

SENATE FILE NO. SF0130

Charter schools.

Sponsored by: Senator(s) Driskill, Boner, Ellis and Salazar
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(b) 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) and (d),
12 21-3-308(a), (c), (d), (e)(i) and (ii), 21-3-309(a),
13 (b)(intro), (c)(intro) and (e), 21-3-311(b) and by creating
14 new subsections (c) and (d), 21-3-312, 21-3-313(b) and
15 21-3-314 by creating a new subsection (f) are amended to
16 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 (b) ~~A~~ If a charter is granted by a school district,
14 the charter school shall be a public school within the
15 school district that grants its charter. ~~and~~ If a charter
16 is granted by the state loan and investment board, the
17 charter school shall be an independent public school within
18 the district where the charter school is located. The
19 charter school shall be accountable to ~~the district board~~
20 its authorizer for purposes of ensuring compliance with
21 applicable laws and charter provisions and the requirements
22 of the state constitution.

23

1 (c) A charter school shall be subject to all federal
2 and state laws and constitutional provisions prohibiting
3 discrimination on the basis of disability, race, creed,
4 color, gender, national origin, religion, ancestry or need
5 for special education services. Enrollment decisions shall
6 be made in a nondiscriminatory manner specified by the
7 charter school applicant in the charter school application.
8 Enrollment decisions shall not discriminate against at-risk
9 students or special program students. A charter school
10 specializing in at-risk or special education students may
11 give a preference in enrollment to those students. A
12 charter school sponsored jointly or separately by the
13 Eastern Shoshone or the Northern Arapaho Indian Tribes may
14 give preference to enrolled tribal members.

15
16 (d) A charter school shall be administered and
17 governed by a governing body in a manner agreed to by the
18 charter school applicant and the ~~school—district~~
19 authorizer. A charter school may organize as a nonprofit
20 corporation pursuant to the Wyoming Nonprofit Corporation
21 Act, which shall not affect its status as a public school
22 for any purposes under Wyoming law. A charter school
23 organized by a school district may include school board

1 members or school district employees on its governing
2 board.

3
4 (e) A charter school, as a public school, is a
5 governmental entity. Direct leases and financial
6 obligations of a charter school shall not constitute debt
7 or financial obligations of the ~~school district~~ authorizer
8 unless the ~~district board~~ authorizer expressly assumes ~~such~~
9 the obligations in writing.

10

11 (f) Notwithstanding the provisions of this article to
12 the contrary, a charter school and the ~~school district~~
13 authorizer may agree to extend the length of the charter
14 beyond five (5) years. ~~for the purpose of enhancing the~~
15 ~~terms of any lease or financial obligation.~~

16

17 (g) Pursuant to the terms of the charter contract and
18 except as otherwise provided in this article, a charter
19 school ~~may operate free from specified school district~~
20 ~~policies and state regulations. Pursuant to contract, a~~
21 ~~school district may waive locally imposed school district~~
22 ~~requirements, without seeking approval of the state board.~~
23 ~~The state board may waive state statutory requirements or~~

1 ~~rules promulgated by the state board, except that the state~~
2 ~~board shall not waive any statute or rule relating to the~~
3 ~~assessments or standards required to be administered. Upon~~
4 ~~request of the charter applicant, the state board shall~~
5 ~~provide summaries of such regulations and policies to use~~
6 ~~in preparing a charter school application. The department~~
7 ~~of education shall prepare the summary of state regulations~~
8 ~~within existing appropriations. Any waiver of state or~~
9 ~~local school district regulations made pursuant to this~~
10 ~~subsection shall be for the term of the charter for which~~
11 ~~the waiver is made, except that a waiver of state statutes~~
12 ~~or regulations by the state board shall be subject to~~
13 ~~review every two (2) years and may be revoked if the waiver~~
14 ~~is deemed no longer necessary by the state board. shall be~~
15 exempt from statutes applicable to a school district or
16 school district board, rules of the state board concerning
17 teachers or administrators and local regulations or
18 policies of the school district unless specifically
19 incorporated in the charter. Nothing in this subsection
20 shall be deemed to exempt the charter school from:

