



# Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction

2020 Grand Avenue, Suite 500

Laramie, WY 82070

Phone 307-777-5296

Fax 307-777-6719

Website [www.k12.wy.us](http://www.k12.wy.us)

---

**MEMORANDUM NO.: 2007 - 127**

**TO:** District Superintendents

**FROM:**  Dianne Frazer, Charter School Coordinator

**DATE:** July 20, 2007

**SUBJECT:** Proposed Chapter 32 Charter School Rules and Reporting

---

**IMPORTANT INFORMATION FOR REVIEW AND COMMENT  
PLEASE NOTE DEADLINE**

The Wyoming Department of Education (WDE) has prepared a revision of Chapter 32 Charter School Rules. Chapter 32 was last revised in 2002. The purpose of this revision is twofold. First, statutes related to charter schools have been added or changed at least twice since the last rules revision. Secondly, it is our hope to clarify the rules and make them more understandable and accessible to all stakeholders.

In addition to the rules revision, we have developed templates to be used by school districts for submitting the required annual report about charter schools to the State Board. These documents are intended to simplify and standardize this reporting process. The documents will be added to the WDE Forms Inventory on our website as Forms SBE910 and SBE911. To facilitate reporting, the due date for this report has been moved from October 15 to March 15. In this way, information from other data collections already submitted to WDE can be incorporated into the report to avoid duplication.

The draft of the proposed Chapter 32 Charter School Rules and the drafts of the proposed State Board reporting forms are attached for your review and comment. All comments will be considered in preparing the final versions of these documents. **Comments must be received no later than August 17, 2007.**

Please submit comments to Dianne Frazer by close of business August 17, 2007. Comments can be sent by mail to my attention: Wyoming Department of Education, 2020 Grand Avenue, 5<sup>th</sup> Floor, Laramie, WY 82070 or emailed to: [dfraze@educ.state.wy.us](mailto:dfraze@educ.state.wy.us).

Please contact Dianne Frazer at the above email or (307) 777-3471 if you have any questions regarding this memo.

Enclosures

Wyoming Dept. of Education  
 2300 Capitol Ave., 2nd Floor  
 Cheyenne WY 82002-0050  
 Contact: Amy Manley, (307)777-6000

**Charter School Annual Financial Report to the Wyoming State Board of Education  
 July 1, 2006 - June 30, 2007 (FY07)**

SBE911  
 Due Date: March 15, 2008  
 Revised: July, 2008  
 Expires: January 2009

District ID	
District Name	
School ID	
School Name	
Grades Served	

1. This report is comprised of information the district submitted on the following data reporting forms in FY07: WDE600, WDE601, WDE602, WDE670, WDE608 WDE670, and WDE684.
2. Enter revenue data in the yellow shaded cell and verify by email that other data in the form is accurate as provided by the district on the listed reports.
3. E-mail the completed SBE911 form to: amanle@educ.state.wy.us

**Revenues**  
 From State (pass through from District)

General Fund	01

Expenditures	Total	100's	200's	300's	400's	500's	600's
	General Fund	Salaries	Employee Benefits	Purchased Services	Supplies /Materials	Capital Outlay	Other Objects
<b>Expenditures (WDE601)</b>							
1110 - Elementary							
1120 - Junior High or Middle Schools							
1130 - Secondary							
1270 - Limited English Proficient							
1410 - Student Activities - Elementary							
1420 - Student Activities - Jr Hi / Middle School							
1430 - Student Activities - High School							
1530 - Vocational Instruction, High School							
<i>Total 1000's - All Instruction</i>							
2130 - Health Services							
2131 - Supervision of Health Services							
2132 - Medical Services							
2133 - Dental Services							
2134 - Nursing Services							
2139 - Other Health Services							
2213 - Instructional Staff Training Services							
2222 - School Library Services							
2225 - Computer-Assisted Instruction Services							
2240 - Technology Integration							
<i>Total 2000's - Instructional Support</i>							
3320 - School Administration							
3321 - Office of the Principal Services							
3329 - Other Support Services-School Administration							
3420 - Operating Buildings Services							
3430 - Care and Upkeep of Grounds Services							
3460 - Security Services							
3520 - Vehicle Operation-Activities							
<i>Total 3000's - Support Services</i>							
5200 - Site Improvement Services							
5600 - Building Improvements Services							
5900 - Other Facilities Acquisition and Construction Services							
<i>Total 5000's - Facilities Acquisition and Construction</i>							

**Operating Costs**

--	--	--	--	--	--	--	--

Enrollment (WDE684)

Enrollment Oct 1, 2006

Attendance and Membership (WDE600)

ADA  ADM

Graduates/Dropouts (WDE607, WDE670)

	<b>Total</b>
Graduates Regular Diploma	<input type="text"/>
Dropouts	<input type="text"/>

Staffing Counts (WDE602)

	<b>Total</b>
Staff FTE (Full-time Equivalent)	<input type="text"/>
Teachers (certified)	<input type="text"/>
Student Instructional Support (certified)	<input type="text"/>
Staff Instructional Support (certified)	<input type="text"/>
Administration	<input type="text"/>
Instruction & Instruct Support (classified)	<input type="text"/>
Other General Support (classified)	<input type="text"/>
Total Staff	<input type="text"/>

Cost Per ADM by Major Function for Fund Group 01

Instruction	<input type="text"/>
Instructional Support	<input type="text"/>
Support Services	<input type="text"/>
Facilities Acquisition	<input type="text"/>
Operating Cost	<input type="text"/>



## Wyoming Department of Education CHARTER SCHOOL ANNUAL REPORT TO THE WYOMING STATE BOARD OF EDUCATION

**Submit this report with signatures of the district superintendent and Board of Trustees chair along with accompanying documentation to the Wyoming Department of Education, Attention Charter School Office, 2020 Grand Avenue, Laramie, Wyoming 82070.**

**The report is due on or before March 15 each year.**

**DISTRICT NAME & NUMBER:**

**DATE:**

**School Name and Number:**

Address:

City:

State:

ZIP Code:

### SCHOOL INFORMATION

Number of Students as of October 1 of the current school year:

Year Charter Granted:

Number of Years in Operation:

Waivers Granted by State Board of Education:

Accreditation Status:

Accrediting Agency:

Program:

### PERFORMANCE DATA

Current Achievement Data (attach district and school profile)

Discipline Referrals, Suspensions, and Expulsions:

Results of Youth Risk Behavior Survey:

List any climate or satisfaction surveys conducted and results:

Formal Written Complaints: Please list any and all complaints received in the past 12 months and the resolution of those complaints:

**Financial Report: Please attach a complete financial report for the charter school using the WDE-911 report form.**

List Professional Development Provided in the Past 12 Months: List of formal professional development offered to any staff member at the school.



Wyoming Department of Education  
**CHARTER SCHOOL ANNUAL REPORT  
TO THE WYOMING STATE BOARD OF EDUCATION**

**ASSURANCES**

Our signatures on this document indicate assurance by the school district that: 1) students attending the charter school are receiving an education consistent with the educational opportunities available to all students within the school district; 2) we have verified that all teachers and staff hold proper certification for their assigned positions; and 3) the WDE Form 605 has been submitted for the current year demonstrating completion of accreditation assurances.

Superintendent's Name :	Phone:	Fax:
Email:		
Signature:	Date:	
School District Board Representative's Name :	Phone:	Fax:
Email:		
Signature:	Date:	

**CHAPTER 32**  
**CHARTER SCHOOLS**

**Section 1. Authority.**

These rules are promulgated by the State Board of Education under the authority of W.S. § 21-2-304(a)(i) and §§ 21-3-301 through 21-3-314.

**Section 2. Purpose and Applicability of Rules.**

These rules are intended to provide a uniform and understandable process for the creation, application and operation of charter schools in Wyoming.

This Chapter shall apply to all charter school applicants, parties wishing to appeal a decision of a district board concerning a charter school, Wyoming school districts, the Wyoming Department of Education and the Wyoming State Board of Education.

**Section 3. Promulgation, Amendment or Repeal of Rules.**

These rules shall become effective when signed by the Governor and filed with the Secretary of State. Any amendment or repeal of these rules shall become effective as provided by the Wyoming Administrative Procedures Act (W.S. 16-3-101 through 16-3-115).

**Section 4. Definitions.**

As referenced in these rules the following definitions shall apply:

- (a) “A charter school within a school” means a charter school operating within a facility or portion of a facility currently operated by the district as a public school or operated as an adjunct to a public school or schools with students attending both the charter school and the public school;
- (b) “A converted charter school” means a charter school converted from an existing public school operating within the district;
- (c) “Charter school” means a public, non-sectarian, non-religious, non-home-based school which operates in accordance with the provisions of its approved application and contract within a public school district in Wyoming.
- (d) “District board” means the board of trustees of a school district elected as the governing body of the school district;
- (e) “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 currently being operated by the district as a public school;

(f) “Pupil outcomes” means the extent to which all pupils of the school demonstrate they have attained the skills and knowledge specified as goals in the school’s educational program and shall include state assessments and standards;

(g) “Recognized accrediting agency” means an accrediting agency recognized by the United States Department of Education.

(h) “Teacher” means any person employed under contract by the board of trustees of a school district or a charter school as a certified professional employee.

(i) “Wyoming Professional Teaching Standards Board” means the Board that regulates the certification of teachers and school personnel as appointed by W.S. § 21-2-801.

(j) “Wyoming State Board of Education” means the State Board as appointed by W.S. § 21-2-301, herein referred to as the State Board;

### **Section 5. Charter School Applicants and Applications.**

(a) Any person may apply to the district board for the establishment of a new charter school or a charter school within a school to be located within a school district.

(b) Application for conversion of an existing public school operating within a school district to a charter school must be made by:

(i) Administrators and teachers employed by the district, parents of students enrolled in the district, and any special district advisory group comprised of district residents; and,

(ii) An applicant under this subsection must demonstrate the support of not less than fifty percent (50%) of the teachers employed by the school district that teach at the school that is proposed to be converted, and not less than fifty percent (50%) of the parents of all the students attending the school proposed to be converted.

(c) A district board and a charter school applicant may by mutual agreement establish a charter school within a school instead of applying under subsection (a) or (b) of this Section.

(d) No charter school application shall be granted if it is determined that its sole purpose is to avoid consolidation or closure of any school or district.

(e) No charter school application shall be considered from any person, group or organization proposing to convert a private school or a non-public home-based educational program into a charter school.

(f) For applications filed on and after July 1, 2007, a charter school application shall not be considered from any person, group or organization that has previously filed a charter

school application within a twelve (12) month period and the application was subsequently denied.

(i) Computation of the twelve (12) month period shall begin on the date the denied application was filed with the district board.

(g) Charter school applicants are encouraged to work with the district in preparing the application to work through any issues and disagreements prior to presentation of the application for approval to the district board.

**Section 6. Application Contents.**

(a) An application must contain all of the following items for consideration by the district board for approval:

(i) Description of the educational program to be offered, including:

(A) Identification of target population(s) to be educated including the following:

I. Estimated enrollment projections; and

II. Any relevant student characteristics or demographic information;

(B) Description of the philosophy for education, including:

I. What it means to be an educated person in the 21<sup>st</sup> Century

II. How learning best occurs;

III. Goals of the program, including enabling students to become self-motivated, competent and lifelong learners;

IV. Curriculum or plan for meeting Wyoming academic standards including but not limited to the content and performance standards and the graduation requirements; and,

V. Explanation of the delivery of appropriate educational services to special education populations.

(ii) Identification of measurable pupil outcomes;

(iii) Method of measuring pupil progress towards meeting the outcomes identified (assessment plan);

- (iv) Governance structure of the school, including the process to be followed by the school to ensure parental, teacher and community involvement;
- (v) Staff qualification requirements to be met by individuals employed by the school;
- (vi) Health and safety procedures for students and staff;
- (vii) Admission requirements, if applicable;
- (viii) Method for an annual audit of the financial and programmatic operations of the school, including any services provided by the school district;
- (ix) Explanation of suspension and expulsion procedures;
- (x) Manner that employees will be covered under the Wyoming retirement system and federal social security;
- (xi) Description of the rights of any school district employee when leaving the district to work in the charter school and of any rights upon returning to the school district after employment at a charter school;
- (xii) Minimum enrollment requirements, including an explanation of how enrollment decisions will be made in a non-discriminatory manner;
- (xiii) Evidence that an adequate number of parents, teachers, pupils or any combination thereof support the formation of a charter school;
- (xiv) Evidence that the plan for the charter school is economically sound for both the charter school and the district;
- (xv) Proposed budget for the term of the charter;
- (xvi) A plan for the displacement of pupils, teachers and other employees who will not attend or be employed in the charter school;
- (xvii) Explanation of the relationship between the charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representative, if any;
- (xviii) Explanation of employment policies;
- (xix) Agreement between the charter school and the district regarding their respective legal liability and applicable insurance coverage;

(xx) Description of the transportation plan for students, including whether the charter school plans to provide transportation and what, if any, the transportation needs are;

(xxi) Description of the rights of any employee of a school district upon commencing work for the charter school; and,

(xxii) Financial feasibility statement providing evidence of charter school viability following the first three (3) years of the charter school.

(xxiii) Proposed operations and potential effects of the school including, but not limited to,:

(A) The facilities to be utilized by the school;

(B) Explanation of the manner in which administrative services will be provided;

(C) Demonstration of adequate liability insurance (including errors and omissions coverage); and,

(D) Evidence that the school is indemnified to the fullest extent possible.

**Section 7. District Board Hearings and Approval of Charter School Applications.**

(a) The district board shall hold a public hearing within thirty (30) days after receiving an application for any charter school to consider the application and reach a decision with regard to approval.

(b) The following requirements shall apply to all hearings conducted by the district board as a result of W.S. § 21-3-308 and this Section:

(i) Appropriate notice of the hearing shall be given to the public in accordance with the Wyoming Public Meetings Act (W.S. §§ 16-4-401 through 16-4-408);

(ii) A quorum of the district board shall attend the hearing;

(iii) The proceeding, including all testimony, shall be reported verbatim stenographically or by any other means determined appropriate by the district board or officer presiding at the hearing; and,

(iv) The Procedure outlined in these rules and Wyo. Stat. Â§21-3-308 shall govern the hearing process. The Wyoming Administrative Procedure Act (Wyo. Stat. Â§ 16-3-101 et seq.) shall apply, when applicable, as long as the process does not conflict with Wyo. Stat. Â§21-3-308.

(c) The district board shall consider the following in considering the application for any charter school:

(i) The level of community and parental support for the application; and,

(ii) The purpose of the charter school, including whether it is to provide teachers, parents, pupils and community members with the ability to establish and maintain a school that operates independently from the existing school district as a method to:

(A) Improve pupil learning;

(B) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences;

(C) Encourage the use of different and innovative teaching methods;

(D) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; and

(E) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(d) District boards may utilize the form on file with the Department of Education to assist in the consideration of the application and make a determination as to the acceptance or rejection of the application.

(e) The district board shall make a decision to approve or deny the application within sixty (60) days of receipt of the application.

(f) If the district board denies a charter school application, the board shall notify the applicant in writing, including the reasons or basis for the denial, within forty-five (45) days of its decision.

**Section 8. Contract between the District Board and Charter School Applicant.**

(a) Upon approval of a charter school application, the district board and the charter school applicant shall execute a contract.

(b) The approved application shall serve as the basis of the contract.

(c) The contract shall contain the provisions mutually agreed to by the district board and the charter school applicant and shall address the following:

(i) All twenty-three (23) items noted in Section 6 of these rules;

(ii) Any and all waivers granted by the district board or requested of the State Board; and,

(iii) A provision which requires that upon the closure of the charter school any charter school assets purchased with public funds will become the property of the local district.

(d) Any material revision to the contract after the original execution shall be effective only upon the approval and mutual agreement of the district board and the governing body of the charter school.

**Section 9. Revocation and Renewal of Charter School Applications.**

(a) A charter school renewal application shall be in the form and manner prescribed by the Wyoming Department of Education and shall contain the following:

(i) A report on the progress of the charter school in achieving the goals, objectives, public performance standards, content standards and other terms of the approved charter school application; and,

(ii) A financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the general public and that will allow comparison of such costs to other schools or other comparable organizations.

