

## HOUSE BILL NO. HB0264

State board of public charter schools.

Sponsored by: Representative(s) Edmonds

## A BILL

for

1 AN ACT relating to charter schools; creating the state  
2 board of public charter schools; granting rulemaking  
3 authority and prescribing duties; establishing a charter  
4 school authorizer comprised of the school district board or  
5 the state board of public charter schools; accordingly  
6 modifying provisions to allow charter school applications,  
7 review and approval through the charter authorizer;  
8 modifying charter application and contract provisions;  
9 modifying length of charter operation and eliminating  
10 required charter renewal; specifying charter revocation;  
11 specifying minimum levels of charter funding and district  
12 provided services; conforming provisions; providing  
13 appropriations; specifying application; and providing for  
14 an effective date.

15

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

17

1           **Section 1.** W.S. 21-3-315 is created to read:

2

3           **21-3-315. State board of public charter schools;**  
4 **membership; terms; compensation; duties; rulemaking**  
5 **authority; application process; fees.**

6

7           (a) There is established the state board of public  
8 charter schools.

9

10           (b) Within thirty (30) days after July 1, 2009, the  
11 speaker of the Wyoming house of representatives and the  
12 president of the Wyoming senate shall jointly submit to the  
13 governor a list of ten (10) nominees who are qualified to  
14 serve on the state board of public charter schools.  
15 Thereafter, nominees shall be selected in accordance with  
16 subsection (d) of this section. The governor shall appoint  
17 five (5) nominees from the list to serve as members of the  
18 state board of public charter schools. Nominees shall not  
19 be employed by a public school, a public charter school or  
20 the Wyoming education association. Nominees shall have  
21 knowledge or experience in one (1) or more of the  
22 following:

23

1           (i) Student learning, quality teaching and  
2 evaluation of and accountability in successful schools;

3  
4           (ii) The operation of financially sound  
5 enterprises including leadership and management techniques  
6 and budgeting and accounting skills;

7  
8           (iii) The educational, social and economic  
9 development needs of the state;

10  
11           (iv) The needs and interests of students and  
12 parents in the state and methods of involving parents and  
13 community members in schools.

14  
15           (c) Four (4) members of the Wyoming legislature shall  
16 act as legislative liaisons to the board, two (2) shall be  
17 members of the Wyoming senate appointed by the president of  
18 the senate and two (2) shall be members of the Wyoming  
19 house of representatives appointed by the speaker of the  
20 house. Liaison terms shall coincide with terms for which  
21 the legislators are elected. Legislators may be  
22 reappointed and vacancies shall be filled by the appointing  
23 authority.

24

1           (d) When a vacancy occurs on the membership of the  
2 board, the governor:

3

4           (i) May reappoint the member if the member is  
5 eligible to serve an additional term under subsection (f)  
6 of this section; or

7

8           (ii) Shall, not later than thirty (30) days  
9 after the vacancy occurs, request from the speaker of the  
10 house and the president of the senate a single list of  
11 three (3) nominees who would qualify as a nominee under  
12 subsection (b) of this section. The governor shall select  
13 one (1) nominee to serve as a member of the board. Any  
14 member selected to fill a vacancy which occurs prior to the  
15 expiration of the term of a predecessor shall be appointed  
16 only for the remainder of the term.

17

18           (e) If the governor does not appoint members  
19 sufficient to bring the membership of the board to five (5)  
20 within thirty (30) days after receiving a list of nominees  
21 under subsection (b) or (d) of this section, the speaker of  
22 the house shall, not more than ten (10) days after the  
23 thirty (30) day time period, make such appointments as are  
24 necessary to bring the membership of the board to five (5).

1

2 (f) Each member shall serve a term of four (4) years,  
3 except that of the initial appointments the governor shall  
4 designate one (1) member to serve a term of three (3)  
5 years, one (1) member to serve a term of two (2) years and  
6 one (1) member to serve a term of one (1) year. Each  
7 member appointed by the governor may be reappointed for one  
8 (1) subsequent four (4) year term.

9

10 (g) The members of the board shall, each year or when  
11 requested by a majority vote of board members, elect from  
12 their membership one (1) member to serve as chair. Three  
13 (3) members shall constitute a quorum. The board shall  
14 meet at the call of the chair and shall meet at least  
15 monthly to carry out the function of the consideration of  
16 charter applications and the review and monitoring of  
17 approved charter school applications.

