

SENATE FILE NO. SF0130

Charter schools.

Sponsored by: Senator(s) Driskill, Boner, Ellis, Salazar
and Scott and Representative(s) Andrew,
Olsen, Simpson, Sweeney and Wilson

A BILL

for

1 AN ACT relating to charter schools; revising the process
2 for approval and renewal of charter schools; providing for
3 authorization of charter schools by a school district or
4 the state loan and investment board; revising the operation
5 of charter schools; authorizing fees; specifying funding;
6 making conforming changes; repealing conflicting
7 provisions; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 21-3-302.1 is created to read:

12

13 **21-3-302.1. Charter school authorizers.**

14

15 (a) Authorizers shall:

1

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

5

6 (ii) Monitor charter schools approved by the
7 authorizer;

8

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

11

12 (b) Funding for authorizers shall consist of
13 administrative fees collected from the charter school. Fees
14 shall not exceed three percent (3%) of the charter school's
15 annual state funding.

16

17 (c) The state loan and investment board shall,
18 subject to the limitation in subsection (b) of this
19 section, establish administration fees necessary to recover
20 its incremental costs related to the approval and
21 monitoring of charter schools under this article.
22 Administrative fees collected by the state loan and

1 investment board pursuant to this subsection shall be
2 deposited in the general fund.

3

4 **Section 2.** W.S. 21-3-110(a)(x)(intro), (A)(I) and
5 (II), 21-3-301(a)(intro), 21-3-302(a)(iv) and by creating
6 new paragraphs (vii) through (xi), 21-3-303(a) and (d),
7 21-3-304(a) through (g), (j) and (k), 21-3-305(a), (b) and
8 by creating a new subsections (f) and (g), 21-3-306(a) and
9 by creating a new subsection (d), 21-3-307(a)(intro),
10 (vii), (viii), (xiii), (xiv), (xxi), (xxii) and by creating
11 new paragraphs (xxiii) through (xxv), (b), (d) and by
12 creating a new subsection (e), 21-3-308(a), (c), (d),
13 (e)(i) and (ii), 21-3-309(a), (b)(intro), (c)(intro) and
14 (e), 21-3-311(b) and by creating new subsections (c) and
15 (d), 21-3-312, 21-3-313(b) and 21-3-314 by creating a new
16 subsection (f) are amended to read:

17

18 **21-3-110. Duties of boards of trustees.**

19

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

22

1 (x) Subject to review by the state construction
2 department under W.S. 21-15-115 for any project involving
3 state capital construction assistance, fix the site of each
4 school building and facility considering the needs of the
5 people of each portion of the district. If the district
6 enters into an agreement to lease buildings and facilities
7 owned by the district and the buildings and facilities are
8 included within the statewide database maintained by the
9 state construction department under W.S. 21-15-123(f)(iv),
10 the district shall, except as provided under W.S.
11 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease
12 agreement requires sufficient payment from the lessee to
13 cover expenses necessary to adequately maintain the
14 facility or building in accordance with statewide adequacy
15 standards prescribed by the commission. If the district or
16 a charter school operating ~~pursuant to a contract with~~
17 within the boundaries of the district enters into an
18 agreement to lease buildings and facilities under which the
19 district or the charter school is the lessee and the
20 building is to be used for the provision of the required
21 educational program within the district, the lease
22 agreement shall require the lessor to adequately maintain
23 the buildings and facilities in accordance with standards

1 prescribed by the commission. The district shall be
2 reimbursed for the lease payment of the district or the
3 charter school if the square footage of the leased facility
4 is not included within the district's total square footage
5 for purposes of major maintenance computations under W.S.
6 21-15-109, subject to the following:

7

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

13

14 (I) The charter is approved ~~by the~~
15 ~~district~~ under W.S. 21-3-301 through 21-3-314;

16

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

20

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

22

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

6

7 **21-3-302. Definitions.**

8

9 (a) As used in this article:

10

11 (iv) "New charter school" or "charter school"
12 means a ~~charter school established within the district~~
13 ~~which is located in a facility or a portion of a facility~~
14 ~~which is not currently being operated by the district as a~~
15 ~~public school~~ public school established and operating under
16 the terms of a charter contract between the charter
17 school's board and its authorizer;

