



# Certification Page Regular and Emergency Rules

Revised June 2013

☒ **Emergency Rules** (After completing all of Sections 1 and 2, proceed to Section 5 below)

☐ **Regular Rules**

## 1. General Information

a. Agency/Board Name WY Community College Commission		
b. Agency/Board Address 2020 Carey Ave., 8th Floor	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Matt Petry	f. Contact Telephone Number 777-5859	
g. Contact Email Address matt.petry@wyo.gov	h. Adoption Date June 28, 2013	
i. Program General Agency, Board or Commission Rules		

## 2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed  
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number: One	Short Title: Definitions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: Five	Short Title: Administrative Functions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: Six	Short Title: Approval Functions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: Seven	Short Title: Review and Report Functions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

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:

Legislation passed during the 2013 Session required the creation of rules for the High School Equivalency Certificate program and the WY Adjunct Professor Loan Repayment program. Legislation also passed that required the transfer of duties related to community college capital construction projects to the Construction Management Division of the Department of Administration and Information. The time available before the July 1, 2013 effective date does not allow for 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 and a clean copy were provided to the **Legislative Service Office**:
- c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy 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 for the Governor's signature**: July 1, 2013
- b. Date on which final rules were sent to the **Legislative Service Office**: July 1, 2013
- c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**: July 1, 2013

### **6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual  
(Blue ink as per Rules on Rules, Section 7)

Printed Name of Signatory

James O. Rose

Signatory Title

Executive Director

Date of Signature

July 1, 2013

### **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

**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 (for emergency rules only).

**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 (for emergency rules only).

**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 6 passed during the 2013 legislative session was enacted to replace the general education development (GED) equivalency diploma with a high school equivalency certificate. This legislation has an effective date of July 1, 2013. House Enrolled Act number 88, also passed during the 2013 legislative session, established the Wyoming Adjunct Professor Loan Repayment Program with an effective date "immediately upon completion of all acts necessary for a bill to become law". In an effort to have rules in place for both of these programs by July 1, 2013, these emergency rules are being filed to include the requirements for these programs in chapter five.

Senate Enrolled Act number 70, passed during the 2013 legislative session, requires the transfer of a number of duties related to community college capital construction from the WY Community College Commission to the Construction Management Division (CMD) of the Department of Administration and Information. This legislation also has an effective date of July 1, 2013. The transfer of these responsibilities is reflected in chapter five.

#### CHAPTER 6

The portion of the capital construction approval responsibilities transferred to CMD is reflected in chapter six amendments.

#### CHAPTER 7

The portion of the reporting requirements for capital construction projects transferred to CMD is reflected in chapter seven amendments.

Due to the time involved in creating the rules for HEA 6 and HEA 88, the agency was not able to complete the regular rules process before the July 1, 2013 deadline. These emergency rules are being filed in order to meet that deadline. During the regular rules process, the agency will also condense the overall quantity of rules, as requested by Governor Mead earlier this year.

## **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.**

(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) “High School Equivalency” means attainment of the knowledge and skills or level of academic proficiency comparable to that which would be attained in a high school program of study and yields significantly the same outcome or capability.

(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).**

(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).**

(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.

**Section 6. Definitions – Wyoming Adjunct Professor Loan Repayment Program (WAPLR).**

(a) “Adjunct instructor” means a person employed by a Wyoming public school district who is qualified to teach a course that results in the award of college credits by an accredited post-secondary institution.

(b) “Education program” means a course(s) necessary to qualify an individual, after successful completion, to teach a concurrent course(s) that result(s) in the award of college credits by an accredited post-secondary institution.

(c)“Qualified work” means teaching, or being available to teach should the curriculum be skipped for a semester, concurrent courses for which college credit is awarded.

(d)“Resident” means a person whose primary residence lies within the borders of the State of Wyoming pursuant to W.S. 22-1-102(a)(xxx).

#### **Section 7. Definitions – High School Equivalency Certificate Program.**

(a) “Accredited” 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.

(b)“Assessment” means a commercially available instrument for measurement of academic capability or achievement.

(c)“Certificate” means a title conferred upon a student by the HSEC program upon completion of a state-approved assessment instrument.

(d)“Committee” means the group of individuals and representatives of stakeholder entities directly affected by changes to the HSEC program, who convene to make selections and decisions concerning authorized instruments and pathways for the HSEC program.

(e)“Credential” means a title conferred on a student by the HSEC Program upon successful completion of an authorized assessment or pathway approved by the HSEC committee and the Commission.

(f)“Equivalency” means the knowledge and skills or level of academic proficiency demonstrated by a student is comparable to that which would be attained in a high school program of study and yields significantly the same outcome or capability.

(g)“Pathway” means any method or combination of measurements used to determine that a student has successfully met the state-approved criteria for completion and award of the HSEC.

## 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) “High School Equivalency” means attainment of the knowledge and skills or level of academic proficiency comparable to that which would be attained in a high school program of study and yields significantly the same outcome or capability. “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.

**Section 6. Definitions – Wyoming Adjunct Professor Loan Repayment Program (WAPLR).**

(a)“Adjunct instructor” means a person employed by a Wyoming public school district who is qualified to teach a course that results in the award of college credits by an accredited post-secondary institution.

(b)“Education program” means a course(s) necessary to qualify an individual, after successful completion, to teach a concurrent course(s) that result(s) in the award of college credits by an accredited post-secondary institution.

(c)“Qualified work” means teaching, or being available to teach should the curriculum be skipped for a semester, concurrent courses for which college credit is awarded.

(d)“Resident” means a person whose primary residence lies within the borders of the State of Wyoming pursuant to W.S. 22-1-102(a)(xxx).

**Section 7. Definitions – High School Equivalency Certificate Program.**

(a) “Accredited” 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.