18

19 (h) Members of the legislature appointed as liaisons  
20 to the board shall receive payment for expenses, per diem  
21 and compensation at the rates and in the amounts prescribed  
22 by law for legislators as necessary to carry out duties  
23 under this section, to be paid by the legislative service  
24 office. Board members shall serve without compensation but

1 shall be reimbursed for expenses incurred in the  
2 performance of their official duties in the manner and  
3 amounts provided by law for state employees.

4

5 (j) The board shall adopt rules and regulations  
6 necessary for the administration of its duties under this  
7 article and shall by rule and regulation establish an  
8 application process consistent with the requirements of  
9 this article and for the effective review of charter school  
10 applications and the oversight of charter schools approved  
11 by the board.

12

13 (k) The chair shall, subject to any rules or  
14 regulations adopted by the board, have the power to  
15 appoint, terminate and fix the pay of an executive director  
16 and such other personnel as the chair considers necessary.

17

18 (m) The board shall provide for an audit of the  
19 financial statements of the board by an independent  
20 certified public accountant in conformity with generally  
21 accepted auditing standards. Each year the results of the  
22 audit shall be reported to the joint education interim  
23 committee.

24

1           (n) For the purpose of the approval of charter school  
2 applications and the oversight of charter schools, the  
3 board may assess an administrative fee upon charter school  
4 applicants approved by the board under this article not to  
5 exceed one and one-half percent (1.5%) of the amounts  
6 received by the charter school under W.S. 21-3-314,  
7 computed on per pupil basis.

8

9           **Section 2.** W.S. 9-2-1704(d) by creating a new  
10 paragraph (xvii), 21-3-110(a)(x)(A)(I), 21-3-302(a) by  
11 creating new paragraphs (iii) and (iv), by renumbering  
12 paragraphs (iii) through (v) as (v) through (vii), by  
13 amending and renumbering (vi) as (viii) and by creating a  
14 new paragraph (ix), 21-3-303(a) and (d), 21-3-304(b), (d),  
15 (g), (j) and (k), 21-3-305(a), 21-3-306(a) and (b),  
16 21-3-308(a), (c) and (d), 21-3-309(a), (c)(intro), (e) and  
17 (f), 21-3-310(a) and (b), 21-3-312, 21-3-314(c) through  
18 (e), 21-13-309(m)(iv)(C) and (v)(B)(intro) and  
19 21-15-109(a)(ii) are amended to read:

20

21           **9-2-1704. Reorganization plan; structure; time frame.**

22

23           (d) The entities of state government specified in  
24 this subsection are designated as separate operating

1 agencies, which are separate and distinct from the  
2 departments and offices specified in subsection (a) of this  
3 section because of their quasi-judicial responsibility or  
4 because of their unique, specialized function which  
5 precludes their inclusion in another department. This act  
6 does not otherwise apply to separate operating agencies.  
7 Separate operating agencies are as follows:

8  
9 (xvii) State board of public charter schools  
10 established under W.S. 21-3-315.

11

12 **21-3-110. Duties of boards of trustees.**

13

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

16

17 (x) Subject to review by the school facilities  
18 commission under W.S. 21-15-115 for any project involving  
19 state capital construction assistance, fix the site of each  
20 school building and facility considering the needs of the  
21 people of each portion of the district. If the district  
22 enters into an agreement to lease buildings and facilities  
23 owned by the district and the buildings and facilities are  
24 included within the statewide database maintained by the



1 school facilities commission under W.S. 21-15-114(a)(vi),  
2 the district shall, except as provided under W.S.  
3 21-15-109(c)(i)(B), ensure the lease agreement requires  
4 sufficient payment from the lessee to cover expenses  
5 necessary to adequately maintain the facility or building  
6 in accordance with statewide adequacy standards prescribed  
7 by the commission. Except as provided under W.S.  
8 21-15-109(c)(i)(B), if the district enters into an  
9 agreement to lease buildings and facilities under which the  
10 district is the lessee and the building is to be used for  
11 the provision of the required educational program within  
12 the district, the lease agreement shall require the lessor  
13 to adequately maintain the buildings and facilities in  
14 accordance with standards prescribed by the commission. If  
15 approved by the commission, the district shall be  
16 reimbursed for the lease payment if the square footage of  
17 the leased facility is not included within the district's  
18 total square footage for purposes of major maintenance  
19 computations under W.S. 21-15-109, subject to the  
20 following:

21

22 (A) If the lease payment is for educational  
23 facilities used in the actual operation of a charter  
24 school, the commission shall pay the district an amount

1 approved by the commission for the lease payment by the  
2 charter school if:

3

4 (I) The charter is approved by the  
5 ~~district~~charter authorizer under W.S. 21-3-301 through  
6 ~~21-3-314~~21-3-315;

7

8 **21-3-302. Definitions.**

9

10 (a) As used in this article:

11

12 (iii) "Charter applicant" means a person who  
13 applies to a charter authorizer to establish a charter  
14 school;

15

16 (iv) "Charter authorizer" means the state board  
17 of public charter schools or the board of trustees of the  
18 school district in which the charter applicant is proposing  
19 to locate and operate the charter school;

20

21 ~~(iii)~~(v) "District board" means the board of  
22 trustees of a school district elected as the governing body  
23 of the school district;

24

1           ~~(iv)~~(vi) "New charter school" means a charter  
2 school established within the district which is located in  
3 a facility or a portion of a facility which is not  
4 currently being operated by the district as a public  
5 school;

6  
7           ~~(v)~~(vii) "School district" means each school  
8 district now or hereafter legally organized as a body  
9 corporate pursuant to W.S. 21-3-101, et seq.;

10  
11           ~~(vi)~~(viii) Except for W.S. 21-3-315, "state  
12 board" means the state board of education appointed  
13 pursuant to W.S. 21-2-301;

14  
15           (ix) "State board of public charter schools"  
16 means the state board created under this article.

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  
24 district board or the state board of public charter schools

1 determines the funding or assistance is compatible with the  
2 mission of the ~~district~~ state education system.

3

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

10

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

12

13 (b) A charter school shall be a public school within  
14 the school district ~~that grants its charter~~ in which the  
15 school is located and shall be accountable to the ~~district~~  
16 ~~board~~ charter authorizer for purposes of ensuring  
17 compliance with applicable laws and charter provisions and  
18 the requirements of the state constitution.

19

20 (d) A charter school shall be administered and  
21 governed by a governing body in a manner agreed to by the  
22 charter school applicant and the ~~school district~~ charter  
23 authorizer. A charter school may organize as a nonprofit  
24 corporation pursuant to the Wyoming Nonprofit Corporation

1 Act, which shall not affect its status as a public school  
2 for any purposes under Wyoming law.

3

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

1

2 (j) A charter school approved by a charter authorizer  
3 may negotiate and contract with a school district, the  
4 governing body of a state college or university, or any  
5 third party for the use of a school building and grounds,  
6 the operation and maintenance thereof, and the provision of  
7 any service, activity or undertaking that the charter  
8 school is required to perform in order to carry out the  
9 educational program described in its charter. Except as  
10 provided by W.S. 21-3-314, any services for which a charter  
11 school contracts with a school district shall be provided  
12 by the district at cost. The charter school shall have  
13 standing to sue and be sued in its own name for the  
14 enforcement of any contract created pursuant to this  
15 subsection. Any school district which refuses to negotiate  
16 in good faith, provide services at cost or enter into an  
17 agreement with an approved charter school shall be liable to  
18 the charter school for any reasonable expense incurred by  
19 the charter school in privately contracting for the service.

20

21 (k) A charter school shall not be required to pay  
22 rent for space which is deemed available by the school  
23 facilities commission from its inventory of school district  
24 facilities, as negotiated by contract ~~., in school district~~

1 ~~facilities.~~ All other costs for the improvement,  
2 modification, operation and maintenance of the facilities  
3 used by the charter school shall be subject to negotiation  
4 between the charter school and the district board.

5

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

8

9 (a) ~~An approved~~ Following approval of a charter  
10 application by the charter authorizer based upon adequate  
11 public support for the application determined through the  
12 public hearing held under W.S. 21-3-308, the school  
13 district and the applicant shall ~~serve~~ use the approved  
14 application as the basis for a contract between the charter  
15 school and the school district.