(b) A charter may be revoked or not renewed if the district board finds the charter school has engaged in any of the following activities:

(i) Committed a material violation of any of the conditions, standards or procedures set forth in the approved charter school application;

(ii) Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the approved charter school application;

(iii) Failed to meet generally accepted standards of fiscal management; or

(iv) Violated any provision of the law from which the charter school was not exempt.

(c) A charter shall not be renewed upon a determination by the district board that it is not in the interest of the pupils residing within the school district to continue the operation of the charter school.

(d) The district board shall state its reasons in writing if it decides to revoke or not renew a charter school application.

(e) A district board's decision to revoke or not renew a charter school application may be appealed to the State Board pursuant to W.S. § 21-3-310 and Section 20 of these rules.

**Section 10. Waiver of District Requirements by District Board.**

(a) A district board may waive locally imposed school district requirements subject to the following:

(i) A district board shall not waive any requirements imposed by Wyoming Statute or any rule and regulation promulgated by the State Board or the Wyoming Department of Education; and,

(ii) All waivers granted shall be incorporated into the contract as executed by the district board and the charter school applicant.

(b) Any waivers granted by the district board of locally imposed school district requirements shall be effective for the term of the charter.

**Section 11. Waivers of State Statutes and Rules and Regulations by State Board.**

(a) Approval of the State Board shall be required for the waiver of any State statutory requirements or rules and regulations promulgated by the State Board.

(b) The district board shall notify the State Board of any requests for release from State statutes and/or regulations within ten (10) days after the contract is approved by the district board but prior to signature.

(c) The notification shall provide adequate written justification for a waiver of each statute and/or rule and regulation to enable the State Board to make a decision whether waiver is necessary and appropriate and the notification shall include copies of all supporting documentation and evidence.

(d) Within forty-five (45) days the State Board shall notify the district board and the charter school applicant of its decision as to the approval or denial of the charter school applicants request for a waiver. Notice shall be given in the following manner:

(i) If the request is granted, the State Board shall notify the district board and the charter school applicant of the waiver. Notification of approval may be written or verbal.

(ii) If the request is denied, the State Board shall notify the district board and the charter school applicant of the denial in writing, via certified mail return receipt requested and the notice shall include the following:

(A) The specific reasons for the denial; and,

(B) If the denial includes multiple State statutes or regulations, the State Board shall specify the State statutes and regulations for which the release is denied, and the denial shall apply only to the statutes and regulations cited in the notification.

(iii) If the State Board fails to respond within forty-five (45) days after submittal of the request for release, the request shall be deemed granted and the waiver shall be included within the contract as executed between the district board and the charter school applicant.

(e) The State Board shall not waive any statute or rule relating to the assessments or standards required to be administered, including but not limited to the uniform educational program standards imposed upon public schools by W.S. §§ 21-9-101 and 21-9-102, the uniform student and content and performance standards prescribed by the rules and regulation of the State Board and the requirements of the statewide assessment system as promulgated pursuant to W.S. § 21-2-304(a)(v). In addition, the State Board shall not waive any statute or rule which relates to district or school accreditation, teacher certification or health and safety.

(f) Any waiver granted by the State Board with regard to any State statutes or regulations shall be reviewed every two (2) years and may be revoked if the waiver is deemed no longer necessary by the State Board.

**Section 12. Notification of State Superintendent by District Board.**

(a) The district board shall notify the Wyoming State Superintendent of Public Instruction of the approval of any charter school application or any modification to an existing contract or approved charter school application. A copy of the following documents shall accompany the notification:

(i) The application as approved by the district board;

(ii) The contract as executed, including any attachments or extraneous documents, if applicable; and,

(iii) The official minutes of the district board meeting that evidence the approval of the application or any modification or amendments of the terms of the contract as executed by the district board and the charter school applicant.

**Section 13. Annual Report on Charter Schools to State Board.**

(a) Each district board that grants a charter school application shall report to the State Board annually on each charter school operating within the district.

(b) The report and all accompanying documentation shall be in the manner and form as prescribed by the Wyoming Department of Education.