(b)“Assessment” means a commercially available instrument for measurement of academic capability or achievement.

(c)“Certificate” means a title conferred upon a student by the HSEC program upon completion of a state-approved assessment instrument.

(d)“Committee” means the group of individuals and representatives of stakeholder entities directly affected by changes to the HSEC program, who convene to make selections and decisions concerning authorized instruments and pathways for the HSEC program.

(e)“Credential” means a title conferred on a student by the HSEC Program upon successful completion of an authorized assessment or pathway approved by the HSEC committee and the Commission.

(f)“Equivalency” means the knowledge and skills or level of academic proficiency demonstrated by a student is comparable to that which would be attained in a high school program of study and yields significantly the same outcome or capability.

(g)“Pathway” means any method or combination of measurements used to determine that a student has successfully met the state-approved criteria for completion and award of the HSEC.

## **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 locallyfunded capital construction as calculated in Section 12 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 1<sup>st</sup> 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.

(I) 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 1<sup>st</sup> 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. Administering the Wyoming Adjunct Professor Loan Repayment Program (WAPLR).**

(a) This section is promulgated under authority of W.S. 21-7-701 as amended.

(b) The purpose of the Wyoming Adjunct Professor Loan Repayment Program (WAPLR program) is to make funds available to public school teachers who require additional coursework in order to qualify as adjunct instructors under the concurrent enrollment policies of a Wyoming community college district or the University of Wyoming (UW).

(c) Application Process. To be eligible to participate in this program, a public school teacher (applicant) shall secure from the school district a signed agreement using a form approved by the Commission.

(i) The agreement form shall include:

(A) Verification by the school district that the applicant is a resident of Wyoming as defined in Chapter 1 of these rules;

(B) Verification by the school district that the applicant is employed as a teacher within the school district;

(C) Verification by the school district that the applicant is in good standing with the Professional Teacher Standards Board;

(D) Verification by the school district and the post-secondary institution that the schedule of proposed coursework is correct and necessary for the applicant to teach concurrent courses in the high school;

(E) A list and schedule of concurrent courses the applicant is expected to teach after completion of the educational program; and

(F) Signatures of the school district superintendent or designee and the president of the post-secondary institution or designee.

(d) The agreement described in (c) of this section shall constitute a nomination for the program and be submitted by the school district to the partner post-secondary institution in

accordance with the deadline prescribed by the Commission. In the event the school district nominates more than one applicant, the school district shall prioritize nominations prior to submitting all applications to the partner post-secondary institution.

(e) Submission to the Commission:

(i) The post-secondary institution shall submit the nomination(s) to the Commission no later than the second Friday of March of the school year preceding the year in which the educational program is planned. Because of the effective date of legislation, in 2013 this deadline shall be July 5, 2013.

(ii) In the event that the post-secondary institution receives more than one nomination, the post-secondary institution shall prioritize nominations prior to submitting all applications to the Commission.

(f) Selection Process:

(i) The Commission shall review all applications and select recipients based on the following criteria:

(A) Amount of coursework and length of time necessary to qualify the applicant to teach concurrent courses;

(B) Estimated number of students enrolled in concurrent classes to the eligible student population expressed as a percentage impacted when the concurrent courses are offered by the community college in cooperation with the school district;

(C) How the post-secondary institution has prioritized the nominations;  
and

(D) The scope and access of concurrent courses currently offered by the community college in cooperation with the school district.

(ii) The Commission shall notify successful applicants no later than the third Friday of April of the year in which the educational program is planned and specify the terms and conditions of the loan. Because of the effective date of legislation, in 2013 this deadline shall be July 19, 2013.

(g) Payment Process:

(i) Payment for reimbursement of tuition and fees shall be made by the Commission on a semester-by-semester basis to the applicant.

(A) The school district shall verify successful completion for each course shall and report completion to the Commission. This report shall include:

(I) An official transcript provided by the applicant from the post-secondary institution showing the course or courses were completed with a passing grade of A, B, C, S or P; and



(II) The total cost of tuition and fees to be reimbursed.

(B) If an applicant fails to meet the standard established in (A) of this section, the applicant will begin cash repayment as described in section (ii)(B)(V) of this section.

(ii) Terms and conditions of loans awarded under this section shall be approved by the Commission.

(A) 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.

(II) Accrual of interest shall begin on the day of the first disbursement of funds.

(B) Loan Terms

(I) Loan origination fees shall be established by the Commission and deducted from the first disbursement of funds.

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

(III) The Commission or the designated financial institution may disclose any delinquency or default on the applicant's loan to credit bureaus.

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

(V) If the applicant 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 become immediately due and payable.

(VI) The applicant may prepay all or any part of the principal and accrued interest of the loan at any time without penalty. The applicant will promptly inform the Commission or the designated financial institution of any change in name or address.

(h) Terms of Repayment

(i) A recipient of a loan under this section may repay the loan without cash payment by teaching at least one concurrent class in a Wyoming public school. To qualify as repayment under this subsection, work shall be performed for a minimum of two (2) years, which shall begin the fall semester of the academic year following completion of the educational

program. Annually the Wyoming public school district shall provide verification that the applicant is teaching a concurrent college level credit-bearing course or courses in one or more high schools.

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

(iii) Qualified work shall be verified by the Commission by having received a letter from the applicant's employer stating the applicant is currently or has been employed as a teacher in a qualifying area of study. This letter must be submitted at the end of the spring semester for the two (2) years immediately following completion of the academic program.

(iv) Subject to the cash repayment provision as detailed by W.S. 21-7-601, the loan is repayable in equal or graduated installments with the right of the Commission to accelerate payment over a period not to exceed two (2) years that begins forty-five (45) days after the applicant ceases to be a student in the academic program. The Commission may approve a longer period for repayment in extenuating circumstances.