16

17 **21-3-306. Application for establishing charter**  
18 **schools; conversion of existing schools; application**  
19 **process.**

20

21 (a) Any person may apply to ~~the district board~~ a  
22 charter authorizer for the establishment of a new charter  
23 school or a charter school within a school. ~~to be located~~  
24 ~~within the school district~~ A charter authorizer is not

1 required to approve a charter school and may require an  
2 applicant to modify or supplement an application as a  
3 condition of approval.  
4

5 (b) Administrators and teachers employed by ~~the~~a  
6 district, parents of students enrolled in ~~the~~a district  
7 and any special district advisory group comprised of  
8 district residents may apply to ~~the district board~~a  
9 charter authorizer to convert an existing public school  
10 operating within ~~the~~a school district to a charter school.

11 An application filed under this subsection shall  
12 demonstrate the support of not less than fifty percent  
13 (50%) of the teachers employed by the school who teach at  
14 the school proposed to be converted, and the parents of  
15 fifty percent (50%) of all students attending the school  
16 proposed to be converted.

17  
18 **21-3-308. Hearing by charter authorizer; prohibited**  
19 **actions by district board; criteria; compliance with state**  
20 **standards; contractual authority.**  
21

22 (a) Not later than thirty (30) days after receiving  
23 an application for any charter school as defined in W.S.  
24 21-3-302, the ~~district board~~charter authorizer shall hold



1 a public hearing on the application, ~~at which time the~~  
2 ~~board shall consider~~ solely to determine the level of  
3 community and parental support for the application if an  
4 application for a new charter school, or the level of  
5 teacher and parental support if an application for a  
6 converted charter school or charter school within a school.  
7 The measure of public support shall be based upon the  
8 minimum level necessary for the applicant to successfully  
9 initiate and operate the school, as computed in accordance  
10 with methodology provided by the department of education.  
11 Following review of the application and the public hearing,  
12 if applicable, and in accordance with subsection (d) of  
13 this section, the ~~district board~~ charter authorizer shall  
14 either approve or deny the application within sixty (60)  
15 days of receipt. Approval under this article may be  
16 conditioned for purposes specified under subsection (c) of  
17 this section. In addition, the ~~board~~ charter authorizer may  
18 approve an application for the operation of a converted  
19 charter school only if it determines teacher and parental  
20 support for the conversion are established at the levels  
21 required by W.S. 21-3-306(b). ~~Prior to approving an~~  
22 ~~application for a charter school under this section, the~~  
23 ~~board shall approve and adopt the content and terms of the~~  
24 ~~contract as provided in W.S. 21-3-307.~~

1

2 (c) For purposes of contract negotiation, the3 ~~district board~~ charter authorizer shall require the

4 applicant to provide information regarding the proposed

5 operation and potential effects of the school, including

6 but not limited to the facilities to be utilized by the

7 school, the manner in which administrative services of the

8 school are to be provided and a demonstration that the

9 school is adequately insured for liability, including

10 errors and omissions coverage, and that the school district

11 is indemnified to the fullest extent possible. As

12 authorized under subsection (a) of this section, the

13 applicant may request the ~~district board and the board may~~14 charter authorizer to approve the charter application

15 subject to specified conditions which provide the applicant

16 sufficient time to acquire necessary funding for securing

17 or otherwise finalizing arrangements for facilities or

18 equipment necessary for the operation of the proposed

19 school. In addition, the ~~district board may~~ charter20 authorizer shall upon request of the applicant and approval

21 of the charter school application, make available for use

22 by the charter school any ~~district~~ facility of the school23 district in which the charter school is to be located,

24 which is closed, not operational and otherwise feasible for

1 use as an educational building as defined under W.S.  
2 21-15-109(a)(ii).

3

4 (d) Upon the approval of any application by the  
5 ~~district board~~ charter authorizer, the applicant shall  
6 provide written notice of that approval including a copy of  
7 the application to the state superintendent. If the  
8 ~~district board~~ charter authorizer denies the application,  
9 the ~~board~~ charter authorizer shall not later than forty-  
10 five (45) days following the date of its decision, notify  
11 the applicant of the denial in writing together with its  
12 reasons for denial. Within thirty (30) days following  
13 receipt of notification of denial, the charter applicant  
14 may submit a revised application to the charter authorizer  
15 for reconsideration, addressing the reasons for denial.

