

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

AN ACT relating to charter schools; revising the process for approval and renewal of charter schools; providing for authorization of charter schools by a school district or the state loan and investment board; revising the operation of charter schools; authorizing fees; specifying funding; making conforming changes; repealing conflicting provisions; specifying limitations; requiring a study; requiring a report; and providing for effective dates.

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

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

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

(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.

(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.

(c) The state loan and investment board shall, subject to the limitation in subsection (b) of this section, establish administration fees necessary to recover

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

the incremental costs of the department of education related to the approval and monitoring of charter schools under this article. Administrative fees collected by the state loan and investment board pursuant to this subsection shall be deposited in the school foundation program account.

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

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

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

(x) Subject to review by the state construction department under W.S. 21-15-115 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.

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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 ~~pursuant to a contract with~~ 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 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 ~~by the~~ district 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;

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

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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 ~~the existing school district structure~~ districts as a method to:

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

(a) As used in this article:

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

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

(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

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

entity that a charter school contracts with for educational program implementation or for comprehensive management.

**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. ~~when the district board determines the funding or assistance is compatible with the mission of the district.~~

(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 ~~district board. The school district shall be a third party beneficiary to any management contract approved by the district board~~ authorizer.

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

(b) ~~A~~ 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. ~~and~~ If a charter is granted by the state loan and investment 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 ~~the district board~~ 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,

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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 special program students. A charter school specializing in at-risk or special education students may give a preference in enrollment to those students. 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 school applicant and the ~~school—district~~ authorizer. 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 ~~school—district—authorizer~~ unless the ~~district board—authorizer~~ expressly assumes ~~such~~ the obligations in writing.

(f) Notwithstanding the provisions of this article to the contrary, a charter school and the ~~school—district~~ authorizer may agree to extend the length of the charter

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

beyond five (5) years. ~~for the purpose of enhancing the terms of any lease or financial obligation.~~

(g) ~~Pursuant to contract~~, <sup>A</sup> 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;

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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.

(j) A charter school may negotiate and contract with a school district, the governing body of a ~~state college or university~~ 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. 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, as negotiated by contract, in school district facilities. All other costs for the improvement, modification, operation and maintenance of ~~the school district~~ facilities used by the charter school shall be subject to negotiation between the charter school and the district board.

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



ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

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

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

(iii) Confer certain rights, privileges and obligations on the charter school;

(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 each five (5) year period that the charter is in effect;

(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:

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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

(VII) 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:

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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;

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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.

(b) ~~The contract between the charter school and the school district shall reflect all agreements regarding the release of the charter school from school district policies.~~ 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.

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

(g) After a charter school authorized by the state loan and investment board has been in operation for one (1) year or has been renewed by the state loan and investment board, the state loan and investment board may delegate to the school district where the charter school operates any of the functions of an authorizer under this article provided that:

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

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

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

(a) Any person may apply to ~~the district board~~ an authorizer for the establishment of a new charter school. ~~or a charter school within a school to be located within the school district.~~ 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 state

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

loan and investment 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.

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

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

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

(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;

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

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

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

(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; ~~and~~

(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;

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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 state loan and investment board.

(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;



ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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.

(b) Upon submission of an application under W.S. 21-3-307(a), the ~~superintendent of the school district~~ authorizer shall notify the applicant within thirty (30) days of submission whether the application is complete. If the ~~district superintendent~~ authorizer determines that the application is incomplete, the ~~superintendent~~ authorizer shall advise the applicant of the reasons for the determination in sufficient detail for the applicant to

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

make changes for resubmission of the application to the ~~district superintendent~~ authorizer.

(d) The state superintendent shall through rule and regulation prescribe a uniform charter school application and renewal application form to be used by each ~~district authorizer~~ 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 ~~school district~~ 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 as provided in W.S. 21-3-310.

(e) The state loan and investment 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 state loan and investment board.

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

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(a) Not later than ~~thirty (30)~~ 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 ~~district board~~ authorizer shall hold a public hearing on the application, at which time the ~~board~~ 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 ~~district board~~ authorizer shall either approve or deny the application within ~~sixty (60)~~ ninety (90) days of receipt. ~~Approval under this article may be conditioned for purposes specified under subsection (c) of this section.~~ In addition, the ~~board~~ 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 ~~board~~ authorizer shall approve and adopt the content and terms of the ~~contract~~ charter as provided in W.S. 21-3-307.

(c) ~~The district board shall require the applicant to~~ 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

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

coverage, and that the ~~school district~~ authorizer is indemnified to the fullest extent possible. ~~As authorized under subsection (a) of this section, the applicant may request the district board and the board may approve the charter application subject to specified conditions which provide the applicant sufficient time to acquire necessary funding for securing or otherwise finalizing arrangements for facilities or equipment necessary for the operation of the proposed school. In addition, the~~ 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 ~~district board~~ authorizer, the applicant shall provide written notice of that approval including a copy of the application to the state superintendent. If the ~~district board~~ authorizer denies the application, the ~~board~~ 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 ~~the~~ a school district;

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

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

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

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

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

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

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

(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 ~~district board authorizer~~ granting a charter pursuant to this article shall annually report to the state board on each charter school operating ~~within the district, under its authorization and~~ compliance with the provisions of the charter ~~and shall assure the state board that students attending the charter school are receiving an education consistent with the educational opportunities available to all students within the school district.~~

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

(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.

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

(f) If a charter school or full-time virtual charter school authorized by the state loan and investment board and the school district where the charter school is located do not agree on funding pursuant to subsections (a) through (e) of this section then, notwithstanding subsection (c) of this section or any other provision of law funding for the charter school shall be calculated as provided in this subsection. Nothing in this subsection shall be deemed to

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

prohibit a charter school and the school district from negotiating an agreement for charter school students to receive services from the district. Funding for the charter school shall be calculated as follows:

(i) All funding for the school district under W.S. 21-13-309(m) that is attributable to the charter school shall be reduced to eighty percent (80%) of the amount that would otherwise have been calculated;

(ii) All funding for the school district under W.S. 21-13-309(m) that is attributable to the full-time virtual charter school shall be reduced to sixty-five percent (65%) of the amount that would otherwise have been calculated;

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

**Section 3.** W.S. 21-3-304(a) is amended to read:

**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).

**Section 4.** W.S. 21-3-303(e), 21-3-304(n) and (o), 21-3-305(c) through (e), 21-3-307(a)(xvi), (xvii) and (c), 21-3-308(e)(v), 21-3-309(d) and (f), 21-3-310, 21-3-311(a) and 21-3-313(a) and (c) are repealed.

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

**Section 5.** Notwithstanding W.S. 21-3-301 through 21-3-314 as created and amended by sections 1 and 2 of this act, not more than three (3) charter schools shall be authorized by an entity that is not the school district board until the state superintendent of public instruction reviews the impacts and benefits of charter schools and provides a report to the joint education interim committee recommending that additional charter schools should be authorized under the process implemented in this act and the legislature acts to repeal this section.

**Section 6.** The joint education interim committee shall study charter schools and shall prepare any legislation it deems necessary related to charter schools for consideration during the 2022 budget session of the Wyoming legislature.



ORIGINAL SENATE  
FILE NO. SF0130

ENGROSSED

ENROLLED ACT NO. 74, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

**Section 7.**

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Sections 1, 2 and 4 of this act are effective July 1, 2022.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk