

HOUSE BILL NO. HB0152

State board of public charter schools.

Sponsored by: Representative(s) Edmonds, Cohee, Gingery,
Mercer, Samuelson, Teeters, Wallis and
Zwonitzer, Dn. and Senator(s) Jennings

A BILL

for

1 AN ACT relating to charter schools; establishing the state
2 board of public charter schools; providing rulemaking
3 authority and other powers and duties; providing for
4 charter school applications to the state board of public
5 charter schools or a district board; modifying length of
6 operation under charter; modifying other charter school
7 provisions; conforming provisions; specifying initial board
8 terms; providing appropriations; and providing for an
9 effective date.

10

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

12

13 **Section 1.** W.S. 21-3-315 and 21-3-316 are created to
14 read:

15

1 21-3-315. State board of public charter schools;
2 membership; terms; compensation; duties; rulemaking
3 authority; fees.

4

5 (a) There is established the state board of public
6 charter schools.

7

8 (b) Within thirty (30) days after July 1, 2008, the
9 speaker of the Wyoming house of representatives and the
10 president of the Wyoming senate shall jointly submit to the
11 governor a list of fifteen (15) nominees who are qualified
12 to serve on the state board of public charter schools.
13 Thereafter, nominees shall be selected in accordance with
14 subsection (d) of this section. The governor shall appoint
15 seven (7) nominees from the list to serve as members of the
16 state board of public charter schools. Nominees shall not
17 be employed by a public school, a public charter school or
18 the Wyoming education association. Nominees shall have
19 knowledge or experience in one (1) or more of the
20 following:

21

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

24

1 (ii) The operation of financially sound
2 enterprises including leadership and management techniques
3 and budgeting and accounting skills;

4
5 (iii) The educational, social and economic
6 development needs of the state; and

7
8 (iv) The needs and interests of students and
9 parents in the state and methods of involving parents and
10 community members in schools.

11
12 (c) Four (4) members of the Wyoming legislature shall
13 serve on the board in a nonvoting capacity, two (2) shall
14 be members of the Wyoming senate appointed by the president
15 of the senate and two (2) shall be members of the Wyoming
16 house of representatives appointed by the speaker of the
17 house. Board terms shall coincide with terms for which the
18 legislators are elected. Legislators may be reappointed
19 and vacancies shall be filled by the appointing authority.

20
21 (d) When a vacancy occurs on the voting membership of
22 the board, the governor:

1 (i) May reappoint the member if the member is
2 eligible to serve an additional term under subsection (f)
3 of this section; or

4
5 (ii) Shall, not later than thirty (30) days
6 after the vacancy occurs, request from the speaker of the
7 house and the president of the senate a single list of
8 three (3) nominees who would qualify as a nominee under
9 subsection (b) of this section. The governor shall select
10 one (1) nominee to serve as a member of the board. Any
11 member selected to fill a vacancy which occurs prior to the
12 expiration of the term of a predecessor shall be appointed
13 only for the remainder of the term.

14
15 (e) If the governor does not appoint members
16 sufficient to bring the membership of the board to seven
17 (7) within thirty (30) days after receiving a list of
18 nominees under subsection (b) or (d) of this section, the
19 speaker of the house shall, not more than ten (10) days
20 after the thirty (30) day time period, make such
21 appointments as are necessary to bring the membership of
22 the board to seven (7).

23

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

8
9 (g) The members of the state board of public charter
10 schools shall, each year or when requested by a majority
11 vote of the members of the board, elect from their
12 membership one (1) member to serve as chair. Four (4)
13 members shall constitute a quorum. The board shall meet at
14 the call of the chair and shall meet at least monthly to
15 carry out the function of the consideration of charter
16 applications and the administration and oversight of
17 charter schools.

18
19 (h) Members of the legislature appointed to the board
20 shall receive payment for expenses, per diem and
21 compensation at the rates and in the amounts prescribed by
22 law for legislators as necessary to carry out duties under
23 this section, to be paid by the legislative service office.
24 Remaining members appointed by the governor shall serve

1 without compensation but shall be reimbursed for expenses
2 incurred in the performance of their official duties in the
3 manner and 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.

8
9 (k) The chair shall, subject to any rules or
10 regulations adopted by the board, have the power to
11 appoint, terminate and fix the pay of an executive director
12 and such other personnel as the chair considers necessary.

13
14 (m) The board shall provide for an audit of the
15 financial statements of the board by an independent
16 certified public accountant in conformity with generally
17 accepted auditing standards. Each year the results of the
18 audit shall be reported to the joint education interim
19 committee.