16

17 **21-3-309. Length of operation under charter; ongoing**  
18 **review; revocation.**

19

20 (a) A charter ~~may be~~ granted pursuant to this article  
21 ~~for a period not to exceed five (5) years and may be~~  
22 ~~renewed for successive periods not to exceed five (5) years~~  
23 ~~for each renewal period. A material revision of the~~  
24 ~~provisions of a charter petition may be made only with the~~

1 ~~approval of~~ shall be valid unless revoked under subsection  
2 (c) of this section and shall be subject to ongoing  
3 monitoring and review by the ~~local board~~ charter authorizer  
4 granting the charter application.

5  
6 (c) Following the first three (3) years of operation  
7 under the charter, a charter may be revoked ~~or not renewed~~  
8 by the ~~district board~~ initial charter authorizer if the  
9 ~~board authorizer~~ determines that the charter school ~~did any~~  
10 ~~of the following:~~ failed, on three (3) separate occasions,  
11 to attain or maintain reasonable progress toward  
12 achievement of the content standards and pupil performance  
13 standards identified in the charter application, or upon  
14 violation of any provision of law from which the charter  
15 school was not specifically exempted at the time the  
16 alleged violation occurred.

17  
18 (e) If a ~~district board~~ charter authorizer revokes ~~or~~  
19 ~~does not renew~~ a charter, the ~~board~~ charter authorizer  
20 shall state its reasons for the revocation. ~~or nonrenewal~~  
21 In addition, a charter shall not be revoked unless the  
22 charter school was provided written notice of each  
23 violation under subsection (c) of this section.

24

1 (f) A decision to revoke ~~or not to renew~~ a charter  
2 may be appealed pursuant to ~~the provisions of~~ W.S.  
3 21-3-310.

4  
5 **21-3-310. Appeal; standard of review; procedures.**

6  
7 (a) A charter applicant or any other person who  
8 wishes to appeal a decision of a ~~district board~~ charter  
9 authorizer concerning a charter school shall provide the  
10 state board and the ~~district board~~ charter authorizer with  
11 a notice of appeal within forty-five (45) days after  
12 receiving the ~~local board's~~ charter authorizer's written  
13 decision and reasons for denial. If the appeal is of a  
14 denial, ~~nonrenewal~~, or revocation of a charter, the person  
15 bringing the appeal shall limit the grounds of the appeal  
16 to the grounds for denial specified by the ~~district board~~  
17 charter authorizer. The notice shall include a brief  
18 statement of the reasons the charter school applicant  
19 contends the ~~district board's~~ charter authorizer's denial  
20 was in error.

21  
22 (b) If the notice of appeal, or the motion to review  
23 by the state board, relates to a ~~district board's~~ charter  
24 authorizer's decision to deny, ~~refuse to renew~~, or revoke a

1 charter or to a ~~district board's~~ charter authorizer's  
2 unilateral imposition of conditions that are unacceptable  
3 to the charter school or the charter applicant, the appeal  
4 and review process shall be as follows:

5  
6 (i) Within sixty (60) days after receipt of the  
7 notice of appeal or the making of a motion to review by the  
8 state board and after reasonable public notice, the state  
9 board, at a public hearing which shall be held in the  
10 school district in which the proposed charter school has  
11 applied for a charter, shall review the decision of the  
12 ~~district board~~ charter authorizer and make its findings. If  
13 the state board finds that the ~~local board's~~ charter  
14 authorizer's decision was contrary to the best interests of  
15 the pupils, school district or community, the state board  
16 shall remand ~~such the~~ decision to the ~~district board~~  
17 charter authorizer with written instructions for  
18 reconsideration. ~~thereof.~~ The instructions shall include  
19 specific recommendations concerning the matters requiring  
20 reconsideration;

21  
22 (ii) Within thirty (30) days following the  
23 remand of a decision to the ~~district board~~ charter  
24 authorizer and after reasonable public notice, the ~~district~~

1 ~~board~~ charter authorizer, at a public hearing, shall  
2 reconsider its decision and make a final decision;

