



Certification Page Regular and Emergency Rules

Revised August 2023

Emergency Rules (Complete Sections 1-3 and 5-6)

Regular Rules

1. General Information

a. Agency/Board Name* Education, Department of		
b. Agency/Board Address 122 W. 25th Street, Suite E200	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Elaine Marces	f. Agency Liaison Telephone Number 307-777-5040	
g. Agency Liaison Email Address elaine.marces@wyo.gov	h. Adoption Date 05/02/2024	
i. Program General Agency, Board or Commission Rules		
Amended Program Name (if applicable):		

* 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 or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

<input checked="" 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: 32	Chapter Name: Charter Schools	<input type="checkbox"/> New <input checked="" 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 Repealed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 Repealed
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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 Repealed
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4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:


5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification 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

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Dicky Shanor
Signatory Title	Chief of Staff
Date of Signature	05 / 02 / 2024

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



Opportunity Through Education

Megan Degenfelder – *Superintendent of Public Instruction*
Dicky Shanor – *Chief of Staff*

Wyoming Department of Education
122 W. 25th St., Ste. E200
Cheyenne, WY 82002
307-777-7675

TO: Honorable Mark Gordon, Governor
State of Wyoming

FROM: Wanda Maloney, Chief Policy Officer

SUBJECT: Emergency Rules: Chapter 32 - Charter Schools

DATE: May 3, 2024

PRIORITY: **HIGH**

SUMMARY: During the 2023 legislative session, changes were made to the charter school statutes through Senate File 0174. The Department of Education is seeking immediate implementation of emergency rules to allow the Wyoming Department of Education to address section 8(d). In 2023, a charter school applied to their local district but missed the deadline and the application was denied. The current rules require any applicant that is denied to wait twelve months before reapplying. This would prevent the charter school from applying during the June 1 through July 1 window and they would have to wait until next year to resubmit their application. In essence, following the regular rule process timeline would preclude some applicants from applying for two years instead of one. These emergency rules are intended to address this issue.

As an additional benefit, this change will allow Wyoming's fourth state-authorized charter school to be considered earlier. Section 332 of the Appropriations Act, with the Governor's line-item veto, allows the Wyoming Charter School Authorizing Board to approve a charter school in western Wyoming. This provision is effective July 1, 2024. Adjusting Section 6(d) of Chapter 32 Rules to change the timeline to July 1 through July 30 allows a qualifying charter school to apply during the 2024 window.

AGENCY CONTACT NAME: Elaine Marces

AGENCY CONTACT PHONE: 307-777-5040

AGENCY CONTACT EMAIL: elaine.marces@wyo.gov

Chapter 32
Charter Schools

STATEMENT OF REASON

Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules.

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, changes were made to the charter school statutes through Senate File 0174. Chapter 32 regular rules are currently being drafted to address those changes in statute to more clearly specify timing requirements. Those timelines are not necessary to address the immediate need for changes in emergency rules.

The immediate need for these emergency rules is to rectify some unintended consequences that section 8(d) created. In 2023, a charter school applied to their local district but missed the deadline and the application was denied. The current rules require any applicant that is denied to wait twelve months before reapplying. This would prevent the charter school from applying during the June 1 through July 1 window and they would have to wait until next year to resubmit their application. In essence, following the regular rule process timeline would preclude some applicants from applying for two years instead of one. These emergency rules are intended to address this issue.

As an additional benefit, this change will allow Wyoming's fourth state-authorized charter school to be considered earlier. Section 332 of the Appropriations Act, with the Governor's line item veto, allows the Wyoming Charter School Authorizing Board to approve a charter school in western Wyoming. This provision is effective July 1, 2024. Adjusting Section 6(d) of Chapter 32 Rules to change the timeline to July 1 through July 30 allows a qualifying charter school to apply during the 2024 window.

Additionally, the Department has added reference to a statutory subsection, Wyo. Stat. Ann. § 21-3-307(a)(xxvi), that the Legislature added in 2023. This change is reflected in the expanded reference appearing in Section 3(c).

Chapter 32
Charter Schools

Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules.

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 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
- (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 applicant shall include the following information in the written application according to its instructions as the Department prescribes: The requirements articulated in W.S. 21-3-307(a)(i) through (xxvi), W.S. 21-3-308(c), accreditation requirements, and assurances.

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

(e) Authorizers may deny an 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 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 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 July 1 through July 31.

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

(e) If 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.

(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 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.

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 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.

(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), 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 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 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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~~(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.

~~(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 July 1 through July 31.~~

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

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

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