

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO.

Education-prohibition of acceptance of federal funds.

Sponsored by: Senator(s) Scott

A BILL

for

1 AN ACT relating to education; authorizing the state  
2 superintendent of public instruction to prohibit acceptance  
3 of federal funds as specified; conforming provisions; and  
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 21-2-205 is created to read:

9

10 **21-2-205. Prohibition of acceptance of federal funds.**

11

12 (a) The state superintendent of public instruction

13 may, for the state and school districts, prohibit the

1 acceptance of any federal funds for K-12 public education  
2 and may prohibit further expenditure of federal funds  
3 received if in the judgment of the state superintendent:  
4

5 (i) The use of the federal funds is not in the  
6 financial interest of Wyoming's citizens;  
7

8 (ii) The use of the federal funds would require  
9 the use of specific textbooks or teaching materials  
10 contrary to article 7, section 11 of the Wyoming  
11 constitution;  
12

13 (iii) The use of the federal funds is not in  
14 the best interests of Wyoming's citizens;  
15

16 (iv) Delay in the use of the federal funds is  
17 required to consult Wyoming's citizens or the Wyoming  
18 legislature on the wisdom of accepting or expending  
19 specific federal funds considering the conditions attached  
20 thereto; or  
21

1           (v) The federal statute, rules and regulations  
2 or federal agency guidance is inadequate to determine what  
3 the federal requirements are for the use of the funds.

4

5           (b) Nothing in subsection (a) of this section shall  
6 be construed as limiting the governor's power to reject  
7 federal funding.

8

9           **Section 2.** W.S. 21-2-202(a)(xix) by creating a new  
10 subparagraph (K) and 21-3-111(a)(v) are amended to read:

11

12           **21-2-202. Duties of the state superintendent.**

13

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

16

17           (xix) Serve as the state agency to accept all  
18 federal funds for aid to education, except as provided in  
19 W.S. 21-2-307 and 21-2-601, and as the agency to administer  
20 or supervise the administration of any state plan  
21 established or federal funds subject to federal  
22 requirements. Each acceptance is restricted in its effect

1 to the specific situation involved. The state  
2 superintendent may:

3

4 (K) Prohibit acceptance of federal funds  
5 for K-12 public education by the state and school districts  
6 in accordance with W.S. 21-2-205.

7

8 **21-3-111. Powers of boards of trustees.**

9

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

12

13 (v) Subject to W.S. 21-2-202(a)(xix) and 21-2-  
14 205, accept or reject any federal or other gift, grant,  
15 bequest, or devise;

16

17 **Section 3.** This act is effective immediately upon  
18 completion of all acts necessary for a bill to become law  
19 as provided by Article 4, Section 8 of the Wyoming  
20 Constitution.

21

22 (END)