3

4 (iii) If the ~~district board's~~ charter  
5 authorizer's final decision is still to deny, ~~refuse to~~  
6 ~~renew~~ or revoke a charter or to unilaterally impose  
7 conditions unacceptable to the charter school or the  
8 charter applicant, a second notice of appeal may be filed  
9 with the state board within thirty (30) days following ~~such~~  
10 the final decision;

11

12 (iv) Within thirty (30) days following receipt  
13 of the second notice of appeal or the making of a motion  
14 for a second review by the state board and after reasonable  
15 public notice, the state board, at a public hearing, shall  
16 determine whether the final decision of the ~~district board~~  
17 charter authorizer was contrary to the best interests of  
18 the pupils, school district or community. If such a finding  
19 is made, the state board shall remand the final decision to  
20 the ~~local board~~ charter authorizer with instructions to  
21 approve the charter application. The decision of the state  
22 board may require changes to the contract to be executed by  
23 the charter school and the school district.

24

1           **21-3-312. District board to report to state board.**

2

3 ~~Each district board~~ The charter authorizer granting a  
4 charter pursuant to this article shall annually report to  
5 the state board on each charter school ~~operating within the~~  
6 ~~district~~ approved by the authorizer, compliance with the  
7 provisions of the charter application and shall assure the  
8 state board that students attending the charter school are  
9 receiving an education consistent with the educational  
10 opportunities available to all students ~~within the school~~  
11 ~~district~~ as required by law.

12

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

15

16           (c) As part of the charter school contract, the  
17 charter school and the school district shall agree on  
18 funding and any services to be provided by the school  
19 district to the charter school, provided the charter school  
20 receives the minimum funding amounts and district services  
21 specified by this subsection and subsection (d) of this  
22 section. If the state board of public charter schools  
23 serves as authorizer under this article, it shall ensure  
24 minimum funding and service levels are provided by the



1 district to the charter school as required by this section.

2 The charter school and the school district shall begin  
3 discussions on the contract using the following revenue  
4 assumptions:

5  
6 (i) The charter school shall be entitled to ~~the~~  
7 ~~benefit of~~ an amount not less than one hundred percent  
8 (100%) of the foundation program amount computed under W.S.  
9 21-13-309(m) based upon the average daily membership of the  
10 charter school, including special weights provided to  
11 vocational education program attendance under W.S.  
12 21-13-309(m)(v)(D) and students identified as at-risk in  
13 accordance with W.S. 21-13-309(m)(v)(A), less any district  
14 level amounts generated by the charter school's membership  
15 under W.S. 21-13-309(m) and less amounts specified under  
16 W.S. 21-13-309(m)(v)(E) ~~;~~

17  
18 (ii) The charter school shall be entitled to ~~the~~  
19 ~~benefit of~~ an amount not less than one hundred percent  
20 (100%) of the amount to be contributed to the school  
21 district under major maintenance payments pursuant to W.S.  
22 21-15-109 based upon the proportion that the charter school  
23 educational building gross square footage contributes to  
24 the district educational building gross square footage ~~;~~

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23

(iii) The charter school shall be entitled to, and the school district shall provide the charter school with, transportation and special education services for which the district is reimbursed under the foundation program pursuant to W.S. 21-13-309(m)(v)(E);

(iv) The charter school shall be entitled to, and the school district shall provide to the charter school, federally required educational services for which the district receives federal funds through the department of education;

(v) The charter school shall be entitled to an amount not less than one hundred percent (100%) of the amounts within the foundation program for health insurance as provided by W.S. 21-13-309(m)(v)(F).

(d) The charter school ~~may also~~ shall contract with the school district for, and the school district shall provide, centralized services ~~provided by~~ for which the district receives foundation program funding under W.S. 21-13-309, including curriculum, media services, libraries

1 and ~~federally required educational services such as special~~  
2 ~~education~~ central administrative services.

3

4 (e) In lieu of paragraph (a)(iv) and subsections (c)  
5 and (d) of this section, the district and the charter  
6 school applicant may by mutual agreement fund the charter  
7 school through a specific budget for the charter school  
8 provided the charter school does not receive less than the  
9 minimum level of funding or services specified under  
10 subsections (c) and (d) of this section.

