



**SF0130**

**Charter schools.**

Sponsored By: Senator(s) Driskill, Boner, Ellis, Salazar and Scott  
and Representative(s) Andrew, Olsen, Simpson, Sweeney  
and Wilson

AN ACT relating to charter schools; revising the process for approval and renewal of charter schools; providing for authorization of charter schools by a school district or the state loan and investment board; revising the operation of charter schools; authorizing fees; specifying funding; making conforming changes; repealing conflicting provisions; specifying limitations; requiring a study; requiring a report; and providing for effective dates.

3/1/2021 Bill Number Assigned  
3/1/2021 S Received for Introduction  
3/2/2021 S Introduced and Referred to S04 - Education  
3/5/2021 S04 - Education:Recommend Do Pass 4-1-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Biteman, Ellis, Salazar, Scott  
**Nays:** Senator Rothfuss  
**Ayes** 4    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

3/5/2021 S Placed on General File

**SF0130SW001/ADOPTED**

Page 9-line 14 Delete "enrolled tribal members" and insert "a student who is a member or eligible for membership in an Indian tribe". ELLIS

3/5/2021 S COW:Passed  
3/8/2021 S 2nd Reading:Laid Back

**SF0130S2001/ADOPTED**

Page 3-line 7 Delete "21-3-304(b)" and insert "21-3-304(a)".

Page 8-after line 11 Insert:

"(a) A charter school shall be a public, nonsectarian, nonreligious, nonhome-based school which operates within a public school district. Tuition shall not be charged by a charter school to any student in grades kindergarten through twelve (12)". ROTHFUSS

**SF0130S2002/ADOPTED**

Page 3-line 11 Delete "and" and insert ","; after "(d)" insert "and by creating a new subsection (e)".

Page 28-after line 20 Insert:

"(e) The state loan and investment board shall submit all applications received under this section to the department of education for review of compliance with the accreditation requirements. The department of education shall submit a report of this review to the state loan and investment board.". ELLIS

3/9/2021 S 2nd Reading:Passed

3/10/2021 S 3rd Reading:Passed 26-4-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Biteman, Boner, Bouchard, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Salazar, Scott, Steinmetz

**Nays:** Senator(s) Case, Rothfuss, Schuler, Wasserburger

**Ayes** 26      **Nays** 4      **Excused** 0      **Absent** 0      **Conflicts** 0

3/10/2021 H Received for Introduction

3/24/2021 H Introduced and Referred to H04 - Education

3/30/2021 H04 - Education:Recommend Amend and Do Pass 5-4-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Brown, Neiman, Paxton, Sommers

**Nays:** Representative(s) Connolly, Harshman, Newsome, Obermueller

**Ayes** 5      **Nays** 4      **Excused** 0      **Absent** 0      **Conflicts** 0

3/30/2021 H Placed on General File

**SF0130HS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 1-line 4 Delete "loan and investment board" and insert "superintendent following an election; specifying election requirements".

Page 1-line 7 Delete entirely and insert "provisions; specifying limitations; requiring a study; requiring a report; and providing for effective dates.".

Page 1-line 11 After "21-3-302.1" delete "is" and insert "and 21-3-302.2 are".

Page 2-line 17 Delete "loan and investment board" and insert "superintendent, following an election under W.S. 21-3-302.2,".

Page 2-line 20 Delete "its" and insert "the"; after "costs" insert "of the department of education".

Page 2-line 22 Delete "loan and".

Page 3-line 1 Delete "investment board" and insert "superintendent".

Page 3-line 2 Delete "general fund" and insert "school foundation program account".

Page 3-after line 2 Insert:

**"21-3-302.2 Charter school election.**

(a) Prior to formation of any charter school that is not authorized by a school district under this article, the charter school shall only be authorized by the state superintendent following approval of the charter school at an election as provided in this section.

(b) A charter school may be formed for an area as specified by the charter school petition or application. The area specified for the charter school shall be one (1) or more precincts, provided that the area shall not extend outside of the school district boundaries of the school district containing the applicable precincts.

