



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		
Amended Program Name (if applicable):		
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.		

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:	Chapter:	Year:
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3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. ☐ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

☐ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

☐ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ☐ No. ☐ Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:	
Indicate one (1):	<input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:	<input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

☐ The proposed rule change *MEETS* minimum substantive statutory requirements.

☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. ☐ The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

☐ By contacting the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

☐ These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

☐ The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

(Provide chapter numbers)

☐ These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

b. Checklist

☐ The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

☐ If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual

Title of Authorized Individual

Date of Authorization

STATEMENT OF REASONS

Chapter 32 rules define the application process for charter schools in Wyoming. The current Chapter 32 rules were adopted in 2022. During the 2023 legislative session, major changes were made to the charter school statutes. The proposed rules update the current rules.

During the 2023 legislative session, the revised statute, Enrolled Act 80, created the Wyoming Charter School Authorizing Board (WCSAB) and moved the oversight of state approved charter schools to this newly established board. The duties of the state superintendent of public instruction were modified to support this board, revised the process for approval and renewal of charter schools, modified the requirements for the operation of converted charter schools, and modified funding of charter schools. These changes are incorporated into the existing Chapter 32 ruleset.

CHAPTER 32

CHARTER SCHOOLS

Section 1. Authority. These rules are promulgated by the Wyoming Department of Education under the authority of Wyoming Statute 21-3-307(d).

Section 2. Definitions.

(a) "Accreditation requirements" means the criteria defined in Chapter 6 rules applicable to all public schools in Wyoming.

(b) "Artifacts" means data, print documents, videos, photographs, digital files, self-ratings, survey results, focus group results, research, strategies, plans, reports, or models.

(c) "Assurance" means a statement of attestation that the charter school will comply with a specific legal requirement or regulation.

(d) "Authorizer" means a school district board or the Wyoming Charter School Authorizing Board.

Section 3. Written Application.

(a) The written application shall meet these requirements:

(i) Twelve (12) point, Calibri font.

(ii) Letter size paper with one (1) inch margins.

(iii) Consistently formatted and easily readable, with pictures, graphics, tables, charts, etc. used appropriately throughout the document.

(iv) Includes all supporting artifacts.

(v) Includes a table of contents and sequential page numbers.

(vi) Submitted electronically in .pdf format.

(b) Complete applications shall include the following components and all applicable subparts:

(i) Component 1 - Management and Planning

(A) Purpose, Mission, and Model

- (B) Applicant, Governing Board, and Administration
 - (C) Recruitment and Enrollment
 - (D) Academic Plan
 - (E) Community Support
 - (F) Stakeholder Communications
- (ii) Component 2 - Resources and Operations
 - (A) Buildings and Facilities
 - (B) Financial Resources
 - (C) Human Resources
 - (D) Calendar and Schedule
 - (E) Transportation and Nutrition
 - (F) Data, Records, and Insurance
- (iii) Component 3 - Educational Program
 - (A) School Leadership
 - (B) Learning Environment
 - (C) Curriculum
 - (D) Instruction
 - (E) Learning Supports
 - (F) Student Discipline
 - (G) Graduation (Applicable only to high schools)
 - (H) Full-Time Virtual Charter Schools (If applicable)
- (c) The application shall include the following:
 - (i) Information required in W.S. 21-3-307(a)(i) through (xxvi);

- (ii) Information required in W.S. 21-3-308(c);
 - (iii) Information describing and documenting how the applicant's planned education programs and operations align with Wyoming accreditation requirements; and
 - (iv) Assurances as specified in the application.
- (d) If an application remains incomplete after the applicant has been notified and provided an opportunity to correct it according to W.S. 21-3-307(b) and Section 6 of this chapter, the authorizer may deny the incomplete application.

Section 4. In-Person Interview.

- (a) The authorizer shall interview all applicants who submitted complete written applications.
- (b) The authorizer shall determine the interview questions and process.

Section 5. Public Hearing. The authorizer shall establish the public hearing process.

Section 6. Application Timeline.

- (a) All applications, regardless of the authorizer, shall be submitted to the Department. Applicants to the Wyoming Charter School Authorizing Board shall additionally provide a copy of the application to the school district within which the charter school will be located.
- (b) Each applicant shall use the most current application form, which is dated that calendar year.
- (c) Charter school applicants shall submit applications to the Department from March 1 through March 31.
- (d) The Department shall forward the application to the intended authorizer.
- (e) If the Wyoming Charter School Authorizing Board is the intended authorizer, the Department shall review the application for completeness.
- (f) Authorizers shall notify applicants within thirty (30) days of submission whether the application is complete or incomplete.