(i) Process of Cash Repayment. The process and schedule for cash repayment under section (h) of this section shall be administered by the Commission through its designated financial institution. Applicants 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 ninety (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 applicant 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 period not to exceed five (5) years while the applicant is serving on full time active duty with any branch of the military services of the United States.

(v) Applicants 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 loan 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) Applicants shall not be considered in default when the school district or post-secondary institution does not offer a previously agreed upon concurrent course or courses and such action does not extend the repayment period.

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

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

(B) During this conditional period, the applicant need not pay principal and interest will not accrue. If the applicant continues to meet the total and permanent disability conditions during and at the end of the three (3) year conditional period, the applicant's obligation to repay the loan is canceled upon approval by the Commission.

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

(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 11. Administering the High School Equivalency Certificate Program.**

(a) This section is promulgated under authority of 2013 Wyo. Sess. Laws 99 and W.S. 21-16-1308(b)(iv)(C).

(b) This section describes the procedures for administration of the Wyoming High School Equivalency Certificate (HSEC) program. The HSEC program provides a credential to adults and out-of-school youth who did not graduate from an accredited high school, are unable to receive a high school diploma from their school district of residence, or were home-schooled and did not receive a diploma, but are able to demonstrate attainment of knowledge and skills that are equivalent to those which would be attained in a high school program of study through passing any of the state-authorized equivalency credentialing assessments.

(c) The HSEC program applies to all citizens, naturalized immigrants, resident alien non-citizens and foreign exchange students according to state and federal immigration policy. Candidates must prove their identity with current, unmodified, original government or accredited institution of higher learning issued photo identification.

(d) The HSEC program office shall maintain an official HSEC Policy and Procedures Manual for each authorized assessment instrument or pathway used to certify candidate attainment of high school equivalency.

(e) The HSEC program or the Commission Executive Director's designated representative shall convene a review committee to select the state-authorized assessment instrument(s) or pathway(s) used to certify candidate attainment of high school equivalency when

appropriate as such instruments or pathways become available. No particular instrument may be considered the state standard.

(i) The process for forming the review committee shall be as follows:

(A) The HSEC program office shall monitor the marketplace for viable products, and may also participate in applicable national or regional committees which investigate equivalency assessments. When new assessment instruments become available, or when review of an instrument or pathway is requested, the HSEC program office shall call a meeting composed of the individuals and the representatives of the entities listed below, however, there is no quorum necessary to proceed with approval or rejection:

(I) Community College Academic Affairs Council, Community College Admissions/Financial Aid Officers, Department of Education, Department of Workforce Services, University of Wyoming, the Adult Education Program Manager, and English as a Second Language (ESL) expert, a Wyoming Board of Cooperative Education Services (B.O.C.E.S.) representative, the Family Literacy Program Manager, and a Community College Commission-appointed Test Center administration expert.

(B) The HSEC program office or the Commission Executive Director's designated representative shall convene, chair and support the committee and consult with the available committee members, either in person or via electronic meeting, to evaluate and/or develop new proposed instruments or pathways.

(I) Final committee decisions concerning approval or rejection of proposed instruments or pathways shall be via an official vote recorded by electronic mail and promulgated by a summary posting on the Commission website HSEC webpage. The Commission shall consider the actions of the committee at their next regularly scheduled meeting and may override all other approvals or rejections for a proposed instrument or pathway. Appeals shall be handled in accordance with the Wyoming Administrative Procedures Act W.S. 16-3-101 through W.S. 16-3-115.

(C) Effective dates for approved instruments or pathways and necessary policy and procedural information shall be maintained by the HSEC Program Manager with official copies available on the Commission website HSEC webpage.

(D) If for any reason the state should revoke approval for an instrument or pathway, the applicable announcements shall be posted on the Commission website HSEC webpage, communicated publicly by official press release and through the HSEC committee by electronic media.

(f) Qualifying scores for the different Hathaway scholarship levels shall be determined through consultation with the committee using vendor-provided publicly available concordance tables. Any changes made to the Wyoming Hathaway Scholarship program by the Wyoming Department of Education or the Wyoming Legislature, which may affect qualification scores, may be incorporated in this program within sixty (60) days of notification from the Wyoming Department of Education.

(i) If otherwise eligible, HSEC candidates shall be eligible for a Hathaway scholarship if they achieve an average score on a selected, approved HSEC assessment instrument corresponding to the scores below, verified by the vendor-supplied concordance:

(A) A minimum standard score of 500 on the GED® 2002 series test, a scholarship at the same level and to the same extent as a Hathaway opportunity scholarship or provisional opportunity scholarship;

(B) A minimum standard score of 540 on the GED® 2002 series test, a scholarship at the same level and to the same extent as a Hathaway performance scholarship; or

(C) A minimum standard score of 575 on the GED® 2002 series test, a scholarship at the same level and to the same extent as a Hathaway honor scholarship.

(ii) Minimum standard scores from all approved instruments shall represent the same proficiency skills as those represented by the scores listed above and shall be published in the HSEC Policy and Procedures Manual.

## **Section 12. Major Maintenance Funding and Distribution.**

(a) The Commission shall, no later than August 1 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 July 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 in accordance with rules and regulations promulgated by the Construction Management Division..

## **Section 13. 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.

(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 1 of each odd-numbered year, Commission staff 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).

(ii) An informational report will be created related to the prioritized list given to the Construction Management Division, and will be provided to the commissioners at their August budget meeting.

(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.

## **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 [locally-funded](#) capital construction as calculated in Section ~~124~~ 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 1<sup>st</sup> 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 1<sup>st</sup> 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. Administering the Wyoming Adjunct Professor Loan Repayment Program (WAPLR).**

(a) This section is promulgated under authority of W.S. 21-7-701 as amended.

