bond is one of a series approved at an election held for that purpose, that the total indebtedness of the district does not exceed the lawful debt limit of the district; and that the bond has been issued under the authority of, and in full compliance with, and for a purpose authorized by, the constitution and this article.

(b) A bond delivered to the purchaser thereof in the optional statutory form shall:

(i) Be payable in lawful money of the United States of America without deduction for exchange or collection charges;

(ii) Be conclusively presumed to have been issued for value;

(iii) Be payable upon presentation and surrender of the bond and the attached coupons as they severally become due;

(iv) If not paid upon presentation at maturity, continue to draw interest until the principal thereof is paid in full;

(v) Be presumed to have been issued by the proper officers of the district under and by virtue of and in full conformity with the constitution of the state of Wyoming, this article, any amendments thereto, and all other laws thereunto enabling; and

(vi) Be incontestable as hereafter provided.

(c) Any resolution of a school district board of trustees authorizing bonds may provide that each bond therein authorized shall recite that it is issued under the authority of this article. Such recital shall conclusively impart full compliance with all the provisions hereof, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

#### **21-13-707. Record of bonds sold and delivered.**

A record of any bonds sold and delivered by the district shall be kept by the county treasurer in a public book provided for that purpose, and therein shall be stated the number, date, amount, time and place of payment, rate of interest, number of coupons attached, if any, and any other proper description thereof for future identification.

**21-13-708. Terms of bonds; negotiability.**

Bonds issued by school districts pursuant to the provisions of this article shall bear interest payable annually or semiannually, and evidenced by one (1) or two (2) sets of coupons, if any, except that the first coupon may evidence interest for a period not in excess of one (1) year, and the bonds may be in one (1) or more series, may bear a date or dates, may mature at a time or times not exceeding twenty-five (25) years from their respective dates, may be in a denomination or denominations, may be payable in a medium of payment, in a place or places, within or without the state, including, but not limited to the office of the county treasurer of a county in which the district is wholly or partially located, may carry registration privileges, may be subject to prior redemption in advance of maturity in an order, or by lot, or otherwise, at a time or times with or without premium, may bear privileges for reissuance in the same or other denominations, may be so reissued (without modification of maturities and interest rates), and may be in a form, either coupon or registered, as may be provided by resolution of the school district board of trustees. Except as the board may otherwise provide, the bonds and interest coupons attached thereto, if any, shall be fully negotiable, within the meaning of and for all purposes of the Uniform Commercial Code-Investment Securities. The holder of a bond or coupon, by accepting the bond or coupon, is conclusively deemed to have agreed that the bond or coupon (except as otherwise provided) is and shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code-Investment Securities.

**21-13-709. How bonds to mature.**

The various annual maturities shall commence not later than the third year after the date of the bonds. All bonds shall mature serially, at the option of the board of trustees, in substantially equal annual installments of principal, or upon an amortization plan for the bonds of said series, or upon an amortization plan for the proposed bonds and all outstanding bonds of the district, or in any other manner as the board may determine.

**21-13-710. Sale to be conducted by board of trustees; disposition of proceeds.**

The sale of the bonds shall be conducted by the school district board of trustees. Proceeds from the sale of the bonds shall be paid to the school district treasurer for deposit in the school district treasury.

**21-13-711. Price of bonds; bids.**

The bonds may be sold at, above or below the par value thereof as determined by the board of trustees, but the bonds shall be sold at a price such that the net effective interest rate for the issue of bonds does not exceed the maximum net effective interest rate approved by the voters in the election authorizing the bonds. The board is authorized to reject any and all bids and to waive any informality or irregularity in any bid.

**21-13-712. Security for payment of bonds.**

The full faith, credit, and all taxable property lying within the school district are solemnly pledged for the payment of the principal and the interest of all bonds issued pursuant to this article.

**21-13-713. Tax levy.**

The board of county commissioners shall cause to be levied annually upon all taxable property of the school district, in addition to other authorized taxes, a sufficient sum to pay the principal and interest on school district bonds as the payments thereon become due. All taxes for the repayment of bonded indebtedness shall be levied, assessed, and collected in the same manner as other taxes for school purposes. The taxes shall be levied in the manner prescribed above until the principal and interest of the bonds are fully paid.

**21-13-714. Payment of bonds before collection of tax levy.**

In the event that the tax for the payment of the principal or interest on any bonds issued at any time under the provisions of this article is not levied or collected in time to meet such payment, the principal or interest shall be paid out of any monies in the general or other funds of the district, and the monies so used for such payment shall be repaid to the fund from which so taken, out of the first monies collected from district taxes.

**21-13-715. County treasurer to pay bonds and report payment to board of trustees.**

The county treasurer shall pay the principal and interest of any bonds issued under this article by such school district, when the same becomes due, and all amounts so paid must be reported to the school district board of trustees at its next meeting thereafter.

**21-13-716. Penalty for misappropriation of funds by trustees.**

If any member of the school district board of trustees fraudulently fails or refuses to pay into the proper county treasury the money arising from the sale of any bonds provided for by this article, he shall be deemed guilty of a felony; and upon conviction thereof, be punished by imprisonment in the state penitentiary for a term of not less than one (1) year, nor more than ten (10) years.

**21-13-717. Additional surety by county treasurer.**

The school district board of trustees shall require the said county treasurer to give said district a separate bond in such sum as said board may deem proper, with two (2) or more sufficient sureties, conditioned upon the faithful performance of the duties required of him by this article, and the faithful accounting for the monies deposited with him and realized from the sale of said bonds, as herein provided for, and such bonds shall be approved by said board and shall be and remain in the custody of said district board.

**21-13-718. Bonds valid though signers cease to hold office.**

The bonds and any coupons bearing the signatures of the officers in office at the time of the signing thereof, shall be valid and binding obligations of the school district, notwithstanding that before delivery and/or payment thereof, any or all of the persons whose signatures or facsimiles appear thereon shall have ceased to fill respective offices.

**21-13-719. Use of facsimile signatures.**

Any person herein authorized or permitted to sign any bonds or interest coupons, may utilize a facsimile signature in lieu of his manual signature provided that the signature on the certificate required by section 8, article 16, of the constitution shall be manually executed. Such officer may adopt

as and for his own signature the facsimile signature of his predecessor in office in the event that such facsimile signature, having been executed by an officer then authorized to do so, appears upon the bonds or coupons, if any. It shall not be necessary for such officer to file any certificate with the secretary of state or any other board or officer.

**21-13-720. Refunding bonds.**

Any bonds heretofore or hereafter issued by a school district of this state may be refunded, without an election, by the district which issued said bonds, or any district which has assumed the obligation of said bonds in the manner and subject to the conditions provided by the General Obligation Public Securities Refunding Law, as from time to time amended.

**21-13-721. Validation of outstanding bonds, acts and proceedings.**

All bonds of any school district in this state outstanding on the effective date of this article, the right to the payment of which has not been barred by any pertinent statute of limitations, and all acts and proceedings heretofore had or taken, or purportedly had or taken by or on behalf of such district under law or under color of law preliminary to and in the authorization, execution, sale, issuance and payment of all such bonds, are hereby validated, ratified, approved and confirmed, including but not necessarily limited to the terms, provisions, conditions, and covenants of any resolution appertaining thereto, the redemption of bonds before maturity and provisions therefor, and the levy and collection of taxes to pay such bonds, notwithstanding any lack of power, authority, or otherwise, and notwithstanding any defects and irregularities in such bonds, act, and proceedings, and in such authorization, execution, sale, issuance, and payment. Such outstanding bonds are and shall be binding, legal, valid, and enforceable obligations of the school district issuing them in accordance with their terms and the authorizing proceedings.

ARTICLE 8 - WYOMING SCHOOL BOND RESERVE ACT

**21-13-801. Repealed by Laws 1982, ch. 15, § 1.**

**21-13-802. Repealed by Laws 1982, ch. 15, § 1.**

CHAPTER 14 - PROGRAM FOR HANDICAPPED CHILDREN



- 21-14-101. Renumbered by Laws 1987, ch. 190, § 4.
- 21-14-102. Repealed by Laws 1987, ch. 190, § 5.
- 21-14-103. Renumbered by Laws 1987, ch. 190, § 4.
- 21-14-104. Repealed by Laws 1987, ch. 190, § 5.
- 21-14-105. Repealed by Laws 1987, ch. 190, § 5.
- 21-14-106. Repealed by Laws 1987, ch. 190, § 5.

#### CHAPTER 15 - CAPITAL CONSTRUCTION PROJECTS

- 21-15-101. Repealed by Laws 1988, ch. 82, § 2.
- 21-15-102. Repealed by Laws 1988, ch. 82, § 2.
- 21-15-103. Repealed by Laws 1988, ch. 82, § 2.
- 21-15-104. Repealed by Laws 1988, ch. 82, § 2.
- 21-15-105. Repealed By Laws 2014, Ch. 15, § 1.
- 21-15-106. Repealed By Laws 1999, ch. 170, § 302.
- 21-15-107. Repealed By Laws 2002, Ch. 99, § 3.
- 21-15-108. **Revenue bonds for grants and loans; refunding revenue bonds.**

(a) Before distribution to the school lands mineral royalties account under W.S. 9-4-305(b), sufficient revenues for the purposes of this section shall be deducted therefrom and credited to a bond repayment account pursuant to the terms of the resolution, indenture or other appropriate proceeding authorizing the issuance of revenue bonds under this section. The revenues deducted shall be used as provided by this section. The balance of the revenues shall be credited to the school lands mineral royalties account as provided under W.S. 9-4-305(b). After available revenues under W.S. 9-4-305(b) have been used, revenues under W.S. 21-13-301 shall also be credited, as necessary, to the bond repayment account and shall be used as provided by this section.

Note: Effective 7/1/2024 this subsection will read as:

(a) Before distribution to the public school foundation program account under W.S. 9-4-305(b), sufficient revenues for the purposes of this section shall be deducted therefrom and credited to a bond repayment account pursuant to the terms of the resolution, indenture or other appropriate proceeding authorizing the issuance of revenue bonds under this section. The revenues deducted shall be used as provided by this section. The balance of the revenues shall be credited to the public school foundation program account as provided under W.S. 9-4-305(b). After available revenues under W.S. 9-4-305(b) have been used, revenues under W.S. 21-13-301 shall also be credited, as necessary, to the bond repayment account and shall be used as provided by this section.

(b) The school facilities commission may borrow money in a principal amount not to exceed one hundred million dollars (\$100,000,000.00) by the issuance from time to time of one (1) or more series of revenue bonds. The commission may encumber revenues under subsection (a) of this section for bonds in total amounts not to exceed one hundred million dollars (\$100,000,000.00) issued for school capital construction projects and assistance as determined by the commission and approved by the legislature under W.S. 21-15-119. Any bonds issued under this section, together with any interest accruing thereon and any prior redemption premiums due in connection therewith, are payable and collectible solely out of revenues authorized under this section. The bondholders may not look to any general or other fund for payment of the bonds except the revenues pledged therefore. The bonds shall not constitute an indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation. The bonds shall not be considered or held to be general obligations of the state but shall constitute its special obligations and the commission shall not pledge the state's full faith and credit for payment of the bonds.

(c) Bonds issued under this section shall be in a form, issued in a manner, at, above or below par at a discount not exceeding ten percent (10%) of the principal amount of the bonds, at public or private sale, and issued with recitals, terms, covenants, conditions and other provisions not contrary to other applicable statutes, as may be provided by the commission in a resolution authorizing their issuance and in an indenture or other appropriate proceedings.

(d) Any bonds issued under this section shall:

(i) Be of denominations of five thousand dollars (\$5,000.00) or multiples thereof;

(ii) Be fully negotiable within the meaning of and for all purposes of the Uniform Commercial Code, W.S. 34.1-1-101 through 34.1-10-104;

(iii) Mature at a time or serially at times in regular numerical order at annual or other designated intervals in amounts designated and fixed by the commission, but not exceeding thirty (30) years from their date;

(iv) Bear interest payable annually, semiannually or at other designated intervals, but the first interest payment date may be for interest accruing for any period not exceeding one (1) year;

(v) Be made payable in lawful money of the United States at the office of the state treasurer or any commercial bank or commercial banks;

(vi) Repealed By Laws 2002, Ch. 99, § 3.

(vii) Be additionally secured by a reserve fund created from revenues deposited within the school lands mineral royalties account under W.S. 9-4-305(b) or from the proceeds of the bonds, or both, in an amount determined by the commission but not to exceed an amount equal to ten percent (10%) of the revenue bonds outstanding.

Note: Effective 7/1/2024 this paragraph will read as:

*(vii) Be additionally secured by a reserve fund created from revenues deposited within the public school foundation program account under W.S. 9-4-305(b) or from the proceeds of the bonds, or both, in an amount determined by the commission but not to exceed an amount equal to ten percent (10%) of the revenue bonds outstanding.*

(e) Before any contract is entered into by the commission to retain the services of a financial advisor or to sell the bonds to an underwriter, whether by competitive or negotiated bid, a full disclosure of the terms of the contract including fees to be paid shall be submitted to the management council through the legislative service office.

(f) The commission may issue refunding revenue bonds:

(i) To refund and discharge and extend or shorten the maturities of all or any part of any outstanding bonds issued under this section including any interest thereon in arrears or about to become due;

(ii) For the purpose of reducing interest costs on bonds issued under this section or effecting other economics; or

(iii) For the purpose of modifying or eliminating any contractual limitations or provisions contained in any indenture or other proceedings authorizing outstanding bonds issued under this section.

(g) Any refunding permitted by this subsection shall be accomplished in the manner prescribed by W.S. 16-5-101 through 16-5-119, except any refunding revenue bonds authorized by the commission under this subsection shall not constitute an indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation or be considered general obligations of the state. The commission shall not pledge the state's full faith and credit to the payment of the refunding revenue bonds. The refunding revenue bonds shall constitute special obligations of the state and may be payable only from the sources authorized in this section for the payment of the bonds refunded. The principal amount of any bonds which have been refunded need not be taken into account in computing compliance with the maximum amounts of bonds authorized to be issued under this section.

**21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.**

(a) As used in this act:

(i) Repealed By Laws 1999, ch. 170, § 402.

(ii) "Educational building" means a school building or facility primarily used for providing the educational programs offered by a district in compliance with law which is owned by the district, including a school building or facility owned by the district and used for operating a charter school established under W.S. 21-3-301 through 21-3-314;

(iii) "Major building and facility repair and replacement" means the repair or replacement of complete or

major portions of school building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work. The term includes the following categories as hereafter defined:

(A) "Code compliance" means system improvements or site improvements that are mandated in writing by an authority having jurisdiction for the continued use of a school building or facility;

(B) "Site improvements" means the repair, replacement or upgrade of those components or equipment of school district buildings and facilities that are not system improvements, including the repair, replacement or upgrade of:

- (I) Sidewalks;
- (II) Parking lots;
- (III) Athletic tracks;
- (IV) Playground features;
- (V) Outdoor security features;
- (VI) Landscaping;
- (VII) Drainage systems; or
- (VIII) Similar components or equipment.

(C) "System improvements" means the repair, replacement or upgrade of components or equipment of school district buildings, including:

- (I) Structural systems;
- (II) Fire protection systems;
- (III) Indoor security features;
- (IV) Electrical, plumbing, heating, ventilation or air conditioning systems;

(V) Roofs;

(VI) Windows;

(VII) Information technology systems; or

(VIII) Similar components or equipment.

(iv) "Office building" means a school building or facility primarily used in connection with or for the purpose of district administrative functions, the major purpose or use of which is not dedicated to the provision of educational programs offered by the district in accordance with law. "Office building" shall include maintenance facilities and storage buildings in which supplies are stored;

(v) "Portable building" means any prebuilt, factory constructed and assembled school building or facility which is transported in an assembled condition to the location on which the building or facility is to be situated and which is acquired and used by the district for temporary purposes only;

(vi) "Routine maintenance and repair" means activities necessary to keep a school building or facility in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, grounds keeping and maintenance tasks done on a routine basis and typically accomplished by district personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance;

(vii) "Teacherage" means housing provided by and owned by a school district for use as living quarters of a teacher or other school district employee;

(viii) "Warehouse building" means a school building or facility primarily used for storage of equipment, materials and other district property and supplies, including facilities in which school buses are stored, maintained or serviced.

(b) To the extent funds are available, the state construction department shall, based upon square footage computations computed from the prior school year, distribute the estimated major building and facility repair and replacement payments in quarterly installments to each school district from

the school capital construction account. The department shall distribute the first quarterly payment on July 1 of each fiscal year, with the remaining payments distributed on October 1, January 2 and April 1. Payments shall be made as equal as reasonably possible. If funds within the account are not sufficient for any quarterly payment, the department shall reduce all district payments for that quarter by a uniform percentage. The department shall also increase or reduce a subsequent school district payment, as appropriate, in the event a school district receives an excessive or deficient distribution. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

Note: Effective 7/1/2024 this subsection will read as:

*(b) To the extent funds are available, the state construction department shall, based upon square footage computations computed from the prior school year, distribute the estimated major building and facility repair and replacement payments in quarterly installments to each school district from the public school foundation program account. The department shall distribute the first quarterly payment on July 1 of each fiscal year, with the remaining payments distributed on October 1, January 2 and April 1. Payments shall be made as equal as reasonably possible. If funds within the account are not sufficient for any quarterly payment, the department shall reduce all district payments for that quarter by a uniform percentage. The department shall also increase or reduce a subsequent school district payment, as appropriate, in the event a school district receives an excessive or deficient distribution. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.*

(c) To compute the major building and facility repair and replacement payment for each district, the department shall:

(i) Determine the total number of gross square feet of school buildings and facilities within the district from the prior school year according to guidelines prescribed by rule and regulation of the commission, subject to the following:

(A) The gross square footage of any school building or facility within the district which is not used for purposes of delivering the required educational program shall not be included within the district's total gross square footage

computed under this section, except for the square footage of any district school building or facility which would otherwise be treated as a closed building under paragraph (c)(iv) of this section, is determined to be surplus by the department or the building or facility is being used for the provision of one (1) of the programs specified in subdivisions (I) through (III) of this subparagraph and the district complies with subdivisions (IV) through (VI) of this subparagraph:

(I) Child care programs certified to operate in Wyoming under W.S. 14-4-101 through 14-4-111; or

(II) Developmental preschool programs receiving state financial assistance for program operations; or

(III) Educational programs and services provided through a board of cooperative educational services under W.S. 21-20-101 through 21-20-111 in which the district is a participant in the cooperative agreement; and

(IV) The district incorporates this use of closed or surplus buildings into its facility plans required under W.S. 21-15-116; and

(V) The district reports any fees or payments received or collected for this use of closed or surplus buildings as a local resource for purposes of foundation program computations under W.S. 21-13-310(a)(xv); and

(VI) The district limits the lease agreement for the use of the closed or surplus building to not more than one (1) year subject to termination by the district at any time prior to expiration of the one (1) year period if necessary for provision of district educational programs.

(B) The gross square footage of any school building or facility leased by a district, including but not limited to the gross square footage of any school building or facility leased by a charter school operating pursuant to W.S. 21-3-301 through 21-3-314, shall not be included within the district's total gross square footage computed under this section, unless the district's lease agreement is by or with any nonprofit or governmental agency providing educational programs which have been approved by the department of education, the department of health or another state or educational credentialing agency and the leased space is incorporated into



the district's facility plans required under W.S. 21-15-116(a)(vi);

(C) Repealed by Laws 2018, ch. 35, § 2.

(D) No gross square footage created by any district enhancement shall be included within the district's gross square footage computed under this section unless the enhancement or any portion thereof is determined to be included within the state adequacy standards pursuant to this act.

(ii) Of the total gross square feet for all school buildings and facilities computed under paragraph (c)(i) of this section, determine the total gross square feet for each of the following building categories:

(A) Office buildings;

(B) Repealed By Laws 2001, Ch. 191, § 2.

(C) Educational buildings, including buildings used for the provision of certified child care, developmental preschool or cooperative education programs pursuant to subparagraph (c)(i)(A) of this section, and including portable buildings provided portable buildings do not exceed more than ten percent (10%) of the total gross square feet computed for all school buildings and facilities under paragraph (c)(i) of this section, and excluding teacherages;

(D) Warehouse buildings.

(iii) Except as otherwise provided by this paragraph, adjust the total amount of gross square footage determined for educational buildings under subparagraph (c)(ii)(C) of this section by excluding from computations under this section the square footage for those educational buildings closed and not operational as provided for under paragraph (c)(iv) of this section and any amount including the gross square footage of portable buildings, which exceeds capacity levels specified by this paragraph which are above the statewide minimum gross square footage criteria as prescribed by the statewide building and facility adequacy standards promulgated under W.S. 21-15-115(a). For the purpose of adjusting the gross square footage of educational buildings under this paragraph, the gross square footage of buildings used for the provision of certified child care, developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section

shall not be excluded. For purposes of this section, per student gross square footage criteria prescribed by the statewide building adequacy standards shall be based upon an average daily membership (ADM) computed as defined under W.S. 21-13-101(a)(i) for the prior school year. For purposes of computations under this section, the allowable capacity in educational building gross square footage for each district including portable buildings but excluding buildings used for the provision of certified child care, developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section, shall be as follows:

(A) Repealed by Laws 2018, ch. 36, § 2.

(B) Repealed by Laws 2018, ch. 36, § 2.

(C) For school year 2009-2010 and each school year thereafter, up to one hundred fifteen percent (115%) of the prescribed per student gross square footage criteria.

(iv) The square footage of any district building or facility which is closed and not operational, is not being replaced under a district's facility plan under W.S. 21-15-116, is not determined surplus by the department and is specified as a closed building within the district's facility plan as a cost efficient means to address future district building needs, shall be segregated from the square footage of other district buildings and facilities and multiplied by the replacement value under paragraph (c)(v) of this section for the appropriate building category. The resulting amount shall then be multiplied by an exterior closure factor established by the department based upon the most current edition of the Whitestone Building Maintenance and Repair Cost Reference Index and added to the total amount determined for the district under paragraph (c)(viii) of this section. This paragraph shall not apply to any school year during which the building or facility is reopened and becomes operational for purposes of delivering the required educational program within the district or to any school year during which the building or facility is used to provide certified child care, developmental preschool or cooperative education programs pursuant to subparagraph (c)(i)(A) of this section;

(v) Multiply the adjusted square footage amount for each district's educational buildings determined under paragraph (c)(iii) of this section and the amount determined under paragraph (c)(ii) of this section for all remaining building

categories of that district, times a replacement value cost factor established for each building category by the department computed using data from August 1 of the prior school year based upon the median estimate in the most current edition of a nationally recognized, quarterly published construction cost index that provides cost indices for elementary schools, junior high schools, high schools, offices and warehouses by city or town, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis;

(vi) Multiply the amount computed under paragraph (c)(v) of this section for the adjusted square footage of the district's educational buildings times two and one-half percent (2.5%) for school year 2001-2002, three percent (3%) for school year 2002-2003, and by two percent (2%) for school year 2003-2004 and each school year thereafter;

(vii) Multiply the sum of the amounts obtained under paragraph (c)(v) of this section for the building categories identified under subparagraphs (c)(ii)(A) and (D) of this section times two and one-half percent (2.5%) for school year 2001-2002, three percent (3%) for school year 2002-2003, and by two percent (2%) for school year 2003-2004 and each school year thereafter, adjusted as follows:

(A) Determine the proportion that the sum of the square footage for these building categories within the district bears to the educational building square footage computed under subparagraph (c)(ii)(C) of this section, as adjusted pursuant to paragraph (c)(iii) of this section, excluding any square footage included under paragraph (c)(iv) of this section;

(B) If the proportion is ten percent (10%) or less, the district is entitled to one hundred percent (100%) of the amount computed under this paragraph;

(C) If the proportion is greater than ten percent (10%) but less than sixteen percent (16%), the district is entitled to ninety percent (90%) of the amount computed under this paragraph;

(D) If the proportion is sixteen percent (16%) or greater but less than twenty-one percent (21%), the district is entitled to eighty percent (80%) of the amount computed under this paragraph;

(E) If the proportion is twenty-one percent (21%) or greater, the district is entitled to seventy percent (70%) of the amount computed under this paragraph.

(viii) Total the amounts computed under paragraphs (c)(iv), (vi) and (vii) of this section.

(d) Repealed By Laws 2004, Chapter 114, § 2.

(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a separate account, the balance of which may accumulate from year-to-year. Except as specified under subsection (f) of this section, expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement as defined in subsection (a) of this section and shall be in accordance with the district's facility plan under W.S. 21-15-116. Account expenditures may include the expenses of district personnel performing work described under paragraph (a)(iii) of this section if approved by the department and if documented within the district's facility plan. The district's facility plan shall clearly specify proposed major maintenance expenditures for addressing district major building and facility repair and replacement needs on a building-by-building basis, updated for the applicable reporting period, which shall be aligned to the statewide adequacy standards and prioritized based upon the impact of the building or facility on the district's ability to deliver the required educational program. The district shall include plans for maintaining any district building or facility which is under a lease agreement, specifying lease revenues available to the district for maintenance of facilities to the level required by statewide adequacy standards. No expenditures shall be made from the separate account unless the repair or replacement of the building or facility systems for which the expenditure is to be made is clearly specified within the district's facility plan or otherwise approved by the department. In a manner and form required by commission rule and regulation, each district shall annually report to the department on the expenditures made from the separate account during the applicable reporting period, separating account expenditures on a building-by-building basis. The department shall annually review account expenditures and shall report expenditures to the commission and the select committee on school facilities established under W.S. 28-11-301. The department shall compile reported building-by-building expenditure information for each district and the district

facility plan and include this information in its annual report to the select committee pursuant to W.S. 21-15-121. If any district expends funds within the separate account for purposes not authorized by this subsection or by rule and regulation of the commission, the payments for that district shall be reduced by the amount of the unauthorized expenditure in the school year following the year in which the expenditure was discovered or the school year in which notification was provided by the department, whichever first occurs.

(f) Notwithstanding subsection (e) of this section, a district may expend up to ten percent (10%) of the amount distributed during any school year under subsection (b) of this section for major building and facility repair and replacement needs of the district which are not specified in the district's facility plan, including expenditures for maintenance of district enhancements. Expenditures shall be made under this subsection only after the district's building and facility repair and replacement needs specified in its facility plan have been addressed in accordance with subsection (e) of this section and the department has approved the district's proposed expenditures under this subsection. Amounts not expended for purposes of this subsection during any school year may be accumulated by a district and earmarked within the separate account established under subsection (e) of this section for expenditure under this subsection in subsequent school years, provided the unexpended amount during any school year to be accumulated does not exceed ten percent (10%) of the amount distributed to the district under subsection (b) of this section for that school year. Each district shall include expenditures under this subsection and any amounts accumulated from year-to-year under this subsection within the annual report required under subsection (e) of this section. Nothing in this subsection shall prohibit or limit the application of subparagraph (c)(i)(D) of this section in computing a district's building and facility gross square footage for purposes of determining payment amounts under this section. If any school district exceeds expenditure limitations prescribed by this subsection or fails to comply with expenditure levels for facility adequacy needs identified within its facility plan, the payments for that district in the immediately succeeding year shall be reduced by the excess expenditure amount including any excess expenditure of amounts accumulated under this subsection.

**21-15-110. Repealed By Laws 2002, Ch. 99, § 3.**

**21-15-111. Definitions.**

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

(i) Repealed by Laws 2023, ch. 175, § 3.

(ii) "Commission" means the school facilities commission created by this act;

(iii) "Local enhancements to school buildings and facilities" or "local enhancements" means any renovation, construction, replacement, repair or other improvement of or to any school building or facility initiated by a school district which is designed to bring the building or facility to a condition exceeding the statewide building adequacy standards;

(iv) "Project" means replacement, renovation or new construction projects which increase the value of the school building or facility by improving the functioning of the building or facility or the capacity of the building or facility, or both, excluding major building and facility repair and replacement defined under W.S. 21-15-109(a)(iii) and routine maintenance and repair defined under W.S. 21-15-109(a)(vi);

(v) "Remedy" or "remediation" means a course of action addressing identified building and facility needs in accordance with statewide adequacy standards developed under this act, consisting of building or facility construction, replacement, renovation, repair or any combination thereof;

(vi) "School buildings and facilities" mean the physical structures and the land upon which the structures are situated, which are primarily used in connection with or for the purpose of providing the educational programs offered by a school district in compliance with law, including both student-related and nonstudent-related buildings and facilities;

(vii) Repealed By Laws 2008, Ch. 93, § 2.

(viii) "This act" means W.S. 21-15-108, 21-15-109 and 21-15-111 through 21-15-123;

(ix) "Department" means the state construction department created by W.S. 9-2-3001.

(b) Repealed By Laws 2002, Ch. 99, § 3.

- (c) Repealed By Laws 2002, Ch. 99, § 3.
- (d) Repealed By Laws 2002, Ch. 99, § 3.
- (e) Repealed By Laws 2002, Ch. 99, § 3.
- (f) Repealed By Laws 2002, Ch. 99, § 3.
- (g) Repealed By Laws 2002, Ch. 99, § 3.
- (h) Repealed By Laws 2002, Ch. 99, § 3.
- (j) Repealed By Laws 2002, Ch. 99, § 3.
- (k) Repealed By Laws 2002, Ch. 99, § 3.
- (m) Repealed By Laws 2002, Ch. 99, § 3.
- (n) Repealed By Laws 2002, Ch. 99, § 3.
- (o) Repealed By Laws 2002, Ch. 99, § 3.
- (p) Repealed By Laws 2002, Ch. 99, § 3.
- (q) Repealed By Laws 2002, Ch. 99, § 3.

**21-15-112. Leasing of real property.**

(a) At the request of the school facilities commission, any school district shall lease any land, building, or fixture from the nonprofit corporation approved by the state building commission pursuant to 1997 Wyoming session laws, chapter 94, section 3, as amended by 1998 Wyoming session laws, chapter 35, subject to the following conditions:

(i) The lease shall be terminable, without penalty, at the sole option of the lessee;

(ii) Any option to purchase under the lease shall be at the sole discretion of the lessee;

(iii) The financing for the land, building, or fixture to be leased under the lease may only involve private funds and may not involve the creation of any indebtedness or debt within the meaning of any constitutional or statutory provision or limitation;

(iv) The lessee shall not pledge the lessee's full faith and credit for any payments under the lease or any financing thereof;

(v) The obligations of the lessee under the lease shall constitute a special obligation of the lessee and may be paid only from sources authorized by the legislative body of the lessee and may be terminated, without penalty or recourse against the lessee, in the event that the legislative body of the lessee fails to appropriate sufficient funds to meet the financial obligations under the lease;

(vi) No bonds or other obligations of the lessor shall constitute an indebtedness, legal, moral or otherwise, result in a pecuniary obligation, legal, moral or otherwise, or constitute a pledge of or charge, legal, moral or otherwise, against the faith or credit of the lessor, the state, any department, agency, board, commission or political subdivision of the state, any instrumentality of any of the foregoing or any public body corporate or other public body created by or pursuant to the constitution or statutes of the state;

(vii) The obligations of the lessee to make any payments due under the lease in any fiscal year shall be limited to funds appropriated by the legislative body of the lessee for that fiscal year and no appropriation by the legislative body of the lessor of funds to make payments due under the lease for any fiscal year shall constitute, or be construed to create, any obligation, legal, moral or otherwise, by the lessee to appropriate funds to make any payments due under the lease for any other fiscal year or constitute an indebtedness, legal, moral or otherwise, result in a pecuniary obligation, legal, moral or otherwise, or constitute a pledge of or charge, legal, moral or otherwise, against the faith or credit of the lessor, the state, any department, agency, board, commission or political subdivision of the state, any instrumentality of any of the foregoing or any public body corporate or other public body created by or pursuant to the constitution or statutes of the state; and

(viii) The lease shall provide that all bonds or any other obligations of the lessor relating to the land, building, or fixture to be leased under the lease contain disclaimers describing the limitations set forth in paragraphs (i) through (vii) of this subsection.

(b) For purposes of this section, the legislative body:



(i) Of the state, any department, agency, board or commission of the state or any instrumentality of any of the foregoing is the state legislature;

(ii) Of any school district is the board of trustees of such school district.

**21-15-113. School facilities commission; membership; conflict of interest; terms; chairman; meetings; compensation.**

(a) The school facilities commission is established to consist of eight (8) members comprised of the state superintendent of public instruction, who shall serve in an ex-officio, nonvoting capacity, and seven (7) members who are Wyoming residents appointed by the governor with one (1) member appointed from each of the seven (7) appointment districts designated in W.S. 9-1-218(b). Four (4) of the appointees shall have knowledge and experience in the following areas:

(i) Repealed By Laws 2011, Ch. 2, § 3.

(ii) Repealed By Laws 2011, Ch. 2, § 3.

(iii) Building and facility engineering, construction and operations;

(iv) Building design and specifications;

(v) Estimating, bidding and building construction;

(vi) School district administration.

(b) Commission members appointed under subsection (a) of this section shall not be an employee of any educational association or organization. In addition, not more than one (1) commission member shall be an employee of a school district. Commission members shall be subject to W.S. 16-6-118 and shall not vote or otherwise participate in any matter as prohibited under W.S. 16-6-118.

(c) Gubernatorial appointments shall be subject to senate approval and shall serve a term of four (4) years beginning March 1. Not more than seventy-five percent (75%) of the appointed members shall be of the same political party. The governor shall fill a vacancy on respective appointments to the

commission in accordance with W.S. 28-12-101, and may remove appointed commissioners as provided by W.S. 9-1-202.

(d) The governor shall designate a chairman from commission appointments, who shall hold office for the length of his term or until a successor is designated, whichever first occurs. The commission shall meet not less than quarterly and a majority of the voting membership constitutes a quorum for the transaction of commission business.

(e) Appointed commissioners shall receive one hundred twenty-five dollars (\$125.00) per day as salary for attendance at commission meetings and conducting official commission business, and shall be reimbursed for travel and other expenses incurred in the performance of their official duties in the same manner and amount as state employees.

**21-15-114. School facilities commission powers and duties.**

(a) The school facilities commission shall:

(i) Repealed By Laws 2011, Ch. 2, § 3.

(ii) Adopt policies, guidelines and standards for any assessment of school buildings and facilities under W.S. 21-15-117;

(iii) Adopt policies, guidelines and standards for school district facility plans required under W.S. 21-15-116 and review and approve each plan as required under this act;

(iv) Repealed By Laws 2011, Ch. 2, § 3.

(v) Repealed By Laws 2011, Ch. 2, § 3.

(vi) Repealed By Laws 2011, Ch. 2, § 3.

(vii) Develop policies and criteria for use in determining renovation, replacement or discontinuation of inadequate buildings and facilities based upon statewide adequacy standards and other requirements necessary to ensure adequate, efficient and cost effective school buildings and facilities;

(viii) Repealed By Laws 2011, Ch. 2, § 3.

(ix) Establish criteria and procedures for the identification of local enhancements to school buildings and facilities which are in excess of state building adequacy standards and develop criteria and procedures to determine whether and how any local enhancements should be incorporated into the statewide adequacy standards;

(x) Repealed By Laws 2011, Ch. 2, § 3.

(xi) Establish a process under which prototypes are developed for remedies addressing building and facility needs identified under this act through building and facility replacement. Prototypes shall be assembled based upon:

(A) Capacity requirements of the building or facility and projected student populations to be attending programs in the building or facility;

(B) Educational programs to be provided within the building or facility, provided that this subparagraph shall not be construed to grant the commission any authority to specify the educational programs offered by any district;

(C) Accommodations, in coordination and cooperation with the district, to the proposed site on which the building or facility is to be constructed, including specific site requirements and limitations.

(xii) Develop criteria and procedures for the site analysis of remedies responding to identified building and facility needs by building and facility replacement. Site analysis shall include a comprehensive review and evaluation of site soil conditions, traffic patterns, utilities and site topography;

(xiii) Repealed By Laws 2011, Ch. 2, § 3.

(xiv) Repealed By Laws 2011, Ch. 2, § 3.

(xv) With prior consultation with the select committee on school facilities, promulgate necessary rules and regulations to administer and implement this act.

(b) Repealed By Laws 2011, Ch. 2, § 3.

(c) Repealed By Laws 2011, Ch. 2, § 3.

**21-15-115. Statewide standards for school building and facility adequacy.**

(a) The commission shall by rule and regulation establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for the public schools. If a building owned by a district meets the applicable standards under this subsection for use by the district to educate students and was previously used for the purpose of educating students, no municipal or county zoning requirements shall be construed or applied so as to prevent the district from using the building for the purpose of educating students, or to require the district to make any modification to the building as a condition of using the building for the purpose of educating students. The uniform standards shall at minimum include:

(i) Requirements for educating students in a safe environment including all applicable building, health, safety and environmental codes and standards required by law for all public buildings;

(ii) Building site requirements;

(iii) Building performance standards and guidelines including energy efficiency criteria;

(iv) Assurances for the special needs of identified student populations including children with disabilities;

(v) Standards for educational space to allow the delivery of the required educational programs;

(vi) Building capacity criteria aligned to the prescribed state educational program, with consideration given to utilization differences between school sizes and school levels in accordance with W.S. 21-15-117(e)(iv);

(vii) Technological capacity criteria sufficient to meet required educational program needs and the requirements imposed under the state education technology plan;

(viii) Building and facility accessibility.

(b) Repealed by Laws 2021, ch. 131, § 2.

(c) The commission shall not less than once every four (4) years, review and evaluate the building and facility adequacy standards established under subsection (a) of this section. Review and evaluation of the standards shall include the identification of local enhancements to buildings and facilities during this review and evaluation period, and based upon criteria and procedures developed by the commission, a determination as to whether and how any local enhancements should be incorporated into the statewide standards. The review and evaluation under this subsection shall extend to components of the annual evaluation of school buildings, the facility remediation schedules and the needs prioritization process established by the commission under W.S. 21-15-117. Findings and recommendations pursuant to this subsection shall be reported to the select committee on school facilities before the next convening date of the legislative session immediately following completion of the review and evaluation, and shall specifically address any need to expand any needs assessment under W.S. 21-15-117, to conduct a reassessment of building and facility adequacy or to modify the needs prioritization process.

(d) The commission shall not hinder or curtail the right of a school district to undertake local enhancements to buildings and facilities which are in excess of state building adequacy standards, as permitted by law.

**21-15-116. School district facility plans; development, review and approval; plan criteria; administrative review; collaborative committee process.**

(a) In accordance with rules and regulations of the commission, long range comprehensive school building and facility plans for each school district shall be developed by the department in coordination with the applicable district, which address district wide building and facility needs. The facility plan shall identify building and facility needs aligned with the statewide adequacy standards, actions to remediate building and facility needs including construction, renovation and major building and facility repair and replacement expenditures, and any local enhancements to buildings and facilities beyond statewide adequacy standards. The facility plan shall include a response to each school building and facility need identified on a building-by-building, space-by-space basis. The plan shall also review, and to the extent practical, identify and prioritize nonconstruction alternatives to school building and facility needs such as building closure, modification of school boundaries,

modification of school grade configurations and similar approaches. Demolition or use, lease or other methods of disposition of surplus buildings and facilities shall be incorporated as part of the district plan, including the disposition of any existing land owned by the district. The plan shall not include the abandonment or demolition of any school facility or building unless there has first been a public hearing on the issue. The plan shall also specify identified alternative methods of building disposition, proposed allocation of costs incurred or revenues resulting from disposition and allocation of disposition revenues to offset any costs paid by the department. In addition, district facility plans shall include:

(i) Student enrollment projections for a period of five (5) years commencing on the date as determined by the commission of anticipated completion of project construction using commission approved measures and techniques, including a description of the methods used in making projections. The commission may adjust projections computed under this paragraph as necessary to reflect more precise analysis and evaluation of historical, economic, social and other data impacting the community in which the buildings are or are to be located;

(ii) A description of proposed new schools or additions and remediations to existing schools necessary to meet building adequacy standards, including:

(A) The grade levels and the total number of pupils that the proposed school or school addition or remediation is intended to serve;

(B) The year in which it is necessary to commence operations of the proposed new school or school addition;

(C) The timeline for the planning and construction of the new school or school addition or remediation.

(iii) Projections for new land required for new schools including land purchase, acquisition and site analysis;

(iv) Appropriate cost estimates;

(v) A plan for addressing district major building and facility repair and replacement needs as required under W.S. 21-15-109(e);

(vi) An inventory of buildings and facilities to be leased by the district during the planning period, either as lessee or lessor, including the purpose for which the leased buildings and facilities are to be used and if any of this leased space will involve any district buildings or facilities included within the statewide school facilities database maintained by the department under W.S. 21-15-123(f)(iv);

(vii) Other information required by the department to evaluate each district's plan.

(b) Repealed By Laws 2008, Ch. 93, § 2.

(c) Repealed By Laws 2008, Ch. 93, § 2.

(d) At least once every two (2) years, the commission shall review and approve each plan developed by the department under this section to ensure each plan:

(i) Complies with state adequacy standards;

(ii) Reduces building and facility needs in the most efficient and cost effective manner in order to deliver quality educational services;

(iii) Considers nonconstruction alternatives;

(iv) Provides facilities capable of supporting the provision of the statewide educational program required by law of public schools.

(e) Any school district aggrieved by a decision of the department or the commission under this act may seek review in accordance with the Wyoming Administrative Procedure Act. In accordance with W.S. 16-3-112, review of a decision of the department shall be before the commission.

(f) In carrying out this act and in accordance with policies adopted by the commission, the commission or the department shall consult with the affected school districts and shall provide districts the opportunity to informally review facility plans, remedies and projects with the department or the

commission before districts pursue administrative review under subsection (e) of this section.

(g) In expending funds appropriated by the legislature for projects submitted by the commission under W.S. 21-15-119, and commensurate with school district efforts undertaken in facility planning required under subsection (a) of this section, the state construction department shall require school district boards of trustees to incorporate a collaborative committee process, advisory to the board, which assists the school district with planning district remedies for school buildings, ranging from site selection to project planning and design. The collaborative committee process for remedy development may include project stakeholders comprised of students, parents, teachers, principals, district administration, school board of trustee members, representative legislators, at-large members of the community and others. Although advisory to district boards, the collaborative committee shall assist the boards with informing the respective community and in developing community-based input into project development.

**21-15-117. Annual evaluation of school buildings and facilities; remediation schedules; needs prioritization; combining facilities; implementation of remedy.**

(a) The commission shall annually evaluate the adequacy of school buildings and facilities and prioritize school building and facility needs in accordance with this subsection. The commission shall cause the department, as it deems necessary, to conduct periodic on-site visitations and inspections of school buildings and facilities and acquire other relevant needs assessment data acquired in coordination and cooperation with the districts for purposes of this evaluation and prioritization. The commission shall give due consideration to district facility plans developed under W.S. 21-15-116 in performing this evaluation and prioritization. To conduct the evaluation and prioritization, the commission shall establish two (2) schedules for building and facility remediation on a statewide basis using appropriate scoring systems, as described in paragraphs (i) and (iii) of this subsection. Under each of the two (2) schedules the commission shall prioritize educational building and facility needs that impede the delivery of the prescribed statewide educational program. Remediation undertaken under these schedules shall over time bring all buildings and facilities to the levels set by the statewide adequacy standards promulgated under W.S. 21-15-115(a). The commission shall annually develop:



(i) One (1) schedule to remedy building condition needs, which shall be based on appropriate criteria and measures for building condition, as established by commission rule and regulation, compiled under the building systems condition reference guide for building condition. The schedule shall be categorized by educational and noneducational building;

(ii) Repealed By Laws 2011, Ch. 71, § 2.

(iii) One (1) schedule to remedy building capacity needs. The commission shall base the schedule on an analysis of student enrollment changes, performed in accordance with a commission approved enrollment projection methodology, to determine the need for changes in building capacities for compliance with statewide adequacy standards over a five (5) year projection period commencing on the date of anticipated completion of project construction. The commission may adjust projections computed under this paragraph as necessary to reflect more precise analysis and evaluation of historical, economic, social and other data impacting the community in which the building is or is to be located;

(iv) Repealed by Laws 2021, ch. 131, § 2.

(v) Repealed by Laws 2021, ch. 131, § 2.

(vi) Repealed by Laws 2023, ch. 83, § 2.

(b) The commission shall for each building and facility remedy scheduled under subsection (a) of this section, ensure the adoption of the most cost effective method of remediation of building and facility needs to deliver quality educational services and ensure compliance with the statewide adequacy standards. The commission shall only request capital outlay for a building with capacity needs identified under paragraph (a)(iii) of this section after consideration of all other remedies for that building. For any scheduled remedy for which major building and facility repair and replacement payments under W.S. 21-15-109 are not sufficient to remedy the scheduled need, as determined by the commission, the commission shall determine if the remedy requires capital outlay.

(i) Repealed By Laws 2008, Ch. 93, § 2.

(ii) Repealed By Laws 2008, Ch. 93, § 2.

(c) In determining the most cost effective method in meeting capital construction needs in order to deliver quality educational services, the commission in consultation with the select committee on school facilities, may recommend consolidating educational facilities within, between or among school districts. The legislature shall approve any consolidation of educational facilities between two (2) or more school districts.

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the school capital construction account shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this subsection, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in proceeding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

Note: Effective 7/1/2024 this subsection will read as:

*(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the public school foundation program account for school capital construction shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In*

*making determinations under this subsection, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in proceeding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.*

(e) For any building subject to paragraph (a)(iii) of this section, and when prioritizing buildings and facilities remedies pursuant to subsection (a) of this section, the commission shall consider criteria for building capacity established by commission rule and regulation which include:

(i) A comparison of the existing and projected student population served by each building to square footage guidelines established by the commission under W.S. 21-15-115(a) for that building;

(ii) An analysis of the number of classrooms within the building including an examination of the building square footage devoted to classrooms compared to the building total square footage;

(iii) An analysis of the building's square footage per student;

(iv) An examination of loading and utilization factors for that building to encourage the efficient use of classrooms with a factor of eighty-five percent (85%) of the instructional area applied to middle and high school level buildings, and a factor of one hundred percent (100%) of the home room instructional area applied to elementary school buildings; and

(v) Total acreage of the site on which the building is situated.

**21-15-118. Building and facility construction and renovation projects.**

(a) Upon determination by the commission following review under W.S. 21-15-117, and appropriation by the legislature in accordance with W.S. 21-15-119, the department shall proceed with projects as follows:

(i) Repealed By Laws 2008, Ch. 93, § 2.

(ii) If a capital outlay remedy:

(A) With the assistance of the involved school district, develop and approve the necessary schematic design documents;

(B) Conduct a value engineering analysis of the project;

(C) Perform an energy efficiency assessment of the project;

(D) Conduct a safety and security assessment of the project;

(E) Enforce the requirements under subparagraphs (a)(ii)(B) through (D) of this section and may waive any of these requirements if determined not necessary or if provided within any one (1) of the other requirements specified under this paragraph.

(b) If required, the department shall provide for temporary space for any scheduled building remedy by means of portable buildings creating capacity or by other means available to the department.

(c) The projects shall be managed and all necessary contracts related to the projects shall proceed in accordance with rules adopted pursuant to W.S. 9-2-3004(c)(ii) and commission rules and regulations promulgated and adopted pursuant to W.S. 21-15-114(a)(xv).

**21-15-119. Commission budget and funding recommendations.**

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and school capital construction financing to the governor, through the state budget department and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the prioritized schedules of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report

specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

(i) The estimated costs and proposed funding amounts for all projects determined under W.S. 21-15-117 and 21-15-118 and proposed for that budget period, together with estimated expenditures for major building and facility repair and replacement program payments under W.S. 21-15-109 for the same budget period;

(ii) Financing alternatives for funding the recommended budget, which uses any combination of the following financing alternatives:

(A) Direct payment from the school capital construction account;

Note: Effective 7/1/2024 this subparagraph will read as:

*(A) Direct payment from the public school foundation program account;*

(B) Proceeds from state revenue bonds issued under W.S. 21-15-108;

(C) Real property leasing under W.S. 21-15-112. Any payments for real property leasing shall be made from the school capital construction account subject to W.S. 21-15-112. For the purpose of this section, real property leasing includes payments sufficient for the exercise of a purchase option under the lease.

Note: Effective 7/1/2024 this subparagraph will read as:

*(C) Real property leasing under W.S. 21-15-112. Any payments for real property leasing shall be made from the public school foundation program account subject to W.S. 21-15-112. For the purpose of this section, real property leasing includes payments sufficient for the exercise of a purchase option under the lease.*

(iii) In odd-numbered years, the commission's recommendation on September 1 shall be for expenditures during the two (2) succeeding fiscal years. The recommendation for the second year shall be based on estimates of expenditures and payments. In even-numbered years, the commission's recommendation on September 1 shall be for expenditures during

the succeeding fiscal year. As it determines to be necessary in any year, the commission's recommendation on September 1 may contain a recommendation for revised expenditures during the current fiscal year.

(b) The department may enter into agreements under which the department may make payments on behalf of a school district with respect to the district's lease of school facilities under W.S. 21-15-112. The department may also enter into any agreement with a nonprofit corporation or other entity necessary to ensure that a district can lease facilities under W.S. 21-15-112.

(c) Budgets submitted by the commission under subsection (a) of this section shall be attached to specified projects for the applicable budget period and shall separately identify amounts for design phase projects and construction phase projects. With the approval of the governor, the department may transfer up to fifteen percent (15%) of the total funds appropriated between project phases. Any modification of expenditures between project phases shall be reported to the select committee in accordance with W.S. 28-11-301(c)(iv). Additionally, the commission may for any budget period specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs provided the additional costs are reported and approved in accordance with W.S. 28-11-301(c)(iv). Nothing in this subsection shall prohibit the legislature from making one (1) appropriation for both the design and construction phases for a project.

(d) Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount and shall be expended by the department in accordance with facility design standards and guidelines to ensure adequate, efficient and cost effective school buildings and facilities as required by W.S. 21-15-114(a)(vii). The commission shall adopt facility design standards and guidelines that are sufficiently specific to ensure that all projects constructed using state funds, excluding major building and facility repair and replacement projects, are subject to value engineering and are reasonably uniform across the state. In establishing the facility design standards and guidelines, the commission shall incorporate reasonable input and participation for conforming an aesthetic design within the community.

**21-15-120. Emergency facility needs.**

(a) The commission shall promulgate rules under which an emergency shall be determined to exist with respect to the adequacy of the school buildings and facilities of any school district such that the ability of the district to provide educational programs required by law is immediately and substantially impacted and no reasonable alternative exists to address it other than emergency funding under this section.

(b) Upon a finding that an emergency exists under subsection (a) of this section, the commission shall in accordance with rules and regulations promulgated by the commission under this subsection and to the extent funds are available within the school capital construction account or otherwise made available by the legislature, acquire facilities and equipment, undertake school building and facility repairs, fund additional operating expenses incurred in providing temporary measures and other responses to the emergency situation including necessary investigative and qualified contract assistance expenses incurred by the commission, as necessary to enable the district to provide educational programs required by law on a temporary basis until permanent action can be taken to address school building and facility adequacy.

Note: Effective 7/1/2024 this subsection will read as:

*(b) Upon a finding that an emergency exists under subsection (a) of this section, the commission shall in accordance with rules and regulations promulgated by the commission under this subsection and to the extent funds are available within the public school foundation program account or otherwise made available by the legislature, acquire facilities and equipment, undertake school building and facility repairs, fund additional operating expenses incurred in providing temporary measures and other responses to the emergency situation including necessary investigative and qualified contract assistance expenses incurred by the commission, as necessary to enable the district to provide educational programs required by law on a temporary basis until permanent action can be taken to address school building and facility adequacy.*

**21-15-121. Annual school building status report to select committee on school facilities.**

(a) Not later than September 1 of each year, the commission shall submit a report to the select committee on school facilities on progress being made under the school capital facilities system established under this act. The report

shall be incorporated into the proposed budget submitted to the select committee under W.S. 21-15-119 and shall include:

(i) Building and facility needs determined under W.S. 21-15-117, identifying progress made in the year reported;

(ii) Building and facility needs addressed under this act or otherwise by districts including any building or facility which is closed or otherwise removed from operation during that year, and relating this paragraph to progress made in building and facility condition under paragraph (i) of this subsection;

(iii) Use of major building and facility repair and replacement funds which have addressed buildings and facilities identified under W.S. 21-15-117(a), including the impact of expenditures of these funds, as quantified pursuant to any needs assessment under W.S. 21-15-117(a), on building condition as reported under paragraph (i) of this subsection and on the capacity of these buildings and facilities;

(iv) Amounts of funds expended to address building and facility needs for the period of time addressed in the report together with historical amounts;

(v) The impact of expenditures on the building and facility scores for condition and computed building capacity;

(vi) Repealed By Laws 2008, Ch. 93, § 2.

(vii) Repealed By Laws 2008, Ch. 93, § 2.

(viii) Any expenditures for emergency school building and facility needs under W.S. 21-15-120.

**21-15-122. Repealed by Laws 2017, ch. 205, § 2.**

**21-15-123. State construction department; duties and authority relating to school facilities.**

(a) Repealed by Laws 2016, ch. 105, § 4.

(b) Repealed by Laws 2016, ch. 105, § 4.

(c) Repealed by Laws 2016, ch. 105, § 4.

(d) Repealed by Laws 2016, ch. 105, § 4.



(e) The director of the state construction department or his designee shall review and evaluate school district requests for the alteration of grade configurations pursuant to W.S. 21-13-309(m)(vi), and shall evaluate the request in the best financial and educational interests of the state, taking into consideration the most efficient and cost effective approach in order to deliver quality educational services.

(f) The state construction department shall:

(i) Implement policies, guidelines and standards as adopted by the commission for school district facility plans required under W.S. 21-15-116;

(ii) Subject to W.S. 21-15-117(a)(iii), establish a consistent, systematic research approach for student enrollment projections used by districts in developing district facility plans and forecasting building and facility needs to comply with statewide building adequacy standards;

(iii) Develop cost per square foot guidelines to be used in estimating the cost of constructing, renovating and otherwise remediating buildings and facilities to comply with statewide adequacy standards, which shall account for demonstrated differences among regions and communities within the state;

(iv) Establish a statewide school facilities database comprised of building and facility specific condition, suitability, accessibility, capacity, inventory and site data;

(v) Enter into or approve construction or renovation project agreements with school districts, as appropriate. Each agreement shall:

(A) Require the district to make arrangements for appropriate professional supervision and management of the project;

(B) Provide for the review and approval by the department of project plans and specifications;

(C) Provide for review and approval by the department of project changes and change orders provided that:

(I) The agreement may specify parameters identifying the circumstances under which changes and change orders may also be approved;

(II) All changes and change orders shall be approved by the district or its representative.