(g) If the application is incomplete, the applicant shall have 15 days from the date of notification to resubmit a completed application. If the resubmitted application is still incomplete, the authorizer may deny the application as provided in Section 3(e) of this chapter.

(h) The Department shall review written applications submitted to the Wyoming Charter School Authorizing Board and submit a written report to the Wyoming Charter School Authorizing Board within 30 days after the Department concludes that the application is complete. The report shall state whether the application shows that the applicant's operations will conform to the Department's accreditation requirements reflected in its General Agency, Board, or Commission rules, Chapter 6.

Section 7. Application Submission.

(a) The same written application shall be used for all types of charter schools, including in-person schools and online-only schools.

(b) Applications shall be submitted through an electronic form on the Department website that provides a time and date stamp.

(c) The applicant shall electronically sign through its authorized representative attesting that the information provided is accurate.

(d) Applications shall be reviewed in the order in which they are received.

Section 8. Application Approval or Denial.

(a) The decision to approve or deny the application shall be determined solely by a majority vote of the authorizer's governing body in a public meeting.

(b) The approval or denial decision shall be based on the written application, the interview, and the public hearing, including associated written comments.

(c) An authorizer is not required to approve any charter school applications, and may require an applicant to modify or supplement an application as a condition of approval. The authorizer shall incorporate the revised application into the charter contract.

(d) If an application has been denied, the applicant may not reapply until the next open application period.

(e) Charter school applicants may apply to only one (1) authorizer at a time.

Section 9. Waivers.

(a) If an authorizer approves a charter school application that contains a State Board of Education waiver of statutory requirements or State Board rules allowed under W.S. 21-3-304(g), application approval may be contingent on the State Board granting the waiver. The applicant shall submit a waiver request to the State Board of Education no later than ten (10) days after the application is approved.

(b) The State Board shall consider the waiver request at its next available regular meeting, but may postpone consideration until the following meeting if the next meeting is within fifteen (15) days after it receives the waiver request.

Section 10. Renewal Application.

(a) The renewal application prescribed by the Department shall include:

- (i) Charter school progress report as articulated in W.S. 21-3-309(b)(i).
- (ii) Charter school financial statement as articulated in W.S. 21-3-309(b)(ii).

(b) Renewal applicants may include the following as part of their renewal application:

- (i) Additional evidence not contained in the report required by subsection (a) of this section.
- (ii) A description of improvements planned or undertaken.
- (iii) Plans for the next charter term.

Section 11. Disputes over the completeness of an application.

(a) Should the authorizer and the applicant disagree over the completeness of an application and either party refuses to mediate:

(i) Each party shall submit to the State Board of Education, through the Department, a letter no longer than five (5) pages establishing why they believe the application is either complete or not complete; and

(ii) The charter school applicant shall submit to the State Board of Education the portion of the application under dispute.

(b) The parties shall submit the materials required in subsection (a) of this section no later than two (2) weeks after either party notifies the state board of education and the other party in writing that mediation has been refused.

(c) The State Board shall consider each party's position at its next available regular meeting, but may postpone until the following meeting if the next meeting is within fifteen (15) days after it receives the required materials.

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(c) "Assurance" means a statement of attestation that the charter school will comply with a specific legal requirement or regulation.

(d) "Authorizer" means a school district board or the ~~state loan and investment board~~ Wyoming Charter School Authorizing Board.

Section 3. Written Application.

(a) The written application shall meet these requirements:

(i) Twelve (12) point, Calibri font.

(ii) Letter size paper with one (1) inch margins.

(iii) Consistently formatted and easily readable, with pictures, graphics, tables, charts, etc. used appropriately throughout the document.

(iv) Includes all ~~supporting documents and~~ artifacts.

(v) Includes a table of contents and sequential page numbers.

(vi) Submitted electronically in .pdf format.

(b) Complete applications shall include the following components and all applicable subparts:

(i) Component 1 - Management and Planning

(A) Purpose, Mission, and Model

- (B) Applicant, Governing Board, and Administration
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 - (A) School Leadership
 - (B) Learning Environment
 - (C) Curriculum
 - (D) Instruction
 - (E) Learning Supports
 - (F) Student Discipline
 - (G) Graduation (Applicable only to high schools)
 - (H) Full-Time Virtual Charter Schools (If applicable)

(c) The ~~application~~ shall include the following ~~information in the written~~ application according to its instructions as the Department prescribes:

(i) Information required ~~The requirements articulated in W.S. 21-3-307(a)(i) through (xxv)(xxvi);~~

(ii) Information required in, W.S. 21-3-308(c);

(iii) Information describing and documenting how the applicant's planned education programs and operations align with Wyoming accreditation requirements; and

(iv) aAssurances as specified in the application.

