



Certification Page Regular and Emergency Rules

1. General Information

a. Agency/Board Name *See attached list for references*
WY Community College Commission

b. Agency/Board Address
2020 Carey Ave., 8th Floor

c. Agency/Board City
Cheyenne

d. Agency/Board Zip Code
82002

e. Name of Contact Person
Matt Petry

f. Contact Telephone Number
307-777-5859

g. Contact Email Address
matt.petry@wyo.gov

h. Adoption Date:
April 20, 2012

i. Program(s) *See attached list for references*
General Agency, Board or Commission Rules

2. Rule Type and Information

a. These rules are: ☒ **Emergency Rules** *(After completing all of Section 2, proceed to Section 5 below)* ☐ **Regular Rules**

b. Choose all that apply: ☐ **New Rules*** ☒ **Amended Rules** ☐ **Repealed Rules**

* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.

If "New," provide the Enrolled Act number and year enacted:

c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed *(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)*

Chapter Number: One	Short Title: Definitions
Chapter Number: Five	Short Title: Administrative Functions
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:

d. ☒ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

Amended rules must be in effect by July 1, 2012 in order to be in compliance with the WY Community College Commission Statewide Strategic Plan, Strategy 1.7. This strategy requires the addition of a course completion component, or enroll success rate, in the funding allocation model. The Commission has been working diligently with the colleges for many months to develop the definition of 'success' and have recently come to an agreement on it. The time available before the July 1, 2012 effective date does not allow for this change in rules to be put in place under the regular rules process.

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:

b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the **Legislative Service Office**:

c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the **Attorney General**:

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. ☐ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☐ No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office **May 21, 2012**
for the Governor's signature:

b. Date on which final rules were sent to the Legislative Service Office: **May 21, 2012**

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: **May 21, 2012**

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	James O. Rose
Signatory Title	Executive Director
Date of Signature	May 21, 2012

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	

Distribution List:**Attorney General**

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

WYOMING COMMUNITY COLLEGE COMMISSION

RULES and REGULATIONS

STATEMENT OF PRINCIPAL REASONS

CHAPTER 1

Chapter 1 has been amended to include additional or revised definitions referred to throughout other chapters.

CHAPTER 5

House Enrolled Act number 121-2009 established the Wyoming Community College Commission Statewide Strategic Plan as the instrument for identifying priorities, college funding methods and measures of success. W.S. 21-18-202(c)(i) requires the Commission to create and maintain a funding allocation model by rule. Strategy number 1.7 of the Wyoming Community College Commission Statewide Strategic Plan requires the inclusion of a course completion component in the funding model to be in effect for the July 2012 allocation of state aid. To accomplish this strategy, the Wyoming Community College Commission Rules required revisions to Chapter Five, Section 3- Creating and Maintaining a Funding Allocation Model. This section also contains additional language to support the distribution of increased retirement contribution reimbursements, which had previously been handled through the State Auditor's Office.

House Enrolled Act number 121-2009 created W.S. 21-18-225, which required the Commission to establish a state-wide community college building database to be used in the calculation of major maintenance requests and the prioritization of capital construction projects. These rules implement use of the now developed database and establish timelines for submissions of actual building square footage and capital construction funding requests. In addition, this legislation requires the Commission to revise the rules related to the disbursement of state funds for capital construction projects. These additions to the statutes and session law required amendments and additions to Sections 10, 11 and 12.

Throughout Chapter 5, and primarily in Sections 7, 8, and 9, language has been removed in an effort to eliminate redundant references already directed in statute. Also, numerous non-substantive changes have been made to grammar and punctuation.

Wyoming Community College Commission

2020 Carey Avenue, 8th Floor, Cheyenne WY 82002

Commissioners

Mr. Larry Atwell, Cheyenne
Ms. Charlene Bodine, Sheridan
Mr. Bruce Brown, Devils Tower
Ms. Sherri Lovercheck, La Grange
Ms. Sandra Meyer, Evanston
Mr. Jack Russell, Cody
Ms. Wendy Sweeny, Worland




Exofficio
Governor Matt Mead
State Superintendent Cindy Hill
Executive Director
Dr. James O. Rose

Phone: 307-777-7763
Fax: 307-777-6567
www.communitycolleges.wy.edu

MEMORANDUM

To: Mackenzie Williams
Assistant Attorney General

From: James O. Rose 
Executive Director

Date: May 21, 2012

Subject: Emergency Rules Filing

Attached please find the following documents:

1. Memorandum Documenting Emergency
2. Certification Page for Emergency Rules- Signed Original
3. Statement of Principal Reasons
4. Hard Copies- Chapters 1 and 5 Emergency Rules with Changes Identified
5. Hard Copies- Chapters 1 and 5 Emergency Rules with Changes Accepted

Hard copies of all documents contained in this memorandum have been delivered to the Legislative Service Office (LSO). Electronic copies of all documents have been e-mailed to you, the LSO and the Secretary of State.

Thank you for your assistance with this process.

Attachments (5)

c: Legislative Service Office
Secretary of State

JR/cs

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MEMORANDUM

To: Honorable Matt Mead, Governor
From: James O. Rose 
Date: May 21, 2012
Subject: Emergency Rules

On behalf of the Wyoming Community College Commission, I am requesting that these Rules be implemented as Emergency Rules. The changes included in Section 3 of Chapter Five include the addition of a course completion component, or enrollee success rate, into the funding allocation model for the community colleges. The Commission has been working with the colleges for many months to develop the definition of 'success'. We have recently completed those negotiations and are now able to amend our rules. There is not sufficient time to complete the regular rules process before the July 2012 state aid allocation to the colleges, so emergency rules are being implemented to prevent a lapse in coverage on this issue. The regular rules process is being initiated in conjunction with these emergency rules.

JR:cs

CHAPTER 1

DEFINITIONS

Emergency rules are no longer in effect 120 days after filing with the Secretary of State.

Section 1. Authority.

Wyoming Statutes 21-18-201 through 21-18-225.

Section 2. Purpose.

This chapter provides definitions utilized in *Commission Rules* which are not provided in statute.

Section 3. Definitions—Community College Commission.

This section provides definitions related to the Community College Commission (Commission).

(a) “AICPA standards” means the generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants.

(b) “Accreditation” means the process by a national or regional organization to grant public recognition of a program or college, indicating that it meets established standards of quality, as determined through initial and periodic self-study and peer evaluation.

(c) “Administration Computing System” (ACS) means the system that the Commission has purchased for the community colleges and itself, allowing for the following electronic processes to occur at each institution: student services, human resources, financial services, and data reporting. Through this system, the colleges have the capability to do their own analytics and send the resulting data, as well as raw data, to the Commission. Commission staff then utilizes the data received from the colleges within its own system to build reports for entities such as the legislature.

(d) “Adult Basic Education” (ABE) means all instructional and instructional-related activities provided to anyone above the age of compulsory attendance as defined by W.S. 21-4-102, to assist adults in obtaining the knowledge and skills necessary for employment, self-sufficiency, parenting, and improved quality of life. This includes but is not limited to basic literacy, English literacy, citizenship, family literacy, and high school equivalency.

(e) “Annualized Full-Time Equivalence” (AFTE) means the sum of the number of credit full-time equivalent students for the summer, fall, and spring semesters (final report), divided by two.

(f) “Annual report” means the report required by W.S. 9-2-1014.

(g) “Associate of Applied Science” (AAS) means a terminal, two-year degree designed for students planning to enter the workplace upon degree completion. This degree enables a

completer to transfer to a baccalaureate of applied science degree program and includes occupation-specific technical coursework.

(h) “Associate of Arts” (AA) means a two-year degree designed for students majoring in the arts, humanities, social sciences, and related disciplines. This degree prepares the student for transfer to a baccalaureate degree program and includes substantial coursework in the humanities, social sciences, arts and liberal arts.

(i) “Associate of Science” (AS) means a two-year degree designed for students majoring in science, technology, engineering, mathematics, business and other related disciplines. This degree prepares the student for transfer to a baccalaureate degree program and includes substantial coursework in mathematics, natural sciences, engineering, business and/or other related disciplines.

(j) “Auxiliary enterprises” means those entities that furnish goods or services to students, faculty or staff and charge a fee directly related, although not necessarily equal, to the cost of goods or services. Colleges will strive to operate their auxiliary enterprises in a self-supporting manner.

(k) “Board of Cooperative Educational Services” (BOCES) means an entity as described in W.S. 21-20-101 through 111.

(l) “Capital Construction” (CapCon) means:

(i) Capital Improvements and Capital Assets

(A) Acquisition of land, or a legal interest in land, in conjunction with the construction of a structure.

(B) Acquisition of existing structures, or legal interests in structures, in conjunction with an approved construction project.

(ii) Pre-Construction

(A) Activities related to designing a structure, including planning; architectural design; authorizing, issuing, carrying or repaying interim or permanent financing; research; land use and environmental impact studies; energy analyses; life-cycle cost studies; acquisition of permits or licenses; printing and publishing legal notices; and other required services.

(B) Activities related to grounds development.

(iii) Construction

(A) Acquisition and assembly of required building materials.

(B) Acquisition and installation of machinery or equipment (mechanical systems), including utilities, cabling, wiring, racks and furnishings or materials

that will become an integral part of a structure, and any instructional or scientific equipment.

(C) Purchase of services of contractors, architects, engineers, construction managers, and other consultants to manage and/or supervise the execution of a construction project.

(D) Procurement and placement of authorized Fixtures, Furniture and Equipment.

(E) Procurement and placement of authorized technology, computer, audio-visual and communication equipment and services.

(iv) Post-Construction

(A) Commissioning, grand opening, and issuance of certificate of occupancy.

(m) "Census date" means the official date for reporting enrollment data and shall be the date immediately following the twelve percent (12%) completion date of the instructional period. For open entry/exit courses, the census date shall be fifteen (15) working days after the student initiates the course.

(n) "CIP code" means the U.S. Department of Education's classification of postsecondary programs.

(o) "Concurrent enrollment course" means a college course section taught by high school faculty who have been approved as community college adjunct faculty and who are teaching said course as part of their duties as a school district employee. As such, these college courses simultaneously satisfy high school graduation requirements. These courses have been approved by the community college as having equivalent course content, learning objectives and work assignments as an existing college course. Course content and learning objectives are equivalent to the related community college course as determined and defined by community college faculty.

(p) "Cost of attendance" means an estimate of the student's educational expenses for the period of enrollment and includes tuition and fees, room and board, books, supplies, transportation, loan fees, and if applicable, dependant care and costs related to disability.

(q) "Course completion" or "completion" means a measure expressed as the percentage of enrollees who earned a grade of C or better out of all non-audit enrollees on or after the census date. More specifically, the numerator of the percentage calculation includes student course enrollments completed with grades of A, B, C, S and P. The denominator of the percentage calculation includes student course enrollments completed with grades of A, B, C, S, P, D, F, U, W and WI; student course enrollments completed with a grade of Incomplete are excluded from the denominator of the percentage calculation. This definition of completion is consistent with the National Community College Benchmark Project's definition of enrollee success rate.

(r) “Credit certificate” means a title conferred upon a student by a community college district upon completion of a coherent list of academic credit courses, which is less than the requirement for an associate degree.

(s) “Credit courses” means those courses that recognize the attendance and/or performance in an instructional activity (course or program) that can be applied by a recipient to requirements for a degree, diploma or certificate.

(t) “Credit diploma” means any title granted to a student by a community college district upon completion of a list of academic credit courses, which is less than either an associate degree or a credit certificate.

(u) “Credit hour” means the unit by which course work is measured as defined by the Higher Learning Commission’s Credit Hour Policy No 3.10(a).

(v) “Degree” means a title conferred on a student by a district on completion of a defined academic program of study approved by the local board of trustees and the Commission.

(w) “Discontinued program” means an instructional program that a community college has officially closed to new students and is unable to offer again until the Commission reapproves it.

(x) “Distance learning” means the student and faculty member are separated by time or space.

(y) “Dual enrollment credit” means credit given to qualified high school students who complete college level courses for which the community college hires and pays the instructor and in which the school district agrees to allow high school graduation credit.

(z) “Duplicated headcount” means that within a survey or polling exercise of numerous programs and/or courses, a student may be counted more than once. See also “Unduplicated headcount.”

(aa) “FAFSA” means Free Application for Federal Student Aid.

(bb) “Family Educational Rights and Privacy Act” (FERPA), (20 U.S.C. 1232g; 34 CFR Part 99 and any future amendments) means the federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

(cc) “Federal financial assistance” means aid provided to students by the federal government in the form of grants, loans, or work-study programs.

(dd) “Fees” means the amount charged by an individual college to cover costs including, but not limited to, specific courses and/or programs and general services. The fee assessments must be approved by the respective college prior to being published and charged.

(ee) “Financial aid officer” means the employee of the University of Wyoming or of the community colleges designated as such.

(ff) “Financial institution” means any banking corporation or institution engaged primarily in lending or investing funds and authorized to do business in the state.

(gg) “General Educational Development” (GED) means the high school equivalency certificate obtained by passing all components of a national exam prepared by the accredited organization recognized by the Commission.

(hh) “Hybrid course” means a course which integrates distance learning and face-to-face modes to provide student access to instruction and learning.

(ii) “Integrated Postsecondary Education Data System” (IPEDS) means the web-based data collection system used for annual institution-level data collections, as required by the U.S. Department of Education.

(jj) “Levels of instruction” means college credit courses that are based on a course’s description of class size, required equipment and instructional methods necessary to successfully educate students. The level a course is assigned has been approved by the Commission, committees and councils outlined in the *WCCC Policy on Consultation*.

(i) Level One: Students are guided by an instructor through course material via classroom lecture, limited field trips, multimedia, text book reading, written assignments, and one-on-one tutorial. Students rely on the instructor to lead the class and assign appropriate homework, as well as tests, based on class lecture.

(ii) Level Two: Students engage in hands-on techniques in a laboratory setting that are critical for obtaining course knowledge. Students must work somewhat independently while in class to learn and demonstrate skills. Courses are supplemented but not solely based on lecture, textbook reading, field trips, writing assignments and the use of multimedia. This level also incorporates courses that have enrollment limitations.

(iii) Level Three: Students engage in courses that are highly technical or require significant ancillary equipment. These courses incorporate all methods of instruction with the primary emphasis of instruction centering on equipment: viewing, demonstrations and hands-on experiences. Level three shall also incorporate courses that have enrollment limitations.

(kk) “Long-term program” means programs that are anticipated to be continually offered. These long-term programs have gone through rigorous multi-level approval processes.

(ll) “Management Information System” (MIS) means an organized method of providing information related to past, present, and projected operations. MIS supports the planning and operational functions of an organization by furnishing uniform, timely information to assist in the decision-making process.

(mm) “National Association of College and University Business Officers (NACUBO) standards” means the generally accepted accounting standards promulgated by the National Association of College and University Business Officers and adopted by the community colleges.

(nn) “Non-credit course” means all courses that are not defined as a credit course.

(oo) “Official Custodian” of public records for the Commission means the executive director.

(pp) “Optional Mills” means a board-approved levy of up to one (1) additional mill for the regular support and operation of the college permitted by W.S. 21-18-303(b), a voter-approved levy of up to five (5) mills for specific purpose expenditures permitted by W.S. 21-18-311(f), or a board-approved levy of up to one-half (1/2) mill to maintain programs offered by a participating Board of Cooperative Educational Services (BOCES) permitted by W.S. 21-20-109(a).

(qq) “Pilot programs” means programs that have an abbreviated implementation process to meet the immediate educational needs of the community, business sector, or academic mission of the college.

(rr) “Program” means an ordered sequence of instructional coursework that upon completion leads to a community college district conferring an associate degree, conferring a credit certificate, granting a credit diploma, or granting any non-credit title.

(ss) “Total and permanent disability” means the inability to work and earn money because of an injury or illness that is expected to continue indefinitely or result in death.

(tt) “Tuition” means the rate established by the Commission to be charged by a college for enrollment in credit courses.

(uu) “Tuition cap” means a policy to limit the number of credits for which tuition is assessed within a given semester.

(vv) “Unduplicated headcount” means that within a survey or polling exercise of numerous programs and/or courses, a student shall be counted only once. See “Duplicated headcount.”

(ww) “Unmet need” means the student’s total cost of attendance minus the effective family contribution (as determined by the FAFSA process) and all aid available to the student including grants, work study programs, scholarships, or any other public or private financial aid provided to the student.

(xx) “Western Interstate Commission for Higher Education” (WICHE) is a regional, nonprofit organization. Membership includes 15 western states that work to improve access to higher education and ensure student success.

(yy) “Western Undergraduate Exchange” (WUE) is a regional tuition-reciprocity agreement that enables students from WICHE states to enroll in participating two- and four-year public institutions at 150 percent of the enrolling institution’s resident tuition rate.

Section 4. Definitions—Wyoming Investment in Nursing Program (WYIN).

This section provides definitions related to the Wyoming Investment in Nursing Program.

(a) “ADN” means a nurse who has completed an Associate’s (2-year) Degree and is eligible to take the licensure exam for registered nursing.

(b) “Approved higher education institution” means one of the seven Wyoming community colleges, the University of Wyoming, an institution included in the WICHE, or a distance nursing education program at a university that is regionally accredited.

(c) “BSN” means Baccalaureate of Science in Nursing.

(d) “Certified Nurse Aide (CNA)” means a nurse aide, certified by the WY State Board of Nursing.

(e) “Licensure examination” means the test required for the WY State Board of Nursing to grant an individual a license to practice nursing.

(f) “Licensed Practical Nurse (LPN)” means a Practical Nurse who has completed a certificate program and passed the practical nurse licensure exam as required by the WY State Board of Nursing.

(g) “Nursing program” means a series of courses leading to an LPN certificate or an ADN degree provided through a Wyoming community college; or a BSN degree or a Master’s degree provided through the University of Wyoming; or, in the case of a candidate for a doctoral degree, provided through an institution offering the required nursing education courses under contract with the WICHE, or in a distance nursing education program provided through a university that is regionally accredited.

(h) “Practical Nurse” (PN) means a nurse who has completed a certificate program.

(i) “Qualified work” means employment in Wyoming as an LPN or RN who practices nursing or a nurse educator who teaches at a nurse education program at a Wyoming community college or the University of Wyoming.

(j) “Registered Nurse (RN)” means a nurse who has graduated from a nursing program at a regionally accredited university or college, has passed the state examination for licensure, and has been registered and licensed to practice by the WY State Board of Nursing.

(k) “Unencumbered license” means a permit to practice nursing without restrictions imposed by the WY State Board of Nursing.

Section 5. Definitions—Wyoming Teacher Shortage Loan Repayment Program (TSLRP).

This section provides definitions related to the Wyoming Teacher Shortage Loan Repayment Program.

(a) “Qualified work” means teaching at least fifty percent (50%) of working hours as a teacher in a Wyoming public school in a qualified area as designated in W.S. 21-7-601.

CHAPTER 1

DEFINITIONS

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Section 1. Authority.

Wyoming Statutes 21-18-201 through 21-18-225).

Section 2. Purpose ~~Applicability~~.

This chapter provides definitions utilized in *Commission Rules* which are not provided in statute.

Section 3. Definitions—Community College Commission.

