

## HOUSE BILL NO. HB0265

Charter schools-amendments.

Sponsored by: Representative(s) Edmonds and Wallis

A BILL

for

1 AN ACT relating to charter schools; modifying charter  
2 application and contract provisions as specified;  
3 eliminating charter prohibition if avoiding school closure  
4 or consolidation is sole purpose; modifying length of  
5 operation under initial charter and eliminating required  
6 charter renewal; specifying charter revocation; specifying  
7 required minimum levels of charter funding and provided  
8 district services; specifying application; and providing  
9 for an effective date.

10

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

12

13 **Section 1.** W.S. 21-3-304(g), (j) and (k),  
14 21-3-305(a), 21-3-308(a) and (c), 21-3-309(a), (c)(intro),  
15 (e) and (f), 21-3-310(a), (b)(intro) and (iii) and  
16 21-3-314(c) through (e) are amended to read:

17

1           **21-3-304. Charter school; requirements; authority.**

2

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

24

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. Except as provided by W.S. 21-3-314, any  
9 services for which a charter school contracts with a school  
10 district shall be provided by the district at cost. The  
11 charter school shall have standing to sue and be sued in  
12 its own name for the enforcement of any contract created  
13 pursuant to this subsection.

14

15           (k) A charter school shall not be required to pay  
16 rent for space which is deemed available by the school  
17 facilities commission from its inventory of school district  
18 facilities, as negotiated by contract, ~~in school district~~  
19 ~~facilities~~. All other costs for the improvement,  
20 modification, operation and maintenance of the facilities  
21 used by the charter school shall be subject to negotiation  
22 between the charter school and the district board.

23

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

3  
4           (a) ~~An approved~~ Following approval of a charter  
5 application based upon adequate public support for the  
6 application determined through the public hearing held  
7 under W.S. 21-3-308, the school district and the applicant  
8 shall ~~serve~~ use the approved application as the basis for a  
9 contract between the charter school and the school  
10 district.

11  
12           **21-3-308. Hearing by local board; prohibited actions**  
13 **by local board; criteria; compliance with state standards;**  
14 **state board review; contractual authority.**

15  
16           (a) Not later than thirty (30) days after receiving  
17 an application for any charter school as defined in W.S.  
18 21-3-302, the district board shall hold a public hearing on  
19 the application, ~~at which time the board shall consider~~  
20 solely to determine the level of community and parental  
21 support for the application if an application for a new  
22 charter school, or the level of teacher and parental  
23 support if an application for a converted charter school or  
24 charter school within a school. The measure of public

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

18

19 (c) For purposes of contract negotiation, the  
20 district board shall require the applicant to provide  
21 information regarding the proposed operation and potential  
22 effects of the school, including but not limited to the  
23 facilities to be utilized by the school, the manner in  
24 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, make available for use by the charter school  
14 any district facility which is closed, not operational and  
15 otherwise feasible for use as an educational building as  
16 defined under W.S. 21-15-109(a)(ii).

17

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

20

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

1 ~~provisions of a charter petition may be made only with the~~  
2 ~~approval of~~ shall be valid unless revoked under subsection  
3 (c) of this section and shall be subject to ongoing  
4 monitoring and review by the local board granting the  
5 charter.

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

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

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

19

20 (b) If the notice of appeal, or the motion to review  
21 by the state board, relates to a district board's decision  
22 to deny, ~~refuse to renew~~, or revoke a charter or to a  
23 district board's unilateral imposition of conditions that  
24 are unacceptable to the charter school or the charter



1 applicant, the appeal and review process shall be as  
2 follows:

3

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

10

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

13

14 (c) As part of the charter school contract, the  
15 charter school and the school district shall agree on  
16 funding and any services to be provided by the school  
17 district to the charter school, provided the charter school  
18 receives the minimum funding amounts and district services  
19 specified by this subsection and subsection (d) of this  
20 section. The charter school and the school district shall  
21 begin discussions on the contract using the following  
22 revenue assumptions:

23

1           (i) The charter school shall be entitled to ~~the~~  
2 ~~benefit of~~ an amount not less than one hundred percent  
3 (100%) of the foundation program amount computed under W.S.  
4 21-13-309(m) based upon the average daily membership of the  
5 charter school, including special weights provided to  
6 vocational education program attendance under W.S.  
7 21-13-309(m)(v)(D) and students identified as at-risk in  
8 accordance with W.S. 21-13-309(m)(v)(A), less any district  
9 level amounts generated by the charter school's membership  
10 under W.S. 21-13-309(m) and less amounts specified under  
11 W.S. 21-13-309(m)(v)(E) ~~;~~

12

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

20

21           (iii) The charter school shall be entitled to,  
22 and the school district shall provide the charter school  
23 with, transportation and special education services for

1 which the district is reimbursed under the foundation  
2 program pursuant to W.S. 21-13-309(m) (v) (E);

3  
4 (iv) The charter school shall be entitled to,  
5 and the school district shall provide to the charter  
6 school, federally required educational services for which  
7 the district receives federal funds through the department  
8 of education;

9  
10 (v) The charter school shall be entitled to an  
11 amount not less than one hundred percent (100%) of the  
12 amounts within the foundation program for health insurance  
13 as provided by W.S. 21-13-309(m) (v) (F).

14  
15 (d) The charter school ~~may also~~ shall contract with  
16 the school district for, and the school district shall  
17 provide, centralized services ~~provided by~~ for which the  
18 district receives foundation program funding under W.S.  
19 21-13-309, including curriculum, media services, libraries  
20 and ~~federally required educational services such as special~~  
21 ~~education~~ central administrative services.

22  
23 (e) In lieu of paragraph (a) (iv) and subsections (c)  
24 and (d) of this section, the district and the charter

1 school applicant may by mutual agreement fund the charter  
2 school through a specific budget for the charter school  
3 provided the charter school does not receive less than the  
4 minimum level of funding and services specified under  
5 subsections (c) and (d) of this section.

6

7 **Section 2.** W.S. 21-3-303(b), 21-3-304(f) and (m) and  
8 21-3-309(b), (c)(i) through (iv) and (d) are repealed.

9

10 **Section 3.** Nothing in this act shall apply to or  
11 otherwise modify any charter contract entered into under  
12 W.S. 21-3-301 through 21-3-314 and approved prior to July  
13 1, 2009, until such time as that charter contract is  
14 otherwise materially revised on and after July 1, 2009.

15

16 **Section 4.** This act is effective July 1, 2009.

17

18

(END)