(c) The report shall be in manner and form required by the Wyoming Department of Education and shall include the following items:

(i) An assurance that students attending the charter school are receiving an education consistent with the educational opportunities available to all students within the school district;

(ii) The building report card for the charter school, including

i. Achievement data and performance data;

ii. Staffing information and verification of proper certification of teachers and staff;

iii. Discipline incident information, including the results of the Youth Risk Behavior Survey; and,

iv. Attendance rate.

(iii) District and school profile information;

(iv) A fiscal report in the format identified as appropriate by the Wyoming Department of Education's Fiscal Unit;

(v) Verification of completion of the Wyoming Department of Education's 605 Form demonstrating completion of accreditation assurances;

(vi) Verification of accreditation status from a recognized accreditation agency; and,

(vii) A list of any complaints received by or about the charter school and the resolution of those complaints.

(d) The report and accompanying documentation shall be submitted to the Wyoming Department of Education on or before March 15<sup>th</sup> of each year.

**Section 14. Length of Operation for Charter School.**

(a) A charter school application may be granted for a period not to exceed five (5) years.

(b) Upon presentation and approval of the district board in accordance with Section 9 of these rules and regulations, charter school applications may be renewed for successive five (5) year periods.

**Section 14. Complaints Concerning Charter Schools.**

(a) Complaints concerning charter schools shall be in writing, signed and delivered to the district board in the district within which the charter school operates.

(b) Any and all complaints received shall be investigated and resolved in accordance with the policies and procedures established by the district board.

**Section 15. Discrimination of Charter Schools by District Board.**

(a) No school district shall discriminate against a charter school in publicizing the district's educational options, including but not limited via advertisement, direct mail, and the availability of mailing lists or other informational activities.

**Section 16. General Operating Procedures for Charter Schools.**

(a) A charter school shall comply with the provisions set forth in its approved charter school application and the contract as executed with the district board.

(b) A charter school shall be a public school within the school district that grants its charter and shall be accountable to the district board for all purposes of ensuring compliance with applicable laws and charter provisions and the requirements of the Wyoming Constitution.

(c) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.

(d) A charter school shall have standing to sue and be sued in its own name for the enforcement of any contract created pursuant to the applicable statutes and rules and regulations.

(e) Enrollment decisions shall not be made:

(i) In a discriminatory manner as specified by the charter school applicant in the charter school application, which includes that at-risk or special program students may not be discriminated against; and,

(ii) Solely on academic abilities or achievements, including test scores or intelligence quotient scores.

(f) Tuition shall not be charged by a charter school.

(g) A charter school shall be responsible for its own operation including, but not limited to, preparation of a budget, contracting for services and personnel.

(h) A charter school shall be authorized to offer any educational programs that may be offered by a school district unless expressly prohibited by its charter or by Wyoming law.

(i) Any charter school shall participate in the Wyoming retirement system to the extent required if it were a public school within a district

(j) The school district shall be the owner of all records of the charter school, including student, staff and public affairs records of charter school operations. Upon closure of the charter school, all charter school records shall be promptly delivered to the school district.

**Section 17. Charter School Personnel.**

(a) All teachers and personnel employed by charter schools shall be subject to the same requirements with respect to certification by the Wyoming Professional Teaching Standards Board and other qualifications as any other teachers or personnel authorized to teach in Wyoming public schools.

(b) A teacher employed by a charter school shall be considered to be on a one (1) year leave of absence from the school district for the first year of employment with the charter school.

(i) The leave shall commence on the first day of services for the charter school;

(ii) The one (1) year leave of absence shall be renewed twice, for a total of three (3) years, upon mutual agreement of the teacher and the school district.

(iii) At the end of the three (3) year period, the district and the teacher shall determine the relationship of the teacher to the district and the district shall provide the teacher with written notice of its determination.

(c) The employment status of school district employees employed by the charter school who seek to return to the employment with non-charter schools in the school district shall be negotiated and such treatment shall be addressed and explained within the charter school application as approved by the district board.

**Section 18. Charter School Contracts.**

(a) A charter school may contract for the provision of services and property subject to following:

(i) The contract shall be executed in the same manner and subject to the same restrictions as contracts executed by public schools and school districts;

(ii) The charter school shall be subject to all competitive bidding laws which apply to school districts;

(iii) The contract shall not exceed the funds available to the charter school;

(iv) The contract shall not exceed the remaining length of operation for which the charter school was approved by the district board; and,

(v) With the approval of the school district, the charter school may delegate the authority to negotiate the contract or execute the contract, or both, to the school district.