This section provides definitions related to the Community College Commission (Commission).

(a) “AICPA standards” means the generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants.

~~(b) “Accounting terms and functions are defined as the most recent nomenclature of the National Association of College and University Business Officers (NACUBO).”~~

(be) “Accreditation” means the process by a national or regional organization to grant public recognition of a program or college, indicating that it meets established standards of quality, as determined through initial and periodic self-study and peer evaluation.

(c) “Administrative Computing System” (ACS) means the system that the Commission has purchased for the community colleges and itself, allowing for the following electronic processes to occur at each institution: student services, human resources, financial services, and data reporting. Through this system, the colleges have the capability to do their own analytics and send the resulting data, as well as raw data, to the Commission. Commission staff then utilizes the data received from the colleges within its own system to build reports for entities such as the legislature.

(d) “Adult ~~b~~Basic ~~e~~Education” (ABE) means all instructional and instructional-related activities provided to anyone ~~age sixteen (16)~~ above the age of compulsory attendance as defined by W.S. 21-4-102, and older to assist adults in obtaining the knowledge and skills necessary for employment, self-sufficiency, parenting, and improved quality of life. This includes but is not limited to basic literacy, English literacy, citizenship, family literacy, and high school equivalency.

(e) “Annualized ~~f~~Full-~~t~~Time ~~e~~Equivalence (AFTE)” means the sum of the number of credit full-time equivalent students for the summer, fall, and spring semesters (final report), divided by two.

(f) “Annual report” means the report required by (W.S. 9-2-1014).

(g) “Associate of Applied Science” (AAS) means a terminal, two-year degree designed for students planning to enter the workplace upon degree completion. This degree enables a completer to transfer to a baccalaureate of applied science degree program and includes occupation-specific technical coursework.

(h) “Associate of Arts” (AA) means a two-year degree designed for students majoring in the arts, humanities, social sciences, and related disciplines. This degree prepares the student for transfer to a baccalaureate degree program and includes substantial coursework in the humanities, social sciences, arts and liberal arts.

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~~(jg)~~ “Auxiliary enterprises” means those entities that furnish goods or services to students, faculty or staff and ~~which~~ charge a fee directly related, although not necessarily equal, to the cost of goods or services. Colleges will strive to operate their auxiliary enterprises in a self-supporting manner.

(k) “Board of Cooperative Education Services” (BOCES) means an entity as described in W.S. 21-20-101 through 111.

(l) “Capital Construction” (CapCon) means:

(i) Capital Improvements and Capital Assets

(A) Acquisition of land, or a legal interest in land, in conjunction with the construction of a structure.

(B) Acquisition of existing structures, or legal interests in structures, in conjunction with an approved construction project.

(ii) Pre-Construction

(A) Activities related to designing a structure, including planning; architectural design; authorizing, issuing, carrying or repaying interim or permanent financing; research; land use and environmental impact studies; energy analyses; life-cycle cost studies; acquisition of permits or licenses; printing and publishing legal notices; and other required services.

(B) Activities related to grounds development.

(iii) Construction

(A) Acquisition and assembly of required building materials.

(B) Acquisition and installation of machinery or equipment (mechanical systems), including utilities, cabling, wiring, racks and furnishings or materials that will become an integral part of a structure, and any instructional or scientific equipment.

(C) Purchase of services of contractors, architects, engineers, construction managers, and other consultants to manage and/or supervise the execution of a construction project.

(D) Procurement and placement of authorized Fixtures, Furniture and Equipment.

(E) Procurement and placement of authorized technology, computer, audio-visual and communication equipment and services.

(iv) Post-Construction

(A) Commissioning, grand opening, and issuance of certificate of occupancy.

(mh) “Census date” means the official date for reporting enrollment data and shall be the date immediately following the twelve percent (12%) completion date of the instructional period. For open entry/exit courses, the census date shall be fifteen (15) working days after the student initiates the course.

(ni) “CIP code” means the U.S. Department of Education's classification of postsecondary programs.

(oj) ~~“Concurrent/dual enrollment course”~~ means ~~a college course section courses that are college courses~~ taught by high school faculty who have been approved as community college adjunct faculty and who are teaching said course as part of their duties as a school district employee. As such, these college courses simultaneously satisfy high school graduation requirements. These courses have been approved by ~~one of the community colleges~~ as having equivalent course content, learning objectives and work assignments as an existing college course. Course content and learning objectives are equivalent to the related community college course as determined and defined by community college ~~full-time~~ faculty.

(p) “Cost of attendance” means an estimate of the student’s educational expenses for the period of enrollment and includes tuition and fees, room and board, books, supplies, transportation, loan fees, and if applicable, dependant care and costs related to disability.

(q) “Course completion” or “completion” means a measure expressed as the percentage of enrollees who earned a grade of C or better out of all non-audit enrollees on or after the census date. More specifically, the numerator of the percentage calculation includes student course enrollments completed with grades of A, B, C, S and P. The denominator of the percentage calculation includes student course enrollments completed with grades of A, B, C, S, P, D, F, U, W and WI; student

course enrollments completed with a grade of Incomplete are excluded from the denominator of the percentage calculation. This definition of completion is consistent with the National Community College Benchmark Project's definition of enrollee success rate.

(r) "Credit certificate" means a title conferred upon a student by a community college district upon completion of a coherent list of academic credit courses, which is less than the requirement for an associate degree.

~~(sk)~~ "Credit courses" means those courses that recognize the attendance and/or performance in an instructional activity (course or program) that can be applied by a recipient to requirements for a degree, diploma or certificate.

(t) "Credit diploma" means any title granted to a student by a community college district upon completion of a list of academic credit courses, which is less than either an associate degree or a credit certificate.

(ul) "Credit hour" means the unit by which course work is measured as defined by the Higher Learning Commission's Credit Hour Policy No. 3.10(a).

~~(y#)~~ "Degree" means a title conferred on a student by a district on completion of a defined academic program of study approved by the local board of trustees and the Commission.

(w) "Discontinued program" means an instructional program that a community college has officially closed to new students and is unable to offer again until the Commission reapproves it.

(x) "Distance learning" means the student and faculty member are separated by time or space.

~~(y#)~~ "Dual enrollment credit" means credit ~~is~~ given to a qualified high school students who complete college level courses for which ~~one of~~ the community colleges hires and pays the instructor and in which the ~~high~~ school district agrees to allow high school graduation credit.

~~(z#)~~ "Duplicated headcount" means that within a survey or polling exercise of numerous programs and/or courses, a student may be counted more than once. See also "Unduplicated headcount."

(aa) "FAFSA" means Free Application for Federal Student Aid.

(bb) "Family Educational Rights and Privacy Act" (FERPA), (20 U.S.C 1232g; 34 CFR Part 99 and any future amendments) means the federal laws that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

(cc) "Federal financial assistance" means aid provided to students by the federal government in the form of grants, loans, or work-study programs.

~~(ddp)~~ “Fees” means the amount charged by ~~the an~~ individual colleges to cover ~~additional~~ costs including, but not limited to, for specific courses and/or programs and general services. The fee assessments must be approved by the respective college prior to being published and charged.

(ee) “Financial aid officer” means the employee of the University of Wyoming or of the community colleges designated as such.

(ff) “Financial institution” means any banking corporation or institution engaged primarily in lending or investing funds and authorized to do business in the state.

~~(ggg)~~ “General Educational Development (GED)” means the high school equivalency certificate obtained by passing all components of a national exam prepared by the accredited organization recognized by the Commission ~~American Council on Education’s General Educational Development Testing Service.~~

(hh) “Hybrid course” means a course which integrates distance learning and face-to-face modes to provide student access to instruction and learning.

(ii) “Integrated Postsecondary Education Data System” (IPEDS) means the web-based data collection system used for annual instruction-level data collections, as required by the U.S. Department of Education.

~~(jjf)~~ “Levels of instruction” means college credit courses that are based on a course’s description of class size, required equipment and ~~classroom environment~~ instructional methods necessary to successfully educate students. The level a course is assigned has been approved by the Commission, committees and councils outlined in the ~~Wyoming Community College Commission~~ WCCC Policy on Consultation.

(i) Level One: Students are guided by an instructor through course material via classroom lecture, limited field trips, multimedia, text book reading, written assignments, and one-on-one tutorial. Students rely on the instructor to lead the class and assign appropriate homework, as well as tests, based on class lecture.

(ii) Level Two: Students engage in hands-on techniques in a laboratory setting that are critical for obtaining course knowledge. Students must work somewhat independently while in class to learn and demonstrate skills. Courses are supplemented but not solely based on lecture, textbook reading, field trips, writing assignments and the use of multimedia. This level also incorporates courses that have ~~total student size~~ enrollment limitations.

(iii) Level Three: Students engage in courses that are highly technology technical or require significant ancillary equipment. These courses incorporate all methods of instruction with the primary emphasis of instruction centering on equipment: viewing, demonstrations and hands-on experiences. Level three shall also incorporate courses that have ~~total student size~~ enrollment limitations.

~~(kks)~~ “Long-term program” means programs that are anticipated to be continually offered. These long-term programs have gone through rigorous multi-level approval processes.

(llt) “Management Information System (MIS)” means an organized method of providing information related to past, present, and projected operations. ~~An~~ MIS supports the planning and operational functions of an organization by furnishing uniform, timely information to assist in the decision-making process.

(mmu) “National Association of College and University Business Officers (NACUBO) standards” means the generally accepted accounting standards promulgated by the National Association of College and University Business Officers and adopted by the ~~Wyoming Community College System~~ community colleges.

(nnv) “Non-credit course” means all courses that are not defined as a credit course.

(oox) ~~The~~ “Official Custodian” of public records for the Commission means ~~is~~ the executive director.

(ppx) “Optional Mills” ~~include~~ means a board-approved levy of up to one (1) additional mill for the regular support and operation of the college permitted by W.S. 21-18-303(b), a voter-approved levy of up to five (5) mills for specific purpose expenditures permitted by W.S. 21-18-311(f), or a board-approved levy of up to one-half (1/2) mill to maintain programs offered by a participating ~~Board of~~ eCooperative eEducational sServices (BOCES) permitted by W.S. 21-20-109(a).

(qqy) “Pilot programs” means programs that have an abbreviated implementation process to meet the immediate educational needs of the community, business sector, or academic mission of the college.

(rr) “Program” means an ordered sequence of instructional coursework that upon completion leads to a community college district conferring an associate degree, conferring a credit certificate, granting a credit diploma, or granting any non-credit title.

(ss) “Total and permanent disability” means the inability to work and earn money because of an injury or illness that is expected to continue indefinitely or result in death.

(ttz) “Tuition” means the rate established by the Commission to be charged by a college for enrollment in credit courses.

(uu) “Tuition cap” means a policy to limit the number of credits for which tuition is assessed within a given semester.

(vva) “Unduplicated headcount” means that within a survey or polling exercise of numerous programs and/or courses, a student shall be counted only once. See “Duplicated headcount.”

(ww) “Unmet need” means the student’s total cost of attendance minus the effective family contribution (as determined by the FAFSA process) and all aid available to the student including grants, work study programs, scholarships, or any other public or private financial aid provided to the student.

(xx) “Western Interstate Commission for Higher Education” (WICHE) is a regional, nonprofit organization. Membership includes 15 western states that work to improve access to higher education and ensure student success.

(yy) “Western Undergraduate Exchange” (WUE) is a regional tuition-reciprocity agreement that enables students from WICHE states to enroll in participating two- and four-year public institutions at 150 percent of the enrolling institution’s resident tuition rate.

Section 4. Definitions—Wyoming Investment in Nursing Program (WYIN).

This section provides definitions related to the Wyoming Investment in Nursing Program.

(a) “~~ADRN~~” means ~~Registered Nurse with an Associate’s (2-year) Degree~~ a nurse who has completed an Associate’s (2-year) Degree and is eligible to take the licensure exam for registered nursing.

(b) “Approved higher education institution” means one of the seven Wyoming community colleges, the University of Wyoming, an institution included in the ~~Western Interstate Commission for Higher Education WICHE~~, or a distance nursing education program at a university that is regionally accredited.

~~(c) “Board of Directors” or “Board” mean the members of the Community College Commission.~~

~~(d) “Board of Nursing” is the Wyoming agency which examines, licenses, renews, relicenses, and reactivates the licenses of duly qualified individuals to practice nursing within the state of Wyoming.~~

(ce) “BSN” means Baccalaureate of Science in Nursing.

~~(f) “Community college” means any of the seven 2-year institutions of higher education in Wyoming recognized by the Wyoming Community College Commission.~~

~~(g) “Cost of Attendance” means tuition and fees; on-campus room and board or a housing and food allowance for off-campus students; allowances for books, supplies, transportation, loan fees, and, if applicable, dependant care; and costs related to disability.~~

~~(h) “Distance learning” means an educational program delivered primarily through means other than on-site instruction.~~

(i) “FAFSA” means Free Application for Federal Student Aid.

~~(j) “Federal financial assistance” means grants from the United States Department of Education or other federal agencies.~~

~~(k) “Financial aid officer” means a financial aid officer of the University of Wyoming or of the seven designated colleges.~~

~~(l) “Financial institution” means any banking corporation or institution engaged primarily in lending or investing funds and authorized to do business in the state.~~

(d) “Certified Nurse Aide (CNA)” means a nurse aide, certified by the WY State Board of Nursing.

~~(em)~~ “Licensure examination” means the test required before for the WYyoming State Board of Nursing to grants an individual a license to practice nursing.

~~(fn)~~ “Licensed Practical Nurse (LPN)” means Licensed a Practical Nurse who has completed a certificate program and passed the practical nurse licensure exam as required by the WY State Board of Nursing.

~~(o) “Nurse aide” means an individual, certified by the Wyoming Board of Nursing, to whom a licensed nurse may delegate nursing or nursing related activities or who assists licensed nursing personnel in the provision of nursing care, and who is not otherwise licensed as a health care professional.~~

~~(gp)~~ “Nursing program” means a series of courses leading to an LPN certificate or an ADN degree provided through a Wyoming community college; or a BSN degree or a Master’s degree provided through the University of Wyoming; or, in the case of a candidate for a doctoral degree, provided through an institution offering the required nursing education courses under contract with the WICHE, or in a distance nursing education program provided through a university that is regionally accredited.

(h) “Practical Nurse” (PN) means a nurse who has completed a certificate program.

~~(iq)~~ “Qualified work” means employment in Wyoming as an LPN or RN who practices nursing or a nurse educator who teaches at a nurse education program at a Wyoming community college or the University of Wyoming.

~~(jr)~~ “Registered Nurse (RN)” means Registered Nurse a nurse who has graduated from a nursing program at a regionally accredited university of college, has passed the state examination for licensure, and has been registered and licensed to practice by the WY State Board of Nursing.

~~(s) “Total and permanent disability” means the inability to work and earn money because of an injury or illness that is expected to continue indefinitely or to result in death.~~

~~(kt)~~ “Unencumbered license” means a permit to practice nursing without restrictions imposed by the WYyoming State Board of Nursing.

~~(u) “Unmet need” means the total amount of financial need as determined by the FAFSA process as administered by the school minus the following:~~

~~(i) — Any Pell or other federal grant;~~

~~(ii) — Any employer based financial assistance received by the applicant; and~~

~~(iii) — Any other public or private financial aid that is provided to the applicant as a scholarship or grant.~~

~~(v) “WICHE” means Western Interstate Commission for Higher Education.~~

Section 5. Definitions—Wyoming Teacher Shortage Loan Repayment Program (TSLRP).

This section provides definitions related to the Wyoming Teacher Shortage Loan Repayment Program.

~~(a) “Cost of Attendance” means tuition and fees; on-campus room and board or a housing and food allowance for off-campus students; allowances for books, supplies, transportation, loan fees, and, if applicable, dependant care; and costs related to disability.~~

~~(b) “FAFSA” means Free Application for Federal Student Aid.~~

~~(c) “Federal financial assistance” means grants from the United States Department of Education or other federal agencies.~~

~~(d) “Financial institution” means any banking corporation or institution engaged primarily in lending or investing funds and authorized to do business in the state.~~

~~(ae) “Qualified work” means teaching at least fifty percent (50%) of working hours as a teacher in a Wyoming public school in a qualified area as designated in W.S. 21-7-601. in special education, mathematics or science in a Wyoming public school.~~

~~(e) “Total and permanent disability” means the inability to work and earn money because of an injury or illness that is expected to continue indefinitely or to result in death.~~

~~(f) “Unmet need” means the total amount of financial need as determined by the FAFSA process as administered by the school minus the following:~~

~~(i) — Any Pell or other federal grant;~~

~~(ii) — Any employer based financial assistance received by the applicant; and~~

~~(iii) — Any other public or private financial aid that is provided to the applicant as a scholarship or grant.~~

CHAPTER 5 RULES ADMINISTRATIVE FUNCTIONS

Emergency rules are no longer in effect 120 days after filing with the Secretary of State.

Section 1. Authority.

Wyoming Statute 21-18-202(c), (d) and (h), 21-18-203(a), 21-18-205(b), (c) and (e), and 21-18-225.

Section 2. Purpose.

This chapter governs the Commission's administrative functions.

Section 3. Creating and Maintaining a Funding Allocation Model.

(a) Wyoming Statute 21-18-205 created a statewide community college system operations funding mechanism based upon a statewide community college system strategic planning process attaching funding to state interests.

(i) The basis for fiscal-year 2013 and fiscal-year 2014 funding shall be the sum of:

(A) The 2011-2012 biennial budget appropriation for state aid to community colleges, adjusted by:

(I) Subtraction of the portion of the budget appropriation restricted to reimbursement of community college employee health insurance premiums (unless appropriated separately by the legislature); and

(II) Recapture and redistribution of state aid as calculated in August 2011.

(B) Any adjustments to base made by the Budget Division of the Department of Administration and Information, excluding any amount appropriated for reimbursement of increased retirement contributions made on behalf of community college employees.

(C) Community college district revenue, which is defined to include:

(I) Actual 4-mill revenue for fiscal-year 2011, and 99 percent of 4-mill revenue calculated against the 2011 certified assessment;

(II) Two times the amount of actual motor vehicle registration revenue for fiscal-year 2011; and

(III) Two times the amount of actual other revenue for fiscal-year 2011.

(ii) For each community college, the sum of the adjusted 2011-2012 biennial budget appropriation for state aid, net Budget Division adjustments to base, and the community college district revenue shall be divided by two to establish annual college-specific base funding amounts.

(iii) The annual college-specific base funding amounts shall be separated into fixed cost and variable cost portions that must be recalculated at least once every four years, based upon the following definitions of these costs, and the following procedures for determining the college-specific costs:

(A) Definitions of fixed and variable costs:

(I) Fixed costs include mandatory transfers and those operating costs that do not vary with enrollment. Such costs include the majority of administrative costs as well as operating costs related to facilities (e.g., utilities, maintenance and small repairs). Fixed costs include all or a substantial portion of costs classified as plant operation and maintenance, institutional support, academic support and student services. Also included in fixed costs is a relatively smaller portion of instructional costs representing costs for academic administrators, faculty (i.e., those with tenure or on continuing contracts) and related operating costs.

