

## HOUSE BILL NO. HB0010

Education-state authorization reciprocity agreement.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to post secondary education; authorizing  
2 the Wyoming Community College Commission to enter into and  
3 administer reciprocity agreements with other states on the  
4 licensing of specified post secondary institutions;  
5 authorizing admission of post secondary institutions with a  
6 physical presence in Wyoming under reciprocity agreement  
7 and providing for reciprocal licensure in Wyoming of  
8 institutions located in states that are signatories to the  
9 agreement; granting rulemaking authority and authorizing  
10 fees; and providing for an effective date.

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

13

14 **Section 1.** W.S. 21-18-226 is created to read:

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1           **21-18-226. State authorization reciprocity**  
2 **agreements; administration; requirements; fees; rules and**  
3 **regulations.**

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5           (a) The commission shall enter into an agreement with  
6 the Western Interstate Commission for Higher Education to  
7 participate, on behalf of the state of Wyoming, with all  
8 other states legally joining in the state authorization  
9 reciprocity agreement.

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11           (b) The requirements of the agreement shall be  
12 sufficient to protect the integrity of Wyoming post  
13 secondary education, but shall also allow authorized  
14 institutions complying with the agreement the ability to  
15 reach as many potential students as possible.

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17           (c) The commission shall review applications from any  
18 public or private post secondary institution seeking  
19 admission under the state reciprocity agreement if the  
20 institution has a physical presence in Wyoming and is  
21 organized under the laws of the state of Wyoming. The  
22 commission shall:

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1           (i) Admit to the state authorization agreement  
2 any qualified public or private applicant that meets the  
3 requirements of the state authorization reciprocity  
4 agreement pertaining to institutional quality, consumer  
5 protection and fiscal viability as defined by subsection  
6 (d) of this section;

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8           (ii) Monitor compliance of admitted institutions  
9 for institutional quality, consumer protection and fiscal  
10 viability;

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12           (iii) Notify, in a timely manner, the Western  
13 Interstate Commission for Higher Education of those post  
14 secondary institutions admitted to the reciprocity  
15 agreement under paragraph (i) of this subsection and any  
16 action taken against an authorized institution pursuant to  
17 paragraph (iv) of this subsection; and

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19           (iv) Take appropriate action against any  
20 authorized institution upon failure to comply with  
21 requirements of the state authorization reciprocity  
22 agreement, including an investigation, citation, suspension  
23 or expulsion from the reciprocity agreement.

1

2 (d) For purposes of paragraph (c)(i) of this section,  
3 an institution may satisfy:

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5 (i) The institutional quality standard through  
6 evidence of current accreditation;

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8 (ii) The consumer protection standard through  
9 evidence that information required under Title IV of the  
10 Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.), as  
11 amended, is provided to current and prospective students,  
12 and evidence of a procedure for addressing student  
13 complaints both internally and through an outside state  
14 agency as required by that act;

15

16 (iii) The fiscal viability standard for public  
17 institutions through evidence of adequate public funding,  
18 or for a private institution, through evidence that the  
19 United States department of education, in its most recent  
20 fiscal year report, assigned the institution a financial  
21 responsibility composite score of one and five-tenths (1.5)  
22 or greater, or a financial responsibility composite score

1 of not less than one (1) if the report covers the most  
2 recent two (2) consecutive fiscal years.

3

4 (e) The commission may adopt rules and regulations to  
5 implement this section.

6

7 (f) For purposes of administering this section, the  
8 commission may establish and collect fees from authorized  
9 institutions to pay necessary administrative expenses  
10 incurred under this section. Any fees collected pursuant  
11 to this subsection shall be deposited into the general  
12 fund.

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14 (g) As used in this section:

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16 (i) "Accredited" or "accreditation" means the  
17 status of public recognition that an accrediting agency  
18 recognized by the United States department of education  
19 pursuant to Title IV of the Higher Education Act of 1965  
20 (20 U.S.C. § 1070 et seq.), as amended, grants to an  
21 institution or educational program that meets the  
22 department's established requirements;

23

1           (ii) "Educational program" means a program of  
2 organized instruction or study beyond secondary education  
3 that leads to an academic professional degree, vocational  
4 degree or certificate or other recognized educational  
5 credential;

6  
7           (iii) "Physical presence" means the ongoing  
8 occupation of a physical location in Wyoming for  
9 instructional purposes or the maintenance of an  
10 administrative office in Wyoming to facilitate instruction.  
11 For purposes of this section, the following activities do  
12 not constitute a physical presence in Wyoming:

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14           (A) Delivery of distance education courses  
15 online;

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17           (B) Advertising;

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19           (C) Recruiting;

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21           (D) Courses delivered on military  
22 installations by an accredited institution limited to  
23 active and reserve military personnel, dependents of

1 military personnel and civilian employees of the military  
2 installation;

3

4 (E) Operation of a server or other  
5 electronic service device; or

6

7 (F) Experiential learning opportunities  
8 such as a clinical practicum residency or internship.

9

10 (iv) "Post secondary institution" means a  
11 person, business entity, nonprofit corporation or  
12 governmental entity that operates educational programs  
13 beyond secondary education;

14

15 (v) "State authorization reciprocity agreement"  
16 means an agreement, as published by the Western Interstate  
17 Commission for Higher Education on November 1, 2013, or  
18 substantially similar to the version published on that  
19 date, which allows post secondary institutions that meet  
20 federal criteria to recruit, advertise, market and conduct  
21 distance education across state lines with as few  
22 restrictions as possible.

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1           **Section 2.** W.S. 21-2-406(a)(iii), (iv) and by  
2 creating a new paragraph (v) and 21-18-202(c) by creating a  
3 new paragraph (ix) are amended to read:

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5           **21-2-406. Schools exempted; definition.**

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7           (a) This article does not apply to:

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9                   (iii) Aircraft flight training schools approved  
10 and authorized by the federal aviation agency of the United  
11 States of America;~~or~~

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13                   (iv) A nondegree granting school teaching  
14 techniques of outdoor recreation, leadership, ecology or  
15 conservation domiciled in the state of Wyoming;~~or~~ or

16  
17                   (v) A post secondary education institution  
18 admitted, authorized and in good standing under the state  
19 authorization reciprocity agreement pursuant to W.S.  
20 21-18-226.

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22           **21-18-202. Powers and duties of the commission.**



1           (c) The commission shall perform the following  
2 administrative functions:

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4                   (ix) Administer the state authorization  
5 reciprocity agreement and admit authorized post secondary  
6 institutions to participate under the agreement in  
7 accordance with W.S. 21-18-226.

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9           **Section 3.** This act is effective immediately upon  
10 completion of all acts necessary for a bill to become law  
11 as provided by Article 4, Section 8 of the Wyoming  
12 Constitution.

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14

(END)