



March 7, 2024

The Honorable Ogden Driskill
President of the Senate
State Capitol, 200 West 24th
Cheyenne, Wyoming 82002

RE: Veto of SF0061/SEA No. 0022 Education Charter Amendments

Dear President Driskill,

I am writing to inform you of my decision to exercise my authority to veto Senate Enrolled Act No. 22, which is intended to propose a stopgap fix for another snafu in what is becoming a piecemeal approach to authorizing charter schools in Wyoming. I enthusiastically support school choice and am committed to the success of charter schools, which is why I am anxious whenever bailing wire is used as a long-term fix. Senate Enrolled Act No. 22 is nothing more than bailing wire, and I am deeply concerned that this particular piece of legislation could jeopardize the integrity and sustainability of our public education system, including charter schools in the years to come.

Already this year, we have fixed another problem in the original legislation by allowing lease payment reimbursements to occur in the first year as opposed to waiting for year three. While the State may risk some sunk costs should a charter fail, I applaud that fix because extending that grace will encourage and help new charters to get up and running. Nevertheless, the conservative approach to see if a charter would be viable for more than a year and if Wyoming's enabling legislation was working properly made sense.

Senate Enrolled Act No. 22 provides an option for individual charters to become an LEA and cedes the administrative responsibilities accordingly. The act presents a scenario where the number of LEAs in Wyoming might proliferate from the current 50 to dozens more in the future. This expansion, while seemingly intended to enhance charter school operations, fails to take into consideration its broader implications. Without a thorough examination of the consequences and impacts on our state, students, parents, and taxpayers, we may risk exacerbating existing impediments to charter growth and innovation while simultaneously raising the overall cost of education to unsustainable levels over the long term. Such a scenario is neither fiscally responsible nor supportive of students and parents who choose charter schools for their

education. Moreover, why we would choose bailing wire over the appropriate part to fix this snafu is a mystery to me. Fully confirming the independence of the charter authorizing board and adequately resourcing it not only makes sense, it is what was ostensibly envisioned at the outset of this endeavor. This keeps costs contained, and would be easy to do.

After thorough consideration, it has become apparent that this legislation, while purporting to augment charter school operations, may inadvertently cause several significant challenges. One cannot know the ramifications of imposing this burden on individual nascent schools, especially small schools. And unless it is our intention to throw them into the hands of charter chains we would be prudent to afford ourselves the time to carefully evaluate best strategies before enacting such a likely irreversible solution. This legislation could give rise to various negative impacts that could profoundly impact the quality, equity, and accountability of education within the state of Wyoming. For example, district-authorized charters would continue to receive LEA services from their authorizer, but the state authorized charter schools would be expected to provide LEA services without any new resources provided. This could potentially be grounds for a constitutional challenge to the charter bulwark we are attempting to establish.

This bill flies in the face of the mutual commitment made between the Executive and Legislative branches to work together on improving legislation. Relying on incremental *post factum ad hoc* fixes presents a fat target for those seeking to dismantle the best intentions we all share to promote educational choice by engendering unequal educational burdens on schools.

Repealing the designation of the Charter Authorizing Board as the LEA before it has even had the chance to perform arguably weakens crucial accountability and oversight mechanisms for charter schools. While this may be the intent, doing so removes one tool whereby the Charter Authorizing Board can beneficially assist charter schools, especially smaller schools. The Charter Authorizing Board is in its infancy and needs sufficient time and resources to carry out the duties prescribed by the legislature to determine the benefits or challenges of this structure before shifting the LEA designation once again to a new entity. The Wyoming Department of Education can be a great support to charter schools and the Authorizing Board.

Senate Enrolled Act 22 might provide a way for exclusionary practices or inadequate services to be rendered to vulnerable student populations, such as special needs children and those without means of transportation to attend. An LEA designation is intended to help redress that vulnerability. However the approach Senate Enrolled Act No. 22 takes could burden the various charters unequally. It is important to remember that under the Wyoming Constitution the state shall establish and maintain a complete and uniform system of public instruction. This is presumably an aspiration afforded to all Wyoming students without distinction. Thus, access to

the services provided by an LEA must prioritize fairness and transparency in our education policies and institutions to ensure that all students have access to a high-quality education.

While Senate Enrolled Act No. 22 on its face seems a facile work-around for not enabling the charter authorizing board to do its job, for state authorized charter schools, the law imposes significant administrative burdens, and reporting requirements, in turn requiring additional staff and resources to manage grant applications, compliance, and reporting requirements. All of that costs multiples of money depending on how many individual schools hold LEAs. On the other hand, this issue might be mitigated if multiple schools align under one vendor. Whether Wyoming is anxious to farm out this hard fought new opportunity to out-of-state providers is a question parents and citizens might want to more formally explore.

Rather than enacting this legislation, I believe we must instead undertake a comprehensive review of Wyoming's charter school statutes to prioritize the success of all students in Wyoming and ensure that our education policies are fair, transparent, and accountable. I am committed to collaborating with the Legislature and stakeholders to improve and develop legislation that addresses the underlying issues within the statutes and promotes the success of all students in Wyoming. This should be an interim topic to ensure Wyoming enacts thoughtful and well-planned policies to support children, parents and schools. Thus, I am returning the original SF0061/SEA No.0022 bill to you along with this veto letter.

Sincerely,



Mark Gordon
Governor

MG:lb:kh

cc: The Honorable Albert Sommers, Speaker of the House w/ copy of SEA No. 0022
The Honorable Chuck Gray, Secretary of State w/ copy of SEA No. 0022
Chief Clerk, Wyoming Senate w/ copy of SEA No. 0022
Chief Clerk, Wyoming House of Representatives w/ copy of SEA No. 0022

ORIGINAL SENATE
FILE NO. SF0061

ENROLLED ACT NO. 22, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to charter schools; authorizing charter schools as local education agencies to receive and apply for federal and state grants; modifying payment by school districts to charter schools as specified; repealing designation of charter school authorizers as the local education agency for charter schools; and providing for an effective date.

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

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

21-3-315. Authority to act as a local education agency.

(a) Any charter school approved by a school district to operate under this article may act as a local education agency to apply for, receive and administer a grant through a grant program created by a federal or state statute or program. Any charter school approved by the Wyoming charter school authorizing board to operate under this article shall act as a local education agency to apply for, receive and administer a grant through a grant program created by a federal or state statute or program.

(b) For charter schools authorized to operate as a local education agency under subsection (a) of this section:

(i) The department of education shall treat the charter school as a local education agency and allow it to apply for all federal and state grant moneys for which it may be eligible;

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(ii) The charter school shall be responsible for identifying, evaluating and offering programs and services for students with disabilities, as identified under the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., enrolled in the charter school.

Section 2. W.S. 21-3-314 by creating a new subsection (g) is amended to read:

21-3-314. Students counted among district ADM; determination of charter school funding; charter schools designated as local education agency.

(g) The school district in which a charter school is located and operates shall distribute the amount computed under this section to each charter school in the proportion and schedule of distribution required under W.S. 21-13-313(c) or in accordance with an alternative schedule or terms agreed to by the school district and charter school as incorporated in an agreement pursuant to W.S. 21-3-314(e).

Section 3. W.S. 21-3-302.1(a)(vi) is repealed.

ORIGINAL SENATE
FILE NO. SF0061

ENROLLED ACT NO. 22, SENATE


SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

Section 4. This act is effective July 1, 2024.

(END)



Speaker of the House



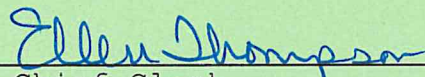
President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.



Chief Clerk