(II) Variable costs are those operating costs that vary proportionally with enrollment or represent step-variable costs. Step-variable costs increase or decrease based on enrollment fluctuation but not necessarily proportionally. Instead, step-variable costs remain static for a range of enrollments and increase once the range is exceeded (or decrease when enrollment drops below the range). The step-variable costs remain static above the range until the next level of enrollment is reached (or vice versa in the case of enrollment declines). Variable costs include all or a substantial portion of operating costs classified as instruction, service and student financial aid. Additionally, variable costs include all operating costs for extension (remote) operations that lack permanently assigned administrative staff (or contractual facilities-related costs).

(B) Procedures for determining college-specific fixed and variable costs:

(I) The relevant costs for the calculation of college-specific fixed and variable costs are the Fund 10 costs, after excluding capital costs and non-mandatory transfers. The first step is to sort these costs, by location, into standard functional categories as follows: instruction; service; academic support; student services; institutional support; plant operations and maintenance; student financial aid; mandatory transfers; and extension operations. The definitions for these standard functional categories are provided in section 604.26 of the *Financial Accounting and Reporting Manual for Higher Education* published by the NACUBO, and they are the same definitions relied on by the U.S. Department of Education National Center for Education Statistics for use in the IPEDS.

(II) Once the costs are sorted by location, it is necessary to determine which locations will be treated as campus locations and which will be treated as extension (remote) locations. A campus location is one that incurs the full range of operating costs for academic and related purposes. An extension location is one that utilizes a more streamlined operation consisting almost exclusively of classroom instruction. The distinguishing characteristic of extension locations is the absence of permanently assigned administrative staff

and/or the absence of contractual facilities-related costs. The operating costs for extension locations are deemed to be fully variable while the operating costs for campuses vary by functional category.

(III) Campus location costs are sorted by function and summed to generate a total, by function, of each community college's campuses. The following standard percentages are applied to the functional cost category totals to determine the portion of each function that is fixed or variable:

Instruction – 35 percent fixed and 65 percent variable;

Service – 0 percent fixed and 100 percent variable;

Academic support – 80 percent fixed and 20 percent variable;

Student services – 70 percent fixed and 30 percent variable;

Institutional support – 90 percent fixed and 10 percent variable;

Plant operations and maintenance – 95 percent fixed and 5 percent variable;

Student financial aid – 0 percent fixed and 100 percent variable;

Mandatory transfers – 100 percent fixed and 0 percent variable; and

Extension operations – 0 percent fixed and 100 percent variable

(IV) The fixed amounts for each functional cost category are summed, producing the total fixed costs for the community college. The variable amounts for each functional cost category are summed and added to the total costs for all extension locations. This results in two totals - one for fixed costs and one for variable costs. These costs are summed to produce the total relevant costs for the community college.

(V) The final step is the calculation of the fixed and variable cost percentages. The total for the fixed costs is divided by the total costs for the community college to produce the fixed cost percentage. The total for the variable costs is divided by the total costs for the community college to produce the variable cost percentage.

(iv) The base period total weighted credit hours shall be the sum of the following:

(A) Academic years 2004 and 2005 Level One credit hours multiplied by a factor of 1.0;

(B) Academic years 2004 and 2005 Level Two credit hours multiplied by a factor of 1.5; and

(C) Academic years 2004 and 2005 Level Three credit hours multiplied by a factor of 2.0.

(v) The base period total weighted credit hours shall be divided by two to establish the base period system-wide average weighted credit hours.

(vi) The variable costs portion of the annual system-wide base funding amount shall be divided by the base period system-wide average weighted credit hours to establish the base period system-wide credit-hour revenue.

(A) The base period system-wide credit-hour revenue shall be multiplied by the percentage of the system-wide adjusted 2011-2012 biennial budget appropriation for state aid

to the sum of this adjusted appropriation for state aid and the system-wide community college district revenue. The product of this shall be the state-funded system-wide credit-hour revenue.

(vii) For each community college, the current biennial weighted credit hours shall be the sum of the following:

(A) Academic years 2010 and 2011 Level One credit hours multiplied by a factor of 1.0;

(B) Academic years 2010 and 2011 Level Two credit hours multiplied by a factor of 1.5; and

(C) Academic years 2010 and 2011 Level Three credit hours multiplied by a factor of 2.0.

(viii) For each community college, the current biennial weighted credit hours shall be divided by two to establish the current annual college-specific weighted credit hours.

(ix) For each community college, a course completion rate (i.e., enrollee success rate) shall be calculated for each academic-year, beginning with academic-year 2010.

(A) Each year upon receipt of the most recent course completion rates, the following changes and differences shall be calculated:

(I) percentage change between the average of the most recent course completion rate and the previous year's completion rate (hereinafter referred to as "the current average course completion rate") and the average of the previous year's completion rate and the completion rate from the year preceding that (hereinafter referred to as "the previous average course completion rate"); and

(II) percentage point difference between the current average course completion rate, and a threshold equal to 77.84 percent (i.e., 105 percent of the median value of the Fall 2009 national aggregate enrollee success rate published by the National Community College Benchmark Project) or 105 percent of the median value of the most recent national aggregate enrollee success rate published by the National Community College Benchmark Project, whichever is greater (hereinafter referred to as "the NCCBP threshold").

(1.) When calculating the course completion funding allocations for fiscal-year 2013, when completion rates are only available for academic-years 2010 and 2011, two-year averages cannot be used, so the percentage change and the percentage point difference shall be based upon single academic years.

(x) College-specific variable cost state funding shall be calculated as the sum of the following calculations:

(A) multiplying the base period college-specific average weighted credit hours by the base period system-wide credit-hour revenue, and then multiplying this product by the percentage of the community college's adjusted 2011-2012 biennial budget appropriation for state

aid to the sum of this adjusted appropriation for state aid and its community college district revenue (to be distributed four times per year).

(I) Ten percent of this variable cost state funding shall not be subject to recapture/redistribution, and shall be allocated as follows:

(1.) The percentage change between the current average course completion rate and the previous average course completion rate shall be added to the percentage point difference between the current average course completion rate and the NCCBP threshold. This sum shall represent the composite change.

(2.) If the community college's composite change is negative, 1 percent of this portion of its variable cost state funding shall be forfeited for every percent of change, or fraction thereof.

(3.) This forfeiture of funds shall be summed for all community colleges whose composite changes are negative, and this sum shall constitute the pool of funds to be proportionally reallocated to community colleges whose composite changes are positive after being adjusted to reflect state versus local funding proportions.

(II) If the composite changes for all community colleges are either greater than the NCCBP threshold or less than the NCCBP threshold, the full 10 percent of this variable cost state funding shall remain exempt from recapture/redistribution, but shall not be subject to reallocation.

(B) multiplying the difference between the current annual college-specific weighted credit hours and the base period college-specific average weighted credit hours (which represents enrollment growth to-date) by the state-funded system-wide credit hour revenue (to be distributed in full in July of even-numbered years).

(I) Ten percent of this one-time variable cost state funding shall not be subject to recapture/redistribution, and shall be allocated as outlined above in Section 3(a)(x)(A)(I) through (II).

(xi) For both fiscal-year 2013 and fiscal-year 2014, college-specific fixed cost state funding shall be calculated by multiplying the fixed cost portion of the annual college-specific base funding amounts by the percentage of the college's adjusted 2011-2012 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue.

(xii) If the sum of system-wide variable cost state funding and system-wide fixed cost state funding exceeds the system-wide adjusted 2011-2012 biennial budget appropriation for state aid, the difference shall be attributed to enrollment growth, and such difference can only be funded by means of an approved exception budget request.

(xiii) Amounts of the system-wide adjusted 2013-2014 biennial budget appropriation not distributed under the funding allocation model shall be distributed proportionately based on variable cost state funding for base period enrollment.

(xiv) For fiscal-year 2013 and/or fiscal-year 2014, external cost adjustments can be applied to variable cost state funding and/or fixed cost state funding. The external cost adjustment for variable cost state funding shall be based upon the most recent Employment Cost Index for post-secondary institutions available at the time of biennial budget submission, published by the US Department of Labor – Bureau of Labor Statistics. The external cost adjustment for fixed cost state funding shall be based upon the most recent Consumer Price Index available at the time of biennial budget submission, also published by the US Department of Labor – Bureau of Labor Statistics. The application of any external cost adjustment will necessarily increase the demand for state funding, and accordingly, any such increase can only be funded by means of an approved exception budget request.

(A) External cost adjustments can also be applied to state funding of Wyoming Public Television. However, given that enrollment is not a factor in Wyoming Public Television's operations, the external cost adjustment shall be based solely upon the most recent Consumer Price Index available at the time of biennial budget submission.

(xv) For fiscal-year 2013 and fiscal-year 2014, annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to the community colleges based on their proportionate share of the sum of the adjusted 2011-2012 biennial budget appropriation for state aid and the community college district revenue, as calculated in support of the 2013-2014 biennial budget request.

(xvi) A spreadsheet depicting the operation of the funding allocation model for 2013-2014 shall be included in the *Fiscal Handbook*.

(xvii) The enrollment growth funding pool is intended to provide variable cost state funding for increased enrollment and course completion in a more timely fashion than recognition of increased enrollment and course completion during preparation of the subsequent biennial budget request. The respective proportions of the enrollment growth funding pool available for increased enrollment and for course completion shall be the same as for appropriations for enrollment growth and course completion known at the time of biennial budget preparation. Funding for the pool shall be an exception budget request, with any unspent balance subject to reversion. Should an appropriation not be made for the enrollment growth funding pool during the Budget Session, an exception budget request may be made during the General Session, consisting of known enrollment growth for the preceding academic year and projected enrollment growth for the current year.

(A) In October of each year, following the Commission's approval of the annual enrollment report, the current biennial weighted credit hours for each college shall be recalculated by utilizing the most recent weighted credit hours in place of the two-year-old weighted credit hours.

(B) For each community college, the current biennial weighted credit hours shall then be divided by two to establish the current annual college-specific weighted credit hours.

(C) College-specific variable costs state funding payable from the enrollment growth funding pool shall then be calculated by multiplying the positive difference between the current annual college-specific weighted credit hours (utilizing the most recent

weighted credit hours and one-year-old weighted credit hours) and the annual college-specific weighted credit hours (utilizing one-year-old and two-year-old weighted credit hours) by the state-funded system-wide credit-hour revenue.

(D) The calculation of college-specific variable cost state funding payable from the enrollment growth funding pool shall then be divided by two, and the resulting amount shall be distributed to the community colleges at the same time as the December and March distributions of state aid, but shall be identified separately given that the source of funding for the enrollment growth funding pool can only be appropriated through the exception budget request process.

(xviii) For biennia after 2013-2014, the funding allocation model shall operate in the same manner as described above, except that all yearly references shall be increased by two, excluding those establishing the base period total weighted credit hours, and the base period system-wide average weighted credit hours.

(b) If it is determined that the funding allocation model established by rule and in accordance with W.S. 21-18-205 is no longer the appropriate method for determining the funding request for the community colleges, and no other funding allocation model has been developed, funding requests for specifically identified needs may be submitted in the biennial budget request until a new funding allocation model has been approved and rules have been promulgated.

(i) Annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to colleges based on their proportionate share of credit full-time-equivalent (Credit FTE) enrollment as reported in Table 5 of the Wyoming Community College System Annual Enrollment Report for the two most current years available. This process shall be followed until an approved funding allocation model is in place.

(c) Adjuncts to the funding allocation model include the following:

(i) Revenues received by the Commission's contingency reserve account, to be used only for facility emergency repairs and/or preventive maintenance, shall be distributed to the community colleges as follows:

(A) Each community college's share of the distribution shall be based on its proportionate share of actual gross square footage as outlined by the computation and dates prescribed in Section 10 of this chapter.

(I) Subsequent changes in eligible gross square footage by any community college shall not alter the respective distribution percentages until such changes are recognized through a Commission-initiated calculation of system-wide gross square footage.

(B) Actual distribution of revenue from the contingency reserve account to the community colleges shall be made as the Commission determines, and shall be dependent on receipt of coal lease bonus funds by the Commission.

(ii) The appropriation for health insurance premium benefits, to be used for reimbursement of community college employee premiums, shall be calculated and distributed as follows:

(A) For the 2007-2008 biennium and beyond, the health insurance premium benefit pool shall be based on plan enrollment numbers as of the month of April in odd-numbered years, as well as the projected premium rates for the month of December in the same odd-numbered years.

(B) Distribution of funds to the community colleges shall be for reimbursement of actual expenses incurred. Each community college shall submit a quarterly reimbursement request on an approved Commission form.

(C) The Commission shall evaluate the sufficiency of funding in the health insurance premium benefit pool on a quarterly basis. If funding is projected to be insufficient, the Commission shall work with the Budget Division of the Department of Administration and Information to identify other possible funding options, and if other options are not available, and if supplemental budget requests can still be submitted, the Commission shall consider such a request.

(I) If funding in the health insurance premium benefit pool is insufficient and other funding options, including supplemental budget requests, are not available, each of the community college's reimbursement shall be reduced in an amount proportionate to its share of system-wide eligible employees as of the month of April in odd-numbered years.

(II) If funding in the health insurance premium benefit pool exceeds reimbursement of actual expenses incurred, the unspent balance shall revert to the general fund at the end of the biennium.

(iii) The appropriation for the retirees' health insurance pool, to be used to cover the community colleges' share of pool funding, shall be calculated and distributed as follows:

(A) Based on payroll data provided by the community colleges, the Commission shall calculate the college-specific biennial appropriations for the retirees' health insurance assessment.

(B) Distribution of the appropriations by the Commission to the community colleges shall occur at the same time and in the same relative proportions as state aid distributions.

(C) On a monthly basis, each community college shall calculate the amount of the appropriation used for the preceding month, and submit payment of this amount to the State Auditor's Office.

(iv) The appropriation for increased retirement contribution benefits, to be used for reimbursement of the community colleges' share of increased contributions, effective September 1, 2010, shall be calculated and distributed as follows:

(A) For the 2013-2014 biennium and beyond, the retirement contribution benefit pool shall be based on the cumulative payroll of pension-eligible community college employees as of the month of April in odd-numbered years, adjusted to recognize local funding.

(B) Distribution of funds to the community colleges shall be for reimbursement of actual expenses incurred, adjusted to recognize local funding. Each community college shall submit a quarterly reimbursement request on an approved Commission form.

(C) The Commission shall evaluate the sufficiency of funding in the retirement contribution benefit pool on a quarterly basis. If funding is projected to be insufficient, the Commission shall work with the Budget Division of the Department of Administration and Information to identify other possible funding options, and if other options are not available, and if supplemental budget requests can still be submitted, the Commission shall consider such a request.

(I) If funding in the retirement contribution benefit pool is insufficient and other funding options, including supplemental budget requests, are not available, each of the community college's reimbursement shall be reduced in an amount proportionate to its share of the cumulative payroll of pension-eligible college employees as of the month of April in odd-numbered years.

(II) If funding in the retirement contribution benefit pool exceeds reimbursement of actual expenses incurred, adjusted to recognize local funding, the unspent balance shall revert to the general fund at the end of the biennium.

(v) The funding allocation model and/or its adjuncts may be reviewed by the Commission as necessary, and proposed revisions may be recommended for rules, in accordance with applicable statutes.

Section 4. Preparing Commission and Community College Budget Requests.

(a) The Commission shall prepare a consolidated biennial budget request for state assistance, including state funding for Commission programs, the community colleges and Wyoming Public Television in a format determined by the Budget Division of the Department of Administration and Information.

(b) The Commission shall hold at least one public budget hearing for the community colleges, after which the consolidated budget request for state assistance shall be submitted to the governor.

(c) Requests for state appropriations to fund the regular support and operation of the community colleges shall be developed utilizing a Commission-adopted funding allocation model.

(d) Wyoming Statute 21-18-205 created a statewide community college system operations funding mechanism based upon a statewide community college system strategic planning process attaching state funding to state interests.

(i) The budget request model shall be derived from that principle, and it shall consist of two components: the standard budget request and the exception budget request. The step-

by-step procedures for calculation of both types of requests are outlined in Section 3 of the Rules - Creating and Maintaining a Funding Allocation Model.

(A) The biennial standard budget request shall be based on amounts appropriated for state aid in the preceding biennium, including any external cost adjustments for fixed and variable costs, or other Budget Division adjustments to base.

(I) The allocation of the standard budget appropriation among the community colleges shall be adjusted to recognize variations in each community college district's revenue from biennium to biennium. The only exception to this is the variable cost funding subject to allocation in accordance with course completion.

(B) The biennial exception budget request may include, but shall not be limited to the following:

(I) Additional variable cost state funding (i.e., special purpose funding) in recognition of enrollment growth calculated as the difference between the two most recent academic years prior to preparation of the biennial budget request and the two years that comprise the base period.

(II) Additional variable cost state funding (i.e., special purpose funding) in recognition of enrollment growth projected for the academic year immediately preceding the biennium but after preparation of the biennial budget request, as well as enrollment growth projected for the first academic year of the biennium. Any undistributed balance of this enrollment growth funding pool shall revert at the end of the biennium.

(III) External cost adjustments for variable cost state funding based on the Employment Cost Index for post-secondary institutions, published by the US Department of Labor-Bureau of Labor Statistics. The adjustments may be made for either one fiscal-year of a biennium or both fiscal-years of a biennium.

(IV) External cost adjustments for fixed cost state funding and state funding of Wyoming Public Television. The adjustments shall be based on the Consumer Price Index published by the US Department of Labor-Bureau of Labor Statistics, and may be made for either one fiscal-year of a biennium or both fiscal-years of a biennium.

(V) An incentive pool (i.e., special purpose funding) intended to provide start-up revenue to one or more community colleges for programs which address unanticipated and emerging statewide needs, but which lack sufficient resources initially. Initial funding for such programs shall be subject to Commission approval, and continued funding shall be subject to satisfaction of established performance benchmarks. Funding provided by the pool shall not be considered long-term, regardless of program success. Any undistributed balance of this pool shall revert at the end of the biennium.

(VI) Amounts specified for capital construction as calculated in Section 11 of these Chapter 5 rules.

(C) Standard and exception budget requests for other programs assigned to the Commission shall be developed in consultation with the community colleges and the Budget Division.

(I) The Commission may also prepare and submit supplemental budget requests.

(II) The Commission may also seek additional funding from state or other sources to support incentive and/or performance funds that address statewide priorities.

(e) The executive director shall report to the Commission and the community colleges on action taken by the governor and the legislature on requests for state appropriations.

(f) The Budget Division is not bound by the provisions of this section.

Section 5. Disbursing State and Other Funds.

(a) Unless otherwise directed by the legislature, state funding for the assistance of community colleges shall be allocated by the Commission to the community colleges on the basis of the funding allocation model and its adjuncts approved by the Commission, as outlined in Section 3 of these Rules – Creating and Maintaining a Funding Allocation Model.

(b) Distributions of state appropriations shall be made by the Commission to the community colleges in accordance with the funding allocation model or other legislative instructions, and at times and in amounts determined by the Commission.

(i) Unless otherwise specified by the Commission, distributions of state aid to the community colleges and Wyoming Public Television shall be made on or about July 15, September 15, December 15 and March 15 of each fiscal year.

