

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

School facilities-charter schools.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to charter schools; including specified
2 charter school facilities within school district facilities
3 needs and plans and providing for facility use; specifying
4 conditions; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 21-3-304(j) and by creating a new
9 subsection (q), 21-3-308(c) and 21-15-111(a)(vi) are
10 amended to read:

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12 **21-3-304. Charter school; requirements; authority;**
13 **facilities.**

14

1 (j) A charter school may negotiate and contract with
2 a school district, the governing body of a state college or
3 university, or any third party for the use of a school
4 building and grounds, the operation and maintenance
5 thereof, and the provision of any service, activity or
6 undertaking that the charter school is required to perform
7 in order to carry out the educational program described in
8 its charter. If a charter school is subject to and
9 qualifies under subsection (q) of this section, the school
10 district shall by contractual arrangement with the charter
11 school, provide for the use of district facilities and
12 grounds compliant with facility adequacy standards
13 established by the school facilities commission under W.S.
14 21-15-115. Any services for which a charter school
15 contracts with a school district shall be provided by the
16 district at cost. The charter school shall have standing to
17 sue and be sued in its own name for the enforcement of any
18 contract created pursuant to this subsection.

19

20 (q) The school district shall, in coordination with
21 the school facilities commission, include school facilities
22 for a charter school within its district facilities plan
23 under W.S. 21-15-116 and the charter school facility shall

1 be included as a component of the district's building and
2 facility needs in accordance with W.S. 21-15-108, 21-15-109
3 and 21-15-111 through 21-15-121, if that charter school:

4
5 (i) Has operated under a contract within the
6 district for a period of not less than five (5) years;

7
8 (ii) Has its charter renewed by the district
9 under W.S. 21-3-309; and

10
11 (iii) Has met academic goals, objectives,
12 student performance and other academic terms and conditions
13 pursuant to W.S. 21-3-309(b)(i).

14
15 **21-3-308. Hearing by local board; prohibited actions**
16 **by local board; criteria; compliance with state standards;**
17 **state board review; contractual authority.**

18
19 (c) The district board shall require the applicant to
20 provide information regarding the proposed operation and
21 potential effects of the school, including but not limited
22 to the facilities to be utilized by the school, the manner
23 in which administrative services of the school are to be

1 provided and a demonstration that the school is adequately
2 insured for liability, including errors and omissions
3 coverage, and that the school district is indemnified to
4 the fullest extent possible. As authorized under subsection
5 (a) of this section, the applicant may request the district
6 board and the board may approve the charter application
7 subject to specified conditions which provide the applicant
8 sufficient time to acquire necessary funding for securing
9 or otherwise finalizing arrangements for facilities or
10 equipment necessary for the operation of the proposed
11 school. In addition, the district board may upon request of
12 the applicant and approval of the charter school
13 application, or for any charter school subject to W.S.
14 21-3-304(q), make available for use by the charter school
15 any district facility which is closed, not operational and
16 otherwise feasible for use as an educational building as
17 defined under W.S. 21-15-109(a)(ii).

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19 **21-15-111. Definitions.**

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21 (a) As used in this act:

22

1 (vi) "School buildings and facilities" mean the
2 physical structures and the land upon which the structures
3 are situated, which are primarily used in connection with
4 or for the purpose of providing the educational programs
5 offered by a school district in compliance with law,
6 including both student-related and nonstudent-related
7 buildings and facilities, and including charter schools
8 qualifying under W.S. 21-3-304(q);

9

10 **Section 2.** This act is effective July 1, 2010.

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(END)