(b) A charter school may negotiate and contract with a school district, the governing body of a state college or university, or any third party for:

(i) The use of a school building and grounds;

(ii) The operation and maintenance thereof; or,

(iii) The provision of any service, activity or undertaking that the charter school is required to perform in order to carry out the educational program described in its charter.

(b) Any services for which a charter school contracts with a school district shall be provided by the district at cost.

(c) No charter school shall enter into a contract with an independent management company without the prior written consent of the district board. The school district shall be a third-party beneficiary to any management contract approved by the district board.

**Section 19. Facilities for Charter Schools.**

(a) A charter school shall not be required to pay rent for space which is deemed available, as negotiated by contract, in school district facilities. All other costs for the improvement, modification, operation and maintenance of the facilities used by the charter school shall be subject to negotiation between the charter school and the district board.

(b) All decisions regarding the planning, siting and inspection of charter school facilities shall be made in accordance with law and as specified by contract with the district board.

**Section 20. Charter School Funding.**

(a) All charter schools shall be funded in accordance with Wyoming Statute and the applicable rules and regulations of the Wyoming Department of Education and the Wyoming State Board of Education.

(b) The applicable statutes and rules include, but are not limited to, the following:

(i) W.S. §§ 21-3-314, 21-13-101 et seq. and 21-13-301 et seq.; and,

(ii) Chapter 8, *Rules and Regulations of the School Foundation Program*, Wyoming Department of Education Rules and Regulations.

**Section 21. Appeal of District Board Decisions to the State Board.**

(a) In accordance with the provisions contained in this Section, any person, including a charter school applicant, may appeal a decision of a district board concerning a charter school to the State Board.

(b) The following requirements shall apply to all hearings conducted by the State Board in accordance with this Section:

(i) Appropriate notice of the hearing shall be given to the public in accordance with the Wyoming Public Meetings Act (W.S. §§ 16-4-401 through 16-4-408);

(ii) A quorum of the State Board shall attend the hearing;

(iii) The procedure outlined in these rules and Wyo. Stat. Â§21-3-310 shall govern the hearing process. The Wyoming Administrative Procedure Act (Wyo. Stat. Â§ 16-3-101 et seq.) and Chapter 3 of the Wyoming Department of Education's Rules and Regulations governing the Practice and Procedure for Contested Cases shall apply, when applicable, as long as the process does not conflict with Wyo. Stat. Â§21-3-310.

(iv) The proceeding, including all testimony, shall be reported verbatim stenographically or by any other means determined appropriate by the State Board or officer presiding at the hearing.

(c) Notice shall be provided to the State Board and the district board of any appeal within thirty (30) days after the decision of the district board.

(d) The State Board shall hold a public hearing within sixty (60) days after receipt of the first notice of appeal or upon the motion of the State Board.

(i) If as a result of the hearing, the State Board finds that the district board's decision was contrary to the best interests of the pupils, the school district or the community, it shall remand the decision to the district board with written instructions for reconsideration of the previous decision.

(e) Within thirty (30) days after the decision by the State Board to remand a decision to the district board, the district board shall hold a second public hearing to reconsider its decision.

(i) The hearing shall be held in accordance with the provisions of Section 7 of these rules.

(f) If the district board's decision remains to deny, refuse to renew or revoke a charter or to unilaterally impose conditions unacceptable to the charter school applicant after the second hearing, a second notice of appeal may be filed with the State Board within thirty (30) days of the district board's decision.

(i) The State Board shall hold a hearing within thirty (30) days following the receipt of the second notice of appeal or the making of a motion for a second review by the State Board to determine whether the final decision of the district board was contrary to the best interests of the pupils, school district or community.

(ii) If the State Board finds a second time that the district board's decision was contrary to the best interests of the pupils, school district or community, it shall remand the final decision to the district board with instructions to approve the charter application.

(g) The decision by the State Board may require changes to the contract to be executed between the charter school applicant and the district board.