(ii) Unless otherwise specified by the Commission, distributions of state aid to the community colleges and Wyoming Public Television shall be made in the amounts of 15 percent, 15 percent, 10 percent and 10 percent of the total amount of state aid designated for each entity on the respective dates of each fiscal year.

(c) Contingency reserve account funds shall be distributed at times determined by the Commission, subject to receipt of coal lease bonus funds.

(d) Any additional state funding appropriated to the Commission for distribution to the community colleges will be distributed at times and in amounts determined by the Commission.

Section 6. Establishing and Promoting Statewide Priorities.

The Commission shall collaborate with college trustees, college administrators, the governor's office, the legislature, and community and business leaders to determine statewide priorities that conform to interests that shall be addressed by the *WY Community College Commission Statewide Strategic Plan*.

Section 7. Administering the Wyoming Investment in Nursing Program.

(a) This Section is promulgated under authority of W.S. 21-18-202 and W.S. 9-2-123, as amended.

(b) The purpose of the Wyoming Investment in Nursing Program (WYIN program) is to make funds available to individuals who wish to pursue a career in nursing and to alleviate a shortage of nurses within the state.

(c) Funding for an undergraduate nursing program at a Wyoming community college or the University of Wyoming will be for a maximum of two years.

(d) Application Form

(i) To be eligible to participate in this program a nurse or a student in an eligible nursing program shall submit an application to the Commission or its designee upon a form approved by the Commission.

(ii) The application deadlines shall be determined by each participating educational institution.

(e) Selection Process

(i) The Commission shall designate the financial aid officers at the University of Wyoming and the Wyoming community colleges to administer this program subject to the following:

(A) The financial aid officer shall require each applicant to apply to the participating educational institution, review each application, and determine whether the applicant is eligible under these rules;

(B) The financial aid officer shall authorize loans from appropriated funds in an amount sufficient to avoid over commitment and to ensure sufficient funds remain available to allow students to complete the program in which they enrolled;

(C) The funds appropriated by the legislature will be allocated by the Commission to the University of Wyoming and Wyoming's community colleges for undergraduate and graduate nursing students;

(D) Nursing faculty members at both the University of Wyoming and Wyoming's community colleges are eligible for funding for doctoral level degrees; and

(E) The financial aid officers shall report to the Commission and the financial institution responsible for servicing the loans the names of all students enrolled in the WYIN program in their respective schools, including students enrolled in WICHE schools or distance learning programs, within 30 days of initial enrollment. Thereafter, the financial aid

officers shall report to the Commission and the financial institution on a semester basis regarding participants in the program.

(f) Limits on Loan Amounts. When determining the amount of a loan for which an applicant may be eligible, the unmet need of the applicant shall be considered.

(g) Interest

(i) The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Commission's financial institution in the same manner as specified under W.S. 39-16-108(b) for determining the interest rate on delinquent use taxes. The rate shall be approved by the Commission by July 1st of every calendar year.

(ii) Accrual of interest shall begin upon scheduled commencement of cash repayment.

(h) Loan Terms

(i) Loan origination fees shall be established by the Commission.

(ii) The student shall sign a master promissory note as approved by the Commission prior to disbursement to the student of any funds.

(iii) The Commission or the contracted financial institution may disclose any delinquency or default on the student's loan to credit bureaus.

(iv) If the student fails to make a scheduled repayment, or fails to comply with any other term of the note, the Commission or the contracted financial institution may refer the student's loan to a collection agent, initiate legal proceedings against the student and pursue judicial remedies.

(v) If the student fails to make a scheduled repayment or fails to comply with any other term of the promissory note, the entire unpaid balance of the loan, including interest due and accrued and any applicable penalty charges and collection fees, including attorney fees, will, at the option of the Commission, become immediately due and payable.

(vi) The student may prepay all or any part of the principal and accrued interest of the loan at any time without penalty.

(vii) The student will promptly inform the Commission or the contracted financial institution of any change in name or address.

(viii) Upon completion of the academic program, the student must provide the following information every two months, until all the following requirements are reported to the contracted financial institution:

(A) Date of appropriate certification or licensure examination; and

(B) Successful passing score and certification or licensure and employment information; or unsuccessful passing score and date of next examination; and

(C) Outcome of second examination and, if successful, employment information.

(i) Terms of Repayment

(i) Repayment of loans shall continue as specified under the loan agreement, until all loan obligations have been satisfied.

(ii) Qualified work shall be verified by the Commission's designated financial institution by having received a letter from the student's employer stating the person is currently or has been employed as a nurse, if the loan was for an undergraduate nursing degree, or nurse educator, if the loan was for a graduate nursing degree. This letter must be submitted annually.

(iii) Subject to the cash repayment provision as detailed in W.S. 9-2-123, the WYIN loan is repayable in equal or graduated periods installments, with the right of the Commission to accelerate repayment, over a period not to exceed ten (10) years that begins nine (9) months after the student ceases to be a student in the nursing program.

(j) Process for Cash Repayment. The process and schedule for cash repayment under (i) shall be administered by the Commission through its designated financial institution. Students shall be notified by the Commission through its designated financial institution of the approved payment plan.

(k) Default of a Loan.

(i) A loan shall be in default when an installment is due and not paid in full within 90 days after the time period provided by these rules.

(ii) The process for collection of a loan in default shall be determined by the Commission through its designated financial institution.

(iii) The student in default shall pay any charges related to offsetting the note or any charges incurred should the note(s) be referred to an outside collection agency and any other collection charges, including attorney's fees allowed by state law.

(iv) Loan repayment options under this section may be deferred for:

(A) A period not to exceed four (4) years while the student is serving on full time active duty with any branch of the military services of the United States; or

(B) The length of a graduate program that qualifies under the WYIN program if the student begins the graduate program while still paying the WYIN loan by cash or employment.

(C) The length of the undergraduate program for a student who did not complete the program, but who is readmitted. Interest will not accrue while the student is

enrolled in the program. Upon completion of the program, the current loan balance will be repaid as specified in section (i).

(v) Students may be granted a delay from having to repay loans and interest, including interest accrual, thereon, in whole or in part or complete cancellation, including interest accrual, thereon, when the requirement to repay would cause undue hardship, economic or otherwise. The financial institution responsible for servicing the loans will use its best judgment in applying the economic hardship deferment criteria used for the Federal Family Education Loan Program. The Commission reserves the right to consider and make the final decision as to any request on the basis of undue hardship, economic or otherwise.

(vi) Complete cancellation of a student's debt will be granted only in limited circumstances. These circumstances may include a student's total and permanent disability, as determined by a medical or osteopathic physician, or death.

(A) A student who is determined to be totally and permanently disabled will have his/her loan placed in a conditional discharge period for three (3) years from the date the student became totally and permanently disabled.

(B) During this conditional period, the student need not pay principal and interest will not accrue. If the student continues to meet the total and permanent disability conditions during, and at the end of, the three-year conditional period, the student's obligation to repay the loan shall be canceled upon approval by the Commission.

(C) If the student does not continue to meet the cancellation requirements, the student must resume payment within forty-five (45) days of the medical opinion specified in (vi) of this section.

(l) Review and Reporting. Any designated financial institution the Commission employs shall prepare a report once a year outlining the services it is providing and the progress made.

Section 8. Administering the Teacher Shortage Loan Repayment Program.

(a) This Section is promulgated under authority of W.S. 21-7-601 and W.S. 21-18-202.

(b) The purpose of the Wyoming Teacher Shortage Loan Repayment Program (TSLR program) is to make funds available to students at the University of Wyoming who wish to pursue a career in education and to alleviate a shortage of teachers in qualified areas of study within the state as designated by W.S. 21-7-601.

(c) Funding will be for a maximum of the equivalent of two full-time academic years for all qualified areas of study as designated in W.S. 21-7-601, except for students enrolled in a special education program of study, who may receive funding for a maximum of the equivalent of three full-time academic years, assuming funds are appropriated by the legislature.

(d) Application Form

(i) To be eligible to participate in this program, a student shall submit an application to the Commission or its designee on a form approved by the Commission.

(ii) The application deadline shall be determined by the University.

(e) Selection Process

(i) The Commission shall designate the financial aid officer of the University to administer this program subject to the following:

(A) The financial aid officer shall require each applicant to apply to the University, review each application, and determine whether the applicant is eligible under these rules;

(B) The financial aid officer shall authorize loans from appropriated funds in an amount sufficient to avoid over commitment and to ensure sufficient funds remain available to allow students to complete the program in which they enrolled; and

(C) The financial aid officer shall report to the Commission and the financial institution responsible for servicing the loans the names of all students enrolled in the TSLR program within thirty (30) days of initial enrollment and thereafter, on a semester basis regarding participants in the program.

(f) Interest

(i) The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Commission's financial institution in the same manner as specified under W.S. 39-16-108(b) for determining the interest rate on delinquent use taxes. The rate shall be approved by the Commission by July 1st of every calendar year.

(ii) Accrual of interest shall begin upon scheduled commencement of cash repayment.

(g) Loan Terms

(i) Loan origination fees shall be established by the Commission.

(ii) The student shall sign a promissory note as approved by the Commission prior to disbursement to the student of any funds.

(iii) The Commission or the contracted financial institution may disclose any delinquency or default on the student's loan to credit bureaus.

(iv) If the student fails to make a scheduled repayment, or fails to comply with any other term of the note, the Commission or the contracted financial institution may refer the student's loan to a collection agent; initiate legal proceedings against the student; and pursue judicial remedies.

(v) If the student fails to make a scheduled repayment or fails to comply with any other term of the promissory note, the entire unpaid balance of the loan, including interest due and accrued and any applicable penalty charges and collection fees, including attorney fees, will, at the option of the Commission, become immediately due and payable.

(vi) The student may prepay all or any part of the principal and accrued interest of the loan at any time without penalty.

(vii) The student will promptly inform the Commission or the contracted financial institution of any change in name or address.

(viii) Upon completion of the academic program, the student must provide the following information every two months until both of the following requirements are reported to the contracted financial institution:

(A) Verification by the Professional Teaching Standards Board of appropriate teacher certification in qualified areas of study as designated by W.S. 21-7-601; and

(B) Verification by a Wyoming public school principal of successful employment in a public school in Wyoming teaching in a qualified area of study as designated by W.S. 21-7-601 at least 50% of the working hours.

(h) Terms of Repayment

(i) Repayment of loans shall continue as specified under the loan agreement, until all loan obligations have been satisfied.

(ii) Qualified work shall be verified by the Commission's designated financial institution by having received a letter from the student's employer stating the person is currently or has been employed as a certified teacher in any qualified area of study as designated by W.S. 21-7-601. This letter must be submitted annually.

(iii) Subject to the cash repayment provision as detailed by W.S. 21-7-601, the TSLR program loan is repayable in equal or graduated installments, with the right of the Commission to accelerate repayment, over a period not to exceed ten (10) years that begins nine (9) months after the student ceases to be a student in the teacher education program.

(i) Process for Cash Repayment. The process and schedule for cash repayment under (h) shall be administered by the Commission through its designated financial institution. Students shall be notified by the Commission through its designated financial institution of the approved payment plan.

(j) Default of a Loan.

(i) A loan shall be in default when an installment is due and not paid in full within 90 days after the time period provided by these rules.

(ii) The process for collection of a loan in default shall be determined by the Commission through its designated financial institution.

(iii) The student in default shall pay any charges related to offsetting the note or any charges incurred should the note(s) be referred to an outside collection agency and any other collection charges, including attorney's fees allowed by state law.

(iv) Loan repayment options under this section may be deferred for:

(A) A period not to exceed five (5) years while the student is serving on full time active duty with any branch of the military services of the United States; or

(B) The length of a graduate program that qualifies under the TSLR program if the student begins the graduate program while still paying the TSLR program loan by cash or employment.

(C) The length of the program for a student who did not complete the program, but who is readmitted. Interest will not accrue while the student is enrolled in the program. Upon completion of the program, the current loan balance will be repaid as specified in section (h).

(v) Students may be granted a delay from having to repay loans and interest, including interest accrual, thereon, in whole or in part or complete cancellation, including interest accrual, thereon, when the requirement to repay would cause undue hardship, economic or otherwise. The financial institution responsible for servicing the loans will use its best judgment in applying the economic hardship deferment criteria used for the Federal Family Education Loan Program. The Commission reserves the right to consider and make the final decision as to any request on the basis of undue hardship, economic or otherwise.

(vi) Complete cancellation of a student's debt will be granted only in limited circumstances. These circumstances may include a student's total and permanent disability, as determined by a medical or osteopathic physician, or death.

(A) A student who is determined to be totally and permanently disabled will have his/her loan placed in a conditional discharge period for three (3) years from the date the student became totally and permanently disabled.

(B) During this conditional period, the student need not pay principal and interest will not accrue. If the student continues to meet the total and permanent disability conditions during, and at the end of the three-year conditional period, the student's obligation to repay the loan is canceled, upon approval by the Commission.

(C) If the student does not continue to meet the cancellation requirements, the student must resume payment within forty-five (45) days of the medical opinion specified in (vi) of this section.

(k) Review and Reporting. Any designated financial institution the Commission employs shall prepare a report once a year outlining the services it is providing and the progress made.

Section 9. Administering the Tuition Benefit for Vietnam Veterans, Overseas Combat Veterans and Surviving Spouses and Dependents.

(a) This section is promulgated under authority of W.S. 19-14-106.

(b) The purpose of the benefit is to provide free tuition and fees for Vietnam veterans, overseas combat veterans and surviving spouses and dependants.

(c) Application Process. Vietnam veterans, overseas combat veterans and surviving spouses and dependants shall apply for the educational benefit under this section with an eligible institution and will provide the appropriate documentation to establish eligibility.

(i) The application form and deadlines shall be determined by each participating educational institution

(d) Selection Process. The Commission shall designate the financial aid officers at the University of Wyoming and the Wyoming community colleges to administer this program subject to the following:

(i) The financial aid officer shall require each applicant to apply to the participating educational institution, review each application, and determine whether the applicant is eligible under W.S. 19-14-106.

(ii) The financial aid officer shall authorize free tuition, matriculation, and other fees from appropriated funds in an amount sufficient to avoid over commitment.

(e) Reimbursement. The funds appropriated by the legislature will be reimbursed by the Commission to the University of Wyoming and Wyoming's community colleges upon submission of a Certificate of Eligibility.

(i) Certificates of Eligibility will be processed for payment on a semester basis by the Commission; and

(ii) The financial aid director of the University of Wyoming or community college will certify as correct, with an original signature, all Certificates of Eligibility and mail them to the Commission using the United States Postal Service.

(f) Tracking of total semesters. Tuition benefit usage shall be updated and verified each semester (fall, summer, spring) by Commission staff based on the information submitted on the Certificate of Eligibility by the financial aid director at the University of Wyoming or the community colleges. A report shall be run by Commission staff to determine that the benefit is used within eight (8) academic years after the first receipt of the benefit. If the eight (8) academic year time limit has been reached, the financial aid office shall be notified by the Commission that the student is no longer eligible. The financial aid office shall be responsible for notifying the student of such.

(g) Initial use of benefits. Initial eligibility shall be determined by the financial aid office at the University of Wyoming or the community college in which the veteran is applying for the

benefit. The financial aid office shall be responsible for determining that a dependant is under the age of twenty-two (22) when initially applying to use the benefit.

(h) Transfer between public state education institutions. Commission staff shall track how many semesters have been used by each student and an updated listing of number of semesters used shall be sent to the financial aid offices each semester so the financial aid office can determine if a student has received the benefit at another public education institution. The Commission shall verify that each student has not exceeded his or her total benefit of eight (8) academic years before payment is made to the University of Wyoming or the community colleges for that semester.

(i) Continuation of eligibility. The University of Wyoming or community college financial aid office where the student is attending and receiving the benefit shall be responsible for tracking the GPA of the student once he or she has started using the benefit. The respective office shall run a report determining if those students receiving the benefit have met the requirements for continued eligibility. If a student loses eligibility because they fell below a 2.0 GPA or failed to meet other institutional standards of progress, he or she can earn the benefit back by completing course work at their own cost until such time as the GPA has risen back to the minimum requirement of 2.0 and also meets other institutional standards of progress

Section 10. Major Maintenance Funding and Distribution.

(a) The Commission shall, no later than August 15 of each odd-numbered year, and in accordance with W.S. 21-18-225 (f) and any additional provisions enacted in current session law, calculate actual gross square footage of college facilities eligible for state-supported major maintenance funding. The square footage data contained in the capital construction database provided by the Commission to the colleges under W.S. 21-18-225 (b)(i), and current as of August 1 of each odd-numbered year, shall be the data used to support the request sent to the Construction Management Division of the Department of Administration and Information, with the following exceptions:

(i) Gross square footage data for an otherwise eligible building scheduled for demolition within two years of December 1 of each odd-numbered year shall not be included in the calculation.

(b) Once funding is appropriated, and to the extent funds are available, the distribution shall take place no later than July 15 of each year, 80 percent being distributed to each college based on their actual share as calculated in (a) above for the first year of the biennium, and the remaining amount for the second year of the biennium.

Section 11. Capital Construction Requests.

(a) Under authority of W.S. 21-18-225, this section addresses the development of a prioritized list of community college capital construction projects, and the submission of this list to the Construction Management Division of the Department of Administration and Information and the State Building Commission.

(b) The prioritized list of community college capital construction projects shall include only necessary building square footage required for provision of those education programs

serving the state's interests as described in Chapter 4 of the *WY Community College Commission Statewide Strategic Plan* developed and maintained under the authority of W.S. 21-18-202 (a)(v).

(c) The Commission's *Facilities Handbook* shall be referenced for specifications regarding automated programs and databases, forms, formats, timelines, documentation, guidelines, facility classification systems, forecasting models, indices and/or other factors.

(i) The Commission shall provide guidelines and formats for community colleges to use in developing its prioritized capital construction lists which are correlated to the *WY Community College Commission Statewide Strategic Plan*.

(ii) The Commission shall provide access to a statewide community college building database (otherwise referred to as the capital construction database), a component of which shall be a facilities inventory database.

(A) Community colleges shall provide updates to the facilities inventory database in a timely fashion, thereby facilitating both current and comprehensive descriptions of colleges' built environments. Deadlines for all outstanding updates may be established by the Commission in order to ensure the validity of computations inherent to, and reports generated by, the capital construction database.

(B) Database information shall be used to develop the long range plans for building space needs.

(iii) The Commission shall identify and implement a forecasting model to assist community colleges in computing future student enrollments and related building needs. Model reports will be available to the colleges upon completion of commission-related database updates including, but not limited to, population projections, enrollment projections, student demographics, participation rates, distance education, utilization hours, library volumes and student study stations.

(d) By July 1 of every odd-numbered year, the colleges shall be authorized to submit for funding consideration capital construction projects. Each submission must have a Level I study completed, and shall use the capital construction database described in the *Facilities Handbook*. The proposed project must have an identified educational use and must also be described and prioritized within the college's published 5-year master plan.

(i) No later than August 24 of each odd-numbered year, the Commission shall vote on the list of proposed projects, determining which to recommend for further consideration, and in what order of priority.

(ii) No later than August 31 of each odd-numbered year, the Commission shall forward the prioritized list and Level I design documents to the Construction Management Division of the Department of Administration and Information in accordance with W.S. 21-18-225(g).