18

19 (vii) "Authorizer" means a school district board
20 or the state loan and investment board;

21

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

4
5 (ix) "Charter application" means the application
6 submitted by a proposed charter school to an authorizer for
7 the creation of a charter school;

8
9 (x) "Department" means the Wyoming department of
10 education;

11
12 (xi) "Education service provider" means a
13 for-profit or nonprofit education management organization,
14 charter management organization, or any other partner
15 entity that a charter school contracts with for educational
16 program implementation or for comprehensive management.

17
18 **21-3-303. Charter school prohibitions.**

19
20 (a) This article shall not prohibit any private
21 person or organization from funding or providing other
22 assistance for the establishment or operation of a charter
23 school established pursuant to this article. ~~when the~~

1 ~~district board determines the funding or assistance is~~
2 ~~compatible with the mission of the district.~~

3

4 (d) No charter school shall enter into a contract
5 with an independent management company or education service
6 provider without the prior written consent of the ~~district~~
7 ~~board. The school district shall be a third party~~
8 ~~beneficiary to any management contract approved by the~~
9 ~~district board~~ authorizer.

10

11 **21-3-304. Charter school; requirements; authority.**

12

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

18

19 (b) ~~A~~ If a charter is granted by a school district,
20 the charter school shall be a public school within the
21 school district that grants its charter. ~~and~~ If a charter
22 is granted by the state loan and investment board, the
23 charter school shall be an independent public school within

1 the district where the charter school is located. The
2 charter school shall be accountable to ~~the district board~~
3 its authorizer for purposes of ensuring compliance with
4 applicable laws and charter provisions and the requirements
5 of the state constitution.

6

7 (c) A charter school shall be subject to all federal
8 and state laws and constitutional provisions prohibiting
9 discrimination on the basis of disability, race, creed,
10 color, gender, national origin, religion, ancestry or need
11 for special education services. Enrollment decisions shall
12 be made in a nondiscriminatory manner specified by the
13 charter school applicant in the charter school application.
14 Enrollment decisions shall not discriminate against at-risk
15 students or special program students. A charter school
16 specializing in at-risk or special education students may
17 give a preference in enrollment to those students. A
18 charter school sponsored jointly or separately by the
19 Eastern Shoshone or the Northern Arapaho Indian Tribes may
20 give preference to a student who is a member or eligible
21 for membership in an Indian tribe.

22

1 (d) A charter school shall be administered and
2 governed by a governing body in a manner agreed to by the
3 charter school applicant and the ~~school—district~~
4 authorizer. A charter school may organize as a nonprofit
5 corporation pursuant to the Wyoming Nonprofit Corporation
6 Act, which shall not affect its status as a public school
7 for any purposes under Wyoming law. A charter school
8 organized by a school district may include school board
9 members or school district employees on its governing
10 board.

11
12 (e) A charter school, as a public school, is a
13 governmental entity. Direct leases and financial
14 obligations of a charter school shall not constitute debt
15 or financial obligations of the ~~school—district—authorizer~~
16 unless the ~~district board—authorizer~~ expressly assumes ~~such~~
17 the obligations in writing.

18
19 (f) Notwithstanding the provisions of this article to
20 the contrary, a charter school and the ~~school—district~~
21 authorizer may agree to extend the length of the charter
22 beyond five (5) years. ~~for the purpose of enhancing the~~
23 ~~terms of any lease or financial obligation.~~

1

2 (g) Pursuant to the terms of the charter contract and3 except as otherwise provided in this article, a charter4 school ~~may operate free from specified school district~~5 ~~policies and state regulations. Pursuant to contract, a~~6 ~~school district may waive locally imposed school district~~7 ~~requirements, without seeking approval of the state board.~~8 ~~The state board may waive state statutory requirements or~~9 ~~rules promulgated by the state board, except that the state~~10 ~~board shall not waive any statute or rule relating to the~~11 ~~assessments or standards required to be administered. Upon~~12 ~~request of the charter applicant, the state board shall~~13 ~~provide summaries of such regulations and policies to use~~14 ~~in preparing a charter school application. The department~~15 ~~of education shall prepare the summary of state regulations~~16 ~~within existing appropriations. Any waiver of state or~~17 ~~local school district regulations made pursuant to this~~18 ~~subsection shall be for the term of the charter for which~~19 ~~the waiver is made, except that a waiver of state statutes~~20 ~~or regulations by the state board shall be subject to~~21 ~~review every two (2) years and may be revoked if the waiver~~22 ~~is deemed no longer necessary by the state board. shall be~~23 exempt from statutes applicable to a school district or