(b) The purpose of the Wyoming Adjunct Professor Loan Repayment Program (WAPLR program) is to make funds available to public school teachers who require additional coursework in order to qualify as adjunct instructors under the concurrent enrollment policies of a Wyoming community college district or the University of Wyoming (UW).

(c) Application Process. To be eligible to participate in this program, a public school teacher (applicant) shall secure from the school district a signed agreement using a form approved by the Commission.

(i) The agreement form shall include:

(A) Verification by the school district that the applicant is a resident of Wyoming as defined in Chapter 1 of these rules;

(B) Verification by the school district that the applicant is employed as a teacher within the school district;

(C) Verification by the school district that the applicant is in good standing with the Professional Teacher Standards Board;

(D) Verification by the school district and the post-secondary institution that the schedule of proposed coursework is correct and necessary for the applicant to teach concurrent courses in the high school;

(E) A list and schedule of concurrent courses the applicant is expected to teach after completion of the educational program; and

(F) Signatures of the school district superintendent or designee and the president of the post-secondary institution or designee.

(d) The agreement described in (c) of this section shall constitute a nomination for the program and be submitted by the school district to the partner post-secondary institution in accordance with the deadline prescribed by the Commission. In the event the school district nominates more than one applicant, the school district shall prioritize nominations prior to submitting all applications to the partner post-secondary institution.

(e) Submission to the Commission:

(i) The post-secondary institution shall submit the nomination(s) to the Commission no later than the second Friday of March of the school year preceding the year in which the educational program is planned. Because of the effective date of legislation, in 2013 this deadline shall be July 5, 2013.

(ii) In the event that the post-secondary institution receives more than one nomination, the post-secondary institution shall prioritize nominations prior to submitting all applications to the Commission.

(f) Selection Process:

(i) The Commission shall review all applications and select recipients based on the following criteria:

(A) Amount of coursework and length of time necessary to qualify the applicant to teach concurrent courses;

(B) Estimated number of students enrolled in concurrent classes to the eligible student population expressed as a percentage impacted when the concurrent courses are offered by the community college in cooperation with the school district;

(C) How the post-secondary institution has prioritized the nominations; and

(D) The scope and access of concurrent courses currently offered by the community college in cooperation with the school district.

(ii) The Commission shall notify successful applicants no later than the third Friday of April of the year in which the educational program is planned and specify the terms and conditions of the loan. Because of the effective date of legislation, in 2013 this deadline shall be July 19, 2013.

(g) Payment Process:

(i) Payment for reimbursement of tuition and fees shall be made by the Commission on a semester-by-semester basis to the applicant.

(A) The school district shall verify successful completion for each course and shall report completion to the Commission. This report shall include:

(I) An official transcript provided by the applicant from the post-secondary institution showing the course or courses were completed with a passing grade of A, B, C, S or P; and

(II) The total cost of tuition and fees to be reimbursed.

(B) If an applicant fails to meet the standard established in (A) of this section, the applicant will begin cash repayment as described in section (ii)(B)(V) of this section.

(ii) Terms and conditions of loans awarded under this section shall be approved by the Commission.

(A) 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.

(II) Accrual of interest shall begin on the day of the first disbursement of funds.

(B) Loan Terms

(I) Loan origination fees shall be established by the Commission and deducted from the first disbursement of funds.

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

(III) The Commission or the designated financial institution may disclose any delinquency or default on the applicant's loan to credit bureaus.

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

(V) If the applicant 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 become immediately due and payable.

(VI) The applicant may prepay all or any part of the principal and accrued interest of the loan at any time without penalty. The applicant will promptly inform the Commission or the designated financial institution of any change in name or address.

(h) Terms of Repayment

(i) A recipient of a loan under this section may repay the loan without cash payment by teaching at least one concurrent class in a Wyoming public school. To qualify as repayment under this subsection, work shall be performed for a minimum of two (2) years, which shall begin the fall semester of the academic year following completion of the educational program. Annually the Wyoming public school district shall provide verification that the applicant is teaching a concurrent college level credit-bearing course or courses in one or more high schools.

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

(iii) Qualified work shall be verified by the Commission by having received a letter from the applicant's employer stating the applicant is currently or has been employed as a teacher in a qualifying area of study. This letter must be submitted at the end of the spring semester for the two (2) years immediately following completion of the academic program.

(iv) Subject to the cash repayment provision as detailed by W.S. 21-7-601, the loan is repayable in equal or graduated installments with the right of the Commission to accelerate payment over a period not to exceed two (2) years that begins forty-five (45) days after the applicant ceases to be a student in the academic program. The Commission may approve a longer period for repayment in extenuating circumstances.

(i) Process of Cash Repayment. The process and schedule for cash repayment under section (h) of this section shall be administered by the Commission through its designated financial institution. Applicants 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 ninety (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 applicant 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 period not to exceed five (5) years while the applicant is serving on full time active duty with any branch of the military services of the United States.

(v) Applicants 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 loan 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) Applicants shall not be considered in default when the school district or post-secondary institution does not offer a previously agreed upon concurrent course or courses and such action does not extend the repayment period.

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

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

(B) During this conditional period, the applicant need not pay principal and interest will not accrue. If the applicant continues to meet the total and permanent disability conditions during and at the end of the three (3) year conditional period, the applicant's obligation to repay the loan is canceled upon approval by the Commission.

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

(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 11. Administering the High School Equivalency Certificate Program.**

(a) This section is promulgated under authority of 2013 Wyo. Sess. Laws 99 and W.S. 21-16-1308(b)(iv)(C).

(b) This section describes the procedures for administration of the Wyoming High School Equivalency Certificate (HSEC) program. The HSEC program provides a credential to adults and out-of-school youth who did not graduate from an accredited high school, are unable to receive a high school diploma from their school district of residence, or were home-schooled and did not receive a diploma, but are able to demonstrate attainment of knowledge and skills that are equivalent to those which would be attained in a high school program of study through passing any of the state-authorized equivalency credentialing assessments.