(iii) Upon completion of the review required of the General Services Division in accordance with W.S. 21-18-225(g), together with their recommendation to the State Building

Commission, the General Services Division shall develop a budget for each project as specified in W.S. 9-5-108 (J), and shall include as separate line items:

(A) An estimated amount for actual construction costs of the facility.

(B) An estimated amount for project design and planning, Levels II and

III.

(C) An estimated amount for contingencies.

(D) An estimated amount for Furniture, Fixtures and Equipment (FF&E).

This is intended to cover items that have no permanent connection to the structure of the building, such as desks, chairs, tables, lecterns, office furniture, and specialized items to equip classrooms and laboratories. Grounds and landscaping equipment, floor cleaners and waxers, vacuums, snow blowers, and such related items may be acceptable FF&E expenditures, pending an inventory and assessment conducted jointly by the college and the General Services Division of the Department of Administration and Information. All requested FF&E reimbursements shall be reviewed and approved by the General Services Division, and shall be submitted for payment as described in Section 12 (d) of these Chapter 5 rules.

(E) An estimated amount for relocation costs, if any.

(F) An estimated amount for grounds development, if any.

(G) An amount for technology, computer, audio-visual and communication equipment and services.

(H) An amount for fees, permits and required public notices.

(I) An amount for bonding and insurance.

(J) An amount, not to exceed 3 percent of the total project costs (Items A through I above) for other authorized expenses.

(K) An amount for "Art for Public Display" as provided for in W.S. 16-6-802.

(iv) Upon submission of proposed projects to the State Building Commission, the General Services Division shall only request funding consideration for Levels II and III planning and design (Item B above) in the subsequent legislative budget session.

(A) Those projects that receive funding for Levels II and III planning and design shall then be recommended for Level III construction funding (items A, and C through K above) in the subsequent legislative general session. A firm commitment for local funding, as described in Section 12 (b) of these Chapter 5 rules, shall accompany any recommendation for construction funding.

(B) The community college cost-share percentage shall be the equivalent of 6 mills of the assessed valuation of the county in which the construction will take place divided by the total project cost, excluding any amounts set aside for planning, design and contingency. Should the equivalent of 6 mills of the assessed valuation of the county in which construction will take place exceed one-half of the total project cost, excluding any amounts set aside for planning, design and contingency, the same shall be capped at the 50 percent. Accordingly, any remaining percentage shall be the state's share. The Commission may also take into consideration outstanding bond obligations. If the community college exceeds the 50 percent in their funding, the same shall be considered as an incentive recognized in the capcon funding model, and as outlined in policy reflected in the facility handbook.

(e) Community colleges may submit requests for authorization to construct without state funding, as provided for in W.S. 21-18-202 (d)(v). Such requests shall be sent to Commission staff no later than 30 days prior to any scheduled commission meeting for consideration at that meeting. Commission-authorized projects of \$1 million or more also require authorization by the State Building Commission and the legislature, and therefore will not move forward until the following October.

(f) Community colleges shall submit requests for modification of capital construction priorities through resubmission of their respective college master plans. Re-writes and updates to college master plans must be submitted to the Commission within 30 days of college board approval.

Section 12. Distributing State Funds for Capital Construction.

(a) Under authority of W.S. 21-18-225(j), this section describes the process for distributing state funds for building construction approved and authorized by the legislature.

(b) Community colleges shall provide sufficient, final and verifiable third party documentation regarding the receipt of the local funding match available for immediate use for capital construction projects prior to the release of appropriated state funds. Documentation shall include, but not be limited to:

(i) For a revenue bond, the documentation shall consist of the published resolution of the community college board of trustees allowing issuance of said bond.

(ii) For a general obligation bond, the documentation shall consist of a copy of the Final Official Statement evidencing the sale of the bonds, and the Closing Memorandum, both issued by the bond broker.

(iii) For a gift, endowment, etc., the documentation shall consist of a certified letter of conveyance from the benefactor, and a certified letter of deposit into an account held solely by the community college at an insured financial institution, or into an escrow account held by the benefactor for the sole benefit of the community college. In the case of the latter, the benefactor shall provide a written guarantee to provide the full amount of the original gift or endowment, regardless of investment losses.

(iv) For cash on hand, the documentation shall consist of a certified letter from the financial institution where funds are held attesting to the available cash balance on hand and the name(s) of the account holder(s).

(v) For local funding mechanisms not described above, the Commission shall determine other documentation deemed acceptable.

(c) Expenses incurred by the General Services Division of the Department of Administration and Information as a result of pre-construction, which includes Levels II and III design and planning, shall be certified on a voucher created by the General Services Division, supported by a copy of the actual paid invoices, then forwarded to the Commission for payment via an internal expenditure transaction.

(d) Once into the construction phase, the community college shall pay all invoices related to the project. No more than monthly nor less than quarterly, the community college shall seek reimbursement from the Commission for the state's established share of each allowable expenditure, as determined by the General Services Division of the Department of Administration and Information, and only up to the line-item appropriation as provided for in Section 11(d)(iii) of these Chapter 5 Rules. The community college shall record each individual transaction on a voucher created by the Commission and approved by the General Services Division. Such voucher shall be accompanied by supporting documentation specified by the Commission, and shall be reviewed and certified by the General Services Division prior to submission to the Commission. The Commission shall then submit the payment request necessary for the State Auditor's Office to reimburse the community college.

(i) On rare occasions, the Commission shall negotiate with a community college should the college not have the cash reserves to cover an allowable expenditure in anticipation of a reimbursement from the State Auditor's Office. Advance payment of anticipated costs shall be considered as a remedy, and shall be subject to reconciliation once actual costs are known.

(e) Invoices for allowable expenditures justifiably assigned as a contingency cost shall be forwarded to the General Services Division of the Department of Administration and Information for payment. The process of reimbursement shall be the same as described in (d) above.

CHAPTER 5 RULES ADMINISTRATIVE FUNCTIONS

Emergency rules are no longer in effect 120 days after filing with the Secretary of State

Section 1. Authority.

Wyoming Statute ~~(21-18-202(c), (d) and (h)), (21-18-203(a)), (21-18-205(b)), (c) and (e)) and (21-18-225(g))~~.

Section 2. PurposeApplicability.

This chapter governs the Commission's administrative functions.

Section 3. Creating and Maintaining a Funding Allocation Model.

(a) Wyoming Statute 21-18-205 created a statewide community college system operations funding mechanism based upon a statewide community college system strategic planning process attaching funding to state interests.

(i) The basis for fiscal-year 2013~~4~~ and fiscal-year 2014~~2~~ funding shall be the sum of:

(A) The 2011~~09~~-2012~~0~~ biennial budget appropriation for state aid to community colleges, adjusted by:

(I) Subtraction of the portion of the budget appropriation restricted to reimbursement of community college employee health insurance premiums (unless appropriated separately by the legislature); and

~~(II) Subtraction of the biennialized budget cut to state aid as identified in the 2011-2012 biennial budget appropriation as a budget reduction to state aid; and~~

(III) Recapture and redistribution of state aid as calculated in August 2011~~09~~.

~~(B) (IV) Any Net-adjustments to the 2011-2012 base made by the Budget Division of the Department of Administration and Information, excluding any amount appropriated for reimbursement of increased retirement contributions made on behalf of community college employees.~~

~~(CB)~~ Community college district revenue, which is defined to include:

(I) Actual 4-mill revenue for fiscal-year 2011~~09~~, and 99 percent of 4-mill revenue calculated against the 2011~~09~~ certified assessment;

(II) Two times the amount of actual motor vehicle registration revenue for fiscal-year 2011~~09~~; and

(III) Two times the amount of actual other revenue for fiscal-year 2011~~09~~.

(ii) For each community college, the sum of the adjusted 2011~~09~~-2012~~0~~ biennial budget appropriation for state aid, net Budget Division adjustments to base, and the community college district revenue shall be divided by two to establish annual college-specific base funding amounts.

(iii) The annual college-specific base funding amounts shall be separated into fixed costs and variable costs portions that must be recalculated at least once every four years, based upon the following definitions of these costs, and the following procedures for determining the college-specific costs, ~~and the resulting percentages for each community college~~:

(A) Definitions of fixed and variable costs:

(I) Fixed costs include mandatory transfers and those operating costs that do not vary with enrollment. Such costs include the majority of administrative costs as well as operating costs related to facilities (e.g., utilities, maintenance and small repairs). Fixed costs include all or a substantial portion of costs classified as plant operation and maintenance, institutional support, academic support and student services. Also included in fixed costs is a relatively smaller portion of instructional costs representing costs for academic administrators, faculty (i.e., those with tenure or on continuing contracts) and related operating costs.

(II) Variable costs are those operating costs that vary proportionally with enrollment or represent step-variable costs. Step-variable costs increase or decrease based on enrollment fluctuation but not necessarily proportionally. Instead, step-variable costs remain static for a range of enrollments and increase once the range is exceeded (or decrease when enrollment drops below the range). The step-variable costs remain static above the range until the next level of enrollment is reached (or vice versa in the case of enrollment declines). Variable costs include all or a substantial portion of operating costs classified as instruction, service and student financial aid. Additionally, variable costs include all operating costs for extension (remote) operations that lack permanently assigned administrative staff (or contractual facilities-related costs).

~~(III) The calculation of fixed and variable cost percentages is based on the functional costs incurred by each community college. Once the standard percentages (see below) are applied to each community college's functional category costs, the fixed costs by function are summed to produce a total, and the variable costs by function are summed to produce a separate total. The two totals are summed to produce the total relevant costs for the community college. The fixed and variable percentages are determined by dividing those respective totals into the total costs for the community college.~~

~~(IV) The standard percentages for each functional (or other) cost category are indicated below:~~

~~Instruction—35 percent fixed and 65 percent variable;~~

~~Service—0 percent fixed and 100 percent variable;~~

~~Academic support—80 percent fixed and 20 percent variable;~~

~~Student services—70 percent fixed and 30 percent variable;~~

~~Institutional support—90 percent fixed and 10 percent variable;~~

~~Plant operations and maintenance—95 percent fixed and 5 percent variable;~~

~~Student financial aid—0 percent fixed and 100 percent variable;~~

~~Mandatory transfers—100 percent fixed and 0 percent variable; and~~

~~Extension operations—0 percent fixed and 100 percent variable~~

(B) Procedures for determining college-specific fixed and variable costs:

(I) The relevant costs for the calculation of college-specific fixed and variable costs are the Fund 10 costs, after excluding capital costs and non-mandatory transfers. The first step is to sort these costs, by location, into standard functional categories as follows: instruction; service; academic support; student services; institutional support; plant operations and maintenance; student financial aid; mandatory transfers; and extension operations. The definitions for these standard functional categories are provided in section 604.26 of the *Financial Accounting and Reporting Manual for Higher Education* published by the NACUBO National Association of College and University Business Officers, and they are the same definitions relied on by the U.S. Department of Education National Center for Education Statistics for use in the IPEDS Integrated Postsecondary Education Data System.

(II) Once the costs are sorted by location, it is necessary to determine which locations will be treated as campus locations and which will be treated as extension (remote) locations. A campus location is one that incurs the full range of operating costs for academic and related purposes. An extension location is one that utilizes a more streamlined operation consisting almost exclusively of classroom instruction. The distinguishing characteristic of extension locations is the absence of permanently assigned administrative staff and/or the absence of contractual facilities-related costs. The operating costs for extension locations are deemed to be fully variable while the operating costs for campuses vary by functional category.

(III) Campus location costs are sorted by function and summed to generate a total, by function, of each community college's campuses. The following standard percentages are applied to the functional cost category totals to determine the portion of each function that is fixed or variable:

Instruction – 35 percent fixed and 65 percent variable;
Service – 0 percent fixed and 100 percent variable;
Academic support – 80 percent fixed and 20 percent variable;
Student services – 70 percent fixed and 30 percent variable;
Institutional support – 90 percent fixed and 10 percent variable;
Plant operations and maintenance – 95 percent fixed and 5 percent variable;
Student financial aid – 0 percent fixed and 100 percent variable;
Mandatory transfers – 100 percent fixed and 0 percent variable; and
Extension operations – 0 percent fixed and 100 percent variable

(IV) The fixed amounts for each functional cost category are summed, producing the total fixed costs for the community college. The variable amounts for each functional cost category are summed and added to the total costs for all extension locations. This results in two totals — one for fixed costs and one for variable costs. These costs are summed to produce the total relevant costs for the community college.

(V) The final step is the calculation of the fixed and variable cost percentages. The total for the fixed costs is divided by the total costs for the community college to produce the fixed cost percentage. The total for the variable costs is divided by the total costs for the community college to produce the variable cost percentage.

~~(C) Percentages established for each community college:~~

~~Casper College—57.5 percent fixed and 42.5 percent variable;
Central Wyoming College—60.6 percent fixed and 39.4 percent variable;
Eastern Wyoming College—57.2 percent fixed and 42.8 percent variable;
Laramie County Community College—57.0 percent fixed and 43.0 percent variable;
Northwest College—58.1 percent fixed and 41.9 percent variable;
Northern Wyoming Community College District—58.6 percent fixed and 41.4 percent variable; and
Western Wyoming Community College—63.2 percent fixed and 36.8 percent variable~~

(iv) The base period total weighted credit hours shall be the sum of the following:

(A) Academic years 2004 and 2005 Level One credit hours multiplied by a factor of 1.0;

(B) Academic years 2004 and 2005 Level Two credit hours multiplied by a factor of 1.5; and

(C) Academic years 2004 and 2005 Level Three credit hours multiplied by a factor of 2.0.

(v) The base period total weighted credit hours shall be divided by two to establish the base period system-wide average weighted credit hours.

(vi) The variable costs portion of the annual system-wide base funding amount shall be divided by the base period system-wide average weighted credit hours to establish the base period system-wide credit hour revenue.

(A) The base period system-wide credit-hour revenue shall be multiplied by the percentage of the system-wide adjusted ~~201109-20120~~ biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and the system-wide community college district revenue. The product of this shall be the state-funded system-wide credit-hour revenue.

(vii) For each community college, the current biennial weighted credit hours shall be the sum of the following:

(A) Academic years ~~201008~~ and ~~201109~~ Level One credit hours multiplied by a factor of 1.0;

(B) Academic years ~~201008~~ and ~~201109~~ Level Two credit hours multiplied by a factor of 1.5; and

(C) Academic years ~~201008~~ and ~~201109~~ Level Three credit hours multiplied by a factor of 2.0.

(viii) For each community college, the current biennial weighted credit hours shall be divided by two to establish the current annual college-specific weighted credit hours.

(ix) For each community college, a course completion rate (i.e. enrollee success rate) shall be calculated for each academic year, beginning with academic year 2010.

(A) Each year upon receipt of the most recent course completion rates, the following changes and differences shall be calculated:

(I) Percentage change between the average of the most recent course completion rate and the previous year's completion rate (hereinafter referred to as "the current average course completion rate") and the average of the previous year's

completion rate and the completion rate from the year preceding that (hereinafter referred to as “the previous average course completion rate”); and

(II) Percentage point difference between the current average course completion rate, and a threshold equal to 77.84 percent (i.e. 105 percent of the median value of the Fall 2009 national aggregate enrollee success rate published by the National Community College Benchmark Project) or 105 percent of the median value of the most recent national aggregate enrollee success rate published by the National Community College Benchmark Project, whichever is greater (hereinafter referred to as ‘the NCCBP threshold’).

(1.) When calculating the course completion funding allocations for fiscal-year 2013, when completion rates are only available for academic-years 2010 and 2011, two-year averages cannot be used, so the percentage change and the percentage point difference shall be based upon single academic years.

~~(ix) For both fiscal year 2011 and fiscal year 2012, e~~College-specific variable costs state funding shall be calculated as the sum of the following calculations:

(A) multiplying the base period college-specific average weighted credit hours by the base period system-wide credit-hour revenue, and then multiplying this product by the percentage of the community college’s adjusted 201109-20120 biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue (to be distributed four times per year). ÷ and

(I) Ten percent of this variable cost state funding shall not be subject to recapture/redistribution, and shall be allocated as follows:

(1.) The percentage change between the current average course completion rate and the previous average course completion rate shall be added to the percentage point difference between the current average course completion rate the NCCBP threshold. This sum shall represent the composite change.

(2.) If the community college’s composite change is negative, 1 percent of this portion of its variable costs state funding shall be forfeited for every percent of change, or fraction thereof.

(3.) This forfeiture of funds shall be summed for all community colleges whose composite changes are negative, and this sum shall constitute the pool of funds to be proportionally reallocated to community colleges whose composite changes are positive after being adjusted to reflect state versus local funding proportions.

(II) If the composite changes for all community colleges are either greater than the NCCBP threshold or less than the NCCBP threshold, the full 10 percent of this variable cost state funding shall remain exempt from recapture/redistribution, but shall be not be subject to reallocation.

(B) multiplying the difference between the current annual college-specific weighted credit hours and the base period college-specific average weighted credit hours (which represents enrollment growth to date) by the state-funded system-wide credit hour revenue (to be distributed in full in July of even-numbered years).

(I) Ten percent of this one-time variable cost state funding shall not be subject to recapture/redistribution, and shall be allocated as outlined above in Section 3(a)(x)(A)(I) through (II).

(xi) For both fiscal-year 2013~~4~~ and fiscal-year 2014~~2~~, college-specific fixed costs state funding shall be calculated by multiplying the fixed costs portion of the annual college-specific base funding amounts by the percentage of the college's adjusted 2011~~09~~-2012~~0~~ biennial budget appropriation for state aid to the sum of this adjusted appropriation for state aid and its community college district revenue.

(xii) If the sum of system-wide variable costs state funding and system-wide fixed costs state funding exceeds the system-wide adjusted 2011~~09~~-2012~~0~~ biennial budget appropriation for state aid, the difference shall be attributed to enrollment growth, and such difference can only be funded by means of an approved exception budget request.

(xiii) Amounts of the system-wide adjusted 2013~~09~~-2014~~0~~ biennial budget appropriation not distributed under the funding allocation model shall be distributed proportionately based on variable costs state funding for base period enrollment.

(xiv~~ii~~) For fiscal-year 2013~~4~~ and/or fiscal-year 2014~~2~~, external cost adjustments can be applied to variable costs state funding and/or fixed costs state funding. The external cost adjustment for variable costs state funding shall be based upon the most recent Employment Cost Index for post-secondary institutions available at the time of biennial budget submission, published by the US Department of Labor – Bureau of Labor Statistics., ~~and for fiscal year 2011 and fiscal year 2012, the calculated annual rate is 3.0 percent.~~ The external cost adjustment for fixed costs state funding shall be based upon the most recent Consumer Price Index available at the time of biennial budget submission, also published by the US Department of Labor – Bureau of Labor Statistics., ~~and for fiscal year 2011 and fiscal year 2012, the calculated annual rate is 1.4 percent.~~ The application of any external cost adjustment will necessarily increase the demand for state funding, and accordingly, any such increase can only be funded by means of an approved exception budget request.