(D) Establish payment schedules involving state funds;

(E) Assure the state is not responsible or liable for compliance with construction or renovation project schedules or completion dates;

(F) Provide that the agreement shall expire upon completion of the project or projects;

(G) Contain any other provision mutually agreed upon by the department and the district;

(H) Allow for alternate design and construction delivery methods as defined in W.S. 16-6-701 for provision of design and construction services, if approved by the commission; and

(J) Require a contract compliance audit by independent auditing expertise of project budgets and expenditures prior to completing the project or projects.

(vi) Review district proposals for the disposition or demolition of buildings and facilities made surplus by an approved construction or renovation project or by changes in school population, including allocation of resulting costs and revenues and report the proposals to the commission. Disposition shall include options for use, lease, sale and any other means of disposing of the surplus building or facility. The costs and revenues incurred by the disposition or demolition of the building or facility shall be accounted for in each district's school facility plan and considered in any building or facility remedy for that district, including the allocation of revenues resulting from the disposition of property rendered surplus to offset property demolition costs. The department shall report this review to the commission. The commission, after receiving a report of the review by the department, shall approve the proposal related to disposition or demolition submitted pursuant to this paragraph unless the commission determines that the proposal does not protect the financial interests of the state

or is not otherwise in the public interest. Any revenues resulting from property disposition under this paragraph shall not be considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

(vii) Authorize, subject to commission review, the purchase and acquisition of sites for any project within the approved district facility plan if state funds are to be expended for the acquisition;

(viii) Review any proposed sale of existing land owned by a district, which land is within the scope of the district's facility plan, and determine the impact of the land disposition upon that plan. The department shall report the review to the commission. The commission, after receiving a report of the review by the department, shall approve the proposal related to a sale submitted pursuant to this paragraph unless the commission determines that the proposal does not protect the financial interests of the state or is not otherwise in the public interest. If the commission determines land disposition adversely impacts the cost-effectiveness of the district's facility plan, the revenues resulting from land disposition shall be considered by the commission in any future building or facility remedy for that district and, notwithstanding paragraph (vi) of this subsection, the commission may direct the department of education to consider or count those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

(ix) Review requests submitted by charter schools pursuant to W.S. 21-3-110(a)(x) and 21-3-304(k) to determine whether space exists within the applicable district for operation of the charter school that is available and adequate.

(g) The department may contract with appropriate expertise and professionals, including auditors, in administering this act and performing duties imposed under this act.

## CHAPTER 16 - HIGHER EDUCATION GENERALLY

### ARTICLE 1 - WYOMING HIGHER EDUCATION LOAN PLAN

**21-16-101. Repealed By Laws 1984, ch. 18, § 2.**

**21-16-102. Renumbered as 21-16-113 By Laws 1994, ch. 69, § 2.**

- 21-16-103. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-104. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-105. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-106. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-107. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-108. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-109. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-110. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-111. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-112. Repealed By Laws 1996, ch. 118, § 3.
- 21-16-113. Repealed by Laws 2016, ch. 110, § 3.

ARTICLE 2 - WESTERN REGIONAL HIGHER  
EDUCATION COMPACT

**21-16-201. Ratification.**

The legislature of the state of Wyoming hereby approves, ratifies and adopts the "Western Regional Higher Education Compact", approved by the western governors conference meeting at Denver, Colorado on November 10, 1950, which compact is as follows:

Article I

Whereas, the future of this nation and of the western states is dependent upon the quality of the education of its youth; and

Whereas, many of the western states individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Whereas, it is believed that the western states, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof:

Now, therefore, the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and the territories of Alaska and Hawaii do hereby covenant and agree as follows:

## Article II

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

## Article III

The compacting states and territories hereby create the western interstate commission for higher education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

## Article IV

(a) The commission shall consist of three (3) resident members from each compacting state or territory. At all times one (1) commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory for which he is appointed.

(b) The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by law of the state or territory from which he shall have been appointed. The terms of each commissioner shall be four (4) years; provided however that the first three (3) commissioners shall be appointed as follows: one (1) for two (2) years, one (1) for three (3) years, and one (1) for four (4) years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any

office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

#### Article V

(a) Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

(b) One (1) or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

(c) Each compacting state and territory represented at any meeting of the commission is entitled to one (1) vote.

#### Article VI

(a) The commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

(b) The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

#### Article VII

(a) The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

(b) The commission may elect such committees as it deems necessary for the carrying out of its functions.

(c) The commission shall establish and maintain an office within one (1) of the compacting states for the transaction of its business and may meet at any time but in any event must meet at least once a year. The chairmen may call such additional meetings and upon the request of a majority of the commissioners of three (3) or more compacting states or territories shall call additional meetings.

(d) The commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

(e) The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

(f) On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

(g) The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

#### Article VIII

(a) It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

(b) For this purpose the commission may enter into contractual agreements:

(i) With the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties; and

(ii) With the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

(c) It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the western governor's conference and to the legislatures of the compacting states and territories. In conducting such studies the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the region.

(d) For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

#### Article IX

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

#### Article X

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five (5) or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

#### Article XI

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and



governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two (2) years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action as received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligation hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two (2) year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

## Article XII

(a) If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission.

(b) Unless such default shall be remedied within a period of two (2) years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

(c) Any such defaulting state may be reinstated by:

(i) Performing all acts and obligations upon which it has heretofore defaulted; and

(ii) Application to and the approval by a majority vote of the commission.

**21-16-202. When binding; notice of ratification; power of governor to appoint commissioners; powers of commissioners generally; appropriation of monies.**

(a) The compact shall become operative and binding at the time provided, and in accordance with article X of the compact. The governor of Wyoming shall give notice of the approval, ratification and adoption of the compact by the legislature of the state of Wyoming, to the governors of each of the states and

territories named in article X of the compact. The governor shall appoint the commissioners for which provision is made in the compact and the commissioners shall have the power and authority specified in the compact, and such other power and authority as may hereafter be prescribed by law.

(b) In addition to those powers granted to the commissioners in the compact, the commissioners are directed and empowered:

(i) To control and authorize the expenditure of any funds appropriated for carrying out the provisions of the compact;

(ii) To ratify any contracts entered into by the western interstate commission for higher education or its officers which are deemed to be in the best interest of the state of Wyoming and its qualified students;

(iii) To impose residency requirements on admission to compact programs. Applicants may appeal any admission decisions rendered pursuant to this paragraph directly to the commission; and

(iv) In the interest of recruiting health care professionals to Wyoming, to impose a repayment program for participating students in dentistry, medicine, podiatry, occupational therapy, physical therapy, optometry, physician assistant programs and osteopathic medicine and obtain an agreement from each student first admitted as a WICHE program student to a participating institution of higher education for the 2013-2014 academic year and thereafter, subject to the following:

(A) The student agrees to:

(I) Actively engage in full-time professional practice in Wyoming in the field in which he was educated for not less than three (3) years as the commission requires. The taking of a medical residency program in the state shall be credited toward the practice requirements at the rate of one-third (1/3) year of full-time practice for each year of service in a medical residency program in the state; or

(II) Repay all amounts expended by the state of Wyoming on the student's education through the WICHE program, together with interest which shall begin accruing after

the student's graduation or residency, whichever is later, but in no event later than eight (8) years after the student enters into an agreement, upon terms specified by the commission. However, interest shall begin to accrue when the student has withdrawn from the professional school or a residency program as determined by the commission or is otherwise not making satisfactory progress toward completion of the degree program as determined by the commission. Money expended under this paragraph shall accrue at an annual interest rate equal to that charged for federal Stafford loans at the time interest begins to accrue, which rate shall be adjusted annually to equal the federal Stafford loan rate. In no event shall the interest rate be greater than eight percent (8%).

(B) Upon application of the student, the commission may relieve a student of the obligation to repay amounts expended under subparagraph (A) of this paragraph, in whole or in part, where repayment would cause undue hardship. The commission shall annually report the number of students relieved from repayment under this subparagraph to the joint labor, health and social services interim committee not later than October 1;

(C) Any amounts paid by medical, podiatry, osteopathic, occupational therapy, physical therapy, optometry, physician assistant or dental students in accordance with the contractual arrangements authorized under this paragraph shall be credited to a WICHE program repayment account which shall be expended upon appropriation by the legislature;

(D) The provisions of this paragraph shall not apply to the field of veterinary medicine.

(c) All monies appropriated for the purposes of the compact shall be appropriated to the board of trustees of the University of Wyoming for administration as directed by the commissioners.

### ARTICLE 3 - INTERSTATE COMPACT FOR EDUCATION

#### **21-16-301. Generally.**

The Interstate Compact for Education is hereby enacted into law and entered into by this state with all states legally joining herein in the form substantially as follows:

#### COMPACT FOR EDUCATION

## Article I

(a) It is the purpose of this compact to:

(i) Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

(ii) Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

(iii) Provide a clearinghouse of information on matters relating to educational programs and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

(iv) Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

(b) It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

(c) The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

## Article II

As used in the compact, "state" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

### Article III

(a) The education commission of the states, hereinafter called "the commission", is hereby established. The commission shall consist of seven (7) members representing each party state. One (1) of such members shall be the governor; two (2) shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine, Wyoming's legislative members are to be appointed one (1) by the president of the senate and one (1) by the speaker of the house; and four (4) shall be appointed by the governor and may be removed by the governor as provided in W.S. 9-1-202. If the laws of a state prevent legislators from serving on the commission, six (6) members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one (1) shall be the head of a state agency or institution, designated by the governor, having responsibility for one (1) or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten (10) nonvoting commissioners selected by the steering committee for terms of one (1) year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

(b) The members of the commission shall be entitled to one (1) vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at meetings at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and

subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article IV and adoption of the annual report pursuant to subsection (k) of this article.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

(f) The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two (2) or more of the party jurisdictions or their subdivisions.

(g) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the

donation, grant, or services borrowed, and the identity of the donor or lender.

(h) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with appropriate agency or officer in each of the party states.

(k) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

#### Article IV

(a) In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

(i) Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

(ii) Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

(iii) Develop proposals for adequate financing of education as a whole and at each of its many levels.

(iv) Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

(v) Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

(vi) Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

#### Article V

(a) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten (10) representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one (1) or more branches of the federal government, but no such representative shall have a vote on the commission.

(b) The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

#### Article VI

(a) To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two (32) members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two (2) years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen (16) for one (1) year and sixteen (16) for two (2) years. The chairman, vice-chairman, and treasurer of the commission shall be members of the steering committee and, anything in this



paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two (2) terms as a member of the steering committee; provided that service for a partial term of one (1) year or less shall not be counted towards the two (2) term limitation.

(b) The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one (1) or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two (2) or more of the party states.

(c) The commission may establish such additional committees as its bylaws may provide.

#### Article VII

(a) The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

(b) The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

(c) The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III(g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III (g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### Article VIII

(a) This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

(b) Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least ten (10) eligible party jurisdictions shall be required.

(c) Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

(d) Except for a withdrawal effective on December 31, 1967, in accordance with paragraph (c) of this article, any party state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

#### Article IX

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

#### **21-16-302. Filing copies of commission's reports and bylaws.**

The report required under article III(k) of W.S. 21-16-301 shall be filed with the governor and the joint education interim committee of the legislature. Pursuant to article III(j) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the secretary of state of the state of Wyoming.

#### ARTICLE 4 - HIGHER EDUCATION COUNCIL

**21-16-401. Repealed by Laws 1978, ch. 4, § 2.**

**21-16-402. Repealed by Laws 1978, ch. 4, § 2.**

**21-16-403. Repealed by Laws 1978, ch. 4, § 2.**

**21-16-404. Repealed by Laws 1978, ch. 4, § 2.**

**21-16-405. Repealed by Laws 1978, ch. 4, § 2.**

#### ARTICLE 5 - ADVANCE PAYMENT OF HIGHER EDUCATION COSTS

**21-16-501. Repealed by Laws 2016, ch. 110, § 3.**

**21-16-502. Repealed by Laws 2016, ch. 110, § 3.**

**21-16-503. Repealed by Laws 2016, ch. 110, § 3.**

**21-16-504. Repealed by Laws 2016, ch. 110, § 3.**

**21-16-505. Repealed by Laws 2016, ch. 110, § 3.**

**21-16-506. Repealed by Laws 2019, ch. 186, § 2.**

ARTICLE 6 - WYOMING EDUCATION  
PLANNING AND COORDINATION COUNCIL

**21-16-601. Repealed By Laws 2014, Ch. 103, § 2.**

**21-16-602. Repealed By Laws 2014, Ch. 103, § 2.**

ARTICLE 7 - WYOMING HIGHER EDUCATION ASSISTANCE AUTHORITY

**21-16-701. Short title.**

This article may be cited as the "Wyoming Higher Education Assistance Authority Act."

**21-16-702. Definitions.**

(a) As used in this article:

(i) "Authority" means the Wyoming higher education assistance authority;

(ii) "Board" means the board of directors of the authority;

(iii) "College" means any accredited institution offering higher education;

(iv) "Financial institution" means any banking corporation or institution engaged primarily in lending or investing funds and authorized to do business in the state;

(v) "Higher education" means any program, curriculum or combination of courses or subjects generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional or vocational objective higher than graduation from high school;

(vi) "Obligations" means notes, warrants, bonds, temporary bonds and anticipation notes issued by the authority pursuant to this article;

(vii) "State" means the state of Wyoming;

(viii) "State agency" means any office or instrumentality of the state;

(ix) "Student" means:

(A) Any person who, while a resident of the state, applies to a financial institution for a student loan and who is enrolled in a college or whose application for enrollment has been accepted by a college;

(B) Any person who is enrolled in a college located within the state or whose application for enrollment has been accepted by a college located within the state;

(C) To the extent funding is available after taking into consideration the aggregate funding needs of students specified under subparagraphs (a)(ix)(A) and (B) of this section, any person who is enrolled in a college located outside of this state; or

(D) The parent or legal guardian of a student as defined under this paragraph.

**21-16-703. Wyoming higher education assistance authority; creation; termination; board of directors; composition; compensation; meetings; surety bonds; personal liability; fiscal control.**

(a) The Wyoming higher education assistance authority is established as a body corporate to operate as a state instrumentality solely for the public benefit. The authority shall exist perpetually or until terminated by law. Unless adequate provision has been made for payment, no termination of the authority shall take effect if the authority has obligations outstanding. Upon termination, all rights and properties of the authority shall pass to and be vested in the state.

(b) The board of directors of the authority is created and shall consist of nine (9) directors as follows:

(i) The governor;

(ii) The state treasurer;

(iii) Seven (7) directors appointed by the governor with the advice and consent of the senate, not more than seventy-five percent (75%) of whom shall be of the same political party.

(c) Appointed directors shall serve for staggered terms of four (4) years each and shall not serve more than two (2) successive four (4) year terms. An appointed director may be removed from office by the governor pursuant to W.S. 9-1-202(a) or by a majority vote of the senate. Directors shall continue in office until their successors are appointed and qualified. If a vacancy occurs, the governor shall in accordance with W.S. 28-12-101, appoint a successor. The board shall select one (1) of its members to serve as chairman and one (1) member to serve as treasurer. Each appointed director shall receive compensation for each day or part of a day in which engaged in the performance of their official duties at the same rate provided members of the state legislature under W.S. 28-5-101 and shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(d) The board shall determine the date, time, place and method of notice for all regular meetings of the board. A majority of the directors constitutes a quorum for the transaction of any business or the exercise of any power or function of the authority. All matters shall be decided by a majority vote of the voting members of the board. Minutes of board meetings shall be kept, maintained and open to members of the public. Public notice of meetings shall be given prior to the meetings and meetings shall be open to the public in accordance with W.S. 16-4-401 through 16-4-408. In emergency circumstances, if so determined by two-thirds (2/3) of its members, the board may take action by conference telephone or similar electronic communications equipment whereby all persons participating in the meeting can hear each other at the same time. Such action shall be recorded, immediately transcribed as minutes of the board and notice given of their availability for public review. The finding by the board that an emergency exists shall be binding and conclusive unless clearly erroneous.

(e) The authority shall execute and maintain at its expense a blanket surety bond covering each director, the executive director and employees or other officers of the

authority in a penal sum of two hundred fifty thousand dollars (\$250,000.00). The directors, the executive director, employees or any other person executing obligations shall not be subject to any personal liability by reason of their issuance.

**21-16-704. Executive director; employment of additional personnel; compensation.**

(a) The board may appoint an executive director to serve as executive secretary to the board and as the chief executive officer of the authority. The executive director shall serve at the pleasure of the board and shall receive a salary established by the board.

(b) Subject to approval of the board and in accordance with W.S. 21-16-720, the executive director shall determine the terms of employment, tenure, duties, working conditions, promotion and termination of other employees necessary to carry out the purposes and functions of the authority. Employees of the authority may be covered by and subject to the Wyoming Retirement Act, the State Employees and Officials Group Insurance Act and the Wyoming Deferred Compensation Act.

**21-16-705. Powers and duties generally; preference to state financial institutions.**

(a) For the purposes of this article, the authority may:

(i) Sue and be sued and procure necessary liability insurance;

(ii) Have a seal;

(iii) Make and execute contracts and other instruments;

(iv) Adopt rules and regulations in accordance with the Wyoming Administrative Procedure Act for its organization, for special meetings of the board, for internal management and administration of its loan program, operations, properties and facilities and as necessary to carry out this article;

(v) Acquire or contract to acquire by grant, purchase, option or otherwise, real, personal or mixed property or any interest in property;

(vi) Prepare plans, specifications and cost estimates for the purchase, sale, acquisition or other financing of student loans and modify the plans, specifications, designs or estimates;

(vii) Provide advisory, consultive or educational services, technical assistance and advice to any person in order to carry out the purposes of the authority;

(viii) Borrow money and issue its negotiable obligations and provide for the rights of the holders thereof;

(ix) Mortgage or pledge any or all of its revenue and income and assign or pledge any of its assets for the payment of the principal and interest on any obligations issued and any agreements made in connection with the obligations;

(x) Deposit or invest any funds of the authority as provided in W.S. 21-16-718;

(xi) Procure insurance against any loss in connection with its property and any other assets and operations;

(xii) Engage the services of consultants on a contract basis for rendering professional, financial and technical assistance and advice;

(xiii) Contract for and accept any gifts, grants or loans of funds or property or financial or other aid in any form from the federal government or any federal agency or instrumentality thereof, or from any other source and subject to this article, and pass through or otherwise comply with any terms and conditions;

(xiv) Pursuant to this article and under terms and conditions as it prescribes, make student loans which may be insured or guaranteed by governmental or private entities;

(xv) Acquire present or contingent interests in student loans from financial institutions or other lending institutions pursuant to this article and under terms and conditions as the authority may prescribe;

(xvi) Take, hold, expend and administer, from any source, any real property, personal property and monies, or any interest therein, and the income therefrom, either absolutely or in trust, for any purpose of this article. No obligation of the



authority under this article shall be an obligation of the state nor shall any obligation of the authority be payable out of any monies except those provided under this article;

(xvii) Issue obligations, the interest on which may or may not be exempt from federal income tax calculations;

(xviii) Develop and administer all programs and perform all functions necessary or convenient to promote and facilitate the making of student loans and provide such other higher education loan assistance and services as the authority deems necessary or desirable;

(xix) Enter into loan servicing agreements with any financial institution, lending institution or servicer at reasonable fees; and

(xx) Consent to modification of the terms of any loan or contract to which the authority is a party, subject to any contract with the holders of its obligations.

(b) In purchasing loans from or making loans to financial institutions pursuant to this article, the authority shall give preference to financial institutions authorized to do business within the state.

#### **21-16-706. Revenue obligations; issuance.**

(a) Subject to W.S. 21-16-707, the authority may issue bonds in principal amounts it deems necessary to provide sufficient funds for achieving any of its purposes, including the payment of interest and the establishment of reserves. All obligations issued under this article are deemed to be negotiable instruments under the laws of the state unless expressly stated to the contrary on the face of the obligations.

(b) The principal of and interest and premium, if any, on the obligations shall be payable solely from the sources provided by this article for payment. The obligations of each issue shall be dated, shall bear interest at rates including variable rates, shall mature at times not to exceed twenty (20) years from their date, as determined by the authority, and may be made redeemable before maturity at the option of the authority, at a price and under terms and conditions as may be fixed by the authority prior to issuance of the obligations.

(c) The authority shall determine the form and the manner of execution of the obligations, including any interest coupons to be attached thereto, and shall fix the denomination of the obligations and the place of payment of principal and interest, which may be any financial institution or trust company within or without the state.

(d) The authority may sell the obligations in any manner, either at public or private sale and for a price as it may determine will best effectuate the purposes of this article. The authority may pay legal fees, expenses, premiums and commissions which it finds necessary or advantageous in connection with the issuance and sale.

(e) The authority may provide for the issuance of its obligations to refund any of its outstanding obligations, including payment of any redemption premium and any interest or premium accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity of the obligations. Refunding shall be accomplished in the manner prescribed by W.S. 16-5-101 through 16-5-119 to the extent not inconsistent with this article.

**21-16-707. Revenue obligations; amount authorized.**

The authority may issue at one time or from time to time, and subject to the express approval of the governor after a public hearing following reasonable public notice, revenue obligations in an aggregate amount outstanding at any one time not to exceed one hundred twenty-five million dollars (\$125,000,000.00).

**21-16-708. Revenue obligations; security.**

(a) In any resolution authorizing the issuance of obligations, the authority shall pledge or assign as security therefor:

(i) Payments received on student loans including principal, interest and penalties and other income rendered in connection with student loans;

(ii) Proceeds of insurance, earnings and profits on investments of funds and from sales, purchases, endorsements of student loans and other contract rights;

(iii) Any funds, rights, proceeds of insurance or other benefits acquired pursuant to any federal law or contract to the extent not in conflict therewith;

(iv) Money recovered through the enforcement of any remedies or rights; and

(v) Any other funds or things of value becoming the property of the authority, which in the determination of the authority, may enhance the marketability of its revenue obligations.

(b) The holders of obligations shall not look to any general or other fund for payment of the obligations except the revenues pledged or assigned under subsection (a) of this section.

(c) Revenue obligations shall not constitute an indebtedness or a debt of the state within the meaning of any constitutional or statutory provision or limitation. The obligations shall not be considered or held to be general, special or limited obligations of the state but shall constitute the special obligations of the authority for which the state shall not pledge its full faith and credit for payment on the obligations.

(d) The resolution or trust indenture under which the revenue obligations are authorized and any other instrument may contain agreements and provisions for:

(i) The creation and maintenance of special funds from revenues; and

(ii) The rights and remedies available in the event of default.

(e) Each pledge, agreement or other instrument made for the benefit or security of any obligations of the authority is valid and binding from the time made. The revenues, receipts, monies and assets pledged are immediately subject to the lien of the pledge without delivery or further act. The lien is valid and binding against persons having claims of any kind against the authority whether or not the persons have actual notice of the lien. Neither the resolution nor the indenture or other instrument by which a pledge is created need be recorded or filed.

(f) Any resolution or trust indenture under which obligations of the authority are authorized may contain provisions for vesting in a trustee the properties, rights, powers and duties in trust as the authority determines.

**21-16-709. Debt service reserve funds; use of monies.**

(a) Unless otherwise provided in the resolution or indenture providing for the issuance of particular obligations, the monies held in or credited to any debt service reserve fund established under this section shall be used solely for:

(i) Payment of the principal of obligations of the authority secured by the reserve fund, as the obligations mature or are redeemed prior to maturity;

(ii) Purchase of the obligations of the authority;

(iii) Payment of interest on the obligations of the authority; or

(iv) Payment of any redemption premium required to be paid when the obligations are redeemed prior to maturity.

(b) The interest earned on the amount deposited in any reserve fund may be used for defraying the cost of the operations of the authority. Money in any debt service reserve fund shall not be withdrawn if it would reduce the amount of the fund to less than the amount which is pledged in the proceedings authorizing the issuance of the obligations secured by the debt service reserve fund, except for paying principal and interest on obligations maturing and becoming due and for the payment of which other monies of the authority are not available.

**21-16-710. Disposition of monies received.**

Monies received pursuant to this article, whether as proceeds from the sale of obligations or as revenues, receipts or income, shall be held as trust funds to be applied solely as provided in the proceedings under which the obligations are authorized. The trustee shall hold and apply the monies for purposes authorized by this article and by the proceedings authorizing the obligations and included in the resolution or indenture providing for the issuance of the obligations.

**21-16-711. Notice of default; authority to pay unpaid balance of principal to financial institutions; financial institutions to deliver note to authority.**

(a) The authority shall establish and at all times maintain one (1) or more adequate reserve funds to provide for defaults on student loans financed pursuant to this article. All financial institutions offering loans to be financed pursuant to this article and the authority, on all loans made directly to students pursuant to this article, shall charge a loan reserve fee of not more than five percent (5%) of the total face amount of the loan. The authority may from time to time decrease this percentage in furtherance of this plan. In order for a loan to qualify for default coverage by the authority under this article, the financial institution shall deposit the loan reserve fee into reserve funds established by the authority under this section. The authority shall establish procedures for the collection and deposit of the loan reserve fee and for the payment of defaults on secured loans. The loan reserve fee is not a finance charge for purposes of any state or federal consumer credit law.

(b) In the event of a default on any loan owned by the authority or security obligation of the authority, the authority shall take all lawful steps to collect on all loans acquired, administered or financed pursuant to this article and in accordance with commercially reasonable terms and subject to any applicable state or federal statutes, may contract with a private collection agent for loan collection.

(c) In the event of a default on any loan not owned by the authority but administered or financed pursuant to this article, the authority shall as soon as practicable after receipt of demand by a financial institution containing a statement of the nature and the reason for the default, pay, from the loan reserve funds established pursuant to this article, to the financial institution one hundred percent (100%) of the unpaid balance of the principal on the note. Upon payment, the financial institution shall endorse, without recourse or warranty, and deliver to the authority the note, together with all of the rights of the financial institution under any guaranty or endorsement of the note and with respect to any security for the payment of the note.

**21-16-712. Age discrimination prohibited; full legal capacity of minors.**

Any student qualifying for a loan under this article is not disqualified by reason of being a minor. For the purpose of applying for, receiving and repaying a loan, any student has full legal capacity to act and all the rights, powers, privileges and obligations of an adult with respect thereto.

**21-16-713. Information sharing.**

Colleges in this state shall furnish to the authority and to financial institutions information necessary to properly administer this article. Upon request, the authority may regularly furnish information on higher education student loan transactions to colleges.

**21-16-714. Investment of state funds in insured, guaranteed or other higher education loans.**

(a) Subject to approval of the governor and advice of the attorney general, the state treasurer may enter into standby commitment agreements for a commercially reasonable fee with the authority under which the state agrees to purchase loans held by the authority at any time the authority is unable to pay interest on or principal of any of its outstanding obligations on any regularly scheduled interest or principal payment date, or at maturity, whether by acceleration, redemption or otherwise. One (1) condition of the agreement shall require the loan program to be designed for statewide participation and benefits. If the commitment is incurred, the investment shall be made from the Wyoming permanent mineral trust fund or permanent land fund and shall not exceed one hundred seventy-five million dollars (\$175,000,000.00).

(b) If loans are sold, the authority shall, as partial consideration for the sale, retain the responsibility for collection and procedural processing of the loans at its sole expense with the exception of servicing fees as specified in the standby commitment agreement. In no case shall the state be obliged to administer loans purchased from the authority. The portion of any payment reflecting a return of corpus shall be credited to the permanent mineral trust fund or permanent land fund and the balance of the payment shall be credited to the general fund or the permanent land income fund, as applicable.

**21-16-715. Exemptions from taxation; exceptions.**

The exercise of the powers granted by this article constitutes the performance of an essential governmental function. The

authority shall not be required to pay any taxes levied by any municipality or political subdivision of the state upon its projects, property or monies, other than assessments for local improvements. The authority shall not be required to pay state taxes of any kind. Except for estate taxes, property, monies and any obligations issued under this article including the income therefrom, shall be free from taxation of every kind by the state, municipalities and political subdivisions of the state.

**21-16-716. Obligations as legal investments.**

The obligations of the authority are legal investments which may be used as collateral for public funds of the state, insurance companies, financial institutions, savings and loan associations, investment companies, trustees and other fiduciaries which may properly and legally invest funds in their control or belonging to them in obligations of the authority.

**21-16-717. State pledge not to impair rights and remedies of holders of obligations.**

The state pledges to the holders of any obligations issued under this article that the state will not limit or alter the rights vested in the authority to fulfill the terms of agreements made with the holders, or in any way impair the rights and remedies of the holders until the obligations, together with interest, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders, are fully met and discharged. The authority is authorized to include this pledge of the state in any agreement with the holders of the obligations.

**21-16-718. Investment and management of funds; audit.**

(a) In investing and managing its funds, the authority shall exercise the judgment and care which persons of prudence, discretion and intelligence would exercise under similar circumstances in managing the permanent disposition of their funds, considering the probable income and the probable safety of their capital, and may:

(i) Invest funds in securities in which state funds may be invested as provided by law or in savings certificates of savings and loan associations and certificates of deposit of financial institutions to the extent they are fully insured by a

federal agency or are fully secured by a pledge of assets as provided by law;

(ii) Sell securities it has purchased; and

(iii) Deposit funds in any financial institution if secured by obligations authorized as permissible security for state investments.

(b) Notwithstanding this section, the authority may contract with the holders of any of its obligations for the custody, collection, securing, investment and payment of any monies of the authority, of any monies held in trust or otherwise for the payment of obligations and may carry out the contract. Monies held in trust or otherwise for the payment of obligations or in any way to secure obligations and deposits of monies may be secured in the same manner as monies of the authority and all financial institutions and trust companies are authorized to give security for these deposits.

(c) Subject to agreements with holders of its obligations, the authority shall prescribe a system of accounts in accordance with generally accepted accounting principles.

(d) The authority shall employ a certified public accountant to examine the books and accounts of the authority including its receipts, disbursements, contracts, reserve funds, sinking funds, investments and any other matters relating to its financial standing. The examination shall be conducted at least once each year and copies of the examination report shall be filed with the secretary of state, the director of the state department of audit and the legislative service office.

#### **21-16-719. Assistance by state agencies.**

(a) Upon request of the authority, any state agency may temporarily assign to the authority officers and employees necessary to assist the authority in carrying out its functions and duties under this article. Assigned state officers and employees shall not lose status or rights as state employees.

(b) Upon request of the authority, any state agency may lend technical assistance, render advice and attend meetings with the directors and employees of the authority as the authority requires in carrying out its functions and duties.



(c) The authority shall compensate the state for any assistance received.

**21-16-720. Annual report and budget.**

(a) The authority shall submit an annual report in the manner provided by W.S. 9-2-1014.

(b) The authority shall submit its budget for review as provided by W.S. 9-2-1010 through 9-2-1014.1.

(c) This section shall not impair or affect any pledge of special funds of the authority for payment of obligations authorized under this article nor shall any funds of the authority be deemed state funds and subject to appropriation hereby.

**21-16-721. Conflicts of interest.**

(a) The authority shall not purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any corporation, trust, association, partnership or other entity in which any director of the authority has a financial interest.

(b) Subject to subsection (c) of this section, this section does not prohibit:

(i) Buying, selling or placing higher education loans with financial institutions in which a director has a financial interest; or

(ii) Contracting with a Wyoming corporation for the provision of services if one (1) or more directors of the corporation is also a member of the board.

(c) Representations specified under subsection (b) of this section shall be adequately disclosed and any contracts or agreements shall be commercially reasonable. Any financial interest shall be disclosed in the minutes of the authority.

**21-16-722. Inspection of financial records.**

The director of the department of audit or his designee may at any time inspect and examine the books, financial accounts and financial records of the authority.

**ARTICLE 8 - FAMILY COLLEGE SAVINGS PROGRAM**

21-16-801. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-802. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-803. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-804. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-805. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-806. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-807. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-808. Repealed By Laws 2000, Ch. 71, § 2.  
21-16-809. Repealed by Laws 2019, ch. 135, § 1.  
21-16-810. Repealed by Laws 2019, ch. 135, § 1.  
21-16-811. Repealed by Laws 2019, ch. 135, § 1.  
21-16-812. Repealed by Laws 2019, ch. 135, § 1.  
21-16-813. Repealed by Laws 2019, ch. 135, § 1.  
21-16-814. Repealed by Laws 2019, ch. 135, § 1.  
21-16-815. Repealed by Laws 2019, ch. 135, § 1.  
21-16-816. Repealed by Laws 2019, ch. 135, § 1.  
21-16-817. Repealed by Laws 2019, ch. 135, § 1.  
21-16-818. Repealed by Laws 2019, ch. 135, § 1.

ARTICLE 9 - UNIVERSITY OF WYOMING ENDOWMENT FUND

**21-16-901. University of Wyoming endowment challenge program.**

The University of Wyoming endowment challenge program is created.

**21-16-902. Definitions.**

(a) As used in this article:

(i) "Challenge account" means the university endowment challenge account established under W.S. 21-16-903;

(ii) "Permanent endowment funds managed by the University of Wyoming foundation" means the endowment funds that are invested by the University of Wyoming foundation on a permanent basis and regarding which earnings on those investments are dedicated to be expended exclusively to benefit and promote the mission, operation or any program or activity of the University of Wyoming, including but not limited to professorships and student scholarships, increases to the corpus of the endowment and defraying reasonable costs of endowment administration;

(iii) "Substantial endowment gift" means an irrevocable gift or transfer to the University of Wyoming foundation of money or other property by a donor where:

(A) The gift or the foundation's interest in the property is conditioned on it being used by the foundation exclusively for endowment purposes;

(B) Except as provided by W.S. 21-16-904(a)(ix) for fallen heroes endowments, the gift or property transferred has a fair market value of at least fifty thousand dollars (\$50,000.00); and

(C) The following apply:

(I) The gift was received or the transfer occurred on or after March 1, 2001. Payments are not eligible to be matched if they are part of a gift for which some payment was received prior to March 1, 2001;

(II) If a commitment to make the gift or transfer is made in writing to the university foundation on or after March 1, 2001, to qualify for the match, the gift shall actually be received or the transfer shall actually occur not later than December 31 of the fifth calendar year following the calendar year in which the written commitment was made to the university foundation;

(III) Members of a single family may aggregate their individual gifts to meet the minimum dollar threshold required for matching funds. Gifts from nonfamily

members in memory of a deceased individual may also be aggregated to meet the minimum dollar threshold required for matching funds.

**21-16-903. University endowment challenge account.**

(a) The university endowment challenge account is created.

(b) The state treasurer shall invest amounts deposited within the account in accordance with law, and all investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the account shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this article.

**21-16-904. Endowment challenge fund matching fund program; matching payments; agreements with university foundation; annual reports; reversions of appropriations; legislative oversight.**

(a) The state treasurer shall administer the matching fund program established under this section. The following shall apply to the program:

(i) To the extent that funds are available in the challenge account, the state treasurer shall match each substantial endowment gift actually received by the University of Wyoming foundation by transferring from the challenge account to the university an amount equal to the amount of the substantial endowment gift. Prior to the receipt of any substantial endowment gift, the donor shall be notified by the foundation that there may or may not be any state matching funds available for the gift. If funds are not available within the account, the amount of substantial endowment gifts to the foundation may be accumulated until such time as matching funds become available. Endowment gifts made directly to the university shall be endowment gifts to the foundation for purposes of this section. The university shall manage both the endowment gifts and the matching funds in the same manner as other endowment funds, but otherwise subject to the provisions of this section;

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the gift is received. Matching funds shall only be available for expenditure to the extent cash or cash equivalent contributions are actually

received by the University of Wyoming. Where a gift is made through a series of payments or transfers, except as provided in paragraph (ix) of this subsection, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the gift totals at least fifty thousand dollars (\$50,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that gift are received by the foundation. Nothing in this paragraph prohibits the university foundation from accumulating substantial endowment gifts until such time as state matching funds become available;

(iii) The university shall immediately transfer all matching funds received to the university foundation to be permanently invested. The university shall enter into a new agreement or modify its existing agreement with the University of Wyoming foundation under which the foundation shall manage the matching funds it receives in the same manner as other permanent endowment funds managed by the University of Wyoming foundation subject to the provisions of this section. Expenditures may be made from that portion of the funds attributable to endowment gifts received in accordance with the Uniform Prudent Management of Institutional Funds Act. Notwithstanding that act, only the earnings from the investment of state matching funds may be expended for purposes other than reasonable costs of administration. All expenditures shall be used exclusively for the purposes of the endowment, including reasonable costs of administration. Earnings also may be reinvested to increase the balance of the corpus. Reasonable costs of administration shall not exceed an annual rate of one percent (1%) of the fair value of each state matching fund account held by the foundation that is associated with a substantial endowment gift received by the foundation under W.S. 21-16-902(a)(iii). The costs of administration shall be assessed quarterly at one-fourth (1/4) the annual rate as specified in this subsection or as otherwise specified by law. The fair value of each state matching fund account held by the foundation shall be determined by the foundation as of the last day of the preceding quarter. Any modification of costs of administration allowed shall be effected through a footnote to the University of Wyoming's general appropriation in the general government appropriations bill or in a 300 section of the general government appropriations bill. Upon the modification of any costs of administration to an amount above one percent (1%), the University of Wyoming foundation shall submit to the joint appropriations interim committee a detailed financial accounting of all costs of administration incurred during the fiscal year;

(iv) The state treasurer shall distribute funds or encumber funds for future distribution in the case of a written commitment, to match a substantial endowment gift based on the order in which each substantial endowment gift is actually received or in which a written commitment to make a substantial endowment gift is received by the foundation. Matching funds shall not be distributed or encumbered in excess of the amount in the challenge account. In no event shall matching funds be transferred to the university except to match substantial endowment gifts actually received or to match gifts actually received and accumulated. The state treasurer shall rescind an encumbrance if the university notifies him that a donor who made a commitment will not make a substantial endowment gift that qualifies for matching funds under this section;

(v) If the president of the university determines that the purpose of a substantial endowment gift to the foundation is not consistent with mission or capability of the university, the gift shall not qualify for the matching program under this section;

(vi) For the purpose of calculating the matching amount only, the state treasurer shall use the value of a substantial endowment gift based on its fair market value at the time the gift is received by the university foundation. The university shall provide evidence of fair market value as the state treasurer requires for each substantial endowment gift. The state treasurer's office shall not bear any costs associated with providing evidence;

(vii) The University of Wyoming shall on or before October 1 of each year submit a report to the state treasurer from the foundation regarding the endowment matching program established under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from endowment program expenditures. The state treasurer shall distribute the report to the governor and the legislature;

(viii) Repealed By Laws 2009, Ch. 52, § 3.

(ix) To the extent funds are available in the challenge account, the state treasurer shall distribute matching funds not to exceed five thousand dollars (\$5,000.00) for each fallen heroes endowment as follows:

(A) Two thousand dollars (\$2,000.00) for the first one thousand dollars (\$1,000.00) actually received in a fallen heroes endowment; and

(B) Three thousand dollars (\$3,000.00) for an additional one thousand dollars (\$1,000.00) received in a fallen heroes endowment, excluding any funds deposited in a fallen heroes endowment pursuant to this paragraph.

(b) Any funds appropriated to a university endowment fund by the legislature shall be credited to the university fund endowment challenge account under W.S. 21-16-903.

(c) Nothing in this section obligates the legislature to match accumulated substantial endowment gifts as authorized under subsection (a) of this section. The legislature reserves the right to modify or terminate the matching program at any time.

(d) As used in this section "earnings from the investment of state matching funds" means that amount of net appreciation, realized and unrealized, in the fair value of assets of the endowment fund attributable to all state matching funds which exceeds the total amount of those state matching funds when distributed by the state treasurer to the university.

#### ARTICLE 10 - UNIVERSITY OF WYOMING ATHLETICS CHALLENGE FUND

##### **21-16-1001. Definitions.**

(a) As used in this article:

(i) "Challenge account" means the university athletics challenge account established under W.S. 21-16-1002;

(ii) "Qualifying contribution" means a transfer of money or other property of a value of not less than twenty-five thousand dollars (\$25,000.00) to the University of Wyoming foundation to be expended exclusively for university intercollegiate athletic facilities consistent with the 2003 intercollegiate athletics plan approved by the university board of trustees. The commitment for a qualifying contribution or the contribution itself shall be made on or after September 13, 2003. The contribution shall be actually received by the University of Wyoming foundation on or before December 31 of the fifth calendar year following the calendar year in which the written commitment was made to the university foundation.

Members of a single family may aggregate their individual gifts to meet the minimum dollar threshold required for matching funds. Gifts from nonfamily members in memory of a deceased individual may also be aggregated to meet the minimum dollar threshold required for matching funds.

(iii) Repealed By Laws 2009, Ch. 52, § 3.

**21-16-1002. University athletics challenge account.**

(a) The university athletics challenge account is created.

(b) The state treasurer shall invest amounts deposited within the account in accordance with law. All investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the account shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this article.

**21-16-1003. Athletics challenge matching program; state treasurer to administer program account; matching payments; conditions; annual reports; reversion of appropriations.**

(a) The state treasurer shall administer the university athletics challenge account established under this article. The following shall apply:

(i) To the extent that funds are available in the challenge account, the state treasurer shall match each qualifying contribution actually received by the University of Wyoming foundation by transferring from the challenge account to the university an amount equal to the amount of the qualifying contribution. Qualifying contributions made directly to the university shall be considered qualifying contributions to the foundation for purposes of this article. The university shall expend both the qualifying contributions and the matching funds solely for the cost of establishing new or renovating existing university intercollegiate athletics facilities consistent with the 2003 intercollegiate athletics plan approved by the university board of trustees. Authorized expenditures for intercollegiate athletic facilities include but are not limited to all expenditures necessary for planning, designing, procuring contractors, construction management and actual construction;

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the



calendar quarter following the quarter during which the qualifying contribution is received. Matching funds shall only be available for expenditure to the extent cash or cash equivalent contributions are actually received by the University of Wyoming. If a qualifying contribution is made through a series of payments or transfers, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the contribution totals at least twenty-five thousand dollars (\$25,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that qualifying contribution are received by the foundation;

(iii) The state treasurer shall distribute funds or encumber funds for future distribution in the case of a written commitment, to match a qualifying contribution based on the order in which each qualifying contribution is actually received or in which a written commitment to make a qualifying contribution is received by the foundation. Matching funds shall not be distributed or encumbered in excess of the amount within the challenge account. No matching funds shall be transferred to the university except to match qualifying contributions actually received. The state treasurer shall rescind an encumbrance if the university notifies him that a donor who made a commitment will not make a qualifying contribution that is eligible for matching funds under this section;

(iv) For the purpose of calculating the matching amount only, the state treasurer shall use the value of a qualifying contribution based on its fair market value at the time the contribution is received by the university foundation. The university shall provide evidence of fair market value as the state treasurer requires for each qualifying contribution. The state treasurer's office shall not bear any costs associated with providing evidence;

(v) The University of Wyoming shall on or before October 1 of each calendar year submit a report to the state treasurer from the university foundation regarding the matching program established under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from program expenditures. The state treasurer shall distribute the report to the governor and the joint education interim committee.

(vi) Repealed By Laws 2009, Ch. 52, § 3.

(vii) Repealed By Laws 2009, Ch. 52, § 3.

ARTICLE 11 - WYOMING COMMUNITY COLLEGE ENDOWMENT CHALLENGE  
PROGRAM

**21-16-1101. Wyoming community college endowment challenge program.**

The Wyoming community college endowment challenge program is created.

**21-16-1102. Definitions.**

(a) As used in this article:

(i) "Challenge fund" means the community college endowment challenge fund created under this article;

(ii) "Endowment gift" means an irrevocable gift or transfer to a Wyoming community college foundation of money or other property, whether real, personal, tangible or intangible, and whether or not the donor or transferor retains an interest in the property, where the gift or the foundation's interest in the property is required to be used by the foundation exclusively for endowment purposes, where:

(A) The gift was received or the transfer occurred on or after July 1, 2004; or

(B) A commitment to make the gift or transfer was made in writing to the respective community college foundation, which commitment was received on or after July 1, 2004, and the gift was received or the transfer occurred not later than December 31 of the fifth calendar year following the calendar year in which the written commitment was made.

(iii) "Foundation" means an organization established for each community college that among other purposes, exists to generate additional revenues for community college programs and activities;

(iv) "Permanent endowment funds managed by a Wyoming community college foundation" means the endowment funds that are invested by the respective Wyoming community college foundation on a permanent basis and the earnings on those investments are dedicated to be expended exclusively to benefit and promote the

mission, operation or any program or activity of the respective community college, including but not limited to professorships and student scholarships, increases to the corpus of the endowment and defraying reasonable costs of endowment administration.

**21-16-1103. Wyoming community college endowment challenge fund.**

(a) The Wyoming community college endowment challenge fund is created and shall consist of seven (7) separate accounts, one (1) account for each Wyoming community college.

(b) The state treasurer shall invest funds within the fund created under subsection (a) of this section and shall deposit the earnings from fund investments to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the fund shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this article.

**21-16-1104. Endowment challenge fund matching program; matching payments; agreements with foundations; annual reports.**

(a) To the extent funds are available in the separate account of any community college within the endowment challenge fund, the state treasurer shall match endowment gifts actually received by that community college's foundation. Except as provided in subsection (k) of this section, a match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a community college foundation total ten thousand dollars (\$10,000.00) or more. Matching funds shall only be available for expenditure to the extent cash or cash equivalent contributions are actually received by the community college. Endowment gifts actually received by a community college foundation may also be accumulated until such time as state matching funds become available. The match shall be made by transferring from the separate challenge fund account to the appropriate community college an amount equal to the amount accumulated by its foundation. The recipient community college shall immediately transfer matching funds received under this subsection to the community college foundation.

(b) Each community college district shall enter into an agreement with its foundation under which the foundation shall manage the matching funds received under subsection (a) of this

section in the same manner as other permanent endowment funds are managed by its foundation, including the permanent investment of funds, maintenance of the fund corpus as inviolate and the expenditure of fund earnings for endowment purposes only.

(c) Earnings from endowment funds established with matching funds under this section shall be expended only for the purpose of the endowment, including increasing the balance in the fund corpus and reasonable costs of administration.

(d) Except as provided in subsection (k) of this section, to the extent funds are available to the separate account of any community college, the state treasurer shall make transfers to the appropriate community college under this section not later than the end of the calendar quarter following the quarter during which foundation gifts total at least ten thousand dollars (\$10,000.00). Prior to the receipt of any substantial endowment gift, the donor shall be notified by the foundation that there may or may not be any state matching funds available for the gift. If funds are not available for any community college account, the amount of gifts to that foundation may be accumulated until such time as matching funds become available. Except as provided in subsection (k) of this section, if gifts are made through a series of payments or transfers, no matching funds shall be transferred under this section until the total value of all payments or transfers actually received totals at least ten thousand dollars (\$10,000.00).

(e) Except as provided under subsection (f) of this section, matching funds paid under this section shall not be distributed to or encumbered by any community college foundation in excess of the amount in the challenge fund account for that college. Except to the extent authorized under subsection (f) of this section, matching funds shall not be transferred to any community college by the state treasurer except to match gifts actually received by its foundation.

(f) Notwithstanding subsection (e) of this section, matching funds may be distributed to or encumbered by a community college foundation in excess of the amount within the challenge fund account of that college if:

(i) Endowment gifts for that college exceed the amount within its challenge fund account;

(ii) The college enters into a written agreement with another college having unencumbered amounts remaining within its challenge fund account;

(iii) The college with unencumbered amounts within its account agrees to transfer any portion of its unencumbered amount to that college;

(iv) Matching funds transferred by the state treasurer for amounts transferred between colleges pursuant to this subsection shall be divided equally between the colleges participating in the agreement.

(g) If the president of any community college determines that the purpose of an endowment gift to the community college's foundation is not consistent with the mission or capability of that college, the gift shall not qualify for matching funds under this section.

(h) For the purpose of computing the matching amount, the state treasurer shall use the value of an endowment gift based upon its fair market value at the time the gift is received by the community college foundation. The community college shall provide evidence of fair market value for any gift if requested by the state treasurer and shall fund the cost of providing any requested evidence.

(j) Each community college shall on or before October 1 of each year submit a report from its foundation to the state treasurer and the community college commission on the endowment matching program under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from endowment program expenditures.

(k) To the extent funds are available in the separate account of any community college within the endowment challenge fund, the state treasurer shall distribute matching funds not to exceed five thousand dollars (\$5,000.00) for each fallen heroes endowment as follows:

(i) Two thousand dollars (\$2,000.00) for the first one thousand dollars (\$1,000.00) actually received in a fallen heroes endowment; and

(ii) Three thousand dollars (\$3,000.00) for an additional one thousand dollars (\$1,000.00) actually received in

a fallen heroes endowment, excluding any funds deposited in a fallen heroes endowment pursuant to this paragraph.

(m) Nothing in this section obligates the legislature to match accumulated endowment gifts authorized under this section. The legislature reserves the right to modify or terminate the matching program at any time.

## ARTICLE 12 - HIGHER EDUCATION ENDOWMENT ACCOUNTS

**21-16-1201. Excellence in higher education endowment fund; Hathaway student scholarship endowment fund; distributions by state treasurer; legislative restrictions.**

(a) The excellence in higher education endowment fund is created as provided by W.S. 9-4-204(u)(vi).

(b) In addition to the excellence in higher education endowment fund, a student scholarship endowment fund, to be known as the Hathaway student scholarship endowment fund, is established as provided by W.S. 9-4-204(u)(vii).

(c) The state treasurer shall place earnings from the investment of monies in the excellence in higher education endowment fund in an income account for subsequent disbursement as provided in this subsection. Earnings for any fiscal year which are in excess of the spending policy amount established pursuant to W.S. 9-4-719(o) shall be distributed as provided by W.S. 9-4-719(m). The institutions receiving distributions of earnings within the spending policy amount pursuant to this subsection shall only expend ninety percent (90%) of the distribution in fiscal years in which the spending policy amount specified in W.S. 9-4-719(o) is reached or exceeded. In any fiscal year in which the spending policy amount specified in W.S. 9-4-719(o) is not reached, the shortfall in distributions an institution would have received if the spending policy amount had been reached shall be made up in equal parts by an authorization for the institution to expend funds saved under this subsection when the spending policy amount is reached or exceeded and an equal amount appropriated from the excellence in higher education endowment reserve account as provided in W.S. 9-4-719(n). Earnings within the spending policy amount shall be distributed at the times provided in W.S. 9-4-108 as follows:

(i) Two-thirds (2/3) to the University of Wyoming;

(ii) The remaining one-third (1/3) equally to each Wyoming community college.

(d) Commencing with the fiscal year beginning July 1, 2006, earnings from the Hathaway student scholarship endowment fund created by this article shall be transferred by the state treasurer to the Hathaway scholarship expenditure account created by W.S. 21-16-1302.

**21-16-1202. Excellence in higher education endowment fund distributions to University of Wyoming.**

(a) Repealed By Laws 2007, Ch. 148, § 2.

(b) The university shall use the earnings received under W.S. 21-16-1201(c)(i) to establish endowed faculty positions and to acquire instructional and resource materials, classroom equipment and other resources necessary to support the work of endowed faculty. The following shall govern the university in the use of these funds:

(i) Funds shall be used for recruitment or retention of faculty with established reputations for excellence in research or instruction and whose presence enhances the educational quality and reputation of the university. As the primary mission of the university is the provision of quality undergraduate and graduate education, faculty selected for research abilities shall also instruct classes in accordance with established university policy;

(ii) Not less than two-thirds (2/3) of the earnings received shall be used for the recruitment and retention of faculty possessing abilities necessary to expand university instruction and research in disciplines related to economic and social challenges facing Wyoming, including but not limited to energy, natural resources, wildlife, science, earth sciences, health sciences, agriculture, education and engineering. The purpose of this paragraph is to provide university assistance to the state of Wyoming and its residents to the broadest extent possible, through the diversification of its economy, preservation of its natural and human resources and the enhancement of its quality of life. Not less than four (4) faculty recruited and retained under this paragraph shall be in the college of education;

(iii) The remaining earnings received shall be used for the recruitment and retention of faculty with established

reputations in teaching and research excellence in other areas of distinction as identified in the university academic plan, including disciplines important to the state and region and its history and culture such as business, arts and humanities, mathematics, cultural studies, economics and law. The purpose of this paragraph is to enhance undergraduate and graduate instruction, to prepare students to become productive and contributing members of society and to promote an appreciation of arts, humanities and other cultures and interests affecting quality of life;

(iv) Selection of areas of excellence for endowed faculty chairs shall be:

(A) Made only after the university conducts public hearings for determination of state-wide interest;

(B) Based upon a survey sampling Wyoming high school students' career interests; and

(C) Developed by the university through other appropriate means to determine sustainable, long-term programs for the benefit of current and future Wyoming generations.

(c) The university may collaborate with community colleges on the use of earnings received from the excellence in higher education endowment fund.

**21-16-1203. Excellence in higher education endowment fund distributions to Wyoming community colleges.**

(a) Repealed By Laws 2007, Ch. 148, § 2.

(b) Each community college shall use the earnings received under W.S. 21-16-1201(c)(ii) as provided by this section to establish endowed faculty positions and to acquire instructional and resource materials, classroom equipment and other resources necessary to support the work of the endowed faculty. The following shall govern each community college in the use of these funds:

(i) Funds shall be used for recruitment or retention of faculty, either permanent or temporary, possessing special skills or demonstrated excellence improving the quality of educational and outreach instruction;



(ii) The earnings received shall be used for the recruitment and retention of faculty with abilities necessary to establish or expand vocational programs and program quality benefiting communities, businesses and industries within respective service areas. The purpose of this paragraph is to enhance the ability of community colleges to prepare students for a lifetime of higher wages and expanded job opportunities, to provide local and regional businesses and industries with an improved, better trained and better educated workforce and to increase the economic stability of proximate communities and the entire state;

(iii) Earnings not expended pursuant to paragraph (ii) of this subsection which are received shall be used for the recruitment and retention of faculty with established reputations in academic areas offered by each individual community college. The purpose of this paragraph is to improve the ability of colleges to better prepare students to pursue bachelor and graduate degrees at the University of Wyoming or other four (4) year institutions and offer additional courses of outreach instruction to high school and adult populations within their service areas.