(c) A person petitioning or applying for formation of a charter school shall:

(i) Petition the school district board of the school district where the charter school is proposed to be formed. Upon receipt of a petition signed by at least ten percent (10%) of the qualified electors residing within the area specified in the charter school petition requesting the formation of a charter school, the school district board shall within thirty (30) days following receipt, approve or deny the petition. If approved, the district board shall request an election to be held within the area specified in the charter school petition in accordance with the dates and procedures provided by W.S. 22-21-103 through 22-21-110. The number of electors required for a petition shall be determined by the number of votes cast at the last general election within the area specified in the charter school petition. The school district shall only deny a petition if it does not include the required number of signatures; or

(ii) Apply to the state superintendent for formation of a charter school by election. The application shall be on a form as specified by the state superintendent. The application shall include evidence that the person applying for formation of the charter school has previously attempted to work with the applicable school district to be the authorizer of the charter school under this article. Upon receipt of an application for formation of a charter school under this paragraph, the state superintendent shall within thirty (30) days following receipt, approve or deny the application. If approved, the state superintendent shall request an election to be held within the area specified in the charter school petition in accordance with the dates and procedures provided by W.S. 22-21-103 through 22-21-110.

(d) The person petitioning or applying for formation of the charter school shall pay all costs incident to the election.

(e) The ballot in an election for formation of a charter school shall state the question in substantially the following form:

(i) "Shall .... charter school located at ....., Wyoming be formed?"

Formation of the charter school        YES  

Formation of the charter school        NO  

(f) Only qualified voters residing within the area specified in the petition shall be allowed to vote in the election.

(g) If the formation of a charter school is approved by the voters of the specified area the county clerk shall immediately notify the state superintendent.

(h) After formation of a charter school is approved pursuant to an election under this section, the charter may be revoked by a petition and election using similar procedures as specified in paragraph (c)(i) and

subsections (d) through (g) of this section, provided that the petition shall be limited to the area that initially approved the charter school and the petition and ballot question shall state that the question is for the revocation of the charter school."

- Page 3-line 11           After "(b)" delete "," and insert "and"; delete "and by".
- Page 3-line 12           Delete line through "(e)".
- Page 3-line 14           After "21-3-311(b)" delete balance of line.
- Page 3-line 15           Delete "(d)".
- Page 6-line 20           Delete "loan and investment board" and insert "superintendent following an election under W.S. 21-3-302.2".
- Page 8-line 22           Delete "loan and investment board" and insert "superintendent".
- Page 9-line 1           After "located" insert ", provided that the operation shall be limited to the area specified in the election to approve the charter school".
- Page 11-line 2           After "(g)" strike all existing language and delete all new language.
- Page 11-line 3           Delete all new language; strike ",".
- Page 11-lines 4 through 22           Reinsert all stricken language; delete all new language.
- Page 11-line 23           Delete entirely.
- Page 12-lines 1 through 3           Delete entirely.
- Page 12-line 4           Delete line through "charter.".
- Page 14-line 1           Delete "If the state loan".
- Page 14-lines 2 through 5           Delete entirely.
- Page 14-line 20           Delete "franchises,".
- Page 19-line 8           Before ". The" insert ", except as provided in W.S. 21-3-302.2(h)".
- Page 20-line 16           Delete "loan and investment board" and insert "superintendent".
- Page 20-line 17           Delete "loan and investment board" and insert "superintendent".
- Page 20-line 19           Delete entirely and insert "temporarily act as the authorizer of the charter school pending the outcome of an election to approve the charter school under W.S."

21-3-302.2. The state superintendent shall not act as a temporary authorizer under this subsection for more than one (1) year.".

- Page 20-line 22 Delete "loan and investment board" and insert "superintendent".
- Page 20-line 23 Delete "loan and investment".
- Page 21-line 1 Before ", the" delete "board" and insert "superintendent"; delete "loan and investment board" and insert "superintendent".
- Page 21-line 10 Delete "loan and".
- Page 21-line 11 Delete "investment board" and insert "superintendent".
- Page 21-line 16 After "(a)" insert "Subject to the election requirements specified in W.S. 21-3-302.2 for any applicant to apply with the state superintendent,".
- Page 21-line 21 After "charter" insert "subject to the provisions of W.S. 21-3-305(f) providing for temporary authorization pending an election under W.S. 21-3-302.2".
- Page 21-line 22 Delete "loan and investment board" and insert "superintendent".
- Page 22-line 6 After "may" delete balance of line.
- Page 22-lines 7 through 9 Delete entirely and insert "seek approval by the state superintendent following approval of the charter school through an election under W.S. 21-3-302.2.".
- Page 23-line 14 After "support" insert ". If an election is required under W.S. 21-3-302.2, community support under this paragraph shall be evidenced by approval of the electors".
- Page 25-line 21 Delete "loan and investment".
- Page 25-line 22 Delete "board" and insert "superintendent".
- Page 29-lines 2 through 7 Delete entirely.
- Page 30-line 18 Reinsert all stricken language; before reinserted "provide" insert "The applicant shall"; after reinserted "provide" insert "with the application".
- Page 30-lines 19 through 23 Reinsert all stricken language.
- Page 31-line 1 Delete entirely and insert "coverage and that the school district authorizer is indemnified to".
- Page 31-line 2 Reinsert stricken language through "possible".