(A) External cost adjustments can also be applied to state funding of Wyoming Public Television. However, given that enrollment is not a factor in Wyoming Public Television's operations, the external cost adjustment shall be based solely upon the most recent Consumer Price Index available at the time of biennial budget submission. ~~and for fiscal year 2011 and fiscal year 2012, the calculated rate is 1.4 percent.~~

(xiv) For fiscal-year 2013~~4~~ and fiscal-year 2014~~2~~, annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to the community colleges based on their proportionate share of the sum of the adjusted 2011~~09~~-2012~~0~~ biennial budget appropriation for state aid and the community college district revenue, as calculated in support of the 2013~~4~~-2014~~2~~ biennial budget request.

(xvi) A spreadsheet depicting the operation of the funding allocation model for 2013~~4~~-2014~~2~~ shall be included in the *Fiscal Handbook*.

(xvii) The enrollment growth funding pool is intended to provide variable costs state funding for increased enrollment and/or course completion in a more timely fashion than recognition of increased enrollment and/or course completion during preparation of the subsequent biennial budget request. ~~The Commission shall determine~~ the respective proportions of the enrollment growth funding pool available for increased enrollment and for course completion shall be the same as for appropriations for enrollment growth and course completion known at the time of biennial budget preparation. Funding for the pool shall be an exception budget request, with any unspent balance subject to reversion. Should an appropriation not be made for the enrollment growth funding pool during the Budget Session, an exception budget request may be made during the General Session, consisting of known enrollment growth for the preceding academic year and projected enrollment growth for the current year.

(A) In October of each year, following the Commission's approval of the annual enrollment report, the current biennial weighted credit hours for each college shall be recalculated by utilizing the most recent weighted credit hours in place of the two-year-old weighted credit hours.

(B) For each community college, the current biennial weighted credit hours shall then be divided by two to establish the current annual college-specific weighted credit hours.

(C) College-specific variable costs state funding payable from the enrollment growth funding pool shall then be calculated by multiplying the positive difference between the current annual college-specific weighted credit hours (utilizing the most recent weighted credit hours and one-year-old weighted credit hours) and the annual college-specific weighted credit hours (utilizing one-year-old and two-year-old weighted credit hours) by the state-funded system-wide credit-hour revenue.

(D) The calculation of college-specific variable costs state funding payable from the enrollment growth funding pool shall then be divided by two, and the resulting amount shall be distributed to the community colleges at the same time as the ~~its~~ December and March distributions of state aid, but shall be identified separately given that the source of funding for the enrollment growth funding pool can only be appropriated through the exception budget request process.

(xviii) For biennia after 2013-2014, the funding allocation model shall operate in the same manner as described above, except that all yearly references shall be increased by two, excluding those establishing the base period total weighted credit hours, and the base period system-wide average weighted credit hours. for the following:

~~(A) All yearly references shall be increased by two, except for those establishing the base period total weighted credit hours and the base period system-wide average weighted credit hours.~~

~~—————(B) Each community college's base period variable costs state funding from the preceding biennium (as adjusted by approved external cost adjustments and recapture/redistribution) plus each community college's fixed costs state funding from the preceding biennium (as adjusted by approved external cost adjustments) plus updated community college district revenue shall constitute the basis for biennial funding.~~

~~(I) Recognizing that community college district revenue for any given college district will vary from biennium to biennium, adjustments to each community college's state funding shall be made in order to retain the relative ratios of each college's total funding to system wide total funding.~~

~~—————(C) The base period system wide credit hour revenue and the state-funded system wide credit hour revenue shall vary based on approved external cost adjustments and changes in local community college district revenue.~~

~~—————(D) External Cost Adjustment factors (i.e., the Employment Cost Index for post secondary institutions and the Consumer Price Index) shall be reestablished every two years prior to preparation of the biennial budget request.~~

~~—————(E) College specific fixed costs and variable costs portions shall be reestablished every four years prior to preparation of the biennial budget request.~~

(b) If it is determined that the funding allocation model established by rule and in accordance with W. S. Wyoming Statute 21-18-205 is no longer the appropriate method for determining the funding request for the community colleges, and no other funding allocation model has been developed, funding requests for specifically identified needs may be submitted in the biennial budget request until a new funding allocation model has been approved and rules have been promulgated.

(i) Annual recapture and redistribution of state aid due to changes in local 4-mill revenue resulting from changes in assessed valuation identified in August of each year shall be distributed to colleges based on their proportionate share of credit full-time-equivalent (Credit FTE) enrollment as reported in Table 5 of the Wyoming Community College System Annual Enrollment Report for the two most current years available. This process shall be followed until an approved funding allocation model is in place.

(c) Adjuncts to the funding allocation model include the following:

(i) Revenues received by the Commission's contingency reserve account, to be used only for facility emergency repairs and/or preventive maintenance, shall be distributed to the community colleges as follows:

(A) Each community college's share of the distribution shall be based on its proportionate share of actual gross square footage as outline by the computation and dates prescribed in Section 10 of this chapter. ~~the most recent Commission-initiated calculation of system-wide gross square footage for education and general facilities (excluding auxiliary facilities).~~

(I) Subsequent changes in eligible gross square footage by any community college shall not alter the respective distribution percentages until such changes are recognized through a Commission-initiated calculation of system-wide gross square footage.

(B) Actual distribution of revenue from the contingency reserve account to the community colleges shall be made as the Commission determines, and shall be dependent on receipt of coal lease bonus funds by the Commission.

(ii) The appropriation for health insurance premium benefits, to be used for reimbursement of community college employee premiums, shall be calculated and distributed as follows:

(A) ~~For the 2005-2006 biennium, the initial health insurance premium benefit pool shall be \$10,598,636 as determined by health insurance plan enrollment numbers as of the May 2003 open enrollment period, and the projected premium rates for December 2003.~~ For the 2007-2008 biennium and beyond, the health insurance premium benefit pool shall be based on plan enrollment numbers as of the month of April ~~January~~ in odd-numbered years, as well as the projected premium rates for the month of December in the same odd-numbered years.

(B) Distribution of funds to the community colleges shall be for reimbursement of actual expenses incurred. Each community college shall submit a quarterly reimbursement request on an approved Commission form.

(C) The Commission shall evaluate the sufficiency of funding in the health insurance premium benefit pool on a quarterly basis. If funding is projected to be insufficient, the Commission shall work with the Budget Division of the Department of Administration and Information to identify other possible funding options, and if other options are not available, and if supplemental budget requests can still be submitted, the Commission shall consider such a request.

(I) If funding in the health insurance premium benefit pool is insufficient and other funding options, including supplemental budget requests, are not available, each of the community college's reimbursement shall be reduced in an amount proportionate to its share of system-wide eligible employees as of the month of April ~~January~~ in odd-numbered years.

(II) If funding in the health insurance premium benefit pool exceeds reimbursement of actual expenses incurred, the unspent balance shall revert to the ~~G~~general fund at the end of the biennium.

(iii) The appropriation for the retirees' health insurance pool, to be used to cover the community colleges' share of pool funding, shall be calculated and distributed as follows:

(A) Based on ~~monthly~~ payroll data provided by the community colleges, ~~the Commission to the State Auditor's Office, the Budget Division of the Department of Administration and Information~~ shall calculate the college-specific biennial appropriations for the retirees' health insurance assessment.

(B) Distribution of the appropriations by the Commission to the community colleges shall occur at the same time and in the same relative proportions as state aid distributions.

(C) ~~On a monthly basis, Each community college shall calculate submit a monthly report to the State Auditor's Office indicating the amount of the appropriation used for the preceding month, and submit. Payment of this amount by the community college to the State Auditor's Office shall accompany the approved State Auditor's Office report.~~

~~(D) If a community college's appropriation for the retirees' health insurance pool exceeds the total amount paid to the State Auditor's Office, the unspent balance shall be repaid to the State Auditor's Office at the end of the biennium.~~

(iv) The appropriation for increased retirement contribution benefits, to be used for reimbursement of the community colleges' share of increased contributions, effective September 1, 2010, shall be calculated and distributed as follows:

(A) For the 2013-2014 biennium and beyond, the retirement contribution benefit pool shall be based on the cumulative payroll of pension-eligible community college employees as of the month of April in odd-numbered years, adjusted to recognize local funding.

(B) Distribution of funds to the community colleges shall be for reimbursement of actual expenses incurred, adjusted to recognize local funding. Each community college shall submit a quarterly reimbursement request on an approved Commission form.

(C) The Commission shall evaluate the sufficiency of funding in the retirement contribution benefit pool on a quarterly basis. If funding is projected to be insufficient, the Commission shall work with the Budget Division of the Department of Administration and Information to identify other possible funding options, and if other options are not available, and if supplement budget requests can still be submitted, the Commission shall consider such a request.

(I) If funding in the retirement contribution benefit pool is insufficient and other funding options, including supplemental budget requests, are not available, each of the community college's reimbursement shall be reduced in an amount proportionate to its share of the cumulative payroll of pension-eligible college employees as of the month of April in odd-numbered years.

(II) If funding in the retirement contribution benefit pool exceeds reimbursement of actual expenses incurred, adjusted to recognize local funding, the unspent balance shall revert to the general fund at the end of the biennium.

(iv) The funding allocation model and/or its adjuncts may be reviewed by the Commission as necessary, and proposed revisions may be recommended for rules, in accordance with applicable statutes.

Section 4. Preparing Commission and Community College Budget Requests.

(a) The Commission shall prepare a consolidated biennial budget request for state assistance, including state funding for Commission programs, the community colleges and Wyoming Public Television in a format determined by the Budget Division of the Department of Administration and Information.

(b) The Commission shall hold at least one public budget hearing for the community colleges, after which the consolidated budget request for state assistance shall be submitted to the Governor.

(c) Requests for state appropriations to fund the regular support and operation of the community colleges shall be developed utilizing a Commission-adopted funding allocation model.

(d) Wyoming Statute 21-18-205 created a statewide community college system operations funding mechanism based upon a statewide community college system strategic planning process attaching state funding to state interests.

(i) The budget request model shall be derived from that principle, and it shall consist of two components: the standard budget request and the exception budget request. The step-by-step procedures for calculation of both types of requests are outlined in Section 3 of the Rules - Creating and Maintaining a Funding Allocation Model.

(A) The biennial standard budget request shall be based on amounts appropriated for state aid in the preceding biennium, including any external cost adjustments for fixed and variable costs, or other Budget Division adjustments to base.

(I) The allocation of the standard budget appropriation among the community colleges shall be adjusted to recognize variations in each community college's district's revenue from biennium to biennium. The only exception to this is the variable cost funding subject to allocation in accordance with course completion.

(B) The biennial exception budget request may include, but shall not be limited to the following:

(I) Additional variable costs state funding (i.e., special purpose funding) in recognition of enrollment growth calculated as the difference between the two most recent academic years prior to preparation of the biennial budget request and the two years that comprise the base period.

(II) Additional variable costs state funding (i.e., special purpose funding) in recognition of enrollment growth projected for realized in the academic year immediately preceding the biennium but after preparation of the biennial budget request, as well as enrollment growth projected for realized in the first academic year of the biennium. ~~As with all other enrollment calculations, a two-year average shall be used.~~ Any undistributed balance of this enrollment growth funding pool shall revert at the end of the biennium.

(III) External cost adjustments for variable costs state funding based on the Employment Cost Index for post-secondary institutions, published by the US Department of Labor – Bureau of Labor Statistics. The adjustments may be made for either one fiscal-year of a biennium or both fiscal-years of a biennium.

(IV) External cost adjustments for fixed costs state funding and state funding of Wyoming Public Television. The adjustments shall be based on the

Consumer Price Index published by the US Department of Labor – Bureau of Labor Statistics, and may be made for either one fiscal-year of a biennium or both fiscal-years of a biennium.

(V) An incentive pool (i.e., special purpose funding) intended to provide start-up revenue to one or more community colleges for programs which address unanticipated and emerging statewide needs, but which lack sufficient resources initially. Initial funding for such programs shall be subject to Commission approval, and continued funding shall be subject to satisfaction of established performance benchmarks. Funding provided by the pool shall not be considered long-term, regardless of program success. Any undistributed balance of this pool shall revert at the end of the biennium.

(VI) Amounts specified for capital construction as calculated in Section 11 of these Chapter 5 rules.~~Project design and planning funds intended to offset the additional expenses incurred by the community colleges in developing and providing necessary plans, designs and other information on capital construction projects to the General Services Division of the Department of Administration and Information.~~

(C) Standard and exception budget requests for other programs assigned to the Commission shall be developed in consultation with the community colleges and the Budget Division ~~of the Department of Administration and Information.~~

(I) The Commission may also prepare and submit supplemental budget requests.

(II) The Commission may also seek additional funding from state or other sources to support incentive and/or performance funds that address statewide priorities.

(e) ~~The E~~xecutive ~~D~~irector shall report to the Commission and the community colleges on action taken by the ~~G~~overnor and the ~~L~~egislature on requests for state appropriations.

(f) ~~The Budget Division of the Department of Administration and Information~~ is not bound by the provisions of this section.

Section 5. Disbursing State and Other Funds.

(a) Unless otherwise directed by the ~~L~~egislature, state funding for the assistance of community colleges shall be allocated by the Commission to the community colleges on the basis of the funding allocation model and its adjuncts approved by the Commission, as outlined in Section 3 of these Rules – Creating and Maintaining a Funding Allocation Model.

(b) Distributions of state appropriations shall be made by the Commission to the community colleges in accordance with the funding allocation model or other legislative instructions, and at times and in amounts determined by the Commission.

(i) Unless otherwise specified by the Commission, distributions of state aid to the community colleges and Wyoming Public Television shall be made on or about July 15, September 15, December 15 and March 15 of each fiscal year.

(ii) Unless otherwise specified by the Commission, distributions of state aid to the community colleges and Wyoming Public Television shall be made in the amounts of 15 percent, 15 percent, 10 percent and 10 percent of the total amount of state aid designated for each entity on the respective dates of each fiscal year.

(c) Contingency reserve account funds shall be distributed at times determined by the Commission, subject to receipt of coal lease bonus funds.

(d) Any additional state funding appropriated to the Commission for distribution to the community colleges will be distributed at times and in amounts determined by the Commission.

Section 6. ~~Biennial Funding Report.~~

~~“A biennial funding report shall be provided by each community college to the community college commission at the beginning of each biennium in a form and format determined by the commission. Any amendments to the report shall be provided to the commission immediately after adoption by the board.” (W.S. 21-18-205(b))~~

Section 6 7. Establishing and Promoting Statewide Priorities.

The Commission shall collaborate with college trustees, college administrators, the Governor’s office, the legislature, and community and business leaders to determine statewide priorities that conform to interests that shall be addressed by the WY Community College Commission ~~Statewide college system~~. ~~Strategic p~~Plan.

Section 7 8. Administering the Wyoming Investment in Nursing Program.

(a) This Section is promulgated under authority of W.S.~~WYO. STAT.~~ § 21-18-202 and W.S.~~WYO. STAT.~~ § 9-2-123, as amended.

(b) The purpose of the Wyoming Investment in Nursing Program (WYIN Program) is to make funds available to individuals who wish to pursue a career in nursing and to alleviate a shortage of nurses within the state.

(c) Eligibility

~~(i) — Applicants must be residents of the state of Wyoming as defined in W.S. 22-1-102 (a)(xxx) or shall be graduates of a Wyoming high school;~~

~~—— (ii) — Applicants must be accepted into a nursing program in a Wyoming community college, the University of Wyoming, or in a doctoral degree program in an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited; and~~

~~—— (iii) — Applicants must apply for federal financial assistance and any employer-based financial assistance for which the applicant may be eligible.~~

~~(iv) — Any person beginning a nursing education program shall continue to receive funding for the program so long as the person remains eligible as required by rules and statutes and as long as funding is available. Funding for an undergraduate nursing program at a Wyoming community college or the University of Wyoming will be for a maximum of two years.~~

(d) — Criteria for Application

~~(i) — Subject to the availability of funds appropriated, loans may be awarded to the following applicants;~~

~~(A) — An applicant who is accepted into a Wyoming licensed practical nurse or registered nurse education program or a baccalaureate degree program in nursing may be eligible for a loan to pay the unmet need, as determined by the Commission or its designee, of attendance at the licensed practical nursing education program or the registered nursing education program leading to an associate's or baccalaureate degree;~~

~~(B) — A registered nurse with a baccalaureate degree who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full time service teaching in a nursing education program in Wyoming as a registered nurse with a baccalaureate degree, with a preference given to a registered nurse currently teaching at the University of Wyoming or a Wyoming college, and the registered nurse is accepted into a nursing education program at the University of Wyoming leading to a master's degree in nursing or nursing education may be eligible for a loan to pay the unmet need of attendance, as determined by the Commission or its designee, provided that in order to receive a loan for a master's degree program, the~~

~~applicant shall agree to repay the loan by teaching at a Wyoming college or the University of Wyoming. If the applicant registered nurse is not accepted into a nursing education program at the University of Wyoming and upon approval of the Commission, the applicant registered nurse may be accepted into an accredited nursing education program at a university located outside of the state. Loans awarded for applicants accepted into programs outside of Wyoming shall not exceed the loan amounts available for programs at the University of Wyoming; or~~

~~(C) A registered nurse with a master's degree in nursing who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a master's degree in nursing and is accepted into a nursing education program at an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited leading to a doctorate level degree in nursing may be eligible for a loan to pay the unmet need of attendance, as determined by the Commission or its designee, provided that in order to receive a loan for a doctorate level degree program, the applicant shall agree to repay the loan by teaching at the University of Wyoming.~~

~~(d)~~ Application Form

(i) To be eligible to participate in this program a nurse or a student in an eligible nursing program shall submit an application to the Commission or its designee upon a form approved by the Commission.

(ii) The application deadlines shall be determined by each participating educational institution.

~~(e)~~ Selection Process

(i) The Commission shall designate the financial aid officers at the University of Wyoming and the Wyoming community ~~C~~olleges to administer this program subject to the following:

(A) The financial aid officer shall require each applicant to apply to the participating educational institution, review each application, and determine whether the applicant is eligible under these rules;

(B) The financial aid officer shall authorize loans from appropriated funds in an amount sufficient to avoid over commitment and to ensure sufficient funds remain available to allow students to complete the program in which they enrolled;

(C) The funds appropriated by the legislature will be allocated by the Commission to the University of Wyoming and Wyoming's community colleges for undergraduate and graduate nursing students;

(D) Nursing faculty members at both the University of Wyoming and Wyoming's community colleges are eligible for funding for doctoral level degrees; and

(E) The financial aid officers shall report to the Commission and the financial institution responsible for servicing the loans the names of all students enrolled in the WYIN program in their respective schools, including students enrolled in WICHE schools or distance learning programs, within 30 days of initial enrollment. Thereafter, the financial aid officers shall report to the Commission and the financial institution on a semester basis regarding participants in the program.

(f) Limits on Loan Amounts.

~~(i) — A loan provided under this section shall not exceed the cost of attendance for the approved program reduced by the amount of any Pell or other federal grant, any employer-based financial assistance received by the applicant, and any other public or private financial aid that is provided to the applicant as a scholarship or grant.~~

(ii) — When determining the amount of a loan for which an applicant may be eligible, the unmet need of the applicant shall be considered.