1 school district board, rules of the state board concerning
2 teachers or administrators and local regulations or
3 policies of the school district unless specifically
4 incorporated in the charter. Nothing in this subsection
5 shall be deemed to exempt the charter school from:

6
7 (i) Any civil rights, health or safety
8 requirements applicable to other public schools in the
9 state except as specifically provided in this article;

10
11 (ii) The student assessment and accountability
12 requirements applicable to other public schools, provided
13 that this paragraph shall not prohibit a charter school
14 from establishing additional student assessment measures;

15
16 (iii) The public records act and public meeting
17 requirements applicable to public schools and school
18 districts and any federal or state privacy laws applicable
19 to public schools or school districts.

20
21 (j) A charter school may negotiate and contract with
22 a school district, the governing body of a ~~state college or~~
23 ~~university~~ community college or the university of Wyoming,

1 or any third party for the use of a school building and
2 grounds, the operation and maintenance thereof, and the
3 provision of any service, activity or undertaking that the
4 charter school is required to perform in order to carry out
5 the educational program described in its charter. Any
6 services for which a charter school contracts with a school
7 district shall be provided by the district at the
8 incremental cost. For school district capital facilities
9 that are rented at the time of the charter school
10 application and had been rented for the immediately
11 preceding six (6) months by a third party, the net loss of
12 rental income shall be considered an incremental cost. The
13 charter school shall have standing to sue and be sued in
14 its own name for the enforcement of any contract created
15 pursuant to this subsection.

16

17 (k) Except as provided in subsection (j) of this
18 section, a charter school shall not be required to pay rent
19 for space which is deemed available, as negotiated by
20 contract, in school district facilities. All other costs
21 for the improvement, modification, operation and
22 maintenance of ~~the~~school district facilities used by the
23 charter school shall be subject to negotiation between the

1 charter school and the district board. If the state loan
2 and investment board is the authorizer, the board may
3 instruct any appropriate school district to lease unused or
4 underused school facilities to a charter school under terms
5 consistent with this subsection.

6
7 **21-3-305. Charter schools; contract contents;**
8 **regulations.**

9
10 (a) An approved charter application shall serve as
11 the basis for a contract between the charter school and the
12 ~~school district~~ authorizer. The charter contract shall:

13
14 (i) Be a written instrument which is a separate
15 document from the charter application;

16
17 (ii) Be executed by an authorizer and a charter
18 school;

19
20 (iii) Confer certain rights, franchises,
21 privileges and obligations on the charter school;

22

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

3
4 (v) Be granted for five (5) years;

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

11
12 (vii) Provide for renewal of the charter if the
13 authorizer and the charter school agree to renew the
14 charter pursuant to a renewal application. The renewal
15 application shall meet the requirements of subsection (b)
16 of this section;

17
18 (viii) Specify the grounds for the authorizer
19 to:

20
21 (A) Revoke the charter before the term for
22 which the charter is granted;

23

1 (B) Not renew a charter.

2

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

7

8 (A) Evidence of adequate performance or
9 improvement in:

10

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

13

14 (II) Attendance rates;

15

16 (III) Graduation rates, if applicable;

17

18 (IV) Statewide _____ education
19 accountability system measures;

20

21 (V) Financial _____ performance _____ and
22 stability; and

23

1 (VII) Governing board performance and
2 stewardship, including compliance with applicable laws,
3 rules and regulations, and charter terms.

4
5 (B) Evidence of progress toward reaching
6 the educational goals set by the charter school.