21

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

4
5 (ii) The student assessment and accountability
6 requirements applicable to other public schools, provided
7 that this paragraph shall not prohibit a charter school
8 from establishing additional student assessment measures;

9
10 (iii) The public records act and public meeting
11 requirements applicable to public schools and school
12 districts and any federal or state privacy laws applicable
13 to public schools or school districts.

14
15 (j) A charter school may negotiate and contract with
16 a school district, the governing body of a ~~state college or~~
17 ~~university~~ community college or the university of Wyoming,
18 or any third party for the use of a school building and
19 grounds, the operation and maintenance thereof, and the
20 provision of any service, activity or undertaking that the
21 charter school is required to perform in order to carry out
22 the educational program described in its charter. Any
23 services for which a charter school contracts with a school

1 district shall be provided by the district at the
2 incremental cost. For school district capital facilities
3 that are rented at the time of the charter school
4 application and had been rented for the immediately
5 preceding six (6) months by a third party, the net loss of
6 rental income shall be considered an incremental cost. The
7 charter school shall have standing to sue and be sued in
8 its own name for the enforcement of any contract created
9 pursuant to this subsection.

10

11 (k) Except as provided in subsection (j) of this
12 section, a charter school shall not be required to pay rent
13 for space which is deemed available, as negotiated by
14 contract, in school district facilities. All other costs
15 for the improvement, modification, operation and
16 maintenance of ~~the~~school district facilities used by the
17 charter school shall be subject to negotiation between the
18 charter school and the district board. If the state loan
19 and investment board is the authorizer, the board may
20 instruct any appropriate school district to lease unused or
21 underused school facilities to a charter school under terms
22 consistent with this subsection.

23

1 21-3-305. Charter schools; contract contents;
2 regulations.

3
4 (a) An approved charter application shall serve as
5 the basis for a contract between the charter school and the
6 ~~school district~~ authorizer. The charter contract shall:

7
8 (i) Be a written instrument which is a separate
9 document from the charter application;

10
11 (ii) Be executed by an authorizer and a charter
12 school;

13
14 (iii) Confer certain rights, franchises,
15 privileges and obligations on the charter school;

16
17 (iv) Confirm the status of the charter school as
18 a public school;

19
20 (v) Be granted for five (5) years;

21
22 (vi) Provide for a review by the authorizer of
23 the charter school's performance, including the progress of

1 the charter school in achieving the academic goals set
2 forth in the charter, at least one (1) time in each five
3 (5) year period that the charter is in effect;

4
5 (vii) Provide for renewal of the charter if the
6 authorizer and the charter school agree to renew the
7 charter pursuant to a renewal application. The renewal
8 application shall meet the requirements of subsection (b)
9 of this section;

10
11 (viii) Specify the grounds for the authorizer
12 to:

13
14 (A) Revoke the charter before the term for
15 which the charter is granted;

16
17 (B) Not renew a charter.

18
19 (ix) Set forth the methods by which the charter
20 school will be held accountable for achieving the
21 educational mission and goals of the charter school,
22 including the following:

23

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

3
4 (A) Compliance with applicable law; and

5
6 (B) Progress in meeting targeted
7 educational performance.

8
9 (xi) Specify that the authorizer and the charter
10 school may amend the charter during the term of the charter
11 by mutual consent and describe the process for amending the
12 charter;

13
14 (xii) Describe specific operating requirements,
15 including all the matters set forth in the application for
16 the charter;

17
18 (xiii) Specify dates for the charter school to:

19
20 (A) Begin school operations; and

21
22 (B) Have students attending the charter
23 school.

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(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.