(g) Interest

~~(i) The Commission shall annually determine a reasonable interest rate on the new loans it issues. This determination shall be made by July 1st of every calendar year.~~

(ii) The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Commission's financial institution in the same manner as specified under W.S. 39-16-108(b) for determining the interest rate on delinquent use taxes. The rate shall be approved by the Commission by July 1st of every calendar year.

(iii) Accrual of interest shall begin upon scheduled commencement of cash repayment.

(h) Loan Terms

(i) Loan origination fees shall be established by the Commission.

(ii) The student shall sign a master promissory note as approved by the Commission prior to disbursement to the student of any funds.

(iii) The Commission or the contracted financial institution may disclose any delinquency or default on the student's loan to credit bureaus.

(iv) If the student fails to make a scheduled repayment, or fails to comply with any other term of the note, the Commission or the contracted financial institution may refer the student's loan to a collection agent, initiate legal proceedings against the student and pursue judicial remedies.

(v) If the student fails to make a scheduled repayment or fails to comply with any other term of the promissory note, the entire unpaid balance of the loan, including interest due and accrued and any applicable penalty charges and collection fees, including attorney fees, will, at the option of the Commission, become immediately due and payable.

(vi) The student may prepay all or any part of the principal and accrued interest of the loan at any time without penalty.

(vii) The student will promptly inform the Commission or the contracted financial institution of any change in name or address.

(viii) Upon completion of the academic program, the student must provide the following information every two months, until all the following requirements are reported to the contracted financial institution:

(A) Date of appropriate certification or licensure examination; and

(B) Successful passing score and certification or licensure and employment information; or unsuccessful passing score and date of next examination; and

(C) Outcome of second examination and, if successful, employment information.

(i) Terms of Repayment

(i) Repayment of loans shall continue as specified under the loan agreement, until all loan obligations have been satisfied.

~~(ii) A student may repay the loan without cash payment by working in Wyoming as a nurse, if the loan was for an undergraduate degree, or nurse educator, if the loan was for a graduate degree, as provided in (j)(iii) of this subsection, and except for graduate students as provided in (j)(iv) of this section. To qualify as repayment under this subsection, work shall be performed within the following time periods which begin~~

~~with the calendar month following the month in which the student completed the academic program:~~

~~(A) If the loan can be repaid with work of two (2) years or less, within three (3) years;~~

~~(B) If the loan can be repaid with work of greater than two (2) years, but no more than four (4) years, within five (5) years;~~

~~(C) If the loan can be repaid with work of greater than four (4) years, within the amount of time the loan could be repaid, plus two (2) years.~~

~~_____ (iii) Qualified work under (j)(ii) of this section shall be credited so that the student's loan balance is reduced on the basis of one (1) year of full-time employment repaying the loan balance for one (1) academic year of full-time enrollment, or twelve thousand dollars (\$12,000.00) of the loan, whichever is less. Qualified work shall be credited on a proportional basis.~~

~~(iv) A recipient of a WYIN loan and attending a master's or doctorate nursing level program may begin loan repayment through qualified work as authorized under subsection j (ii) and (iii) of this section concurrently with enrollment in the nursing education program, subject to the following:~~

~~(A) If the recipient is enrolled in a master's nursing degree program, the recipient shall perform qualified work at a Wyoming college or the University of Wyoming concurrently with enrollment in the nursing education program and for not less than one (1) year following completion of the education program;~~

~~(B) If the recipient is enrolled in a doctorate nursing degree program, the recipient shall perform qualified work at the University of Wyoming concurrently with enrollment in the nursing education program and for not less than two (2) years following completion of the education program;~~

~~(iv) Qualified work under subsection j (ii) of this section shall be verified by the Commission's designated financial institution by having received a letter from the student's employer stating the person is currently or has been employed as a nurse, if the loan was for an undergraduate nursing degree, or nurse educator, if the loan was for a graduate nursing degree. This letter must be submitted annually.~~

~~(vi) Any student in the WYIN Program who fails:~~

~~(A) To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty five (45) days after the student leaves the academic program;~~

~~(B) To obtain employment in the targeted occupation for which the person received the education within ninety (90) days after successfully passing the appropriate certification or licensure examination shall commence cash repayment of the loan within one hundred twenty (120) days after successfully passing the appropriate certification or licensure examination;~~

~~(C) To pass the appropriate certification or licensure examination on the first attempt may retake the examination at the next available opportunity before commencing repayment of the loan. The student shall notify the Commission or its designated financial institution of the intent to retake the examination and the date the examination will be taken. Any student in the WYIN Program who fails the examination after the second attempt shall commence cash repayment of the loan within forty five (45) days after receipt of notification of the second failure by the board of nursing. If the student in the WYIN Program who fails the examination on the first attempt does not retake the examination at the next available opportunity, cash repayment shall commence within forty five (45) days after the next available examination is conducted.~~

~~(iii-vii)~~ Subject to the ~~above~~ cash repayment provision as detailed in W.S. 9-2-123, the WYIN loan is repayable in equal or graduated periods installments, with the right of the Commission to accelerate repayment, over a period not to exceed ten (10) years that begins nine (9) months after the student ceases to be a student in the nursing program.

~~(viii) Cash repayment of loans and interest thereon shall be credited to the general fund.~~

(jk) Process for Cash Repayment. The process and schedule for cash repayment under (ij) shall be administered by the Commission through its designated financial institution. Students shall be notified by the Commission through its designated financial institution of the approved payment plan.

(kl) Default of a Loan.

(i) A loan shall be in default when an installment is due and not paid in full within 90 days after the time period provided by these rules.

(ii) The process for collection of a loan in default shall be determined by the Commission through its designated financial institution.

(iii) The student in default shall pay any charges related to offsetting the note or any charges incurred should the note(s) be referred to an outside collection agency and any other collection charges, including attorney's fees allowed by state law.

(iv) Loan repayment options under this section may be deferred for:

(A) A period not to exceed four (4) years while the student is serving on full time active duty with any branch of the military services of the United States; or

(B) The length of a graduate program that qualifies under the WYIN program if the student begins the graduate program while still paying the WYIN loan by cash or employment.

(C) The length of the undergraduate program for a student who did not complete the program, but who is readmitted. Interest will not accrue while the student is enrolled in the program. Upon completion of the program, the current loan balance will be repaid as specified in section (ij).

(v) Students may be granted a delay from having to repay loans and interest, including interest accrual, thereon, in whole or in part or complete cancellation, including interest accrual, thereon, when the requirement to repay would cause undue hardship, economic or otherwise. The financial institution responsible for servicing the loans will use its best judgment in applying the economic hardship deferment criteria used for the Federal Family Education Loan Program. The Commission reserves the right to consider and make the final decision as to any request on the basis of undue hardship, economic or otherwise.

(vi) Complete cancellation of a student's debt will be granted only in limited circumstances. These circumstances may include a student's total and permanent disability, as determined by a medical or osteopathic physician, or death.

(A) A student who is determined to be totally and permanently disabled will have his/her loan placed in a conditional discharge period for three (3) years from the date the student became totally and permanently disabled.

(B) During this conditional period, the student need not pay principal and interest will not accrue. If the student continues to meet the total and permanent disability conditions during, and at the end of, the three-year conditional period, the student's obligation to repay the loan shall be ~~is~~ canceled upon approval by the Commission.

(C) If the student does not continue to meet the cancellation requirements, the student must resume payment within forty-five (45) days of the medical opinion specified in (vi) of this section.

~~(lm)~~ Review and Reporting.

~~(i) The Commission shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. § 9-2-1014~~

~~regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program.~~

(ii) — Any designated financial institution the Commission employs shall prepare a report once a year outlining the services it is providing and the progress made.

(n) — ~~Expiration. This program shall expire on June 30, 2011.~~

Section 8 9. Administering the Teacher Shortage Loan Repayment Program.

(a) This Section is promulgated under authority of W.S. WYO. STAT. § 21-7-601 and W.S. WYO. STAT. § 21-18-202.

(b) ~~Purpose.~~ The purpose of the Wyoming Teacher Shortage Loan Repayment Program (TSLR Program) is to make funds available to students at the University of Wyoming individuals who wish to pursue a career in education and to alleviate a shortage of mathematics, science and special education teachers in qualified areas of study within the state as designated by W.S. 21-7-601. ~~within the state.~~

(c) Eligibility

(i) — ~~Applicants shall have a Wyoming residence as defined in W.S. § 22-1-102 (a)(xxx) or shall be graduates of a Wyoming high school;~~

(ii) — ~~Applicants must be enrolled in good standing (admitted) in a teacher education program at the University of Wyoming leading to certification as a special education, mathematics or science teacher and must have class standing of at least a junior for the first semester for which application for a loan under this program is made; and~~

(iii) — ~~Applicants must apply for federal financial assistance.~~

(iv) — ~~Any person beginning a teacher education program shall continue to receive funding for the program so long as the person remains eligible as required by rules and statutes and funds are available. Funding will be for a maximum of the equivalent of two full-time academic years for all qualified areas of study as designated in W.S. 21-7-601, except for students enrolled in a special education program of study, who may receive funding for a maximum of the equivalent of mathematics and science students and three full-time academic years, for special education students assuming funds are appropriated by the legislature.~~

~~(d) — Criteria for Application. Subject to the availability of funds appropriated, loans may be awarded to an applicant who meets the criteria of Section 4(a) through (e) to pay the unmet needs of attendance as determined by the Commission or its designee in a teacher education program at the University of Wyoming leading to certification as a special education, mathematics or science teacher.~~

~~(de)~~ Application Form

(i) To be eligible to participate in this program, a student shall submit an application to the Commission or its designee upon a form approved by the Commission.

(ii) The application deadline shall be determined by the University.

~~(ef)~~ Selection Process

(i) The Commission shall designate the financial aid officer of the University to administer this program subject to the following:

(A) The financial aid officer shall require each applicant to apply to the University, review each application, and determine whether the applicant is eligible under these rules;

(B) The financial aid officer shall authorize loans from appropriated funds in an amount sufficient to avoid over commitment and to ensure sufficient funds remain available to allow students to complete the program in which they enrolled; and

(C) The financial aid officer shall report to the Commission and the financial institution responsible for servicing the loans the names of all students enrolled in the TSLR program within thirty (30) days of initial enrollment and thereafter, on a semester basis regarding participants in the program.

~~(g) — Limits on Loan Amounts~~

~~(i) — A loan provided under this section shall not exceed the cost of attendance for the approved program reduced by the amount of any Pell or other federal grant and any other public or private financial aid that is provided to the applicant as a scholarship or grant.~~

~~(ii) — When determining the amount of a loan for which an applicant may be eligible the unmet need of the applicant shall be considered.~~

~~(fh)~~ Interest

~~(i) The Commission shall annually determine a reasonable interest rate on the new loans it issues. This determination shall be made by July 1st of every calendar year.~~

(ii) The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Commission's financial institution in the same manner as specified under W.S. § 39-16-108(b) for determining the interest rate on delinquent use taxes. The rate shall be approved by the Commission by July 1st of every calendar year.

(iii) Accrual of interest shall begin upon scheduled commencement of cash repayment.

(g) Loan Terms

(i) Loan origination fees shall be established by the Commission.

(ii) The student shall sign a promissory note as approved by the Commission prior to disbursement to the student of any funds.

(iii) The Commission or the contracted financial institution may disclose any delinquency or default on the student's loan to credit bureaus.

(iv) If the student fails to make a scheduled repayment, or fails to comply with any other term of the note, the Commission or the contracted financial institution may refer the student's loan to a collection agent; initiate legal proceedings against the student; and pursue judicial remedies.

(v) If the student fails to make a scheduled repayment or fails to comply with any other term of the promissory note, the entire unpaid balance of the loan, including interest due and accrued and any applicable penalty charges and collection fees, including attorney fees, will, at the option of the Commission, become immediately due and payable.

(vi) The student may prepay all or any part of the principal and accrued interest of the loan at any time without penalty.

(vii) The student will promptly inform the Commission or the contracted financial institution of any change in name or address.

(viii) Upon completion of the academic program, the student must provide the following information every two months until both of the following requirements are reported to the contracted financial institution:

(A) Verification by the Professional Teaching Standards Board of appropriate teacher certification in qualified areas of study as designated by W.S. 21-7-601 special education, mathematics or science; and

(B) Verification by a Wyoming public school principal of successful employment in a public school in Wyoming teaching in a qualified area of study as designated by W.S. 21-7-601 special education, mathematics or science at least 50% of the working hours.

(h) Terms of Repayment

(i) Repayment of loans shall continue as specified under the loan agreement, until all loan obligations have been satisfied.

~~(ii) — A student may repay the loan without cash payment by performing qualified work as a special education, mathematics or science teacher subject to (j)(iii). To qualify as repayment, work shall be performed within the minimum amount of time necessary to repay the loan, plus two (2) years, which shall begin with the calendar month following the month in which the student completed the academic program.~~

~~(iii) — Qualified work shall be credited so that the student's loan balance is reduced on the basis of one (1) year of full time employment repaying the loan balance for one (1) academic year of full time enrollment or the equivalent if the student was enrolled less than full time. — Full time employment means a full time position teaching at least 50% of working hours during a full academic year as a certified teacher in special education, mathematics or science in a Wyoming public school. Teaching more or less than a full academic year, while teaching at least 50% of working hours as a certified teacher in special education, mathematics or science shall be credited on a proportional basis.~~

~~(iv) —~~ Qualified work shall be verified by the Commission's designated financial institution by having received letter from the student's employer stating the person is currently or has been employed as a certified teacher in a qualified area of study as designated by W.S. 21-7-601. special education, mathematics or science. This letter must be submitted annually.

~~(v) — Any student in a TSLR Program loan who fails:~~

~~(A) — To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty five (45) days after the student leaves the academic program;~~

~~(B) — To obtain employment in the targeted occupation for which the person received the education within two hundred forty (240) days after successfully obtaining the appropriate certification, shall commence cash repayment of the loan within~~

~~two hundred eighty five (285) days after successfully obtaining the appropriate certification.~~

~~(C) To obtain the appropriate certification within one hundred eighty (180) days after completion of the program shall commence cash repayment of the loan.~~

(iii) Subject to the ~~above~~ cash repayment provision as detailed by W.S. 21-7-601, the TSLRP program loan is repayable in equal or graduated ~~periods~~ installments, with the right of the Commission to accelerate repayment, over a period not to exceed ten (10) years that begins nine (9) months after the student ceases to be a student in the teacher education program.

~~(vii) Cash repayment of loans and interest thereon shall be credited to the school foundation program account.~~

(i) Process for Cash Repayment. The process and schedule for cash repayment under ~~(h)~~ ~~(i)~~ ~~(vii)~~ shall be administered by the Commission through its designated financial institution. Students shall be notified by the Commission through its designated financial institution of the approved payment plan.

(j) Default of a Loan.

(i) A loan shall be in default when an installment is due and not paid in full within 90 days after the time period provided by these rules.

(ii) The process for collection of a loan in default shall be determined by the Commission through its designated financial institution.

(iii) The student in default shall pay any charges related to offsetting the note or any charges incurred should the note(s) be referred to an outside collection agency and any other collection charges, including attorney ' s fees allowed by state law.

(iv) Loan repayment options under this section may be deferred for:

(A) A period not to exceed five (5) years while the student is serving on full time active duty with any branch of the military services of the United States; or

(B) The length of a graduate program that qualifies under the TSLRP program if the students begins the graduate program while still paying the TSLRP program loan by cash or employment.

(C) The length of the program for a student who did not complete the program, but who is readmitted. Interest will not accrue while the student is enrolled in

the program. Upon completion of the program, the current loan balance will be repaid as specified in section (~~h~~j).

(v) Students may be granted a delay from having to repay loans and interest, including interest accrual, thereon, in whole or in part or complete cancellation, including interest accrual, thereon, when the requirement to repay would cause undue hardship, economic or otherwise. The financial institution responsible for servicing the loans will use its best judgment in applying the economic hardship deferment criteria used for the Federal Family Education Loan Program. The Commission reserves the right to consider and make the final decision as to any request on the basis of undue hardship, economic or otherwise.

(vi) Complete cancellation of a student's debt will be granted only in limited circumstances. These circumstances may include a student's total and permanent disability, as determined by a medical or osteopathic physician, or death.

(A) A student who is determined to be totally and permanently disabled will have his/her loan placed in a conditional discharge period for three (3) years from the date the student became totally and permanently disabled.

(B) During this conditional period, the student need not pay principal and interest will not accrue. If the student continues to meet the total and permanent disability conditions during, and at the end of, the three-year conditional period, the student's obligation to repay the loan is canceled, upon approval by the Commission.

(C) If the student does not continue to meet the cancellation requirements, the student must resume payment within forty-five (45) days of the medical opinion.

(~~k~~m) Review and Reporting

(i) ~~—The Commission shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. 9-2-1014 regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program. The report shall include information submitted by the professional teaching standards board regarding the impact of the program on identified teacher shortage areas and recommendations for modifications to the program, including funding levels, to address other identified teacher shortage areas.~~

(ii) ~~—Any designated financial institution the Commission employs shall prepare a report once a year outlining the services it is providing and the progress made.~~

(~~n~~) ~~—Expiration. This program shall expire on June 30, 2011.~~

Section 9 10. Administering the Tuition Benefit for Vietnam Veterans, Overseas Combat Veterans and Surviving Spouses and Dependants Orphans.

(a) ~~Authority.~~—This section is promulgated under authority of W.S. Wyo. STAT. §19-14-106.

(b) ~~Purpose.~~—The purpose of the benefit is to provide free tuition and fees for Vietnam veterans, overseas combat veterans and surviving spouses and dependants orphans.