7
8 (x) Describe the method to be used to monitor
9 the charter school's:

10
11 (A) Compliance with applicable law; and

12
13 (B) Progress in meeting targeted
14 educational performance.

15
16 (xi) Specify that the authorizer and the charter
17 school may amend the charter during the term of the charter
18 by mutual consent and describe the process for amending the
19 charter;

20
21 (xii) Describe specific operating requirements,
22 including all the matters set forth in the application for
23 the charter;

1

2

(xiii) Specify dates for the charter school to:

3

4

(A) Begin school operations; and

5

6

(B) Have students attending the charter
school.

8

9

(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;

14

15

(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;

20

21

(xvi) Require a charter school to set annual
performance targets in conjunction with the charter
school's authorizer. The annual performance targets shall

23

1 be designed to help each school meet applicable federal,
2 state and authorizer requirements.

3

4 (b) The contract between the charter school and the
5 ~~school district shall reflect all agreements regarding the~~
6 ~~release of the charter school from school district~~
7 ~~policies.~~ authorizer may be renewed pursuant to a renewal
8 application. The renewal application shall:

9

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

13

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

16

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

20

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

23

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

3
4 (iii) Be submitted by the governing board of a
5 charter school seeking renewal not later than December 31
6 of the year preceding the start of the school year that the
7 charter expires, under the renewal application guidance
8 issued by the authorizer.

9
10 (f) The authorizer shall make a final ruling on the
11 renewal application not later than April 1 following the
12 filing of the renewal application under this subsection.
13 The April 1 deadline does not apply to any review or appeal
14 of a final ruling. If a school district denies renewal of a
15 charter, the charter school board may appeal to the state
16 loan and investment board for a de novo consideration of
17 the renewal. The state loan and investment board shall
18 consider the renewal and if the renewal is approved shall
19 be the authorizer of the charter school.

20
21 (g) After a charter school authorized by the state
22 loan and investment board has been in operation for one (1)
23 year or has been renewed by the state loan and investment

1 board, the state loan and investment board may delegate to
2 the school district where the charter school operates any
3 of the functions of an authorizer under this article
4 provided that:

5
6 (i) The charter school and the school district
7 approve the delegation of functions; and

8
9 (ii) The charter school shall retain the right
10 to seek renewal of the charter from the state loan and
11 investment board.

12
13 **21-3-306. Application for establishing charter**
14 **schools; conversion of existing schools.**

15
16 (a) Any person may apply to ~~the district board an~~
17 authorizer for the establishment of a new charter school.
18 ~~or a charter school within a school to be located within~~
19 the school district. The applicant shall have the right to
20 determine which authorizer to apply to and may apply to a
21 different authorizer for renewal of a charter. The state
22 loan and investment board may reject a renewal application
23 from an existing charter school if the renewal is to avoid

1 necessary corrective measures, including closure of the
2 charter school, identified by the authorizer.

3
4 (d) If a school district denies an application to
5 convert a school to a charter school under subsection (b)
6 of this section, the applicant may appeal to the state loan
7 and investment board. If the state loan and investment
8 board approves the application, it shall be the authorizer
9 of the charter school.

10
11 **21-3-307. Charter application; contents; phased-in**
12 **application process.**

13
14 (a) The charter school application shall be a
15 ~~proposed agreement, shall be~~ on a form prescribed by the
16 state superintendent pursuant to subsection (d) of this
17 section, and shall include:

18
19 (vii) Admission requirements, if applicable,
20 provided that enrollment shall be open to all to the extent
21 seats are available within the applicable grade level,
22 subject to W.S. 21-3-304(c). If the number of applicants
23 for enrollment exceeds the available seats, the charter

1 school shall, subject to W.S. 21-3-304(c), hold a blind
2 lottery to determine enrollment. Students enrolled in the
3 previous year shall be guaranteed a seat, and applicants
4 with a sibling enrolled in the charter school shall receive
5 a preference;

6
7 (viii) The manner in which an annual audit of
8 the financial and programmatic operations of the school,
9 including any services provided by the ~~school-district~~
10 authorizer, is to be conducted;