(c) The community colleges may collaborate with the University of Wyoming on the use of earnings received from the excellence in higher education endowment fund.

**21-16-1204. Annual reports; review by committees.**

(a) Not later than October 1, 2006, and October 1 of each year thereafter, the University of Wyoming and each Wyoming community college shall report to the joint appropriations and joint education interim committees of the legislature and to the governor on the use and expenditure of earnings from the excellence in higher education endowment fund pursuant to this article, including the following:

(i) Faculty positions partially or fully funded through the endowment program;

(ii) The name of each faculty member filling a position identified under paragraph (i) of this subsection, together with that individual's education and experience and a summary of his research and instructional activities during the preceding academic year;

(iii) A description of the benefits of the research or instruction provided by the individual filling a position identified under paragraph (i) of this subsection during the preceding academic year, to students, businesses, industries or to other Wyoming residents as required under this article;

(iv) Reserve fund distributions pursuant to W.S. 9-4-719(n) .

(b) Upon receipt of reports by the University of Wyoming and each Wyoming community college on the use and expenditure of earnings as required under subsection (a) of this section, the joint appropriations and joint education interim committees shall report to members of the Wyoming legislature and the governor on the progress made by the university and community colleges in achieving the purposes stated under this article for distributions from the excellence in higher education endowment fund and shall recommend any necessary changes to the higher education endowment program to accomplish these purposes. The reports required under this subsection shall be made in sufficient time to enable consideration by the legislature at the general or budget session immediately following the receipt of reports submitted pursuant to subsection (a) of this section.

#### ARTICLE 13 - HATHAWAY SCHOLARSHIP PROGRAM

##### **21-16-1301. Definitions.**

(a) As used in this article:

(i) "Academic term" means the fall semester or term or the spring semester or term. In this article, "term" and "semester" have the same meaning except that recipients may elect to use the scholarship during summer school, which except as provided by W.S. 21-16-1304(h) and 21-16-1305(e), counts toward the maximum number of terms for which the student is eligible but does not count toward computation of an academic year;

(ii) "Academic year" means two (2) consecutive semesters or terms and is the period of time a full-time student is expected to complete the equivalent of at least two (2) semesters of academic work;

(iii) Repealed by Laws 2016, ch. 15, § 2.

(iv) "Certificate" means a credential other than a degree as defined in paragraph (vi) of this subsection. A "certificate" is either an associate of applied science degree or indicates satisfactory completion of training in an academic year program of study offered by a Wyoming community college;

(v) "Cost of attendance" means the sum cost of tuition, mandatory fees, room and board, books and supplies, travel and personal expenses to attend an eligible institution as determined annually by the institution in accordance with W.S. 21-16-1306(b);

(vi) "Degree" means a baccalaureate, an associate degree other than a certificate and a graduate or professional degree;

(vii) "Department" means the Wyoming department of education;

(viii) "Eligible high school" means a public or private secondary school that is located in Wyoming and is accredited or licensed by the department or is exempt from licensure pursuant to W.S. 21-2-406(a)(i);

(ix) "Eligible institution" means the University of Wyoming or a Wyoming community college;

(x) "Equivalent of a full-time semester" means twelve (12) semester hours in a semester;

(xi) "Expenditure account" means the Hathaway scholarship expenditure account established under W.S. 21-16-1302;

(xii) "Grade point average" or "GPA" means the numbered grade average calculated using a 4.0 scale and, beginning school year 2018-2019 and each school year thereafter, for determining initial scholarship eligibility only, shall include a measure to account for academic rigor of courses in accordance with rule and regulation of the department;

(xiii) "Graduate of an out-of-state high school" means a person attending and graduating from an out-of-state high school pursuant to W.S. 21-4-501 or 21-4-505(a);

(xiv) "Satisfactory academic progress" means completing at least six (6) semester hours per semester if

enrolled for less than twelve (12) semester hours and completing at least twelve (12) semester hours per semester if enrolled for twelve (12) or more semester hours, and meeting such other criteria as established by the eligible institution to ensure the student earns his degree or certificate in a timely manner. The student's hours of enrollment for purposes of this paragraph shall be the same number of hours of enrollment used to determine the state's obligation to reimburse the eligible institution for the student's scholarship under this article. Satisfactory academic progress shall be determined annually following the spring semester, but a student's scholarship may be reinstated pursuant to W.S. 21-16-1304(f)(i) or 21-16-1305(d)(i) following any semester or summer school session;

(xv) "Scholarship" means an award provided pursuant to W.S. 21-16-1304, 21-16-1305 or 21-16-1306;

(xvi) "Semester hour" means each nonremedial semester hour attempted for credit toward a postsecondary degree or certificate;

(xvii) "Title IV" means Title IV of the federal Higher Education Act of 1965, as amended;

(xviii) "Unmet financial need" means the cost of attendance minus the sum of expected family contribution and all federal, state, local, institutional and privately funded scholarships or grants received by the student, all as determined by the eligible institution. The institution shall use the most recent federal free application for federal student aid form to determine expected family contribution and shall do so annually in accordance with W.S. 21-16-1306(b);

(xix) "Career-technical aptitude assessment score" means qualifying scores on an assessment measuring fundamental workplace skills. The department shall specify by rule and regulation a career-technical aptitude assessment test to be used;

(xx) "National percentile rank" means the percentage of scores that fall at or below a given score on a standardized college entrance examination. For purposes of this article, the national percentile ranks are the foundation of an equi-percentile linking method, based on student performance in school year 2015-2016, to determine the scores required on a

standardized college entrance examination for scholarship eligibility.

**21-16-1302. Hathaway scholarship expenditure account created; reserve account created; use and appropriation of funds.**

(a) The Hathaway scholarship expenditure account is created to consist of earnings from the Hathaway student scholarship endowment fund created by W.S. 9-4-204(u)(vii) and such other funds appropriated by the legislature to the expenditure account. Eighty percent (80%) of all monies deposited to the expenditure account under this section shall be available for scholarships under W.S. 21-16-1304 and 21-16-1305. Twenty percent (20%) of all monies deposited to the expenditure account under this section shall be available for scholarships under W.S. 21-16-1306. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded under this article. Except as otherwise provided in this subsection, all unexpended and unencumbered monies within the expenditure account at the end of each fiscal year shall be deposited by the state treasurer to the Hathaway student scholarship reserve account. For calendar year 2023 and each calendar year thereafter, all unexpended and unencumbered monies within the expenditure account on October 15 shall be deposited by the state treasurer to the Hathaway student scholarship reserve account on October 15.

(b) There is created the Hathaway student scholarship reserve account. The reserve account shall consist of those monies deposited to the account pursuant to subsection (a) of this section and such other funds appropriated by the legislature to the reserve account. Interest and other earnings on funds within the reserve account shall be credited to the reserve account. Except for funds specified by the legislature that guarantee the scholarship obligations of the Hathaway scholarship expenditure account and funds to be transferred into the Hathaway student scholarship endowment fund, funds deposited into the reserve account created by this subsection are intended to be inviolate and constitute a permanent or perpetual trust fund. To the extent funds within the Hathaway scholarship expenditure account are insufficient in any fiscal year to fully fund scholarships awarded under this article, monies within the reserve account shall be deposited by the state treasurer to the expenditure account for distribution to eligible institutions to fund those scholarships. As soon as possible after the end of

each of the fiscal years beginning on and after July 1, 2007, the state treasurer shall transfer monies from this reserve account to the Hathaway student scholarship endowment fund to the extent monies within the reserve account are in excess of the greater of forty-seven million dollars (\$47,000,000.00) or an amount equal to eight percent (8%) of the previous five (5) year average market value of the Hathaway student scholarship endowment fund, calculated from the first day of the fiscal year. The state treasurer shall report not later than November 1, of each year to the joint education interim committee and the select committee on capital financing and investments the amount of funds within the reserve account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

**21-16-1303. Hathaway scholarship program; eligibility requirements.**

(a) There is created the Hathaway scholarship program for Wyoming students.

(b) Under the Hathaway scholarship program, subject to availability of funds as determined by the legislature, the state shall provide a scholarship pursuant to W.S. 21-16-1304 and 21-16-1305 to any student who has been accepted by and enrolls in an eligible institution to pursue a degree or certificate, and who meets the following qualifications:

(i) The student has demonstrated Wyoming residency as determined by the eligible institution at which the student is enrolled;

(ii) The student has successfully completed a curriculum as established under W.S. 21-16-1307 and meets standards for admission to the eligible institution;

(iii) The student has:

(A) Graduated from an eligible high school or is otherwise eligible under rules promulgated pursuant to W.S. 21-16-1308(b)(iii) and (iv). The department shall by rule and regulation establish exceptions to the requirements of this subparagraph for students who have attended an eligible high school in Wyoming, but who subsequently graduate from a secondary educational institution in another state or a foreign country that is the equivalent of a high school. An exception under this subparagraph shall be granted only if:

(I) The student's custodial parent or lawful guardian is a Wyoming resident at the time of application for a scholarship under this article and was a Wyoming resident during the student's attendance at the eligible high school;

(II) The student's absence from this state was due to the custodial parent's or lawful guardian's employment requirements or was necessitated by other conditions beyond the reasonable control of the parent or guardian; and

(III) Neither the student nor the student's custodial parent or lawful guardian claimed residency in any other state or foreign country for any purpose during the student's high school attendance.

(B) Applied for a scholarship under this article within four (4) years of the date of high school graduation, or is otherwise eligible under rules promulgated pursuant to W.S. 21-16-1308(b)(iii) and (iv). The department shall by rule and regulation establish exceptions to the requirement of this subparagraph for military service, religious service and other good cause shown; and

(C) The minimum high school cumulative grade point average and minimum score, as determined through an equi-percentile linking method, on a college entrance examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance or minimum cumulative career-technical aptitude assessment score specified under this article for the type of scholarship to be awarded.

(c) Notwithstanding W.S. 21-16-1301(a)(viii), students who are Wyoming residents and graduates of an out-of-state high school shall be deemed to have graduated from an eligible high school for the purpose of qualifying under this article. Notwithstanding W.S. 21-16-1301(a)(viii) or paragraph (b)(i) of this section, a student whose custodial parent or guardian is in active military service and maintains Wyoming as that parent's or guardian's state of domicile is deemed to be a Wyoming resident and if a high school graduate of a high school outside of Wyoming accredited by the appropriate regional accrediting agency shall be deemed to have graduated from an eligible high school for the purpose of qualifying under this article.

(d) No student shall be eligible for a scholarship under this article for more than the equivalent of eight (8) full-time

semesters. Except as provided by subsection (f) of this section, no student shall be eligible for a scholarship under this article for any semesters commencing after six (6) academic years following the student's initial eligibility. For purposes of this subsection a student's initial eligibility shall be deemed to commence with the first semester in which the state is obligated to reimburse an eligible institution for the student's scholarship under this article. The department shall by rule and regulation establish exceptions to this subsection for military service, religious service and other good cause shown.

(e) A student is not eligible for a scholarship under this article if he:

(i) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements or requirements of a subsequent similar federal enactment;

(ii) Has not complied with United States selective service system requirements for registration, if the requirements are applicable to the student;

(iii) Is in default on a federal Title IV education loan. Nothing in this paragraph prohibits a student who is otherwise eligible for a scholarship under this article and has fully repaid a defaulted loan or is no longer in default, from receiving a scholarship for future academic semesters;

(iv) Owes a refund under a federal Title IV student financial aid program or a subsequently enacted similar federal student financial aid program, or a student financial aid program administered through the state. Nothing in this paragraph prohibits a student who is otherwise eligible for a scholarship under this article and has fully paid the refund owed, from receiving a scholarship for future academic semesters;

(v) Is incarcerated;

(vi) Has been convicted of a felony in this state or another jurisdiction and has not been granted an exception by the department of education as provided for in W.S. 21-16-1308(b)(v);

(vii) Does not otherwise qualify under this article for a scholarship; or



(viii) Is currently receiving a scholarship under the Wyoming's tomorrow scholarship program established under W.S. 21-16-1901 et seq.

(f) Students meeting the requirements of this subsection shall not be subject to the six (6) academic year limitation on scholarships under this article, the satisfactory academic progress requirements of W.S. 21-16-1304(c)(i) and 21-16-1305(b)(i) or the continuous enrollment requirements of W.S. 21-16-1304(c)(ii) and 21-16-1305(b)(ii), but shall be subject to the following:

(i) Have been initially eligible for and received a Hathaway scholarship;

(ii) Have received an associate of applied science degree from an eligible institution;

(iii) Have engaged in a vocation related to the associate of applied science degree after initially receiving a Hathaway scholarship;

(iv) Within the earlier of eight (8) years of initial Hathaway scholarship eligibility or four (4) years of last attending an eligible institution while receiving a Hathaway scholarship, have enrolled at the University of Wyoming or a Wyoming community college to complete a baccalaureate of applied science degree and have applied for reinstatement of the student's Hathaway scholarship;

(v) Upon application for reinstatement of the Hathaway scholarship, be subject to the maintenance grade point average and other eligibility requirements under this article;

(vi) Upon reinstatement of eligibility, be subject to the satisfactory academic progress requirements of W.S. 21-16-1304(c)(i) and 21-16-1305(b)(i) and the continuous enrollment requirements of W.S. 21-16-1304(c)(ii) and 21-16-1305(b)(ii);

(vii) Not have received a Hathaway scholarship for more than the equivalent of four (4) full-time semesters; and

(viii) Not be eligible for a scholarship under this article:

(A) For more than a total of the equivalent of eight (8) full-time semesters; nor

(B) For any semesters commencing after ten (10) academic years following the student's initial eligibility.

**21-16-1304. Hathaway opportunity, performance and honor scholarships.**

(a) Any student who meets the criteria under W.S. 21-16-1303 is eligible to receive a scholarship to pursue a degree or certificate as follows:

(i) With a minimum cumulative high school GPA of 2.50 and a score equal to or greater than the 2015-2016 national percentile rank of forty-three (43) on a college entrance examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance, a Hathaway opportunity scholarship for:

(A) Eight hundred forty dollars (\$840.00) per semester at an eligible institution if enrolled for twelve (12) or more semester hours;

(B) The amount provided under subparagraph (A) of this paragraph times a fraction, the numerator of which is the number of hours for which the student is enrolled and the denominator is twelve (12), if enrolled at an eligible institution for at least six (6) and less than twelve (12) semester hours.

(ii) With a minimum cumulative high school GPA of 3.0 and a score equal to or greater than the 2015-2016 national percentile rank of fifty-six (56) on a college entrance examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance, a Hathaway performance scholarship for:

(A) One thousand two hundred sixty dollars (\$1,260.00) per semester at an eligible institution if enrolled for twelve (12) or more semester hours;

(B) The amount provided under subparagraph (A) of this paragraph times a fraction, the numerator of which is the number of hours for which the student is enrolled and the

denominator is twelve (12), if enrolled at an eligible institution for at least six (6) and less than twelve (12) semester hours.

(iii) With a minimum cumulative high school GPA of 3.5 and a score equal to or greater than the 2015-2016 national percentile rank of seventy-nine (79) on an examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance, a Hathaway honor scholarship for:

(A) One thousand six hundred eighty dollars (\$1,680.00) per semester at an eligible institution if enrolled for twelve (12) or more semester hours;

(B) The amount provided under subparagraph (A) of this paragraph times a fraction, the numerator of which is the number of hours for which the student is enrolled and the denominator is twelve (12), if enrolled at an eligible institution for at least six (6) and less than twelve (12) semester hours.

(b) Scholarships under this section shall be for a maximum of the equivalent of eight (8) full-time semesters. A scholarship under this section shall be available for attendance at a Wyoming community college for not more than a maximum of the equivalent of four (4) full-time semesters, except as follows:

(i) As specified under subsection (g) of this section; or

(ii) A scholarship for a student enrolled in a baccalaureate degree program at a Wyoming community college shall be for a maximum of the equivalent of eight (8) full-time semesters.

(c) To remain eligible for the scholarship under this section, the student shall:

(i) Except as provided in W.S. 21-16-1303(f) and subsection (h) of this section, make satisfactory academic progress toward a degree. If a student fails to make satisfactory academic progress or maintain the cumulative grade point average required for continuation in the program as provided in this subsection, the student shall become ineligible for the scholarship in subsequent semesters unless granted an

exception for cause by the department or except as otherwise provided in subsection (f) of this section. The department may delegate to any eligible institution the department's authority to grant an exception for cause, but shall only do so in accordance with department rules establishing procedures and criteria for granting an exception and any eligible institution acting pursuant to such delegation shall grant exceptions only in accordance with those rules;

(ii) Except as provided in W.S. 21-16-1303(f) and subsections (f) and (h) of this section, maintain continuous enrollment for not less than two (2) semesters in each successive academic year. The department shall by rule and regulation establish exceptions to the requirement of this paragraph for military service, religious service and other good cause shown; and

(iii) Maintain a cumulative grade point average as evaluated at the end of each spring academic term as follows:

(A) For Hathaway opportunity scholarships, at least a 2.25 GPA;

(B) For Hathaway performance scholarships and Hathaway honor scholarships, at least a 2.50 GPA.

(d) A student receiving a Hathaway honor scholarship or a Hathaway performance scholarship who fails to meet the GPA requirements of subsection (c) of this section necessary to maintain that scholarship may be awarded a Hathaway opportunity scholarship for attendance at an appropriate eligible institution if he meets the requirements necessary to maintain that scholarship.

(e) The cumulative grade point average required under this section to maintain a scholarship shall be the student's grade point average achieved at all eligible institutions after the student's initial eligibility as determined under W.S. 21-16-1303(d).

(f) If a student is otherwise eligible under this article and neither the applicable number of full-time equivalent semesters nor the maximum scholarship eligibility time period specified under subsection (b) of this section and W.S. 21-16-1303(d), including semesters for which a scholarship was not received, has been reached, a scholarship under this section which is lost may be reinstated if the student meets the

applicable requirements imposed by this subsection and successfully completes courses at an eligible institution in a summer school session for which the student enrolled in at least six (6) semester hours or an academic term occurring during the period the scholarship is lost. A lost scholarship shall be reinstated in the first academic term following the academic term or summer school session during which the student:

(i) Attains satisfactory academic progress as defined by W.S. 21-16-1301(a)(xiv) for a scholarship lost under this subsection for failure to meet the requirements of paragraph (c)(i) of this section; or

(ii) Achieves the cumulative grade point average required of the applicable scholarship under paragraph (c)(iii) of this section for a scholarship lost for failure to meet the requirements of paragraph (c)(iii) of this section; or

(iii) For a scholarship lost for failure to meet the requirements of (c)(ii) of this section, enrolls and completes one (1) academic term as a full-time or part-time student, whichever is applicable, occurring during the period in which the scholarship is lost.

(g) Notwithstanding subsection (b) of this section, a scholarship received under this section for attendance at a Wyoming community college for four (4) full-time semesters may be extended for continued attendance at a Wyoming community college by a student who otherwise remains eligible for that scholarship under this article, and that student has earned a certificate or degree from a Wyoming community college or has otherwise successfully completed sufficient courses for eligibility to enroll in courses within a program offered by a Wyoming community college which leads to a professional degree. A scholarship extended under this subsection shall not exceed the maximum equivalent of eight (8) full-time semesters when combined with the four (4) full-time semesters of initial community college attendance under the scholarship and shall not support enrollment in coursework at an institution other than a Wyoming community college or the University of Wyoming.

(h) Notwithstanding subparagraphs (a)(i)(B), (ii)(B) and (iii)(B) of this section, the applicable scholarship amount awarded to any eligible student may be available to that student, upon election, for enrollment in up to six (6) semester hours during any summer academic term or other academic term

offered by an eligible institution outside of the regular fall or spring semester, subject to the following:

(i) The amount provided under subparagraph (a)(i)(A), (ii)(A) or (iii)(A) of this section, as applicable, for enrollment in up to six (6) hours during any summer term or other academic term offered by an eligible institution shall be available in an amount equal to the proportion of the per semester scholarship amount that the number of semester hours enrolled bears to twelve (12);

(ii) The computation under paragraph (i) of this subsection shall be based upon that scholarship amount for which the student is qualified under this section at the time of his enrollment in the summer or other academic term pursuant to this subsection;

(iii) The amount paid under this subsection shall be included in computing the student's total maximum scholarship amount under this section, as applied to that scholarship amount for which the student qualifies under this section at the time of his last eligible academic semester or semesters, as applicable;

(iv) Scholarships under this subsection shall not be included in computations for that student's six (6) academic year limitation on scholarships under this section, his eight (8) or four (4) full-time semester equivalency limitation under subsection (b) of this section, as applicable, his satisfactory academic progress requirements under paragraph (c)(i) of this section, his continuous enrollment requirements under paragraph (c)(ii) of this section or in reinstating lost scholarships under paragraph (f)(iii) of this section;

(v) The student's hours of enrollment under this subsection shall be used to determine the state's obligation to reimburse the eligible institution for the student's scholarship as applied under this subsection, subject to W.S. 21-16-1308(a)(v) and rules and regulations of the department.

#### **21-16-1305. Hathaway provisional opportunity scholarships.**

(a) Any student who meets the criteria under W.S. 21-16-1303 is eligible to receive a Hathaway provisional opportunity scholarship to pursue a certificate or degree as follows:

(i) With a minimum cumulative high school GPA of 2.50 and either a score equal to or greater than the 2015-2016 national percentile rank of thirty (30) on a college entrance examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance or a qualifying cumulative score on a career-technical aptitude test as determined by the department, a scholarship for:

(A) Eight hundred forty dollars (\$840.00) per semester at a Wyoming community college if enrolled for twelve (12) or more semester hours;

(B) The amount provided under subparagraph (A) of this paragraph times a fraction, the numerator of which is the number of hours for which the student is enrolled and the denominator is twelve (12), if enrolled at a Wyoming community college for at least six (6) and less than twelve (12) semester hours.

(ii) Scholarships under paragraph (i) of this subsection shall be for a maximum of the equivalent of four (4) full-time semesters;

(iii) A student who receives a scholarship under paragraph (i) of this subsection and who earns a certificate from the community college with a minimum cumulative GPA of 2.25 may extend the provisional opportunity scholarship to pursue either a certificate or a degree at a Wyoming community college or if the student earns a degree from the community college with a minimum GPA of 2.25, may extend the scholarship to pursue a degree at the University of Wyoming if the student maintains a minimum cumulative GPA of 2.25 and otherwise remains eligible for a scholarship under this article. A student who receives a scholarship under paragraph (i) of this subsection, is enrolled in a community college applied baccalaureate program and has received a minimum cumulative GPA of 2.25 after four (4) full-time semesters may extend the provisional opportunity scholarship for an additional four (4) full-time semesters to complete the baccalaureate degree if the student maintains a minimum cumulative GPA of 2.25 and otherwise remains eligible for a scholarship under this article. The scholarship under this paragraph shall be for the same amounts and subject to the same limitations as provided for scholarships under paragraph (a) (i) of this section, except that the student may continue a baccalaureate program or pursue either an additional certificate or a degree and the student may use this scholarship while

attending a Wyoming community college or the University of Wyoming.

(b) To remain eligible for the scholarship award under this section, the student shall:

(i) Except as provided by W.S. 21-16-1303(f) and subsection (e) of this section, make satisfactory academic progress toward a certificate or degree. If a student fails to make satisfactory academic progress or maintain the cumulative grade point average required for continuation in the program provided in paragraph (iii) of this subsection, the student shall become ineligible for the scholarship in subsequent semesters unless granted an exception for cause by the department or except as otherwise provided in subsection (d) of this section. The department may delegate to any eligible institution the department's authority to grant an exception for cause, but shall only do so in accordance with department rules establishing procedures and criteria for granting an exception and any eligible institution acting pursuant to such delegation shall grant exceptions only in accordance with those rules;

(ii) Except as provided by W.S. 21-16-1303(f) and subsections (d) and (e) of this section, maintain continuous enrollment for not less than two (2) semesters in each successive academic year. The department shall by rule and regulation establish exceptions to the requirement of this paragraph for military service, religious service and other good cause shown; and

(iii) Maintain a cumulative grade point average of at least 2.25 GPA, as evaluated at the end of each spring academic term for certificates or degrees that require more than one (1) academic year.

(c) The cumulative grade point average required under this section to maintain a scholarship shall be the student's grade point average achieved at all eligible institutions after the student's initial eligibility as determined under W.S. 21-16-1303(d).

(d) If a student is otherwise eligible under this article and neither the applicable number of full-time equivalent semesters nor the maximum scholarship eligibility time period specified under paragraph (a)(ii) of this section and W.S. 21-16-1303(d), including semesters for which a scholarship was not received, has been reached, a scholarship under this section



which is lost may be reinstated if the student meets the applicable requirements imposed by this subsection and successfully completes courses at an eligible institution in a summer school session for which the student enrolled in at least six (6) semester hours or an academic term occurring during the period the scholarship is lost. A lost scholarship shall be reinstated in the first academic term following the academic term or summer school session during which the student:

(i) Attains satisfactory academic progress as defined by W.S. 21-16-1301(a)(xiv) for a scholarship lost for failure to meet the requirements of paragraph (b)(i) of this section; or

(ii) Achieves the cumulative grade point average required under paragraph (b)(iii) of this section for a scholarship lost for failure to meet the requirements of paragraph (b)(iii) of this section; or

(iii) For a scholarship lost for failure to meet the requirements of paragraph (b)(ii) of this section, enrolls and completes one (1) academic term as a full-time or part-time student, whichever is applicable, occurring during the period in which the scholarship is lost.

(e) Notwithstanding subparagraph (a)(i)(B) of this section, the scholarship amount awarded to any eligible student may be available to that student, upon election, for enrollment in up to six (6) semester hours during any summer academic term or other academic term offered by an eligible institution outside of the regular fall or spring semester, subject to the following:

(i) The amount provided under subparagraph (a)(i)(A) of this section for enrollment in up to six (6) hours during any summer term or other academic term offered by an eligible institution shall be available in an amount equal to the proportion of the per semester scholarship amount that the number of semester hours enrolled bears to twelve (12);

(ii) The computation under paragraph (i) of this subsection shall be based upon that scholarship amount for which the student is qualified under this section at the time of his enrollment in the summer or other academic term pursuant to this subsection;

(iii) The amount paid under this subsection shall be included in computing the student's total maximum scholarship

amount under this section, as applied to that scholarship amount for which the student qualifies under this section at the time of his last eligible academic semester or semesters, as applicable;

(iv) Scholarships under this subsection shall not be included in computations for that student's six (6) academic year limitation on his scholarship under this section, his four (4) year full-time semester equivalency limitation or extension thereof under paragraph (a)(iii) of this section, his satisfactory academic progress requirements under paragraph (b)(i) of this section, his continuous enrollment requirements under paragraph (b)(ii) of this section or in reinstating lost scholarships under paragraph (d)(iii) of this section;

(v) The student's hours of enrollment under this subsection shall be used to determine the state's obligation to reimburse the eligible institution for the student's scholarship as applied under this subsection, subject to W.S. 21-16-1308(a)(v) and rules and regulations of the department.

#### **21-16-1306. Need based scholarships.**

(a) In addition to scholarships made available under W.S. 21-16-1304 and 21-16-1305 there shall be made available a need based Hathaway scholarship as follows:

(i) The scholarship shall be available only to students qualifying for a scholarship under W.S. 21-16-1304 or 21-16-1305 and for federal financial aid. The scholarships under this section shall be computed and awarded as follows:

(A) If the student has annual unmet financial need of two thousand dollars (\$2,000.00) or less - no award;

(B) If the student has annual unmet financial need greater than two thousand dollars (\$2,000.00):

(I) If the student is eligible for a Hathaway honor scholarship - an award under this section in an amount equal to the annual unmet financial need exceeding two thousand dollars (\$2,000.00). A scholarship under this subdivision shall continue as long as the student remains eligible for a Hathaway honor scholarship;

(II) If a student is eligible for a scholarship under this article but does not qualify under

subdivision (I) of this subparagraph - an award equal to twenty-five percent (25%) of the annual unmet financial need in excess of two thousand dollars (\$2,000.00), but not to exceed one thousand five hundred seventy-five dollars (\$1,575.00) per year.

(C) A student qualifying for any award under this section shall receive a minimum amount of one hundred five dollars (\$105.00) for each semester of qualification. One-half (1/2) of the annual award amount under this section shall be provided to the student at each semester of qualification;

(D) For a student enrolled in a graduate degree program, an annual award provided under this section shall not exceed the University of Wyoming's undergraduate cost of attendance for the applicable year less two thousand dollars (\$2,000.00).

(b) The department shall provide scholarships under this section from funds made available under W.S. 21-16-1302 and the state treasurer shall reimburse eligible institutions accordingly under W.S. 21-16-1308. All requirements for scholarship recipients applicable under this article shall be applicable to scholarships under this section. The department, in consultation with each eligible institution, shall by rule designate a date for each academic year upon which each eligible institution shall make the final computation for unmet need for students receiving a scholarship under this section, consistent with each institution's schedule for determining actual cost of attendance for students at that institution.

**21-16-1307. Success curriculum; test standards.**

(a) Repealed By Laws 2007, Ch. 187, § 2.

(b) Except as otherwise provided for by law, the success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2019-2020 school year and each school year thereafter shall be as follows:

(i) Math - four (4) years of math to include those specified in subparagraphs (A) through (D) of this paragraph. Courses which are the functional equivalent of the specified courses, including courses taken before grade nine (9), may be used to satisfy the level of the requirements of subparagraphs (A) through (C) of this paragraph:

- (A) Algebra I;
- (B) Algebra II;
- (C) Geometry; and

(D) An additional math or computer science course taken in grades nine (9) through twelve (12). A computer science course shall not satisfy a requirement of this paragraph if the computer science course is used to satisfy one (1) year of science under paragraph (iii) of this subsection.

(ii) Language arts - four (4) years of language arts at the college or industry preparatory level in grades nine (9) through twelve (12), to include reading, writing, listening and speaking;

(iii) Science - four (4) years of science in grades nine (9) through twelve (12) to include at least three (3) years of those courses specified in subparagraphs (A) through (J) of this paragraph and a fourth year from any of those courses specified in subparagraphs (A) through (K) of this paragraph:

- (A) Physics I;
- (B) Physics II;
- (C) Chemistry I;
- (D) Chemistry II;
- (E) Biology I;
- (F) Biology II;
- (G) Geology I;
- (H) Computer science I;
- (J) Physical science;
- (K) An additional science course.

(iv) Social studies - three (3) years of social studies in grades nine (9) through twelve (12) to include a combination of the following subject matters:

- (A) World history;
- (B) American history;
- (C) Geography;
- (D) American government; and
- (E) Economic systems and institutions.

(v) Repealed by Laws 2019, ch. 28, § 2.

(vi) Repealed by Laws 2019, ch. 28, § 2.

(vii) Elective pathway - four (4) years, including at least two (2) years of related courses taken in sequence, of any of the following:

(A) Fine and performing arts - instruction in fine and performing arts, which shall be taken in grades nine (9) through twelve (12);

(B) Career and technical education - instruction in career and technical education, which shall be taken in grades nine (9) through twelve (12); or

(C) World language - instruction in world language, which shall be taken in grades nine (9) through twelve (12). Instruction in the native language of the Eastern Shoshone or the Northern Arapaho tribes, or instruction in American sign language may be taken in fulfillment of this subparagraph.

(viii) Notwithstanding the requirements in paragraphs (ii) through (iv) and (vii) of this subsection and as provided in paragraph (i) of this subsection for courses to be taken in grades nine (9) through twelve (12), courses taken before grade nine (9) that are the functional equivalent of courses specified in those paragraphs may be used to satisfy the requirements of those paragraphs of this subsection.

(c) Repealed by Laws 2023, ch. 160, § 2.

(d) The success curriculum required to qualify for opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be as follows:

(i) Math - four (4) years of math to include those specified in subparagraphs (A) through (D) of this paragraph. Courses which are the functional equivalent of the specified courses, including courses taken before grade nine (9), may be used to satisfy the level of the requirements of subparagraphs (A) through (C) of this paragraph:

(A) Algebra I;

(B) Algebra II;

(C) Geometry; and

(D) An additional math or computer science course taken in grades nine (9) through twelve (12). A computer science course shall not satisfy a requirement of this paragraph if the computer science course is used to satisfy one (1) year of science under paragraph (iii) of this subsection.

(ii) Language arts - four (4) years of language arts at the college or industry preparatory level in grades nine (9) through twelve (12), to include reading, writing, listening and speaking;

(iii) Science - four (4) years of science in grades nine (9) through twelve (12), three (3) of which shall satisfy high school graduation requirements under W.S. 21-2-304(a)(iii)(C);

(iv) Social studies - three (3) years of social studies in grades nine (9) through twelve (12) to include a combination of the following subject matters:

(A) World history;

(B) American history;

(C) Geography;

(D) American government; and

(E) Economic systems and institutions.

(v) Except as provided by subsection (vi) of this subsection, foreign language - demonstrate proficiency on the state standards for the foreign cultures and languages common core of knowledge requirement under W.S. 21-9-101(b)(i)(K) which

may include American sign language as one (1) component of foreign language proficiency;

(vi) Effective school year 2015-2016 and each school year thereafter, and in lieu of paragraph (v) of this subsection, one (1) of the following:

(A) World language - two (2) sequenced years of the same world language which need not be taken consecutively, at least one (1) of which shall be taken in grades nine (9) through twelve (12), or two (2) sequenced years of instruction in the Shoshone or Arapaho languages, or two (2) sequenced years of instruction in American sign language, either of which need not be taken consecutively but at least one (1) year of which is taken in grades nine (9) through twelve (12); or

(B) Fine and performing arts - two (2) years of instruction in fine and performing arts, all of which shall be taken in grades nine (9) through twelve (12); or

(C) Career and technical education - two (2) years of instruction in career and technical education, all of which shall be taken in grades nine (9) through twelve (12).

(vii) Notwithstanding the requirements in paragraphs (ii) through (vi) of this subsection and as provided in paragraph (i) of this subsection for courses to be taken in grades nine (9) through twelve (12), courses taken before grade nine (9) that are the functional equivalent of courses specified in those paragraphs may be used to satisfy the requirements of those paragraphs of this subsection.

(e) The success curriculum required to qualify for provisional opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be the curriculum required for high school graduation under W.S. 21-2-304(a)(iii) subject to the following:

(i) Two (2) of the three (3) years of mathematics required under W.S. 21-2-304(a)(iii)(B) shall consist of at least two (2) years of those courses specified in subparagraphs (A) through (C) of this paragraph:

(A) Algebra I;

(B) Algebra II;

(C) Geometry.

(ii) Except as provided in paragraph (iii) of this subsection, demonstration of proficiency on the state standards for the foreign cultures and languages common core of knowledge requirement under W.S. 21-9-101(b)(i)(K) which may include American sign language as one (1) component of foreign language proficiency;

(iii) Effective school year 2015-2016 and each school year thereafter, and in lieu of paragraph (ii) of this subsection, instruction in one (1) of the following:

(A) World language - two (2) sequenced years of the same world language which need not be taken consecutively, at least one (1) of which shall be taken in grades nine (9) through twelve (12), or two (2) sequenced years of instruction in the Shoshone or Arapaho languages, or two (2) sequenced years of instruction in American sign language, either of which need not be taken consecutively but at least one (1) year of which is taken in grades nine (9) through twelve (12); or

(B) Fine and performing arts - two (2) years of instruction in fine and performing arts, all of which shall be taken in grades nine (9) through twelve (12); or

(C) Career-vocational education - two (2) years of instruction in career-vocational education, all of which shall be taken in grades nine (9) through twelve (12).

(iv) For purposes of paragraph (i) of this subsection and as provided in paragraph (iii) of this subsection, courses taken before grade nine (9) that are the functional equivalent of courses specified in those paragraphs may be used to satisfy the requirements of those paragraphs of this subsection.

(f) The courses set forth as success curricula requirements under this article shall be aligned with the student content and performance standards established pursuant to W.S. 21-2-304(a)(iii). The department shall by rule and regulation:

(i) Provide for each school district to submit, and the department to verify, a list of courses provided in the district which satisfy the success curriculum requirements specified in this section. The rules shall include a process to



authorize and verify functional equivalents of courses specified in this section, including but not limited to review of career technical education, arts and music and honor courses, college level courses offered to high school students and courses offered pursuant to W.S. 21-20-201. The verification process shall be completed in sufficient time for students registering for the subsequent school year to be apprised of the courses which meet the success curriculum requirements;

(ii) Establish exceptions as necessary due to good cause to specific coursework within the success curriculum specified under this article for students attending or graduating from an eligible high school or a home-based educational program. In addition, the department shall waive any requirement for success curriculum coursework for fine and performing arts or career and technical education for honor or performance scholarship eligibility, upon written certification by the superintendent of a district that these courses are not available in the district to the student. The department shall report any waiver granted under this section for the immediately preceding school year in its annual report, as required by W.S. 21-16-1308(d); and

(iii) Provide accommodations for a student with an individual education plan (IEP) or working under a federal 504 designation to meet the requirements of the success curriculum, including taking a modified course that is at grade level and is included within the scope of the student's IEP or 504 designation.

(g) In each odd-numbered year, the department, in consultation with the University of Wyoming, Wyoming community colleges and the community college commission, shall report to the governor and the joint education interim committee of the legislature on recommendations for modifications to the success curriculum requirements, minimum cumulative GPA and minimum national percentile rank scores or minimum cumulative career-technical aptitude assessment scores contained in this article and recommendations for the adoption of statewide student assessment standards and scores to augment qualifying national percentile rankings or career-technical aptitude assessment scores, all to ensure that the Hathaway scholarship program is designed to provide the desired incentives for students to pursue a rigorous curriculum and strive to achieve academic success. The report shall also include any additional resources which school districts, particularly those school districts granted exemptions for students under paragraph (f)(ii) of this

section, may require to provide the success curriculum and impacts of the Hathaway success curriculum on school districts of different sizes. The cumulative GPA requirements for performance under the success curriculum shall not be restricted to those courses comprising the success curriculum, but shall be applied comprehensively to all courses included within each scholarship student's high school curriculum.

**21-16-1308. Administration; rules and regulations.**

(a) This article shall be administered by the department in accordance with the following:

(i) Students shall make application for scholarships under this article with the eligible institution at the time of applying for admission or in any event prior to the beginning of the semester at the eligible institution. The application shall contain information as required by rule of the department. The application shall require each applicant to verify under penalty of false swearing under W.S. 6-5-303, that the applicant has not been convicted of a felony in this state or another jurisdiction;

(ii) Upon request of a student applying to an eligible institution and initially applying for a Hathaway scholarship, each school district shall provide to the eligible institution an official transcript of the student's academic record through the student's most recent semester of attendance. Following graduation and upon the student's request the school district shall also provide to the eligible institution an official transcript of the student's complete academic record. All transcripts provided pursuant to this paragraph shall designate each course which satisfies the success curriculum requirements established under W.S. 21-16-1307;

(iii) For students transferring from an eligible institution to another eligible institution and making application for continuance of a scholarship, the institution from which the student is transferring shall at the student's request provide an official transcript to the new institution and shall provide a list of all semesters of attendance in which a Hathaway scholarship was received by the student and, if applicable, a list of all semesters for which a student previously qualifying for a Hathaway scholarship was determined ineligible for the Hathaway scholarship;

(iv) Each eligible institution receiving an application from a student applying for a Hathaway scholarship shall preliminarily determine the student's eligibility for the scholarship. For students initially applying for a scholarship, unless the student's complete academic record is available, the GPA used to preliminarily determine eligibility shall be based upon the student's official high school transcript after either the end of the first semester of a student's senior year or the second semester of a student's junior year, at the sole discretion of the eligible institution. For students graduating prior to their senior year the GPA used to preliminarily determine eligibility shall be based upon the student's official high school transcript as of the end of the semester immediately prior to the last semester before the student's graduation. High school GPAs for final eligibility determinations for students initially applying for a scholarship under this article shall be based upon the student's complete high school academic record. Upon final determination of scholarship eligibility, each community college shall certify to the community college commission not later than thirty (30) days after the semester commences, a list of students enrolled at the institution who qualify for a scholarship under this article, including the amount of each scholarship. The university shall certify to the department within forty-five (45) days after the semester commences a like list for students enrolled at the university. The director of the community college commission shall verify within ten (10) days after receiving all lists from community colleges whether there is any duplication of students on the community college lists, shall provide the lists to the department and shall certify to the department the amount each college is to receive under this article. Students attending more than one (1) eligible institution shall enter into a consortium agreement with the multiple institutions whereby the student shall designate a home institution to be paid the entire Hathaway scholarship amount for which the student qualifies;

(v) The department shall determine and certify to the state treasurer the amount which is equal to seventy-five percent (75%) of the total amount the eligible institution received during the preceding semester under this subsection. Not later than September 1 for the fall semester and not later than January 15 for the spring semester, the state treasurer shall pay from the scholarship expenditure account the amount certified by the department. The department shall review the lists provided under paragraph (iv) of this subsection, determine whether there is any duplication of students, and determine and certify to the state treasurer the balance of the

amount due under this article to each institution for the semester. For any duplication, the department shall determine whether the student is attending more than one (1) eligible institution. If the student is attending multiple eligible institutions payment of the Hathaway scholarship for which the student qualifies shall be made only to the institution designated as the home institution by the student. The state treasurer shall pay from the scholarship expenditure account the balance of the amount due. Payments of the balance due under this paragraph shall be made not later than seventy-five (75) days after the institution's semester has commenced. Payments to the university shall be made directly to the university. Payments to the community colleges shall be made directly to each college and be reported by the state treasurer to the community college commission. Should a prepayment under this paragraph exceed the amount actually due the institution for any semester, the excess amount shall be calculated by the department and deducted from the next payment made. For purposes of this subsection, payments due for summer terms shall be included within the calculations and payments for the subsequent fall semester.

(b) The department shall, in consultation with University of Wyoming and community college admissions officers, the Wyoming community college commission and financial aid officers and school districts, promulgate rules and regulations necessary to implement this article, including:

(i) A means for informing all students and their parents or guardians of the availability of the scholarships under this article in sufficient time to enable the student to plan for and complete the success curriculum. The means shall at a minimum include:

(A) A requirement that each written communication from a school district to a parent or guardian of a student include on any envelope used, or on the communication if no separate envelope is used, a statement that the state of Wyoming provides Hathaway merit and need scholarships to Wyoming students attending the University of Wyoming and Wyoming community colleges and that every Wyoming student who meets the merit requirements can earn a Hathaway merit scholarship;

(B) A summary of available Hathaway scholarships and requirements to earn a scholarship. The summary shall be made available on the department's website on the Internet, the

World Wide Web or similar proprietary or common carrier electronic system;

(C) Provision for each school district to provide a one (1) week unit of instruction in the eighth grade regarding preparation for post-secondary work, including an overview of a curriculum needed to be successful in post-secondary education, standardized test requirements, scholarships available for post-secondary education and earning differences anticipated at various post-secondary education levels. The unit of instruction provided under this subparagraph shall be developed by the department in consultation with school districts and shall be delivered to school districts. The department in consultation with the school districts shall develop a program of a curriculum needed to be successful in post-secondary education, standardized test requirements, scholarships available for post-secondary education and earning differences anticipated at various post-secondary education levels;

(D) In addition to the unit of instruction required under subparagraph (C) of this paragraph, and commencing school year 2007-2008 and each school year thereafter, provision of counseling services to students enrolled in grades eight (8) through twelve (12) in accordance with the following:

(I) Counseling shall be provided to each student beginning in grade eight (8) on components of the unit of instruction required under subparagraph (C) of this paragraph including curriculum requirements of high school graduation, curriculum requirements necessary for each of the Hathaway scholarships, current achievement levels for the statewide proficiency assessment, the importance of curriculum for career options and the earning differences anticipated based upon curriculum choices and at various levels of post secondary education;

(II) Counseling for each successive year following initial counseling in grade eight (8) shall include an assessment of the student's course history and options available as to future course selection and consequences attached to selected course pathways;

(III) Counseling services shall be provided by counselors or designated employees of the district;

(IV) Counseling in grades eight (8) and nine (9) shall include a summary of the various Hathaway scholarships and other information regarding scholarship opportunities available to students and associated curriculum and student performance requirements.

(ii) Applications, forms, financial and program audit procedures, eligibility and other matters related to efficient operation;

(iii) Criteria and procedures under which students in a home-based educational program can qualify for scholarships under this article. A student in a home-based educational program:

(A) Shall make application for an initial scholarship before his twenty-first birthday;

(B) Shall meet the initial eligibility requirements of this article other than attendance and graduation from an eligible high school and corresponding GPA requirements, but shall comply with curriculum requirements specified under W.S. 21-16-1307, as applicable;

(C) Who is otherwise eligible and who achieves the requisite minimum national percentile rank score or requisite cumulative career-technical aptitude assessment score shall be eligible for the scholarships provided under this article at the same level and to the same extent as students graduating from eligible high schools.

(iv) Criteria and procedures under which students who receive a high school equivalency certificate can qualify for scholarships under this article. A student receiving a high school equivalency certificate shall:

(A) Receive the certificate and make application for the initial scholarship no later than four (4) years after and no sooner than the graduation date of the student's high school class, unless ordered by a court to complete the requirements for the certificate prior to that graduation date or for other good cause shown as determined by the department. For purposes of making application prior to the graduation date of the student's class, "other good cause" shall include, but is not limited to, a showing by the student that the student has been emancipated under W.S. 14-1-201 through 14-1-206 or that the student is a parent or a legal guardian of a minor. The

student shall have attended an eligible high school prior to receiving his certificate and shall have received his certificate while residing in Wyoming;

(B) Meet the initial eligibility requirements of this article other than curriculum requirements, attendance and graduation from an eligible high school and corresponding GPA requirements;

(C) If otherwise eligible, be eligible for a scholarship at scores under alternative instruments included within the high school equivalency certificate, as set by rule and regulation of the Wyoming community college commission, which are comparable to GPA requirements specified under W.S. 21-16-1304 corresponding to the applicable Hathaway opportunity, performance and honor scholarship or under W.S. 21-16-1305 corresponding to the Hathaway provisional opportunity scholarship.

(I) Repealed By Laws 2013, Ch. 25, § 2.

(II) Repealed By Laws 2013, Ch. 25, § 2.

(III) Repealed By Laws 2013, Ch. 25, § 2.

(v) Criteria, which shall include satisfactory completion of all terms and conditions imposed upon the applicant by the court in which the felony conviction was obtained, in order to determine when an exception may be granted to W.S. 21-16-1303(e)(vi) to allow the person to receive a scholarship under this article;

(vi) A means for informing all Hathaway scholarship recipients, at the time they are notified of the scholarship award, of the origin of the Hathaway scholarship program and the individual for whom the program is named including his biographic data and describing in particular his commitment to this state and to the promise of the youth of this state;

(vii) Implementing success curriculum requirements as authorized by W.S. 21-16-1307;

(viii) Any other rules and regulations necessary for the implementation and administration of this article.

(c) The department shall establish annual reporting procedures for purposes of policy analysis and program

evaluation and providing accurate data to the legislature and governor relative to the program's impact on the state and on students. In developing the annual reporting procedure the department shall consult with the University of Wyoming and community college financial aid officers and registrars or their designees. It is the intention of the legislature that the reporting system and the requirements thereof shall be applicable to all recipients of scholarships under this article. Compliance with this section shall be made a condition of receiving a scholarship under this article. For any student attending more than one (1) eligible institution, the home institution shall be responsible for data reporting for that student, and any other eligible institution shall cooperate as necessary with the home institution to fulfill that duty. The reporting system shall include the following information:

(i) A report prepared for each semester or equivalent periods of time during each academic year relative to the rate of retention of program participants;

(ii) Scholarships by students as they progress from semester to semester or other equivalent periods of time as may be applicable once enrolled at an eligible institution. The data shall be reported by institution attended, by the instructional program, and by scholarship category and shall include the percent of students losing scholarship eligibility due to not earning the minimum number of credit hours, the percent of students losing scholarship eligibility due to not having the required cumulative grade point average, the percent of students losing scholarship eligibility for failing to make satisfactory academic progress and the percentage of students losing scholarship eligibility for failing to enroll. The same information shall also be reported by categories showing those students qualifying through career-technical aptitude assessment scores and scores on high school equivalency certification, and by the group of students who attended a home-based educational program and did not graduate from an eligible high school;

(iii) The persistence rates at the eligible institutions of freshmen, sophomore, junior and senior students receiving a scholarship reported by scholarship category and by award year;

(iv) The graduation rates or rates of completion of the chosen post-secondary education program if otherwise applicable for students receiving a scholarship reported by scholarship category and award year, including for those



graduating with an academic degree at the baccalaureate level the rate for persons graduating within four (4) years, within five (5) years and within six (6) years, respectively and including for those graduating with a certificate or associate degree the rate for persons graduating within one (1), two (2) and three (3) years;

(v) The mean length of time required for a student receiving a scholarship under this article to graduate with a degree or to complete the certificate program with such information being reported by scholarship category and by award year;

(vi) An annual report on the number of applicants as well as the percent of high school graduates by high school district who meet the success curriculum requirements, the percent who apply for a scholarship by scholarship category, and the percent of those students who are awarded a scholarship and subsequently enroll in an eligible institution;

(vii) Repealed by Laws 2019, ch. 102, § 2.

(viii) Repealed by Laws 2019, ch. 102, § 2.

(d) The annual report by the department shall be submitted to the governor and the legislature in accordance with W.S. 9-2-1014.

(e) The department may conduct an audit of any eligible institution participating in the scholarship program under this article to determine compliance with any provision of this article.

#### **21-16-1309. Scholarship amounts.**

(a) To the extent a scholarship under this article would, when combined with any grant or scholarship from a student financial aid program administered through the state or any state institution, in any semester exceed the cost of attendance at the eligible institution, the scholarship under this article shall be reduced by the amount necessary to not exceed that cost of attendance.

(b) To the extent sufficient funds are not available in the expenditure account to fund all scholarships as provided under this article:

(i) Funds available for scholarships under W.S. 21-16-1304 and 21-16-1305 shall be used for scholarships under W.S. 21-16-1306 after all scholarships under W.S. 21-16-1304 and 21-16-1305 have been paid;

(ii) Funds available for scholarships under W.S. 21-16-1306 shall be used for scholarships under W.S. 21-16-1304 and 21-16-1305 after all scholarships under W.S. 21-16-1306 have been paid;

(iii) After all funds within the expenditure account have been expended, funds within the Hathaway student scholarship reserve account shall be used to fund any remaining scholarships awarded under this article;

(iv) If no funds remain available in the expenditure account or reserve account at the time payment is required to be made to an institution for any semester, the payment to the eligible institutions shall be reduced on a first come first served basis using the student's application date for the scholarship.

#### **21-16-1310. Legislative oversight and authority.**

Nothing in this article shall be construed to constitute an entitlement to a scholarship established and funded by the legislature. Wyoming Hathaway scholarships shall be subject to legislative appropriation and the legislature reserves the right to modify or terminate the program established under this article at any time.

#### **21-16-1311. Hathaway scholarship program reporting.**

The University of Wyoming and each community college shall report on the use of all scholarship funds controlled by the institution, exclusive of federal funds. The report shall show the total scholarship funds, including scholarship funds granted via tuition discounts, for the most recently completed biennium contrasted with the biennium ending June 30, 2006. The report shall show how any funds supplanted by Hathaway scholarships have been reallocated for other scholarship and student financial aid programs or have been rebudgeted for other purposes and the plans for such funds for the coming biennium. The report shall describe the extent to which the university and community colleges have included within regular written or electronic communications transmitted to alumni of the institutions, information on the progress of the scholarship

programs established under this article and information on making contributions to the Hathaway student scholarship endowment account. The Wyoming community college commission shall specify the format of, and combine and transmit the reports on behalf of each college. The University of Wyoming and the community college commission shall include the reports within the respective biennial budget requests submitted under W.S. 9-2-1013.

**21-16-1312. Hathaway expand Wyoming scholarship; eligibility requirements and conditions; selection.**

(a) There is created the Hathaway expand Wyoming scholarship. The scholarship shall be administered by the department in accordance with this section and rules adopted by the department. Hathaway expand Wyoming scholarship recipients shall be selected by a committee comprised of the governor, state superintendent of public instruction, president of the University of Wyoming and executive director of the community college commission, or their designees.

(b) Each year up to two (2) students from each state contiguous to Wyoming may be awarded a Hathaway expand Wyoming scholarship, not to exceed an aggregate of twenty-four (24) active awards at any time. Awards of Hathaway expand Wyoming scholarships shall be contingent on available funds and anticipated revenue to the Hathaway expand Wyoming scholarship expenditure account. Minimum initial qualifications for a Hathaway expand Wyoming scholarship shall be all initial requirements applicable to a Hathaway honor scholarship, other than Wyoming residency and graduation from a high school located in Wyoming. In addition to those requirements, recipients shall have:

(i) A minimum cumulative high school GPA of 3.75 and a score equal to or greater than the 2015-2016 national percentile rank of ninety-seven (97) on an examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance;

(ii) At the time of graduation, be a resident of a state contiguous to Wyoming and have successfully completed a curriculum at least as stringent as that imposed under W.S. 21-16-1307 for Hathaway honor scholarships.

(c) A Hathaway expand Wyoming scholarship shall be for the student's cost of attendance at an eligible institution, but not to exceed the maximum dollar amount provided to students receiving a trustee scholarship at the University of Wyoming and subject to reduction in accordance with W.S. 21-16-1309(a). No student shall be eligible for a Hathaway expand Wyoming scholarship for more than the equivalent of eight (8) full-time semesters. Minimum continuing eligibility and reinstatement eligibility requirements for a Hathaway expand Wyoming scholarship shall be the same as requirements for a Hathaway honors scholarship. These minimum requirements may be increased by rule of the department to requirements no more stringent than those imposed by the University of Wyoming for recipients of a trustee scholarship. Hathaway expand Wyoming scholarships may be reduced in the same manner and to lower levels as provided for Hathaway honor scholarships for failure to meet continuing eligibility requirements.