20
21 (n) For the purpose of the approval of charter school
22 applications and the oversight of charter schools, the
23 board may charge a fee to a charter school it has
24 authorized under this article not to exceed one and one-

1 half percent (1.5%) of the per pupil enrollment revenues
2 for each student enrolled in the charter school.

3

4 (o) As used in this section and W.S. 21-3-316 "board"
5 means the state board of public charter schools.

6

7 **21-3-316. Application to local school district or**
8 **state board of public charter schools; application process.**

9

10 (a) A charter applicant seeking to establish a public
11 charter school may submit a charter application to:

12

13 (i) The board of trustees of the school district
14 in which the proposed public charter school is to be
15 located and would operate; or

16

17 (ii) The state board of public charter schools.

18

19 (b) The board shall establish an application process
20 consistent with the requirements of this article and for
21 the effective review of charter school applications and the
22 oversight of charter schools approved by the board. A
23 charter authorizer is not required to approve a charter

1 school and may require an applicant to modify or supplement
2 an application as a condition of approval.

3

4 **Section 2.** W.S. 9-2-1704(d) by creating a new
5 paragraph (xvii), 21-3-302(a) by creating new paragraphs
6 (iii) and (iv), by renumbering paragraphs (iii) through (v)
7 as (v) through (vii) and by amending and renumbering (vi)
8 as (viii), 21-3-303(a) and (d), 21-3-304(b), (d), (f) and
9 (j), 21-3-306(a) and (b), 21-3-308(a), (c) and (d),
10 21-3-309(a), (b)(intro), (c)(intro) and (e), 21-3-310,
11 21-3-312, 21-13-309(m)(iv)(C) and (v)(B)(intro) and
12 21-15-109(a)(ii) are amended to read:

13

14 **9-2-1704. Reorganization plan; structure; time frame.**

15

16 (d) The entities of state government specified in
17 this subsection are designated as separate operating
18 agencies, which are separate and distinct from the
19 departments and offices specified in subsection (a) of this
20 section because of their quasi-judicial responsibility or
21 because of their unique, specialized function which
22 precludes their inclusion in another department. This act
23 does not otherwise apply to separate operating agencies.
24 Separate operating agencies are as follows:

1

2

3

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

4

5

21-3-302. Definitions.

6

7

(a) As used in this article:

8

9

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

12

13

(iv) "Charter authorizer" means the state board
of public charter schools or the district board of
application by the charter applicant;

16

17

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

20

21

~~(iv)~~ (vi) "New 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

1 currently being operated by the district as a public
2 school;

3

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

7

8 ~~(vi)~~ (viii) "State board" means the state board
9 of education appointed pursuant to W.S. 21-2-301, except as
10 specified in W.S. 21-3-315(o).

11

12 **21-3-303. Charter school prohibitions.**

13

14 (a) This article shall not prohibit any private
15 person or organization from funding or providing other
16 assistance for the establishment or operation of a charter
17 school established pursuant to this article when the
18 district board or the state board of public charter schools
19 determines the funding or assistance is compatible with the
20 mission of the ~~district~~ state education system.

21

22 (d) No charter school shall enter into a contract
23 with an independent management company without the prior
24 written consent of the ~~district board. The school district~~

1 ~~shall be a third party beneficiary to any management~~
2 ~~contract approved by the district board~~ charter authorizer
3 which granted the charter.

4
5 **21-3-304. Charter school; requirements; authority.**

6
7 (b) A charter school shall be a public school within
8 the school district ~~that grants its charter~~ in which the
9 school is located and shall be accountable to the ~~district~~
10 ~~board~~ charter authorizer for purposes of ensuring
11 compliance with applicable laws and charter provisions and
12 the requirements of the state constitution.

13
14 (d) A charter school shall be administered and
15 governed by a governing body in a manner agreed to by the
16 charter school applicant and the ~~school district~~ charter
17 authorizer. A charter school may organize as a nonprofit
18 corporation pursuant to the Wyoming Nonprofit Corporation
19 Act, which shall not affect its status as a public school
20 for any purposes under Wyoming law.

21
22 (f) Notwithstanding the provisions of this article to
23 the contrary, a charter school and the ~~school district~~
24 charter authorizer may agree to extend the length of the

1 charter beyond ~~five (5)~~ fifteen (15) years for the purpose
2 of enhancing the terms of any lease or financial
3 obligation.

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

1 21-3-306. Application for establishing charter
2 schools; conversion of existing schools.