11
12 (xiii) Evidence ~~that an~~ of adequate ~~number of~~
13 ~~parents, teachers, pupils or any combination thereof~~
14 community support; ~~the formation of a charter school;~~

15
16 (xiv) Evidence that the plan for the charter
17 school is economically sound; ~~for both the charter school~~
18 ~~and the school district;~~

19
20 (xxi) In accordance with this article, a
21 description of the rights of any employee of the school
22 district upon commencing employment in a charter school;
23 and

1

2 (xxii) A financial feasibility statement
3 providing evidence of charter school viability following
4 the first three (3) years of charter school operation;~~;~~

5

6 (xxiii) In the case of a proposed charter school
7 that plans to establish a full-time virtual charter school,
8 the application shall additionally require the applicant to
9 provide a description regarding the methods by which the
10 charter school will:

11

12 (A) Ensure adequate supports are available
13 to the students in their homes or regions, including parent
14 teacher conferences and interactions;

15

16 (B) Monitor student outcomes and administer
17 state required assessments to all students in a proctored
18 setting;

19

20 (C) Establish and implement legally
21 permissible criteria and processes for enrollment based on
22 the existence of supports needed for student success;

23

1 (D) Provide the desired enrollment level of
2 the school for each year of the charter contract, not to
3 exceed two hundred fifty (250) students in any given year,
4 with any increases in enrollment from one (1) year to the
5 next based on whether the school meets its performance
6 requirements;

7
8 (E) Provide a detailed budget for the
9 school and propose a funding level per student for the
10 school that is based upon that budget;

11
12 (F) Provide data for oversight, funding,
13 renewal and closure decisions for full-time virtual charter
14 school specific goals regarding student enrollment,
15 attendance, engagement, achievement, truancy and attrition
16 that demonstrates the school meets agreed upon benchmarks;

17
18 (G) Provide that no more than twenty
19 percent (20%) of its enrollment shall be from outside of
20 the school district where the charter school is located
21 without prior approval of the state loan and investment
22 board.

23

1 (xxiv) In the case of a proposed charter school
2 that intends to contract with an education service provider
3 for educational program implementation or comprehensive
4 management, the application shall additionally require the
5 applicant to:

6
7 (A) Provide evidence of the education
8 service provider's success in serving student populations
9 similar to the targeted population, including demonstrated
10 academic achievement as well as successful management of
11 nonacademic school functions, if applicable;

12
13 (B) Provide a term sheet setting forth the
14 proposed duration of the education service contract, the
15 roles and responsibilities of the governing board, the
16 school staff and the service provider, the scope of
17 services and resources to be provided by the service
18 provider, the performance evaluation measures and timelines
19 for the service provider, the compensation structure for
20 the service provider including clear identification of all
21 fees to be paid to the education service provider, methods
22 of contract oversight and enforcement, investment

1 disclosures and conditions for renewal and termination of
2 the contract; and

3
4 (C) Disclose and explain any existing or
5 potential conflicts of interest between the school
6 governing board, the school's leadership and management
7 team and the proposed education service provider or any
8 affiliated business entities.

9
10 (xxv) In the case of a proposed charter public
11 school from an applicant that currently operates one (1) or
12 more additional schools inside or outside of Wyoming, the
13 application shall additionally require the applicant to
14 provide evidence of past performance and the capacity for
15 the operation of the additional school.

16
17 (b) Upon submission of an application under W.S.
18 21-3-307(a), the ~~superintendent of the school district~~
19 authorizer shall notify the applicant within thirty (30)
20 days of submission whether the application is complete. If
21 the ~~district superintendent~~ authorizer determines that the
22 application is incomplete, the ~~superintendent~~ authorizer
23 shall advise the applicant of the reasons for the

1 determination in sufficient detail for the applicant to
2 make changes for resubmission of the application to the
3 ~~district superintendent~~ authorizer.