(d) Hathaway expand Wyoming scholarships shall not be subject to the provisions of W.S. 21-16-1308, but shall be administered by the department in accordance with the provisions of this section and the following:

(i) The department shall, in consultation with University of Wyoming and community college admissions officers and financial aid officers, promulgate rules necessary to implement this section. The consultation shall include development of a means for informing students in contiguous states of the availability of Hathaway expand Wyoming scholarships;

(ii) Eligible institutions shall provide information required by the department as necessary to fulfill its duties under this section;

(iii) Students shall apply for Hathaway expand Wyoming scholarships with the department at the time of applying for admission or at an earlier time as established by rule of the department. The application shall contain information required by rule of the department. The application shall require each applicant to verify under penalty of false swearing under W.S. 6-5-303, that the applicant has not been convicted of a felony in this state or another jurisdiction;

(iv) The department shall determine and certify to the state treasurer the amount of scholarships awarded under this section for attendance at each eligible institution not

later than September 1 for the fall semester and not later than January 15 for the spring semester. Upon receipt of the certification the state treasurer shall pay from the scholarship expenditure account the amount certified by the department;

(v) The same information required to be reported under W.S. 21-16-1308 for Hathaway opportunity, performance and honor scholarships shall be reported for Hathaway expand Wyoming scholarships awarded.

(e) Before awarding a Hathaway expand Wyoming scholarship, the department shall obtain an agreement from each student, or the student's guardian, under which the student agrees to:

(i) Actively engage in work in Wyoming for one (1) year or attend graduate school at the University of Wyoming for one (1) year, for every four (4) academic semesters or portions thereof in which a Hathaway expand Wyoming scholarship was received. The department shall establish by rule the commencement of the period for undertaking the requirements of this paragraph, which period shall begin not later than one (1) year after the completion of the last semester in which a Hathaway expand Wyoming scholarship was received; or

(ii) Repay all Hathaway expand Wyoming scholarship amounts, together with interest which shall begin accruing four (4) years after execution of the agreement. However, interest shall begin to accrue immediately upon the department determining that the student has withdrawn from the Wyoming institution of higher education or is otherwise not making satisfactory academic progress toward completion of a degree or program. Money expended under this section shall accrue at an annual interest rate equal to that charged for federal direct student loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal direct student loan rate. In no event shall the interest rate be greater than eight percent (8%). Any amounts repaid by Hathaway expand Wyoming scholarship recipients shall be deposited to the Hathaway expand Wyoming scholarship endowment fund created by W.S. 9-4-204(u) (viii).

(f) The Hathaway expand Wyoming scholarship expenditure account is created to consist of earnings from the Hathaway expand Wyoming scholarship endowment fund created by W.S. 9-4-204(u) (viii) and such other funds appropriated by the legislature to the expenditure account. No state funds shall be appropriated to the expenditure account or used for scholarships

under this section. The monies deposited to the expenditure account under this subsection shall be available for scholarships under this section. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded under this section. All unexpended and unencumbered monies within the expenditure account at the end of each fiscal year shall be deposited by the state treasurer to the Hathaway expand Wyoming scholarship endowment fund.

ARTICLE 14 - UNIVERSITY OF WYOMING ACADEMIC  
FACILITIES CHALLENGE FUND

**21-16-1401. Definitions.**

(a) As used in this article:

(i) "Challenge account" means the university academic facilities challenge account established under W.S. 21-16-1402;

(ii) "Qualifying contribution" means a transfer of money or other property of a value of not less than twenty-five thousand dollars (\$25,000.00) to the University of Wyoming foundation to be expended exclusively for university academic facilities as approved by the university president and board of trustees. The commitment for a qualifying contribution or the contribution itself shall be made in writing on or after October 1, 2005. The contribution shall be actually received by the University of Wyoming foundation on or before December 31 of the fifth calendar year following the calendar year in which the written commitment was made. Members of a single family may aggregate their individual gifts to meet the minimum dollar threshold required for matching funds. Gifts from nonfamily members in memory of a deceased individual may also be aggregated to meet the minimum dollar threshold required for matching funds.

**21-16-1402. University academic facilities challenge account.**

(a) The university academic facilities challenge account is created.

(b) The state treasurer shall invest amounts deposited within the account in accordance with law. All investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the

account shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this article.

**21-16-1403. Academic facilities challenge matching program; state treasurer to administer program account; matching payments; conditions; annual reports; reversion of appropriations.**

(a) The state treasurer shall administer the university academic facilities challenge account established under this article. The following shall apply:

(i) To the extent that funds are available in the challenge account, the state treasurer shall match each qualifying contribution actually received by the University of Wyoming foundation by transferring from the challenge account to the university an amount equal to the amount of the qualifying contribution. Qualifying contributions made directly to the university shall be considered qualifying contributions to the foundation for purposes of this article. The university shall expend both the qualifying contributions and the matching funds solely for the cost of establishing new or renovating existing university academic facilities as approved by the university president and board of trustees for which private fundraising is deemed to be feasible. Authorized expenditures for academic facilities include but are not limited to all expenditures necessary for planning, designing, procuring contractors, construction management and actual construction;

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the qualifying contribution is received. Matching funds shall only be available for expenditure to the extent cash or cash equivalent contributions are actually received by the University of Wyoming. If a qualifying contribution is made through a series of payments or transfers, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the contribution totals at least twenty-five thousand dollars (\$25,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that qualifying contribution are received by the foundation;

(iii) The state treasurer shall distribute funds or encumber funds for future distribution in the case of a written

commitment, to match a qualifying contribution based on the order in which each qualifying contribution is actually received or in which a written commitment to make a qualifying contribution is received by the foundation. Matching funds shall not be distributed or encumbered in excess of the amount within the challenge account. No matching funds shall be transferred to the university except to match qualifying contributions actually received. The state treasurer shall rescind an encumbrance if the university notifies him that a donor who made a commitment will not make a qualifying contribution that is eligible for matching funds under this section;

(iv) For the purpose of calculating the matching amount only, the state treasurer shall use the value of a qualifying contribution based on its fair market value at the time the contribution is received by the university foundation. The university shall provide evidence of fair market value as the state treasurer requires for each qualifying contribution. The state treasurer's office shall not bear any costs associated with providing evidence;

(v) The University of Wyoming shall on or before October 1 of each calendar year submit a report to the state treasurer from the university foundation regarding the matching program established under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from program expenditures. The state treasurer shall distribute the report to the governor and the joint education interim committee.

(vi) Repealed By Laws 2009, Ch. 52, § 3.

#### ARTICLE 15 - TUITION AND FEES FOR SURVIVORS OR DEPENDENTS OF EMERGENCY RESPONDERS

**21-16-1501. Free tuition and fees for education of survivors or dependents of deceased or disabled peace officers, firefighters and emergency medical technicians.**

(a) The University of Wyoming or any Wyoming community college for up to ten (10) semesters shall provide free tuition and fees for any person who is a surviving dependent of any person described in subsection (g) of this section or the dependent of any disabled person described in subsection (h) of this section. If the surviving dependent first enrolls in a community college and then transfers to another community college or the University of Wyoming, the free tuition and fees



shall continue until the dependent has completed a cumulative total of ten (10) semesters at the community college level and the university.

(b) In order to qualify for the benefit under this section, a person claiming eligibility for free tuition and fees under this section shall be under twenty-two (22) years of age at the time of the death of the parent or legal guardian described in subsection (g) of this section or at the time of the qualifying disability described in subsection (j) of this section, and at the time of first enrollment claiming eligibility for benefits under this section. No person shall be eligible for the benefits provided under this section for any semester commencing more than eight (8) academic years after the semester in which the person initially receives benefits under this section. The institution in which the student enrolls shall grant exceptions to the requirements of this subsection for military service, religious service or other good cause shown, which exceptions shall be consistent with rules promulgated by the Wyoming department of education for the Hathaway scholarship program under W.S. 21-16-1303(b)(iii)(B) and (d).

(c) Upon application by a person claiming eligibility for free tuition and fees under this section because of the death or qualifying disability of a parent or legal guardian, the University of Wyoming or the Wyoming community college where the person applied for enrollment shall:

(i) Determine whether the deceased or disabled person was an individual specified in subsection (g) or (h) of this section;

(ii) Determine whether the person died or suffered a qualifying disability while acting within the scope of his duties; and

(iii) Certify whether the person claiming eligibility for free tuition and fees under this section is qualified to receive free tuition and fees under this section.

(d) A person who had qualified for free tuition and fees under subsection (b) of this section, shall be deemed eligible for the free tuition and fees at any Wyoming community college or the University of Wyoming up to the maximum number of semesters of study allowed under subsection (a) of this section,

if the person transfers to another institution specified in subsection (a) of this section.

(e) For purposes of paragraph (c)(ii) of this section, it shall be conclusively presumed that the decedent died while acting within the scope of duties if death benefits were paid as a result of the death to any person pursuant to the Wyoming Worker's Compensation Act.

(f) To remain eligible for benefits under this section, by the end of the spring semester completing the student's third or fourth semester of attendance, the student shall have a cumulative grade point average of at least two point zero (2.0) and shall maintain a cumulative grade point average of at least two point zero (2.0) at the end of each subsequent spring semester to continue to receive the free tuition and fees.

(g) The benefits provided in subsections (a) through (f) of this section shall be provided to the surviving dependents of the following:

(i) A peace officer who has qualified pursuant to W.S. 9-1-701 through 9-1-709 and who died while acting within the scope of his duties in the service of a law enforcement agency in the state;

(ii) A paid or volunteer fire fighter who died while acting within the scope of his duties in the service of a paid or volunteer fire department or district in the state;

(iii) A paid or volunteer emergency medical technician who died while acting within the scope of his duties in the service of a paid or volunteer ambulance service in the state, when responding at the request of a public agency to assist in a civil or military emergency, or natural or human caused disaster.

(h) The benefits provided in subsections (a) through (g) of this section shall be provided to the dependents of the following:

(i) A peace officer who has qualified pursuant to W.S. 9-1-701 through 9-1-709 and who suffered a qualifying disability while acting within the scope of his duties in the service of a law enforcement agency in the state;

(ii) A paid or volunteer firefighter who suffered a qualifying disability while acting within the scope of his duties in the service of a paid or volunteer fire department or district in the state;

(iii) A paid or volunteer emergency medical technician who suffered a qualifying disability while acting within the scope of his duties in the service of a paid or volunteer ambulance service in the state, when responding at the request of a public agency to assist in a civil or military emergency, or natural or human caused disaster.

(j) Limitations on benefits under subsections (a) through (g) of this section shall be applicable to benefits under subsection (h) of this section and references to the decedent's death shall be construed as references to the qualifying disability. For purposes of subsection (h) of this section, it shall be conclusively presumed that the person suffered a qualifying disability if:

(i) The person's disability was caused by a specific injury or disease which results primarily from a specific act or occurrence determinable by a definite time or place, from a physical or mental trauma which arises from the nature and in the course of the person's scope of employment;

(ii) The disabled person is unable to continue in the performance of his duties; and

(iii) The person is receiving retirement benefits for partial or total disability incurred in the scope of employment, including payments made pursuant to W.S. 9-3-431(f), 9-3-432(h)(i), 9-3-611(a) or 15-5-308(a) or the Wyoming Worker's Compensation Act.

#### ARTICLE 16 - UNIVERSITY OF WYOMING RECLAMATION AND RESTORATION CENTER CHALLENGE ACCOUNT

##### **21-16-1601. Definitions.**

(a) As used in this article:

(i) "Challenge account" means the reclamation and restoration challenge account established under W.S. 21-16-1602;

(ii) "Qualifying contribution" means a transfer of money or other property of a value of not less than one hundred

thousand dollars (\$100,000.00) to the University of Wyoming foundation to be expended by the university exclusively for the Wyoming reclamation and restoration center. The commitment for a qualifying contribution or the contribution itself shall be made in the period beginning July 1, 2011 and ending June 30, 2018. The contribution shall be actually received by the University of Wyoming foundation on or before June 30, 2020.

**21-16-1602. University reclamation and restoration challenge account.**

(a) The university reclamation and restoration challenge account is created.

(b) All investment earnings from funds in the account shall be credited to the account. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, funds within the account shall not lapse or revert until June 30, 2022. Until reverted, funds within the account are continuously appropriated and shall remain available for distribution as provided in this article.

**21-16-1603. University reclamation and restoration challenge account matching program; matching payments; conditions; annual reports; reversion of appropriations.**

(a) The university shall administer the university reclamation and restoration challenge account established under this article. The following shall apply to the administration of the challenge account:

(i) To the extent that funds are available in the challenge account, the university shall match each qualifying contribution actually received by the University of Wyoming foundation by authorizing expenditures from the challenge account in an amount equal to the amount of the qualifying contribution. Qualifying contributions made directly to the university shall be considered qualifying contributions to the foundation for purposes of this article. The university shall expend both the qualifying contributions and the matching funds solely for the Wyoming reclamation and restoration center. Any investment earnings credited to the account shall be separately accounted for and may be expended by the university to support the center without a qualifying contribution. To the greatest extent practicable, expenditures for the center shall be made for energy related reclamation projects so that qualifying contributions and matching funds support the work of the center through June 30, 2019. All grants shall be subject to the

approval and oversight of an ad hoc committee of industry company representatives appointed by the dean of agriculture;

(ii) If a qualifying contribution is made through a series of payments or transfers, no matching funds shall be authorized for expenditure from the challenge account until the total value of all payments or transfers actually received toward the contribution totals at least one hundred thousand dollars (\$100,000.00). Thereafter, matching funds shall be authorized for expenditure as payments or transfers toward that qualifying contribution are received by the foundation;

(iii) The university shall authorize matching funds for expenditure, or encumber funds for future authorization in the case of a written commitment, to match a qualifying contribution based on the order in which each qualifying contribution is actually received or in which a written commitment to make a qualifying contribution is received by the foundation. Matching funds shall not be authorized for expenditure or encumbered in excess of the amount within the challenge account. The university shall rescind an encumbrance if a donor who made a commitment will not make a qualifying contribution that is eligible for matching funds under this section;

(iv) For the purpose of calculating the matching amount only, the university shall use the value of a qualifying contribution based on its fair market value at the time the contribution is received by the university foundation;

(v) The university shall on or before October 1 of each calendar year submit a report to the governor, joint appropriations interim committee and the joint education interim committee from the university foundation regarding the matching program established under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from expenditures.

#### ARTICLE 17 - COLLEGE CREDIT RETENTION

##### **21-16-1701. Presumption relating to previously taken courses; hearing.**

Any Wyoming institution of higher education receiving funding from the state of Wyoming shall accept as valid and transferrable any college level credit hour previously completed with an acceptable grade in any other Wyoming institution of

higher education. An institution of higher education may decline to accept a credit hour only if there is a lack of demonstrable applicability to the current educational standards of the institution. The length of time since completion of the credit hour, without more, shall not demonstrate a lack of applicability. Each institution of higher education shall establish appropriate policies to implement this section, which shall include an appeals process available to persons who are denied acceptance of a college level credit hour.

#### ARTICLE 18 - HIGHER EDUCATION EXPENDITURES ON ABORTIONS

##### **21-16-1801. Prohibition on expending funds for abortion.**

(a) As a condition of receiving or expending any monies or funds appropriated to the University of Wyoming, the University of Wyoming shall not expend any appropriated general funds for:

(i) Elective abortions for students;

(ii) Group health insurance that provides coverage of elective abortions for students.

(b) As a condition of receiving any monies or funds appropriated to the community college commission, a community college shall not expend any appropriated general funds for:

(i) Elective abortions for students;

(ii) Group health insurance that provides coverage of elective abortions for students.

#### ARTICLE 19 - WYOMING'S TOMORROW SCHOLARSHIP PROGRAM

##### **21-16-1901. Definitions.**

(a) As used in this article:

(i) "Academic term" means the fall semester or term or the spring semester or term. In this article, "semester" and "term" have the same meaning except that recipients may elect to use the scholarship for a summer term or January term or any other term besides the fall semester or spring semester that the eligible institution designates, which counts toward the maximum number of terms for which a student is eligible but does not count toward computation of an academic year;

(ii) "Academic year" means two (2) consecutive semesters or terms and is the period of time in which a full-time student is expected to complete the equivalent of at least two (2) academic terms of academic work;

(iii) "Certificate" means a credential other than a degree and indicates satisfactory completion of training in an academic year program of study offered by an eligible institution including non-credit industry recognized credentials that meet eligibility requirements of the Wyoming works program under W.S. 21-18-403;

(iv) "Commission" means the Wyoming community college commission;

(v) "Cost of attendance" means the sum cost of tuition, mandatory fees, room and board, books and supplies, travel and personal expenses to attend an eligible institution;

(vi) "Degree" means a baccalaureate or an associate degree other than a certificate;

(vii) "Eligible institution" means the University of Wyoming or a Wyoming community college;

(viii) "Equivalent of a full-time semester" means twelve (12) semester hours in a semester;

(ix) "Semester hour" means each semester hour or clock hour as defined by commission rule attempted for credit or eligible Wyoming works program non-credit degree or certificate;

(x) "Title IV" means Title IV of the federal Higher Education Act of 1965, as amended;

(xi) "Unmet financial need" means the cost of attendance minus the sum of expected family contribution and all federal, state, local, institutional and privately funded scholarships or grants received by the student as determined by the eligible institution. "Unmet financial need" shall not include any loans a student may be eligible to receive.

**21-16-1902. Wyoming's tomorrow scholarship expenditure account created; use and appropriation of funds; calculation of annual average market value.**

(a) Except as otherwise provided by law, the Wyoming's tomorrow scholarship expenditure account is created to consist of all earnings from the Wyoming's tomorrow scholarship endowment fund created by W.S. 9-4-204(u)(ix) and other funds appropriated by the legislature to the expenditure account. Funds within the expenditure account may be invested as authorized by law. Interest and other earnings from amounts within the expenditure account shall be credited to the expenditure account. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded by the commission under this article, subject to limitations provided for under subsection (b) of this section. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2022, the state treasurer shall transfer monies from the expenditure account to the Wyoming's tomorrow scholarship endowment fund to the extent monies within the expenditure account are in excess of an amount equal to nine percent (9%) of the previous five (5) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year, except as provided for under subsection (c) of this section. The state treasurer shall report not later than November 1, of each year to the joint education interim committee and the select committee on capital financing and investments the amount of funds within the expenditure account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

(b) Scholarships awarded under W.S. 21-16-1904 and expended from the Wyoming's tomorrow scholarship expenditure account shall be limited in accordance with the following:

(i) For the first academic year scholarships are awarded, expenditures shall not exceed two and one-half percent (2.5%) of the applicable fiscal year's average market value of the Wyoming's tomorrow scholarship endowment fund calculated in accordance with subsection (c) of this section;

(ii) For the second academic year and each academic year thereafter scholarships are awarded, expenditures shall not exceed five percent (5%) of the applicable fiscal year's average market value of the Wyoming's tomorrow scholarship endowment fund calculated in accordance with subsection (c) of this section.



(c) The annual average market value of the Wyoming's tomorrow scholarship endowment fund shall be calculated as follows for the fiscal year (FY) specified:

(i) FY 2023 shall be equal to the market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(ii) FY 2024 shall be equal to the previous two (2) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(iii) FY 2025 shall be equal to the previous three (3) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(iv) FY 2026 shall be equal to the previous four (4) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(v) FY 2027 and each fiscal year thereafter, shall be equal to the previous five (5) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year.

**21-16-1903. Wyoming's tomorrow scholarship program; eligibility requirements.**

(a) There is created the Wyoming's tomorrow scholarship program.

(b) Under the Wyoming's tomorrow scholarship program, subject to W.S. 21-16-1905(b) and availability of funds as determined by the legislature, the commission may award a scholarship pursuant to W.S. 21-16-1904 to any student who has been accepted by and enrolls in an eligible institution to pursue a degree or certificate, and who meets the following qualifications:

(i) The student has demonstrated Wyoming residency for not less than one (1) year immediately preceding application or not less than a total of three (3) years at any time prior to application;

(ii) The student is twenty-four (24) years of age or older;

(iii) The student has completed and filed a free application for federal student aid for the academic year for which the student is applying for a scholarship and has unmet financial need;

(iv) The student agrees to register with the department of workforce services for applicable training assistance, as defined by rule of the commission required under W.S. 21-16-1905(b).

(c) A student is not eligible for a scholarship under this article if the student:

(i) Is currently receiving a scholarship under the Hathaway scholarship program established under W.S. 21-16-1301 et seq.;

(ii) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements or requirements of a subsequent similar federal enactment;

(iii) Owes a refund under a federal Title IV student financial aid program or a subsequently enacted similar federal student financial aid program, or a student financial aid program administered through the state;

(iv) Is incarcerated; or

(v) Previously received a scholarship under this article for the maximum of the equivalent of four (4) full-time academic terms or a total of seven thousand two hundred dollars (\$7,200.00) in scholarships for unmet financial need under this article.

#### **21-16-1904. Wyoming's tomorrow scholarships.**

(a) Any student who meets the criteria under W.S. 21-16-1903 may be eligible to receive a Wyoming's tomorrow scholarship to pursue a degree or certificate for:

(i) Not more than one hundred and fifty dollars (\$150.00) per semester hour and not more than one thousand eight hundred dollars (\$1,800.00) per academic term for unmet

financial need at an eligible institution if enrolled for twelve (12) or more semester hours in the academic term;

(ii) The amount provided for the academic term under paragraph (i) of this subsection times a fraction in which the numerator is the number of semester hours in which the student is enrolled in for the academic term and the denominator is twelve (12).

(b) Scholarships under this section shall be for a maximum of the equivalent of four (4) full-time academic terms. No student shall receive more than a total of seven thousand two hundred dollars (\$7,200.00) in scholarships for unmet financial need under this article.

(c) To remain eligible for the scholarship under this section, the student shall:

(i) Make satisfactory academic progress toward a degree or certificate by completing at least two-thirds ( $2/3$ ) of attempted semester hours in any academic term;

(ii) Maintain a cumulative grade point average of at least 2.0 as evaluated at the end of each spring academic term;

(iii) Meet other criteria as established by the eligible institution to ensure the student earns a degree or certificate in a timely manner;

(iv) Maintain continuous enrollment for not less than two (2) academic terms in each successive academic year. The commission may grant waivers to the requirement of this subparagraph for military service, religious service and other good cause shown pursuant to commission rule.

(d) A student receiving a Wyoming's tomorrow scholarship who fails to meet the requirements of subsection (c) of this section shall be ineligible to receive another scholarship under this article.

#### **21-16-1905. Administration; rules and regulations.**

(a) This article shall be administered by the commission in consultation with the University of Wyoming in accordance with the following:

(i) Students may apply for scholarships under this article with the eligible institution at the time of applying for admission or in any event before the beginning of the academic term at the eligible institution. The application shall contain information as required by rule of the commission;

(ii) Each eligible institution receiving an application from a student applying for a Wyoming's tomorrow scholarship shall preliminarily determine the student's eligibility for the scholarship. Each eligible institution shall certify to the commission by dates prescribed by rule, a list of students who qualify for a scholarship under this article;

(iii) The commission shall establish by rule procedures and criteria for the application, notification of students and the award of scholarships in accordance with this article. The rules adopted by the commission shall ensure students receive notice of a scholarship award in a timely manner to ensure students are able to make informed decisions about the financial obligations associated with attendance at an eligible institution;

(iv) If the market value of the Wyoming's tomorrow scholarship endowment fund has once exceeded fifty million dollars (\$50,000,000.00) and funds are available within the Wyoming's tomorrow scholarship expenditure account, the state treasurer shall pay from the Wyoming's tomorrow scholarship expenditure account amounts necessary for all awarded scholarships as reported by the commission. For each subsequent semester, the commission shall determine and certify to the state treasurer the amount that is equal to seventy-five percent (75%) of the total amount the eligible institution received during the preceding semester under this subsection. Not later than thirty (30) days after the commission has certified participation and notified the state treasurer, the state treasurer shall pay from the expenditure account the amount certified. The commission shall review the lists provided under paragraph (ii) of this subsection, determine whether there is any duplication of students, and determine and certify to the state treasurer the balance of the amount due under this article to each institution for the semester. For any duplication, the commission shall determine whether the student is attending more than one (1) eligible institution. If the student is attending multiple eligible institutions, payment of the Wyoming's tomorrow scholarship for which the student qualifies shall be made only to the institution designated as the home institution by the commission. The state treasurer shall pay from the

expenditure account the balance of the amount due not later than seventy-five (75) days after the institution's semester has commenced. Payments to the university shall be made directly to the university. Payments to the community colleges shall be made directly to each college and be reported by the state treasurer to the commission. Should a prepayment under this paragraph exceed the amount actually due to the institution for any semester, the excess amount shall be calculated by the university and commission and deducted from the next payment made under this paragraph.

(b) The commission shall promulgate rules necessary to implement this article in consultation with the University of Wyoming, the department of workforce services, the Wyoming business council and other stakeholders, including industry representatives. The rules shall provide for a preference to award scholarships which considers workforce shortages and economic development needs of the communities, regions and the state. First preference shall be given to students who received a scholarship under this article in the immediately preceding academic term and remain eligible to receive a scholarship under W.S. 21-16-1904(c). Second preference shall be given to students who have secured an industry sponsorship. Preference may be given to students based on the length of their Wyoming residency. Preference may be given to students without a degree.

(c) The commission shall establish annual reporting procedures for purposes of policy analysis and program evaluation and providing accurate data to the legislature and governor relative to the program's impact on the state and on students. The report shall include information about how the commission awarded scholarships, the amount each eligible institution received, the number of applicants at each eligible institution and the number of students that received scholarships under this article at each eligible institution. The report shall also include the number and type of degrees or certificates awarded to scholarship recipients. The commission shall submit the annual report to the governor and the legislature in accordance with W.S. 9-2-1014.

(d) The department of audit may conduct an audit at any time of the commission or any eligible institution participating in the scholarship program under this article to determine compliance with any provision of this article.

**21-16-1906. Additional funding considerations.**

The commission shall limit the number and amount of scholarships awarded under this article so that the expected expenditures do not exceed the projected funding available considering the total duration of the awards. To the extent sufficient funds are not available in the Wyoming's tomorrow scholarship expenditure account to fund all scholarships awarded by the commission under this article, the payment to the eligible institutions shall be reduced on a first come first served basis using the student's application date for the scholarship.

**21-16-1907. Legislative oversight and authority.**

Nothing in this article shall be construed to constitute an entitlement to a scholarship established and funded by the legislature. Wyoming's tomorrow scholarships shall be subject to legislative appropriation and the legislature reserves the right to modify or terminate the program established under this article at any time.

CHAPTER 17 - UNIVERSITY OF WYOMING

ARTICLE 1 - IN GENERAL

**21-17-101. Establishment.**

There is established in this state, at the city of Laramie, an institution of learning to be known as "The University of Wyoming".

**21-17-102. Objects; departments.**

(a) The objects of the university are to provide an efficient means of imparting to men and women, without regard to color, on equal terms, a liberal education, together with a thorough knowledge of the various branches connected with the scientific, industrial and professional pursuits. To this end it shall embrace colleges or departments of letters, of science and of the arts together with such professional or other departments as in course of time may be connected therewith. The department of letters shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the college or department of science as are deemed necessary.

(b) The college, or department of science, shall embrace courses of instruction in the mathematical, physical and natural sciences, together with such courses in language, literature and

philosophy as shall constitute a liberal education. The college or department of the arts shall embrace courses of instruction in the practical and fine arts and especially in the applications of science to the arts of mining and metallurgy, mechanics, engineering, architecture, agriculture and commerce, together with instruction in military tactics, and in such branches in the department of letters, as are necessary to a proper fitness of students for their chosen pursuits, and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the courses in the sciences and their practical applications shall be expanded into full and distinct schools or departments.

**21-17-103. Powers and duties of the faculty.**

The president and professors of the university shall be styled "the faculty", and may enforce rules and regulations adopted by the trustees for the government of students, reward and censure students as they may deserve, and generally exercise such discipline, in harmony with the regulations, as is necessary for the good order of the institution. The faculty may present to the trustees for degrees and honors such students as are entitled thereto, and in testimony thereof, when ordered by the board, suitable diplomas, certificates or other testimonials under the seal of the university, and the signatures of the faculty. When, in course of time, distinct colleges or departments of the university are duly organized and in active operation, the immediate government of such departments shall, in like manner, be entrusted to their respective faculties.

**21-17-104. Powers and duties of the president.**

The president of the university shall be president of the several faculties and the executive head of all the departments. As such, subject to the board of trustees, he has authority to give general direction to the instruction and investigations of the several schools and departments, and, so long as the interests of the institution require it, he may be charged with the duties of one (1) of the professorships.

**21-17-105. Tuition to be as nearly free as possible; number, qualifications and selection of students for reduced tuition; tuition for veterans, their spouses and children; reciprocal residency.**

(a) To the end that none of the youth of the state who crave the benefits of higher education may be denied, and that

all may be encouraged to avail themselves of the advantages offered by the university or community colleges, tuition shall be as nearly free as possible, and it shall be reduced by five hundred dollars (\$500.00) per semester to either the university or any community college in the state, as elected by the student, to three (3) students annually from each county as are selected and appointed by the board of county commissioners therein. Scholarships under this section shall be in addition to any Hathaway scholarship awarded a student under W.S. 21-16-1301 et seq., but shall be considered for purposes of calculating unmet financial need for Hathaway need based scholarships.

(b) Students shall be appointed after due consideration of the individual student's extra curricular activity, scholastic ability and American college testing score. Grade point average and American college testing scores shall be equally weighted. For any entering student who fails a math or English placement test, the reduced tuition scholarship under this section is not effective. Notwithstanding the provisions of subsection (a) of this section, the county commissioners may award one (1) additional scholarship each year as a renewal to a student maintaining above a 2.50 average, provided that the total number of students receiving original and renewal scholarships in any county in any year shall not exceed:

(i) Counties of the first class, four (4) students;

(ii) Counties of the second class, three (3) students; and

(iii) Counties of the third class, two (2) students.

(c) Any honor scholarships granted by the University of Wyoming shall be based on the student's scholastic ability and American college testing scores. Grade point average and American college testing scores shall be equally weighted. For any entering student who fails a math or English placement test, the scholarship is not effective.

(d) Any person including the spouse and any child of that person shall qualify as a resident for purposes of tuition at the university if:

(i) His principal employment is located within Wyoming and the income from his employment is the principal source of income for his family;



(ii) He pays Wyoming taxes as required by law;

(iii) He has been employed within Wyoming for at least a majority of the twelve (12) consecutive months immediately preceding application for resident tuition pursuant to this subsection;

(iv) He resides in a state with a law substantially similar to this subsection; and

(v) At the time of enrollment and in accordance with requirements of the enrolling institution, the person, his spouse or any child of that person submits to the university or community college a notarized affidavit attesting to the requirements of this subsection.

(e) An applicant for resident tuition who is a veteran, eligible individual or covered individual as described in 38 U.S.C. 3679(c) (2), shall qualify as a resident for purposes of tuition at the University of Wyoming or Wyoming community college if the applicant provides:

(i) A certificate or other evidence of the veteran's or uniformed service member's qualifying service in the uniformed services of the United States;

(ii) Documented evidence before or at the time of enrollment that:

(A) The applicant for resident tuition intends to live in Wyoming during the term of enrollment;

(B) The veteran was discharged or released from a qualifying period of service in the active military, naval or air service before the date of enrollment or the uniformed service member is currently on active duty;

(C) The applicant is a veteran, eligible individual or covered individual as described in 38 U.S.C. 3679(c) (2) .

(f) For purposes of subsection (e) of this section, "uniformed services of the United States" means as defined in W.S. 8-1-102(a) (xxii) .

(g) A person who has qualified for resident tuition under subsection (e) of this section shall remain qualified in subsequent years if the person pursues one (1) or more courses of education while remaining continuously enrolled, other than during regularly scheduled breaks, lives in the state during the term of enrollment and, if the person is eligible through a transfer of eligibility pursuant to 38 U.S.C. 3319, the transfer has not been validly revoked. A spouse or child of a uniformed service member who is eligible for resident tuition under subsection (e) of this section at the time of admittance to the University of Wyoming or a Wyoming community college shall not lose eligibility for resident tuition before the time of enrollment at the university or college because the uniformed service member is transferred on military orders outside of this state.

(h) Trustees shall through regulation provide that students receiving a Hathaway expand Wyoming scholarship in any amount shall qualify for resident tuition at the university each semester the student receives the scholarship.

**21-17-106. Repealed by Laws 1979, ch. 12, § 1.**

**21-17-107. Legislature to make appropriations.**

The legislature shall appropriate monies intended for the support and maintenance of the University of Wyoming. The appropriations shall specify the purposes for which the monies are intended and may be used. The appropriations shall apply to and include all monies received by the university from the United States for the endowment and support of colleges for the benefit of agriculture and mechanic arts. No expenditure shall be made in excess of an appropriation, and no monies so appropriated shall be used for any purpose other than that for which they are appropriated.

**21-17-108. Agreements with boards or trustees of community colleges, school districts or university centers, collaboration with community colleges.**

(a) The University of Wyoming may enter into agreements with the several community college district boards or the boards of trustees of school districts providing for the joint operation of the institutions in whole or in part or for the furnishing of services, facilities and staff members of the University of Wyoming to the institution. Agreements may

provide for the granting of University of Wyoming credit for collegiate work done in the institution.

(b) The University of Wyoming in collaboration with the community colleges, shall establish an accrediting committee which shall determine the credit to be granted by the University of Wyoming for work taken in community colleges or university centers. In addition, the university shall cooperate with the Wyoming community college commission in developing and maintaining a common course numbering system among community colleges and the university pursuant to W.S. 21-18-202(b)(ii).

**21-17-109. Course in field of professional health services; authority to offer; contracts with students; repayment of funds expended; deposit of repayments.**

(a) In addition to other powers heretofore granted to the trustees of the University of Wyoming, the board may offer and provide, in whole or in part at the university or in whole or in part at other institutions, universities or colleges within or without the state, a course of training and education in the field of professional health services including and limited to medicine, dentistry, veterinary, optometry or nursing.

(b) To accomplish the purposes hereof and in order that degrees in such fields of professional health services may be awarded by the university the board of trustees may enter into contracts with other institutions, universities or colleges within or without the state that maintain schools for the training and education of students in professional health services and to expend its funds in connection therewith.

(c) Students desiring to avail themselves of the opportunities under this section, before enrolling for such courses and having passed a competitive examination, must be approved by the president of the university acting with the advice of the respective state board in each particular field. No student shall be approved by the president unless the student or the student's father, mother or lawful guardian are residents of Wyoming and have been residents for not less than five (5) years immediately prior thereto.

(d) In addition to the requirements of subsection (c) of this section, before expending any funds the board of trustees shall obtain an agreement from each student whereby the student agrees to:

(i) Authorize the state of Wyoming to pay all or a portion of the cost of attendance incurred in his or her medical education as determined by any contract between the state of Wyoming and the school of medicine providing that education; and

(ii) Actively engage in professional practice or other professional pursuits in Wyoming for not to exceed three (3) years as the board requires. The taking of a family practice residency program in the state shall be credited toward the practice requirements at the rate of one-third (1/3) year of practice for each year of service in a family practice residency program in the state; or

(iii) Repay all amounts expended by the state of Wyoming under paragraph (i) of this subsection on the student's education, together with interest which shall begin accruing after the student's residency but in no event later than eight (8) years after the student enters into an agreement, upon terms specified by the board. However, interest shall begin to accrue if the board finds that the student has withdrawn from medical school or a residency program or is otherwise not making satisfactory progress toward completion of the degree or program. Money expended under this subsection shall accrue at an annual interest rate equal to that charged for federal Stafford loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal Stafford loan rate. In no event shall the interest rate be greater than eight percent (8%);

(iv) Repealed By Laws 2011, Ch. 176, § 2.

(e) Any amounts, other than fees and tuition payments, paid by medical students in accordance with the contractual arrangements authorized under this section shall be deposited into a special fund designated the Medical School Student Fund, maintained and separately accounted for by the University of Wyoming, which fund may be added to by specific contributions from other sources. The fund may be invested, at the discretion of the president of the University of Wyoming and the dean of the College of Health Sciences, for the production of income. The investment income shall be expended by the University of Wyoming solely for direct assistance for relocation costs associated with practice in Wyoming, fees and materials for medical board examinations, rural training, dislocation, student development and scholarships to medical students as authorized by the president of the University of Wyoming and the dean of the College of Health Sciences. The principal of the fund

established shall remain unimpaired and only the income derived therefrom may be collected and expended from year to year. The amount of income expended annually pursuant to this section shall not exceed an amount equal to four percent (4%) of the previous five (5) year average market value of the fund, calculated from the first day of the fiscal year. Any unexpended income shall remain in the fund. On or before October 1 of each year, the university shall submit a report to the joint appropriations committee and the joint labor, health and social services interim committee on income to the fund and expenditures from fund earnings during the prior fiscal year.

(f) Upon recommendation of the president of the university, the board of trustees may relieve a student of the obligation to repay amounts expended under paragraph (d)(i) of this section, in whole or in part, where repayment would cause undue hardship. The university shall annually report the number of students relieved from repayment under this subsection to the joint labor, health and social services interim committee not later than October 1.

(g) Tuition and fees received by the University of Wyoming from students participating in the medical education program under this section, shall be separately accounted for by the university. These funds are to be used by the university solely for the support of education and training conducted at the university pursuant to this section. The receipt and expenditure of these funds shall be identified in the university's biennial budget request.

**21-17-110. Regional college of veterinary medicine; University of Wyoming Board of Trustees authorized to participate.**

The University of Wyoming Board of Trustees may enter into agreements with the governing bodies of other universities or states for the purpose of providing for regionalized veterinary medical education and services. No final agreement is binding unless approved by the legislature.

**21-17-111. Contracts to provide training in physical therapy.**

The University of Wyoming may enter into contracts with institutions, universities and colleges which maintain schools for the training and education of students of physical therapy

services to provide such training and education to Wyoming residents.

**21-17-112. Repealed by Laws 1993, ch. 228, § 2.**

**21-17-113. Agreements with universities, colleges, associations, agencies and corporations; applicability.**

(a) In addition to other powers granted to the trustees of the University of Wyoming, the trustees may enter into agreements with other institutions, universities, colleges, community colleges, boards of trustees of school districts, agencies, associations or corporations, within or without the state, providing for the offering of courses or programs of instruction, in whole or in part, at, or in cooperation with, such other institutions or agencies, or for the delivery of instruction, performance of services, or provision of materials or facilities. Such agreements may provide for the granting of University of Wyoming credit or degrees for collegiate work completed pursuant to such agreements.

(b) Nothing in this section alters or otherwise affects any other law authorizing the board of trustees of the University of Wyoming to offer or provide any programs or courses of instruction or to enter into agreements with other institutions, universities or colleges to provide such programs or courses of instruction, nor does any other law limit or otherwise affect the board of trustees' authority under this section.

**21-17-114. Scholarship fund for students planning teaching careers authorized; eligibility; rulemaking authority granted.**

(a) The board of trustees is authorized to establish a tuition scholarship fund for students planning teaching careers. The purpose of this tuition scholarship fund is to encourage Wyoming students demonstrating superior academic achievement to pursue careers in teaching within the state of Wyoming. Each year the board may award scholarships to sixteen (16) Wyoming high school graduates covering five hundred dollars (\$500.00) per semester of the cost of tuition at the university or any community college in the state who major in education. No student is eligible to apply for a scholarship under this section unless the student or his mother, father or lawful guardian is a resident of Wyoming and has been a resident of Wyoming for at least five (5) years. Scholarships under this section shall be in addition to any Hathaway scholarship awarded

a student under W.S. 21-16-1301 et seq., but shall be considered for purposes of calculating unmet financial need for Hathaway need based scholarships.

(b) Repealed by Laws 1995, ch. 71, § 2.

(c) The board shall promulgate university regulations necessary to carry out the purposes of this section, including procedures for application and selection of recipients.

(d) No student shall be awarded a scholarship under this section to attend more than ten (10) semesters of which no more than five (5) semesters shall be at a community college.

**21-17-115. University technology transfer center program.**

(a) The University of Wyoming may operate a technology transfer center and provide training to Wyoming county and municipality employees regarding current trends in transportation technology. The funding of the program shall be administered by the Wyoming department of transportation. The cost of the program shall be provided by each of the following contributing a minimum of twenty-five thousand dollars (\$25,000.00) each regardless of any contribution from the federal government or other nonstate sources, or up to a maximum of thirty-one thousand two hundred fifty dollars (\$31,250.00) each provided the federal government or other nonstate sources contribute an amount equal to the total monies provided by the following as specified:

(i) Wyoming department of transportation from available funds;

(ii) Counties as provided in W.S. 24-2-110(c)(i);

(iii) Cities and towns as provided in W.S. 39-17-111(d)(iii)(A);

(iv) University of Wyoming from available funds.

(b) The university shall annually certify the cost of the state's share of the program to the transportation commission which shall transfer the amounts specified in W.S. 24-2-110(c)(i) and 39-17-111(d)(iii)(A) to the university to be used for funding the program.

**21-17-116. Course in field of advanced practice registered nurse in psychiatry; authority to offer; contracts with students; repayment of funds expended; deposit of repayments.**

(a) In addition to other powers heretofore granted to the trustees of the University of Wyoming, the board may offer and provide, in whole or in part at the university or in whole or in part at other institutions, universities or colleges within or without the state, a course of training and education in the field of nursing for advanced practice registered nurses in psychiatry.

(b) To accomplish the purposes of this section and in order that degrees in advanced practice registered nurse in psychiatry may be awarded by the university, the board of trustees may enter into contracts with other institutions, universities or colleges within or without the state that maintain schools for the training and education of students in advanced practice registered nurse with a specialty in psychiatry and to expend its funds in connection therewith.

(c) Students desiring to avail themselves of the opportunities under this section, before enrolling for the courses, shall be approved by the president of the university acting with the advice of the state board of nursing. No student shall be approved by the president unless the student has obtained not less than a baccalaureate degree as a registered nurse. Preference under this section shall be given to applicants who individually or whose spouse, parent or legal guardian meets the requirements of W.S. 21-17-105(d)(i) through (v).

(d) In addition to the requirements of subsection (c) of this section, before expending any funds the board of trustees shall obtain an agreement from each student whereby the student agrees to authorize the state of Wyoming to pay not more than ten thousand dollars (\$10,000.00) for each academic semester, or not more than two thousand five hundred dollars (\$2,500.00) for each summer session, the student is enrolled as a full-time student in an approved course of study as determined by any contract between the state of Wyoming and the school of nursing providing that education. Students enrolled on a part-time basis during an academic semester may agree to receive payments reduced proportionally based upon the number of credit hours for which the student is enrolled for that semester, where nine (9) credit hours constitutes a full-time student. The student shall agree either to:



(i) Actively engage in professional practice as an advanced practice registered nurse in psychiatry in Wyoming for up to one (1) year for each academic year of full-time attendance for which payments under this section are made, but not to exceed a total of three (3) years, as the board requires. Qualified work shall be granted on a proportional basis; or

(ii) Repay all amounts expended by the state of Wyoming under this subsection on the student's education, together with interest which shall begin accruing after the student's residency but in no event later than four (4) years after the student enters into an agreement, upon terms specified by the board. However, interest shall begin to accrue if the board finds that the student has withdrawn from nursing school or a clinical program or is otherwise not making satisfactory progress toward completion of the degree or program. Money expended under this subsection shall accrue at an annual interest rate equal to that charged for federal Stafford loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal Stafford loan rate. In no event shall the interest rate be greater than eight percent (8%).

(e) Upon recommendation of the president of the university, the board of trustees may relieve a student of the obligation to repay amounts expended under subsection (d) of this section, in whole or in part, where repayment would cause undue hardship. The university shall annually report the number of students relieved from repayment under this paragraph to the joint labor, health and social services interim committee not later than October 1.

(f) Any amounts paid by advanced practice registered nurse students in psychiatry in accordance with the contractual arrangements authorized under this section effective July 1, 2008, and thereafter, shall be deposited into a special fund designated as the advanced practice registered nurse in psychiatry student fund, maintained and separately accounted for by the University of Wyoming, which fund shall be used solely for payments under subsection (d) of this section. On or before October 1 of each year, the university shall submit a report to the joint labor, health and social services interim committee on expenditures from the fund during the prior fiscal year.

(g) For purposes of this section:

(i) "Advanced practice registered nurse" means as defined in W.S. 33-21-120(a)(i);

(ii) "Enrolled as a full-time student" means enrolled in and attending not less than nine (9) credit hours per academic semester of approved studies, or as determined by the approved program for summer sessions.

**21-17-117. School of energy resources; creation authorized; University of Wyoming energy resources council established; reports; budget submittal.**

(a) Subject to legislative appropriation and subject to paragraph (c)(iv) of this section, the University of Wyoming shall operate the school of energy resources.

(b) The school of energy resources shall have the following objectives:

(i) To provide nationally competitive undergraduate and graduate instruction in energy related disciplines, particularly those of importance to develop Wyoming's energy resources;

(ii) To advance the state-of-the-art in Wyoming energy related science, technology and economics research; and

(iii) To support scientific and engineering outreach through dissemination of information to Wyoming's energy industries, companies, community colleges and governmental agencies.

(c) The school of energy resources shall:

(i) Establish relationships with Wyoming energy companies and coordinate with other energy industry organizations to sustain and optimize the development of Wyoming's energy portfolio. For the purposes of this section, Wyoming's energy portfolio includes both nonrenewable and renewable resources;

(ii) Establish relationships with the Wyoming community colleges creating local programs to enrich students' education in the Wyoming energy industry operations;

(iii) Maintain flexibility in its focus and structure to be capable of responding to the changing needs of Wyoming's

energy industries with regard to instruction, research and outreach;

(iv) Notwithstanding any other provision of this chapter, develop and submit a budget for the school for approval by the energy resources council and then shall submit for review in accordance with W.S. 9-2-1010 through 9-2-1014. The school of energy resources shall submit its budget to the governor after approval by the energy resources council created in subsection (e) of this section. The school of energy resources shall submit a copy of its budget for informational purposes to the university's board of trustees.

(d) Except as provided in paragraph (c)(iv) of this section, the university's board of trustees shall establish the structure and policies for operation of the school of energy resources consistent with this section, and shall engage as many academic departments and colleges as possible in support of the school.

(e) The University of Wyoming energy resources council is created and shall provide direction to the school of energy resources regarding identifying and prioritizing issues which should be targeted for research and outreach. The University of Wyoming energy resources council shall consist of eleven (11) members, including the president of the university and the director of the Ruckleshaus institute of environment and natural resources, both of whom are ex officio nonvoting members. One (1) member of the house of representatives shall be appointed by the speaker of the house and one (1) member of the senate shall be appointed by the president of the senate. Each appointed legislative member shall serve a two (2) year term. The remaining seven (7) members shall be appointed for terms of three (3) years, except that for the initial appointments two (2) members shall be appointed for one (1) year and two (2) members shall be appointed for two (2) years. These seven (7) members shall represent to the greatest extent practicable the diverse components of Wyoming's energy industries, and shall be appointed by the governor and approved with the advice and consent of the senate, in accordance with W.S. 28-12-101 through 28-12-103. The council shall select a chairman and vice-chairman from among its members.

(f) The university shall report annually, not later than October 1, to the joint minerals, business and economic development interim committee, the joint appropriations committee and the joint education interim committee regarding

all revenues to and expenditures by the school of energy resources during the preceding fiscal year, any budget prepared and submitted under paragraph (c)(iv) of this section, accomplishments of the school of energy resources and its benefits to Wyoming's energy economy.

**21-17-118. Student support and student financial aid fund; rulemaking authority granted.**

(a) The board of trustees is authorized to establish a student support and student financial aid fund for students at the university. The fund shall include those monies collected by the university pursuant to W.S. 31-2-219 and such other gifts, contributions, donations, grants, or other funds provided to the university for purposes of this section. Financial aid funded under this section shall be in addition to any Hathaway scholarship awarded a student under W.S. 21-16-1301 et seq., but shall be considered for purposes of calculating unmet financial need for Hathaway need based scholarships.

(b) The board shall promulgate university regulations necessary to carry out the purposes of this section, including procedures for application and selection of recipients of financial aid under this section. Revenues in the fund established under this section shall be used exclusively for student financial aid and for projects and programs that directly support students at the university. The board shall coordinate with the University of Wyoming Alumni Association in the university's administration of the student support funds and financial aid under this section in accordance with an agreement with that association, or its successor organization.

**21-17-119. Authority to offer course in dentistry through contracts with other institutions; contracts with students; repayment of funds expended; deposit of repayments.**

(a) In addition to other powers granted to the trustees of the University of Wyoming, the board may offer and provide at other institutions, universities or colleges, a course of training and education in the field of dentistry.

(b) To accomplish the purposes of this section, the board of trustees may enter into contracts with other institutions, universities or colleges outside the state that maintain schools for the training and education of students in dentistry and to expend funds appropriated for this purpose in connection therewith.

(c) In entering into contracts with institutions, the board of trustees shall give preference to institutions that agree to provide students with a training rotation or externship in Wyoming.

(d) Students desiring to avail themselves of the opportunities under this section, before enrolling for such courses and having completed the admissions process into the dental education program at a school of dentistry with which the university has an agreement under subsection (a) of this section, must be approved by the president of the university acting with the advice of the state board of dentistry. No student shall be approved by the president unless the student or the student's father, mother or lawful guardian are residents of Wyoming and have been residents for not less than five (5) years immediately prior thereto.

(e) In addition to the requirements of subsection (c) of this section, before expending any funds the board of trustees shall obtain an agreement from each student whereby the student agrees to:

(i) Authorize the state of Wyoming to pay all or a portion of cost of attendance incurred in his dentistry education as determined by any contract between the state of Wyoming and the school of dentistry providing that education: and

(A) Actively engage in professional practice or other professional pursuits in dentistry in Wyoming for a period of three (3) years; or

(B) Repay all amounts expended by the state of Wyoming under this paragraph on the student's education, together with interest which shall begin accruing after the student's graduation, but in no event later than five (5) years after the student enters into an agreement, upon terms specified by the board. However, interest shall begin to accrue if the board finds that the student has withdrawn from the school of dentistry or is otherwise not making satisfactory progress toward completion of the degree or program. Money expended under this paragraph shall accrue interest at an annual rate equal to that charged for federal Stafford loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal Stafford loan rate. In no event shall the interest rate be greater than eight percent (8%).

(ii) During the time required to practice under subparagraph (i)(A) of this subsection, treat under terms and conditions specified in the agreement Wyoming patients eligible for services under the Wyoming Medical Assistance and Services Act or the child and parent health insurance program pursuant to Wyoming Statutes title 35, chapter 25. All contract provisions established under this paragraph shall be developed in consultation with the state board of dentistry and the department of health.

(f) Upon recommendation of the president of the university, the board of trustees may relieve a student of the obligation to repay amounts expended under paragraph (d)(i) of this section, in whole or in part, where repayment would cause undue hardship. The university shall annually report the number of students relieved from repayment under this subsection to the joint labor, health and social services interim committee not later than October 1.

(g) Any amounts other than fees and tuition payments, paid by dentistry students in accordance with the contractual arrangements authorized under this section shall be deposited into a special account designated the Dentistry School Student Account, maintained and separately accounted for by the University of Wyoming, which account may be added to by specific contributions from other sources. The account may be invested, at the discretion of the president of the University of Wyoming, for the production of income. The investment income shall be expended by the University of Wyoming solely for direct assistance for relocation costs associated with practice in Wyoming, fees and materials for dental board examinations, rural training, dislocation, student development and scholarships to dentistry students as authorized by the president of the University of Wyoming and the dean of the college of health sciences. The principal of the fund established shall remain unimpaired and only the income derived therefrom may be collected and expended from year to year. The amount of income expended annually pursuant to this section shall not exceed an amount equal to four percent (4%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year. Any unexpended income shall remain in the fund. On or before October 1 of each year, the university shall submit a report to the joint appropriations committee and the joint labor, health and social services interim committee on income to the fund and expenditures from fund earnings during the prior fiscal year.

(h) Tuition and fees received by the University of Wyoming from students participating in the program under this section, shall be separately accounted for by the university. These funds are to be used by the university solely for the support of education and training conducted at the university pursuant to this section and other graduate courses in the college of health sciences. The receipt and expenditure of these funds shall be identified in the university's biennial budget request.

**21-17-120. Wyoming conservation corps; creation authorized; reports.**

(a) The University of Wyoming shall establish a Wyoming conservation corps (WCC) program patterned after similar conservation corps programs in Utah, Montana and Colorado under which students in those states have performed service on conservation projects in Wyoming. The WCC program shall begin in the summer of 2007. The WCC program shall enter into agreements with state and federal agencies and private industry under which Wyoming students shall perform conservation projects in Wyoming prior to the students performing any work under those agreements. The students who participate in the WCC program may be high school, community college or university students. The students shall receive stipends and education financial awards for their service, as well as the educational and practical benefits of working on valuable conservation projects. The WCC program shall be fully self-sustaining by the end of summer 2009.

(b) The University of Wyoming shall report to the joint minerals, business and economic development interim committee and the joint travel, recreation, wildlife and cultural resources interim committee on October 1, 2007, and October 1, 2008, regarding expenditures made under this act, progress made by the WCC program toward financial self-sufficiency and the educational and conservation related benefits of the program.

**21-17-121. Repealed by Laws 2019, ch. 186, § 2.**

**21-17-122. Accelerated baccalaureate degree in nursing for students with other baccalaureate degrees; contracts with students; repayment of funds expended; deposit of repayments.**

(a) Students desiring to participate in the University of Wyoming's accelerated program leading to a baccalaureate degree

in nursing may avail themselves of the financial aid opportunities under this section subject to the following:

(i) Before enrolling in the accelerated baccalaureate in nursing degree program, the student shall be approved by the president of the university acting with the advice of the state board of nursing;

(ii) No student shall be approved by the president unless the student has obtained a baccalaureate degree in a discipline other than nursing;

(iii) Preference for financial aid under this section shall be given to applicants who individually or through their spouse meet the requirements of W.S. 21-17-105(d).

(b) In addition to the requirements of subsection (a), before granting any financial aid under this section the board of trustees shall obtain an agreement from each student whereby the student authorizes the state of Wyoming to pay not more than twenty-five thousand dollars (\$25,000.00) for financial aid while the student is enrolled in the accelerated nursing degree program. The student shall agree either to:

(i) Actively engage in work as a nurse in Wyoming for two (2) years, as the board of trustees requires. Qualified work shall be granted on a proportional basis; or

(ii) Repay all amounts expended by the state of Wyoming under this subsection on the student's education, together with interest which shall begin accruing upon the student's graduation, upon terms specified by the board of trustees. However, interest shall begin to accrue if the board finds that the student has withdrawn from the degree program or is otherwise not making satisfactory progress toward completion of the degree program. Money expended under this subsection shall accrue at an annual interest rate equal to that charged for federal Stafford loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal Stafford loan rate. In no event shall the interest rate be greater than eight percent (8%).

(c) Upon recommendation of the president of the university, the board of trustees may relieve a student of the obligation to repay amounts expended under subsection (b) of this section, in whole or in part, upon a finding that the monies cannot be collected. The university shall annually report



the number of students relieved from repayment under this subsection to the joint labor, health and social services interim committee not later than October 1.

(d) Loan repayment options under this section may be deferred for a period not to exceed five (5) years while a loan recipient is serving on full-time active duty with any branch of the uniformed services of the United States as defined in W.S. 8-1-102(a)(xxii).

(e) Any recipient of a loan under this section who fails:

(i) To complete the program for which the loan was provided shall commence cash repayment of the loan no later than forty-five (45) days after the recipient leaves the academic program;

(ii) To obtain employment in the targeted occupation for which the person received the education within ninety (90) days after successfully obtaining the appropriate licensure, shall commence cash repayment of the loan within one hundred twenty (120) days after successfully obtaining the appropriate licensure; or

(iii) To obtain the appropriate certification within one hundred eighty (180) days after completion of the program shall commence cash repayment of the loan.

(f) Any amounts paid by students in accordance with the contractual arrangements authorized under this section shall be deposited into a special account designated as the accelerated baccalaureate degree in nursing student account, maintained and separately accounted for by the University of Wyoming, which account shall be used solely for payments on behalf of students under subsection (b) of this section. On or before October 1 of each year, the university shall submit a report to the joint labor, health and social services interim committee on expenditures from the account during the prior fiscal year.

**21-17-123. Program for certification of behavioral specialists.**

The community college commission shall cooperate with the department of health and the University of Wyoming to develop a course of training and education in the field of professional health services for behavioral specialists with an emphasis in the care of persons dually diagnosed with an intellectual

disability and a mental disorder. The course may be offered at the University of Wyoming or one (1) or more community colleges, or both, in collaboration. The program shall be designed to lead to certification as a behavioral health specialist pursuant to W.S. 42-4-120(j) and rules and regulations of the department of health. Certification may also be granted to behavioral specialists who have completed another training program that meets training standards established by the department and who pass a competency evaluation under direction of the department.

**21-17-124. Student electronic writings and other electronic communications; expectation of privacy.**

(a) No ownership rights to any electronic writing or other electronic communication created by a student shall be conveyed, transferred or otherwise affected solely as a result of the writing or other communication being stored on an electronic device paid for in whole or in part by the university or transmitted or stored on the university's network.

(b) Students at the university shall have an expectation of privacy in the electronic writings and other electronic communications created by the student regardless of whether the writing or other communication is stored on an electronic device paid for in whole or in part by the university or transmitted or stored on the university's network. The university shall not require a student to waive or limit the student's expectation of privacy specified under this subsection. This subsection shall not apply to writings or other communications:

(i) Publicly disclosed, released or conveyed by the student or otherwise made available for observation by the student in such a manner that a person would not reasonably expect the writing or other communication would remain undisclosed to others;

(ii) Accessed by the university in cases where there is a technological requirement to support and maintain the university's electronic device or network. Writings or other communications viewed during the technological support or maintenance of the electronic device or network shall be limited to only those writings or other communications required to address the specific technical issue and shall not be used or distributed to any other person or entity unless otherwise mandated by federal or state law.

(c) The property rights and expectation of privacy provided in subsections (a) and (b) of this section do not apply to a writing or other communication created by a student who is simultaneously employed by and enrolled at the university if the writing or other communication is created when the person is acting in an official capacity as an employee of the university. Nothing in this subsection shall be construed to diminish the property rights or expectation of privacy of persons acting in the capacity of an employee of the university.

(d) Nothing in this section shall be construed to:

(i) Impose, by operation of law, or require the university to accept or prohibit the university from accepting any liability or responsibility for collecting, maintaining, storing or otherwise recording writings and other communications created by a student;

(ii) Require the university to establish or prohibit the university from establishing standards on the retention and destruction of student writings and other communications.

(e) For purposes of this section, "student" means any person currently enrolled full time or part time at the university.

**21-17-125. Family medicine resident program education and clinical training; contract for clinical operation; use of University of Wyoming residents, students and faculty.**

(a) Whenever the board of trustees deems it in the best interests of the university they may enter into one (1) or more contracts with any person, group, association or corporation for the operation of the family medicine residency program and related functions. As consideration for the operation of the clinical and related functions the contract may provide for:

(i) The lease of appropriate University of Wyoming facilities and equipment;

(ii) The services of university employees;

(iii) A payment from the university; and

(iv) Funding, supplies and equipment.

(b) If the board of trustees deems it in the best interests of the university to enter into one (1) or more contracts for the clinical operations of the family medicine residency program, the university shall ensure that the contract requires:

(i) Provision of a clinic for the university's family medicine residency program as provided by this section;

(ii) To the extent feasible, attainment and maintaining of qualification as a federally qualified health center and performance of the duties required of a federally qualified health center;

(iii) Operation of the clinic in a manner required by the accreditation council for graduate medical education, and if deficiencies in operation are identified, development and implementation of a plan to remedy the deficiencies, which plan shall be developed with the participation and approval of the university;

(iv) As specified in the contract, reimbursement to the university for the services of University of Wyoming faculty, physician residents, staff and any students who function as clinic medical staff or other staff or who otherwise provide services to the entity with whom the university has contracted. The contract may contain provisions to ensure that this reimbursement does not endanger the clinic's financial solvency;

(v) Furnishing the university with semiannual reports showing the financial condition of the clinic and providing an accounting of all monies received and expended. The reports shall satisfy accounting standards specified in the contract and shall provide a level of detail specified in the contract, but which is designed to allow public release of the reports without violating the privacy of any patient;

(vi) Payment to the university of a percentage of the net revenues derived from operation of all family medicine residency program clinics. The contract may specify:

(A) An allowance for depreciation and improvement of equipment to be deducted from gross revenue before calculating net revenue;

(B) That any equipment purchased pursuant to this provision shall be:

(I) The property of the university; and

(II) Included in the facilities leased to the operator pursuant to this section.

(vii) Upon completion or nonrenewal of the contract, return to the university of any funding, supplies, equipment and patient records received from the university to the extent and in the form possible as specified in the contract.

(c) The university may enter into separate contracts for separate facilities, and these contracts may be with multiple entities. The university may enter into separate contracts with other entities to furnish additional training opportunities for family medicine residency program physician residents and other students.

(d) The University of Wyoming family medicine residency program shall include within the university's biennial budget request submitted under W.S. 9-2-1013 a report specifying at a minimum:

(i) The financial condition of the clinic and all monies received and expended;

(ii) Patient demographics;

(iii) Physician resident data;

(iv) Federally qualified health center compliance;  
and

(v) Quality metrics.

#### **21-17-126. University water system.**

(a) Subject to title 41 of the Wyoming statutes and notwithstanding any municipal or county ordinance, the University of Wyoming may:

(i) Develop, drill, construct, operate, maintain and use any water line, system, well or works on property owned by the university for the purposes of distributing, providing and using nonpotable water on property owned or leased by the

university for miscellaneous use where water is to be used for landscape watering, lawns, athletic fields, trees, shrubs and flowers;

(ii) Connect a building, facility, landscape, lot, premises or structure owned by the university to any water line, system, well or works operated, maintained or used by the university.

(b) No city or county shall restrict or prohibit the university from developing, drilling, constructing, operating, maintaining or using any water system independent of the city's or county's water system.

## ARTICLE 2 - BOARD OF TRUSTEES

### **21-17-201. Composition; appointment and qualifications of members generally; members ex officio; quorum.**

The government of the university is vested in a board of twelve (12) trustees appointed by the governor, no two (2) of whom may be residents of the same county of the state. At least one (1) trustee shall be appointed from each appointment district pursuant to W.S. 9-1-218. Not more than seventy-five percent (75%) of the members of the board shall be registered in the same political party. The governor, the president of the university, the state superintendent of public instruction and the president of the associated students of the university are members ex officio, having the right to speak, but not to vote. A majority of the board is a quorum.

### **21-17-202. Term; appointment of additional trustees; appointment of successors; vacancies; members of faculty disqualified; removal.**

(a) The term of office of the trustees appointed is six (6) years. During each session of the legislature, the governor shall nominate, and with the advice and consent of the senate, appoint successors to those trustees whose term of office has expired or will expire before the next session of the legislature. Any vacancy in the board of trustees caused by death, resignation, removal from the state or otherwise, shall be filled by appointment by the governor as provided in W.S. 28-12-101. No member of the faculty, while holding that position, shall ever be appointed a trustee. The governor may remove any trustee as provided in W.S. 9-1-202.

(b) Effective July 1, 1979, appointments and terms shall be in accordance with W.S. 28-12-101 through 28-12-103.

**21-17-203. To be body corporate; powers, duties and functions generally.**

The board of trustees and their successors in office constitute a body corporate by the name of "the trustees of the University of Wyoming". They possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have custody of the books, records, buildings and all other property of the university. The board shall elect a chairman, secretary and treasurer, who shall perform the duties prescribed in the bylaws of the board. The treasurer shall execute a bond, with approved sureties in double the sum likely to come into his hands, for the faithful discharge of his duties. The term of office of board officers, their duties severally and the times for holding meetings shall be fixed in the bylaws of the board. A majority of the board constitutes a quorum for the transaction of business but a less number may adjourn from time to time, and all routine business may be entrusted to an executive committee of no fewer than three (3) members subject to such conditions as the bylaws of the board prescribe. The board may from time to time appoint and authorize a person to examine and approve for payment all legal claims against the corporation. The person shall give bond with surety approved by the board, payable to the state of Wyoming in such sum as the board may fix, conditioned for the faithful performance of his duties. A certificate of appointment signed by the chairman and secretary of the board and the bond shall be filed with the state auditor. At each meeting of the board all action taken by the person so appointed subsequent to the immediately preceding board meeting shall be submitted to the board for its approval or disapproval. The actual and necessary traveling expenses of nonresident members in attending the annual meeting of the board may be audited by the auditing committee thereof and paid by warrant on the treasurer out of the general fund of the university.

**21-17-204. Additional powers and duties; sectarian or partisan instruction or test prohibited; professional services procurement.**

**21-17-204. Additional powers and duties; sectarian or partisan instruction or test prohibited.**

(a) The board of trustees shall prescribe rules for the government of the university and all its branches, elect the requisite officers, professors, instructors and employees, a director of finance and budget and a superintendent of buildings and grounds, any of whom may be removed for cause, and fix the salary and term of office of each. The board of trustees shall prescribe the studies to be pursued and the textbooks to be used, and determine the qualifications of applicants for admission to the various courses of study. No instruction either sectarian in religion or partisan in politics shall ever be allowed in any department of the university, and no sectarian or partisan test shall ever be exercised or allowed in the appointment of trustees or in the election or removal of professors, teachers or other officers of the university or in the admission of students thereto, or for any purpose whatsoever. The board of trustees may:

(i) Confer such degrees and grant such diplomas as are usual in universities or as they deem appropriate;

(ii) Through bylaws confer upon the faculty the power to suspend or expel students for causes therein prescribed;

(iii) Possess and use for the benefit of the institution all property of the university;

(iv) Hold, manage, lease or dispose of, according to law, any real or personal estate as is conducive to the welfare of the institution;

(v) Expend the income placed under their control from whatever source derived, and exercise all other functions properly belonging to such a board and necessary to the prosperity of the university and all its departments.

(b) The board of trustees shall adopt university regulations consistent with the requirements of W.S. 9-2-3006 for capital construction projects let by the University of Wyoming.

(c) The board of trustees shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g).

**21-17-205. Report.**



The trustees of the University of Wyoming, through their chairman, shall report to the governor as required by W.S. 9-2-1014 respecting the progress, condition and wants of the university and of each school or department thereof, the course of study in each, the number of professors and students, the nature, costs and results of important investigations, and such other information as they deem important or as may be required by any law of this state, or of the United States. The secretary and treasurer of the board of trustees shall prepare an itemized report showing the receipts and disbursements for the year, the appropriation resolution for that year, the purposes for which the revenue was expended, and the amount of revenue expended upon each school or department of work, including the experiment station.

**21-17-206. Secretary to take oath of office and administer oaths.**

(a) The secretary of the board of trustees of the University of Wyoming, before entering upon the duties of the office, shall take the oath of office provided for elective officers under the constitution of this state.

(b) The secretary of the board of trustees of the University of Wyoming may administer oaths and affirmations to any person or persons in connection with the business of the university.

**21-17-207. University board composition; community college ex-officio member.**

In addition to the members of the university board of trustees specified under W.S. 21-17-201, the director of the Wyoming community college commission shall serve as a member ex officio, having the right to speak but not to vote.

ARTICLE 3 - AGRICULTURE AND EXTENSION WORK

**21-17-301. Supervision and management of farms and stations; director of experiments.**

(a) All the experiment farms and stations are under the supervision, management and control of the board of trustees of the University of Wyoming.

(b) The board of trustees of the University of Wyoming may employ a director of experiments, who shall receive a salary

fixed by the board and necessary traveling expenses, and shall perform such duties as assigned to him by the board. The director of experiments, with the approval of the board, shall:

(i) Manage and control the experiment farms;

(ii) Manage, control and dispose of personal property used in connection with experiment farms and stations;

(iii) Employ practical and experienced dry farmers, irrigation farmers, horticulturists, persons skilled in animal husbandry and other agents and servants, who shall under his direction cultivate the farms, conduct experiments thereon, demonstrate the adaptability of various soils and climatic conditions for the production of different kinds of grain, grasses, vegetables, shade, ornamental and fruitbearing trees, vines and bushes that may profitably be grown in the varied locations of the farms of the state, and conduct such other experiments as advisable in animal husbandry.

(c) The director of the experiments shall carefully record, preserve and compile the results of all experiments and demonstrations and report the results publicly on a regular basis.

(d) The sale and disposition of all crops and livestock raised or produced upon experiment farms shall be made by the director of the Wyoming agricultural experiment station jointly with the director of experiments. Any money realized from sales in excess of the expense of conducting the farms shall be turned over to the treasury of the state.

(e) Before purchasing any land for use in the agricultural experiment and research program at the University of Wyoming, the board of trustees shall determine the location of all lands owned by the state or any agency of the state and the use being made of such state lands. The board of trustees shall negotiate with the agency of the state responsible for the administration and control of such state lands to determine the feasibility of leasing such state lands for use in the agricultural experiment and research program providing the lands available are suitable to the purpose. Any state agency which owns or has responsibility for the administration and control of state lands shall negotiate with the University of Wyoming in leasing such lands, at the fair market value, provided the use of the land by the university is not inconsistent with the use for which the land is held by the state or agency.

**21-17-302. Location and acreage of farms; supervision and control.**

(a) The state may conduct experimental farms:

(i) Repealed By Laws 2003, Ch. 147, § 3.

(ii) Repealed By Laws 2003, Ch. 147, § 3.

(iii) Repealed By Laws 2003, Ch. 147, § 3.

(iv) Repealed By Laws 2003, Ch. 147, § 3.

(v) At or near Sheridan, Sheridan county, Wyoming.

(b) The board of trustees of the University of Wyoming and the department of family services shall conclude arrangements for agricultural experimental programs under their joint control to be conducted upon and in connection with farm property of the Wyoming boys' school at Worland, Wyoming, using not less than eighty (80) and not more than one hundred (100) acres of ground on the premises. The arrangements shall include provision for an apartment in the buildings of the institute as living quarters for the superintendent of programs and for availability in the operations of labor from the institute's committed personnel as selected by the superintendent of the institute and jointly controlled during their working hours by that superintendent and the superintendent of the experimental station.

(c) The board of trustees of the University of Wyoming shall provide for the operation of a research station at Powell, Wyoming to conduct programs related to soils, vegetation diseases, fertilizers, insects, irrigation phases and other related factors, in order to effectuate reduction or elimination of causes detrimental to agriculture. The board of trustees of the university may also provide for the operation of a sustainable agricultural research and extension center in Goshen county, Wyoming.

**21-17-303. Appropriation of funds.**

Revenue within the agricultural college account provided by W.S. 9-4-310(c) (i) is appropriated and may be used by the board of trustees of the University of Wyoming for any purpose connected with the supporting and maintenance of the agricultural college

at the University of Wyoming not inconsistent or in conflict with any act of congress. The money shall be paid by the state treasurer to the treasurer of the board of trustees of the state university upon the warrant of the state auditor upon request of the board of trustees.

**21-17-304. Acceptance of federal grants; administration.**

(a) The state of Wyoming assents to and accepts the conditions of the acts of the United States Congress cited as 7 U.S.C. sections 301 through 390j and 16 U.S.C. sections 590a through 590q-3, and future acts amendatory or supplemental thereto.

(b) Except as otherwise provided by congress or the laws of Wyoming, all money authorized by subsection (a) of this section shall be received by the state treasurer and transferred to the board of trustees of the University of Wyoming. The trustees of the University of Wyoming shall annually appropriate and designate the uses of the money received under subsection (a) of this section which shall be in conformity with the terms of the grant.

(c) The board of trustees of the University of Wyoming shall have prepared necessary reports and take other actions necessary to comply with the requirements of and obtain grants and administer programs pursuant to subsection (a) of this section. Agricultural extension work shall be carried on in connection with the college of agriculture of the university.

**21-17-305. County cooperation in extension work; districts; county agents.**

(a) A board of county commissioners may cooperate in extension work in agriculture and home economics in the county under the supervision of the agricultural college of the university and for that purpose may annually appropriate and expend any amount the board deems expedient so long as this levy and all levies for general county government do not exceed the constitutional mill limit.

(b) Any two (2) or more contiguous counties may unite in the formation of a district for the purposes of subsection (a) of this section. The district formed shall be regarded as a single county for the purposes of this section and is entitled to the same benefits as if the district were one (1) county. No county included in a district is entitled to any benefits of

this section so long as the district receives benefits under this section.

(c) Any county or district complying with this section upon request shall receive a county agent or agricultural expert to be provided by the agricultural college of the university. The university shall provide a suitable agent or expert, qualified to do the work usually expected from a person educated in the science of agriculture.

(d) The university trustees may receive and expend money from any source under the supervision of the agricultural college for the purposes of this section.

**21-17-306. Soil conservation programs; state advisory board.**

(a) In formulating plans for soil conservation programs to be submitted to the secretary of agriculture the university shall select a state advisory board with the approval of the governor from persons who participate in soil conservation programs as recommended by committees of county associations of persons who participate in soil conservation programs. The director of the department of agriculture is an ex officio member of the state advisory board.

(b) In implementing approved soil conservation program plans the university may:

(i) Employ and designate such agencies as it deems necessary to cooperate with local and state agencies, agencies of other states and the federal government;

(ii) Provide for the conduct of research and educational activities;

(iii) Provide by voluntary methods for adjustments in the utilization of land and farming practices and for payment in connection therewith.

**21-17-307. Leases authorized; scope of authority to lease.**

(a) The trustees of the University of Wyoming may grant mineral leases in the name of the state of Wyoming to any lands acquired in the name of the state of Wyoming for experimental farm purposes. This authority extends to those lands transferred into the control of the trustees of the University

of Wyoming by chapter 99, Session Laws of Wyoming, 1923, and all other land theretofore or thereafter acquired in the name of the state of Wyoming for experimental farm purposes and now under the administration and control of the trustees of the University of Wyoming, whether or not acquired pursuant to express legislative authorization.

(b) Mineral leases executed under the authority hereby granted shall be executed by such persons, shall be granted upon terms prescribed by the state board of land commissioners for the leasing of other state lands and shall include such additional provisions as the trustees of the University of Wyoming determine to be necessary to protect the surface of the lands or the use thereof for university purposes.

(c) If land used for experimental farm purposes is leased under this section, and it becomes untenable for experimental purposes by virtue of mineral production or exploration thereon, the trustees shall, without unnecessary delay, obtain other lands in the same general vicinity. In all cases the land obtained, whether by grant, purchase or gift, must be within the boundaries of the same county as the land rendered untenable and must be suitable for experimental farm purposes. The trustees shall take immediate steps to reestablish an operating experimental farm on the land obtained.

(d) All amounts received under mineral leases, including bonus payments, delay rentals and royalties, shall be expended for the purposes of the University of Wyoming as the trustees of the University of Wyoming may determine.

#### **21-17-308. Wyoming state veterinary laboratory.**

(a) The division of microbiology and veterinary medicine, college of agriculture, University of Wyoming shall manage, operate and maintain the Wyoming state veterinary laboratory. All records, property, personnel and unused funds of the Wyoming livestock board designated for the Wyoming state veterinary laboratory shall be transferred to the division of microbiology and veterinary medicine.

(b) The Wyoming state veterinary laboratory shall:

(i) Inquire into, maintain records of and prepare an annual report of the causes of contagious, infectious and communicable diseases found among livestock in this state; assist in the determination of means for the prevention and

treatment of such diseases; and collect and disseminate information on these and other animal health related subjects valuable to the livestock interests of Wyoming;

(ii) Assist licensed veterinarians and the livestock industry in this state in making diagnoses at their request;

(iii) Assist licensed veterinarians in this state with proper collection and shipment of diagnostic materials; and

(iv) Otherwise provide services and consultation upon request of licensed veterinarians and the livestock industry in this state.

(c) There is created a six (6) member advisory council hereafter known as the council. The council shall advise the division of microbiology and veterinary medicine on matters pertaining to the Wyoming state veterinary laboratory and other matters that pertain to animal health. Three (3) members of the council shall be appointed by the Wyoming board of veterinary medicine and three (3) members shall be appointed by the Wyoming livestock board. The head of the division of microbiology and veterinary medicine shall be an ex officio member of the council. Council members shall serve a term of three (3) years. The initial council shall constitute itself so that no more than two (2) members will be replaced each year. The council shall elect a chairman and secretary from its membership. The council shall meet at least semiannually and on other occasions as deemed necessary by the council. Authorized travel expenses of the council members shall be paid by the agency responsible for their appointment in the same manner and amount as provided by W.S. 9-3-102.

(d) The annual report of the council shall be prepared for the governor, Wyoming livestock board, Wyoming board of veterinary medicine, president of the University of Wyoming and such other individuals deemed necessary by the council. The cost of printing the annual report shall be borne by the budget of the Wyoming state veterinary laboratory.

(e) All individual identifying client information in the records and information maintained or collected by the Wyoming state veterinary laboratory related to diagnosis of contagious, infectious, communicable, toxic and genetic diseases of individual animals or herds shall be confidential and shall not be released except to the individual submitting the sample for diagnosis unless:

(i) Laboratory testing results in the recognition of a state or federally reportable disease;

(ii) It is in the best interests of animal or human public health, as determined by the director of the Wyoming state veterinary laboratory or his designee, to release the information; or

(iii) The release of the information is required by state or federal law. Nothing in this subsection shall affect the duty of the Wyoming state veterinary laboratory or any other person to report contagious or infectious diseases as required by state or federal law.

#### ARTICLE 4 - CAPITAL CONSTRUCTION PROJECTS

**21-17-401. Certain portions of campus restricted to park or recreational purposes; construction of buildings or structures prohibited thereon.**

(a) That portion of the campus of the University of Wyoming described as follows is restricted to park or recreational purposes only and no structure shall be constructed on the tract without the approval of the legislature:

(i) A tract of land in the southwest corner of the property known as the campus of the University of Wyoming, in Albany county, Wyoming, which is bounded on the south by a street in the city of Laramie designated as Ivinson Avenue; on the west by a street in the said city designated as Ninth (9th) Street; on the north by an easterly extension of the north line of the street in said city designated as University Avenue; and on the east by an extension, north and south, of the west line of the building known as Hoyt Hall and located on said campus.

(b) In order to preserve the natural and open beauty of that portion of the University of Wyoming campus commonly known and referred to as "Prexy's Pasture", no structures, other than ornamental improvements, or buildings of any kind or type shall be located or constructed upon the portion of the campus described as follows:

(i) All that portion of the East 1/2 of Section 33, Township 16 N, R 73 W, of the 6th PM, Albany county, Wyoming, bounded as follows:



(A) Beginning at a point from which the East 1/4 corner of said Section 33 bears South 83 degrees 15' East a distance of 803 feet; thence South 5 degrees 45' West a distance of 410 feet; thence North 84 degrees 15' West a distance of 578 feet; thence North 5 degrees 45' East a distance of 410 feet; thence South 84 degrees 15' East a distance of 578 feet, more or less, to the point of beginning. Said parcel of land containing 5.44 acres, more or less.

**21-17-402. Short title.**

W.S. 21-17-402 through 21-17-450 shall be known and may be cited as the "University Securities Law."

**21-17-403. Purpose.**

It is the purpose of this act to provide a procedure for financing any projects authorized by law and for the issuance of securities to evidence or reevidence obligations incurred in connection with any projects authorized by the legislature. This act is supplemental in nature, and nothing herein contained shall be construed as authorizing any particular project nor as authorizing the incurrence of any obligations to defray the cost of any project or construction until the construction or project is specifically authorized by the legislature.

**21-17-404. Definitions.**

(a) As used in W.S. 21-17-402 through 21-17-450:

(i) "Acquisition" or "acquire" means the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the federal government, the state, any body corporate and politic therein, or any person, the endowment, bequest, devise, transfer, assignment, option to purchase, other contract, or any combination thereof, of any properties pertaining to a project, or an interest therein;

(ii) "Board" means the board of trustees of the University of Wyoming constituting the governing body of the university and a body corporate and politic by the name of "The Trustees of the University of Wyoming", as a political subdivision of the state and means any successor governing body of the university;

(iii) "Commercial bank" means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation, including without limitation any trust bank as herein defined;

(iv) "Cost of any project", or any phrase of similar import, means all or any part designated by the board of the cost of any project, or interest therein, which cost, at the option of the board may include all or any part of the incidental costs pertaining to the project, including without limitation:

(A) Preliminary expenses advanced by the university from funds available for use therefor, or advanced by the state, the federal government, or from any other source, with the approval of the board, or any combination thereof;

(B) The costs in the making of surveys, audits, preliminary plans, other plans, specifications, estimates of costs, and other preliminaries;

(C) The costs of premiums on builders' risk insurance and performance bonds, or a reasonably allocable share thereof;

(D) The costs of appraising, printing, estimates, advice, services of engineers, architects, financial consultants, attorneys at law, clerical help, or other agents or employees;

(E) The costs of making, publishing, posting, mailing and otherwise giving any notice in connection with a project, the filing or recordation of instruments, the taking of options, the issuance of bonds and other securities, and bank fees and expenses;

(F) The costs of contingencies;

(G) The costs of the capitalization with proceeds of bonds or other securities issued hereunder of any operation and maintenance expenses appertaining to any facilities to be acquired as a project and of any interest on bonds or other securities for any period not exceeding the period estimated by the board to effect the project plus one (1) year, of any discount on bonds or other securities and of any reserves for the payment of the principal of and interest on the

bonds or other securities, of any replacement expenses and of any other cost of issuance of the bonds or other securities;

(H) The costs of amending any resolution or other instrument authorizing the issuance of or otherwise appertaining to outstanding bonds or other securities of the university;

(J) The costs of funding any emergency loans, construction loans and other temporary loans of not exceeding three (3) years appertaining to a project and of the incidental expenses incurred in connection with the loans; and

(K) All other expenses necessary or desirable and appertaining to a project, as estimated or otherwise ascertained by the board.

(v) "Facilities" means buildings, structures, or other income producing facilities from the operation of which or in connection with which pledged revenues for the payment of any bonds or other securities issued hereunder are derived, including without limitation any facilities to be acquired with the proceeds of the bonds or securities issued hereunder;

(vi) "Federal government" means the United States, or any agency, instrumentality or corporation thereof;

(vii) "Federal securities" means bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States;

(viii) "Gross revenues" or "gross pledged revenues" means all pledged revenues received by the university and pledged for the payment of any securities issued hereunder;

(ix) "Holder" when used in conjunction with any bonds or any other securities issued hereunder, means the registered owner of the designated item;

(x) "Improvement" or "improve" means the extension, widening, lengthening, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of any properties pertaining to a project, or an interest therein, but does not mean renovation, reconditioning, patching, general maintenance or other minor repair;

(xi) "Net revenues" or "net pledged revenues" means gross revenues after the deduction of operation and maintenance expenses;

(xii) (A) "Operation and maintenance expenses" means all reasonable and necessary current expenses of the university, paid or accrued, of operating, maintaining and repairing the facilities pertaining to the pledged revenues for the payment of the bonds or other securities issued hereunder and may include at the board's option except as limited by contract or otherwise limited by law, without limiting the generality of the foregoing:

(I) Legal and overhead expenses of the various university departments directly related and reasonably allocable to the administration of the facilities;

(II) Fidelity bond and insurance premiums appertaining to the facilities, or a reasonably allocable share of a premium of any blanket bond or policy pertaining to the facilities;

(III) The reasonable charges of any paying agent, commercial bank, trust bank, or other depository bank appertaining to any securities issued by the board or appertaining to any facilities;

(IV) Contractual services, professional services, salaries, administrative expenses and costs of labor appertaining to facilities;

(V) The costs incurred by the board in the collection of all or any part of the pledged revenues, including without limitation revenues appertaining to any facilities;

(VI) Any costs of utility services furnished to the facilities by the university or otherwise; and

(VII) Reasonable allowances for the depreciation of furniture and equipment for the facilities.

(B) "Operation and maintenance expenses" does not include:

(I) Any allowance for depreciation except as otherwise provided in W.S. 21-17-404(a) (xii) (A) (VI);

(II) Any costs of reconstruction, improvements, extensions or betterments;

(III) Any accumulation of reserves for capital replacements;

(IV) Any reserves for operation, maintenance or repair of any facilities;

(V) Any allowance for the redemption of any bond or other security evidencing a loan or other obligations or the payment of any interest thereon;

(VI) Any liabilities incurred in the acquisition or improvement of any properties comprising any project or any existing facilities, or any combination thereof; and

(VII) Any other ground of legal liability not based on contract.

(xiii) "Person" means a corporation, firm, other body corporate excluding the federal government, the state, or any other body corporate and politic, partnership, association or individual, and also includes an executor, administrator, trustee, receiver or other representative appointed according to law;

(xiv) (A) "Pledged revenues" means the monies pledged wholly or in part for the payment of bonds or other securities issued hereunder, and, subject to any existing pledges or other contractual limitations, may include at the board's discretion, income or monies derived from one (1), all or any combination of the following revenue sources, including without limitation student fees and other fees, rates and charges appertaining thereto:

(I) Dormitories, apartments and other housing facilities;

(II) Cafeterias, dining halls and other food service facilities;

(III) Student union and other student activities facilities;

(IV) Store or other facilities for the sale or lease of books, stationery, student supplies, faculty supplies, office supplies and like material;

(V) Stadium, arena, theater, fieldhouse and other athletic or recreation facilities for use in part by spectators or otherwise;

(VI) Land and any structures, other facilities, or other improvements thereon used or available for use for the parking of vehicles used for the transportation by land or air of persons to or from the land and any improvements thereon;

(VII) Properties providing heat or any other utility furnished by the university to any facilities on its campus;

(VIII) Services, contracts, investments and other miscellaneous unrestricted sources of income not hereinabove designated, whether presently realized or to be realized, and accounted for in a miscellaneous sales and services fund or account;

(IX) That account commonly known as the university account within the permanent land income fund, pursuant to section 8 of the Act of Admission of the state of Wyoming; and

(X) The board's proportion for the benefit of the university of the monies remitted by the United States to the state and accounted for as provided by law pursuant to W.S. 9-4-601.

(B) "Pledged revenues" does not include income or monies derived in connection with any of the following:

(I) Any tuition charges and registration fees;

(II) The levy of any general (ad valorem) property taxes;

(III) Any grants, appropriations or other donations from the federal government, the state or any other donor; and

(IV) Any buildings, structures, or other facilities of the board not hereinabove designated in this paragraph.

(xv) "Chairman of the board" means the de facto or de jure chairman of the trustees of the University of Wyoming, or his successor in functions, if any;

(xvi) "President of the university" means the de facto or de jure presiding officer of the University of Wyoming and its chief administrative officer, or his successor in functions, if any;

(xvii) "Project" means any purpose or purposes which the board is otherwise authorized by law to do and to defray the cost of which project the board is otherwise authorized by law to issue bonds or other securities hereunder;

(xviii) "Registration fees" means any charges paid by any student for the privilege of registering for attendance in the university except for any charges appertaining to those revenue sources provided by W.S. 21-17-404(a)(xiv)(A)(I) through (IX);

(xix) "Secretary of the board" means the de facto or de jure secretary of the trustees of the University of Wyoming, or his successor in functions, if any;

(xx) "Securities" means notes, warrants, bonds, temporary bonds, and interim debentures authorized to be issued hereunder in the name and on the behalf of the board or of the university for the benefit of the university;

(xxi) "State" means the state of Wyoming;

(xxii) "Treasurer of the board" means the de facto or de jure treasurer of the trustees of the University of Wyoming, or his successor in functions, if any;

(xxiii) "Treasurer of the university" means the de facto or de jure deputy treasurer of the board and ex officio treasurer of the University of Wyoming, or his successor in functions, if any;

(xxiv) "Trust bank" means a commercial bank which is authorized to exercise and is exercising trust powers and also means any branch of the federal reserve bank;

(xxv) "Tuition charges" means the price of, or payment for, general and special instruction of students as defined and determined from time to time by the board;

(xxvi) "United States" means the United States of America;

(xxvii) "University" means the University of Wyoming, the state university located in the city of Laramie, in the county of Albany and state of Wyoming;

(xxviii) "This act" means W.S. 21-17-402 through 21-17-450.

**21-17-405. Securities redeemable out of pledged revenue; board's liability; earnings test; schedule of payments; calculations of university treasurer.**

(a) Any bonds or other securities issued under this act, together with any interest accruing thereon and any prior redemption premiums due in connection therewith, are payable and collectible solely out of net pledged revenues. The bond or security holders may not look to any general or other fund for payment of the securities, except the net revenues pledged therefor. The securities shall not constitute an indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation, if any limitation appertains thereto. The bonds or other securities shall not be considered or held to be general obligations of the board but shall constitute its special obligations and the board shall not pledge its full faith and credit for payment of the bonds or securities.

(b) None of the covenants, agreements, representations and warranties contained in any resolution authorizing the issuance of bonds or other securities under this act or in any other instrument appertaining thereto, in the absence of any breach thereof, shall ever impose or shall be construed as imposing any liability, obligation, or charge against the board, except the special funds pledged therefor, or against its general credit, payable out of its general fund, or out of any funds derived from taxation.

(c) Before any securities are actually issued payable from any net pledged revenues, except for any securities issued solely for the purpose of funding or refunding or both funding and refunding outstanding securities, any net pledged revenues



for the next preceding twelve (12) months, for the next preceding calendar year, or for the next preceding fiscal year, as defined and otherwise determined by the board, shall be sufficient to pay an amount representing one hundred ten percent (110%) of the combined maximum annual principal and interest requirements to be paid during the twelve (12) months, calendar year or fiscal year of any outstanding securities payable from and constituting a lien upon the net pledged revenues and the securities proposed to be issued excluding any reserves therefor except as otherwise expressly provided in this section.

(d) In any determination of whether or not any proposed securities meet the earnings test limiting their issuance as provided in subsection (c) of this section:

(i) There shall be deducted from or added to any gross pledged revenues any estimated decrease or increase in the revenues resulting from any decreased or increased or additional fees, rates or charges fixed by the board, whether or not appertaining to any additional facilities for which the proposed securities are authorized to be issued; and

(ii) There shall be deducted from or added to any operation and maintenance expenses any estimated decrease or increase in the expenses, whether or not resulting from any additional facilities for which the proposed securities are authorized to be issued.

(e) The respective annual principal and interest requirements including as an interest requirement the amount of any prior redemption premiums due on any prior redemption date as of which any outstanding securities have been called or have been ordered by the board to be called for prior redemption shall be reduced to the extent the requirements are scheduled to be paid with any monies held in trust or escrow for that purpose in any trust bank subject to any limitations appertaining thereto in section 7, article 15, Wyoming constitution, including without limitation the known minimum yield from any investment or reinvestment of the money under W.S. 21-17-426.

(f) The estimates and adjustments provided in subsections (d) and (e) of this section and the calculations required by subsection (c) of this section shall be made by the treasurer of the university which shall be conclusively presumed to be accurate. This section does not prohibit the issuance of securities merely because there were no pledged revenues nor operation and maintenance expenses, in the absence of such

adjustments, in the next preceding twelve (12) months, calendar year, or fiscal year, as the case may be.

(g) This section does not prevent the board from providing an earnings test in any resolution authorizing the issuance of securities or in any other proceedings appertaining thereto which test limits the issuance of any additional securities.

**21-17-406. Payment not secured by pledge of university property.**

The payment of securities shall not be secured by an encumbrance, mortgage, or other pledge of property of the board except for pledged revenues. No property of the board except pledged revenues is liable to be forfeited or taken in payment of securities.

**21-17-407. No recourse against trustees.**

No recourse shall be had for the payment of the principal of, any interest on and any prior redemption premiums due in connection with any bonds or other securities of the board or for any claim based thereon or otherwise upon the resolution authorizing their issuance or other instrument appertaining thereto, against any individual trustee of the board, past, present or future, either directly or indirectly through the board or the university, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the endorsement of any penalty or otherwise, all such liability, if any, being by the acceptance of the securities and as a part of the consideration of their issuance specially waived and released.

**21-17-408. Securities not state obligations; state obligations generally.**

(a) Any bonds or other securities issued under this act are not securities, debts or obligations of the state and are not enforceable against the state.

(b) The board may not obligate the state except as provided by W.S. 21-17-409, pledge, assign or encumber in any way or permit the pledging, assigning or encumbering of any revenue paid to the university except as designated in W.S. 21-17-404(a)(xiv)(A)(I) through (VI).

**21-17-409. Pledge not to amend or repeal W.S. 21-17-402 through 21-17-450 to impair securities.**

The faith of the state is hereby pledged that this act, any law supplemental or otherwise appertaining thereto and any other act concerning the bonds and other securities of the board or the university or the pledged revenues shall not be repealed nor amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding securities of the board until all such securities payable from the pledged revenues have been discharged in full or provision has been fully made therefor, including without limitation the known minimum yield from the investment or reinvestment of monies pledged therefor in investments under W.S. 21-17-426.

**21-17-410. Borrowing or otherwise becoming obligated to defray cost of authorized projects.**

(a) Where any project is otherwise authorized by law and where the board is otherwise authorized by law to issue its securities to defray the cost of the project, the board may borrow money or otherwise become obligated for the project and may evidence any obligation by the issuance of the board's securities.

(b) In connection with any project so authorized, the board, except as otherwise provided, may:

(i) Have and alter a corporate seal;

(ii) Sue and be sued;

(iii) Acquire and hold property, rights or interests therein and water rights;

(iv) Dispose of unnecessary or obsolete property, or rights or interests therein;

(v) Make contracts and execute all instruments necessary or convenient, as determined by the board;

(vi) Acquire by contracts or by its own agents and employees, or otherwise acquire any properties as any project authorized and operate and maintain the properties; and

(vii) Accept grants of money or materials or property of any kind from the federal government, the state, any agency or political subdivision thereof, or any person, upon such terms

and conditions as the federal government, state, agency or political subdivision, or person may impose.

**21-17-411. Types of securities authorized.**

(a) The board may issue in one (1) series or more, without their being authorized at any election, in anticipation of net pledged revenues and constituting special obligations of the board, any one (1) or more or all of the following types of securities:

(i) Notes evidencing any amount borrowed by the board;

(ii) Warrants evidencing the amount due to any person for any services, or supplies, equipment or other materials furnished to the board or for the benefit of the university and appertaining to an authorized project;

(iii) Bonds evidencing any amount borrowed by the board and constituting long-term financing;

(iv) Temporary bonds pending the preparation of and exchangeable for definitive bonds of like character and in the principal amount when prepared and issued in compliance with the conditions and limitations provided by this act; and

(v) Interim debentures, evidencing any emergency loans, construction loans, and other temporary loans of not exceeding three (3) years, in supplementation of long-term financing and the issuance of bonds, as provided in W.S. 21-17-433 through 21-17-436.

**21-17-412. Maturity dates of notes and warrants; extension or funding.**

Notes and warrants may mature at such time or times not exceeding one (1) year from the date of their issuance as the board may determine. They shall not be extended or funded except by the issuance of bonds or interim debentures in compliance with W.S. 21-17-433 and other provisions supplemental thereto.

**21-17-413. Temporary bonds.**

Each temporary bond shall set forth substantially the same conditions, terms and provisions as the definitive bond for

which it is exchanged. Each holder of a temporary bond has all rights and remedies which he would have as a holder of the definitive bonds for which the temporary bond is to be exchanged.

**21-17-414. Resolution authorizing issuance of securities.**

The resolution authorizing the issuance of any securities under this act shall describe the purpose or purposes for which they are issued at least in general terms and may describe any purpose in detail.

**21-17-415. General criteria for securities.**

Except as otherwise provided, securities issued under this act shall be (a) in a form, (b) issued in a manner, at, above or below par, at public or private sale, and (c) issued with recitals, terms, covenants, conditions and other provisions, as may be provided by the board in a resolution authorizing their issuance and in an indenture or other proceedings appertaining thereto.

**21-17-416. Recital in resolution that securities are issued pursuant to W.S. 21-17-402 through 21-17-450; effect of recital.**

A resolution providing for the issuance of bonds or other securities under this act or an indenture or other proceedings appertaining thereto may provide that the securities contain a recital that they are issued pursuant to this act, which recital shall be conclusive evidence of their validity and the regularity of their issuance.

**21-17-417. Conditions which may be imposed by board; interest coupons.**

(a) As the board may determine, bonds and other securities issued under this act except as otherwise provided shall:

(i) Be of a convenient denomination or denominations;

(ii) Be fully negotiable within the meaning of and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through 34.1-8-603;

(iii) Mature at such time or serially at such times in regular numerical order at annual or other designated

intervals in amounts designated and fixed by the board, but not exceeding fifty (50) years from their date;

(iv) Bear interest at fixed or variable rates to be payable at a time or place whether within or without the state as determined by the board. The board may also enter into interest rate exchange agreements to properly manage interest costs with providers with a Standard & Poor's rating of at least "AA" or an equivalent rating from any other nationally recognized rating organization;

(v) Be made payable in lawful money of the United States, at the office of the treasurer of the university or any commercial bank or commercial banks;

(vi) Be printed at such place as the board may determine.

(b) Repealed By Laws 2005, ch. 143, § 2.

**21-17-418. Board and officers to execute securities; endorsement by university treasurer; facsimile signatures.**

(a) Bonds and other securities issued under this act shall be executed in the name of the board, shall be signed by the chairman of the board, shall be attested by the secretary of the board, shall be countersigned by the treasurer of the board and shall be authenticated by the official seal of the board.

(b) The treasurer of the university shall endorse a certificate upon each bond or other security issued under this act that the bond or security is issued pursuant and according to law, does not exceed any lawful debt limit of the board and does not constitute an indebtedness within the meaning of any constitutional or statutory provision or limitation.

(c) Any bonds or other securities, including without limitation any certificates endorsed thereon, may be executed as provided in W.S. 16-2-101 through 16-2-103.

(d) The bonds and other securities, bearing the signatures of the officers in office at the time of the signing thereof, are the valid and binding obligations of the board notwithstanding that before the delivery and payment of the bonds or securities, any or all of the persons whose signatures appear thereon have ceased to fill their respective offices.

(e) Any officer authorized or permitted to sign any bonds or any other securities, at the time of their execution and of a signature certificate appertaining thereto, may adopt as and for his own facsimile signature the facsimile signature of his predecessor in office in the event that the facsimile signature appears upon the bonds and other securities appertaining thereto, or any combination thereof.

**21-17-419. Redemption prior to maturity.**

The board may provide for the redemption of any or all of the bonds or other securities prior to maturity, in such order, by lot or otherwise, at such time or times, without or with the payment of the premium or premiums not exceeding ten percent (10%) of the principal amount of each bond or other security so redeemed, and otherwise upon such terms as may be provided by the board in the resolution authorizing the issuance of the securities or other instrument appertaining thereto.

**21-17-420. Repurchase of securities by board.**

Any bonds or other securities may be repurchased by the board out of any funds available for that purpose at a price of not more than the principal amount thereof and accrued interest, plus the amount of the premium, if any, which might on the next prior redemption date of the securities be paid to the holders thereof if the securities should be called for redemption on such date pursuant to their terms. All securities repurchased shall be cancelled. If the securities may not be called for prior redemption at the board's option within one (1) year from the date of their purchase, they may be repurchased without limitation as to price.

**21-17-421. Use of proceeds from issuance of securities; accrued interest and premiums.**

All monies received from the issuance of any securities under this act shall be used solely for the purpose or purposes for which issued and to defray the cost of the project thereby delineated. Any accrued interest and any premium shall be applied to the cost of the project or to the payment of the interest on or the principal of the securities, or both, or shall be deposited in a reserve therefor, or any combination thereof, as the board may determine.

**21-17-422. Use of surplus proceeds.**

Any unexpended balance of the proceeds of securities remaining after the completion of the acquisition or improvement of properties pertaining to the project or otherwise the completion of the purpose or purposes for which the securities were issued shall be credited immediately to the fund or account created for the payment of the interest on or the principal of the securities, or both principal and interest, and shall be used therefor, subject to the provisions as to the times and methods for their payment as stated in the securities and the proceedings authorizing or otherwise appertaining to their issuance, or so paid into a reserve therefor, or any combination thereof, as the board may determine.

**21-17-423. Securities not affected by validity of project; purchaser not responsible as to application of proceeds.**

(a) The validity of any securities shall not be dependent on nor affected by the validity or regularity of any proceedings relating to a project or the proper completion of any purpose for which the securities are issued.

(b) The purchaser or purchasers of the securities are not responsible for the application of the proceeds of the securities by the board or any officers, agents and employees of the board or the university, or of both.

**21-17-424. Creation of special funds and accounts.**

The board in any resolution authorizing the issuance of bonds or other securities under this act or in any instrument or other proceedings appertaining thereto may create special funds and accounts for the payment of the cost of a project, of operation and maintenance expenses, of the securities, including the accumulation and maintenance of reserves therefor, of improvements, including the accumulation and maintenance of reserves therefor, and of other obligations appertaining to the securities, any project or otherwise in connection with the university.

**21-17-425. Authority of board to employ experts, enter into contracts for services regarding securities.**

(a) The board may employ legal, fiscal, engineering, and other expert services in connection with any project or otherwise appertaining to the university and the authorization, sale and issuance of bonds and other securities under this act.



(b) The board is authorized to enter into any contracts or arrangements not inconsistent with this act with respect to the sale of bonds or other securities hereunder, the employment of bond counsel, and other matters as the board may determine to be necessary or desirable in accomplishing the purposes of this act.

**21-17-426. Investment of pledged revenues.**

(a) The board may cause to be invested and reinvested any pledged revenues and any proceeds of bonds or other securities issued hereunder in any investments authorized under W.S. 9-4-831 and may cause the revenues, proceeds of securities and investments to be deposited, subject to any limitations appertaining thereto in section 7, article 15, Wyoming Constitution, in any trust bank or banks and secured in such manner and subject to such terms and conditions as the board may determine, with or without the payment of any interest on the deposit, including without limitation time deposits evidenced by certificates of deposit.

(b) Any investments under subsection (a) of this section may be sold and the proceeds reinvested or redeposited as provided in this section.

(c) Sales and redemptions of any investments under subsection (a) of this section shall be made in season so that the proceeds may be applied to the purposes for which the money with which the investments were originally acquired was placed in the treasury of the board.

(d) Any gain from any investments or reinvestments under this section may be credited to any fund or account pledged for the payment of any securities issued under this act, including any reserve therefor, or any other fund or account appertaining to a project or otherwise appertaining to the university.

(e) Any commercial bank incorporated under the laws of this state which may act as depository of the proceeds of any securities issued hereunder, any investments under subsection (a) of this section owned by the board, any pledged revenues, and any monies otherwise appertaining to the university may furnish such indemnifying bonds or to pledge such investments or such other securities as may be required by the board.

**21-17-427. Covenants in resolution limiting powers to secure payment.**

(a) Any resolution providing for the issuance of any bonds or other securities under this act payable from pledged revenues and any indenture or other instrument or proceedings appertaining thereto may contain covenants or other provisions which may limit the exercise of powers conferred under this act, in order to secure the payment of the securities in agreement with the holders of the securities, including without limitation covenants or other provisions as to any of the following:

(i) The pledged revenues to be fixed, charged or levied and the collection, use and disposition thereof, including but not limited to the foreclosure of liens for delinquents, the discontinuance of services, facilities or use of any properties or facilities, prohibition against free service, the collection of penalties and collection costs, and the use and disposition of any monies of the board, derived or to be derived, from any source herein designated;

(ii) The acquisition, improvement or equipment of all or any part of properties pertaining to any project or any facilities;

(iii) The creation and maintenance of reserves or sinking funds to secure the payment of the principal of and interest on any securities or of operation and maintenance expenses of any facilities, or part thereof, and the source, custody, security, regulation, use and disposition of any reserves or funds, including but not limited to the powers and duties of any trustee with regard thereto;

(iv) A fair and reasonable payment by the board from available monies to the account of any designated facilities for services rendered thereby to the board or university;

(v) The payment of the cost of any project by delineating the purpose or purposes to which the proceeds of the sale of securities may be applied, and the custody, security, use, expenditure, application and disposition thereof;

(vi) The application of any accrued interest and any premium from the sale of any bonds or other securities hereunder to the cost of a project, to any bond fund or other fund or account for the payment of interest on or the principal of the bonds or other securities, or both interest and principal, or to any reserve fund or account therefor, or any combination thereof;

(vii) The registration of the bonds or other securities for payment as to principal and interest;

(viii) The endorsement of payments of interest on the bonds or other securities;

(ix) The endorsement of payments of principal on the bonds or other securities;

(x) The initial issuance of one (1) or more bonds or other securities in book-entry form aggregating the amount of the entire issue or any portion thereof, and the endorsement of payments of interest or principal, or both interest and principal, on the securities;

(xi) The manner and circumstances in and under which any such bond or other securities may in the future, at the request of the holder thereof, be converted into bonds or other securities of smaller denominations;

(xii) The reissuance of any outstanding bond or other securities, and the terms and conditions thereof, whether lost, apparently destroyed, wrongfully taken, or for any other reason, as provided in the Uniform Commercial Code, W.S. 34.1-8-101 through 34.1-8-603, or otherwise;

(xiii) The temporary investment and any reinvestment of proceeds of bonds or other securities or pledged revenues in investments under W.S. 21-17-426;

(xiv) The deposit of monies or investments under W.S. 21-17-426 with and securing their repayment by a commercial bank or banks;

(xv) The pledge of and the creation of a lien upon pledged revenues or the proceeds of bonds or other securities pending their application to defray the cost of any project, or both such revenues and proceeds of securities, to secure the payment of bonds or other securities, issued under this act;

(xvi) The payment of the principal of and interest on any securities, and the sources and methods thereof, the rank or priority of any securities as to any lien or security for payment, or the acceleration of any maturity of any securities, or the issuance of other or additional securities payable from or constituting a charge against or lien upon any pledged

revenues or other monies pledged for the payment of securities and the creation of future liens and encumbrances there against;

(xvii) The use, regulation, inspection, management, operation, maintenance or disposition, or any limitation or regulation of the use, of all or any part of the facilities or any property of the board or university and the making and enforcement of reasonable parietal rules that shall insure the use of the facilities by all students in attendance at the university who reside on the campus of the university, or otherwise, to the maximum extent to which the facilities are capable of serving the students;

(xviii) The determination or definition of pledged revenues from any facilities or of operation and maintenance expenses of facilities, the use and disposition of the revenues and the manner of and limitations upon paying expenses;

(xix) The creation of special funds and accounts appertaining to any pledged revenues or to the bonds or other securities issued under this act;

(xx) The insurance to be carried by the board or any other person in interest and use and disposition of insurance monies, the acquisition of completion, performance, surety and fidelity bonds appertaining to any project or funds, or both, and the use and disposition of any proceeds of the bonds;

(xxi) Books of account, the inspection and audit thereof, and other records appertaining to any project, facilities or pledged revenues;

(xxii) The assumption or payment or discharge of any obligation, lien or other claim relating to any part of any project, any facilities, or any securities having or which may have a lien on any part of any pledged revenues or other monies of the board or university;

(xxiii) Limitations on the powers of the board to acquire or operate, or permit the acquisition or operation of, any structures, facilities or properties which may compete or tend to compete with any facilities;

(xxiv) The vesting in a corporate or other trustee or trustees such property, rights, powers and duties in trust as the board may determine which may include any or all of the rights, powers and duties of the trustee appointed by the

holders of securities, and limiting or abrogating the right of the holders to appoint a trustee, or limiting the rights, duties and powers of the trustee;

(xxv) The payment of costs or expenses incident to the enforcement of the securities or of the provisions of the resolution or of any covenant or contract with the holders of the securities;

(xxvi) Events of default, rights and liabilities arising therefrom, and the rights, liabilities, powers and duties arising upon the breach by the board of any covenants, conditions or obligations;

(xxvii) The terms and conditions upon which the holders of the securities or any portion, percentage or amount of them may enforce any covenants or provisions made under this act or duties imposed thereby;

(xxviii) The terms and conditions upon which the holders of the securities or of a specified portion, percentage or amount thereof, or any trustee therefor, are entitled to the appointment of a receiver, which receiver may enter and take possession of any facilities or service, operate and maintain the same, prescribe fees, rates and charges, and collect, receive and apply all revenues thereafter arising therefrom in the same manner as the board itself might do;

(xxix) A procedure by which the terms of any resolution authorizing securities, or any other contract with any holders of securities, including but not limited to an indenture of trust or similar instrument, may be amended or abrogated, and as to the amount of securities the holders of which must consent thereto, and the manner in which consent may be given;

(xxx) The terms and conditions upon which any or all of the securities shall become or may be declared due before maturity and as to the terms and conditions upon which the declaration and its consequences may be waived; and

(xxxi) All acts and things as may be necessary or convenient or desirable in order to secure the securities, or in the discretion of the board tend to make the securities more marketable, notwithstanding that the covenant, act or thing may not be enumerated in this section, it being the intention hereof to give the board power to do all things in the issuance of the

board's securities and for their security except as expressly limited by this act.