(c) ~~Definitions:~~

(i) ~~—"Academic year" in this section means the twelve (12) month period beginning with the commencement of the fall semester for the University of Wyoming and with the commencement of the summer semester for community colleges.~~

(ii) ~~—"Overseas combat veteran" means a person other than a Vietnam veteran who was a resident of Wyoming for at least one (1) year immediately prior to entering into active service, who is an honorably discharged veteran who served in the military service of the United States and who was awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any armed conflict in a foreign country.~~

(iii) ~~—"Combat veteran surviving spouse" means a person who is a surviving spouse of any overseas combat veteran when the overseas combat veteran was a resident of Wyoming for at least one (1) year immediately prior to entering active service and the overseas combat veteran died during active service;~~

(iv) ~~—"Combat veteran surviving orphan" means a person who is a surviving orphan of any overseas combat veteran and who was under twenty-one (21) years of age at the time his parent died in overseas combat during active service;~~

(v) ~~—"Vietnam veteran" means any person who was in active service with the military forces of the United States and received a Vietnam service medal between August 5, 1964 to May 7, 1975; and received a discharge from the military forces of the United States other than dishonorably; and has been a resident of Wyoming for not less than one (1) year when applying for the education benefit in this section.~~

(vi) ~~—"Vietnam veteran surviving spouse" means a person who is a surviving spouse of a Vietnam veteran and who meets the eligibility criteria as defined in paragraph (d) of this section.~~

~~(vii) — “Vietnam veteran surviving child” means a person who is a surviving child of a Vietnam veteran and who meets the eligibility criteria as defined in paragraph (d) of this section.~~

~~(d) Eligibility.~~

~~(i) Vietnam Veteran. A Vietnam veteran is eligible for educational benefits under this section, under the following conditions:~~

~~(A) — Must have been in active service with the military forces of the United States and received a Vietnam service medal between August 5, 1964 to May 7, 1975; and~~

~~(B) — Must have received a discharge from the military forces of the United States other than dishonorably; and~~

~~(C) — Must have been a resident of Wyoming for not less than one (1) year when applying for the education benefit in this section; and~~

~~(D) — Must not be receiving educational benefits under the Servicemen’s Readjustment Act of 1944, as amended, for any credit or vocational education course for which the Vietnam veteran registers.~~

~~(ii) Vietnam Veteran Surviving Spouse. A Vietnam veteran surviving spouse is eligible for educational benefits under this section, under the following conditions:~~

~~(A) — Must be the surviving spouse of a Vietnam veteran who was a resident of Wyoming at the time of entering into active state service or active service with the military forces of the United States; and~~

~~(B) — Whose death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101, or is listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States; or~~

~~————— (C) — Who was honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death.~~

~~(iii) Vietnam Veteran Surviving Child. A Vietnam veteran surviving child is eligible for educational benefits under this section, under the following conditions:~~

~~(A) — Must be the surviving child of a Vietnam veteran who was a resident of Wyoming at the time of entering into active state service or active service with the military forces of the United States; and~~

~~(B) — Whose death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101, or is listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States; or~~

~~————— (C) — Who was honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death.~~

~~(iv) Overseas Combat Veteran. An overseas combat veteran is eligible for educational benefits under this section, under the following conditions:~~

~~(A) — Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and~~

~~(B) — Must not be a Vietnam veteran; and~~

~~(C) — Must be honorably discharged from active military service;~~
~~and~~

~~(D) — Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country.~~

~~(v) Combat Veteran Surviving Spouse. A combat veteran surviving spouse is eligible for educational benefits under this section, under the following conditions:~~

~~(A) — Combat Veteran Surviving Spouse must be the surviving spouse of an overseas combat veteran.~~

~~(B) — The overseas combat veteran must have met the following criteria:~~

~~(I) — Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and~~

~~(II) — Must not have been a Vietnam veteran; and~~

~~(III) — Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country; and~~

~~(IV) — Must have been honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death; or~~

~~(V) — Must have been honorably discharged from the military forces of the United States and the death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101; or~~

~~(VI) — Must be listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States.~~

(vi) **Combat Veteran Surviving Orphan.** A combat veteran surviving orphan is eligible for educational benefits under this section, under the following conditions:

(A) — Applicant must be under twenty one (21) years of age at the time the veteran parent died in overseas combat during active military service; and

(B) — Applicant must be an orphan of an overseas combat veteran; and

(C) — The overseas combat veteran must have met the following criteria:

(I) — Must have been a resident of the state of Wyoming for at least one (1) year immediately prior to entering into active military service; and

(II) — Must not have been a Vietnam veteran; and

(III) — Must have been awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service to the United States in any conflict in a foreign country; and

(IV) — Must have been honorably discharged from the military forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such military forces, being a resident at the time of death; or

~~(V) — Must have been honorably discharged from the military forces of the United States and the death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101; or~~

~~(VI) — Must be listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the military forces of the United States.~~

(c) Application Process. Vietnam veterans, overseas combat veterans and surviving spouses and dependants ~~orphans~~ shall apply for the educational benefit under this section with an ~~the~~ eligible institution in ~~(f)(i)(B)~~ and will provide the appropriate documentation to establish eligibility.

(i) The application form and deadlines shall be determined by each participating educational institution.

(d) Selection Process. The Commission shall designate the financial aid officers at the University of Wyoming and the Wyoming community colleges to administer this program subject to the following:

(i) The financial aid officer shall require each applicant to apply to the participating educational institution, review each application, and determine whether the applicant is eligible under W.S. 19-14-106.

(ii) The financial aid officer shall authorize free tuition, matriculation, and other fees from appropriated funds in an amount sufficient to avoid over commitment.

~~(e) Educational Benefits.~~

~~a. Vietnam veterans will be eligible for free tuition for not more than ten (10) semesters for any credit or vocational educational course for which the Vietnam veteran registers.~~

~~(ii) — Vietnam veteran surviving spouses and children will be eligible for free tuition, matriculation and other fees for courses of instruction at any state institution in elementary, secondary and college grades, business colleges, state vocational training schools or other educational institutions of the State of Wyoming the which would tend to enable the individual to engage in any useful trade, occupation or profession,~~

~~b. Overseas combat veterans will be eligible under this section for free tuition and fees for not more than ten (10) semesters for any credit course for which the overseas combat veteran registers subject to the following provisions:~~

~~(A) — Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and~~

~~(B) — Shall not be eligible after more than ten (10) academic years after the date the veteran completes military service; and~~

~~(C) — Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and~~

~~(D) — Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.~~

e. ~~Combat veteran surviving spouses are eligible for free tuition and fees subject to the following provisions:~~

~~(A) — Shall not be eligible for more than ten (10) semesters for any credit course for which the surviving spouse registers; and~~

~~(B) — Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and~~

~~(C) — Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and~~

~~(D) — Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.~~

d. ~~Combat veteran surviving orphans are eligible for free tuition and fees subject to the following provisions:~~

~~(A) — Shall not be eligible to apply for the first semester of free tuition under this section more than three (3) academic years after:~~

~~(I) — For a high school graduate, the graduation date of the student's high school class, except for good cause, or;~~

~~(II) — For a student with a General Educational Development (GED) diploma or for a student who was home schooled, the high school graduation date of students of the same age, except for good cause; and~~

~~(B) — Shall not be eligible for more than ten (10) semesters for any credit course for which the combat veteran surviving orphan registers; and~~

~~(C) — Shall not be eligible after eight (8) academic years following the initial receipt of free tuition under this section; and~~

~~(C) Shall earn a cumulative 2.0 grade point average on a four-point scale by the end of the third semester of enrollment; and~~

~~(D) Shall maintain a 2.0 grade point average after the third semester of enrollment and shall otherwise remain eligible as provided in this section.~~

(eg) Reimbursement. The funds appropriated by the legislature will be reimbursed by the Commission to the University of Wyoming and Wyoming's community colleges upon submission of a Certificate of Eligibility.

~~Tuition and fees for overseas combat veterans, combat veteran surviving spouses and combat veteran surviving orphans under this section will be reimbursed by the Community College Commission to the University of Wyoming or one of the Wyoming community colleges, subject to the availability of funds appropriated.~~

~~(i) Reimbursement requests, accompanied by a Certificate of Eligibility provided by the Community College Commission, will be processed for payment on a semester basis by the Commission; and~~

~~(ii) The financial aid director of the University of Wyoming or community college will certify as correct, with an original signature, all Certificates of Eligibility and mail them to the Community College Commission using the United States Postal Service.~~

~~(d) Exemptions for Good Cause.~~

~~Any combat veteran surviving orphan may be exempt from the deadline for applying for educational benefits as outlined in (f)(iv)(A) of this section if the orphan:~~

~~(i) Enters into active military duty in the U.S. Armed Forces; or~~

~~(ii) Enters into a formalized religious service; or~~

~~(iii) Can demonstrate in writing, to the financial aid director of the University of Wyoming or a community college, other good cause.~~

~~(e) Review and Reporting.~~

~~a. The community college commission shall submit a report to the joint appropriations and the joint education interim committees by October 1, 2006 and annually thereafter on October 1.~~

~~(ii) The report shall identify the actions taken and monies expended pursuant to this act.~~

(f) Tracking of total semesters. Tuition benefit usage shall be updated and verified each semester (fall, summer, spring) by Commission staff based on the information submitted on the Certificate of Eligibility by the financial aid director at the University of Wyoming or the community colleges. A report shall be run by Commission staff to determine that the benefit is used within eight (8) academic years after the first receipt of the benefit. If the eight (8) academic year time limit has been reached, the financial aid office shall be notified by the Commission that the student is no longer eligible. The financial aid office shall be responsible for notifying the student of such.

(g) Initial use of benefits. Initial eligibility shall be determined by the financial aid office at the University of Wyoming or the community college in which the veteran is applying for the benefit. The financial aid office shall be responsible for determining that a dependant is under the age of twenty-two (22) when initially applying to use the benefit.

(h) Transfer between public state education institutions. Commission staff shall track how many semesters have been used by each student and an updated listing of number of semesters used shall be sent to the financial aid offices each semester so the financial aid office can determine if a student has received the benefit at another public education institution. The Commission shall verify that each student has not exceeded his or her total benefit or eight (8) academic years before payment is made to the University of Wyoming or the community colleges for that semester.

(i) Continuation of eligibility. The University of Wyoming or community college financial aid office where the student is attending and receiving the benefit shall be responsible for tracking the GPA of the student once he or she has started using the benefit. The respective office shall run a report determining if those students receiving the benefit have met the requirements for continued eligibility. If a student loses eligibility because he/she fell below a 2.0 GPA or failed to meet other institutional standards of progress, he or she can earn the benefit back by completing course work at their own cost until such time as the GPA has risen back to the minimum requirement of 2.0 and also meets other institutional standards of progress.

Section 10. Major Maintenance Funding and Distribution.

(a) The Commission shall, no later than August 15 of each odd-numbered year, and in accordance with W.S. 21-18-225(f) and any additional provisions enacted in current session law, calculate actual gross square footage of college facilities eligible for state-supported major maintenance funding. The square footage data contained in the capital construction database provided by the Commission to the colleges under W.S. 21-18-225(b)(i), and current as of August 1 of each odd-numbered year, shall be the data used to support the request sent to the Construction Management Division of the Department of Administration and Information, with the following exceptions:

(i) Gross square footage data for an otherwise eligible building scheduled for demolition within two years of December 1 of each odd-numbered year shall not be included in the calculation.

(b) Once funding is appropriated, and to the extent funds are available, the distribution shall take place no later than July 15 of year, 80 percent being distributed to each college based on their actual share as calculated in (a) above for the first year of the biennium, and the remaining amount for the second year of the biennium.

Section 11. ~~Administering Maintenance and Capital Construction Requests~~ Funding.

(a) Under authority of W.S. 21-18-225, this section addresses the development ~~and submission methods~~ of a prioritized list of community college capital construction projects, and ~~the its submission of this list to the~~ Construction Management Division of the Department of Administration and Information and the sState bBuilding eCommission.

(b) The prioritized list of community college capital construction projects shall include only necessary building square footage required for provision of those education programs serving the state's interests as described in Chapter 4 of the WY Community College Commission comprising the sStatewide college system sStrategic pPlan developed and maintained under the authority of ~~by~~ W.S. 21-18-202 (a)(v).

(c) The Commission's *Facilities Handbook* shall be referenced for specifications regarding automated programs and databases, forms, formats, timelines, documentation, guidelines, facility classification systems, forecasting models, indices and/or other factors.

~~(i)~~ (d) The Commission shall provide guidelines and format for community colleges to use in developing its ~~their~~ prioritized capital construction ~~and major maintenance~~ lists which are correlated to the WY Community College Commission comprising the sStatewide college system sStrategic pPlan.

~~(ii)~~ (e) The Commission shall provide access to a statewide community college building database (otherwise referred to as the capital construction database), a component of which shall be a facilities inventory database.

~~(A)~~ (f) Community colleges shall provide ~~annual~~ updates to the facilities inventory database in a timely fashion, thereby facilitating both current and system database which provide comprehensive descriptions of colleges' built environments. Deadlines for all outstanding updates may be established by the Commission in order to ensure the validity of computations inherent to, and reports generated by, the capital construction database.

~~(Bii) Database System~~ information shall be used to develop the long range plans for building space needs.

~~(iii)~~ The Commission shall identify and implement a forecasting model to assist community colleges in computing future student enrollments and related building needs. Model reports will be available to the colleges upon completion of Commission-related database updates including, but not limited to, population projections, enrollment projections, student demographics, participation rates, distance education, utilization hours, library volumes and student study stations.

~~(g) The statewide college system strategic plan shall guide the comprehensive assessment of community college buildings and future space requirements.~~

(d) By July 1 of every odd-numbered year, the colleges shall be authorized to submit for funding consideration capital construction projects. Each submission must have a Level I study completed, and shall use the capital construction database described in the *Facilities Handbook*. The proposed project must have an identified educational use and must also be described and prioritized within the college's published 5-year master plan.

(i) No later than August 24 of each odd-numbered year, the Commission shall vote on the list of proposed projects, determining which to recommend for further consideration, and in what order of priority.

(ii) No later than August 31 of each odd-numbered year, the Commission shall forward the prioritized list and Level I design documents to the Construction Management Division of the Department of Administration and Information in accordance with W.S. 21-18-225(g).

(iii) Upon completion of the review required of the General Services Division in accordance with W.S. 21-18-225(g), together with their recommendation to the State Building Commission, the General Services Division shall develop a budget for each project as specified in W.S. 9-5-108 (J), and shall include as separate line items:

(A) An estimated amount for actual construction costs of the facility.

(B) An estimated amount for project design and planning, Levels II and

III.

(C) An estimated amount for contingencies.

(D) An estimated amount for Furniture, Fixtures and Equipment (FF&E). This is intended to cover items that have no permanent connection to the structure of the building, such as desks, chairs, tables, lecterns, office furniture, and specialized items to equip classrooms and laboratories. Grounds and landscaping equipment, floor cleaners and waxers, vacuums, snow blowers, and such related items may be acceptable FF&E expenditures, pending an inventory and assessment conducted jointly by the college and the General Services Division of the Department of Administration and Information. All requested FF&E reimbursements shall be reviewed and

approved by the General Services Division, and shall be submitted for payment as described in Section 12 (d) of these Chapter 5 rules.

(E) An estimated amount for relocation costs, if any.

(F) An estimated amount for grounds development, if any.

(G) An amount for technology, computer, audio-visual and communication equipment and services.

(H) An amount for fees, permits and required public notices.

(I) An amount for bonding and insurance.

(J) An amount, not to exceed 3 percent of the total project costs (Items A through I above) for other authorized expenses.

(K) An amount for “Art for Public Display” as provided for in W.S. 16-6-802.

(iv) Upon submission of proposed projects to the State Building Commission, the General Services Division shall only request funding consideration for Levels II and III planning and design (Item B above) in the subsequent legislative budget session.

(A) Those projects that receive funding for Levels II and III planning and design shall then be recommended for Level III construction funding (items A, and C through K above) in the subsequent legislative general session. A firm commitment for local funding, as described in Section 12 (b) of these Chapter 5 rules, shall accompany any recommendation for construction funding.

(B) The community college cost-share percentage shall be the equivalent of 6 mills of the assessed valuation of the county in which the construction will take place divided by the total project cost, excluding any amounts set aside for planning, design and contingency. Should the equivalent of 6 mills of the assessed valuation of the county in which construction will take place exceed one-half of the total project cost, excluding any amounts set aside for planning, design and contingency, the same shall be capped at the 50 percent. Accordingly, any remaining percentages shall be the state’s share. The Commission may also take into consideration outstanding bond obligations. If the community college exceeds the 50 percent in their funding, the same shall be considered as an incentive recognized in the capcon funding model, and as outlined in policy reflected in the facility handbook.

(e) Community colleges may submit requests for authorization to construct without state funding, as provided for in W.S. 21-18-202 (d)(v). Such requests shall be sent to Commission staff no later than 30 days prior to any scheduled commission meeting for consideration at that meeting. Commission-authorized projects of \$1 million or more also require authorization by the State Building Commission and the legislature, and therefore will not move forward until the following October.

~~(fh)~~ Community colleges shall submit requests for modification of capital construction priorities through resubmission of their respective college master plans. Re-writes and updates to college master plans must be submitted to the eCommission within 30 days of college board approval. ~~in writing and according to the lead time necessary to meet subsequent reporting deadlines.~~

~~(i) The Commission shall identify and implement a uniform, industry recognized method for computation of square footage eligible for major maintenance funding.~~

Section 12. Distributing State Funds for Capital Construction.

(a) Under authority of W.S. 21-18-225 (j), ~~and (k)~~ this section describes the process for distributing state funds for building construction approved and authorized by the ~~L~~legislature.

~~(b) The Commission shall take under consideration the potential need for cost adjustments due to inflationary forces which may produce cost differentials between planning phases and commencement of construction. Any adjustments shall be based on a recognized construction industry index.~~

~~_____~~
~~_____ (i) Community colleges shall notify the commission in writing should the need for such consideration occur.~~

~~(be)~~ Community colleges shall provide sufficient, final and verifiable third party documentation regarding the receipt of the local funding match available for immediate use for capital construction projects prior to the release of appropriated ~~legislatively approved~~ state funds. Documentation shall include, but not be limited to:

(i) For a revenue bond, the documentation shall consist of the published resolution of the community college board of trustees allowing issuance of said bond.

(ii) For a general obligation bond, the documentation shall consist of a copy of the Final Official Statement evidencing the sale of the bonds, and the Closing Memorandum, both issued by the bond broker.

(iii) For a gift, endowment, etc., the documentation shall consist of a certified letter of conveyance from the benefactor, and a certified letter of deposit into an account held solely by the community college at an insured financial institution, or into an escrow account held by the benefactor for the sole benefit of the community college. In the case of the latter, the benefactor shall provide a written guarantee to provide the full amount of the original gift or endowment, regardless of investment losses.

(iv) For cash on hand, the documentation shall consist of a certified letter from the financial institution where funds are held attesting to the available cash balance on hand and the name(s) of the account holder(s).

(v) For local funding mechanisms not described above, the Commission shall determine other documentation deemed acceptable.

(c) Expenses incurred by the General Services Division of the Department of Administration and Information as a result of pre-construction, which includes Levels II and III design and planning, shall be certified on a voucher created by the General Services Division, supported by a copy of the actual paid invoices, then forwarded to the Commission for payment via an internal expenditure transaction.

(d) Once into the construction phase, the community college shall pay all invoices related to the project. No more than monthly nor less than quarterly, the community college shall seek reimbursement from the Commission for the state's established share of each allowable expenditure, as determined by the General Services Division of the Department of Administration and Information, and only up to the line-item appropriation as provided for in Section 11(d)(iii) of these Chapter 5 Rules. The community college shall record each individual transaction on a voucher created by the Commission and approved by the General Services Division. Such voucher shall be accompanied by supporting documentation specified by the Commission, and shall be reviewed and certified by the General Services Division prior to submission to the Commission. The Commission shall then submit the payment request necessary for the State Auditor's Office to reimburse the community college.

(i) On rare occasions, the Commission shall negotiate with a community college should the college not have the cash reserves to cover an allowable expenditure in anticipation of a reimbursement from the State Auditor's Office. Advance payment of anticipated costs shall be considered as a remedy, and shall be subject to reconciliation once actual costs are known.

(e) Invoices for allowable expenditures justifiably assigned as a contingency cost shall be forwarded to the General Services Division of the Department of Administration and Information for payment. The process of reimbursement shall be the same as described in (d) above.

(i) The Commission's *Facilities Handbook* shall be referenced for information regarding the actual distribution or payment schedules of state funds for capital construction.

(d) Community colleges shall work directly with the general services division with regard to submission of information regarding construction phases that require division approval including change orders.