4

5 (d) The state superintendent shall through rule and
6 regulation prescribe a uniform charter school application
7 and renewal application form to be used by each ~~district~~
8 authorizer and charter school applicant for purposes of
9 this article, and shall establish charter school
10 application review procedures, including timelines for
11 application components specified under subsection (a) of
12 this section. The phased application process prescribed by
13 state superintendent rule and regulation may provide a
14 process for mediation of disputes concerning completeness
15 of an application between the applicant and ~~school-district~~
16 authorizer, which would be subject to W.S. 1-43-101 through
17 1-43-104, would allow either party to initiate mediation
18 and would impose costs of mediation equally upon both
19 parties. Any mediation process prescribed by rule shall
20 specify professional requirements for the impartial third
21 party facilitating mediation. If either party refuses to
22 mediate, the dispute may be appealed to the state board as
23 provided in W.S. 21-3-310.

1

2 (e) The state loan and investment board shall submit
3 all applications received under this section to the
4 department of education for review of compliance with the
5 accreditation requirements. The department of education
6 shall submit a report of this review to the state loan and
7 investment board.

8

9 **21-3-308. Hearing by authorizer; prohibited actions**
10 **by authorizer; criteria; compliance with state standards;**
11 **contractual authority.**

12

13 (a) Not later than ~~thirty (30)~~sixty (60) days after
14 receiving an application for any charter school which has
15 been determined to be complete pursuant to W.S.
16 21-3-307(b), the ~~district board~~authorizer shall hold a
17 public hearing on the application, at which time the ~~board~~
18 authorizer shall consider the level of community and
19 parental support for the application if an application for
20 a new charter school, or the level of teacher and parental
21 support if an application for a converted charter school or
22 charter school within a school. The application review
23 process shall also include an in-person interview of the

1 applicant or applicant group. Following review of the
2 application and the public hearing, if applicable, and in
3 accordance with subsection (d) of this section, the
4 ~~district board~~ authorizer shall either approve or deny the
5 application within ~~sixty (60)~~ ninety (90) days of receipt.
6 ~~Approval under this article may be conditioned for purposes~~
7 ~~specified under subsection (c) of this section.~~ In
8 addition, the ~~board~~ authorizer may approve an application
9 for the operation of a converted charter school only if it
10 determines teacher and parental support for the conversion
11 are established at the levels required by W.S. 21-3-306(b).
12 Prior to approving an application for a charter school
13 under this section, the ~~board~~ authorizer shall approve and
14 adopt the content and terms of the ~~contract~~ charter as
15 provided in W.S. 21-3-307.

16

17 (c) ~~The district board shall require the applicant to~~
18 ~~provide information regarding the proposed operation and~~
19 ~~potential effects of the school, including but not limited~~
20 ~~to the facilities to be utilized by the school, the manner~~
21 ~~in which administrative services of the school are to be~~
22 ~~provided and a demonstration that the school is adequately~~
23 ~~insured for liability, including errors and omissions~~

1 ~~coverage, and that the school district is indemnified to~~
2 ~~the fullest extent possible. As authorized under subsection~~
3 ~~(a) of this section, the applicant may request the district~~
4 ~~board and the board may approve the charter application~~
5 ~~subject to specified conditions which provide the applicant~~
6 ~~sufficient time to acquire necessary funding for securing~~
7 ~~or otherwise finalizing arrangements for facilities or~~
8 ~~equipment necessary for the operation of the proposed~~
9 ~~school. In addition, the A district board may upon request~~
10 of the applicant and approval of the charter school
11 application, make available for use by the charter school
12 any district facility which is closed, not operational and
13 otherwise feasible for use as an educational building as
14 defined under W.S. 21-15-109(a)(ii).

15

16 (d) Upon the approval of any application by the
17 ~~district board~~ authorizer, the applicant shall provide
18 written notice of that approval including a copy of the
19 application to the state superintendent. If the ~~district~~
20 ~~board~~ authorizer denies the application, the ~~board~~
21 authorizer shall not later than forty-five (45) days
22 following the date of its decision, notify the applicant of
23 the denial in writing together with its reasons for denial.