(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~~

1 ~~policies.~~ authorizer may be renewed pursuant to a renewal
2 application. The renewal application shall:

3

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

7

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

10

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

14

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

17

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

20

21 (iii) Be submitted by the governing board of a
22 charter school seeking renewal not later than December 31
23 of the year preceding the start of the school year that the

1 charter expires, under the renewal application guidance
2 issued by the authorizer.

3
4 (f) The authorizer shall make a final ruling on the
5 renewal application not later than April 1 following the
6 filing of the renewal application under this subsection.
7 The April 1 deadline does not apply to any review or appeal
8 of a final ruling. If a school district denies renewal of a
9 charter, the charter school board may appeal to the state
10 loan and investment board for a de novo consideration of
11 the renewal. The state loan and investment board shall
12 consider the renewal and if the renewal is approved shall
13 be the authorizer of the charter school.

14
15 (g) After a charter school authorized by the state
16 loan and investment board has been in operation for one (1)
17 year or has been renewed by the state loan and investment
18 board, the state loan and investment board may delegate to
19 the school district where the charter school operates any
20 of the functions of an authorizer under this article
21 provided that:

22

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

3
4 (ii) The charter school shall retain the right
5 to seek renewal of the charter from the state loan and
6 investment board.

7
8 **21-3-306. Application for establishing charter**
9 **schools; conversion of existing schools.**

10
11 (a) Any person may apply to ~~the district board~~ an
12 authorizer for the establishment of a new charter school.
13 ~~or a charter school within a school to be located within~~
14 ~~the school district.~~ The applicant shall have the right to
15 determine which authorizer to apply to and may apply to a
16 different authorizer for renewal of a charter. The state
17 loan and investment board may reject a renewal application
18 from an existing charter school if the renewal is to avoid
19 necessary corrective measures, including closure of the
20 charter school, identified by the authorizer.

21
22 (d) If a school district denies an application to
23 convert a school to a charter school under subsection (b)

1 of this section, the applicant may appeal to the state loan
2 and investment board. If the state loan and investment
3 board approves the application, it shall be the authorizer
4 of the charter school.

5

6 **21-3-307. Charter application; contents; phased-in**
7 **application process.**

8

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

13

14 (vii) Admission requirements, if applicable,
15 provided that enrollment shall be open to all to the extent
16 seats are available within the applicable grade level,
17 subject to W.S. 21-3-304(c). If the number of applicants
18 for enrollment exceeds the available seats, the charter
19 school shall, subject to W.S. 21-3-304(c), hold a blind
20 lottery to determine enrollment. Students enrolled in the
21 previous year shall be guaranteed a seat, and applicants
22 with a sibling enrolled in the charter school shall receive
23 a preference;

1

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

6

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

10

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

14

15 (xxi) In accordance with this article, a
16 description of the rights of any employee of the school
17 district upon commencing employment in a charter school;
18 and

19

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

23

1 (xxiii) In the case of a proposed charter school
2 that plans to establish a full-time virtual charter school,
3 the application shall additionally require the applicant to
4 provide a description regarding the methods by which the
5 charter school will:

6
7 (A) Ensure adequate supports are available
8 to the students in their homes or regions, including parent
9 teacher conferences and interactions;

10
11 (B) Monitor student outcomes and administer
12 state required assessments to all students in a proctored
13 setting;

14
15 (C) Establish and implement legally
16 permissible criteria and processes for enrollment based on
17 the existence of supports needed for student success;

18
19 (D) Provide the desired enrollment level of
20 the school for each year of the charter contract, not to
21 exceed two hundred fifty (250) students in any given year,
22 with any increases in enrollment from one (1) year to the

1 next based on whether the school meets its performance
2 requirements;

3

4 (E) Provide a detailed budget for the
5 school and propose a funding level per student for the
6 school that is based upon that budget;

7

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

13

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

19

20 (xxiv) In the case of a proposed charter school
21 that intends to contract with an education service provider
22 for educational program implementation or comprehensive