Page 32-line 22 Before "A" insert "Subject to W.S. 21-3-302.2(h)".

Page 33-line 20 After "nonrenewal." insert "A charter school that was created by an election under W.S. 21-3-302.2 shall be revoked following an election to revoke the charter under W.S. 21-3-202.2(h)".

Page 34-line 1 Reinsert all stricken language; delete all new language.

Page 34-lines 6 through 14 Delete entirely.

Page 35-line 15 Delete "loan".

Page 35-line 16 Delete "and investment board" and insert "superintendent".

Page 36-line 17 Delete "and (h)".

Page 36-after line 18 Insert:

"**Section 4.** Notwithstanding W.S. 21-3-301 through 21-3-314 as created and amended by sections 1 and 2 of this act, not more than three (3) charter schools shall be authorized by an entity that is not the school district board until the state superintendent of public instruction reviews the impacts and benefits of charter schools and provides a report to the joint education interim committee recommending that additional charter schools should be authorized under the process implemented in this act and the legislature acts to repeal this section.

**Section 5.** The joint education interim committee shall study charter schools and shall prepare any legislation it deems necessary related to charter schools for consideration during the 2022 budget session of the Wyoming legislature."

Page 36-line 20 Delete entirely and insert:

**"Section 6.**

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Sections 1 through 3 of this act are effective July 1, 2022."

To the extent required by this amendment, renumber as necessary.  
PAXTON, CHAIRMAN

**SF0130HW001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 3-line 7 Delete "21-3-304(a)" and insert "21-3-304(b)".

Page 8-lines 13 through 17 Delete entirely.

Page 36-after line 13 Insert and renumber as necessary:

**"Section 3.** W.S. 21-3-304(a) is amended to read:

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

(a) A charter school shall be a public, nonsectarian, nonreligious, nonhome-based school which operates within a public school district. Tuition shall not be charged by a charter school to any student in grades kindergarten through twelve (12).".

Page 36-line 20 In the House standing committee amendment (SF0130HS001/AE) to this line, in subsection (b) created by that amendment, delete "Sections 1 through 3" and insert "Sections 1, 2 and 4". ANDREW

3/31/2021 H COW:Passed

4/1/2021 H 2nd Reading:Passed

**SF0130H3001/ADOPTED (TO ENGROSSED COPY)**

Page 1-line 7 In the Standing committee amendment (SF0130HS001/A) to this line, after "requiring a report;" insert "providing an appropriation;".

Page 3-after line 2 In the Standing committee amendment (SF0130HS001/A) to this line, delete subsection (d) created by that amendment entirely and insert:

"(d) The department of education shall pay all costs incident to the election.".

Page 36-before line 20 Insert and renumber as necessary:

"**Section 6.** There is appropriated eighty thousand seven hundred dollars (\$80,700.00) from the school foundation program account to the department of education for the cost of elections as required by this act. This appropriation shall be for the period beginning July 1, 2021 and ending June 30, 2022. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2022. It is the intent of the legislature that this appropriation be included in the department of education's standard budget for the immediately succeeding fiscal biennium.". ZWONITZER

**SF0130H3002/ADOPTED (TO ENGROSSED COPY)**

Page 35-line 15 After "school" insert "or full-time virtual charter school".

Page 36-line 7 Delete "eighty-five percent (85%)" and insert "eighty percent (80%)".

Page 36-after line 8 Insert:

"(ii) All funding for the school district under W.S. 21-13-309(m) that is attributable to the full-time virtual charter school shall be reduced to sixty-five percent (65%) of the amount that would otherwise have been calculated;".

Page 36-line 10 Delete "(ii)" and insert "(iii)".

Page 36-line 12

After "(i)" insert "or (ii)". NICHOLAS

**SF0130H3003/FAILED (TO ENGROSSED COPY)**

Delete all previously adopted House amendments and further amend as follows:

Page 1-lines 1 through 7

Delete entirely and insert "AN ACT relating to charter schools; requiring a study on charter schools; providing for an effective date.".