~~(d) — The Department shall make available on its website the checklist to be used to determine the completeness of the written application.~~

(ed) If an application remains incomplete after the applicant has been notified and provided an opportunity to correct it according to W.S. 21-3-307(b) and Section 6 of this chapter, the authorizers may deny thean incomplete application.

Section 4. In-Person Interview.

(a) The authorizer shall interview all applicants who submitted complete written applications.

(b) The authorizer shall determine the interview questions and process.

Section 5. Public Hearing. The authorizer shall ~~establish-determine~~ the public hearing process.

Section 6. Application Timeline.

(a) All applications, regardless of the authorizer, shall be submitted to the Department. Applicants to the ~~State Loan and Investment Board~~ Wyoming Charter School Authorizing Board shall additionally provide a copy of the application to the school district within which the charter school will be located.

~~(b) — For charter school applications submitted in 2022, the applications may be submitted between July 15 and August 15 or thirty (30) days after these rules become effective, whichever is later.~~

(eb) Each applicant shall use the most current application form, which is dated that calendar year.

~~(c)(d)~~ Effective 2023 and each subsequent year, charter school applicants shall submit applications to the Department between June 1 and July 1. Charter school applicants shall submit applications to the Department from March 1 through March 31.

~~(ed)~~ The Department shall forward the application to the intended authorizer.

~~(fe)~~ If the ~~State Loan and Investment Board~~ Wyoming Charter School Authorizing Board is the intended authorizer, the Department shall review the application for completeness.

~~(gf)~~ Authorizers shall notify applicants within thirty (30) days of submission whether the application is complete or incomplete.

~~(hg)~~ If the application is incomplete, the applicant shall have 15 days from the date of notification to resubmit a completed application. If the resubmitted application is still incomplete, the authorizer may deny the application as provided in Section 3(d) of this chapter.

~~(ih)~~ The Department shall review written applications submitted to the ~~State Loan and Investment Board~~ Wyoming Charter School Authorizing Board and submit a written report to the ~~State Loan and investment Board~~ Wyoming Charter School Authorizing Board within 30 days after the Department concludes that the application is ~~application is deemed~~ complete. The report shall state whether the application shows that the applicant's operations will conform to the Department's ~~Chapter 6~~ accreditation requirements reflected in its General Agency, Board, or Commission rules, Chapter 6.

Section 7. Application Submission.

(a) The same written application shall be used for all types of charter schools, including in-person schools and online-only schools.

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(d) Applications shall be reviewed in the order in which they are received.

Section 8. Application Approval or Denial.

(a) The decision to approve or deny the application shall be determined solely by a majority vote of the authorizer's governing body ~~of the members of the authorizing board~~ in a public meeting.

(b) The approval or denial decision shall be based on the written application, the interview, and the public hearing, including associated written comments.

(c) An authorizer is not required to approve any charter school applications, and may require an applicant to modify or supplement an application as a condition of approval. The authorizer shall incorporate the revised application into the charter contract.

(d) If an application has been denied, the applicant may not reapply ~~for twelve (12) months~~ until the next open application period.

(e) Charter school applicants may apply to only one (1) authorizer at a time.

Section 9. Waivers.

(a) If an authorizer approves a charter school application that contains a State Board of Education waiver of statutory requirements or State Board rules allowed under W.S. 21-3-304(g), application approval may be contingent on the State Board granting the waiver. ~~†~~ The applicant shall submit a waiver request to the State Board of Education no later than ten (10) days after the application is approved.

(b) The State Board shall consider the waiver request at its next available regular meeting, but may postpone consideration until the following meeting if the next meeting is within fifteen (15) days after it receives the waiver request.

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- (ii) Charter school financial statement as articulated in W.S. 21-3-309(b)(ii).

(b) Renewal applicants may include the following as part of their renewal application:

- (i) Additional evidence not contained in the report required by subsection (a) of this section ~~that supports renewal.~~
- (ii) A description of improvements planned or undertaken.
- (iii) Plans for the next charter term.

Section 11. Disputes over the completeness of an application.

(a) Should the authorizer and the applicant disagree over the completeness of an application and either party refuses to mediate:

(i) Each party shall submit to the State Board of Education, through the Department, a letter no longer than five (5) pages establishing why they believe the application is either complete or not complete; and

(ii) The charter school applicant shall submit to the State Board of Education the portion of the application under dispute.

(b) The parties shall submit the materials required in subsection (a) of this section no later than two (2) weeks after either party notifies the ~~s~~State ~~b~~Board of ~~e~~Education and the other party in writing that mediation has been refused.

(c) The State Board of Education shall consider each party's position at its next available regular meeting, but may postpone until the following meeting if the next meeting is within fifteen (15) days after it receives the required materials.