**21-17-428. Lien against pledged revenue.**

(a) Revenues pledged for the payment of any securities, as received by or otherwise credited to the board, are immediately subject to the lien of each pledge without any physical delivery thereof, any filing, or further act.

(b) The lien of each pledge and the obligation to perform the contractual provisions made in the authorizing resolution or other instrument appertaining thereto is prior to any other obligations and liabilities of the board except as may be otherwise provided in this act or in the resolution or other instrument, and subject to any prior pledges and liens theretofore created.

(c) The lien of each pledge is valid and binding as against all persons having claims of any kind in tort, contract or otherwise against the board or university irrespective of whether the persons have notice thereof.

**21-17-429. Rights and powers of securities holders.**

(a) Subject to any contractual limitations binding upon the holders of any issue or series of securities, or trustee therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion, percentage or number of holders, and subject to any prior or superior rights of others, any holder of securities, or trustee therefor, shall have the right and power, for the equal benefit and protection of all holders of securities similarly situated:

(i) By mandamus or other suit, action or proceeding at law or in equity to enforce his rights against and to require or compel the board or university, or both, the president of the university, and any other of the officers, agents and employees of the board or university, or both, to perform and carry out their respective duties, obligations or other commitments under this act and their respective covenants and agreements with the holder of any security;

(ii) By action or suit in equity to require the board or university, or both, to account as if they were the trustee of an express trust;

(iii) By action or suit in equity to have appointed a receiver who may enter and take possession of any facilities and any pledged revenues for the payment of the securities, prescribe sufficient fees derived from the facilities, and collect, receive and apply all pledged revenues or other monies pledged for the payment of the securities in the same manner as the board itself might do in accordance with the obligations of the board; and

(iv) By action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of the holder of any securities and to bring suit thereupon.

#### **21-17-430. Receivership.**

(a) If a resolution of the board authorizing or providing for the issuance of any securities of any series or any other proceedings appertaining thereto contains a provision authorized by W.S. 21-17-427(a)(xxviii) and provides in substance that any trustee appointed pursuant to the subsection has the powers provided by that subsection, then the trustee, whether or not all of the bonds or other securities of series have been declared due and payable, is entitled as of right to the appointment of a receiver of the facilities appertaining thereto.

(b) Any receiver appointed as permitted by W.S. 21-17-427(a)(xxviii) may enter upon and take possession of the facilities and property appertaining thereto, and, subject to any pledge or contract with the holders of the securities, shall take possession of all monies and other property derived from or applicable to the acquisition, operation, maintenance or improvement of the facilities and proceed with the acquisition, operation, maintenance or improvement which the board is under any obligation to do, and operate, maintain, equip and improve the facilities, and, fix, charge, collect, enforce and receive the service charges and all revenues thereafter arising subject to any pledge thereof or contract with the holders of the securities relating thereto and perform the public duties and carry out the contracts and obligations of the board in the same manner as the board itself might do and under the direction of the court.

#### **21-17-431. Rights of holder cumulative and nonexclusive.**

No right or remedy conferred upon any holder of any securities or any trustee for the holder or by any proceedings appertaining

to the issuance of the securities is exclusive of any right or remedy but each right or remedy is cumulative and in addition to every other right or remedy and may be exercised without exhausting and without regard to any other remedy.

**21-17-432. Omission by security holder not to relieve board or university of obligation.**

The failure of any holder of any securities to proceed as provided by this act shall not relieve the board or the university, or any of their officers, agents and employees of any liability for failure to perform or carry out any duty, obligation or other commitment.

**21-17-433. Interim debentures; maturity; use of proceeds; funding of notes or warrants with proceeds.**

(a) Any interim debentures may mature at such time or times not exceeding a period of time equal to the estimated time needed to effect the purpose or purposes for which they are issued or for which the bonds are authorized to be issued, but not exceeding three (3) years from the date of the interim debentures, as the board may determine.

(b) The proceeds of interim debentures shall be used to defray the cost of the project appertaining thereto.

(c) Any notes or warrants may be funded with the proceeds of interim debentures as well as with the proceeds of bonds.

**21-17-434. Interim debentures; pledges for security.**

(a) Pledged revenues and other monies, including without limitation proceeds of bonds to be issued or reissued after the issuance of interim debentures, and bonds issued for the purpose of securing the payment of interim debentures, may be pledged for the purpose of securing the payment of interim debentures.

(b) Any bonds pledged as collateral security for the payment of any interim debentures shall mature at such time or times as the board may determine, but in no event exceeding fifty (50) years from the dates of the bonds and interim debentures, or if the dates are not the same, from whichever date is the earlier.

(c) Any bonds pledged as collateral security shall not be issued in an aggregate principal amount exceeding the aggregate



principal amount of the interim debenture or interim debentures secured by a pledge of the bonds.

**21-17-435. Interim debentures; limit as to extension or funding.**

No interim debentures issued pursuant to the provisions hereof shall be extended or funded except by the issuance or reissuance of a bond or bonds in compliance herewith.

**21-17-436. Interim debentures; bonds for funding.**

(a) For the purpose of funding any interim debentures, any bonds pledged as collateral security to secure the payment of interim debentures, upon their surrender as pledged property, may be reissued, and any bonds not previously issued but authorized to be issued by any law for a purpose or purposes the same as or encompassing the purpose or purposes for which the interim debentures were issued, may be issued for such a funding.

(b) Any bonds shall mature at such time or times as the board may determine, but in no event exceeding fifty (50) years from the dates of the interim debentures so funded and the bonds so pledged as collateral security, or if the dates are not the same, from whichever date is the earlier.

(c) Bonds for funding and bonds for any other purpose or purposes may be issued separately or issued in combination in one (1) or more series.

(d) Except as herein otherwise provided in W.S. 21-17-433 through 21-17-436, any funding bonds shall be issued as is provided by this act for other bonds.

**21-17-437. Refunding and refunding bonds; authority to refund bonds; limitation on refunding; exchange or surrender of bonds held by state for purposes of refunding.**

(a) Any bonds of the board or university payable from any pledged revenues may be refunded by the adoption of a resolution or resolutions by the board and by any trust indenture or other proceedings appertaining thereto, authorizing the issuance of bonds:

(i) To refund, pay, and discharge all or any part of the outstanding bonds of any one (1) or more or all outstanding

issues, including any interest thereon in arrears, or about to become due for any period not exceeding three (3) years from the date of the refunding bonds;

(ii) For the purpose of reducing interest costs or effecting other economies;

(iii) For the purpose of modifying or eliminating restrictive contractual limitations appertaining to the issuance of additional bonds, otherwise concerning the outstanding bonds, or to any facilities appertaining thereto; or

(iv) For any combination thereof.

(b) The board may not call bonds now or hereafter outstanding for prior redemption in order to refund the bonds or in order to pay them prior to their stated maturities, unless the right to call the bonds for prior redemption was specifically reserved and stated in the bonds at the time of their issuance, and all conditions with respect to the manner, price and time applicable to the prior redemption as set forth in the proceedings authorizing the outstanding bonds are strictly observed. No holder of an outstanding bond may be compelled to surrender the bond for refunding prior to its stated maturity or optional date of prior redemption expressly reserved therein even though the refunding might result in financial benefit to the board or university.

(c) Notwithstanding the provisions of subsection (b) of this section or of any other law, this state, acting by and through the governor with the approval of the state treasurer and the attorney general, may agree with the board to exchange any outstanding bonds of the board and held by the state, or any agency, corporation, department or other instrumentality of the state, for refunding bonds of the board, or otherwise to surrender the outstanding bonds to the board for refunding at such price and time and otherwise upon such conditions and other terms and in such manner as may be mutually agreeable at any time prior to their respective maturities or to any date as of which the board has the right and option to call the outstanding bonds for prior redemption as expressly provided in the outstanding bonds and any resolution, trust indenture or other proceedings authorizing their issuance.

**21-17-438. Refunding and refunding bonds; exchange generally; sale; exchange for escrow investment.**

(a) Any bonds issued for refunding purposes may either be delivered in exchange for the outstanding bonds being refunded or may be publicly or privately sold.

(b) The refunding bonds, or any part thereof, may be exchanged by the board for investments under W.S. 21-17-426 which have been made available for escrow investment by any purchaser of refunding bonds, upon terms of exchange mutually agreed upon, and any such investments so received by the board shall be placed in escrow as provided by W.S. 21-17-440 and 21-17-441.

**21-17-439. Refunding and refunding bonds; conditions under which bonds may be refunded.**

(a) No bonds may be refunded hereunder unless they have been outstanding for at least one (1) year from the date of their delivery and unless the holders thereof voluntarily surrender them for exchange or payment.

(b) Repealed By Laws 2005, ch. 143, § 2.

(c) The principal amount of the refunding bonds may exceed the principal amount of the refunded bonds if the aggregate principal and interest costs of the refunding bonds do not exceed the unaccrued costs of the bonds refunded, except to the extent any interest on the bonds refunded in arrears or about to become due is capitalized with the proceeds of the refunding bonds. Principal may also then be increased to that extent.

(d) The principal amount of the refunding bonds may also be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for their payment.

**21-17-440. Refunding and refunding bonds; disposition of proceeds; payment of costs; application of accrued interest and premiums.**

(a) Except as otherwise provided, the proceeds of refunding bonds shall either be immediately applied to the retirement of the bonds to be refunded or be placed in escrow or trust in any trust bank or trust banks to be applied to the payment of the refunded bonds or the refunding bonds, or both, upon their presentation therefor to the extent, in such priority and otherwise in the manner which the board may determine.

(b) The incidental costs of the refunding of bonds may be paid by the purchaser of the refunding bonds or be defrayed from other available revenues of the board or from the proceeds of the refunding bonds, or from the interest or other yield derived from the investment of any refunding bond proceeds or other monies in escrow or trust, or from any other sources legally available therefor, or any combination thereof, as the board may determine.

(c) Any accrued interest and any premium appertaining to a sale of refunding bonds may be applied to the payment of the interest thereon or the principal thereof, or to both interest and principal, or may be deposited in a reserve therefor, or may be used to refund bonds by deposit in escrow, trust or otherwise, or may be used to defray any incidental costs appertaining to the refunding, or any combination thereof, as the board may determine.

**21-17-441. Refunding and refunding bonds; funds in escrow and trust.**

(a) Any escrow or trust shall not necessarily be limited to proceeds of refunding bonds but may include other monies available for its purpose.

(b) Any proceeds in escrow or trust, pending such use, may be invested or reinvested in investments under W.S. 21-17-426.

(c) Subject to any limitations appertaining thereto in section 7, article 15, Wyoming Constitution, any trust bank accounting for investments under W.S. 21-17-426 in escrow or trust may place them for safekeeping wholly or in part in any trust bank or trust banks.

(d) Subject to any limitations appertaining thereto in section 7, article 15, Wyoming Constitution, any trust bank shall continuously secure any monies placed in escrow or trust and not so invested or reinvested in investments under W.S. 21-17-426 by a pledge in any trust bank or trust banks of federal securities in an amount at all times at least equal to the total uninvested amount of the monies accounted for in escrow or trust.

(e) Proceeds and investments in escrow or trust, together with any interest or other gain to be derived from any investment, shall be in an amount at all times at least sufficient to pay principal, interest, any prior redemption

premiums due, and any charges of the escrow agent or trustee and any other incidental expenses payable therefrom, except to the extent other provisions were made, as the obligations become due at their respective maturities or due at designated prior redemption date or dates in connection with which the board shall have exercised or shall be obligated to exercise a prior redemption option.

(f) The computations made in determining the sufficiency shall be verified by a certified public accountant certificated to practice in this state or in any other state.

(g) Any purchaser of any refunding bond issued under this act shall in no manner be responsible for the application of the proceeds thereof by the board or the university or any of their respective officers, agents, or employees.

**21-17-442. Refunding and refunding bonds; payment from pledged revenues.**

Refunding bonds may be made payable from any pledged revenues which might be legally pledged for the payment of bonds being refunded at the time of the refunding or at the time of the issuance of the bonds being refunded, as the board may determine, notwithstanding the revenue sources or the pledge of the revenues for the payment of the outstanding bonds being refunded is hereby modified.

**21-17-443. Refunding and refunding bonds; issuance of refunding or other bonds.**

Bonds for refunding and bonds for any other purpose or purposes authorized by any other law may be issued separately or issued in combination in one (1) or more series by the board.

**21-17-444. Refunding and refunding bonds; general provisions as to bonds applicable.**

Except as provided in W.S. 21-17-437 through 21-17-443, the relevant provisions elsewhere in this act appertaining generally to the issuance of bonds to defray the cost of any project shall be equally applicable in the authorization and issuance of refunding bonds, including their terms and security, the covenants and other provisions of the resolution authorizing the issuance of the bonds, or other instrument or proceedings appertaining thereto, and other aspects of the bonds.

**21-17-445. Determination of board final; exceptions.**

The determination of the board that the limitations imposed upon the issuance of refunding bonds or upon the issuance of other securities under this act have been met is conclusive in the absence of fraud or arbitrary and gross abuse of discretion regardless of whether the authorizing resolution or the securities thereby authorized contain a recital as authorized by W.S. 21-17-416.

**21-17-446. Securities exempt from state taxation.**

Bonds and other securities issued under this act, their transfer, and the income therefrom, shall forever be and remain free and exempt from taxation by this state or any subdivision thereof.

**21-17-447. Investment of state funds in securities authorized by W.S. 21-17-402 through 21-17-450.**

The state treasurer, with the approval of the governor and the attorney general of the state, on its behalf and in its name, may invest any permanent state funds or other state funds available for investment in any of the bonds or other securities authorized to be issued pursuant to this act.

**21-17-448. Securities authorized are legal investments for financial institutions.**

(a) Any bank, trust company, banker, savings bank, or institution, any building and loan association, savings and loan association, investment company and any other person carrying on a banking or investment business, any insurance company, insurance association, or any other person carrying on an insurance business, and any executor, administrator, curator, trustee or any other fiduciary, may invest funds or monies in their custody in any of the bonds or other securities issued under this act.

(b) Nothing contained in this section with regard to legal investments relieves any representative of any corporation or other person of any duty of exercising reasonable care in selecting securities.

**21-17-449. Scope and general construction of W.S. 21-17-402 through 21-17-450.**

(a) This act constitutes full authority for the exercise of the incidental powers herein granted concerning the borrowing of money to defray wholly or in part the cost of any project authorized by the legislature appertaining to the university, or to refinance outstanding loans, or both, and the issuance of bonds or other securities to evidence loans or other obligations or to fund or refund outstanding securities, or any combination thereof, as the board may determine.

(b) No other act or law with regard to the authorization or issuance of securities or the exercise of any other power herein granted that requires an approval, or in any way impedes or restricts the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken under or acts done pursuant to this act, except as herein otherwise provided.

(c) The powers conferred by this act shall be in addition and supplemental to, and not in substitution for, and the limitations imposed by this act shall not affect the powers conferred by, any other law.

(d) Nothing contained in this act shall be construed as preventing the exercise of any power granted to the board or to the university acting by and through the board, or any officer, agent or employee thereof, by any other law.

(e) No part of this act repeals or affects any other law or part thereof, it being intended that this act shall provide a separate method of accomplishing its objectives and not an exclusive one.

#### **21-17-450. Liberal construction.**

This act being necessary to secure the public health, safety, convenience and welfare, shall be liberally construed to effect its purposes.

#### **21-17-451. Contingent authorization for the university to acquire the national center for atmospheric research supercomputer center facility.**

(a) Subject to the terms and conditions of this section, the University of Wyoming board of trustees is authorized to acquire the facility housing the national center for atmospheric research supercomputer center constructed and operated in accordance with the memorandum of understanding and final

contract entered into pursuant to 2007 Wyoming Session Laws, Chapter 136, Section 336. The acquisition may be made by:

(i) Pursuant to subsection (b) of this section notwithstanding W.S. 21-17-408(b), pledging and, as required, using federal mineral royalties distributed to the university pursuant to W.S. 9-4-601(a)(iv) to fund the principal amount and accrued interest remaining to be paid on industrial development revenue bonds issued by Laramie County, Wyoming, and purchased by the state treasurer to fund the construction of the center facility; or

(ii) Pursuant to subsection (c) of this section, the issuance of revenue bonds under the University Securities Law, W.S. 21-17-402 through 21-17-450.

(b) Any action taken by the board pursuant to paragraph (a)(i) or (ii) of this section shall be subject to the following terms and conditions:

(i) All final agreements have been executed for construction and operation of the center as required in 2007 Wyoming Session Laws, Chapter 136, Section 336(d);

(ii) The final agreements in paragraph (i) of this subsection include binding provisions as follows:

(A) If the national science foundation ceases to fund the center on or after July 1, 2019, the national center for atmospheric research shall provide written notice to the University of Wyoming at least one (1) year in advance of the date upon which funding will cease;

(B) If the national science foundation ceases to fund the center as provided in subparagraph (A) of this paragraph, the university consortium for atmospheric research, which is the parent organization for the national center for atmospheric research, shall transfer ownership of all its interest in the center to the University of Wyoming so that the university holds one hundred percent (100%) ownership interest in the center facility.

(c) If the national science foundation ceases to fund the center as provided in subparagraph (b)(ii)(A) of this section, to the extent the board of trustees determines that the issuance of revenue bonds under the University Securities Law may more economically or otherwise better accomplish the purposes of this



section, and no other source of revenue other than the pledge under paragraph (a)(i) of this section has been committed to meet the repayment obligations required by the industrial development revenue bonds, the board may issue its revenue bonds to repay the industrial development revenue bonds if the state treasurer still owns them.

(d) The university shall report any notification from the national center for atmospheric research under subparagraph (b)(ii)(A) of this section to the governor, state treasurer, joint appropriations interim committee and joint minerals, business and economic development interim committee of the legislature.

## CHAPTER 18 - COMMUNITY COLLEGES

### ARTICLE 1 - GENERALLY

#### **21-18-101. Short title.**

This act shall be known and may be cited as the "Wyoming Community College System Code."

#### **21-18-102. Definitions.**

(a) As used in this act:

(i) "Academic program" means those programs approved by the commission which provide credits:

(A) Resulting in a two (2) year associate degree;

(B) Resulting in an applied baccalaureate degree;

(C) Resulting in a credit bearing credential such as a certificate; or

(D) Which may be transferred to an accredited four (4) year college or university.

(ii) "Administrative computing," means hardware and software components that support data processing activities for daily business operations and provide support for management information systems. Administrative computing shall be distinct

from academic computing operations that support instructional programs;

(iii) "Assessed value" means the total assessed value of any community college district;

(iv) "Biennial funding report" means the current funds estimated by each college to be expended in a biennial period. For purposes of this paragraph, "current funds" shall be as defined by the national association of college and university business officers;

(v) "College system" means the community colleges and the community college commission established pursuant to this act;

(vi) "Commission" means the community college commission of Wyoming;

(vii) "Community college" means an institution established under this act;

(viii) "Community college district" means a body corporate established by statute as a subdivision of a county or counties that establishes or maintains a community college;

(ix) "Community service programs" means all programs, class activities and services sponsored by a college which are not for credit or part of an academic, vocational-technical or continuing education program;

(x) "Continuing education programs" means those programs, class activities and services sponsored by a college which provide job skills necessary to remain in or advance as a member of the work force which do not result in degrees or certificates;

(xi) "Coordination" means to facilitate collaborative interaction among state government, the boards of the individual community colleges, the community college commission and other entities;

(xii) "Full-time equivalency" means the number of approved academic or vocational-technical credit hours for each class for which students are enrolled divided by twelve (12). In calculating full-time equivalency, the census date of student enrollment as audited by the commission shall be used;

(xiii) "Governing board" or "board" means the community college district board;

(xiv) "School district" means any school district established pursuant to the laws of this state excluding community colleges and community college districts;

(xv) "Vocational-technical programs" means those programs approved by the commission which provide job skills necessary to enter, remain in or advance as a member of the work force and result in degrees or certificates;

(xvi) "Annual weighted average enrollment" means the total of three (3) consecutive academic years' full-time weighted equivalency enrollment in which the most recent academic year is multiplied by one-half (.5) and the immediately preceding two (2) academic years are multiplied by one-quarter (.25);

(xvii) "Distance education class" means a class in which the instructor and a majority of students are physically separated by time or space, and a communications source other than face to face in class instruction is used to provide synchronous or asynchronous instruction. A class which qualifies as a distance education class shall be considered a level one, level two or level three class as determined by the content of the course;

(xviii) "Full-time weighted equivalency enrollment" means full-time equivalency with credit hours for each class assigned a weighting system as follows:

(A) Repealed by Laws 2023, ch. 2, § 2.

(B) Each level one class credit hour shall be multiplied by one (1);

(C) Each level two class credit hour shall be multiplied by one and one-quarter (1.25);

(D) Each level three class credit hour shall be multiplied by one and one-half (1.5).

(xix) "Level one class" means a class guided by an instructor through course material via classroom lecture, limited field trips, multimedia, text book reading, written

assignments and one-on-one tutorial wherein students rely on the instructor to lead the class and assign appropriate homework and tests based on class lecture;

(xx) "Level two class" means a class taught in a laboratory setting, supplemented but not solely based on lecture, textbook reading, field trips, writing assignments and the use of multimedia;

(xxi) "Level three class" means a class that is highly technical and requires significant ancillary equipment. Level three classes incorporate all methods of instruction with the primary emphasis of instruction centering on equipment and hands-on experiences;

(xxii) "Standard budget base amount" means a base budget amount of one hundred ninety-four million seven hundred two thousand one hundred thirty-one dollars (\$194,702,131.00) adjusted by all increases and decreases enacted pursuant to W.S. 21-18-203(e);

(xxiii) "This act" means W.S. 21-18-101 through 21-18-409.

**21-18-103. Transfer of property from existing to newly established community college district; indebtedness and obligations to pass to new college district.**

Whenever a community college district is established and created and includes territory comprising a community college district already supporting and operating a community college, the board of trustees of the existing community college district shall immediately, by proper conveyance, transfer unto the new community college district all of the assets, both real and personal, used in the operation of, or in any manner connected with, the former college. The property shall become the property of the new college district and any and all indebtedness or obligations, in any manner created, in relation to the property so transferred shall automatically, by operation of law, become the indebtedness or obligations of the new college district as if originally created by action of the new college district.

**21-18-104. Small business development centers.**

The small business development centers shall be operated by the University of Wyoming. The university shall specify the

organizational structure of the network of centers in consultation with the Wyoming business council created by W.S. 9-12-103. The university shall integrate the operations of the centers with the Wyoming business council to the fullest extent permitted by federal law.

**21-18-105. Budget authority.**

(a) The community college commission shall include in its budget request funding for Wyoming public television.

(i) Repealed by Laws 1995, ch. 20, § 2.

(ii) Repealed by Laws 1995, ch. 20, § 2.

(iii) Repealed By Laws 2000, Ch. 33, § 2.

(iv) Repealed By Laws 1997, ch. 178, § 2.

(b) The central Wyoming community college district board shall oversee the operations of Wyoming public television. The board shall assist Wyoming public television to provide educational, cultural and informational programming to the residents of this state.

(c) In addition to subsection (a) of this section, the community college commission shall administer and shall include in its budget request funding for the following programs:

(i) Adult basic education program; and

(ii) High school equivalency certification program.

ARTICLE 2 - COMMUNITY COLLEGE COMMISSION

**21-18-201. Community college commission; created; composition; removal.**

(a) The Wyoming community college commission is created.

(b) The commission consists of seven (7) appointed members:

(i) Repealed By Laws 2000, Ch. 73, § 3.

(ii) No less than three (3) nor more than four (4) appointed members shall be from counties in which a community college district is located;

(iii) No more than seventy-five percent (75%) of the members shall be from the same political party.

(c) The governor and the state superintendent of public instruction are ex officio nonvoting members of the commission.

(d) Appointments to the commission shall be made by the governor with the advice and consent of the senate. Vacancies shall be filled by the governor as provided by W.S. 28-12-101. Commission members shall not be employees or trustees of a community college district. All terms of appointment shall be for four (4) years except appointments to fill unexpired terms. No person shall be appointed for more than two (2) full four (4) year terms plus any portion of a term served while filling a vacancy. The governor may remove any commission member as provided in W.S. 9-1-202.

(e) A chairman and officers of the commission shall be elected biennially by the commission from its members.

(f) The members of the commission shall be paid per diem and travel expenses while attending commission meetings at the same rate allowed members of the legislature. The commission shall meet at least four (4) times each fiscal year.

(g) Any commissioner who does not attend at least fifty percent (50%) of scheduled commission meetings during any year commencing from the date of appointment is automatically removed from office. The director of the commission shall certify the name of any commissioner who has not attended at least fifty percent (50%) of scheduled meetings during each appointment year to the governor who shall appoint a successor to fill the vacancy within two (2) weeks from the date of certification.

#### **21-18-202. Powers and duties of the commission.**

(a) The commission shall perform the following general functions:

(i) Advocate community college education to the office of the governor, the legislature, the University of Wyoming, public education agencies, the business sector and other appropriate entities;

(ii) Establish tuition rates for the community colleges;

(iii) Establish residency requirements, which shall include provisions for military veterans, eligible individuals and covered individuals as described in 38 U.S.C. 3679(c)(2) consistent with the requirements of W.S. 21-17-105(e). The commission shall provide that students receiving a Hathaway expand Wyoming scholarship in any amount shall qualify for resident tuition each semester the student receives the scholarship;

(iv) Maintain an administrative computing system contract and Internet or similar proprietary or common carrier electronic system access for members of the system;

(v) Develop and maintain a statewide college system strategic plan for the delivery of educational programs in Wyoming by each college pursuant to subsection (h) of this section;

(vi) In cooperation with the community colleges and the University of Wyoming, develop and maintain a common transcript and transfer process system that uses common course numbering for all undergraduate courses provided at the community colleges and the University of Wyoming. The development and ongoing maintenance of the statewide course numbering system, including determining course equivalencies, shall be accomplished with the assistance of appropriate committees that shall include faculty members and staff of the community colleges and the University of Wyoming. The system shall:

(A) Facilitate program planning and the transfer of students and course credits between the community colleges and the University of Wyoming;

(B) Offer functionality to transmit transcript information between the community colleges and the University of Wyoming;

(C) Extend to the community college commission, the Wyoming department of education, the department of workforce services and the University of Wyoming a statewide longitudinal education data system, which shall serve as a statewide exchange

for management and analytical reporting in support of education and workforce outcomes;

(D) Use a common transcript and transfer process vendor;

(E) Use electronic course catalog software to ensure a consistent experience for students between the community colleges and the University of Wyoming. Each community college and the University of Wyoming may use different course catalog software. The software shall provide a search function for educational programs;

(F) Use course transfer software to support both in-state and out-of-state transfer students. The software shall be common across each community college and the University of Wyoming and shall provide a common database that provides identification and reconciliation of differences in curricula elements of courses with the same course number;

(G) Use curriculum process management software to facilitate and ensure consistency in curricula development and streamline the transfer process between a Wyoming community college and the University of Wyoming;

(H) Result in internal college or university planning and student program planning with required automated transfer among the community colleges and the University of Wyoming. The automated transfer shall allow automatic transcription of course credits among the community colleges and the University of Wyoming for those credits earned through the common course catalog system and within programs with articulation agreements between the community colleges and the University of Wyoming.

(b) The commission shall perform the following coordination functions. In performing these coordination functions all affected colleges and the commission shall be involved:

(i) Coordinate the submission of data to the integrated postsecondary education data systems;

(ii) Coordinate and maintain the common course numbering system;

(iii) Repealed By Laws 2003, Ch. 202, § 2.



(iv) Coordinate academic and vocational-technical programs offered by any community college in another community college service area when a physical presence will be established;

(v) Coordinate the provision by means of electronic internet or similar proprietary or common carrier electronic system technology, by a community college or several community colleges, the general education courses necessary for completion of an educational program in the field of nursing at a community college or a baccalaureate degree program in nursing at the University of Wyoming;

(vi) In addition to paragraph (iv) of this subsection and for any program requested by the board of county commissioners representing a community within the existing service area of any community college and that college has determined not to provide the requested program within the community, coordinate a response to the requesting board. Any community college shall refer the requested community program to the commission if it cannot provide the requested program. Upon referral, the commission shall provide a response under this paragraph;

(vii) Repealed by Laws 2009, Ch. 211, § 3.

(c) The commission shall perform the following administrative functions:

(i) Create and maintain a funding allocation model by rule;

(ii) In accordance with W.S. 21-18-203(a), prepare budget requests for the operation and support of the colleges and the commission, and pursuant to W.S. 21-18-225, prepare budget requests for capital construction and major maintenance;

(iii) Disburse to the colleges state funds in accordance with W.S. 9-4-601(b)(iv)(A) and 21-18-205 and other funds under commission auspices;

(iv) Administer those functions explicitly assigned to the commission by statute;

(v) Appoint a director who shall perform duties as prescribed by the commission. In addition to duties assigned

under this act, the director shall serve as an ex officio member of the University of Wyoming board of trustees and the state board of education. The director shall receive an annual salary as determined by the commission and approved by the governor. The director shall hire staff as required to carry out this act and as approved by the commission. Subject to legislative budget authorization staff salaries shall be established by the director with the approval of the commission;

(vi) Establish and promote accomplishment of statewide priorities for the college system in consultation with the colleges;

(vii) Subject to appropriation by the legislature, the commission shall fully fund a teaching faculty position whenever a community college commits to expanding its college-funded nursing program capacity by eight (8) students. A community college shall be eligible to apply for the funding under this paragraph only if enrollment in the nursing program of the applicant institution was not less than ninety-five percent (95%) of the total college-funded nursing program capacity at the beginning of the most recent fall academic semester. Funding provided under this paragraph for the specific purpose of expanding a nursing program capacity shall be reduced by an amount equal to that provided to fund one (1) teaching faculty position for every reduction of eight (8) full-time equivalent students in the college-funded nursing program, as determined by comparing the beginning enrollments of the two (2) most recent fall academic semesters. Funding reductions shall not exceed the total amount of funding provided to a community college under this paragraph. Any appropriation made for purposes of this paragraph shall, in accordance with W.S. 21-18-205(e), be accounted for and distributed separately from the funding allocation model for community colleges;

(viii) Following public hearing, review and modify or maintain community college service areas provided all counties to be annexed to a college service area are contiguous to that service area. Determinations made under this paragraph shall be subject to review in accordance with the Wyoming Administrative Procedure Act;

(ix) Administer the state authorization reciprocity agreement and admit authorized post secondary institutions to participate under the agreement in accordance with W.S. 21-18-226.

(d) The commission shall perform the following approval functions:

(i) Approve all new academic programs, including applied baccalaureate degree programs, qualifying for state funding pursuant to the statewide community college strategic plan developed under subsection (h) of this section;

(ii) Review existing programs, determine the most effective and efficient delivery of programs qualifying for state funding pursuant to the statewide community college system strategic plan and terminate state funding for those programs which are inconsistent with the statewide community college system strategic plan;

(iii) Approve enlargement and formation of community college districts in accordance with W.S. 21-18-310 and 21-18-312;

(iv) Approve the format of community college budgets as provided in W.S. 16-4-104;

(v) Approve all new capital construction projects in excess of two hundred fifty thousand dollars (\$250,000.00) for which state funds are or could be eventually applied. "New capital construction projects" include:

(A) New construction, renovation and capital renewal in excess of two hundred fifty thousand dollars (\$250,000.00) market value which is not necessary maintenance or repair;

(B) The acquisition of real property in excess of two hundred fifty thousand dollars (\$250,000.00) market value whether by purchase or exchange; and

(C) Previously approved and uncompleted new capital construction projects which have increased in total cost by ten percent (10%) or more since cost estimates were developed at the time of initial project approval under this paragraph and W.S. 21-18-205(g).

(e) The commission shall perform the following review and report functions:

(i) Report the findings of institutional and specialized accreditation studies;

(ii) In addition to audits required of colleges under W.S. 16-4-121 and to ensure uniformity of audit procedures and reporting formats, conduct enrollment audits and report financial and enrollment audit findings to the legislature and governor. In carrying out this paragraph and maintaining the funding allocation model under paragraph (c)(i) of this section:

(A) The commission shall ensure uniform accounting in recording full-time equivalent students and reporting financial data;

(B) Each community college shall report information to the commission in a uniform, consistent and accurate manner as required by commission rule and regulation;

(C) The commission may participate in financial audits conducted by each community college and assist in the analysis of audit findings for subsequent reporting under this paragraph.

(iii) Review college districts and provide subsequent reports and recommendations to the governor and legislature in coordination with the regional accrediting agency;

(iv) Develop annual reports to the legislature on the outcomes of partnerships between colleges and the University of Wyoming and other entities;

(v)(A) The commission shall provide annual reports to the legislature and governor on the performance of individual community colleges and the college system as well as on the achievement of statewide priorities as specified in the statewide college system strategic plan. The commission and the colleges shall work together in a collaborative effort in defining the report formats and the methodology and data elements required in preparing the reports and a reasonable time line for completion of reports;

(B) For the reporting effort under this paragraph, the commission shall maintain a management information system and each community college shall maintain accurate administrative records to provide the necessary data to the commission for these studies and reports. The colleges shall provide the commission with all data required in preparing each of the reports the commission shall request. The commission and the colleges shall safeguard all institutional and individual

student record data under the provisions of the Privacy Act of 1974 and the Family Educational Rights and Privacy Act or subsequent similar enactments;

(C) Reports provided by the commission to the legislature and governor shall be attached with and aligned to the college system performance benchmarks, outcome measures and other performance indicators specified in and defined by the strategic plan.

(I) Repealed By Laws 2009, Ch. 211, § 3.

(II) Repealed By Laws 2009, Ch. 211, § 3.

(III) Repealed By Laws 2009, Ch. 211, § 3.

(IV) Repealed By Laws 2009, Ch. 211, § 3.

(V) Repealed By Laws 2009, Ch. 211, § 3.

(VI) Repealed By Laws 2009, Ch. 211, § 3.

(VII) Repealed By Laws 2009, Ch. 211, § 3.

(VIII) Repealed By Laws 2009, Ch. 211, § 3.

(IX) Repealed By Laws 2009, Ch. 211, § 3.

(X) Repealed By Laws 2009, Ch. 211, § 3.

(XI) Repealed By Laws 2009, Ch. 211, § 3.

(XII) Repealed By Laws 2009, Ch. 211, § 3.

(XIII) Repealed By Laws 2009, Ch. 211, § 3.

(D) Repealed By Laws 2009, Ch. 211, § 3.

(vi) The commission and the colleges shall collaborate to identify any additional areas of educational concerns which require data collection and reporting.

(f) The commission shall perform the following implementing functions:

(i) Establish reasonable timelines and deadlines for the submission of data requested by the commission;

(ii) Assure uniform college accounting practices in reporting data to the commission, through the use of national association of college and university business officers nomenclature;

(iii) Withhold not more than five percent (5%) of state appropriations from any college in noncompliance with this act or rules of the commission. Any such action shall be subject to the provisions of W.S. 16-3-114 and applicable rules of the Wyoming supreme court;

(iv) Advance collaboratively developed legislative proposals on behalf of the college system and commission to the legislature and the office of the governor;

(v) Adopt rules and regulations consistent with the provisions of this act as necessary to carry out its statutory duties and responsibilities.

(g) All decision making authority related to the operation of the community colleges which is not specifically granted to the commission by statute shall be reserved to the local boards.

(h) The commission shall prior to the beginning of each biennial budget period, review, update and modify the statewide college system strategic plan. The plan shall clearly prescribe the components of the educational program and attach program components to statewide system priorities. This plan shall serve as the basis for state operational and capital construction budget requests and funding of the statewide college system for the applicable biennial budget period. In developing, reviewing and updating the strategic plan, the commission shall:

(i) Consult with the seven (7) community colleges, state and local governmental agencies and other agencies and organizations representing state economic and industry sectors;

(ii) Include mechanisms within the planning process which adhere to the state's interests in establishing a statewide college system identified as assuring statewide access to:

(A) Academic programs, including applied baccalaureate degree programs;

(B) Career-technical education and training programs;

(C) Dual and concurrent enrollment programs; and

(D) Remedial and continuing education programs responding to needs of students, employers and the state workforce, including program access through outreach or coordinated electronic system technology.

(iii) Develop performance benchmarks, outcome measures and other performance indicators which serve as the basis for annual reporting to the legislature and the governor under paragraph (e) (v) of this section, including but not limited to:

(A) Student goal attainment and retention;

(B) Student persistence;

(C) Degree and certificate completion rates;

(D) Placement rate of graduates in the workforce;

(E) Licensure and certification pass rates;

(F) Demonstration of critical literacy skills;

(G) Success in subsequent, related coursework;

(H) Number and rate of students who transfer.

(iv) Attach performance indicators to funding to achieve established results.

#### **21-18-203. Budget procedure.**

(a) In collaboration with the boards of the community colleges, the commission shall submit state appropriation requests on behalf of the community college system in compliance with the statewide community college system strategic plan. The standard budget request submitted by the commission for state aid to community colleges under W.S. 21-18-205 for the fiscal biennium commencing July 1, 2020 and every four years thereafter, shall be equal to the amount defined in W.S. 9-2-1002(a)(ix). A request for an enrollment adjustment to the

standard budget for state aid to community colleges shall be submitted every four (4) years commencing in the fiscal biennium beginning July 1, 2018. The enrollment adjustment shall be based solely upon the calculation under subsection (e) of this section. The budget requests shall be made upon forms and in a format to be determined by the state budget department.

(b) Repealed By Laws 2000, Ch. 33, § 2.

(c) To facilitate its appropriation request, the community college commission shall hold at least one (1) budget hearing for the community colleges.

(d) Repealed By Laws 2000, Ch. 73, § 3.

(e) An enrollment adjustment request shall be based upon changes in annual weighted average enrollment and only for variable costs. An enrollment adjustment request for a percentage increase or decrease to a standard budget base amount for annual weighted average enrollment shall be calculated as follows:

(i) The variable cost percentage determined pursuant to W.S. 21-18-205(c) multiplied by a fraction, the numerator of which is the difference in the annual weighted average enrollment for the three (3) most recent academic years and the annual weighted average enrollment at the time of last enrollment adjustment request submitted pursuant to this subsection, the denominator of which is the annual weighted average enrollment at the time of the last enrollment adjustment request submitted pursuant to this subsection;

(ii) The standard budget enrollment adjustment request submitted for the fiscal biennium commencing July 1, 2018 shall apply the formula in paragraph (i) of this subsection, with the substitution of annual weighted average enrollment for fiscal years 2013, 2014 and 2015 in lieu of the "annual weighted average enrollment at the time of the last enrollment adjustment request submitted pursuant to this subsection";

(iii) Any funding increase or decrease as determined by the state legislature shall be distributed in proportion to the funding amounts determined in W.S. 21-18-205(c).

(f) In preparing the estimates under W.S. 9-3-210(c), the community college commission shall submit an exception budget



request for health insurance funding needs related to the addition of any benefitted positions created during the preceding fiscal year at the colleges in the commission's budget request for the subsequent fiscal year.

**21-18-204. Commission and districts subject to public records provisions; Uniform Municipal Fiscal Procedures Act.**

(a) The commission and the community college districts are subject to the provisions of W.S. 16-4-201 through 16-4-205.

(b) The community college districts are subject to the provisions of the Uniform Municipal Fiscal Procedures Act. Audits for each community college required by W.S. 16-4-121 shall be performed by independent auditors selected by the college. The audits shall be conducted in accordance with guidelines set forth in W.S. 9-1-507. The independent auditors shall submit audit findings to the college board of trustees, the commission and the state budget department. Questions by the commission regarding audits shall be submitted to the community colleges for response.

**21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.**

(a) To qualify for state funding, a community college shall:

(i) Be accredited academically by the regional accrediting agency; and

(ii) Provide for a levy of four (4) mills on the taxable valuation of the district for the regular support and operation of the community college in the year for which the appropriation is requested.

(b) A biennial funding report shall be provided by each community college to the community college commission at the beginning of each biennium in a form and format determined by the commission. Any amendments to the report shall be provided to the commission immediately after adoption by the board.

(c) State funding for the assistance of community colleges shall be appropriated to the community college commission unless otherwise specified by law. Subject to the provisions of this section, funds appropriated for each biennium shall be distributed by the commission to community colleges in amounts

determined by a funding allocation model adopted by rule of the commission. Funding allocation model components for fixed and variable costs shall be defined by and computed in accordance with guidelines and procedures prescribed by rule and regulation of the commission, applied to the distribution of state appropriations for each biennial budget period and reallocated at a schedule specified by rule and regulation of the commission, but in no event less than once every four (4) years. The commission may maintain a contingency reserve account utilizing any revenue derived under W.S. 9-4-601(b)(iv)(A) to be distributed as a component of the funding allocation model for specific use by the colleges for emergency repairs and preventive maintenance.

(i) Repealed By Laws 2000, Ch. 33, § 2.

(ii) Repealed By Laws 2000, Ch. 33, § 2.

(iii) Repealed By Laws 2000, Ch. 33, § 2.

(iv) Repealed By Laws 2000, Ch. 33, § 2.

(d) Repealed By Laws 2000, Ch. 33, § 2.

(e) The commission may by exception budget, request additional state funding to be designated as special purpose funding, accounted for and distributed separately from distributions under the funding allocation model. Special purpose funding under this subsection shall be limited to amounts and for the period of time specified by the legislature and shall not be included in any subsequent biennial budget unless specifically requested by the commission and approved by the legislature. Funds appropriated pursuant to this subsection shall be distributed in amounts and at times determined by the commission, subject to the following:

(i) Special purpose funding, accounted for separately, to be designated as adjustments to funding allocation model distributions for the effects of enrollment growth shall not be transferred to or expended for any other purpose. Any amount of this special purpose funding request remaining unexpended or unencumbered at the end of the budget period for which appropriated shall revert according to law;

(ii) Special purpose funding may be requested under this subsection for use by the commission in funding new programs addressing unanticipated and emerging statewide needs

during the biennial budget period which are consistent with the statewide community college system strategic plan. Funds appropriated by the legislature for purposes of this paragraph shall be accounted for separately and shall not be transferred or expended for any other purpose or as part of state assistance under subsection (c) of this section. Any unexpended or unencumbered amount of special purpose funding under this paragraph remaining at the end of the budget period for which appropriated shall revert as provided by law.

(f) Up to fifteen percent (15%) of each community college's unrestricted operating funds for a biennium may be carried forward into the next biennium by each community college. The cumulative total amount of unrestricted operating funds carried forward from previous bienniums shall never exceed fifteen percent (15%) of the community college's current biennium unrestricted operating funds. Funds carried forward in accordance with this subsection shall not lapse pursuant to W.S. 9-4-207.

(g) No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of one million five hundred thousand dollars (\$1,500,000.00) which was not approved by the commission and authorized by the legislature.

(h) The commission may request funding for and shall distribute funds to colleges as provided in the Wyoming works program. Funds requested for the Wyoming works program shall be requested by an exception budget and designated as separate special funding for the Wyoming works program only. Funds distributed pursuant to the Wyoming works program shall be accounted for and distributed separately from the funding allocation model under subsection (c) of this section and from special funding distributed pursuant to subsection (e) of this section.

**21-18-206. Paying out appropriations by warrants drawn upon vouchers.**

The state treasurer shall pay out state appropriations for community colleges on warrants drawn by the auditor of the state upon vouchers issued and signed by the director of the commission.

**21-18-207. Cooperative educational services.**

The commission shall encourage community colleges and school districts to utilize the procedures provided by W.S. 21-20-101 through 21-20-111.

- 21-18-208. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-209. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-210. Repealed by Laws 1985, ch. 208, § 5.
- 21-18-211. Repealed by Laws 1985, ch. 208, § 5.
- 21-18-212. Renumbered by Laws 1985, ch. 208, § 3.
- 21-18-213. Renumbered by Laws 1985, ch. 208, § 3.
- 21-18-214. Renumbered by Laws 1985, ch. 208, § 3.
- 21-18-215. Renumbered by Laws 1985, ch. 208, § 3.
- 21-18-216. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-217. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-218. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-219. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-220. Renumbered by Laws 1985, ch. 208, §§ 3, 4.
- 21-18-221. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-222. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-223. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-224. Renumbered by Laws 1985, ch. 208, § 4.
- 21-18-225. College maintenance and capital construction funding.

(a) As part of its administrative functions, the community college commission shall identify community college building needs and develop a prioritized list of community college capital construction projects. The prioritized community college capital construction projects shall be reported by the commission to the state construction department in accordance

with subsection (g) of this section. Following review, analysis and study, the state construction department shall forward recommendations for community college capital construction projects to the state building commission. The state construction department shall also submit major maintenance budget requests for college buildings to the legislature in accordance with this section. Major maintenance budget requests shall be based upon the square footage submitted by the commission under subsection (f) of this section and upon a formula adopted by the state building commission, and upon forms and in a format specified by the state budget department. College building maintenance budget requests submitted by the state construction department to the legislature and capital construction budget requests forwarded by the state building commission to the legislature shall include only necessary building square footage:

- (i) Required for provision of those education programs comprising the statewide college system strategic plan developed and maintained under W.S. 21-18-202(a)(v); and

- (ii) For major maintenance, exclude student housing, student unions and auxiliary services areas funded exclusively through college generated revenues.

- (b) To carry out this section and in accordance with rules and regulations of the state building commission promulgated under W.S. 9-5-107(d) and (e) serving as guidelines for implementation and administration of this section, the commission shall establish and maintain:

- (i) A statewide community college building data base comprised of building inventory, specific building condition, square footage, usage, space utilization and building capacity data;

- (ii) Statewide planning and reporting criteria and guidelines for use by community college districts in developing and maintaining comprehensive long-range plans for district building needs as required under W.S. 21-18-304(a)(xi), providing necessary guidance to college districts for separating future building space needs and requests attached to the statewide college system strategic plan from other district space requests;

- (iii) Methodologies for use by community college districts in computing future student enrollments, building

space demands and future building needs in establishing long-range plans addressing district building needs;

(iv) Methodologies which require a seven (7) year phase-in period for major maintenance following the new construction of a community college facility. The phase-in period shall be as follows:

(A) Year one (1) - zero percent (0%);

(B) Year two (2) - ten percent (10%);

(C) Year three (3) - ten percent (10%);

(D) Year four (4) - forty percent (40%);

(E) Year five (5) - sixty percent (60%);

(F) Year six (6) - eighty percent (80%);

(G) Year seven (7) and thereafter - one hundred percent (100%).

(c) The commission shall conduct and maintain a comprehensive assessment of community college buildings and future space requirements as defined by the statewide strategic plan. The comprehensive building assessment shall be designed and maintained to provide timely and uniform statewide data on building condition and building longevity and future space requirements. The needs assessment shall be revised annually to reflect current conditions and shall be capable of providing data sufficient to accommodate a five (5) year planning cycle.

(d) On or before November 1 of each year, the commission shall, based upon the assessment performed under subsection (c) of this section and upon facility plans and annual reports submitted by each college pursuant to W.S. 21-18-304(a)(xi), prioritize community college construction needs for the current fiscal year and the succeeding four (4) fiscal years based upon:

(i) Criteria for statewide capacity for education programs aligned to the statewide college system strategic plan;

(ii) Analysis of student enrollment changes based upon commission approved enrollment projection methodology, to determine the need for changes in statewide building capacities

over time for delivering statewide education program needs identified within the strategic plan;

(iii) A methodology and process established by the commission for identifying the most critical building needs.

(e) The commission may modify construction needs prioritized under subsection (d) of this section in any subsequent fiscal year as necessary to address statewide needs as substantiated by data, condition assessments, needs analysis and other information assembled by the commission under this section. Needs receiving a lower priority than previously assigned may be removed or reprioritized by the commission. Construction needs modified under this subsection shall be reported to the state construction department.

(f) In addition to subsection (d) of this section and on or before June 1 of each odd-numbered year, the commission shall report college building square footage to the state construction department as necessary for computation of major maintenance funds for community college buildings. The reported square footage shall be restricted to that square footage necessary for the delivery of education programs comprising the statewide college system strategic plan and exclude student housing, student unions and auxiliary services areas funded exclusively through college generated revenues.

(g) Upon prioritizing community college construction needs under subsection (d) of this section, the commission shall not later than June 1 of each year, report the prioritized list to the state construction department. In accordance with W.S. 9-5-108(a)(ii), the state construction department shall review, analyze and study construction needs prioritized under subsection (d) of this section and conduct necessary value engineering analysis, schematic design review, safety and security assessments and other analysis and review prior to submission of recommendations to the state building commission. The state building commission shall consider and incorporate prioritized construction needs recommendations into legislation requesting necessary funding, developed under W.S. 9-5-108(a)(ii)(J), for submission to the legislature for review, authorization and approval. The legislation shall also include a separate appropriation for contingency costs associated with recommended construction projects and a separate appropriation for administrative costs of the state construction department for management of the recommended construction projects as required by subsection (j) of this section. The state

construction department shall submit a separate budget request for project design and planning funds to be available to assist community colleges with costs incurred in developing and providing necessary plans, designs and other information to the state construction department for purposes of this subsection. This request shall also include funds for major maintenance for the square footage reported by the commission under subsection (f) of this section. The state construction department shall consult with the community college commission in developing recommendations under this subsection.

(h) The community college commission shall provide copies of the needs assessment, construction priorities and major maintenance square footage established under this section to members of the legislature on or before December 1 of each year.

(j) Subject to amounts made available by legislative appropriation and to any conditions which may be attached to appropriation expenditures, the state construction department shall distribute state funds for building construction approved and authorized by the legislature. Distributions of state funds for any approved and authorized construction project shall be in accordance with payment schedules established by rule and regulation of the department. Payments by the department shall be contingent upon the receipt of any local district funding as may be required by legislative authorization, or upon receipt of other documentation which may be required by the program certifying the timely receipt of required local district funds for the capital construction project. Payments to districts shall also be attached to prescribed phases of the construction project and the completion of certain project phases. Construction phases for which approval of the program is required shall be specified by the state construction department rule and regulation, clearly prescribing a process for program review and approval of project plans and specifications, project development and project changes and change orders. In carrying out duties under this subsection, the department may execute powers prescribed under W.S. 9-5-108(a)(iii) in coordination with the state building commission and the appropriate community college district. No scheduled payment shall be made by the department without compliance with the prescribed process.

(k) Appropriations for major maintenance shall be distributed by the state construction department to community colleges in equal quarterly installments in amounts determined by the funding formula developed by the state building commission, subject to restrictions imposed on qualifying square



footage pursuant to this section. The state construction department shall distribute the first quarterly payment on July 1 of each fiscal year, with the remaining payments distributed on October 1, January 2 and April 1.

(m) Notwithstanding any provision of law enacted prior to January 1, 2014, biennial budget requests submitted for major maintenance funding for community college capital construction facilities authorized by the legislature shall be calculated as provided in this section.

**21-18-226. State authorization reciprocity agreements; administration; requirements; fees; rules and regulations.**

(a) The commission shall enter into an agreement with the Western Interstate Commission for Higher Education to participate, on behalf of the state of Wyoming, with all other states legally joining in the state authorization reciprocity agreement.

(b) The requirements of the agreement shall be sufficient to protect the integrity of Wyoming post secondary education, but shall also allow authorized institutions complying with the agreement the ability to reach as many potential students as possible.

(c) The commission shall review applications from any public or private post secondary institution seeking admission under the state reciprocity agreement if the institution has a physical presence in Wyoming and is organized under the laws of the state of Wyoming. The commission shall:

(i) Admit to the state authorization agreement any qualified public or private applicant that meets the requirements of the state authorization reciprocity agreement pertaining to institutional quality, consumer protection and fiscal viability as defined by subsection (d) of this section;

(ii) Monitor compliance of admitted institutions for institutional quality, consumer protection and fiscal viability;

(iii) Notify, in a timely manner, the Western Interstate Commission for Higher Education of those post secondary institutions admitted to the reciprocity agreement under paragraph (i) of this subsection and any action taken against an authorized institution pursuant to paragraph (iv) of this subsection; and

(iv) Take appropriate action against any authorized institution upon failure to comply with requirements of the state authorization reciprocity agreement, including an investigation, citation, suspension or expulsion from the reciprocity agreement.

(d) For purposes of paragraph (c) (i) of this section, an institution may satisfy:

(i) The institutional quality standard through evidence of current accreditation;

(ii) The consumer protection standard through evidence that information required under Title IV of the Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.), as amended, is provided to current and prospective students, and evidence of a procedure for addressing student complaints both internally and through an outside state agency as required by that act;

(iii) The fiscal viability standard for public institutions through evidence of adequate public funding, or for a private institution, through evidence that the United States department of education, in its most recent fiscal year report, assigned the institution a financial responsibility composite score of one and five-tenths (1.5) or greater, or a financial responsibility composite score of not less than one (1) if the report covers the most recent two (2) consecutive fiscal years.

(e) The commission may adopt rules and regulations to implement this section.

(f) For purposes of administering this section, the commission may establish and collect fees from authorized institutions to pay necessary administrative expenses incurred under this section. Any fees collected pursuant to this subsection shall be deposited into the general fund.

(g) As used in this section:

(i) "Accredited" or "accreditation" means the status of public recognition that an accrediting agency recognized by the United States department of education pursuant to Title IV of the Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.), as amended, grants to an institution or educational program that meets the department's established requirements;

(ii) "Educational program" means a program of organized instruction or study beyond secondary education that leads to an academic professional degree, vocational degree or certificate or other recognized educational credential;

(iii) "Physical presence" means the ongoing occupation of a physical location in Wyoming for instructional purposes or the maintenance of an administrative office in Wyoming to facilitate instruction. For purposes of this section, the following activities do not constitute a physical presence in Wyoming:

(A) Delivery of distance education courses online;

(B) Advertising;

(C) Recruiting;

(D) Courses delivered on military installations by an accredited institution limited to active and reserve military personnel, dependents of military personnel and civilian employees of the military installation;

(E) Operation of a server or other electronic service device; or

(F) Experiential learning opportunities such as a clinical practicum residency or internship.