11

12 **21-13-309. Determination of amount to be included in**  
13 **foundation program for each district.**

14

15 (m) In determining the amount to be included in the  
16 foundation program for each district, the state  
17 superintendent shall:

18

19 (iv) Based upon reports from each district on  
20 schools operating within that district for the current  
21 school year and on grade configurations contained within  
22 each reported school during that school year, compute the  
23 average daily membership (ADM) for each reported school and

1 each grade within each reported school in accordance with  
2 identified grade configurations subject to the following:

3

4 (C) After the 2006-2007 school year, and  
5 excluding charter schools established under W.S. 21-3-301  
6 through ~~21-3-314~~ 21-3-315, any modification to the  
7 configuration of grades in which students are enrolled  
8 during any school year such that the configuration differs  
9 from that in which students were enrolled during the 2005-  
10 2006 school year shall be documented by the district within  
11 reports submitted under this subsection and shall require  
12 approval by the state superintendent. Approval by the  
13 state superintendent under this subparagraph shall be based  
14 upon appropriate delivery of the required educational  
15 program, the cost effectiveness of the modified grade  
16 configuration for the delivery of adequate educational  
17 services to students and any extraordinary circumstances  
18 related to the safe and efficient delivery of the education  
19 program to students. This subparagraph relates only to the  
20 configuration of schools for application to the education  
21 resource block grant model and not to the authority of a  
22 district to configure grade levels at each of its schools.

23

1           (v) Based upon ADM computations and identified  
2 school configurations within each district pursuant to  
3 paragraph (iv) of this subsection, compute the foundation  
4 program amount for each district as prescribed by the  
5 education resource block grant model adopted by the Wyoming  
6 legislature as defined under W.S. 21-13-103(a)(xiv), as  
7 contained within the spreadsheets and accompanying reports  
8 referenced under W.S. 21-13-101(a)(xvii) and (xviii) and on  
9 file with the secretary of state pursuant to W.S.  
10 21-13-101(c). The following criteria shall be used by the  
11 state superintendent in the administration of the education  
12 resource block grant model:

13

14           (B) Alternative schools qualifying for  
15 separate consideration under the education resource block  
16 grant model may be established by a school district for  
17 offering educational programs to students with educational  
18 needs which the district finds are not appropriately met by  
19 other schools in the district, excluding charter schools  
20 established under W.S. 21-3-301 through ~~21-3-314~~ 21-3-315.  
21 Alternative schools included within a district's  
22 configuration of schools identified under paragraph (iv) of  
23 this subsection shall for purposes of the education  
24 resource block grant model:

1

2           21-15-109. Major building and facility repair and  
3 replacement payments; computation; square footage  
4 allowance; use of payment funds; accounting and reporting  
5 requirements.

6

7           (a) As used in this act:

8

9           (ii) "Educational building" means a school  
10 building or facility primarily used for providing the  
11 educational programs offered by a district in compliance  
12 with law which is owned by the district, including a school  
13 building or facility owned by the district and used for  
14 operating a charter school established under W.S. 21-3-301  
15 through ~~21-3-314~~ 21-3-315;

16

17           **Section 3.** W.S. 21-3-303(e), 21-3-304(f) and (m) and  
18 21-3-309(b), (c)(i) through (iv) and (d) are repealed.

19

20           **Section 4.**

21

22           (a) For the period commencing July 1, 2009, and  
23 ending June 30, 2010, the following amounts are  
24 appropriated from the general fund to be expended only as

1 necessary to fund the expenses associated with the state  
2 board of public charter schools established under W.S.  
3 21-3-315, as created under Section 1 of this act:

4

5 (i) One hundred fifty thousand dollars  
6 (\$150,000.00) to the state board of public charter schools,  
7 a portion of which may be used to acquire contractual  
8 services necessary to carry out duties prescribed by this  
9 act; and

10

11 (ii) Ten thousand dollars (\$10,000.00) to the  
12 legislative service office.

13

14 **Section 5.** Nothing in this act shall apply to or  
15 otherwise modify any charter contract entered into and  
16 approved prior to July 1, 2009, until such time as that  
17 charter contract is materially revised under W.S. 21-3-309  
18 on and after July 1, 2009.

19

20 **Section 6.** This act is effective July 1, 2009.

21

22

(END)