1 management, the application shall additionally require the
2 applicant to:

3
4 (A) Provide evidence of the education
5 service provider's success in serving student populations
6 similar to the targeted population, including demonstrated
7 academic achievement as well as successful management of
8 nonacademic school functions, if applicable;

9
10 (B) Provide a term sheet setting forth the
11 proposed duration of the education service contract, the
12 roles and responsibilities of the governing board, the
13 school staff and the service provider, the scope of
14 services and resources to be provided by the service
15 provider, the performance evaluation measures and timelines
16 for the service provider, the compensation structure for
17 the service provider including clear identification of all
18 fees to be paid to the education service provider, methods
19 of contract oversight and enforcement, investment
20 disclosures and conditions for renewal and termination of
21 the contract; and

22

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

6
7 (xxv) In the case of a proposed charter public
8 school from an applicant that currently operates one (1) or
9 more additional schools inside or outside of Wyoming, the
10 application shall additionally require the applicant to
11 provide evidence of past performance and the capacity for
12 the operation of the additional school.

13
14 (b) Upon submission of an application under W.S.
15 21-3-307(a), the ~~superintendent of the school district~~
16 authorizer shall notify the applicant within thirty (30)
17 days of submission whether the application is complete. If
18 the ~~district superintendent~~ authorizer determines that the
19 application is incomplete, the ~~superintendent~~ authorizer
20 shall advise the applicant of the reasons for the
21 determination in sufficient detail for the applicant to
22 make changes for resubmission of the application to the
23 ~~district superintendent~~ authorizer.

1

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

21

1 21-3-308. Hearing by authorizer; prohibited actions
2 by authorizer; criteria; compliance with state standards;
3 contractual authority.

4
5 (a) Not later than ~~thirty (30)~~ sixty (60) days after
6 receiving an application for any charter school which has
7 been determined to be complete pursuant to W.S.
8 21-3-307(b), the ~~district board~~ authorizer shall hold a
9 public hearing on the application, at which time the ~~board~~
10 authorizer shall consider the level of community and
11 parental support for the application if an application for
12 a new charter school, or the level of teacher and parental
13 support if an application for a converted charter school or
14 charter school within a school. The application review
15 process shall also include an in-person interview of the
16 applicant or applicant group. Following review of the
17 application and the public hearing, if applicable, and in
18 accordance with subsection (d) of this section, the
19 ~~district board~~ authorizer shall either approve or deny the
20 application within ~~sixty (60)~~ ninety (90) days of receipt.
21 ~~Approval under this article may be conditioned for purposes~~
22 ~~specified under subsection (c) of this section.~~ In
23 addition, the ~~board~~ authorizer may approve an application

1 for the operation of a converted charter school only if it
2 determines teacher and parental support for the conversion
3 are established at the levels required by W.S. 21-3-306(b).
4 Prior to approving an application for a charter school
5 under this section, the ~~board~~authorizer shall approve and
6 adopt the content and terms of the ~~contract~~charter as
7 provided in W.S. 21-3-307.

8
9 (c) ~~The district board shall require the applicant to~~
10 ~~provide information regarding the proposed operation and~~
11 ~~potential effects of the school, including but not limited~~
12 ~~to the facilities to be utilized by the school, the manner~~
13 ~~in which administrative services of the school are to be~~
14 ~~provided and a demonstration that the school is adequately~~
15 ~~insured for liability, including errors and omissions~~
16 ~~coverage, and that the school district is indemnified to~~
17 ~~the fullest extent possible. As authorized under subsection~~
18 ~~(a) of this section, the applicant may request the district~~
19 ~~board and the board may approve the charter application~~
20 ~~subject to specified conditions which provide the applicant~~
21 ~~sufficient time to acquire necessary funding for securing~~
22 ~~or otherwise finalizing arrangements for facilities or~~
23 ~~equipment necessary for the operation of the proposed~~

1 ~~school. In addition, the~~ A district board may upon request
2 of the applicant and approval of the charter school
3 application, make available for use by the charter school
4 any district facility which is closed, not operational and
5 otherwise feasible for use as an educational building as
6 defined under W.S. 21-15-109(a)(ii).