Page 1-lines 11 through 15

Delete entirely.

Pages 2 through 36

Delete entirely and insert:

**"Section 1.** The joint education interim committee shall study charter schools. In addition to other considerations, the committee shall review the charter school approval process, oversight of charter schools and the educational and financial impacts to school districts and the state of charter school ADM, major maintenance and capital construction. The committee may prepare any legislation it deems necessary related to charter schools for consideration during the 2022 budget session of the Wyoming legislature.

**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.". WALTERS, LARSEN

4/2/2021 H 3rd Reading:Passed 44-12-4-0-0

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Baker, Barlow, Bear, Blackburn, Brown, Burkhart, Burt, Clausen, Crago, Duncan, Eklund, Eyre, Fortner, Gray, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Laursen, D, Macguire, Martinez, Oakley, O'hearn, Olsen, Ottman, Simpson, Sommers, Stith, Styvar, Sweeney, Western, Wharff, Williams, Wilson, Winter, Zwonitzer

**Nays:** Representative(s) Banks, Clifford, Connolly, Nicholas, Obermueller, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Walters, Yin

**Excused:** Representative(s) Flitner, Neiman, Newsome, Washut

**Ayes 44 Nays 12 Excused 4 Absent 0 Conflicts 0**

4/2/2021 S Received for Concurrence

4/2/2021 S Concur:Failed 0-29-1-0-0

**ROLL CALL**

**Nays:** Senator(s) Anderson, Baldwin, Biteman, Bouchard, Case, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Rothfuss, Salazar, Schuler, Scott, Steinmetz, Wasserburger

**Excused:** Senator Boner

**Ayes 0 Nays 29 Excused 1 Absent 0 Conflicts 0**

4/2/2021 S Appointed JCC01 Members  
Senator(s) Driskill, Ellis, Scott

4/6/2021 H Appointed JCC01 Members  
Representative(s) Sommers, Harshman, Paxton

4/7/2021 S Adopted SF0130JC001: 27-3-0-0-0



**SF0130JC001/SADOPTEDHADOPTED (TO ENGROSSED COPY)**

Adopt the following House amendments:

SF0130H3002/AE

Delete the following House amendments:

SF0130HS001/AE

SF0130HW001/AE

SF0130H3001/AE

Further amend the ENGROSSED COPY as follows:

- Page 1-line 7 Delete entirely and insert "provisions; specifying limitations; requiring a study; requiring a report; and providing for effective dates."
- Page 2-line 20 Delete "its" and insert "the"; after "costs" insert "of the department of education".
- Page 3-line 2 Delete "general fund" and insert "school foundation program account".
- Page 3-line 7 Delete "21-3-304(a)" and insert "21-3-304(b)".
- Page 3-line 14 After "21-3-311(b)" delete balance of line.
- Page 3-line 15 Delete "(d)".
- Page 8-lines 13 through 17 Delete entirely.
- Page 11-line 2 After "(g)" strike all existing language and delete all new language.
- Page 11-line 3 Delete all new language; strike ",",
- Page 11-lines 4 through 22 Reinsert all stricken language; delete all new language.
- Page 11-line 23 Delete entirely.
- Page 12-lines 1 through 3 Delete entirely.
- Page 12-line 4 Delete line through "charter".
- Page 14-line 1 Delete "If the state loan".
- Page 14-lines 2 through 5 Delete entirely.
- Page 14-line 20 Delete "franchises".
- Page 30-line 18 Reinsert all stricken language; before reinserted "provide" insert "The applicant shall"; after reinserted "provide" insert "with the application".
- Page 30-lines 19 through 23 Reinsert all stricken language.
- Page 31-line 1 Delete entirely and insert "coverage, and that the school district authorizer is indemnified to".

Page 31-line 2 Reinsert stricken "the fullest extent possible."

Page 34-line 1 Reinsert all stricken language; delete all new language.

Page 34-lines 6 through 14 Delete entirely.

Page 36-after line 13 Insert and renumber as necessary:

"**Section 3.** W.S. 21-3-304(a) is amended to read:

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

(a) A charter school shall be a public, nonsectarian, nonreligious, nonhome-based school which operates within a public school district. Tuition shall not be charged by a charter school to any student in grades kindergarten through twelve (12).".

Page 36-line 15 Delete "**Section 3.**" and insert "**Section 4.**".