(c) The HSEC program applies to all citizens, naturalized immigrants, resident alien non-citizens and foreign exchange students according to state and federal immigration policy. Candidates must prove their identity with current, unmodified, original government or accredited institution of higher learning issued photo identification.

(d) The HSEC program office shall maintain an official HSEC Policy and Procedures Manual for each authorized assessment instrument or pathway used to certify candidate attainment of high school equivalency.

(e) The HSEC program or the Commission Executive Director's designated representative shall convene a review committee to select the state-authorized assessment instrument(s) or pathway(s) used to certify candidate attainment of high school equivalency when appropriate as such instruments or pathways become available. No particular instrument may be considered the state standard.

(i) The process for forming the review committee shall be as follows:

(A) The HSEC program office shall monitor the marketplace for viable products, and may also participate in applicable national or regional committees which investigate equivalency assessments. When new assessment instruments become available, or when review of an instrument or pathway is requested, the HSEC program office shall call a meeting composed of the individuals and the representatives of the entities listed below, however, there is no quorum necessary to proceed with approval or rejection:

(I) Community College Academic Affairs Council, Community College Admissions/Financial Aid Officers, Department of Education, Department of Workforce Services, University of Wyoming, the Adult Education Program Manager, and English as a Second Language (ESL) expert, a Wyoming Board of Cooperative Education Services (B.O.C.E.S.) representative, the Family Literacy Program Manager, and a Community College Commission-appointed Test Center administration expert.

(B) The HSEC program office or the Commission Executive Director's designated representative shall convene, chair and support the committee and consult with the available committee members, either in person or via electronic meeting, to evaluate and/or develop new proposed instruments or pathways.

(I) Final committee decisions concerning approval or rejection of proposed instruments or pathways shall be via an official vote recorded by electronic mail and promulgated by a summary posting on the Commission website HSEC webpage. The Commission shall consider the actions of the committee at their next regularly scheduled meeting and may override all other approvals or rejections for a proposed instrument or pathway. Appeals shall be handled in accordance with the Wyoming Administrative Procedures Act W.S. 16-3-101 through W.S. 16-3-115.

(C) Effective dates for approved instruments or pathways and necessary policy and procedural information shall be maintained by the HSEC Program Manager with official copies available on the Commission website HSEC webpage.

(D) If for any reason the state should revoke approval for an instrument or pathway, the applicable announcements shall be posted on the Commission website HSEC webpage, communicated publicly by official press release and through the HSEC committee by electronic media.



(f) Qualifying scores for the different Hathaway scholarship levels shall be determined through consultation with the committee using vendor-provided publicly available concordance tables. Any changes made to the Wyoming Hathaway Scholarship program by the Wyoming Department of Education or the Wyoming Legislature, which may affect qualification scores, may be incorporated in this program within sixty (60) days of notification from the Wyoming Department of Education.

(i) If otherwise eligible, HSEC candidates shall be eligible for a Hathaway scholarship if they achieve an average score on a selected, approved HSEC assessment instrument corresponding to the scores below, verified by the vendor-supplied concordance:

(A) A minimum standard score of 500 on the GED® 2002 series test, a scholarship at the same level and to the same extent as a Hathaway opportunity scholarship or provisional opportunity scholarship;

(B) A minimum standard score of 540 on the GED® 2002 series test, a scholarship at the same level and to the same extent as a Hathaway performance scholarship; or

(C) A minimum standard score of 575 on the GED® 2002 series test, a scholarship at the same level and to the same extent as a Hathaway honor scholarship.

(ii) Minimum standard scores from all approved instruments shall represent the same proficiency skills as those represented by the scores listed above and shall be published in the HSEC Policy and Procedures Manual.

## **Section 120. 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-July 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 in accordance with rules and regulations promulgated by the Construction Management Division, 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 131. 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 CeC~~Commission staff 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).

~~(ii) -An informational report will be created related to the prioritized list given to the Construction Management Division, and will be provided to the commissioners at their August budget meeting.~~

~~(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 capex 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.~~

~~\_\_\_\_\_ (e) 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 6

### APPROVAL 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(d).

#### **Section 2. Purpose.**

This chapter defines the Commission's approval functions.

#### **Section 3. Approving New Certificate and Degree Programs.**

(a) The Commission reviews and approves or disapproves programs based on the *WY Community College Commission Statewide Strategic Plan*. Approval of nursing and allied health programs by the appropriate agency may also be required.

(b) Community colleges shall submit all proposed new, long-term programs to the Commission for approval.

(c) Community colleges requesting approval for new, long-term credit programs shall submit an application addressing:

(i) the alignment of the program with the *WY Community College Commission Statewide Strategic Plan* objectives at the time of implementation and in future years;

(ii) projected labor market demand for graduates in the state and region which includes a five (5) year period from the proposed implementation date;

(iii) wage projections for program graduates who enter an occupation directly related to their earned academic certificate or AAS degree;

(iv) documented citizen, business and industry input in program design and assessment (AAS or credit certificate);

(v) the means by which the proposed program shall coordinate internally and externally with other programs, colleges, and agencies;

(vi) a list of similar programs at other Wyoming community colleges;

(vii) the program layout including new course descriptions, student learning outcomes, suggested Classification of Instructional Programs (CIP) code, and where applicable, any program accreditation process;

(viii) the breakdown of the program's course teaching pedagogy, identifying the number of classes in a semester that shall be conducted (lecture, lab, practicum, clinical,

internship or other) and the offering mode(s) for the requested program (face-to-face, online, hybrid or other);

(ix) the credit hours required for a program's degree or certificate attainment;

(x) any proposed level of instruction code for course prefixes that are new to the Wyoming community colleges;

(xi) additional resources that will be required to start the requested program and how the community college plans to provide those resources; and

(xii) the means for assessing student learning and completer follow-up per performance indicators.