7

8 (d) Upon the approval of any application by the
9 ~~district board~~ authorizer, the applicant shall provide
10 written notice of that approval including a copy of the
11 application to the state superintendent. If the ~~district~~
12 ~~board~~ authorizer denies the application, the ~~board~~
13 authorizer shall not later than forty-five (45) days
14 following the date of its decision, notify the applicant of
15 the denial in writing together with its reasons for denial.

16

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

19

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

23

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

4

5 **21-3-309. Length of operation under charter; renewal;**
6 **revocation.**

7

8 (a) A charter contract may be granted pursuant to
9 this article for a period ~~not to exceed~~of five (5) years.
10 ~~and may be renewed for successive periods not to exceed~~
11 ~~five (5) years for each renewal period. A material revision~~
12 ~~of the provisions of a charter petition may be made only~~
13 ~~with the approval of the local board granting the charter.~~
14 A charter contract may be renewed for successive five (5)
15 year terms, provided that the authorizer may vary the
16 duration of the term based on the performance, demonstrated
17 capacities and particular circumstances of the charter
18 school. An authorizer may grant renewal of the charter
19 contract with specific conditions for necessary
20 improvements to the charter school.

21

22 (b) A charter school renewal application submitted to
23 the ~~school district~~authorizer shall be on a form

1 prescribed by the state superintendent pursuant to W.S.
2 21-3-307(d) and in accordance with W.S. 21-3-305(b) and
3 shall contain:

4
5 (c) A charter may be revoked or not renewed by the
6 ~~district board~~ authorizer if the ~~board~~ authorizer
7 determines that the charter school did any of the
8 following:

9
10 (e) If ~~a district board~~ an authorizer revokes or does
11 not renew a charter, the ~~board~~ authorizer shall state its
12 reasons for the revocation or nonrenewal.

13
14 **21-3-311. Participation in retirement system.**

15
16 (b) Any charter school ~~shall~~ may participate in the
17 Wyoming retirement system to the extent as if it were a
18 public school within the district as designated in the
19 charter.

20
21 (c) Any charter school may offer a private pension or
22 retirement program for participation by employees of the
23 charter school as designated in the charter.

1

2 (d) The amount provided for retirement by a charter
3 school under this section to its employees shall be
4 equivalent to the amount authorized for retirement within
5 the school foundation funding provided to the charter
6 school under W.S. 21-3-314.

7

8 **21-3-312. Authorizer to report to state board.**

9

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

18

19 **21-3-313. Charter schools; employee options.**

20

21 (b) The employment status of school district
22 employees employed by the charter school who seek to return
23 to employment with noncharter schools in the school

1 district shall be negotiated with the school district and
2 included in the charter contract.

3

4 **21-3-314. Students counted among district ADM;**
5 **determination of charter school funding.**

6

7 (f) If a charter school authorized by the state loan
8 and investment board and the school district where the
9 charter school is located do not agree on funding pursuant
10 to subsections (a) through (e) of this section then,
11 notwithstanding subsection (c) of this section or any other
12 provision of law funding for the charter school shall be
13 calculated as provided in this subsection. Nothing in this
14 subsection shall be deemed to prohibit a charter school and
15 the school district from negotiating an agreement for
16 charter school students to receive services from the
17 district. Funding for the charter school shall be
18 calculated as follows:

19

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

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

Section 3. 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) and (h), 21-3-309(d) and (f), 21-3-310, 21-3-311(a) and 21-3-313(a) and (c) are repealed.

Section 4. This act is effective July 1, 2021.

(END)