(iv) "Post secondary institution" means a person, business entity, nonprofit corporation or governmental entity that operates educational programs beyond secondary education;

(v) "State authorization reciprocity agreement" means an agreement, as published by the Western Interstate Commission for Higher Education on November 1, 2013, or substantially similar to the version published on that date, which allows post secondary institutions that meet federal criteria to recruit, advertise, market and conduct distance education across state lines with as few restrictions as possible.

### ARTICLE 3 - COMMUNITY COLLEGE DISTRICTS

**21-18-301. Community college district to be body corporate; name.**

Each community college district which is formed under this act is a body corporate by the name and style of ".... Community College District, State of Wyoming", the blank space to contain the chosen name of the district, and in that name the district may hold property and be a party to suits and contracts.

**21-18-302. District board generally; quorum; organization; officers.**

(a) Within thirty (30) days after the election establishing the community college district and its initial board, and on or about December 1 each year thereafter, the board shall meet and organize by electing one (1) of its members as president, one (1) as treasurer, and one (1) as secretary. The president shall preside at all meetings of the board except that a temporary chairman may be selected by the board in his absence. The secretary shall keep the minutes and proceedings of all board meetings and the treasurer shall receive all funds payable to the district and disburse them on the order of the board.

(b) A majority of the community college district board members constitutes a quorum for the transaction of all business but a minimum of three (3) concurring votes is required to decide any question.

**21-18-303. District board generally; powers; board approved additional mill levy.**

(a) The community college district board may:

(i) Sue and be sued in the name by which the district is designated;

(ii) Hold and convey property for the benefit of the district in the name by which the district is designated;

(iii) Employ legal counsel and bear the cost of litigation;

(iv) Construct or otherwise provide bookstores, vehicular parking facilities, recreational, or other facilities necessary and incidental to the community college, and may fix rates and provide for the collection of same;

(v) Issue general obligation bonds for community college purposes as specified in this act;

(vi) Issue revenue bonds for the purposes, and in the manner specified in this act;

(vii) Establish and collect charges, and rentals and student fees for services and facilities furnished, acquired, constructed, or purchased from the proceeds of revenue bonds;

(viii) Charge and collect fees and tuition;

(ix) Enter into agreements with any public or private agency, institution, person or corporation for the performance of acts or for the furnishing of services or facilities by or for the community college district or for the joint performance of an act or function or the joint furnishing of services and facilities by the district and the other party to the agreement;

(x) Insure against loss of property or revenue from any cause;

(xi) Insure against public liability or property damage concerning the facilities authorized by the governing board, and insure and hold harmless from liability all administrative and teaching personnel, and all other employees of the community college district;

(xii) Establish criteria for appointments to fill vacancies in the board not inconsistent with the provisions of this act and provide for the removal of a board member for cause or change of residence;

(xiii) Call special meetings at the discretion of the board president or a majority of the board without the necessity of publication of formal notice;

(xiv) Contribute to the financial support of the commission in funding or in-kind services as determined through consultation between the community college boards and the commission;

(xv) Employ, at its own discretion, an assistant to the treasurer of the community college district board, who shall be subject to the same bonding and fiduciary regulations as are imposed upon the treasurer and who may be empowered to satisfy debts of the district as they become due and owing;

(xvi) Confer degrees and certificates, including applied baccalaureate degrees approved by the commission, and grant diplomas as are usual for community colleges and authorized under its accreditation by the regional accrediting agency;

(xvii) Subject to all applicable laws and rules, determine the qualifications and responsibilities of bidders or respondents on contracts for the construction of public projects, facilities or structures over which the board controls the bidding process, through the use of standard forms and procedures adopted by the board;

(xviii) Enter into student learner agreements as defined by W.S. 27-14-102(a)(xxxiv) with any employer pursuant to W.S. 27-14-110.

(b) In addition to the levy imposed under W.S. 21-18-304(a)(vii) and any levy imposed under W.S. 21-18-311(f), the community college district board may approve up to one (1) additional mill levy on the assessed value of the district for a period not to exceed two (2) years for the regular support and operation of the college. A determination by the board shall be made at a regular or special meeting following a public hearing announced by the board. Notice of intent to levy all or a portion of the additional one (1) mill shall be published in a newspaper of general circulation within the district at least thirty (30) days before the hearing date. Upon approval, the board shall report the additional levy to the board of county commissioners of each county within the district in the same manner the necessary levy under W.S. 21-18-304(a)(vii) is reported. Any tax imposed under this subsection may be renewed by the board for additional two (2) year periods subject to public hearing requirements specified under this section and shall be levied, collected and distributed separate from the tax imposed under W.S. 21-18-304(a)(vii) and any additional levy imposed under W.S. 21-18-311(f). Revenues collected under this subsection shall not be restricted by the commission in any manner but shall be identified in the biennial funding report of the college under W.S. 21-18-205(b).

(c) The community college district board shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g).

**21-18-304. District board generally; duties.**

(a) The community college district board shall:

(i) Prescribe and enforce rules and regulations for its own government and for government of the community college under its jurisdiction. Rules and regulations shall not be inconsistent with the rules and regulations of the community college commission;

(ii) Prescribe requirements for graduation;

(iii) Report annually the revenues and expenses of the community college district in accordance with the rules and regulations of the community college commission;

(iv) Submit such reports as the community college commission may require under W.S. 21-18-202;

(v) Require the treasurer and the assistant treasurer of the district board to give such bond in such penalty and with such sureties as the board shall direct and approve, conditioned upon the faithful application of all money and property which may come into their hands by virtue of their office. Each bond shall not exceed one and one-half (1 1/2) times the amount of all college monies handled by the treasurer or assistant treasurer in any one (1) year. Bonds, after being approved by the board, shall be filed with the board, and no disbursements shall be made until the bonds are approved and filed. In case of breach of conditions of bonds, suit shall be brought thereon by the board for the benefit of the district;

(vi) Appoint a chief administrative officer of the community college who shall be given such official title as the board may determine;

(vii) At the first meeting of each fiscal year or at any appropriate time, make an estimate of the amount of funds required to be raised through a tax levy upon the property lying within the district for community college purposes, and present to the board of county commissioners of each county included within the district, a certified estimate of the tax required to raise the appropriate amount. The tax in any one (1) year shall not exceed four (4) mills on the assessed value of the district, excluding any tax approved by the board and imposed under W.S. 21-18-303(b) and any tax approved by the district electors and imposed under W.S. 21-18-311(f). The tax shall be levied and collected in the same manner as other county taxes and when collected, the county treasurer shall forward the tax

revenue to the treasurer of the community college district board;

(viii) Control and disburse, or cause to be disbursed, all monies received from any source to maintain the community college;

(ix) Keep a record of all the official acts performed by the board and keep a record of all warrants issued against the monies belonging to the community college district. Payments of money shall be made upon warrant drawn against funds belonging to the community college district and the warrants so drawn must specify upon their face the purposes for which funds are called for by warrants. The board shall provide, at the expense of the district, a seal, upon which shall be engraved the words, "... Community College District, State of Wyoming", the blank space to contain the legal name of the college district. The seal shall be kept in the possession of the secretary, shall be affixed to all communications or notices required by law to be sent or published by the board and to all warrants drawn upon the district;

(x) Conduct elections held by the community college district for the regular election of board members, the issuance of bonds, the questions of mill levies and annexations and any other community college election appropriately within the jurisdiction of the district board, all in accordance with the election procedures set forth in this act;

(xi) Develop and maintain a comprehensive plan of district buildings addressing district long-term building needs, clearly distinguishing those building needs associated with education space needs attached to the statewide college system strategic plan developed by the community college commission under W.S. 21-18-202(a)(v) from other district needs which may be included within the district's long-term plan. Building plans and capital construction requests shall be submitted to the commission in a form and format specified by commission rule and regulation. In addition, the board shall provide planning, design and other information required by the state construction department under W.S. 21-18-225(g) and shall cooperate with the department and the commission as necessary to undertake any building construction project receiving state funds and addressing needs prioritized by the commission in accordance with W.S. 21-18-225.

#### **21-18-305. Budget.**



The chief administrative officer shall annually cause to be submitted a budget for the approval of the community college district board.

**21-18-306. Bonds of officers and employees.**

The community college district may require each officer and employee whose duty it is to handle funds or property of the district to be bonded under a suitable bond indemnifying the district against loss. The board shall determine the amount and the type of the bond.

**21-18-307. Admission of state high school graduates without examination.**

A person who graduates from a high school in this state shall be admitted to a community college of this state without further qualifying examination.

**21-18-308. Number of board members; election; subdistricts; apportionment.**

(a) Each community college district board shall consist of seven (7) members to be elected as provided by law.

(b) The community college district board may by resolution partition the community college district into election subdistricts to provide for representation on the district board in accordance with population. Where population figures permit, monetary evaluation and geographic factors may be considered in determining subdistricts.

(c) The community college district board shall by resolution designate the number of members of the district board which shall be elected from each election subdistrict if any, in accordance with the population of the community college district and the respective election subdistricts.

**21-18-309. First regular election of board; fiscal year.**

The first regular election of a community college district board shall not be held until the date of the second succeeding general election that follows the election establishing the community college district and its initial board. The terms of the members elected at the first regular election shall begin as provided by W.S. 22-22-102(a) with the four (4) candidates

receiving the highest number of votes serving four (4) year terms and the candidates receiving the next three (3) highest number of votes serving two (2) year terms. The fiscal year of each community college district shall begin on July 1 of each year and shall end on June 30 of the following year.

**21-18-310. Annexation of additional counties into district; annexation election.**

(a) Established community college districts may be enlarged by annexing additional counties as provided in this section. A county may be annexed under this section to an existing community college district with which it is contiguous or any other community college district approved by the community college commission.

(b) Upon receipt of a petition signed by at least ten percent (10%) of the qualified electors residing within the county sought to be annexed requesting that the county be annexed to the community college district or upon receipt of a resolution calling for annexation by the board of county commissioners of the county sought to be annexed, the community college district board shall within ten (10) days following receipt, approve or deny the petition or resolution. If approved, the district board shall request an election to be held in the county seeking annexation in accordance with the dates and procedures provided by W.S. 22-21-103 through 22-21-110. The number of electors required for a petition shall be determined by the number of votes cast at the last general election.

(c) The community college district board shall pay all costs incident to the election.

(d) The ballot in an election for annexation of any county to an existing community college district shall state the question in substantially the following form:

(i) "Shall .... County, Wyoming be annexed to the established .... Community College District, giving .... Community College District the authority to levy a tax not to exceed four (4) mills on the assessed value of the county and in addition, to impose a levy of .... mills (not to exceed five (5) mills) on the assessed value of the county as previously approved by the district electors and imposed under W.S. 21-18-311(f), all revenues of which shall be used for the

operation and maintenance of the Community College located at  
....., Wyoming?"

Annexation and mill levy YES ☐

Annexation and mill levy NO ☐

(e) Only qualified voters residing within the county to be annexed shall be allowed to vote in the election.

(f) If the annexation is approved by the voters of the county to be annexed:

(i) The county clerk shall immediately notify the county commissioners and the county commissioners shall levy the special mill tax in the manner provided by law;

(ii) The community college district board shall immediately and by resolution partition the enlarged district into election subdistricts to provide for board representation based upon population and shall designate the number of board members to be elected from each subdistrict in accordance with the population of the enlarged district and the respective election subdistricts. In accordance with W.S. 21-18-308(a), the board of the enlarged district shall be comprised of not more than seven (7) members;

(iii) An election of members of the board of trustees of the enlarged community college district shall be held as determined by the board of county commissioners, on a date which is not less than sixty (60) days following the date annexation is approved based upon the apportionment by the board under paragraph (f)(ii) of this section. Nominations to the board of the enlarged district shall be submitted in substantially the same manner as prescribed under W.S. 21-18-312(j) for initial community college district boards and the election shall be otherwise conducted as provided by law. Terms of office of board members filled prior to the date annexation is approved shall expire at 12:00 noon on the first day immediately following the election of board members of the enlarged district. Initial terms of trustees to be elected to the enlarged community college district board shall begin on the first day immediately following the election and shall be for not less than two (2) or not less than four (4) years as determined by the board as necessary to coincide with the terms of office prescribed under W.S. 22-22-102. Not more than four (4) initial members shall be elected for terms of not less than

four (4) years and the board shall designate and report to the appropriate county clerk the length of term for each trustee office to be filled in the election. Thereafter, all terms shall be for four (4) years in accordance with W.S. 22-22-102;

(iv) The community college district board may contract to provide educational programs to the annexed county.

(g) Notwithstanding W.S. 21-18-314, a majority of the community college district board of an enlarged district may submit the question of issuing general obligation bonds for purposes enumerated under W.S. 21-18-314(a) to only the electors of the county in which the buildings, facilities or equipment are to be situated or to all electors of the enlarged district. If the bonding question is submitted only to the electors of the county in which the proposed facilities are to be located, the four percent (4%) limitation prescribed under W.S. 21-18-314(a) and the levy for payment of the bonds shall apply only to the assessed value of the voting county. The provisions of W.S. 21-18-314 and 21-18-315 governing general obligation bonds otherwise apply to any bonds issued under this section. A board of an enlarged district shall not use revenues collected under taxes imposed upon any annexed county for purposes of this subsection to pay interest and principal on any bonded indebtedness outstanding on or before the date of annexation.

(h) Annexation approved by the electors in accordance with this section shall remain in effect unless within four (4) years or by the second general election following initial adoption, whichever is later, the proposition is again submitted to and defeated by the electors of the annexed county. The proposition for continuing annexation shall be submitted only at an election held on a date authorized under W.S. 22-21-103 upon petition of the electors in the manner prescribed for an initial petition requesting annexation under subsection (b) of this section, except community college district board approval of the petition is not required prior to submission to the electors. If the proposition is submitted to the electors of the annexed county, the ballot shall state the question in substantially the following form:

(i) "Shall .... County, Wyoming, remain annexed to the established .... Community College District, extending .... Community College District authority to levy a tax not to exceed four (4) mills on the assessed value of the county for the operation and maintenance of the Community College located at ....., Wyoming?"

Continued Annexation and Mill Levy YES ☐

Continued Annexation and Mill Levy NO ☐

(j) If a proposition for continuing annexation under subsection (h) of this section is not approved, the county for which continued annexation is not approved shall be eliminated from the established community college district and:

(i) The county clerk shall immediately notify the county commissioners and the special mill levy imposed upon the assessed value of the county for the operation and maintenance of the community college shall terminate effective the end of that calendar year. This paragraph shall not apply to any levy which may be imposed for the payment of general obligation bonds issued by the enlarged district under subsection (g) of this section;

(ii) Any buildings, facilities or equipment of the community college district located within the county eliminated from the district shall remain the property of that district;

(iii) Any contract to which the community college district is a party and entered into prior to the defeat of continued annexation shall remain in force and effect for the period provided within the contract. The county commissioners of any county eliminated from the district shall be subject to any liability of the county under the contract;

(iv) An election of members of the board of trustees of the reduced district shall be held as determined by the board of county commissioners, on a date which is not less than sixty (60) days following the date continued annexation is defeated. The board of the reduced district shall be comprised of not more than seven (7) members and the election shall be held in accordance with law. Terms of office of board members filled prior to the date continued annexation is defeated shall expire at 12:00 noon of the first day immediately following the election of board members of the reduced district. The initial terms of office of trustees to be elected shall begin on the first day immediately following the election and shall be staggered in the manner prescribed under subsection (f) of this section.

(k) An area smaller than a county cannot be removed from a community college district.

**21-18-311. Election for increase of tax mill levy;  
additional levy in excess of four mills; distribution of  
additional levy revenues.**

(a) In any community college district in which the qualified electors have previously approved the levy of a tax of less than four (4) mills for the operation of a community college, the community college district board may submit to the electors of the community college district the question of increasing the existing tax levy of the district to not to exceed four (4) mills on the dollar of assessed valuation.

(b) Whenever a community college district board resolves to submit the question of increasing the existing tax levy to the electors of the district, the board shall give notice.

(c) An election for increasing the tax levy shall be held on a date authorized under W.S. 22-21-103 and otherwise conducted in all respects the same as a board election.

(d) The ballot in the election shall be in substantially the following form:

"Shall the existing mill levy of .... mills of the .... Community College District be increased to not exceed four (4) mills?"

Four (4) Mills Yes ☐

Four (4) Mills No ☐

(e) The county clerk shall immediately give notice of the result of the election to the county commissioners of the county or counties involved and if the increase has been authorized by the electors of the district it may be assessed against the taxable property of the community college district in the manner provided by the law.

(f) If the qualified electors of any community college district have previously approved a tax levy of four (4) mills for the regular support and operation of a community college, the community college district board may submit to the electors of the district a proposition calling for an additional levy of not to exceed five (5) mills on the assessed value of the district for community college purposes. For elections held pursuant to this subsection on or after April 1, 2007, the

additional mills may be used for the regular support and operation and for the capital outlay needs of a community college as provided under subsection (h) of this section. The proposition shall be submitted at an election held on a date authorized under W.S. 22-21-103. Subsections (b) and (c) of this section apply to any election held under this subsection. At the election, the ballot shall contain the words "for the additional .... mill levy (not to exceed five (5) mills) of the .... Community College District" and "against the additional .... mill levy (not to exceed five (5) mills) of the .... Community College District". Following the election, each county clerk of the counties involved shall immediately give notice of the election result to the county commissioners and:

(i) If the additional levy is approved by the district electors, each involved board of county commissioners shall levy the additional tax and the same proposition shall be submitted at each second general election following approval of the additional levy until the proposition is defeated. The tax shall be levied and collected separate from the four (4) mill levy imposed under W.S. 21-18-304(a)(vii), and any levy imposed under W.S. 21-18-303(b), and for elections held pursuant to this subsection before April 1, 2007, shall be distributed in accordance with subsection (g) of this section;

(ii) If the additional levy is defeated, the proposition shall not again be submitted to the district electors for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the additional levy, the additional tax is repealed effective December 31 of that calendar year in which defeated and the levy imposed by the county commissioners for the following calendar year shall not exceed the levy authorized under W.S. 21-18-303(b) and 21-18-304(a)(vii).

(g) The county treasurer shall distribute revenues collected under any additional levy authorized under subsection (f) of this section at an election held before April 1, 2007, to the treasurer of the appropriate community college district board of trustees, who shall deposit the revenue collections as follows:

(i) The total amount collected in a separate account for expenditure by the district in accordance with this paragraph. Revenues deposited pursuant to this paragraph shall be included within the district's estimated and reportable revenues for purposes of the biennial funding report of the

district under W.S. 21-18-205(b) but shall be restricted only as provided in this paragraph. Expenditure by the district of revenues within the account shall be limited to the following:

(A) Covering unanticipated local revenue shortfalls;

(B) Funding expenses incurred by the district due to a significant variation in student full-time equivalency enrollment;

(C) Emergency and preventative maintenance and repair expenses for college physical facilities;

(D) Making payments on district outstanding bonded indebtedness due to an inability to meet scheduled payments; or

(E) Funding specific district program needs.

(ii) Repealed by Laws 1993, ch. 95, § 2.

(h) The county treasurer shall distribute revenues collected under any additional levy authorized under subsection (f) of this section at an election held on or after April 1, 2007, to the treasurer of the appropriate community college district board of trustees in the same manner as revenues from the levy imposed under W.S. 21-18-304(a)(vii). Revenues distributed pursuant to this subsection shall be included within the district's estimated and reportable revenues for purposes of the biennial funding report of the district under W.S. 21-18-205(b) but shall not be restricted by the commission in any manner. The revenues may be used for the regular support and operation of a community college and subject to approval of the commission and legislature pursuant to W.S. 21-18-205(g), for purposes of capital outlay for district capital facility repair, maintenance, construction and renovation needs.

#### **21-18-312. Formation of districts; initial elections.**

(a) An application for the formation of a community college district may be submitted to the commission only when the following minimal prerequisites have been satisfied: the area to be formed into the district must be a territory having an assessed property valuation of not less than one hundred million dollars (\$100,000,000.00); there must be not less than fifteen hundred (1,500) students regularly enrolled in grades



nine (9) through twelve (12). The territory of such district may encompass one (1) or more counties.

(b) No community college may be established in the state of Wyoming unless approved by the community college commission pursuant to the provisions of this act and approved by the legislature. No state funds for any purpose shall ever be distributed to any community college district which is formed without legislative approval.

(c) The application for the formation of a community college district shall be submitted in the form prescribed by the commission and subscribed by not less than five hundred (500) or twenty-five percent (25%), whichever is the smaller number of qualified electors residing within each of the counties situated in the area sought to be organized into a community college district.

(d) Whenever the community college commission receives a proper application for the formation of a community college district, it shall cause a survey to be conducted to consider the need for a community college in the proposed district, the need for the community college in the state, the financial ability of the proposed district to support a college, the educational soundness of the proposed community college plan and any other matters which might assist the commission in the disposition of the application. The county commissioners of the area within the proposed community college district shall reimburse the community college commission for all reasonable expenses incurred in making the survey. If the proposed district embraces more than one (1) county the costs of the survey shall be shared proportionately by the counties involved, according to population within the proposed district.

(e) The commission shall approve or disapprove the petition within ninety (90) days of receipt thereof. The commission shall furnish the legislature a copy of its survey findings and recommendations and shall notify the county commissioners of the county wherein the proposed community college is to be located of its findings and recommendations.

(f) After receipt of notice that a petition for establishment of a community college has been approved by the commission, the county clerk of the county wherein the proposed community college is to be located shall conduct an election to determine the question of creation of a community college district with authority to levy a tax not to exceed four (4)

mills and to elect the initial members of the community college district board. The election shall be held on the next election date authorized under W.S. 22-21-103 which is not less than sixty (60) days after the receipt of the notice by the county clerk. In the event two (2) or more counties are to be included in the proposed community college district, the county commissioners shall proceed in accordance with W.S. 22-22-103. The county clerk of the other county or counties involved shall conduct an election on that date as hereinafter provided. The county commissioners of the county or counties included within the proposed community college district shall pay all costs incident to the conduct of the election within their respective counties.

(g) The county clerk of the county wherein the proposed community college is to be located shall publish at least one (1) notice of election in a newspaper of general circulation in the proposed community college district. The publication shall be made no more than thirty (30) days nor fewer than fifteen (15) days prior to the date set for the election. The notice shall state that the purpose of the election is to determine the question of creation of a community college district with authority to levy a tax not to exceed four (4) mills on the dollar of assessed valuation of property located within the proposed district and to elect members of the initial community college district board.

(h) The county clerk, in conducting an election to determine the establishment of a community college district, has substantially the same duties and responsibilities as in the conduct of a regular college election except as otherwise provided.

(j) Nominations to the initial community college district board are submitted on forms provided by the county clerk of the county wherein the proposed community college is to be located to be substantially the same as those required for the nomination of a candidate in a regular district board member election. All names so filed shall be printed in alphabetical order, without designation of party name or election subdistrict, on the ballot to be furnished the electors at each polling place on the day of the election by the county clerk of the county wherein the proposed community college is to be located. The names of all persons filing as candidates shall be published in a newspaper of general circulation in the proposed community college district not later than the Saturday preceding the date of the election. Nothing in this section prevents a

voter from writing the name of any qualified person on such ballot.

(k) Absentee ballots are allowed in elections for the establishment of a community college district in the same manner as provided in the procedure for trustee elections.

(m) Any person who qualifies as a voter in a community college district board election is entitled to vote in an election on the question of establishment of a community college district.

(n) The question to be submitted to the voters to determine the establishment of a community college district shall be in substantially the following form:

(i) "Shall a community college district be created and established according to law, encompassing .... (name of the county or counties within the proposed community college district) to be known as .... Community College District for the operation and maintenance of a community college to be located at ....., Wyoming; and shall there be levied a special tax not to exceed four (4) mills on the dollar of taxable valuation within the district for the operation and maintenance of said community college?"

Community college and special mill tax Yes ☐

Community college and special mill tax No ☐

(o) Immediately after the closing of the polls the election officers shall proceed to canvass the ballots. Results disclosed by the canvass shall be certified by the county clerk to the county commissioners of the county wherein the proposed community college is to be located. After all results have been received by the county commissioners of the county wherein the proposed community college is to be located the results shall immediately be certified to the commission.

(p) The vote necessary to authorize the establishment of a community college district is a majority of all votes cast within the proposed community college district.

(q) The county clerk shall prepare copies of the certification of election results and keep a copy of the certificate of election results on file.

(r) If the election for establishment carries, the county clerk shall notify by registered mail the seven (7) candidates who receive the highest number of votes in the entire election. The seven (7) candidates shall constitute the initial board of the community college district. Terms of office shall begin on the day immediately following the certification of the election and shall expire at 12:00 noon on the first day in December following the first regular election of board members under W.S. 21-18-309.

**21-18-313. Bond issues; revenue bonds.**

(a) The community college district board of any community college having a daytime enrollment of at least two hundred (200) students may issue negotiable coupon bonds of the community college for the purpose of acquiring, erecting, and equipping student dormitories, dining halls, and recreational facilities, and acquiring sites therefor.

(b) Except as otherwise provided bonds shall be payable solely out of a special fund to contain the net revenues to be derived from the operation of the dormitories, dining halls, and recreational facilities, the revenues being defined as those remaining after paying the cost of maintaining and operating the facilities. Bonds shall contain an irrevocable pledge of and lien on net revenues and are not general obligations of the districts issuing the bonds within the meaning of any constitutional or statutory provisions, and the face of each bond issued shall so state. Bonds shall not be secured by mortgage on property but the net income on such property may be pledged for the payment of principal and interest thereon. The governing board of said community college district may, by resolution, pledge and pay into the special fund any or all of the revenue of the district, excluding the revenue derived from ad valorem taxes and student fees paid as tuition, and including, without limiting the generality of the foregoing, all other fees, rates, and charges in any manner derived from the operation of the college district to the extent necessary to provide for the payment of principal and interest on the bonds authorized to be issued.

(c) Bonds shall be authorized by a resolution adopted by the community college district board, shall mature serially within a period not exceeding forty (40) years from their date and shall bear interest payable annually or semiannually. The resolution authorizing the issuance of the bonds shall provide the details thereof, including provisions for their disposition,

payment and redemption. The resolution shall provide for the accumulation of net revenue for a reserve fund of not less than seven percent (7%) of bond proceeds in addition to any amounts accumulated under subsection (e) of this section, for the maintenance and repair and for facility obsolescence and depreciation of any building or facility to be constructed or otherwise acquired through the bond issue, and it shall contain other or further covenants and agreements as may be determined by the governing board for the protection of bondholders.

(d) Before issuing any revenue bonds, the governing board shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for that purpose. The governing board may not issue or sell bonds in an amount exceeding the specified maximum amount except with the consent of the bondholders and by amendment or modification of the indenture. The governing board may amend the resolution prior to the issuance of the bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold. The governing board may include in a single resolution or authorization the issuance of bonds for one (1) or more projects.

(e) The governing board of a community college district shall establish and collect charges and rentals for services and facilities furnished, acquired, constructed, or purchased from the proceeds of the bonds, sufficient to pay the principal or the interest on the bonds as they become due and payable, together with such additional sums as may be deemed necessary for accumulating a reserve pursuant to subsection (c) of this section, providing for obsolescence and depreciation and paying the expenses of operating and maintaining the facilities. The governing board shall establish all other charges, fees and rates to be derived from the operation of the facilities.

(f) The governing board of a community college district may insure against the loss of revenues from any cause. The proceeds of the insurance shall be used exclusively for the payment of bonds and the interest thereon. If loss of revenue is brought about as a result of the destruction of one (1) or more of the facilities constructed, acquired, or purchased from the proceeds of the bonds, then and in that event the proceeds of insurance may be used for the replacement of the facilities.

(g) The governing board of a community college district may enter into agreements and contracts with the United States

government and any of its agencies for the construction and operation of facilities and revenue bonds to be issued therefor. The governing board of the community college may comply with conditions that the federal government may impose to secure the full benefits of federal statutes pertaining to loans or grants to educational institutions for housing and other facilities, all other provisions of this act to the contrary notwithstanding.

(h) Bonds issued pursuant to this act are eligible for investment by banking institutions and for estate, trust, and fiduciary funds, and the bonds and the interest thereon shall be exempt from taxation by this state and any subdivision thereof.

(j) The governing board of a community college district has plenary powers and responsibility for the acquisition, construction, and completion of all projects authorized by the governing board by the resolution to issue revenue bonds.

(k) The governing board of a community college district may insure such facilities authorized by the governing board against public liability or property damage.

(m) The governing board may provide for the replacement of destroyed, lost, or mutilated bonds or coupons.

(n) All costs and expenses incident to the issuance and sale of the revenue bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any facilities for which the bonds were issued. Provision for the payment of interest under such circumstances shall be made in the indenture.

(o) Revenue bonds may be sold at either public or private sale. The community college district board may establish terms and conditions for the sale or other disposition of an authorized issue of bonds. The board may authorize, by resolution, the sale of bonds at less than their par or face value.

(p) The governing board may provide for the execution and authentication of revenue bonds by the manual, lithographed, or printed facsimile signature of officers of the governing board of the community college district if at least one (1) signature shall be manually inscribed.

(q) Revenue bonds are callable upon such terms, conditions, and notice as the governing board may determine and upon the payment of such premium as may be fixed by the board in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise the call is expressly stated on the face of the bond.

(r) The community college district board may provide for the issuance, sale, or exchange of refunding bonds issued under the provisions authorizing the board to issue revenue bonds. All provisions of this act applicable to the issuance of revenue bonds by community college districts are applicable to the funding or refunding of revenue bonds and to the issuance, sale, or exchange thereof.

(s) The governing board of a community college district may issue funding or refunding bonds in a principal amount sufficient to provide funds for the payment of all bonds funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring, or paying of the outstanding bonds, and the issuance of the funding or refunding bonds.

(t) Any balance remaining in any fund established to pay the principal and interest on bonds after payment of all charges, costs and expenses authorized to be expended therefrom may be allocated and used for the acquisition, construction, equipping, and furnishing of buildings and sites for community college purposes.

(u) The obligation and liability of the community college district board, severally and individually, to the holders of the bonds is limited to applying proceeds of the special fund to the payment of principal and interest on the bonds and the bonds shall contain a provision to that effect. In the event of default in the payment of bonds or the interest thereon, and in the event that the board is misusing special funds or not using them as provided by this act, then the holders, or any of them, may bring suit against the board in the district court of the county wherein the community college is located for the purpose of restraining the board from using the funds for any purpose other than the payment of the principal and interest on the bonds as provided by this act.

**21-18-314. Bond issues; general obligation bonds; bond elections; bond tax levy.**

(a) A majority of the community college district board may submit to the electors of the district the question of whether the board shall issue bonds of the district not to exceed four percent (4%) of the assessed valuation of the community college district:

(i) For the purchase, erection, remodeling, or completion of a building or buildings for community college purposes and the equipment and suitable site therefor;

(ii) For the purchase of equipment and facilities, including laboratories, libraries, and other such facilities as may be deemed necessary and proper for the college;

(iii) For fees and costs attendant to the services of attorneys, architects, and engineers, and for the cost of publications, the printing of bonds and prospectus.

(b) Bonds may run for a period of twenty-five (25) years or less and bear interest. In addition, not less than seven percent (7%) of the bond proceeds shall be used for the maintenance and repair and for facility obsolescence and depreciation of any building or facility to be constructed or otherwise acquired through the bond issue. The four percent (4%) limitation in subsection (a) of this section shall be separate and apart from and in addition to the ten percent (10%) limitation of indebtedness as provided for by the constitution and laws of Wyoming for school districts. The levy for payment thereof is separate and apart from and in addition to the operating levy of not to exceed four (4) mills, and additional levy imposed under W.S. 21-18-303(b) and any additional operating levy imposed under W.S. 21-18-311(f) of not to exceed five (5) mills, unless the bond election question provides otherwise.

(c) An election on the question of the issuance of bonds by a community college district shall be held on the dates and in the manner prescribed in the Political Subdivision Bond Election Law, W.S. 22-21-101 through 22-21-112.

(d) If the proposed issue of bonds is approved in the election and issuance thereof is authorized by the community college district board the bonds may be sold at either public or private sale. All costs and expenses incident to the issue and sale of the bonds made may be paid out of the proceeds of the sale of the bonds. If the bonds are sold at public sale the



community college district board must give at least one (1) notice by publication in some newspaper of general circulation in the community college district, and also in some newspaper published in the capital of this state, of its intention to sell the bonds, briefly describing same, and the time and place where the sale will take place. The publication shall be made not less than fifteen (15) days, nor more than thirty (30) days prior to the date designated for the sale of the bonds.

(e) After ascertaining the best terms upon, and the lowest interest at which the bonds can be sold, the community college district board shall cause the bonds to be suitably printed or lithographed, with coupons, if any, attached, and thereafter shall have the bonds consecutively numbered and otherwise properly prepared and executed. Bonds may be in such form as the board may direct but must bear the signature of the president of the community college board of trustees, be countersigned by the secretary of the board, bear the district seal and be countersigned by the county treasurer. Bond coupons, if any, must be signed by the president and secretary of the board and by the county treasurer. The secretary of the community college board shall endorse a certificate upon every bond that it is issued pursuant to law and is within the debt limit of the issuer. Bonds shall be registered by the county treasurer in a public book provided for that purpose stating the number, date, amount, time and place of payment, rate of interest, number of coupons attached, if any, for each bond so entered and any other proper description thereof for future identification.

(f) Bonds issued by community college districts pursuant to this section shall bear interest payable annually or semiannually, and evidenced by one (1) or two (2) sets of coupons, if any, except that the first coupon may evidence interest for a period not in excess of one (1) year, and the bonds may be in one (1) or more series, may bear a date or dates, may mature in an amount or amounts, serially or otherwise, at a time or times not exceeding twenty-five (25) years from their respective dates, may be in a denomination or denominations, may be payable in a medium of payment, in a place or places, within or without the state, including, but not limited to the office of the county treasurer of the county in which the college is located, may carry such registration privileges, may be subject to terms or prior redemption in advance of maturity in order, or by lot, or otherwise, at a time or times with or without premium, may bear privileges for reissuance in the same or other denominations, may be so

reissued without modification of maturities and interest rates and may be in a form, either coupon or registered, as may be provided by resolution of the community college district board. Except as the board may otherwise provide, bonds and interest coupons attached thereto, if any, are fully negotiable, within the meaning of and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through 34.1-8-603. A holder of each bond, by accepting the bond, shall be conclusively deemed to have agreed that the bond is and shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through 34.1-8-603.

(g) Whenever the issuance of bonds by a community college district may be lawful, the community college district board having authority to issue said bonds may, at its discretion, divide such issues into series so that substantially equal amounts of the indebtedness shall mature annually, or so that substantially equal tax levies shall be required for the payment of principal and interest of such bonds, or that substantially equal tax payments shall be required for the payment of principal and interest of all outstanding bonds of the district issuing said bonds, the bonds of each such series being made due and payable at a definite date within the period permitted by law for the discharge of such indebtedness.

(h) The sale of bonds must be conducted by the community college district board. All proceeds from the sale of bonds shall be paid to the treasury of the county in which the college is located to the credit of the community college district and shall be made immediately available to the community college district upon order of the community college district board. Bonds shall not be sold for less than par value, and the board is authorized to reject any bids. The faith, credit, and all property lying within the community college district are solemnly pledged for the payment of the interest and the redemption of the principal of all bonds issued pursuant to this section.

(j) The board of county commissioners shall cause to be levied annually upon all taxable property of the community college district, in addition to other authorized taxes, a sufficient sum to pay the principal and interest on bonds as the payments thereon become due to be levied, assessed, and collected in the same manner as other taxes for school purposes. The tax shall be known as "District bond tax of .... Community College District" and shall be levied until the principal and interest of the bonds are fully paid. If the tax for the

payment of interest on any bonds issued under this act at any time is not levied or collected in time to meet payment, the interest shall be paid out of any monies in the general fund of the district and the monies so used for payment shall be repaid to the fund from which taken out of the first monies collected from district taxes.

(k) The county treasurer shall pay out of any monies belonging to the community college district tax fund, the interest upon any bonds issued under this section by the college district when due upon presentation at his office of the proper coupon, which must show the amount due, and the number of the bond to which it belonged. All coupons paid must be reported to the community college district board at its meeting thereafter.

(m) If any member of the community college district board fraudulently fails or refuses to pay into the proper county treasury the money arising from the sale of any bonds provided for by this act, he is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a term of not less than one (1) year nor more than ten (10) years.

(n) The community college district board shall require the county treasurer to give the district a separate bond in such sum as the board deems proper, with two (2) or more sufficient sureties, conditioned upon the faithful performance of the duties required of him by this section and the faithful accounting for the monies deposited with him and realized from the sale of said bonds, as herein provided for. Bonds shall be approved by the board and shall be and remain in the custody of the district board.

(o) The bonds and any coupons bearing the signatures of the officers in office at the time of the signing thereof are valid and binding obligations of the community college district board, notwithstanding that before delivery or payment thereof, any or all of the persons whose signatures or facsimiles appear thereon have ceased to fill their respective offices.

(p) Any officer of the board authorized or permitted to sign any bonds, including revenue bonds, refunding bonds, and bonds specified in this section, or interest coupons at the time of its execution, upon the execution and filing of a signature certificate, may execute or cause to be executed with a facsimile signature in lieu of his manual signature any bonds and coupons, if any, issued pursuant to the provisions of this

act and may adopt as and for his own signature the facsimile signature of his predecessor in office in the event that the facsimile signature, having been executed by an officer then authorized to do so, appears upon the bonds or coupons. When the seal of the district is required in the execution of a bond or instrument of payment, the secretary of the community college district board may cause the seal to be imprinted, engraved, stamped, or otherwise placed in facsimile thereon.

**21-18-315. Bond issues; refunding.**

(a) Any bonds issued by any community college district may be refunded, without an election, by the district which issued the bonds, in the name of the district, but subject to the provisions concerning their payment and to any other contractual limitations in the proceedings authorizing their issuance or otherwise appertaining thereto, for any of the following purposes:

(i) To extend the maturities of outstanding bonds for which payment is in arrears, or which there is not, or it is certain that there will not be, sufficient money to pay the principal or interest on outstanding bonds as due;

(ii) To reduce interest costs or effecting other economies;

(iii) To reorganize all or any part of the outstanding bonds of the district in order to equalize tax levies;

(iv) To refund any bonds which were issued payable from a limited mill levy.

**21-18-316. Liberal construction.**

This act being necessary to secure public health, safety, convenience, and welfare, shall be liberally construed to effect its purposes.

**21-18-317. Authority to provide educational program; scope and approval of program.**

The community college district board of any community college in this state may provide an educational program in the field of nursing. The educational program shall be of the duration and intensity as may be deemed appropriate by the community college

district board and the Wyoming state board of nursing and shall lead to an associate degree in nursing and prepare each student for licensure as provided by law. Approval of the Wyoming state board of nursing is required prior to the establishment of the nursing education.

**21-18-318. Student electronic writings and other electronic communications; expectation of privacy.**

(a) No ownership rights to any electronic writing or other electronic communication created by a student shall be conveyed, transferred or otherwise affected solely as a result of the writing or other communication being stored on an electronic device paid for in whole or in part by a community college within the state or transmitted or stored on a community college's network.

(b) Students at a community college in the state shall have an expectation of privacy in the electronic writings and other electronic communications created by the student regardless of whether the writing or other communication is stored on an electronic device paid for in whole or in part by the community college or transmitted or stored on the community college's network. A community college shall not require a student to waive or limit the student's expectation of privacy specified under this subsection. This subsection shall not apply to writings or other communications:

(i) Publicly disclosed, released or conveyed by the student or otherwise made available for observation by the student in such a manner that a person would not reasonably expect the writing or other communication would remain undisclosed to others;

(ii) Accessed by a community college in cases where there is a technological requirement to support and maintain the community college's electronic device or network. Writings or other communications viewed during the technological support or maintenance of the electronic device or network shall be limited to only those writings or other communications required to address the specific technical issue and shall not be used or distributed to any other person or entity unless otherwise mandated by federal or state law.

(c) The property rights and expectation of privacy provided in subsections (a) and (b) of this section do not apply to a writing or other communication created by a student who is

simultaneously employed by and enrolled at a community college if the writing or other communication is created when the person is acting in an official capacity as an employee of the community college. Nothing in this subsection shall be construed to diminish the property rights or expectation of privacy of persons acting in the capacity of an employee of a community college.

(d) Nothing in this section shall be construed to:

(i) Impose, by operation of law, or require a community college to accept or prohibit a community college from accepting any liability or responsibility for collecting, maintaining, storing or otherwise recording writings and other communications created by a student;

(ii) Require a community college to establish or prohibit a community college from establishing standards on the retention and destruction of student writings and other communications.

(e) For purposes of this section, "student" means any person currently enrolled full time or part time at a community college in the state.

**21-18-319. Student dormitory capital construction loans; rulemaking; requirements; reporting; definition.**

(a) Before April 1, 2023, the state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to community college districts for capital construction of student dormitories, including the purchase of land, buildings, facilities and necessary rights-of-way. The aggregate sum of all outstanding loans made under this section shall not exceed sixty million dollars (\$60,000,000.00). The board shall adopt rules as it deems advisable or necessary to administer the loans authorized in this section. The state loan and investment board shall not issue any new loan under this section on and after April 1, 2023.

(b) In making loans authorized in this section, the board shall establish in rule the requirements and standards which it determines to be advisable or necessary and in accordance with the following:

(i) To qualify for a loan a community college district shall demonstrate in its application:

(A) A commitment to adequately maintain the student dormitory for which the loan is requested for the full term of the loan or for the period in which there remains an outstanding loan balance;

(B) That all costs for the construction of the student dormitory will be funded at the time of receipt of the loan, with funding sources specified in the application.

(ii) The determination of whether to make a loan shall include consideration of:

(A) The community college district's need for the student dormitory and the financial needs of the community college district in relation to the student dormitory;

(B) The ability of the community college district to repay the loan.

(iii) Any community college district with a significant demonstrated need to increase student dormitory capacity on campus shall be granted first priority for loans;

(iv) Loans shall be at an interest rate of one percent (1%) plus seventy-five thousandths of one percent (.075%) for each year of the loan term in excess of five (5) years;

(v) Loans shall be for an initial term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment;

(vi) Adequate security for loans shall be required and may include:

(A) A pledge of the revenues from the student dormitory for which the loan was granted;

(B) A pledge of other revenues available to the community college district receiving the loan;

(C) Any other security device or requirement deemed advantageous or necessary by the board.

(vii) Annual financial statements shall be required from any community college district receiving a loan. In

addition, the expenditures and progress of the project related to the loan shall be reported to the board at least annually or more frequently if deemed advisable by the board. At the end of the term of the loan, the community college district shall provide to the board a comprehensive report that shall, at minimum, include a financial review and a list of the accomplishments as a result of the loan;

(viii) No loan shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith. An election by the qualified electors of the community college district approving the construction of student dormitories and borrowing of funds under this section shall be required only if the attorney general determines an election is otherwise required by law;

(ix) A loan origination fee of one-half of one percent (0.5%) of the loan amount shall be paid by the community college district to the board to be credited to a loss reserve account, which is hereby created:

(A) Revenues received by the board for deposit in the loss reserve account shall be transmitted to the state treasurer for deposit to the account;

(B) Funds in the loss reserve account shall be used to pay the administrative and legal expenses of the board in making collections and foreclosing on loans made pursuant to this section;

(C) If, as a result of default in the payment of any loan made under this section there occurs a nonrecoverable loss either to the corpus of, or interest due to the permanent Wyoming mineral trust fund, the board shall restore the loss to the fund using any funds available in the loss reserve account. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent Wyoming mineral trust fund.

(x) The board, whenever it deems necessary for the better protection of the permanent Wyoming mineral trust fund, may refinance any delinquent loan made under this section and reamortize the loan over not more than twenty-five (25) years from the date of refinancing. All costs of refinancing the loan



shall be paid by the community college district that is delinquent on the original loan and no loan shall be refinanced where it appears refinancing will jeopardize the collection of the loan. A fee of one-half of one percent (0.5%) of the refinanced loan amount shall be paid by the community college district to the board to be credited to a loss reserve account created by paragraph (ix) of this subsection. The rate of interest for any refinanced loan shall be at the same rate specified under paragraph (iv) of this subsection.

(c) Loans to a community college district under this section shall not be used for any other infrastructure need of the community college district that is not directly associated with the development and construction of student dormitories.

(d) On or before June 30 of each year, the board shall report information on the administration of loans made pursuant to this section to the joint appropriations committee, the joint minerals, business and economic development interim committee and the joint education interim committee. The report shall include a list of all loan requests made in the previous twelve (12) months, the amount approved by project, expenditures by project and the progress of each project as of the date of the report, including outstanding loan amounts, repayment schedules and any delinquencies.

(e) As used in this section:

(i) "Board" means the state loan and investment board and includes assistance provided by the office of state lands and investments;

(ii) "Capital construction" or "construction" includes new construction, renovation or capital renewal.

#### ARTICLE 4 - WYOMING WORKS PROGRAM

##### **21-18-401. Wyoming works program created; short title.**

This article may be cited as the "Wyoming works program".

##### **21-18-402. Definitions.**

(a) As used in this article:

(i) "Academic term" means the fall semester or term, the spring semester or term, summer school, or other defined

period of time within a term or semester in which the approved credential program or course is offered. In this article, "term" and "semester" have the same meaning. If an approved credential program or course encompasses a defined period of less than a full semester or term the beginning of the defined period shall be considered the beginning of the term or semester for that program or course;

(ii) "College" or "community college" means an institution established under the Wyoming Community College System Code;

(iii) "Commission" means the Wyoming community college commission;

(iv) "Consortium" means two (2) or more colleges sharing or jointly delivering credential programs in more than one (1) geographic location, by sharing resources or otherwise collaborating in order to more efficiently provide access to credential programs for students;

(v) "Cost of attendance" means the sum cost of tuition, mandatory fees, room and board, books and supplies, travel and personal expenses to attend a community college as determined annually by the college in accordance with W.S. 21-18-404(b);

(vi) "Credential" means a license, permit, certificate or other government or industry recognized qualification for working in a trade or occupation in this state, including, but not limited to, drivers of commercial motor vehicles, welders, machine shop operators or other workforce training programs. College academic credit and an applied science degree or certificate may be earned in a credential program, but college academic credit shall not be a requirement for a credential program;

(vii) "Unmet financial need" means the cost of attendance minus the sum of expected family contribution and all federal, state, local, institutional and privately funded scholarships or grants received by the student, all as determined by the community college. The college shall use the most recent federal free application for federal student aid form to determine expected family contribution and shall do so annually in accordance with W.S. 21-18-404.

**21-18-403. Wyoming works program created; eligibility requirements.**

(a) There is created the Wyoming works program for Wyoming community college students.

(b) Under the Wyoming works program, subject to the availability of funds as determined by the legislature, the state may provide grant funds pursuant to this article on behalf of an eligible student who has been accepted by and enrolled in a community college to pursue a credential program approved by the commission for the Wyoming works program, who has demonstrated Wyoming residency as determined by the community college at which the student is enrolled and who is not ineligible under subsection (c) of this section. No college shall require a high school diploma or high school equivalency certificate as a prerequisite for admission to a credential program funded in whole or in part with monies under this article, unless the credential program is included within a college academic credit program requiring the diploma or equivalency certificate and the college provides the student assistance in achieving the diploma or equivalency certificate.

(c) No student shall be eligible for a grant under this article for more than six (6) academic terms. A student is not eligible for a grant under this article if he:

(i) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements or requirements of a subsequent similar federal enactment;

(ii) Has not complied with United States selective service system requirements for registration, if the requirements are applicable to the student;

(iii) Is in default on a federal Title IV education loan. Nothing in this paragraph prohibits a student who is otherwise eligible for a grant under this article and has fully repaid a defaulted loan or is no longer in default, from receiving a grant for future academic terms;

(iv) Owes a refund under a federal Title IV student financial aid program or a subsequently enacted similar federal student financial aid program, or a student financial aid program administered through the state. Nothing in this paragraph prohibits a student who is otherwise eligible for a

grant under this article and has fully paid the refund owed, from receiving a grant for future academic terms;

(v) For continued enrollment in a credential program if he fails to make satisfactory academic progress as required for the credential program by commission rule;

(vi) Is currently receiving a scholarship under the Hathaway scholarship program established in W.S. 21-16-1301 through 21-16-1311.

#### **21-18-404. Student grants; amounts.**

There shall be made available student grants under the Wyoming works program. The grant amount shall not exceed the amount provided for two (2) semesters under the Hathaway provisional opportunity scholarship pursuant to W.S. 21-16-1305(a)(i)(A), in any one (1) academic year, unless the credential program is in an economic sector determined by the commission to fulfill a critical workforce need. For credential programs in such economic sectors, the grant amount shall not exceed the amount provided for two (2) semesters under the Hathaway honor scholarship pursuant to W.S. 21-16-1304(a)(iii)(A) in any one (1) academic year. One-half (1/2) of the annual award shall be provided to the student at each fall and spring academic term of qualification, unless the credential program or course is for a defined period of less than a full semester or the student elects to reserve any portion of the annual award for attendance at a subsequent summer school term. For credential programs of one (1) term or less, cost of attendance and unmet financial need shall be calculated on a projected annual basis, but the annual award amount shall be provided in full in the term of attendance, on a prorated basis.

#### **21-18-405. Administration; rules and regulations.**

(a) Distribution of funds for student grants shall be administered by the commission in accordance with the following:

(i) Distributions shall be made from funds available in the Wyoming works student grant account. Distributions for students grants shall not exceed two million dollars (\$2,000,000.00) in appropriated state funds in any academic year;

(ii) Student grants shall be limited to students enrolled in an approved credential program;

(iii) Colleges shall apply to the commission for grant funds to be expended by the college on eligible students for approved credential programs. The commission shall provide student grant funding to each college based upon the actual or projected enrollment in the approved program and the commission's prioritization of program funding in accordance with this article and rule of the commission;

(iv) Students shall apply for grants under this article with the community college at the time of applying for admission or prior to the beginning of the academic term for the applicable credential program at the college. The application shall contain information required by rule of the commission;

(v) For students transferring from a community college to another community college and making application for continuance of a grant, the college from which the student is transferring shall at the student's request provide a list of all academic terms of attendance in which a Wyoming works grant was received by the student;

(vi) Each community college receiving an application from a student applying for a Wyoming works grant shall determine the student's eligibility for the grant. Each community college shall certify to the commission not later than thirty (30) days after the academic term or program commences, a list of students enrolled at the college who qualify for a grant under this article, including the maximum amount of each grant. The executive director of the community college commission shall verify within ten (10) days after receiving a list from a community college whether there is any duplication of students on the community college list with previously submitted student grant lists and shall certify to the commission the maximum amount a college would be eligible to receive for student grants under this article for an approved program;

(vii) For students attending more than one (1) community college the commission may distribute any student grant funds provided on a proportionate basis as determined by rule of the commission;

(viii) Following each spring semester, each college shall refund to the commission the difference, if any, between the amounts distributed to colleges for student grants under this section for the spring term and the previous fall and summer terms and the amount actually expended by colleges on

those student grants. Colleges shall refund the difference not later than August 1. The commission shall deposit all payments under this paragraph to the Wyoming works student grant account.

(b) The commission, in consultation with each community college, shall by rule designate a date or dates for each academic year upon which each college shall make the final computation for unmet need for students eligible to receive a grant under this section, consistent with each college's schedule for determining actual cost of attendance for students at that college.

(c) The commission shall, in consultation with community college admissions officers and financial aid officers, promulgate rules and regulations necessary to implement student grant provisions under this article, including:

(i) A means for informing potential students of the availability of the grants under this article;

(ii) Applications, forms, financial and program audit procedures, eligibility and other matters related to efficient operation;

(iii) Any other rules and regulations necessary for the implementation and administration of student grants under this article.

(d) The commission may conduct an audit of any college participating in the student grant program under this article to determine compliance with any student grant provision of this article.

#### **21-18-406. Student grant limitations.**

To the extent a student grant under this article would, when combined with any grant or scholarship from a student financial aid program administered through the state or any state institution, in any academic term exceed the cost of attendance at the community college, the grant under this article shall be reduced by the amount necessary to not exceed the cost of attendance. The commission shall by rule require that student grant funds under this article shall be provided for unmet financial need and only after all other public or private grants, scholarship or other financial aid available for the student's enrollment in the credential program have been applied.

**21-18-407. College program grant funds; distribution by community college commission; matching funds requirements.**

(a) From monies within the Wyoming works program account the commission shall distribute to colleges funds for instructor positions and to acquire instructional and resource materials and classroom equipment necessary to support the Wyoming works program. The community colleges may collaborate on the use of funds received from the Wyoming works program account, including entering into consortium agreements for operation of credential programs.

(b) Funds distributed under this section shall be subject to the following:

(i) The funds shall be designated as Wyoming works program funding, accounted for separately from funding provided under the allocation model under W.S. 21-18-205(c) and special purpose funding under W.S. 21-18-205(e) and shall not be transferred to or expended for any other purpose;

(ii) The funds shall be expended only for credential programs approved by the commission. The commission shall develop by rule criteria under which to approve credential programs and to determine the amount of funding provided. The process for approving programs for funding shall reflect the primary goals of the Wyoming works program to develop technical skills most in demand in a college's service area or colleges' combined service areas and to fund programs which are most able to immediately respond to that demand by making grant funds available to students able to acquire the credential needed. The criteria for funding amounts shall include, at a minimum, the need for the program in the community, the region's workforce needs and the contribution of the program to the state's overall economic development. Priority shall be given to programs developed and delivered through consortiums and partnerships of colleges, to those programs which, based upon enrollment and projected enrollment, are most able to respond to industry training needs in the community and region. Colleges shall make application for funding of credential programs to the commission at times determined by rule of the commission;

(iii) Funds shall only be distributed if matched in the ratio of two dollars (\$2.00) of Wyoming works program account funds to not less than one dollar (\$1.00) of matching nonstate funds. The commission shall distribute matching funds

at the time any accumulated matching funds actually received by or pledged to the community college or consortium of community colleges total ten thousand dollars (\$10,000.00) or more. Matching nonstate funds under this paragraph include but are not limited to the following:

(A) Cash or cash equivalents;

(B) The fair market value, as determined by the commission, of in-kind donations of facilities, equipment or services to support approved credential programs, including donations actually received prior to the effective date of this section but after June 30, 2018.