(d) As defined in the *WCCC Policy on Consultation*, the Program Review Committee shall render final approval or denial of a new pilot program request.

(i) Within 10 business days of receipt of a pilot program application, the Commission and applicable community college shall be informed in writing of the final decision.

(ii) Pilot programs shall have a 4 semester or 24 month developmental stage prior to requesting multi-level approval and "long-term" program designation.

(e) Community colleges requesting approval for pilot programs shall submit to the Commission a condensed application that addresses: Chapter 6, Section 3(c)(iv), (v), (vi), (vii), (viii), (ix), (x) and (xii) above.

(f) The Commission shall have final authority to approve, conditionally approve or deny requests for new long-term programs.

(g) The Commission shall have final authority for any pilot program denied by the Program Review Committee through the appeal process initiated by the affected college.

(h) The implementation of a long-term and/or pilot program may begin immediately after the approval. Should conditional approval be granted, implementation shall not start until all identified conditions have been acceptably met and approved by the Program Review Committee.

(i) A community college district may request to change a program at any time. Program modifications that include program completer outcomes change, program intent change, or target audience change require approval by the Executive Council. For programs to move from pilot to long-term status, the requesting community college shall resubmit the program to the Commission using the long-term application.

(j) A community college district that discontinues a program will notify the Commission within 30 calendar days of notifying the Higher Learning Commission of the cessation of that program, identifying the program and the date of discontinuation.

#### **Section 4. Approving Enlargement and Formation of Community College Districts.**

The Commission shall utilize the appropriate council or committee as defined in the *WCCC Policy on Consultation* to develop, administer and report the survey requirements outlined in W.S. 21-18-312 (d).

#### **Section 5. Approving Capital Construction Projects.**

(a) Community colleges shall submit new capital construction project proposals, pursuant to W.S. 21-18-202 (d)(v)(A),(B) and (C) and W.S. 21-18-225, to the Commission in accordance with Chapter 5, Section 13 of *Commission Rules*.

(b) A Level I study shall be completed prior to submission of any capital construction project for authorization or approval.

(c) Each community college shall maintain a 5-year master plan for its campus and other facilities, and it shall be submitted to the Commission whenever an existing plan is updated or amended or when the plan is completely re-written.

(d) Submission of a capital construction project proposal shall be in a format approved by the Commission and shall include:

(i) Specific identification of the proposed project and its priority within the community college's master plan along with assurance that the proposed project supports the *WY Community College Commission Statewide Strategic Plan*.

(ii) Estimated gross square footage by space use code as recognized by the Postsecondary Education Facilities Inventory and Classification Manual.

(iii) Estimated construction, design and contingency costs, as well as any costs not directly related to construction (demolition, land acquisition, special assessment, required landscaping and furnishings not considered fixtures, furniture and equipment).

(iv) Specific identification and rating of projects that address life safety issues.

(v) Provision of a facilities condition index as described in the *Facilities Handbook* and the Users' Manual for the CapCon model.

(e) Community colleges shall provide assurance that the cost of meeting standards for all environmental, health or safety code liabilities associated with the acquisition of previously owned buildings or renovation of acquired facilities would be the responsibility of the community college involved.

(f) The Contingency Reserve Account shall be used to supplement community college budgets for emergency repairs and preventative maintenance as provided in the funding allocation model (Chapter 5, *Commission Rules*). Contingency Reserve Account funds shall be allocated as approved by the Commission, and as they become available.



## CHAPTER 6

### APPROVAL FUNCTIONS

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(i) the alignment of the program with the *WY Community College Commission Statewide Strategic Plan* objectives at the time of implementation and in future years;

(ii) projected labor market demand for graduates in the state and region which includes a five (5) year period from the proposed implementation date;

(iii) wage projections for program graduates who enter an occupation directly related to their earned academic certificate or AAS degree;

(iv) documented citizen, business and industry input in program design and assessment (AAS or credit certificate);

(v) the means by which the proposed program shall coordinate internally and externally with other programs, colleges, and agencies;

(vi) a list of similar programs at other Wyoming community colleges;

(vii) the program layout including new course descriptions, student learning outcomes, suggested Classification of Instructional Programs (CIP) code, and where applicable, any program accreditation process;

(viii) the breakdown of the program's course teaching pedagogy, identifying the number of classes in a semester that shall be conducted (lecture, lab, practicum, clinical,

internship or other) and the offering mode(s) for the requested program (face-to-face, online, hybrid or other);

(ix) the credit hours required for a program's degree or certificate attainment;

(x) any proposed level of instruction code for course prefixes that are new to the Wyoming community colleges;

(xi) additional resources that will be required to start the requested program and how the community college plans to provide those resources; and

(xii) the means for assessing student learning and completer follow-up per performance indicators.

(d) As defined in the *WCCC Policy on Consultation*, the Program Review Committee shall render final approval or denial of a new pilot program request.

(i) Within 10 business days of receipt of a pilot program application, the Commission and applicable community college shall be informed in writing of the final decision.

(ii) Pilot programs shall have a 4 semester or 24 month developmental stage prior to requesting multi-level approval and "long-term" program designation.

(e) Community colleges requesting approval for pilot programs shall submit to the Commission a condensed application that addresses: Chapter 6, Section 3(c)(iv), (v), (vi), (vii), (viii), (ix), (x) and (xii) above.

(f) The Commission shall have final authority to approve, conditionally approve or deny requests for new long-term programs.

(g) The Commission shall have final authority for any pilot program denied by the Program Review Committee through the appeal process initiated by the affected college.