3
4 (a) Any person may apply to ~~the district board~~ a
5 charter authorizer for the establishment of a new charter
6 school or a charter school within a school. ~~to be located~~
7 ~~within the school district.~~

8
9 (b) Administrators and teachers employed by ~~the~~ a
10 district, parents of students enrolled in ~~the~~ a district
11 and any special district advisory group comprised of
12 district residents may apply to ~~the district board~~ a
13 charter authorizer to convert an existing public school
14 operating within ~~the~~ a school district to a charter school.
15 An application filed under this subsection shall
16 demonstrate the support of not less than fifty percent
17 (50%) of the teachers employed by the school who teach at
18 the school proposed to be converted, and the parents of
19 fifty percent (50%) of all students attending the school
20 proposed to be converted.

21
22 21-3-308. Hearing by charter authorizer for charter
23 schools; prohibited actions; criteria; compliance with
24 state standards; contractual authority.

1

2 (a) Not later than thirty (30) days after receiving
3 an application for any charter school as defined in W.S.
4 21-3-302, the ~~district board~~ charter authorizer shall hold
5 a public hearing on the application, at which time the
6 ~~board~~ charter authorizer shall consider the level of
7 community and parental support for the application if an
8 application for a new charter school, or the level of
9 teacher and parental support if an application for a
10 converted charter school or charter school within a school.
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~~ charter authorizer shall approve and adopt the

1 content and terms of the contract as provided in W.S.
2 21-3-307.

3

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

1 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. The charter applicant may submit a
13 revised application to the charter authorizer for
14 reconsideration after receipt of the reasons for denial.

15

16 **21-3-309. Length of operation under charter; renewal;**
17 **revocation.**

18

19 (a) A charter may be granted pursuant to this article
20 for a period not to exceed ~~five (5)~~ fifteen (15) years and
21 may be renewed for successive periods not to exceed ~~five~~
22 ~~(5)~~ fifteen (15) years for each renewal period. A material
23 revision of the provisions of a charter petition may be

1 made only with the approval of the ~~local board granting~~
2 charter authorizer that granted the charter.

3
4 (b) A charter school renewal application submitted to
5 ~~the school district~~ a charter authorizer shall contain:

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

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

15
16 **21-3-310. Appeal; standard of review; procedures.**

17
18 (a) A charter applicant or any other person who
19 wishes to appeal a decision of a ~~district board~~ charter
20 authorizer concerning a charter school shall provide the
21 state board and the ~~district board~~ charter authorizer with
22 a notice of appeal within forty-five (45) days after
23 receiving the ~~local board's~~ charter authorizer's written
24 decision and reasons for denial. If the appeal is of a

1 denial, nonrenewal, or revocation of a charter, the person
2 bringing the appeal shall limit the grounds of the appeal
3 to the grounds for denial specified by the ~~district board~~
4 charter authorizer. The notice shall include a brief
5 statement of the reasons the charter school applicant
6 contends the ~~district board's~~ charter authorizer's denial
7 was in error.

8
9 (b) If the notice of appeal, or the motion to review
10 by the state board, relates to a ~~district board's~~ charter
11 authorizer's decision to deny, refuse to renew, or revoke a
12 charter, or to a ~~district board's~~ charter authorizer's
13 unilateral imposition of conditions that are unacceptable
14 to the charter school or the charter applicant, the appeal
15 and review process shall be as follows:

16
17 (i) Within sixty (60) days after receipt of the
18 notice of appeal or the making of a motion to review by the
19 state board and after reasonable public notice, the state
20 board, at a public hearing which shall be held in the
21 school district in which the proposed charter school has
22 applied for a charter, shall review the decision of the
23 ~~district board~~ charter authorizer and make its findings. If
24 the state board finds that the ~~local board's~~ charter

1 authorizer's decision was contrary to the best interests of
2 the pupils, school district or community, the state board
3 shall remand ~~such~~the decision to the ~~district~~board
4 charter authorizer with written instructions for
5 reconsideration. ~~thereof.~~ The instructions shall include
6 specific recommendations concerning the matters requiring
7 reconsideration;

8
9 (ii) Within thirty (30) days following the
10 remand of a decision to the ~~district~~board~~board~~charter
11 authorizer and after reasonable public notice, the ~~district~~
12 ~~board~~charter authorizer, at a public hearing, shall
13 reconsider its decision and make a final decision;

14
15 (iii) If the ~~district~~board's~~board's~~charter
16 authorizer's final decision is still to deny, refuse to
17 renew or revoke a charter, or to unilaterally impose
18 conditions unacceptable to the charter school or the
19 charter applicant, a second notice of appeal may be filed
20 with the state board within thirty (30) days following ~~such~~
21 the final decision;

22
23 (iv) Within thirty (30) days following receipt
24 of the second notice of appeal or the making of a motion

1 for a second review by the state board and after reasonable
2 public notice, the state board, at a public hearing, shall
3 determine whether the final decision of the ~~district board~~
4 charter authorizer was contrary to the best interests of
5 the pupils, school district or community. If such a finding
6 is made, the state board shall remand the final decision to
7 the ~~local board~~ charter authorizer with instructions to
8 approve the charter application. The decision of the state
9 board may require changes to the contract to be executed by
10 the charter school and the school district.