Page 36-line 17 Delete "and (h)".

Page 36-after line 18 Insert:

"**Section 5.** Notwithstanding W.S. 21-3-301 through 21-3-314 as created and amended by sections 1 and 2 of this act, not more than three (3) charter schools shall be authorized by an entity that is not the school district board until the state superintendent of public instruction reviews the impacts and benefits of charter schools and provides a report to the joint education interim committee recommending that additional charter schools should be authorized under the process implemented in this act and the legislature acts to repeal this section.

**Section 6.** The joint education interim committee shall study charter schools and shall prepare any legislation it deems necessary related to charter schools for consideration during the 2022 budget session of the Wyoming legislature."

Page 36-line 20 Delete entirely and insert:

**"Section 7.**

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Sections 1, 2 and 4 of this act are effective July 1, 2022."  
DRISKILL, ELLIS, SCOTT, SOMMERS, PAXTON

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Biteman, Boner, Bouchard, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Salazar, Scott, Steinmetz, Wasserburger

**Nays:** Senator(s) Case, Rothfuss, Schuler

**Ayes 27      Nays 3      Excused 0      Absent 0      Conflicts 0**

4/7/2021      H Adopted SF0130JC001: 37-17-6-0-0

**SF0130JC001/SADOPTEDHADOPTED (TO ENGROSSED COPY)**

Adopt the following House amendments:

SF0130H3002/AE

Delete the following House amendments:

SF0130HS001/AE

SF0130HW001/AE

SF0130H3001/AE

Further amend the ENGROSSED COPY as follows:

- Page 1-line 7      Delete entirely and insert "provisions; specifying limitations; requiring a study; requiring a report; and providing for effective dates."
- Page 2-line 20      Delete "its" and insert "the"; after "costs" insert "of the department of education".
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- Page 3-line 14      After "21-3-311(b)" delete balance of line.
- Page 3-line 15      Delete "(d)".
- Page 8-lines 13 through 17      Delete entirely.
- Page 11-line 2      After "(g)" strike all existing language and delete all new language.
- Page 11-line 3      Delete all new language; strike ",,".
- Page 11-lines 4 through 22      Reinsert all stricken language; delete all new language.
- Page 11-line 23      Delete entirely.
- Page 12-lines 1 through 3      Delete entirely.
- Page 12-line 4      Delete line through "charter.".
- Page 14-line 1      Delete "If the state loan".
- Page 14-lines 2 through 5      Delete entirely.
- Page 14-line 20      Delete "franchises,".
- Page 30-line 18      Reinsert all stricken language; before reinserted "provide" insert "The applicant shall"; after reinserted "provide" insert "with the application".

Page 30-lines 19 through 23 Reinsert all stricken language.

Page 31-line 1 Delete entirely and insert "coverage, and that the ~~school district~~ authorizer is indemnified to".

Page 31-line 2 Reinsert stricken "the fullest extent possible."

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Page 36-after line 13 Insert and renumber as necessary:

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"**Section 7.**

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Sections 1, 2 and 4 of this act are effective July 1, 2022."  
DRISKILL, ELLIS, SCOTT, SOMMERS, PAXTON

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Baker, Barlow, Bear, Blackburn, Brown, Burkhart, Clausen, Crago, Duncan, Eklund, Fortner, Gray, Hallinan, Haroldson, Heiner, Henderson, Hunt, Jennings, Knapp, Larsen, L, Laursen, D, Macguire, Martinez, Neiman, O'hearn, Olsen, Paxton, Simpson, Stith, Styvar, Sweeney, Washut, Western, Wharff, Wilson, Winter

**Nays:** Representative(s) Banks, Clifford, Connolly, Flitner, Harshman, Kinner, Nicholas, Oakley, Obermueller, Provenza, Roscoe, Schwartz, Sherwood, Sommers, Walters, Yin, Zwonitzer

**Excused:** Representative(s) Burt, Eyre, Greear, Newsome, Ottman, Williams

**Ayes** 37      **Nays** 17      **Excused** 6      **Absent** 0      **Conflicts** 0

4/7/2021      Assigned Number SEA No. 0074  
4/7/2021      S President Signed SEA No. 0074  
4/7/2021      H Speaker Signed SEA No. 0074  
4/22/2021      Became Law without Signature  
4/22/2021      Assigned Chapter Number 169

Chapter No. 169    Session Laws of Wyoming 2021