(h) The implementation of a long-term and/or pilot program may begin immediately after the approval. Should conditional approval be granted, implementation shall not start until all identified conditions have been acceptably met and approved by the Program Review Committee.

(i) A community college district may request to change a program at any time. Program modifications that include program completer outcomes change, program intent change, or target audience change require approval by the Executive Council. For programs to move from pilot to long-term status, the requesting community college shall resubmit the program to the Commission using the long-term application.

(j) A community college district that discontinues a program will notify the Commission within 30 calendar days of notifying the Higher Learning Commission of the cessation of that program, identifying the program and the date of discontinuation.

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~~(b) Capital construction project proposals shall be approved prior to securing construction funding, accepting title, or accepting grant awards. Reasonable expenses for planning, preliminary drawings, or legal work in conjunction with level one design are permitted prior to approval. The Commission shall be advised of facility project applications submitted to external fund-granting entities prior to submission of the application. A Level I study shall be completed prior to submission of any capital construction project for authorization or approval.~~

(c) Each community college shall maintain a 5-year master plan for its campus and other facilities, and it shall be submitted to the Commission whenever an existing plan is updated or amended or when the plan is completely re-written.

(d) Submission of a capital construction project proposal shall be in a format approved by the Commission and shall include:

(i) Specific identification of the proposed project and its priority within the community college's master plan along with assurance that the proposed project supports the *WY Community College Commission Statewide Strategic Plan*.

(ii) Estimated gross square footage by space use code as recognized by the Postsecondary Education Facilities Inventory and Classification Manual.

(iii) Estimated construction, design and contingency costs, as well as any costs not directly related to construction (demolition, land acquisition, special assessment, required landscaping and furnishings not considered fixtures, furniture and equipment).

(iv) Specifically identify and rating of projects that address life safety issues.

(v) Provide a facilities condition index as described in the *Facilities Handbook* and the Users' Manual for the CapCon model.

(e) Community colleges shall provide assurance that the cost of meeting standards for all environmental, health or safety code liabilities associated with the acquisition of previously owned buildings or renovation of acquired facilities would be the responsibility of the community college involved.

(f) The Contingency Reserve Account shall be used to supplement community college budgets for emergency repairs and preventative maintenance as provided in the funding allocation model (Chapter 5, *Commission Rules*). Contingency Reserve Account funds shall be allocated as approved by the Commission, and as they become available.

## **CHAPTER 7**

### **REVIEW AND REPORT 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(e)(v)(A) and 21-18-225.

#### **Section 2. Purpose.**

This chapter defines the Commission's review and report functions.

#### **Section 3. Reporting Accreditation Studies.**

(a) Each community college shall provide to the Commission a copy of any institutional or specialized accreditation study and any subsequent college or accrediting agency follow-up reports required as a condition of initial or continuing accreditation within thirty days (30) of receipt from the accrediting body.

(b) The Commission shall review each district as outlined in W.S. 21-18-202 (e)(iii), and the review shall occur at the same time as the accreditation review by the regional accrediting agency.

(c) Community colleges shall report to the Commission any request for a change in statement of affiliation status that would affect off-campus sites.

(d) Community colleges shall report to the Commission any successful program accreditation by industry and professional groups.

(e) The Commission shall prepare summary reports for distribution to the governor, the legislature, and other interested parties.

(i) The Commission's report will include strengths, concerns, accreditation status, required reports/visits, and accreditation agency's action taken from the regional accreditor's final official accreditation reaffirmation report and from the letter of formal notification status of Higher Learning Commission affiliation.

(f) All reports shall be available for inspection by interested parties at the Commission office.

#### **Section 4. Reporting Financial and Enrollment Audits.**

(a) Community college audits shall be accomplished in the manner set forth in W.S.16-4-121.

(b) Community college audits shall include a financial and compliance audit that meets recognized industry standards, the audit requirements of any federal agencies participating in a

program of the community college, the reporting requirements of the Department of Audit, and the NACUBO reporting requirements of the Commission.

(c) The independent auditors shall provide audit reports to the community college board of trustees, the Commission, and the Budget Division of the Department of Administration and Information by December 31 of each year pursuant to W.S. 16-4-122 and 21-18-204.

(d) By October 1 of each year, each community college shall provide the Commission with an updated list of planned projects utilizing the contingency reserve account, community college resources, or other funding. The listing shall cover a six-year period beginning with July 1 of the current year; list emergency, preventive, and renewal projects separately; provide community college prioritization of projects; indicate projects budgeted from contingency reserve, community college, or other funding; and be in a format approved by the Commission in its *Facilities Handbook*.

(e) By October 1 of every even numbered year, the community colleges shall provide a report of expenditures made for emergency repair, preventive maintenance, and renewal projects funded or partially funded by the contingency reserve account. The listing shall cover the previous biennium and shall be provided in a Commission approved format as shown in its *Facilities Handbook*.

(f) The community colleges shall submit adopted fiscal year budgets to the Commission by July 31 of each year.

(g) The community colleges shall submit a Biennial Funding Report (BFR) to the Commission by September 1 of each year in the format shown in the *Fiscal Handbook*. Adjustments made by community college boards to annual budgets, and therefore to the BFR, shall be submitted as soon as possible after adoption by a community college board.

(h) Each community college shall provide to the Commission enrollment report data per the schedule in the *Data Collection & Reporting Requirements Handbook*. These data elements shall be used to create Commission approved publications four times yearly. The draft reports shall be reviewed by the community college prior to presentation to the Commission.

(i) Community college data that pertain to the reporting of full time equivalent student headcounts as well as course level of instruction coding shall be audited by the Commission in accordance with W.S. 21-18-202 (e)(ii). Along with these two core audit topics, additional audit components may be added to further validate the student headcounts that relate to full time equivalency headcount reported by the colleges. These additional audit components, referred to as ancillary audit items, shall be presented to the Commission for approval prior to implementation.