11

12 **21-3-312. Charter authorizer to report to state**
13 **board.**

14

15 Each ~~district board~~ charter authorizer granting a charter
16 pursuant to this article shall annually report to the state
17 board on each charter school ~~operating within the district,~~
18 authorized by the charter authorizer regarding compliance
19 with the provisions of ~~the~~ each charter and shall assure
20 the state board that students attending the charter school
21 are receiving an education consistent with the educational
22 opportunities available to all students within the school
23 district.

24

1 **21-13-309. Determination of amount to be included in**
2 **foundation program for each district.**

3

4 (m) In determining the amount to be included in the
5 foundation program for each district, the state
6 superintendent shall:

7

8 (iv) Based upon reports from each district on
9 schools operating within that district for the current
10 school year and on grade configurations contained within
11 each reported school during that school year, compute the
12 average daily membership (ADM) for each reported school and
13 each grade within each reported school in accordance with
14 identified grade configurations subject to the following:

15

16 (C) After the 2006-2007 school year, and
17 excluding charter schools established under W.S. 21-3-301
18 through ~~21-3-314~~ 21-3-316, any modification to the
19 configuration of grades in which students are enrolled
20 during any school year such that the configuration differs
21 from that in which students were enrolled during the 2005-
22 2006 school year shall be documented by the district within
23 reports submitted under this subsection and shall require
24 approval by the state superintendent. Approval by the

1 state superintendent under this subparagraph shall be based
2 upon appropriate delivery of the required educational
3 program, the cost effectiveness of the modified grade
4 configuration for the delivery of adequate educational
5 services to students and any extraordinary circumstances
6 related to the safe and efficient delivery of the education
7 program to students. This subparagraph relates only to the
8 configuration of schools for application to the education
9 resource block grant model and not to the authority of a
10 district to configure grade levels at each of its schools.

11

12 (v) Based upon ADM computations and identified
13 school configurations within each district pursuant to
14 paragraph (iv) of this subsection, compute the foundation
15 program amount for each district as prescribed by the
16 education resource block grant model adopted by the Wyoming
17 legislature as defined under W.S. 21-13-103(a)(xiv), as
18 contained within the spreadsheets and accompanying reports
19 referenced under W.S. 21-13-103(a)(xvii) and (xviii) and on
20 file with the secretary of state pursuant to W.S.
21 21-13-103(c). The following criteria shall be used by the
22 state superintendent in the administration of the education
23 resource block grant model:

24

1 (B) Alternative schools qualifying for
2 separate consideration under the education resource block
3 grant model may be established by a school district for
4 offering educational programs to students with educational
5 needs which the district finds are not appropriately met by
6 other schools in the district, excluding charter schools
7 established under W.S. 21-3-301 through ~~21-3-314~~ 21-3-316.
8 Alternative schools included within a district's
9 configuration of schools identified under paragraph (iv) of
10 this subsection shall for purposes of the education
11 resource block grant model:

12

13 **21-15-109. Major building and facility repair and**
14 **replacement payments; computation; square footage**
15 **allowance; use of payment funds; accounting and reporting**
16 **requirements.**

17

18 (a) As used in this act:

19

20 (ii) "Educational building" means a school
21 building or facility primarily used for providing the
22 educational programs offered by a district in compliance
23 with law which is owned by the district, including a school
24 building or facility owned by the district and used for

1 operating a charter school established under W.S. 21-3-301
2 through ~~21-3-314~~ 21-3-316;

3

4 **Section 3.** W.S. 21-3-303(e) and 21-3-309(d) are
5 repealed.

6

7 **Section 4.**

8

9 (a) For the period commencing July 1, 2008, and
10 ending June 30, 2009, the following amounts are
11 appropriated from the general fund to be expended only as
12 necessary to fund the expenses associated with the state
13 board of public charter schools established under W.S.
14 21-3-315, as created under Section 1 of this act:

15

16 (i) One hundred fifty thousand dollars
17 (\$150,000.00) to the state board of public charter schools,
18 a portion of which may be used to acquire contractual
19 services necessary to carry out duties prescribed by this
20 act; and

21

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

24