1

2 (e) A charter school may contract for the provision
3 of services and property subject to the following:

4

5 (i) The contract shall be executed in the same
6 manner and subject to the same restrictions as contracts by
7 ~~the a~~ school district;

8

9 (ii) The charter school shall be subject to all
10 competitive bidding laws which apply to ~~the a~~ school
11 district;

12

13 **21-3-309. Length of operation under charter; renewal;**
14 **revocation.**

15

16 (a) A charter contract may be granted pursuant to
17 this article for a period ~~not to exceed of~~ five (5) years.
18 ~~and may be renewed for successive periods not to exceed~~
19 ~~five (5) years for each renewal period. A material revision~~
20 ~~of the provisions of a charter petition may be made only~~
21 ~~with the approval of the local board granting the charter.~~

22 A charter contract may be renewed for successive five (5)
23 year terms, provided that the authorizer may vary the

1 duration of the term based on the performance, demonstrated
2 capacities and particular circumstances of the charter
3 school. An authorizer may grant renewal of the charter
4 contract with specific conditions for necessary
5 improvements to the charter school.

6
7 (b) A charter school renewal application submitted to
8 the ~~school—district—~~authorizer shall be on a form
9 prescribed by the state superintendent pursuant to W.S.
10 21-3-307(d) and in accordance with W.S. 21-3-305(b) and
11 shall contain:

12
13 (c) A charter may be revoked or not renewed by the
14 ~~district—board—~~authorizer if the ~~board—~~authorizer
15 determines that the charter school did any of the
16 following:

17
18 (e) If ~~a district board—~~an authorizer revokes or does
19 not renew a charter, the ~~board—~~authorizer shall state its
20 reasons for the revocation or nonrenewal.

21
22 **21-3-311. Participation in retirement system.**

23

1 (b) Any charter school ~~shall~~may participate in the
2 Wyoming retirement system to the extent as if it were a
3 public school within the district as designated in the
4 charter.

5
6 (c) Any charter school may offer a private pension or
7 retirement program for participation by employees of the
8 charter school as designated in the charter.

9
10 (d) The amount provided for retirement by a charter
11 school under this section to its employees shall be
12 equivalent to the amount authorized for retirement within
13 the school foundation funding provided to the charter
14 school under W.S. 21-3-314.

15
16 **21-3-312. Authorizer to report to state board.**

17
18 Each ~~district board~~authorizer granting a charter pursuant
19 to this article shall annually report to the state board on
20 each charter school operating ~~within the district,~~under
21 its authorization and compliance with the provisions of the
22 charter, ~~and shall assure the state board that students~~
23 ~~attending the charter school are receiving an education~~

1 ~~consistent with the educational opportunities available to~~
2 ~~all students within the school district.~~

3
4 **21-3-313. Charter schools; employee options.**

5
6 (b) The employment status of school district
7 employees employed by the charter school who seek to return
8 to employment with noncharter schools in the school
9 district shall be negotiated with the school district and
10 included in the charter contract.

11
12 **21-3-314. Students counted among district ADM;**
13 **determination of charter school funding.**

14
15 (f) If a charter school authorized by the state loan
16 and investment board and the school district where the
17 charter school is located do not agree on funding pursuant
18 to subsections (a) through (e) of this section then,
19 notwithstanding subsection (c) of this section or any other
20 provision of law funding for the charter school shall be
21 calculated as provided in this subsection. Nothing in this
22 subsection shall be deemed to prohibit a charter school and
23 the school district from negotiating an agreement for

1 charter school students to receive services from the
2 district. Funding for the charter school shall be
3 calculated as follows:

4
5 (i) All funding for the school district under
6 W.S. 21-13-309(m) that is attributable to the charter
7 school shall be reduced to eighty-five percent (85%) of the
8 amount that would otherwise have been calculated;

9
10 (ii) The charter school shall be entitled to
11 funding as provided in subsection (c) of this section from
12 the reduced amount calculated under paragraph (i) of this
13 subsection.

14
15 **Section 3.** W.S. 21-3-303(e), 21-3-304(n) and (o),
16 21-3-305(c) through (e), 21-3-307(a)(xvi), (xvii) and (c),
17 21-3-308(e)(v) and (h), 21-3-309(d) and (f), 21-3-310,
18 21-3-311(a) and 21-3-313(a) and (c) are repealed.

19
20 **Section 4.** This act is effective July 1, 2021.

21

22

(END)