## **Section 5. Reporting Partnership Outcomes.**

(a) Each community college shall annually provide to the Commission the number of partnerships it participated in during the preceding year and a list of major partnership projects completed in the previous academic year on a Commission developed template. The report will include a brief summary for each major partnership to be comprised of, but not limited to, the partnership's goals and objectives as well as performance and outcomes.

(b) The Commission shall compile a summary of partnerships and their outcomes for distribution to the governor, the legislature, and other interested parties.

#### **Section 6. Providing Annual Reports.**

(a) The Commission shall maintain appropriate storage of data to fulfill its review and reporting functions. The community colleges shall adhere to the administrative computing practices (data input) outlined in the Commission's common data element dictionary, the *Data Collection & Reporting Requirements Handbook*. Administrative computing data fields in the community college's ACS not required for Commission data collection may be utilized by the community colleges for their own purposes. Should future reporting requirements require the use of these data fields within the college's ACS, the Institutional Research Committee will determine the standard data to be entered into this field. If a community college had previously used the proposed data field to store data that does not meet the standard, it will be necessary for that college to change the data to match the agreed upon standard in order to maintain a common data elements dictionary.

(b) The studies and reports endorsed by statutory language necessitate periodic collection of data elements common to educational research. The Commission's *Data Collection & Reporting Requirements Handbook* shall specify the timelines for submission of periodically collected data elements. These data elements shall be reviewed annually by the Institutional Research Committee with regard to contemporary progress in the educational research field as well as to ensure implemented changes have been disseminated to areas affected and recorded properly.

(c) The Commission shall request data from the community colleges and securely maintain this data in compliance with FERPA. Reports shall be structured so that personal identification of students will not be possible.

#### **Section 7. Reporting on the Achievement of Statewide Priorities**

(a) The community colleges shall provide annual reports to the Commission on performance of their individual community college along with measures indicating achievement of statewide interests as specified in the *WY Community College Commission Statewide Strategic Plan*.

(b) In accordance with W.S. 21-18-202 (e)(v)(A)(B)(C), the Commission shall provide individual and college system annual reports to the legislature and governor on the achievement of statewide priorities as specified in the *WY Community College Commission Statewide Strategic Plan*.

(i) The Commission and community colleges shall collaborate to define the report formats, methodology and data elements required in preparing the reports along with a reasonable timeline for completion of such reports.

## **Section 8. Reporting on Capital Construction and Major Maintenance**

(a) In accordance with W.S. 21-18-225 (c) through (k), the Commission shall report prioritized construction needs, or subsequent modified construction needs to the Construction Management Division of the Department of Administration and Information.

(b) Community colleges shall submit a prioritized 5-year list of construction needs proposals for the square footage that is aligned with the *WY Community College Commission Statewide Strategic Plan* to the Commission for inclusion in the report to the Construction Management Division by October 1 of each year.

(c) Community colleges shall submit modifications to the prioritized construction needs to the Commission, along with justification and changes to the college's master plan.

(d) The Commission shall provide the prioritized construction list to the Construction Management Division no later than November 1 of every year.

(e) The commission shall provide to the Construction Management Division the actual gross square footage of college facilities eligible for major maintenance in accordance with Chapter 5, Section 12 of these *Commission Rules*.

## CHAPTER 7

### REVIEW AND REPORT FUNCTIONS

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(b) The Commission shall review each district as outlined in W.S. 21-18-202 (e)(iii), and the review shall occur at the same time as the accreditation review by the regional accrediting agency.

(c) Community colleges shall report to the Commission any request for a change in statement of affiliation status that would affect off-campus sites.

(d) Community colleges shall report to the Commission any successful program accreditation by industry and professional groups.

(e) The Commission shall prepare summary reports for distribution to the governor, the legislature, and other interested parties.

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(d) By October 1 of each year, each community college shall provide the Commission with an updated list of planned projects utilizing the contingency reserve account, community college resources, or other funding. The listing shall cover a six-year period beginning with July 1 of the current year; list emergency, preventive, and renewal projects separately; provide community college prioritization of projects; indicate projects budgeted from contingency reserve, community college, or other funding; and be in a format approved by the Commission in its *Facilities Handbook*.

(e) By October 1 of every even numbered year, the community colleges shall provide a report of expenditures made for emergency repair, preventive maintenance, and renewal projects funded or partially funded by the contingency reserve account. The listing shall cover the previous biennium and shall be provided in a Commission approved format as shown in its *Facilities Handbook*.

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(h) Each community college shall provide to the Commission enrollment report data per the schedule in the *Data Collection & Reporting Requirements Handbook*. These data elements shall be used to create Commission approved publications four times yearly. The draft reports shall be reviewed by the community college prior to presentation to the Commission.

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(i) The Commission and community colleges shall collaborate to define the report formats, methodology and data elements required in preparing the reports along with a reasonable timeline for completion of such reports.

## Section 8. Reporting on Capital Construction and Major Maintenance

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(b) Community colleges shall submit a prioritized 5~~-~~year list of construction needs proposals for the square footage that is aligned with the *WY Community College Commission Statewide Strategic Plan* to the Commission for inclusion in the report to the [Construction Management Division](#) ~~General Services Division (GSD)~~ by ~~October~~[July](#) 1 of each year.

(c) Community colleges shall submit modifications to the prioritized construction needs to the Commission, along with justification and changes to the college's master plan.

(d) The Commission shall provide the prioritized construction list to the [Construction Management Division](#) ~~GSD~~ no later than November 1 of every year.

(e) The commission shall provide to the [Construction Management Division](#) ~~GSD~~ the actual gross square footage of college facilities eligible for major maintenance in accordance with ~~e~~Chapter 5, ~~s~~[Section 4012](#) of these *Commission Rules*.