(iv) Any amount of funding distributed under this section which remains unexpended or unencumbered at the end of the biennial budget period for which it was distributed shall revert to the Wyoming works program account.

#### **21-18-408. Accounts created.**

(a) The Wyoming works program account is created. The account shall consist of funds appropriated by the legislature, gifts and grants accepted by the state and such other funds as directed by law. Monies within the account are continuously appropriated to the commission for distribution to colleges as provided in this article. Interest and other earnings on funds within the account shall be credited to the account. Unexpended and unencumbered monies within the account at the end of each fiscal year shall not lapse but shall remain in the account.

(b) The Wyoming works student grant account is created. The account shall consist of funds appropriated by the legislature, gifts and grants accepted by the state and such other funds as directed by law. Monies within the account are continuously appropriated to the commission for distribution as provided in this article. Interest and other earnings on funds within the account shall be credited to the account. Unexpended and unencumbered monies within the account at the end of each fiscal year shall not lapse but shall remain in the account.

(c) Appropriated state funds within the Wyoming works student grant account and within the Wyoming works program account shall be accounted for separately from all other funds within each account.

#### **21-18-409. Legislative oversight and authority; reporting.**



(a) Nothing in this article shall be construed to constitute an entitlement to a grant established and funded by the legislature. Wyoming works grants shall be subject to legislative appropriation and the legislature reserves the right to modify or terminate the program established under this article at any time.

(b) The Wyoming community college commission shall report to the legislature by October 1 of each year the colleges, programs, industries and total number of students served by the Wyoming works program in the preceding school year. The report shall specify the funding provided to each college from the Wyoming works student grant account and the Wyoming works program account. The commission may require information from each college as necessary to provide the report required by this section.

#### CHAPTER 19 - HIGHER EDUCATION RETIREMENT

##### **21-19-101. Short title.**

This act shall be known and cited as "The Wyoming Higher Education Retirement Act".

##### **21-19-102. Authorization of supplemental retirement plan; conditions for participation.**

(a) Except as provided in subsections (b), (c) and (d) of this section, the governing body of any lawfully established community college or of the University of Wyoming may establish and administer a retirement plan for the benefit of certain employees of its institution by the use of a portion of the employer and employee contributions required under the provisions of the Wyoming Retirement Act.

(b) Except for participation on and after January 1, 1994, pursuant to subsection (d) of this section, any employee who is initially employed by an institution after June 30, 1985, shall elect to participate in either the institution's retirement plan or the Wyoming retirement system but shall not participate in any manner in both retirement plans.

(c) Prior to January 1, 1994, any employee participating in a retirement plan pursuant to this chapter but who is not a member of the Wyoming retirement system, by written notice to his employer, may elect to discontinue participation under the

institution's plan and become a member of the Wyoming retirement system, or if an employee is participating in the Wyoming retirement system as a limited member, he may elect to transfer his limited contributions and matching employer contributions, plus regular interest, from the Wyoming retirement system to one (1) of the plans authorized by this section.

(d) Prior to January 1, 1994, any employee of an institution shall elect to participate in either the retirement plan offered by the employing institution or the Wyoming retirement system. Each employee shall prior to January 1, 1994, provide written notice to the employing institution and the Wyoming retirement board of his election under this subsection. If an employee fails to notify the employing institution which retirement plan he selects, the institution shall notify the retirement board of this omission and the retirement board shall serve notice on the employee by registered mail return receipt requested that participation in the retirement system shall be cancelled effective January 1, 1994. All retirement contributions made on and after January 1, 1994 by any employee, together with matching employer contributions on his behalf, shall be made to the elected plan. An election pursuant to this subsection is irrevocable during the remainder of an employee's working career as a public employee.

### **21-19-103. Contributions generally.**

(a) Except as provided under W.S. 21-19-102(d), the terms and conditions of the Wyoming Retirement Act shall remain effective as to all employees of the institution except that any required employer and employee contributions thereunder which are based upon an employee's annual salary rate in excess of six thousand six hundred dollars (\$6,600.00) may be paid for the benefit of the employee in accordance with the institution's retirement plan. The payments of employer and employee contributions shall be in lieu of a portion of payments to the Wyoming retirement account, and the full amount of payments is subject to management and disposition in accordance with contractual rights and obligations of the institution's retirement plan. Any retirement plan shall provide that:

(i) Any employee whose annual salary rate is less than eight thousand six hundred dollars (\$8,600.00), or who is sixty (60) years of age or more at the time an institutional retirement plan becomes effective or his annual salary rate exceeds eight thousand six hundred dollars (\$8,600.00), shall

have the option to have all employer and employee contributions paid to the Wyoming retirement account;

(ii) All employees whose annual salary rate exceeds eight thousand six hundred dollars (\$8,600.00) shall have all employer and employee contributions based upon an annual salary rate in excess of six thousand six hundred dollars (\$6,600.00) paid in accordance with the institution's retirement plan.

#### **21-19-104. Retirement annuity policies.**

Any retirement plan established pursuant to W.S. 21-19-102 shall provide for the purchase of retirement annuity policies for the contributing employees. Rights and benefits of the annuity contracts shall vest in the employee. Annuity contracts may be made transferable from one (1) institution to another and provide acceptance of service of process by the issuer of the policy within the home state of the policyholder.

#### **21-19-105. Rules and regulations; further provisions as to contributions.**

The governing body shall make rules and regulations necessary and appropriate for administration of the plan and for the performance of its functions under W.S. 21-19-101 through 21-19-106. Except as provided under W.S. 21-19-102(d), a retirement plan may require a minimum dollar contribution by employees whose annual salary rate is less than eight thousand six hundred dollars (\$8,600.00), and may permit employees to make voluntary additional contributions to be withheld from salary payments and paid into the retirement plan for the employee's benefit. In no event shall the total employer contribution to the Wyoming retirement account and the institution's retirement plan exceed the amount that may be authorized by the Wyoming Retirement Act.

#### **21-19-106. Qualification of participating insurance companies.**

All insurance companies participating in retirement plans under this act shall be in all ways qualified to do business as an insurance company in the state of Wyoming.

### **CHAPTER 20 - COOPERATIVE EDUCATIONAL SERVICES**

#### **ARTICLE 1 - IN GENERAL**

**21-20-101. Short title.**

This act may be cited as "The Boards of Cooperative Educational Services Act".

**21-20-102. Purpose.**

The purpose of this act is to provide a method whereby school districts and community college districts or any combination may work together and cooperate to provide educational services, including but not limited to postsecondary education, career and technical education, adult education and services for children with disabilities, when the services can be more effectively provided through a cooperative effort. Educational services provided under this act by or in cooperation with public schools shall be subject to the standards for educational programs imposed under W.S. 21-9-101 and 21-9-102, and by rule and regulation of the state board.

**21-20-103. Definitions.**

(a) As used in this act:

(i) "Assessed value" means the total assessed value of the member school district or community college district;

(ii) "Board of trustees" means the board of trustees of any school district within the state or the community college district board of any community college within the state;

(iii) "Post secondary education" means education programs offered by any accredited Wyoming college, the University of Wyoming or any accredited college or university outside of Wyoming if services are unavailable in Wyoming;

(iv) "This act" means W.S. 21-20-101 through 21-20-112.

**21-20-104. Board of cooperative educational services; generally.**

(a) If two (2) or more boards of trustees desire to establish a board of cooperative services for the purpose of providing cooperative educational services and if the services can be provided more effectively through a cooperative effort, the boards of trustees of the interested districts, a majority of whose members respectively vote in favor of doing so, may

enter into an agreement to form a board of cooperative educational services. The agreement shall specify among other things the length of term of the agreement, the rights, responsibilities and obligations of each participating district, the types of services to be rendered, the procedure for the establishment of additional services and the procedure for the inclusion of additional districts within the cooperative educational services program. The agreement shall also provide a method for the amendment and dissolution of the agreement with the consent of each participating district. Any agreement to form a board of cooperative educational services entered into between the participating districts shall be approved by the state board of education.

(b) The boards of trustees agreeing to participate in the board of cooperative educational services shall appoint members of the participating boards of trustees to a board of cooperative educational services. The appointed board shall be composed of not less than five (5) nor more than nine (9) members unless there are more than nine (9) districts participating in which event each participating district shall have one (1) member. Each participating board of trustees shall have at least one (1) member appointed to the board of cooperative educational services. The terms of office of each of the members of the board of cooperative educational services shall be coterminous with their respective terms of office upon their boards of trustees. As the terms of office expire, or as vacancies occur, new members of the board of cooperative educational services shall be appointed by the board of trustees of the participating district.

**21-20-105. Board of cooperative educational services; chairman, vice-chairman, clerk and treasurer; meetings.**

At its first meeting, the members of the board of cooperative educational services elected as set forth in W.S. 21-20-104(b) shall proceed to elect from their membership a chairman, a vice-chairman, a clerk, and a treasurer, whose terms of office shall be for one (1) year unless their terms of office as school board members expire earlier. The duties of the chairman, vice-chairman, clerk and treasurer of the board of cooperative educational services shall be the same as the duties provided by law for similar offices of boards of trustees of school districts within this state insofar as they are applicable. Except as specifically provided herein, meetings of the board of cooperative educational services shall be called, held and conducted as provided by law for the meeting of the boards of

trustees of school districts within this state. Notwithstanding W.S. 21-3-110(a)(iv), the board of cooperative educational services shall meet quarterly and at other times as may be desirable upon call of the chairman. The board shall not be required to meet at least one (1) time per month.

**21-20-106. Cost of facilities, equipment and services.**

Except as provided under W.S. 21-20-110(g) for revenues generated from any additional special school district tax, the costs of facilities, equipment and services performed under the direction of the board of cooperative educational services shall be financed by participating districts on a basis agreed upon by the boards of trustees of the participating districts.

**21-20-107. Powers and duties of board of cooperative educational services.**

(a) Each board of trustees of cooperative educational services shall:

(i) Prescribe and enforce rules, regulations and policies for its own government and for the government of the services and affairs under its jurisdiction which are consistent with the laws of the state;

(ii) Keep minutes of all meetings at which official action is taken and a record of all official acts which are public records;

(iii) Be responsible for such programs and services as shall be provided by joint agreement of the boards of trustees involved in the cooperative educational programs;

(iv) Administer and abide by the terms of the agreement or agreements entered into by the participating districts.

**21-20-108. Powers and duties of board of cooperative educational services; property; contracts; gifts, grants, bequests or devises; employment and discharge of personnel; expenses; bonding of employees.**

(a) Each board of trustees of cooperative educational services may:

(i) Hold, convey, lease, rent and manage property;

(ii) Except as provided by paragraph (a)(iii) of this section, contract for educational and related services with any other agency;

(iii) Contract for post secondary education services with any accredited Wyoming college or the University of Wyoming or if services are unavailable in Wyoming, with an accredited college or university outside of Wyoming;

(iv) Accept or reject any federal or other gift, grant, bequest or devise;

(v) Discharge any employee;

(vi) Employ any personnel needed to perform the services for which the board of cooperative services is formed;

(vii) Receive and spend funds and provide for the necessary expenses of the board incurred in the exercise of its powers and performance of its duties;

(viii) Require any employee responsible for funds or property of the board to be bonded under suitable bond indemnifying the board against loss, for an amount and of a type determined by the board;

(ix) Provide insurance under the state employees' and officials' group insurance plan pursuant to W.S. 9-3-201(e), for board employees meeting the definition of employee under W.S. 9-3-203(a)(iv), as provided by W.S. 9-3-202 through 9-3-218. Each participating board of cooperative educational services shall report to the department of administration and information as specified by W.S. 9-3-201(e) and make payments for employer and employee contributions as provided by W.S. 9-3-210 and 9-3-211. The amount of contributions paid under W.S. 9-3-211 for each employee electing coverage shall be deducted from the employee's monthly salary in accordance with W.S. 9-3-211. Nothing in this paragraph shall be construed to limit the board's authority to provide insurance for its employees as otherwise provided by law.

**21-20-109. Special school district tax for board of cooperative educational services; election not required; determination of levy amount.**

(a) For the purpose of maintaining programs offered by a board of cooperative educational services, the school districts comprising the board may levy a special school district tax not to exceed one-half (1/2) mill on the assessed value of the member districts. The vote of the electors within the member districts shall not be required for the tax levy.

(b) The amount of the mill levy shall be determined on the basis of a predetermined formula based upon a participating district's total enrollment, ascertained by the board and ratified by at least three-fourths (3/4) of the participating boards. The assessment shall raise only the necessary funds to meet the financial requirements of programs and services offered.

(c) Repealed by Laws 1989, ch. 248, §§ 2, 3.

**21-20-110. Additional special school district tax; election; limitations; special community college district levy.**

(a) The school districts comprising any board of cooperative educational services established under this act and providing post secondary education services may impose an additional special school district levy not to exceed two (2) mills on the assessed value of the member districts. Any additional levy imposed under this section is in addition to any tax levied under W.S. 21-20-109.

(b) Except as provided by subsection (h) of this section, no additional tax shall be levied under this section until a proposition to impose the levy is submitted to a vote of the qualified electors of the member school districts comprising the board and a majority of all votes cast within the member districts vote in favor of imposing the additional tax levy. The proposition to impose the additional levy shall be submitted at an election held on a date authorized under W.S. 22-21-103. The board shall publish notice of the election within a newspaper of general circulation in the affected districts and the election shall be conducted in accordance with the procedures provided by W.S. 22-22-301 through 22-22-304. Each member school district shall pay all costs incident to the election within its district or if a concurrent election, an equally proportioned share of the costs as determined by the county clerk.

(c) At the election, the ballot shall contain the words "for the .... mill (not to exceed two (2) mills) additional special school district tax for maintenance of post secondary



education services offered by the .... Board of Cooperative Educational Services" and "against the .... mill (not to exceed two (2) mills) additional special school district tax for maintenance of post secondary education services offered by the .... Board of Cooperative Educational Services".

(d) Each county clerk of the counties involved shall immediately give notice of the election results to the county commissioners and if the proposition is authorized by the electors of all participating school districts, each involved county commission shall levy the additional special school district tax in the manner provided by law.

(e) If the additional tax levy is approved, the proposition of continuing the additional special school district levy shall be submitted by the board at each second general election following approval of the proposition until the proposition for continuing the additional levy is defeated. The ballot shall contain the words "for continuing the .... mill (not to exceed two (2) mills) additional special school district tax for maintenance of post secondary education services offered by the .... Board of Cooperative Educational Services" and "against continuing the .... mill (not to exceed two (2) mills) additional special school district tax for maintenance of post secondary education services offered by the .... Board of Cooperative Educational Services".

(f) If the proposition to impose or continue the increased tax is defeated, the proposition shall not again be submitted to electors of the member school districts for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the additional tax, the tax is repealed effective December 31 of that calendar year in which defeated and the levy imposed by the county commissioners for the following calendar year shall not exceed the levy authorized under W.S. 21-20-109.

(g) Revenues generated from any additional special school district levy under this section shall not be:

(i) Considered as a part of any local revenues to be included in any community college district budget or as a part of the operating budget of the University of Wyoming, except for tuition and fees collected for post secondary education services offered by and included within the budget of any community college or the University of Wyoming. The revenues shall be

identified in the community college biennial funding report under W.S. 21-18-205(b); or

(ii) Used for building any capital construction project.

(h) In addition to subsection (a) of this section, the board of trustees of any community college district participating in an agreement under W.S. 21-20-104 may levy a special levy of not to exceed one-half (1/2) mill on the assessed value of the district for a period not to exceed two (2) years. Any levy imposed under this subsection shall be used solely for purposes of maintaining programs offered by the board of cooperative educational services of which the district is a participant and when combined with any levy imposed under subsection (a) of this section, shall not exceed two (2) mills. A determination by the board to impose the levy shall be made at a regular or special meeting following a public hearing announced by the board. Any tax imposed under this subsection may be renewed by the board for an additional two (2) years subject to public hearing requirements specified under this subsection. Revenues collected under this subsection shall be identified as district revenue in the biennial funding report of the district under W.S. 21-18-205(b) but shall not be restricted by the commission in any manner.

**21-20-111. Special school district taxes; in addition to existing district tax limitations; distribution of tax revenues; withdrawal from participation.**

(a) Any special school district tax imposed under W.S. 21-20-109 and any additional special school district tax imposed under W.S. 21-20-110 shall be in addition to the tax limitations imposed under W.S. 21-13-102.

(b) Revenues generated from any special school district tax levy imposed under W.S. 21-20-109 and 21-20-110 shall be distributed to the appropriate board of cooperative educational services and shall be deducted from the total operating costs when assessing tuition and maintenance costs for participating districts. In addition and in accordance with W.S. 21-20-110(g), revenues generated under any additional tax levied under W.S. 21-20-110 shall be restricted to necessary operating expenses connected with maintaining post secondary education services.

(c) One (1) year advance notice shall be provided by any participating school district board of trustees before withdrawing from funding any cooperative educational services.

**21-20-112. Authority to act as a local education agency.**

(a) Any board of cooperative educational services authorized to operate pursuant to W.S. 21-20-102 may act as a local education agency for participating school districts that choose to apply for, receive or administer a grant through a grant program created by a federal or state statute or program. The provisions of this section shall not apply to federal formula grant moneys unless allowed by the "Elementary and Secondary Education Act of 1965", P.L. 89-10.

(b) A board of cooperative educational services authorized to operate pursuant to W.S. 21-20-102 may apply for federal or state moneys only with the approval of two (2) or more of the participating districts that have expressly agreed to participate in a grant application through votes of the boards of trustees of the districts. If a board of cooperative educational services applies for state or federal grant moneys on behalf of participating districts, the participating districts are not eligible to apply for the same state or federal grant moneys. If a participating district does not elect to participate in a grant application, that district is not precluded from applying for the same state or federal grant moneys as an individual district.

(c) The department of education shall treat boards of cooperative educational services as local education agencies for purposes of this section only and allow them to apply for all federal and state grant moneys for which they are eligible.

(d) State agencies may inform boards of cooperative educational services of federal and state grant moneys for which they may apply.

(e) An eligible grantee or consortium of grantees may designate a board of cooperative educational services as the fiscal manager for a state or federal grant. The grantee or consortium of grantees remains responsible for ensuring that all the requirements of the grant are met.

(f) The department of education may promulgate rules to establish processes and guidelines for a board of cooperative

educational services to apply for state or federal grant moneys pursuant to this section.

## ARTICLE 2 - WYOMING POSTSECONDARY EDUCATION OPTIONS PROGRAM

**21-20-201. Agreement between districts and post-secondary education institutions required; student participation; credits; financial arrangements; transportation; accessibility; required annual reporting.**

(a) To provide a post secondary education enrollment options program under this section, a Wyoming school district board of trustees and a Wyoming community college district board of trustees or the University of Wyoming shall enter into an agreement whereby students resident of the participating district may attend post secondary education programs offered by the university or a participating community college. Effective for the 2011-2012 school year and each school year thereafter, the post secondary education enrollment options agreement shall comply with minimum educational standards defined by the commission in consultation with the department of education, community colleges and the University of Wyoming, including post secondary education enrollment options provided by means of distance education. Additional student eligibility requirements for program participation shall be based upon criteria established by the university or the community college in collaboration with the department of education, which address the high school grade level, uniform prior curricula requirements, academic achievement levels and national examination performance indicators.

(b) An eligible student may, according to the agreement between the school district and the university or community college, enroll in a postsecondary education program offered at:

(i) The university, a community college, an off-campus center or at a site meeting safety and accessibility requirements under the instruction of a faculty member;

(ii) A higher education center which is part of a college outreach cooperative education services agreement entered into by one (1) or more community college districts and one (1) or more school districts under W.S. 21-20-104; or

(iii) A high school or other facility maintained by the participating district, under the instruction of a certified

teacher employed by the district or by a faculty member of the institution entering into an agreement with the district.

(c) A student participating in a postsecondary education enrollment options program pursuant to this section shall upon successfully completing any course offered under the program, receive academic credit by the resident school district which shall be counted towards the graduation requirements of the district. Evidence of successful completion of each course, the secondary credits granted and a statement that the credits were earned through program participation shall be made a part of the participating student's records maintained by the district. In addition, the participating student shall receive postsecondary education credit for any course successfully completed under the program.

(d) The school district and the university or community college district entering into an agreement for purposes of this section shall, if there are any fees within the agreement, establish fees to be assessed to the school district for student participation under the program, the payment schedule for the established fees and other necessary arrangements to facilitate fee payment and collection. Any textbooks, materials or equipment purchased under the established fees shall be addressed within the agreement entered into between the university or college and the school district. The university or community college shall not directly assess and collect any fee from the participating student for textbooks, materials, student services or any other fees otherwise assessed and collected from students attending the institution.

(e) A student participating in the program shall be counted within the average daily membership of the resident school district as defined under W.S. 21-13-101(a) (i) and concurrently by the participating higher education institution for its full-time equivalent enrollment count. Effective September 1, 2012 and each September 1 thereafter, any school district or institution participating in an enrollment options program agreement under this section, including any board of cooperative educational services established under W.S. 21-20-104 and involved in the program, shall file a report with the community college commission on student participation and completion and on revenues and expenditures attributable to program activities for the immediately preceding school year. The report shall be based upon policy and guidelines developed by the statewide discussions conducted pursuant to section 2 of 2010 Senate File 39 as enacted into law. Not later than October

1 of each school year, the commission shall report to the joint education interim committee, the community colleges, the department of education and the University of Wyoming on statewide program revenues, expenditures and student participation and completion.

(f) If the postsecondary education options program is offered at a facility operated by the university or participating community college which is located at a reasonable distance from the high school at which the participating student is enrolled, the district may provide for the transportation of the student between the high school and the location at which the program is offered. Costs incurred by the district under this subsection shall be included as part of the district transportation expenses as used in computing the district foundation program amount under W.S. 21-13-309.

(g) Nothing in this section prohibits a high school student from taking a college or university course apart from agreements outlined in this section if the student bears the cost.

(h) Each school district board of trustees shall in conjunction with the University of Wyoming, community college district boards of trustees or other post secondary education institutions accredited by recognized and accepted accrediting agencies, make post secondary education options programs pursuant to this section reasonably accessible to eligible students.

## CHAPTER 21 - COOPERATIVE TEACHER EDUCATION

### **21-21-101. Short title.**

This chapter shall be known and may be cited as the "Cooperative Teacher Education Act".

### **21-21-102. Authority to enter into agreements.**

(a) The board of trustees of each school district may enter into written, contractual agreements, or arrangements with any college or university to provide field experiences in teacher education. Field experiences include all activities incurred within the district by a regularly enrolled student in any phase of the teacher education program of the institution regardless of the title of his position.

(b) Each agreement or arrangement shall set out the rights and responsibilities of the cooperating school districts, teacher preparation institutions, students and other participation personnel.

**21-21-103. Payment of cost from public funds.**

(a) The respective governing boards of state colleges and universities may provide the contracting school district boards of trustees with tuition waivers to be used by the teachers of that district at any college in the state or for any workshop endorsed by the cooperating college or university.

(b) School districts may, by mutual consent of the parties to the agreement, provide compensation to supervisors to students of teaching.

**21-21-104. Authority and status of students of teaching.**

(a) Except as provided in subsection (b) of this section a student of teaching, during the time he is assigned to a field experience within a public school, is not a public employee of the school district within the meaning of the "Wyoming Education Code of 1969". The duties and responsibilities of the student of teaching shall be determined by mutual agreement between the school district and the authorized representative of the college.

(b) The student of teaching, during his field experience, is an employee of the school district pursuant to the provisions of the Wyoming Education Code of 1969, for the purpose of workmen's compensation and liability insurance as provided for other district employees.

CHAPTER 22 - WYOMING EDUCATION TRUST FUND

**21-22-101. Trust fund established; corpus inviolate; investment by state treasurer. Note: this section is repealed by Laws 2023, ch. 139, § 3. effective 7/1/2024.**

(a) A fund is established which shall be referred to as the Wyoming education trust fund. The Wyoming education trust fund shall consist of those funds appropriated or designated to the fund by law or by gift from whatever source.

(b) Funds deposited into the Wyoming education trust fund established pursuant to subsection (a) of this section are

intended to be inviolate and constitute a permanent or perpetual trust fund which shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest net return possible consistent with preservation of the corpus. Any earnings from investment of the corpus of the trust fund shall be credited by the state treasurer into a separate account and distributed in accordance with W.S. 21-22-102.

(c) Until the balance in the account established under subsection (a) of this section reaches fifty million dollars (\$50,000,000.00), the governor shall annually recommend to the legislature specific revenue sources for a ten million dollar (\$10,000,000.00) appropriation to that account.

**21-22-102. Disposition of trust fund investment earnings.**  
**Note: this section is repealed by Laws 2023, ch. 139, § 3.**  
**effective 7/1/2024.**

(a) Revenues deposited into the separate account established under W.S. 21-22-101(b) shall be distributed by the state treasurer as follows:

(i) To the department of education for distribution in accordance with W.S. 21-22-106 and 21-22-107 to Wyoming school districts for programs benefiting school districts.

(ii) Repealed By Laws 1997 Special Session, ch. 3, § 505.

(iii) Repealed By Laws 1997 Special Session, ch. 3, § 505.

**21-22-103. Repealed By Laws 2014, Ch. 103, § 2.**

**21-22-104. Repealed By Laws 2014, Ch. 103, § 2.**

**21-22-105. Repealed By Laws 2014, Ch. 103, § 2.**

**21-22-106. Distribution of trust funds available to public schools; innovative program grants; criteria.**

(a) Revenues available to the department of education from the separate account under W.S. 21-22-102 shall be annually distributed to school districts as innovative program grants to fund programs providing innovation in or improvement to public education through the creation of new, different and improved



educational opportunities in elementary or secondary schools, including:

Note: Effective 7/1/2024 this subsection will read as:

*(a) From amounts appropriated by the legislature, the department of education shall annually distribute funds not to exceed two hundred fifty thousand dollars (\$250,000.00) from the school foundation program account to school districts as innovative program grants to fund programs providing innovation in or improvement to public education through the creation of new, different and improved educational opportunities in elementary or secondary schools, including:*

(i) Curriculum development activities such as initiatives in world languages, mathematics, social studies, English and the sciences, programs to develop critical or creative thinking, programs involving the private sector and programs providing parental and family training;

(ii) Operational initiatives such as modification to class schedules, school day, week, month or year calendar and scheduling of extracurricular activities;

(iii) Administrator and staff development and improvement programs such as performance incentives, awards for excellence, professional training and development programs and performance evaluation programs;

(iv) Acquisition of technological equipment for programs expanding curriculum, enriching student education, enhancing staff development and providing community service;

(v) Applied science and technology programs designed to meet future labor market demands and to integrate public school programs with needs of business and industry;

(vi) Technical preparation programs integrating specific public school programs with community college programs and working with business and industry to prepare students for technical and academic careers;

(vii) Evaluation programs designed to determine the effect and achievement of innovative programs previously funded or currently provided within the district;

(viii) Regional developmental programs, including those designed to better prepare children for elementary school, and to improve parents' skills in developing their children's learning skills.

(b) In addition to criteria specified under subsection (a) of this section, priority shall be given to those programs which supplement not supplant existing courses and curriculum, are easily transferred to or duplicated by other districts, provide matching funds from nonstate sources and demonstrate the ability of the recipient district to continue the program after expiration of innovative program grant monies.

**21-22-107. Innovative program grants; application; selection by the state department of education; classification of districts; distribution; report on grants awarded; initial grants.**

(a) Proposals for innovative program grants authorized under W.S. 21-22-106 may be submitted annually by any Wyoming school district to the department of education on or before June 1. Submitted proposals shall be in a form provided and prescribed by the state department, which shall require the minimum information necessary to describe the proposal without unduly burdening the applicant, including target populations and objectives, compliance with criteria prescribed under W.S. 21-22-106 and proper grant expenditures including program budget and evaluation.

(b) Each school district, either separately or in conjunction with another school district, shall be given the opportunity to submit a proposal for innovative program grants authorized under W.S. 21-22-106 at least once every five (5) years.

(c) For the purposes of this section, school districts shall be annually classified based upon average daily membership for the previous school year, as follows:

(i) Classification I, less than five hundred (500) average daily membership;

(ii) Classification II, five hundred (500) but less than one thousand (1,000) average daily membership;

(iii) Classification III, one thousand (1,000) but less than two thousand (2,000) average daily membership; and

(iv) Classification IV, two thousand (2,000) or greater average daily membership.

(d) The state department shall award a grant authorized under this section to at least one (1) district from each classification pursuant to subsection (c) of this section. Nothing in this subsection shall prohibit the state department from awarding grants to more than one (1) district under each classification or more than one (1) grant to the same school district under criteria established under W.S. 21-22-106.

(e) Subject to available funding, the state department shall select those proposals it determines best fulfill criteria established under W.S. 21-22-106 and promote excellence in public education. The state department may use available funds to support innovative program evaluation projects and may contract with the University of Wyoming to conduct program evaluations.

(f) The state department shall annually distribute funds to selected proposals on or before August 15. In no event shall grants awarded exceed funds available for this purpose within the separate account. Innovative program grants received under this subsection shall only be used for the purposes for which the grant is awarded and shall not be expended for any other program, activity or purpose.

Note: Effective 7/1/2024 this subsection will read as:

*(f) In accordance with W.S. 21-22-106(a), the state department shall annually distribute funds to selected proposals on or before August 15. Innovative program grants received under this subsection shall only be used for the purposes for which the grant is awarded and shall not be expended for any other program, activity or purpose.*

(g) Repealed by Laws 2019, ch. 102, § 2.

(h) Repealed By Laws 2014, Ch. 103, § 2.

**21-22-108. Repealed By Laws 1997 Special Session, ch. 3, § 505.**

**21-22-109. Repealed By Laws 1997 Special Session, ch. 3, § 505.**

CHAPTER 23 - WYOMING PUBLIC TELEVISION

**21-23-101. Repealed by Laws 2022, ch. 55, § 2.**

ARTICLE 2 - WYOMING PUBLIC TELEVISION ENDOWMENT ACCOUNT

**21-23-201. Wyoming public television accounts.**

(a) The Wyoming public television endowment account is created.

(b) The state treasurer shall invest amounts deposited within the Wyoming public television endowment account in accordance with law. All investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, other funds within the account shall not lapse or revert until and unless directed by the legislature and shall remain available for distribution as provided in this article.

**21-23-202. Wyoming public television matching program; state treasurer to administer program accounts; matching payments; conditions; reversion of appropriations.**

(a) The Wyoming public television matching funds account is created.

(b) The state treasurer shall administer the Wyoming public television endowment account and Wyoming public television matching funds account established under this article. The following shall apply:

(i) Funds from the Wyoming public television endowment account shall be transferred by the state treasurer to the Wyoming public television matching funds account to equally match each cash gift received by Wyoming public television and deposited to the matching funds account. A match shall be paid by the state treasurer from the Wyoming public television endowment account at the time any accumulated amounts actually deposited to the matching funds account total ten thousand dollars (\$10,000.00) or more;

(ii) The state treasurer shall make transfers to the Wyoming public television matching funds account not later than the end of the calendar quarter following the quarter during which deposits to the matching funds account total at least ten thousand dollars (\$10,000.00). If gifts are made through a series of payments or transfers, no matching funds shall be

transferred under this section until the total value of all payments or transfers actually received totals at least ten thousand dollars (\$10,000.00);

(iii) Funds in the matching funds account shall remain inviolate and shall be invested by the state treasurer as authorized by law. Only the earnings from investments of the monies in the matching funds account may be distributed. The state treasurer shall distribute earnings from the matching funds account to the community college commission as provided in W.S. 9-4-108. The community college commission shall distribute these funds together with other appropriated funds to the central Wyoming community college district board for the operations and programming of Wyoming public television pursuant to W.S. 21-18-105(b).

#### CHAPTER 24 - MILITARY STUDENTS AND STUDENTS OF MILITARY FAMILIES

21-24-100.

21-24-100.

#### ARTICLE 1 - INTERSTATE COMPACT ON STUDENTS OF MILITARY FAMILIES

##### **21-24-101. Purpose.**

(a) It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

(i) Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance-age requirements;

(ii) Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;

(iii) Facilitating the qualification and eligibility for enrollment, educational programs and participation in extracurricular academic, athletic and social activities;

(iv) Facilitating the on-time graduation of children of military families;

(v) Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

(vi) Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact;

(vii) Promoting coordination between this compact and other compacts affecting military children;

(viii) Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

#### **21-24-102. Definitions.**

(a) As used in this compact, unless the context clearly requires a different construction:

(i) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211;

(ii) "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member;

(iii) "Compact commissioner" means the voting representative of each compacting state appointed pursuant to W.S. 21-24-108;

(iv) "Deployment" means the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station;

(v) "Educational records" means those official records, files and data directly related to a student and

maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs;

(vi) "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. "Extracurricular activities" include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities;

(vii) "Interstate commission on educational opportunity for military children" means the commission that is created under W.S. 21-24-109, which is generally referred to as interstate commission;

(viii) "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions;

(ix) "Member state" means a state that has enacted this compact;

(x) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of the department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory. The term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects;

(xi) "Nonmember state" means a state that has not enacted this compact;

(xii) "Receiving state" means the state to which a child of a military family is sent, brought or caused to be sent or brought;

(xiii) "Rule" means a written statement by the interstate commission promulgated pursuant to W.S. 21-24-112 that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the interstate commission, and includes the amendment, repeal or suspension of an existing rule;

(xiv) "Sending state" means the state from which a child of a military family is sent, brought or caused to be sent or brought;

(xv) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory;

(xvi) "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade;

(xvii) "Transition" means:

(A) The formal and physical process of transferring from school to school; or

(B) The period of time in which a student moves from one (1) school in the sending state to another school in the receiving state.

(xviii) "Uniformed service" means the army, navy, air force, marine corps, space force and coast guard including the commissioned corps of the national oceanic and atmospheric administration and public health services;

(xix) "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

### **21-24-103. Applicability.**

(a) Except as otherwise provided in subsection (b) of this section, this compact shall apply to the children of:

(i) Active duty members of the uniformed services as defined in this compact, including members of the national guard



and reserve on active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211;

(ii) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

(iii) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

(b) The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

(c) The provisions of this compact shall not apply to the children of:

(i) Inactive members of the national guard and military reserves;

(ii) Members of the uniformed services now retired, except as provided in subsection (a) of this section;

(iii) Veterans of the uniformed services, except as provided in subsection (a) of this section; and

(iv) Other United States department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

#### **21-24-104. Educational records and enrollment.**

(a) In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission to the extent feasible. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

(b) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

(c) Compacting states shall give thirty (30) days from the date of entry, for students to obtain and provide proof of any immunization required by the receiving state. For a series of immunizations, initial vaccinations shall be obtained within thirty (30) days and the child shall be permitted to attend school while receiving continuing immunization if the school administrator receives notification or a waiver is granted in accordance with W.S. 21-4-309.

(d) Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition with the exception of children that have not yet met the age requirements as required by W.S. 21-4-301 and 21-4-302. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state except where the child has not yet obtained the age as required by W.S. 21-4-301 and 21-4-302 for kindergarten and first grade.

#### **21-24-105. Placement and attendance.**

(a) When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and educational assessments conducted at the school in the sending state if the courses are offered and there is space available, as determined by the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous

school and promoting placement in academically and career challenging courses should be paramount when considering placement. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

(b) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation-placement in like programs in the sending state, provided that the program exists in the school and there is space available, as determined by the school district. Such programs include, but are not limited to gifted and talented programs and English as a second language (ESL). This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(c) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his current individualized education program (IEP). In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C.A. section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(d) Local education agency administrative officials shall have flexibility in waiving course-program prerequisites or other preconditions for placement in courses-programs offered under the jurisdiction of the local education agency.

(e) A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact and has been called to duty for, is on leave from or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit

with his parent or legal guardian relative to such leave or deployment of the parent or guardian.

**21-24-106. Eligibility.**

(a) Eligibility for enrollment shall be as follows:

(i) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent;

(ii) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent;

(iii) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he was enrolled while residing with the custodial parent.

(b) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

**21-24-107. Graduation.**

(a) In order to facilitate the on-time graduation of children of military families, states and local education agencies shall adhere to W.S. 21-2-304(a)(iii) and paragraph (iv) of this subsection and any applicable rules and regulations promulgated thereunder and to the extent possible incorporate the following procedures:

(i) Local education agency administrative officials shall use best efforts to waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best

efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time;

(ii) States shall accept:

(A) Exit or end-of-course exams required for graduation from the sending state;

(B) National norm-referenced achievement tests;  
or

(C) Alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his senior year, then the provisions of W.S. 21-24-107(a)(iii) shall apply.

(iii) Should a military student transferring at the beginning or during his senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall to the extent possible ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one (1) of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with paragraphs (a)(i) and (ii) of this subsection.

#### **21-24-108. State coordination.**

(a) Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, a representative from a military installation, one (1) representative each from the legislative and executive branches of government and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school

district to represent local education agencies on the state council.

(b) The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

(c) The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state.

(d) The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

**21-24-109. Interstate commission on educational opportunity for military children.**

(a) The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the interstate commission are the formation of public policy and are a discretionary state function.

(b) The interstate commission shall:

(i) Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

(ii) Consist of one (1) interstate commission voting representative from each member state who shall be that state's compact commissioner subject to the following:

(A) Each member state represented at a meeting of the interstate commission is entitled to one (1) vote;

(B) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission;

(C) A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting;

(D) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(iii) Consist of ex-officio, nonvoting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel and other interstate compacts affecting the education of children of military members;

(iv) Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

(v) Establish an executive committee whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one (1) year term. Members of the executive committee shall be entitled to one (1) vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules and other such duties as deemed necessary. The United States department of defense shall serve as an ex-officio, nonvoting member of the executive committee;

(vi) Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the

extent they would adversely affect personal privacy rights or proprietary interests;

(vii) Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds (2/3) vote that an open meeting would be likely to:

(A) Relate solely to the interstate commission's internal personnel practices and procedures;

(B) Disclose matters specifically exempted from disclosure by federal and state statute;

(C) Disclose trade secrets or commercial or financial information which is privileged or confidential;

(D) Involve accusing a person of a crime, or formally censuring a person;

(E) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(F) Disclose investigative records compiled for law enforcement purposes; or

(G) Specifically relate to the interstate commission's participation in a civil action or other legal proceeding.

(viii) Shall cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;



(ix) Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

(x) Shall create a process that permits military officials, education officials and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

**21-24-110. Powers and duties of the interstate commission.**

(a) The interstate commission shall have the following powers:

(i) To provide for dispute resolution among member states;

(ii) To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact;

(iii) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions;

(iv) To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(v) To establish and maintain offices which shall be located within one (1) or more of the member states;

(vi) To purchase and maintain insurance and bonds;

(vii) To borrow, accept, hire or contract for services of personnel;

(viii) To establish and appoint committees including, but not limited to, an executive committee as required by W.S. 21-24-111, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

(ix) To elect or appoint such officers, attorneys, employees, agents or consultants and to fix their compensation, define their duties and determine their qualifications and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

(x) To accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it;

(xi) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed;

(xii) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

(xiii) To establish a budget and make expenditures;

(xiv) To adopt a seal and bylaws governing the management and operation of the interstate commission;

(xv) To report annually to the legislatures, governors, judiciary and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

(xvi) To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity;

(xvii) To establish uniform standards for the reporting, collecting and exchanging of data;

(xviii) To maintain corporate books and records in accordance with the bylaws;

(xix) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;

(xx) To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

**21-24-111. Organization and operation of the interstate commission.**

(a) The interstate commission shall, by a majority of the members present and voting, within twelve (12) months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

(i) Establishing the fiscal year of the interstate commission;

(ii) Establishing an executive committee, and such other committees as may be necessary;

(iii) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

(iv) Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

(v) Establishing the titles and responsibilities of the officers and staff of the interstate commission;

(vi) Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations;

(vii) Providing "start up" rules for initial administration of the compact.

(b) The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The

chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

(c) Executive committee, officers and personnel:

(i) The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

(A) Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

(B) Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and

(C) Planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the interstate commission.

(ii) The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

(d) The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the

scope of interstate commission employment, duties or responsibilities, provided, that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person:

(i) The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person;

(ii) The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person;

(iii) To the extent not covered by the state involved, member state or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

**21-24-112. Rulemaking functions of the interstate commission.**

(a) The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

(c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

**21-24-113. Oversight, enforcement and dispute resolution.**

(a) Oversight:

(i) The executive, legislative and judicial branches of state governments in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact shall have standing as statutory law;

(ii) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the interstate commission;

(iii) The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact or promulgated rules.

(b) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

(i) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

(ii) Provide remedial training and specific technical assistance regarding the default;

(iii) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

(iv) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

(v) The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination;

(vi) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact,

unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

(vii) The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c) Dispute resolution:

(i) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states;

(ii) The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement:

(i) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact;

(ii) The interstate commission, may by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees;

(iii) The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

**21-24-114. Financing of the interstate commission.**



(a) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(b) In accordance with the funding limit established in subsection (e) of this section, the interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

(c) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

(d) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

(e) The interstate commission may not assess, levy or collect more than five thousand dollars (\$5,000.00) per year from Wyoming legislation appropriations. Other funding sources may be accepted and used to offset expenses related to the state's participation in the compact.

**21-24-115. Member states; effective date; amendment.**

(a) Any state is eligible to become a member state.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember

states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

(c) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

#### **21-24-116. Withdrawal and dissolution.**

(a) Withdrawal:

(i) Once effective, the compact shall continue in force and remain binding upon each and every member state provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law;

(ii) Withdrawal from this compact shall be by the enactment of a statute repealing the same;

(iii) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof;

(iv) The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal;

(v) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

(b) Dissolution of compact:

(i) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one (1) member state;

(ii) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force

or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

**21-24-117. Severability and construction.**

(a) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally construed to effectuate its purposes.

(c) Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

**21-24-118. Binding effect of compact and other laws.**

(a) Nothing herein prevents the enforcement of any other law of a member state.

(b) Binding effect of the compact:

(i) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states;

(ii) All agreements between the interstate commission and the member states are binding in accordance with their terms;

(iii) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

(c) Notwithstanding W.S. 21-24-110(a)(iv), 21-24-111(d), 21-24-113 and 21-24-116(a)(iv) and any other provision of this compact, the state of Wyoming does not waive sovereign immunity by entering into this compact and specifically retains all immunities and defenses available to it as a sovereign pursuant to W.S. 1-39-104(a) and all other applicable law. Designations of venue, choice of law, enforcement actions and similar

provisions should not be construed as a waiver of sovereign immunity.

(d) Notwithstanding W.S. 21-24-114(b) and (e), or any other provision of this compact, the terms of this compact shall not require appropriation by future legislatures in violation of Article 16, Section 2 of the Wyoming Constitution.

## ARTICLE 2 - ADMISSION REQUIREMENTS AND PREFERENCES

### **21-24-201. Extension of residential requirement for admission.**

For admission into an academic program or a course of study, if the University of Wyoming or any Wyoming community college, vocational, technical or trade school, other secondary educational institution or school district gives a preference or benefit to Wyoming residents, the same preference or benefit shall be extended to any current Wyoming national guard member regardless of the member's state of residence. This section applies when Wyoming residency is required for selection by or entry into a program. This section does not apply for calculating tuition or fees.

## CHAPTER 25 - STUDENT ELIGIBILITY IN INTERSCHOLASTIC ACTIVITIES

### ARTICLE 1 - PARTICIPATION IN FEMALE SPORTS

#### **21-25-101. Definitions.**

(a) As used in this chapter:

(i) "Coed" or "mixed" means that a team is composed of members of both sexes who traditionally compete together;

(ii) "Interscholastic athletic activity" means that a student represents the student's school in a Wyoming high school activities association sanctioned sport;

(iii) "School" means a school consisting of grades seven (7) through 12 (twelve), or any combination of grades within this range, as determined by the plan of organization by the school district board of trustees;

(iv) "Sex" means the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth.

**21-25-102. Participation in school athletic activities.**

(a) A public school or a private school that competes against a public school shall expressly designate school athletic activities and teams as one (1) of the following based on sex:

- (i) Designated for students of the male sex;
- (ii) Designated for students of the female sex; or
- (iii) Coed or mixed.

(b) A student of the male sex shall not compete, and a public school shall not allow a student of the male sex to compete, in an athletic activity or team designated for students of the female sex.

(c) A government entity or licensing or accrediting organization shall not entertain a complaint, open an investigation or take any other adverse action against a school described in subsection (a) of this section for maintaining separate school athletic activities and teams for students of the female sex.

(d) Nothing in this section shall be construed to:

(i) Restrict the eligibility of any student to participate in any interscholastic athletic activity designated for students of the male sex or designated as coed or mixed; or

(ii) Prohibit a school from permitting males to train or practice with an interscholastic athletic activity that is designated for females so long as no female is deprived of a roster spot on a team or sport, opportunity to participate in a practice or competition, scholarship, admission to an educational institution or any other benefit that accompanies participating in the interscholastic athletic activity.

(e) A government entity, any licensing or any athletic association shall not retaliate or take any adverse action against:

(i) A school for maintaining separate athletic teams or sports for students of the female sex; or

(ii) A student if the student or the parent or guardian of a student requests a contested case pursuant to subsection (f) of this section or that reports a violation of this section to an employee or representative of the school or athletic association.

(f) Any student or parent or guardian of a student aggrieved by an act of a government entity, school, athletic association or licensing or accrediting organization for failing to enforce the provisions of this act, may seek review in accordance with the Wyoming Administrative Procedures Act. In accordance with W.S. 16-3-112, review of a decision of a government entity, school, athletic association or licensing or accrediting organization under this subsection shall be before the state board of education.

## ARTICLE 2 - STUDENT ELIGIBILITY

### **21-25-201. Definitions.**

(a) As used in this article:

(i) "Athletic association" means an association that governs or regulates a student's participation in an athletic interscholastic activity;

(ii) "Commission" means the school activity eligibility commission created in W.S. 21-25-203;

(iii) "Female-designated" means an interscholastic activity that is designated specifically for female students;

(iv) "Gender-designated" means an interscholastic activity or facility that is designated specifically for female or male students;

(v) "Gender identity" means as stated in the Diagnostic and Statistical Manual. A person's gender identity can be shown by providing evidence, including but not limited to medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity or the evidence that the gender identity is sincerely held, part of a person's core identity and not being asserted for an improper purpose;

(vi) "Interscholastic activity" means an activity in which a student represents the student's school in the activity in competition against another school;

(vii) "Male-designated" means an interscholastic activity that is designated specifically for male students;

(viii) "Student" means a student who is enrolled in grades seven (7) through twelve (12) of a public school that participates in interscholastic activities;

(ix) "This article" means W.S. 21-25-201 through 21-25-204.

**21-25-202. Effect contingent on court ruling.**

This article is effective only during the period when a court of competent jurisdiction has invalidated or enjoined W.S. 21-25-102. The attorney general shall, within thirty (30) days of the date of any invalidation or enjoinder, notify the governor who shall certify to the office of the secretary of state that this article is effective. If at any point the invalidation or enjoinder is lifted, the attorney general shall, within thirty (30) days of the invalidation or enjoinder being lifted, notify the governor who shall certify to the office of the secretary of state that this article is no longer effective and W.S. 21-25-102 is effective.

**21-25-203. School activity eligibility commission.**

(a) There is created the school activity eligibility commission.

(b) The commission shall consist of five (5) members appointed by the Wyoming high school activities association within thirty (30) days following this article becoming effective pursuant to W.S. 21-25-202 and who may be removed by the Wyoming high school activities association. The members shall be residents of the state of Wyoming and shall consist of:

(i) A current or former athletic director or coach;

(ii) A mental health professional;

(iii) A parent of a current student;

(iv) Two members at large.

(c) All members of the commission shall be required to constitute a quorum of the commission for the determination of the eligibility of a student. A majority of the commission constitutes a quorum for any other purpose.

(d) An action of a majority of a quorum constitutes an action of the commission.

(e) The members of the commission shall elect a chairman from among their membership. Appointments by the Wyoming high school activities association shall be made within thirty (30) days of expiration of membership terms. Each member shall serve a three (3) year term. A vacancy on the commission shall be filled for the unexpired term by the Wyoming high school activities association.

(f) The chairman of the commission shall:

(i) Schedule meetings of the commission;

(ii) Set the agenda of commission meetings; and

(iii) Facilitate discussion among the commission's members.

(g) Members of the commission shall serve without salary but shall receive per diem and mileage or actual expenses for attending meetings in the manner and amounts provided by law for state employees. Members who are government employees shall be considered on official business of their agency when performing duties as members of the commission.

(h) The commission shall promulgate rules to determine eligibility based on physical characteristics for the age and gender group in a given gender-designated interscholastic activity including height, weight, physical characteristics relevant to the application of the standard described in W.S. 21-25-204 and other relevant factors.

(j) Any record of the commission, including any communication between an athletic association and the commission, that relates to a specific student is not a public record for purposes of the Public Records Act, W.S. 16-4-201 through 16-4-205 and shall not be available for inspection under that Act.



(k) The commission has no authority in relation to eligibility questions other than participation in a gender-designated interscholastic activity under this article.

(m) Necessary clerical and administrative support for the commission shall be furnished by the Wyoming department of education.

(n) Any person, who serves on the commission or on the Wyoming high school activities association is immune from any liability arising from complying with or administering this act. This immunity shall apply to any health care provider as defined in W.S. 35-31-101(a)(iii) that assists the commission in making eligibility determination in accordance with this act. Nothing in this subsection shall be construed to limit any other immunity available under law.

#### **21-25-204. Eligibility for interscholastic activities.**

(a) Notwithstanding any state board rule or policy of an athletic association, and except as provided in subsections (b) and (c) of this section:

(i) Once a student has obtained the eligibility approval of the commission under subsection (d) of this section, the student may participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's birth certificate; or

(ii) If a student does not obtain the eligibility approval of the commission under subsection (d) of this section, the student shall not participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's birth certificate.

(b) A student who has undergone or is undergoing a gender transition shall obtain the eligibility approval of the commission under subsection (d) of this section before participating in a gender-designated interscholastic activity that does not correspond with the student's biological sex.

(c) Nothing in this subsection prohibits a student from participating in a gender-designated interscholastic activity in accordance with 34 C.F.R. 106.41(b) as of December 31, 2022.

(d) When a student registers to participate in a gender-designated interscholastic activity:

(i) A student who has undergone or is undergoing a gender transition shall notify the athletic association of the student's transition and the need for the commission's eligibility approval as described in subsection (b) of this section;

(ii) The athletic association shall notify the commission of a student for whom an eligibility determination of the commission is required due to the sex designation on the student's birth certificate not corresponding with the gender-designation of the gender-designated interscholastic activity in which the student seeks to participate or the student's notice of a gender transition under paragraph (a)(ii) of this section;

(iii) The commission shall notify the student described in paragraphs (i) and (ii) of this subsection regarding the process for determining the student's eligibility for the activity under this section.

(e) The commission shall:

(i) Schedule a closed meeting to consider a student's eligibility to be held within thirty (30) days after the day on which the commission receives the notification described in subsection (d) of this section; and

(ii) Notify the relevant athletic association and the student's parents or legal guardians of the scheduled meeting.

(f) Before the meeting described in subsection (e) of this section:

(i) The student for whom the commission has scheduled the meeting or the student's parent or guardian may submit to the commission any information the student wishes to disclose to the commission that may be relevant to the commission's eligibility determination, including information regarding:

(A) The gender-designated interscholastic activities for which the student seeks eligibility;

(B) The gender-designated interscholastic activities in which the student has previously participated; and

(C) The student's physical characteristics or medical treatments that support the student's eligibility for the specific gender-designated interscholastic activity.

(ii) The commission may request additional evidence from the student that is:

(A) Limited to the extent possible to protect the student's privacy; and

(B) Only directly relevant to the commission's eligibility determination.

(iii) The commission shall cover the cost of a diagnostic assessment if the commission makes a request for medical information under paragraph (ii) of this subsection for which the student's insurance does not provide coverage or reimbursement for the diagnostic that:

(A) Would provide the requested information; and

(B) Is not free or otherwise readily available without additional expense to the student.

(g) During the meeting described in subsection (e) of this section:

(i) Only the following persons may be present or participate electronically:

(A) The student for whom the commission is meeting to make an eligibility determination;

(B) The student's parents or guardians;

(C) The members and necessary staff of the commission; and

(D) Any medical professionals or other witnesses the student chooses to include to support the student's eligibility.

(ii) Attendees may participate in person or electronically;

(iii) The commission shall:

(A) Hear the information that supports the student's eligibility;

(B) Render the commission's eligibility determination in accordance with subsection (h) of this section or request additional information and schedule an additional commission meeting to be held within thirty (30) days of the meeting and in accordance with this subsection to discuss the additional information and render the commission's eligibility determination.

(h) In making an eligibility determination the commission shall:

(i) Make a determination regarding whether, when measured against the eligibility criteria established by rule of the commission, granting the student's eligibility would:

(A) Present a substantial safety risk to the student or others that is significantly greater than the inherent risks of the given activity; or

(B) Likely give the student a material competitive advantage when compared to students of the same age competing in the relevant gender-designated activity, including consideration of the student's previous history of participation in gender-designated interscholastic activities.

(ii) Record the commission's decision and rationale in writing and provide the written decision to the student within thirty (30) days after the day on which the commission renders an eligibility decision.

(j) Notwithstanding any other provision of law and except as provided in subsections (h) and (k) of this section, the commission shall not disclose:

(i) The name of a student whose eligibility the commission will consider, is considering, or has considered;

(ii) The commission's determination regarding a student's eligibility.

(k) The commission shall disclose the commission's determination of a student's eligibility for a given gender-designated interscholastic activity to the relevant athletic

association, only for the purpose of confirming whether the student is eligible for the interscholastic activity.

(m) Notwithstanding any other provision of law, no athletic association shall disclose the information described in paragraphs (j)(i) and (ii) of this section.

(n) Nothing in subsections (k) or (m) of this section prohibits an athletic association from affirming that a student is eligible if the eligibility of a student is questioned.